

Calendar No. 280110TH CONGRESS
1ST SESSION**H. R. 3043**

IN THE SENATE OF THE UNITED STATES

JULY 23, 2007

Received; read twice and placed on the calendar

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, 2008, 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, 2008, and for other purposes, namely:

1 TITLE I—DEPARTMENT OF LABOR
2 EMPLOYMENT AND TRAINING ADMINISTRATION
3 TRAINING AND EMPLOYMENT SERVICES
4 (INCLUDING RESCISSIONS)

5 For necessary expenses of the Workforce Investment
6 Act of 1998 (“the Act”), and the Women in Apprentice-
7 ship and Nontraditional Occupations Act of 1992, includ-
8 ing the purchase and hire of passenger motor vehicles, the
9 construction, alteration, and repair of buildings and other
10 facilities, and the purchase of real property for training
11 centers as authorized by the Act, \$3,579,530,000, plus re-
12 imbursements, is available. Of the amounts provided:

13 (1) For grants to States for adult employment
14 and training activities, youth activities, and dis-
15 located worker employment and training activities,
16 \$2,994,510,000 as follows:

17 (A) \$864,199,000 for adult employment
18 and training activities, of which \$152,199,000
19 is available for the period July 1, 2008, to June
20 30, 2009, and of which \$712,000,000 is avail-
21 able for the period October 1, 2008, through
22 June 30, 2009.

23 (B) \$940,500,000 for youth activities,
24 which shall be available for the period April 1,
25 2008, through June 30, 2009.

1 (C) \$1,189,811,000 for dislocated worker
2 employment and training activities, of which
3 \$341,811,000 is available for the period July 1,
4 2008, through June 30, 2009, and of which
5 \$848,000,000 is available for the period Octo-
6 ber 1, 2008, through June 30, 2009: *Provided*,
7 That notwithstanding the transfer limitation
8 under section 133(b)(4) of such Act (29 U.S.C.
9 2863(B)(4)), up to 30 percent of such funds
10 may be transferred by a local board if approved
11 by the Governor.

12 (2) For federally administered programs,
13 \$483,213,000 as follows:

14 (A) \$282,092,000 for the dislocated work-
15 ers assistance national reserve, of which
16 \$2,600,000 is available on October 1, 2007, of
17 which \$67,492,000 is available for the period
18 July 1, 2008, through June 30, 2009, and of
19 which \$212,000,000 is available for the period
20 October 1, 2008, through June 30, 2009: *Pro-*
21 *vided*, That up to \$125,000,000 may be made
22 available for Community-Based Job Training
23 grants: *Provided further*, That funds provided
24 to carry out section 132(a)(2)(A) of the Act (29
25 U.S.C. 2862(A)(2)(a)) may be used to provide

1 assistance to a State for State-wide or local use
2 in order to address cases where there have been
3 worker dislocations across multiple sectors or
4 across multiple local areas and such workers re-
5 main dislocated; coordinate the State workforce
6 development plan with emerging economic de-
7 velopment needs; and train such eligible dis-
8 located workers: *Provided further*, That funds
9 provided to carry out section 171(d) of the Act
10 (29 U.S.C. 2916(d)) may be used for dem-
11 onstration projects that provide assistance to
12 new entrants in the workforce and incumbent
13 workers: *Provided further*, That \$2,600,000
14 shall be for a noncompetitive grant to the Na-
15 tional Center on Education and the Economy,
16 which shall be awarded not later than 30 days
17 after the date of enactment of this Act.

18 (B) \$56,381,000 for Native American pro-
19 grams, which shall be available for the period
20 July 1, 2008, through June 30, 2009.

21 (C) \$83,740,000 for migrant and seasonal
22 farmworkers under section 167 of the Act (29
23 U.S.C. 2912), of which \$78,740,000 is for for-
24 mula grants (of which not less than 70 percent
25 shall be for employment and training services)

1 and \$5,000,000 is for migrant and seasonal
2 housing (of which not less than 70 percent shall
3 be for permanent housing), which shall be avail-
4 able for the period July 1, 2008, through June
5 30, 2009.

6 (D) \$60,000,000 for YouthBuild activities
7 under section 173A of the Act (29 U.S.C.
8 2918a), which shall be available for the period
9 April 1, 2008, through June 30, 2009.

10 (E) \$1,000,000 for carrying out the
11 Women in Apprenticeship and Nontraditional
12 Occupations Act (29 U.S.C. 2501 et seq.),
13 which shall be available for the period July 1,
14 2008, through June 30, 2009.

15 (3) For national activities, \$101,807,000, which
16 shall be available for the period July 1, 2008,
17 through July 30, 2009, as follows:

18 (A) \$68,746,000 for ex-offender activities,
19 under the authority of section 171 of the Act
20 (29 U.S.C. 2916), notwithstanding the require-
21 ments of sections 171(b)(2)(B) or 171(c)(4)(D)
22 of such section, of which not less than
23 \$48,000,000 shall be for youthful offender ac-
24 tivities.

1 (B) \$28,140,000 for Pilots, Demonstra-
2 tions, and Research (notwithstanding the re-
3 quirements of sections 171(b)(2)(B) or
4 171(c)(4)(D) of the Act (29 U.S.C.
5 2916(b)(2)(B) or (c)(4)(D)), of which
6 \$10,000,000 shall be for grants to address the
7 employment and training needs of young par-
8 ents.

9 (C) \$4,921,000 for Evaluation under the
10 authority of section 172 of the Act (29 U.S.C.
11 2917).

12 Of the amounts made available under this heading
13 in Public Law 107–116 to carry out the activities of the
14 National Skill Standards Board, \$44,000 is rescinded.

15 Of the unexpended balances, including recaptures
16 and carryover, remaining from funds appropriated to the
17 Department of Labor under this heading for fiscal years
18 2006 and prior years, \$335,000,000 is rescinded.

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
20 AMERICANS

21 To carry out title V of the Older Americans Act of
22 1965, \$530,900,000, which shall be available for the pe-
23 riod July 1, 2008, through June 30, 2009.

24 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

25 For payments during fiscal year 2008 of trade ad-
26 justment benefit payments and allowances under part I

1 of subchapter B of chapter 2 of title II of the Trade Act
2 of 1974, and section 246 of that Act; and for training,
3 allowances for job search and relocation, and related State
4 administrative expenses under Part II of subchapter B of
5 chapter 2 of title II of the Trade Act of 1974,
6 \$888,700,000, together with such amounts as may be nec-
7 essary to be charged to the subsequent appropriation for
8 payments for any period subsequent to September 15,
9 2008.

10 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

11 SERVICE OPERATIONS

12 For authorized administrative expenses,
13 \$85,945,000, together with not to exceed \$3,256,669,000
14 which may be expended from the employment security ad-
15 ministration account in the Unemployment Trust Fund
16 (“the Trust Fund”), of which—

17 (1) \$2,510,723,000 from the Trust Fund is for
18 grants to States for the administration of State un-
19 employment insurance laws as authorized under title
20 III of the Social Security Act (including
21 \$10,000,000 to conduct in-person reemployment and
22 eligibility assessments in one-stop career centers of
23 claimants of unemployment insurance), the adminis-
24 tration of unemployment insurance for Federal em-
25 ployees and for ex-service members as authorized
26 under sections 8501–8525 of title 5, United States

1 Code, and the administration of trade readjustment
2 allowances and alternative trade adjustment assist-
3 ance under the Trade Act of 1974, and shall be
4 available for obligation by the States through De-
5 cember 31, 2008, except that funds used for auto-
6 mation acquisitions shall be available for obligation
7 by the States through September 30, 2010, and
8 funds used for unemployment insurance workloads
9 experienced by the States through September 30,
10 2008, shall be available for Federal obligation
11 through December 31, 2008;

12 (2) \$10,500,000 from the Trust Fund is for na-
13 tional activities necessary to support the administra-
14 tion of the Federal-State unemployment insurance
15 system;

16 (3) \$23,203,000, together with \$702,680,000
17 from the Trust Fund, is for grants to States in ac-
18 cordance with section 6 of the Wagner-Peyser Act,
19 and shall be available for Federal obligation for the
20 period July 1, 2008, through June 30, 2009;

21 (4) \$32,766,000 from the Trust Fund is for na-
22 tional activities of the Employment Service, includ-
23 ing administration of the work opportunity tax cred-
24 it under section 51 of the Internal Revenue Code of
25 1986, the administration of activities, including for-

1 eign labor certifications, under the Immigration and
2 Nationality Act, and the provision of technical as-
3 sistance and staff training under the Wagner-Peyser
4 Act, including not to exceed \$1,228,000 that may be
5 used for amortization payments to States which had
6 independent retirement plans in their State employ-
7 ment service agencies prior to 1980;

8 (5) \$52,985,000 is to provide workforce infor-
9 mation, national electronic tools, and one-stop sys-
10 tem building under the Wagner-Peyser Act and shall
11 be available for Federal obligation for the period
12 July 1, 2008, through June 30, 2009; and

13 (6) \$9,757,000 is to provide for work incentive
14 grants to the States and shall be available for the
15 period July 1, 2008, through June 30, 2009:

16 *Provided*, That to the extent that the Average Weekly In-
17 sured Unemployment (“AWIU”) for fiscal year 2008 is
18 projected by the Department of Labor to exceed
19 2,786,000, an additional \$28,600,000 from the Trust
20 Fund shall be available for obligation for every 100,000
21 increase in the AWIU level (including a pro rata amount
22 for any increment less than 100,000) to carry out title
23 III of the Social Security Act: *Provided further*, That
24 funds appropriated in this Act that are allotted to a State
25 to carry out activities under title III of the Social Security

1 Act may be used by such State to assist other States in
2 carrying out activities under such title III if the other
3 States include areas that have suffered a major disaster
4 declared by the President under the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act: *Provided*
6 *further*, That funds appropriated in this Act which are
7 used to establish a national one-stop career center system,
8 or which are used to support the national activities of the
9 Federal-State unemployment insurance or immigration
10 programs, may be obligated in contracts, grants, or agree-
11 ments with non-State entities: *Provided further*, That
12 funds appropriated under this Act for activities authorized
13 under title III of the Social Security Act and the Wagner-
14 Peyser Act may be used by States to fund integrated un-
15 employment insurance and Employment Service automa-
16 tion efforts, notwithstanding cost allocation principles pre-
17 scribed under the Office of Management and Budget Cir-
18 cular A-87.

19 In addition, \$40,000,000 from the employment secu-
20 rity administration account of the Unemployment Trust
21 Fund shall be available to conduct in-person reemploy-
22 ment and eligibility assessments in one-stop career centers
23 of claimants of unemployment insurance: *Provided*, That
24 not later than 180 days following the end of the fiscal year
25 2008, the Secretary shall submit an interim report to the

1 PROGRAM ADMINISTRATION

2 For expenses of administering employment and train-
3 ing programs, \$88,451,000, together with not to exceed
4 \$82,049,000, which may be expended from the employ-
5 ment security administration account in the Unemploy-
6 ment Trust Fund.

7 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Employee Benefits
10 Security Administration, \$142,925,000.

11 PENSION BENEFIT GUARANTY CORPORATION

12 PENSION BENEFIT GUARANTY CORPORATION FUND

13 The Pension Benefit Guaranty Corporation is author-
14 ized to make such expenditures, including financial assist-
15 ance authorized by subtitle E of title IV of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C. 4201
17 et seq.), within limits of funds and borrowing authority
18 available to such Corporation, and in accord with law, and
19 to make such contracts and commitments without regard
20 to fiscal year limitations as provided by section 104 of the
21 Government Corporation Control Act (31 U.S.C. 9104),
22 as may be necessary in carrying out the program, includ-
23 ing associated administrative expenses, through Sep-
24 tember 30, 2008, for such Corporation: *Provided*, That
25 none of the funds available to the Corporation for fiscal

1 year 2008 shall be available for obligations for administra-
2 tive expenses in excess of \$411,151,000: *Provided further*,
3 That to the extent that the number of new plan partici-
4 pants in plans terminated by the Corporation exceeds
5 100,000 in fiscal year 2008, an amount not to exceed an
6 additional \$9,200,000 shall be available for obligation for
7 administrative expenses for every 20,000 additional termi-
8 nated participants: *Provided further*, That an additional
9 \$50,000 shall be made available for obligation for invest-
10 ment management fees for every \$25,000,000 in assets
11 received by the Corporation as a result of new plan termi-
12 nations, after approval by the Office of Management and
13 Budget and notification of the Committees on Appropria-
14 tions of the House of Representatives and the Senate.

15 EMPLOYMENT STANDARDS ADMINISTRATION

16 SALARIES AND EXPENSES

17 (INCLUDING RESCISSION)

18 For necessary expenses for the Employment Stand-
19 ards Administration, including reimbursement to State,
20 Federal, and local agencies and their employees for inspec-
21 tion services rendered, \$434,397,000, together with
22 \$2,111,000 which may be expended from the Special Fund
23 in accordance with sections 39(c), 44(d) and 44(j) of the
24 Longshore and Harbor Workers' Compensation Act: *Pro-*
25 *vided*, That the Secretary of Labor is authorized to estab-
26 lish and, in accordance with section 3302 of title 31,

1 United States Code, collect and deposit in the Treasury
2 fees for processing applications and issuing certificates
3 under sections 11(d) and 14 of the Fair Labor Standards
4 Act of 1938 (29 U.S.C. 211(d) and 214) and for proc-
5 essing applications and issuing registrations under title I
6 of the Migrant and Seasonal Agricultural Worker Protec-
7 tion Act (29 U.S.C. 1801 et seq.).

8 Of the unobligated funds collected pursuant to sec-
9 tion 286(v) of the Immigration and Nationality Act,
10 \$70,000,000 is rescinded.

11 SPECIAL BENEFITS

12 (INCLUDING TRANSFER OF FUNDS)

13 For the payment of compensation, benefits, and ex-
14 penses (except administrative expenses) accruing during
15 the current or any prior fiscal year authorized by chapter
16 81 of title 5, United States Code; continuation of benefits
17 as provided for under the heading “Civilian War Benefits”
18 in the Federal Security Agency Appropriation Act, 1947;
19 the Employees’ Compensation Commission Appropriation
20 Act, 1944; sections 4(c) and 5(f) of the War Claims Act
21 of 1948 (50 U.S.C. App. 2012); and 50 percent of the
22 additional compensation and benefits required by section
23 10(h) of the Longshore and Harbor Workers’ Compensa-
24 tion Act, \$203,000,000, together with such amounts as
25 may be necessary to be charged to the subsequent year

1 appropriation for the payment of compensation and other
2 benefits for any period subsequent to August 15 of the
3 current year: *Provided*, That amounts appropriated may
4 be used under section 8104 of title 5, United States Code,
5 by the Secretary of Labor to reimburse an employer, who
6 is not the employer at the time of injury, for portions of
7 the salary of a reemployed, disabled beneficiary: *Provided*
8 *further*, That balances of reimbursements unobligated on
9 September 30, 2007, shall remain available until expended
10 for the payment of compensation, benefits, and expenses:
11 *Provided further*, That in addition there shall be trans-
12 ferred to this appropriation from the Postal Service and
13 from any other corporation or instrumentality required
14 under section 8147(c) of title 5, United States Code, to
15 pay an amount for its fair share of the cost of administra-
16 tion, such sums as the Secretary determines to be the cost
17 of administration for employees of such fair share entities
18 through September 30, 2008: *Provided further*, That of
19 those funds transferred to this account from the fair share
20 entities to pay the cost of administration of the Federal
21 Employees' Compensation Act, \$52,280,000 shall be made
22 available to the Secretary as follows:

23 (1) For enhancement and maintenance of auto-
24 mated data processing systems and telecommuni-
25 cations systems, \$21,855,000.

1 (2) For automated workload processing oper-
2 ations, including document imaging, centralized mail
3 intake and medical bill processing, \$16,109,000.

4 (3) For periodic roll management and medical
5 review, \$14,316,000.

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

8 *Provided further*, That the Secretary may require that any
9 person filing a notice of injury or a claim for benefits
10 under chapter 81 of title 5, United States Code, or the
11 Longshore and Harbor Workers' Compensation Act, pro-
12 vide as part of such notice and claim, such identifying in-
13 formation (including Social Security account number) as
14 such regulations may prescribe.

15 SPECIAL BENEFITS FOR DISABLED COAL MINERS

16 For carrying out title IV of the Federal Mine Safety
17 and Health Act of 1977, as amended by Public Law 107-
18 275, \$208,221,000, to remain available until expended.

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

23 For making benefit payments under title IV for the
24 first quarter of fiscal year 2009, \$62,000,000, to remain
25 available until expended.

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
2 OCCUPATIONAL ILLNESS COMPENSATION FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to administer the Energy
5 Employees Occupational Illness Compensation Act,
6 \$104,745,000, to remain available until expended: *Pro-*
7 *vided*, That the Secretary of Labor is authorized to trans-
8 fer to any executive agency with authority under the En-
9 ergy Employees Occupational Illness Compensation Act,
10 including within the Department of Labor, such sums as
11 may be necessary in fiscal year 2008 to carry out those
12 authorities: *Provided further*, That the Secretary may re-
13 quire that any person filing a claim for benefits under
14 such Act provide as part of such claim, such identifying
15 information (including Social Security account number) as
16 may be prescribed. *Provided further*, That not later than
17 30 days after enactment of this Act, in addition to other
18 sums transferred by the Secretary to the National Insti-
19 tute for Occupational Safety and Health (NIOSH) for the
20 administration of the Energy Employees Occupational Ill-
21 ness Compensation Program (EEOICPA), the Secretary
22 shall transfer \$4,500,000 to NIOSH from the funds ap-
23 propriated to the Energy Employees Occupational Illness
24 Compensation Fund (42 U.S.C. 7384e), for use by or in
25 support of the Advisory Board on Radiation and Worker
26 Health (the Board) to carry out its statutory responsibil-

1 ities under EEOICPA (42 U.S.C. 7384n–q), including ob-
2 taining audits, technical assistance and other support
3 from the Board’s audit contractor with regard to radiation
4 dose estimation and reconstruction efforts, site profiles,
5 procedures, and review of Special Exposure Cohort peti-
6 tions and evaluation reports.

7 BLACK LUNG DISABILITY TRUST FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 In fiscal year 2008 and thereafter, such sums as may
10 be necessary from the Black Lung Disability Trust Fund,
11 to remain available until expended, for payment of all ben-
12 efits authorized by section 9501(d)(1), (2), (4), and (7)
13 of the Internal Revenue Code of 1954 and interest on ad-
14 vances, as authorized by section 9501(e)(2) of such Act.
15 In addition, the following amounts shall be available from
16 the Fund for fiscal year 2008 for expenses of operation
17 and administration of the Black Lung Benefits program,
18 as authorized by section 9501(d)(5) of such Act:
19 \$32,761,000 for transfer to the Employment Standards
20 Administration “Salaries and Expenses”; \$24,785,000 for
21 transfer to Departmental Management, “Salaries and Ex-
22 penses”; \$335,000 for transfer to Departmental Manage-
23 ment, “Office of Inspector General”; and \$356,000 for
24 payments into miscellaneous receipts for the expenses of
25 the Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$503,516,000, including not
5 to exceed \$91,093,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (“the Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary of
11 Labor under section 18 of the Act; and, in addition, not-
12 withstanding section 3302 of title 31, United States Code,
13 the Occupational Safety and Health Administration may
14 retain up to \$750,000 per fiscal year of training institute
15 course tuition fees, otherwise authorized by law to be col-
16 lected, and may utilize such sums for occupational safety
17 and health training and education: *Provided*, That, not-
18 withstanding section 3302 of title 31, United States Code,
19 the Secretary is authorized, during the fiscal year ending
20 September 30, 2008, to collect and retain fees for services
21 provided to Nationally Recognized Testing Laboratories,
22 and may utilize such sums, in accordance with the provi-
23 sions of section 2 of the Act of April 13, 1934 (29 U.S.C.
24 9a), to administer national and international laboratory
25 recognition programs that ensure the safety of equipment

1 and products used by workers in the workplace: *Provided*
2 *further*, That none of the funds appropriated under this
3 paragraph shall be obligated or expended to prescribe,
4 issue, administer, or enforce any standard, rule, regula-
5 tion, or order under the Act which is applicable to any
6 person who is engaged in a farming operation which does
7 not maintain a temporary labor camp and employs 10 or
8 fewer employees: *Provided further*, That no funds appro-
9 priated under this paragraph shall be obligated or ex-
10 pended to administer or enforce any standard, rule, regu-
11 lation, or order under the Act with respect to any employer
12 of 10 or fewer employees who is included within a category
13 having a Days Away, Restricted, or Transferred (DART)
14 occupational injury and illness rate, at the most precise
15 industrial classification code for which such data are pub-
16 lished, less than the national average rate as such rates
17 are most recently published by the Secretary, acting
18 through the Bureau of Labor Statistics, in accordance
19 with section 24 of the Act (29 U.S.C. 673), except—

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

23 (2) to conduct an inspection or investigation in
24 response to an employee complaint, to issue a cita-
25 tion for violations found during such inspection, and

1 to assess a penalty for violations which are not cor-
2 rected within a reasonable abatement period and for
3 any willful violations found;

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

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

8 (5) to take any action authorized by the Act
9 with respect to a report of an employment accident
10 which is fatal to one or more employees or which re-
11 sults in hospitalization of two or more employees,
12 and to take any action pursuant to such investiga-
13 tion authorized by the Act; and

14 (6) to take any action authorized by the Act
15 with respect to complaints of discrimination against
16 employees for exercising rights under the Act:

17 *Provided further*, That the foregoing proviso shall not
18 apply to any person who is engaged in a farming operation
19 which does not maintain a temporary labor camp and em-
20 ploys 10 or fewer employees: *Provided further*, That
21 \$10,116,000 shall be available for Susan Harwood train-
22 ing grants, of which \$3,200,000 shall be used for the In-
23 stitutional Competency Building training grants which
24 commenced in September 2000, for program activities for
25 the period of October 1, 2007, to September 30, 2008,

1 provided that a grantee has demonstrated satisfactory per-
2 formance: *Provided further*, That such grants shall be
3 awarded no less than 30 days after the date of enactment
4 of this Act: *Provided further*, That the Secretary shall pro-
5 vide a report to the Committees on Appropriations of the
6 House of Representatives and the Senate with timetables
7 for the development and issuance of occupational safety
8 and health standards on beryllium, silica, cranes and der-
9 ricks, confined space entry in construction, and hazard
10 communication global harmonization; such timetables
11 shall include actual or estimated dates for: the publication
12 of an advance notice of proposed rulemaking, the com-
13 mencement and completion of a Small Business Regu-
14 latory Enforcement Fairness Act review (if required), the
15 completion of any peer review (if required), the submission
16 of the draft proposed rule to the Office of Management
17 and Budget for review under Executive Order No. 12866
18 (if required), the publication of a proposed rule, the con-
19 duct of public hearings, the submission of a draft final
20 rule to the Office and Management and Budget for review
21 under Executive Order No. 12866 (if required), and the
22 issuance of a final rule; and such report shall be submitted
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate within 90 days of the enact-
25 ment of this Act, with updates provided every 90 days

1 thereafter that shall include an explanation of the reasons
2 for any delays in meeting the projected timetables for ac-
3 tion.

4 MINE SAFETY AND HEALTH ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for the Mine Safety and
7 Health Administration, \$313,478,000 including purchase
8 and bestowal of certificates and trophies in connection
9 with mine rescue and first-aid work, and the hire of pas-
10 senger motor vehicles, including up to \$2,000,000 for
11 mine rescue and recovery activities; in addition, not to ex-
12 ceed \$750,000 may be collected by the National Mine
13 Health and Safety Academy for room, board, tuition, and
14 the sale of training materials, otherwise authorized by law
15 to be collected, to be available for mine safety and health
16 education and training activities, notwithstanding section
17 3302 of title 31, United States Code; and, in addition,
18 the Mine Safety and Health Administration may retain
19 up to \$1,000,000 from fees collected for the approval and
20 certification of equipment, materials, and explosives for
21 use in mines, and may utilize such sums for such activi-
22 ties; the Secretary of Labor is authorized to accept lands,
23 buildings, equipment, and other contributions from public
24 and private sources and to prosecute projects in coopera-
25 tion with other agencies, Federal, State, or private; the

1 Mine Safety and Health Administration is authorized to
2 promote health and safety education and training in the
3 mining community through cooperative programs with
4 States, industry, and safety associations; the Secretary is
5 authorized to recognize the Joseph A. Holmes Safety As-
6 sociation as a principal safety association and, notwith-
7 standing any other provision of law, may provide funds
8 and, with or without reimbursement, personnel, including
9 service of Mine Safety and Health Administration officials
10 as officers in local chapters or in the national organiza-
11 tion; and any funds available to the Department may be
12 used, with the approval of the Secretary, to provide for
13 the costs of mine rescue and survival operations in the
14 event of a major disaster.

15 BUREAU OF LABOR STATISTICS

16 SALARIES AND EXPENSES

17 For necessary expenses for the Bureau of Labor Sta-
18 tistics, including advances or reimbursements to State,
19 Federal, and local agencies and their employees for serv-
20 ices rendered, \$497,854,000, together with not to exceed
21 \$78,264,000, which may be expended from the employ-
22 ment security administration account in the Unemploy-
23 ment Trust Fund, of which \$5,000,000 may be used to
24 fund the mass layoff statistics program under section 15
25 of the Wagner-Peyser Act (29 U.S.C. 491-2): *Provided,*

1 That the Current Employment Survey shall maintain the
2 content of the survey issued prior to June 2005 with re-
3 spect to the collection of data for the women worker series.

4 OFFICE OF DISABILITY EMPLOYMENT POLICY

5 SALARIES AND EXPENSES

6 For necessary expenses for the Office of Disability
7 Employment Policy to provide leadership, develop policy
8 and initiatives, and award grants furthering the objective
9 of eliminating barriers to the training and employment of
10 people with disabilities, \$27,712,000.

11 DEPARTMENTAL MANAGEMENT

12 SALARIES AND EXPENSES

13 For necessary expenses for Departmental Manage-
14 ment, including the hire of three sedans, and including
15 the management or operation, through contracts, grants
16 or other arrangements of Departmental activities con-
17 ducted by or through the Bureau of International Labor
18 Affairs, including bilateral and multilateral technical as-
19 sistance and other international labor activities,
20 \$292,943,000 (reduced by \$2,500,000) (reduced by
21 \$2,000,000) (reduced by \$500,000), of which \$72,516,000
22 is for the Bureau of International Labor Affairs (including
23 \$5,000,000 to implement model programs to address
24 worker rights issues through technical assistance in coun-
25 tries with which the United States has trade preference

1 programs), and of which \$18,000,000 is for the acqui-
2 sition of Departmental information technology, architecture,
3 infrastructure, equipment, software and related needs,
4 which will be allocated by the Department's Chief Infor-
5 mation Officer in accordance with the Department's cap-
6 ital investment management process to assure a sound in-
7 vestment strategy; together with not to exceed \$318,000,
8 which may be expended from the employment security ad-
9 ministration account in the Unemployment Trust Fund.

10

OFFICE OF JOB CORPS

11 To carry out subtitle C of title I of the Workforce
12 Investment Act of 1998 (29 U.S.C. 2881 et seq.), includ-
13 ing Federal administrative expenses, the purchase and
14 hire of passenger motor vehicles, the construction, alter-
15 ation and repairs of buildings and other facilities, and the
16 purchase of real property for training centers as author-
17 ized by the Workforce Investment Act; \$1,649,476,000,
18 as follows:

19 (1) \$1,507,684,000 for Job Corps operations,
20 of which \$916,684,000 is available for the period
21 July 1, 2008, through June 30, 2009, and of which
22 \$591,000,000 is available for the period October 1,
23 2008, through June 30, 2009.

24 (2) \$112,920,000 for construction, rehabilita-
25 tion, and acquisition of Job Corps centers, of which
26 \$12,920,000 is available from July 1, 2008, through

1 June 30, 2011. \$100,000,000 is available for the pe-
2 riod October 1, 2008, through June 30, 2011.

3 (3) \$28,872,000 for necessary expenses of the
4 Office of Job Corps, which shall be available for the
5 period October 1, 2007, through September 30,
6 2008:

7 *Provided*, That the Office of Job Corps shall have con-
8 tracting authority: *Provided further*, That no funds from
9 any other appropriation shall be used to provide meal serv-
10 ices at or for Job Corps centers: *Provided further*, That
11 none of the funds appropriated in this title for the Job
12 Corps shall be used to pay the salary of an individual,
13 either as direct costs or any proration as an indirect cost,
14 at a rate in excess of Executive Level I: *Provided further*,
15 That a total student training slot level of not less than
16 44,791 shall be achieved by the end of program year 2008.

17 VETERANS EMPLOYMENT AND TRAINING

18 Not to exceed \$197,143,000 may be derived from the
19 employment security administration account in the Unem-
20 ployment Trust Fund to carry out the provisions of sec-
21 tions 4100–4113, 4211–4215, and 4321–4327 of title 38,
22 United States Code, and Public Law 103–353, and which
23 shall be available for obligation by the States through De-
24 cember 31, 2008, of which \$1,967,000 is for the National
25 Veterans’ Employment and Training Services Institute.
26 To carry out the Homeless Veterans Reintegration Pro-

1 grams under section 5(a)(1) of the Homeless Veterans
2 Comprehensive Assistance Act of 2001 (38 U.S.C. 2021)
3 and the Veterans Workforce Investment Programs under
4 section 168 of the Workforce Investment Act (29 U.S.C.
5 2913), \$31,055,000, of which \$7,435,000 shall be avail-
6 able for obligation for the period July 1, 2008, through
7 June 30, 2009.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$72,929,000, together with not to
12 exceed \$5,729,000, which may be expended from the em-
13 ployment security administration account in the Unem-
14 ployment Trust Fund.

15 GENERAL PROVISIONS

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 101. Not to exceed 1 percent of any discre-
18 tionary funds (pursuant to the Balanced Budget and
19 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
20 seq.)) which are appropriated for the current fiscal year
21 for the Department of Labor in this Act may be trans-
22 ferred between a program, project, or activity, but no such
23 program, project, or activity shall be increased by more
24 than 3 percent by any such transfer: *Provided further*,
25 That the transfer authority granted by this section shall

1 be available only to meet unanticipated needs and shall
2 not be used to create any new program or to fund any
3 project or activity for which no funds are provided in this
4 Act: *Provided further*, That the Committees on Appropria-
5 tions of the House of Representatives and the Senate are
6 notified at least 15 days in advance of any transfer.

7 SEC. 102. In accordance with Executive Order No.
8 13126, none of the funds appropriated or otherwise made
9 available pursuant to this Act shall be obligated or ex-
10 pended for the procurement of goods mined, produced,
11 manufactured, or harvested or services rendered, whole or
12 in part, by forced or indentured child labor in industries
13 and host countries already identified by the United States
14 Department of Labor prior to enactment of this Act.

15 SEC. 103. After September 30, 2007, the Secretary
16 of Labor shall issue a monthly transit subsidy of not less
17 than the full amount (of not less than \$110) that each
18 of its employees of the National Capital Region is eligible
19 to receive.

20 SEC. 104. None of the funds appropriated in this title
21 for grants under section 171 of the Workforce Investment
22 Act of 1998 (29 U.S.C. 2916) may be obligated prior to
23 the preparation and submission of a report by the Sec-
24 retary of Labor to the Committees on Appropriations of

1 the House of Representatives and the Senate detailing the
2 planned uses of such funds.

3 SEC. 105. The Secretary of Labor shall award the
4 following grants on a competitive basis: (1) Community-
5 Based Job Training Grants awarded from amounts pro-
6 vided for such purpose under this title; and (2) grants dur-
7 ing fiscal or program year 2008 under section 414(c) of
8 the American Competitiveness and Workforce Improve-
9 ment Act of 1998 (29 U.S.C. 2916 note), as amended by
10 section 428 of the Consolidated Appropriations Act, 2005
11 (Public Law 108–447).

12 SEC. 106. None of the funds made available to the
13 Department of Labor for grants under section 414(c) of
14 the American Competitiveness and Workforce Improve-
15 ment Act of 1998 (29 U.S.C. 2916 note) may be used
16 for any purpose other than training in the occupations and
17 industries for which employers are using H–1B visas to
18 hire foreign workers, and the related activities necessary
19 to support such training: *Provided*, That the preceding
20 limitation shall not apply to grants awarded under section
21 107 of this title and to multi-year grants awarded in re-
22 sponse to competitive solicitations issued prior to April 15,
23 2007.

24 SEC. 107. Out of funds available to the Department
25 of Labor under section 414(c) the American Competitive-

1 ness and Workforce Improvement Act of 1998 (29 U.S.C.
2 2916 note), as amended by section 428 of the Consoli-
3 dated Appropriations Act, 2005 (Public Law 108–447),
4 up to \$20,000,000 is available (in addition to dislocated
5 worker assistance national reserve funds) for the purposes
6 of grants to States to address the gap in health care cov-
7 erage faced by trade adjustment assistance (“TAA”) par-
8 ticipants and dislocated workers awaiting TAA certifi-
9 cation, to assure that these dislocated workers can benefit
10 from the tax credit for health insurance costs authorized
11 in section 35 of the Internal Revenue Code of 1986.

12 SEC. 108. The Secretary of Labor shall take no ac-
13 tion to amend, through regulatory or administration ac-
14 tion, the definition established in 20 CFR 667.220 for
15 functions and activities under title I of the Workforce In-
16 vestment Act of 1998, or to modify, through regulatory
17 or administrative action, the procedure for redesignation
18 of local areas as specified in subtitle B of title I of the
19 Act (including applying the standards specified in section
20 116(a)(3)(B) of such Act, but notwithstanding the time
21 limits specified in section 116(a)(3)(B) of such Act (29
22 U.S.C. 2831), until such time as legislation reauthorizing
23 such Act is enacted.

24 SEC. 109. None of the funds made available in this
25 or any other Act shall be available to finalize or implement

1 any proposed regulation under the Workforce Investment
2 Act of 1998, Wagner-Peyser Act of 1933, or the Trade
3 Adjustment Assistance Reform Act of 2002 until such
4 time as legislation reauthorizing the Workforce Invest-
5 ment Act of 1998 and the Trade Adjustment Assistance
6 Reform Act of 2002 is enacted.

7 SEC. 110. (a) On or before November 30, 2007, the
8 Secretary of Labor shall, pursuant to section 6 of the Oc-
9 cupational Safety and Health Act of 1970 (29 U.S.C.
10 655), promulgate a final occupational safety and health
11 standard concerning employer payment for personal pro-
12 tective equipment. The final standard shall provide no less
13 protection to employees and shall have no further excep-
14 tions from the employer payment requirement than the
15 proposed rule published in the Federal Register on March
16 31, 1999 (64 Fed. Reg. 15402).

17 (b) In the event that such standard is not promul-
18 gated by the date required, the proposed standard on em-
19 ployer payment for personal protective equipment pub-
20 lished in the Federal Register on March 31, 1999 (64 Fed.
21 Reg. 15402) shall become effective as if such standard had
22 been promulgated as a final standard by the Secretary of
23 Labor.

24 SEC. 111. None of the funds appropriated in this title
25 may be used to carry out a public-private competition or

1 direct conversion under OMB Circular A–76 or any suc-
 2 cessor administrative regulation, directive, or policy until
 3 60 days after the Government Accountability Office pro-
 4 vides a report to the Committees on Appropriations of the
 5 House of Representatives and the Senate on the use of
 6 competitive sourcing at the Department of Labor.

7 This title may be cited as the “Department of Labor
 8 Appropriations Act, 2008”.

9 TITLE II—DEPARTMENT OF HEALTH AND
 10 HUMAN SERVICES

11 HEALTH RESOURCES AND SERVICES ADMINISTRATION

12 HEALTH RESOURCES AND SERVICES

13 For carrying out titles II, III, IV, VII, VIII, X, XII,
 14 XVI, XIX, and XXVI of the Public Health Service Act,
 15 section 427(a) of the Federal Coal Mine Health and Safe-
 16 ty Act, title V and sections 1128E, 711, and 1820 of the
 17 Social Security Act (42 U.S.C. 1320a–7e, 912, and 1395i–
 18 4), the Health Care Quality Improvement Act of 1986,
 19 the Native Hawaiian Health Care Act of 1988, the Car-
 20 diac Arrest Survival Act of 2000, construction and renova-
 21 tion (including equipment) of health care and other facili-
 22 ties, and section 712(c) of the American Jobs Creation
 23 Act of 2004 (42 U.S.C. 300b–1 note), \$7,055,709,000 (in-
 24 creased by \$2,500,000) (increased by \$3,500,000), of
 25 which \$63,538,000 from general revenues, notwith-

1 standing subsection (j) of section 1820 of the Social Secu-
2 rity Act, shall be available for carrying out the Medicare
3 rural hospital flexibility grants program under such sec-
4 tion: *Provided*, That of the funds made available under
5 this heading, \$100,000 shall be available until expended
6 for facilities renovations at the National Hansen’s Disease
7 Programs Center (as described in section 320 of the Pub-
8 lic Health Service Act (42 U.S.C. 247e)): *Provided further*,
9 That in addition to fees authorized by section 427(b)(4)
10 of the Health Care Quality Improvement Act of 1986 (42
11 U.S.C. 11137(b)(4)), fees shall be collected for the full
12 disclosure of information under the Act sufficient to re-
13 cover the full costs of operating the National Practitioner
14 Data Bank authorized under such Act, and shall remain
15 available until expended to carry out such Act: *Provided*
16 *further*, That fees authorized under subsection (d)(2) of
17 section 1128E of the Social Security Act (42 U.S.C.
18 1320a–7e) to be collected for the full disclosure of infor-
19 mation under the national health care fraud and abuse
20 data collection program established under such section,
21 shall be sufficient to recover the full costs of operating
22 the program, and shall remain available until expended to
23 carry out that program: *Provided further*, That
24 \$35,000,000 of the funding provided for community
25 health centers shall be used for base grant adjustments

1 for existing centers: *Provided further*, That no more than
2 \$40,000 is available until expended for carrying out the
3 provisions of section 224(o)(6) of the Public Health Serv-
4 ice Act (42 U.S.C. 233(o)(6)) including associated admin-
5 istrative expenses: *Provided further*, That \$3,963,000
6 (increased by \$11,037,000) is available until expended for
7 the National Cord Blood Stem Cell Program: *Provided*
8 *further*, That no more than \$45,000,000 is available until
9 expended for carrying out the amendments to section 224
10 of the Public Health Service Act (42 U.S.C. 233) made
11 by the Federally Supported Health Centers Assistance Act
12 of 1995 and for expenses incurred by the Department of
13 Health and Human Services pertaining to administrative
14 claims made pursuant to such amendments: *Provided fur-*
15 *ther*, That of the funds made available under this heading,
16 \$310,910,000 shall be for the program under title X of
17 the Public Health Service Act to provide for voluntary
18 family planning projects: *Provided further*, That amounts
19 provided to such projects under such title shall not be ex-
20 pended for abortions, that all pregnancy counseling shall
21 be nondirective, and that such amounts shall not be ex-
22 pended for any activity (including the publication or dis-
23 tribution of literature) that in any way tends to promote
24 public support or opposition to any legislative proposal or
25 candidate for public office: *Provided further*, That of the

1 funds available under this heading, \$1,865,800,000 shall
2 remain available to the Secretary of Health and Human
3 Services through September 30, 2010, for parts A and B
4 of title XXVI of the Public Health Service Act: *Provided*
5 *further*, That within the amounts provided for part A of
6 title XXVI of the Public Health Service Act (42 U.S.C.
7 300ff–11 et seq.), funds are included to ensure that the
8 amount of any funding provided under such part to a met-
9 ropolitan area for the program year beginning in 2007 is
10 not reduced by an amount that is more than 8.4 percent,
11 and the amount of any funding provided under subpart
12 II of such part to a transitional area is not reduced by
13 an amount that is more than 13.4 percent, relative to the
14 amount of the total funding provided under such part to
15 the metropolitan area or transitional area, respectively, for
16 the program year beginning in fiscal year 2006: *Provided*
17 *further*, That \$830,593,000 shall be for State AIDS Drug
18 Assistance Programs authorized under section 2616 of
19 such Act (42 U.S.C. 300ff–26): *Provided further*, That in
20 addition to amounts provided herein, \$25,000,000 shall be
21 available from amounts available under section 241 of the
22 Public Health Service Act (42 U.S.C. 238j) to carry out
23 parts A, B, C, and D of title XXVI of such Act to fund
24 the special projects of national significance under section
25 2691 of the Public Health Service Act (42 U.S.C. 300ff–

1 101): *Provided further*, That, notwithstanding section
2 502(a)(1) of the Social Security Act (42 U.S.C.
3 702(a)(1)), not to exceed \$170,991,000 is available for
4 carrying out special projects of regional and national sig-
5 nificance pursuant to section 501(a)(2) of such Act (42
6 U.S.C. 701(a)(2)).

7 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
8 ACCOUNT

9 Such sums as may be necessary to carry out subpart
10 1 of part A of title VII of the Public Health Service Act.
11 For administrative expenses to carry out the guaranteed
12 loan program under such subpart, including section 709
13 of such Act, \$2,906,000.

14 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

15 For payments from the Vaccine Injury Compensation
16 Trust Fund, such sums as may be necessary for claims
17 associated with vaccine-related injury or death with re-
18 spect to vaccines administered after September 30, 1988,
19 pursuant to subtitle 2 of title XXI of the Public Health
20 Service Act, to remain available until expended: *Provided*,
21 That for necessary administrative expenses, not to exceed
22 \$3,528,000 shall be available from the Trust Fund to the
23 Secretary of Health and Human Services.

1 CENTERS FOR DISEASE CONTROL AND PREVENTION

2 DISEASE CONTROL, RESEARCH, AND TRAINING

3 To carry out titles II, III, VII, XI, XV, XVII, XIX,
4 XXI, and XXVI of the Public Health Service Act (42
5 U.S.C. 201 et seq.) (“PHS Act”), sections 101, 102, 103,
6 201, 202, 203, 301, and 501 of the Federal Mine Safety
7 and Health Act of 1977 (30 U.S.C. 811, 812, 813, 841,
8 842, 843, 861, and 951), sections 20, 21, and 22 of the
9 Occupational Safety and Health Act of 1970 (29 U.S.C.
10 669, 670, and 671), title IV of the Immigration and Na-
11 tionality Act (8 U.S.C. 1101 et seq.), section 501 of the
12 Refugee Education Assistance Act of 1980 (8 U.S.C. 1522
13 note), and for expenses necessary to support activities re-
14 lated to countering potential biological, disease, nuclear,
15 radiological, and chemical threats to civilian populations;
16 including purchase and insurance of official motor vehicles
17 in foreign countries; and purchase, hire, maintenance, and
18 operation of aircraft, \$6,141,753,000 (reduced by
19 \$3,500,000), of which \$10,500,000 shall remain available
20 until expended for equipment, construction, and renova-
21 tion of facilities; of which \$581,335,000 shall remain
22 available until expended for the Strategic National Stock-
23 pile under section 319F–2 of the PHS Act (42 U.S.C.
24 247d–6b); of which \$50,000,000 shall be available until
25 expended to provide screening and treatment for first re-

1 spouse emergency services personnel related to the Sep-
2 tember 11, 2001 terrorist attacks on the World Trade
3 Center; and of which \$122,769,000 for international HIV/
4 AIDS shall remain available until September 30, 2009:
5 *Provided*, That in addition, such sums as may be derived
6 from authorized user fees, which shall be credited to this
7 account: *Provided further*, That in addition to amounts
8 provided herein, the following amounts shall be available
9 from amounts available under section 241 of the PHS Act
10 (42 U.S.C. 238j): (1) \$12,794,000 to carry out the Na-
11 tional Immunization Surveys; (2) \$120,000,000 to carry
12 out the National Center for Health Statistics surveys; (3)
13 \$24,751,000 to carry out information systems standards
14 development and architecture and applications-based re-
15 search used at local public health levels; (4) \$39,173,000
16 for Health Marketing; (5) \$31,000,000 to carry out Public
17 Health Research; and (6) \$88,361,000 (increased by
18 \$3,500,000) to carry out research activities within the Na-
19 tional Occupational Research Agenda: *Provided further*,
20 That none of the funds made available for injury preven-
21 tion and control at the Centers for Disease Control and
22 Prevention may be used, in whole or in part, to advocate
23 or promote gun control: *Provided further*, That up to
24 \$31,800,000 shall be made available until expended for
25 Individual Learning Accounts for full-time equivalent em-

1 ployees of the Centers for Disease Control and Prevention:
2 *Provided further*, That the Director may redirect the total
3 amount made available under authority of section 3 of the
4 Vaccine and Immunization Amendments of 1990 (Public
5 Law 101–502) to activities the Director may so designate:
6 *Provided further*, That the Committees on Appropriations
7 of the House of Representatives and the Senate are to be
8 notified promptly of any such transfer: *Provided further*,
9 That not to exceed \$12,500,000 may be available for mak-
10 ing grants under section 1509 of the PHS Act (42 U.S.C.
11 300n–4a) to not more than 15 States, tribes, or tribal or-
12 ganizations: *Provided further*, That of the funds appro-
13 priated, \$10,000 is for official reception and representa-
14 tion expenses when specifically approved by the Director
15 of the Centers for Disease Control and Prevention: *Pro-*
16 *vided further*, That none of the funds appropriated may
17 be used to implement section 2625 of the PHS Act (42
18 U.S.C. 300ff–33): *Provided further*, That employees of the
19 Centers for Disease Control and Prevention or the Public
20 Health Service, both civilian and Commissioned Officers,
21 detailed to States, municipalities, or other organizations
22 under authority of section 214 of the PHS Act (42 U.S.C.
23 215), shall be treated as non-Federal employees for re-
24 porting purposes only and shall not be included within any
25 personnel ceiling applicable to the Agency, Service, or the

1 Department of Health and Human Services during the pe-
2 riod of detail or assignment.

3 NATIONAL INSTITUTES OF HEALTH

4 NATIONAL CANCER INSTITUTE

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
7 respect to cancer, \$4,870,382,000, of which up to
8 \$8,000,000 may be used for facilities repairs and improve-
9 ments at the NCI–Frederick Federally Funded Research
10 and Development Center in Frederick, Maryland.

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
14 respect to cardiovascular, lung, and blood diseases, and
15 blood and blood products, \$2,965,775,000.

16 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
17 RESEARCH

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
20 respect to dental disease, \$395,753,000.

21 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
22 KIDNEY DISEASES

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
25 respect to diabetes and digestive and kidney disease,
26 \$1,731,893,000.

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
2 AND STROKE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
5 respect to neurological disorders and stroke,
6 \$1,559,106,000.

7 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
8 DISEASES
9 (INCLUDING TRANSFER OF FUNDS)

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
12 respect to allergy and infectious diseases, \$4,632,019,000:
13 *Provided*, That \$300,000,000 (reduced by \$175,000) may
14 be made available to International Assistance Programs
15 “Global Fund to Fight HIV/AIDS, Malaria, and Tuber-
16 culosis”, to remain available until expended: *Provided fur-*
17 *ther*, That such sums obligated in fiscal years 2003
18 through 2007 for extramural facilities construction
19 projects are to remain available until expended for dis-
20 bursement, with prior notification of such projects to the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate.

23 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
26 respect to general medical sciences, \$1,966,019,000.

1 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
2 DEVELOPMENT

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
5 respect to child health and human development,
6 \$1,273,863,000.

7 NATIONAL EYE INSTITUTE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
10 respect to eye diseases and visual disorders,
11 \$677,039,000.

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
13 SCIENCES

14 For carrying out sections 301 and 311 and title IV
15 of the Public Health Service Act (42 U.S.C. 241, 243, 281
16 et seq.) with respect to environmental health sciences,
17 \$652,303,000.

18 NATIONAL INSTITUTE ON AGING

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
21 respect to aging, \$1,062,833,000.

22 NATIONAL INSTITUTE OF ARTHRITIS AND
23 MUSCULOSKELETAL AND SKIN DISEASES

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with

1 respect to arthritis and musculoskeletal and skin diseases,
2 \$516,044,000.

3 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
4 COMMUNICATION DISORDERS

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
7 respect to deafness and other communication disorders,
8 \$400,305,000.

9 NATIONAL INSTITUTE OF NURSING RESEARCH

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
12 respect to nursing research, \$139,527,000.

13 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
14 ALCOHOLISM

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
17 respect to alcohol abuse and alcoholism, \$442,870,000.

18 NATIONAL INSTITUTE ON DRUG ABUSE

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
21 respect to drug abuse, \$1,015,559,000.

22 NATIONAL INSTITUTE OF MENTAL HEALTH

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
25 respect to mental health, \$1,425,531,000.

1 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
4 respect to human genome research, \$493,996,000.

5 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
6 BIOENGINEERING

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
9 respect to biomedical imaging and bioengineering re-
10 search, \$303,318,000.

11 NATIONAL CENTER FOR RESEARCH RESOURCES

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
14 respect to research resources and general research support
15 grants, \$1,171,095,000.

16 NATIONAL CENTER FOR COMPLEMENTARY AND
17 ALTERNATIVE MEDICINE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
20 respect to complementary and alternative medicine,
21 \$123,380,000.

22 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
23 DISPARITIES

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with

1 respect to minority health and health disparities research,
2 \$202,691,000.

3 JOHN E. FOGARTY INTERNATIONAL CENTER

4 For carrying out the activities of the John E. Fogarty
5 International Center (described in subpart 2 of part E of
6 title IV of the Public Health Service Act (42 U.S.C.
7 287b)), \$67,599,000.

8 NATIONAL LIBRARY OF MEDICINE

9 For carrying out section 301 and title IV of the Pub-
10 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
11 respect to health information communications,
12 \$325,484,000, of which \$4,000,000 shall be available until
13 expended for improvement of information systems: *Pro-*
14 *vided*, That in fiscal year 2008, the National Library of
15 Medicine may enter into personal services contracts for the
16 provision of services in facilities owned, operated, or con-
17 structed under the jurisdiction of the National Institutes
18 of Health: *Provided further*, That in addition to amounts
19 provided herein, \$8,200,000 shall be available from
20 amounts available under section 241 of the Public Health
21 Service Act (42 U.S.C. 238j) to carry out the purposes
22 of the National Information Center on Health Services Re-
23 search and Health Care Technology established under sec-
24 tion 478A of the Public Health Service Act (42 U.S.C.
25 286d) and related health services.

1 OFFICE OF THE DIRECTOR

2 For carrying out the responsibilities of the Office of
3 the Director, National Institutes of Health,
4 \$1,114,422,000, of which up to \$14,000,000 shall be used
5 to carry out section 214 of this Act, of which
6 \$110,900,000 shall be for continuation of the National
7 Children's Study, and of which \$495,153,000 shall be
8 available for the Common Fund established under section
9 402A(c)(1) of the Public Health Service Act (42 U.S.C.
10 282a): *Provided*, That funding shall be available for the
11 purchase of not to exceed 29 passenger motor vehicles for
12 replacement only: *Provided further*, That the National In-
13 stitutes of Health is authorized to collect third party pay-
14 ments for the cost of clinical services that are incurred
15 in National Institutes of Health research facilities and
16 that such payments shall be credited to the National Insti-
17 tutes of Health Management Fund: *Provided further*, That
18 all funds credited to such Fund shall remain available for
19 one fiscal year after the fiscal year in which they are de-
20 posited: *Provided further*, That no more than \$500,000
21 shall be available to carry out section 499 of the Public
22 Health Service Act(42 U.S.C. 290b): *Provided further*,
23 That amounts appropriated to the Common Fund shall
24 be in addition to any amounts allocated to activities re-
25 lated to the Common Fund through the normal research

1 priority-setting process of individual institutes and cen-
2 ters: *Provided further*, That of the funds provided \$10,000
3 shall be for official reception and representation expenses
4 when specifically approved by the Director of the National
5 Institutes of Health: *Provided further*, That the Office of
6 AIDS Research within the Office of the Director of the
7 National Institutes of Health may spend up to \$4,000,000
8 to make grants for construction or renovation of facilities
9 as provided for in section 2354(a)(5)(B) of the Public
10 Health Service Act (42 U.S.C. 300cc–41(a)(5)(B)).

11 BUILDINGS AND FACILITIES

12 For the study of, construction of, renovation of, and
13 acquisition of equipment for, facilities of or used by the
14 National Institutes of Health, including the acquisition of
15 real property, \$121,081,000, to remain available until ex-
16 pended.

17 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

18 ADMINISTRATION

19 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

20 For carrying out titles V and XIX of the Public
21 Health Service Act (42 U.S.C. 290aa et seq., 300w et
22 seq.) (“PHS Act”) with respect to substance abuse and
23 mental health services, the Protection and Advocacy for
24 Individuals with Mental Illness Act (42 U.S.C. 10801 et
25 seq.), and section 301 of the PHS Act (42 U.S.C. 241)
26 with respect to program management, \$3,272,928,000:

1 *Provided*, That notwithstanding section 520A(f)(2) of the
2 PHS Act (42 U.S.C. 290bb–32(f)(2)), no funds appro-
3 priated for carrying out section 520A are available for car-
4 rying out section 1971 of such Act: *Provided further*, That
5 in addition to amounts provided herein, the following
6 amounts shall be available under section 241 of the PHS
7 Act (42 U.S.C. 238j): (1) \$79,200,000 to carry out sub-
8 part II of part B of title XIX of the PHS Act (42 U.S.C.
9 300x–21 et seq.) to fund section 1935(b) of such Act (42
10 U.S.C. 300x–35(b)) relating to technical assistance, na-
11 tional data, data collection, and evaluation activities, and
12 further that the total available under this Act for activities
13 under such section 1935(b) shall not exceed 5 percent of
14 the amounts appropriated for subpart II of part B of title
15 XIX of such Act; (2) \$21,413,000 to carry out subpart
16 I of part B of title XIX of the PHS Act (42 U.S.C. 300x–
17 1 et seq.) to fund section 1920(b) of such Act (42 U.S.C.
18 300x–9(b)) relating to technical assistance, national data,
19 data collection, and evaluation activities, and further that
20 the total available under this Act for activities under such
21 section 1920(b) shall not exceed 5 percent of the amounts
22 appropriated for subpart I of part B of title XIX of such
23 Act; (3) \$16,000,000 to carry out national surveys on
24 drug abuse; and (4) \$4,300,000 to evaluate substance
25 abuse treatment programs.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the Public
4 Health Service Act (42 U.S.C. 241 et seq., 299 et seq.),
5 and part A of title XI of the Social Security Act (42
6 U.S.C. 1301 et seq.), \$329,564,000; and in addition,
7 amounts received from Freedom of Information Act fees,
8 reimbursable and interagency agreements, and the sale of
9 data shall be credited to this appropriation and shall re-
10 main available until expended: *Provided*, That the amount
11 made available pursuant to section 937(c) of the Public
12 Health Service Act shall not exceed \$47,064,000.

13 CENTERS FOR MEDICARE AND MEDICAID SERVICES

14 GRANTS TO STATES FOR MEDICAID

15 For carrying out, except as otherwise provided, titles
16 XI and XIX of the Social Security Act, \$141,630,056,000,
17 to remain available until expended.

18 For making, after May 31, 2008, payments to States
19 under title XIX of the Social Security Act for the last
20 quarter of fiscal year 2008, for unanticipated costs, in-
21 curred for the current fiscal year, such sums as may be
22 necessary.

23 For making payments to States or in the case of sec-
24 tion 1928 of the Social Security Act (42 U.S.C. 1396s)
25 on behalf of States under title XIX of the Social Security

1 Act for the first quarter of fiscal year 2009,
2 \$67,292,669,000, to remain available until expended.

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

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance and
9 the Federal Supplementary Medical Insurance Trust
10 Funds, as provided under sections 1844 and 1860D–16
11 of the Social Security Act (42 U.S.C. 1395w, 1395w–116),
12 sections 103(c) and 111(d) of the Social Security Amend-
13 ments of 1965 (42 U.S.C. 426a(c), 1395i–1), section
14 278(d) of the Tax Equity and Fiscal Responsibility Act
15 of 1982 (42 U.S.C. 426 note), and for administrative ex-
16 penses incurred pursuant to section 201(g) of the Social
17 Security Act (42 U.S.C. 401(g)), \$188,828,000,000.

18 In addition, for making matching payments under
19 section 1844 of the Social Security Act (42 U.S.C.
20 1395w), and benefit payments under 1860D–16 of such
21 Act (42 U.S.C. 1395w–116), not anticipated in budget es-
22 timates, such sums as may be necessary.

23 PROGRAM MANAGEMENT

24 For carrying out, except as otherwise provided, titles
25 XI, XVIII, XIX, and XXI of the Social Security Act, titles
26 XIII and XXVII of the Public Health Service Act, and

1 the Clinical Laboratory Improvement Amendments of
2 1988, not to exceed \$3,230,163,000, to be transferred
3 from the Federal Hospital Insurance and the Federal Sup-
4 plementary Medical Insurance Trust Funds, as authorized
5 by section 201(g) of the Social Security Act (42 U.S.C.
6 401(g)); together with all funds collected in accordance
7 with section 353 of the Public Health Service Act (42
8 U.S.C. 263a) and section 1857(e)(2) of the Social Security
9 Act (42 U.S.C. 1395w-27(e)(2)), funds retained by the
10 Secretary pursuant to section 1893(h)(1)(C) of the Social
11 Security Act (42 U.S.C. 1395ddd(h)(1)(C)), and such
12 sums as may be collected from authorized user fees and
13 the sale of data, which shall remain available until ex-
14 pended: *Provided*, That all funds derived in accordance
15 with section 9701 of title 31, United States Code, from
16 organizations established under title XIII of the Public
17 Health Service Act shall be credited to and available for
18 carrying out the purposes of this appropriation: *Provided*
19 *further*, That \$49,869,000, to remain available until Sep-
20 tember 30, 2009, is for contract costs for the Healthcare
21 Integrated General Ledger Accounting System: *Provided*
22 *further*, That \$163,800,000, to remain available until Sep-
23 tember 30, 2009, is for Medicare contracting reform ac-
24 tivities of the Centers for Medicare and Medicaid Services:
25 *Provided further*, That funds appropriated under this

1 heading are available for the Healthy Start, Grow Smart
2 program under which the Centers for Medicare and Med-
3 icaid Services may, directly or through grants, contracts,
4 or cooperative agreements, produce and distribute infor-
5 mational materials including, but not limited to, pam-
6 phlets and brochures on infant and toddler health care to
7 expectant parents enrolled in the Medicaid program and
8 to parents and guardians enrolled in such program with
9 infants and children: *Provided further*, That the Secretary
10 of Health and Human Services shall collect fees in fiscal
11 year 2008 from Medicare Advantage organizations pursu-
12 ant to section 1857(e)(2) of the Social Security Act (42
13 U.S.C. 1395s-27(e)(2)) and from eligible organizations
14 with risk-sharing contracts under section 1876 of such Act
15 (42 U.S.C. 1395mm) pursuant to section 1876(k)(4)(D)
16 of such Act (42 U.S.C. 1395mm(k)(4)(D)).

17 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

18 In addition to amounts otherwise available for pro-
19 gram integrity and program management, \$383,000,000,
20 to be transferred from the Federal Hospital Insurance and
21 the Federal Supplementary Medical Insurance Trust
22 Funds, as authorized by section 201(g) of the Social Secu-
23 rity Act (42 U.S.C. 401(g)), of which \$288,480,000 is for
24 the Medicare Integrity Program at the Centers for Medi-
25 care and Medicaid Services to conduct oversight of activi-
26 ties authorized in titles I and II of the Medicare Prescrip-

1 tion Drug, Improvement, and Modernization Act of 2003
2 (Public Law 108–173), with oversight activities including
3 those activities listed in section 1893(b) of the Social Se-
4 curity Act (42 U.S.C. 1395www(b)); of which \$36,690,000
5 is for the Department of Health and Human Services Of-
6 fice of Inspector General; of which \$21,140,000 is for the
7 Medicaid program integrity activities; and of which
8 \$36,690,000 is for the Department of Justice: *Provided*,
9 That the report required by section 1817(k)(5) of the So-
10 cial Security Act (42 U.S.C. 1395i(k)(5)) for fiscal year
11 2008 shall include measures of the operational efficiency
12 and impact on fraud, waste and abuse in the Medicare
13 and Medicaid programs for the funds provided by this ap-
14 propriation.

15 ADMINISTRATION FOR CHILDREN AND FAMILIES

16 PAYMENTS TO STATES FOR CHILD SUPPORT

17 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

18 For making payments to States or other non-Federal
19 entities under titles I, IV–D, X, XI, XIV, and XVI of the
20 Social Security Act and the Act of July 5, 1960 (24
21 U.S.C. chapter 9), \$2,949,713,000, to remain available
22 until expended; and for such purposes for the first quarter
23 of fiscal year 2009, \$1,000,000,000, to remain available
24 until expended.

1 For making payments to each State for carrying out
2 the program of Aid to Families with Dependent Children
3 under title IV–A of the Social Security Act as in effect
4 before the effective date of the program of Temporary As-
5 sistance for Needy Families (TANF) with respect to such
6 State, such sums as may be necessary: *Provided*, That the
7 sum of the amounts available to a State with respect to
8 expenditures under such title IV–A in fiscal year 1997
9 under this appropriation and under such title IV–A as
10 amended by the Personal Responsibility and Work Oppor-
11 tunity Reconciliation Act of 1996 shall not exceed the limi-
12 tations under section 116(b) of such Act.

13 For making, after May 31 of the current fiscal year,
14 payments to States or other non-Federal entities under
15 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
16 Act and the Act of July 5, 1960 (24 U.S.C. chapter 9),
17 for the last three months of the current fiscal year for
18 unanticipated costs, incurred for the current fiscal year,
19 such sums as may be necessary.

20 LOW-INCOME HOME ENERGY ASSISTANCE

21 For making payments under section 2604(a)–(d) of
22 the Low-Income Home Energy Assistance Act of 1981 (42
23 U.S.C. 8623(a)–(d)), \$1,980,000,000.

24 For making payments under section 2604(e) of the
25 Low-Income Home Energy Assistance Act of 1981 (42

1 U.S.C. 8623(e)), \$682,000,000, notwithstanding the des-
2 ignation requirement of section 2602(e) of such Act.

3 REFUGEE AND ENTRANT ASSISTANCE

4 For necessary expenses for refugee and entrant as-
5 sistance activities and for costs associated with the care
6 and placement of unaccompanied alien children authorized
7 by title IV of the Immigration and Nationality Act (8
8 U.S.C. 1521–1524) and section 501 of the Refugee Edu-
9 cation Assistance Act of 1980 (8 U.S.C. 1522 note), for
10 carrying out section 462 of the Homeland Security Act
11 of 2002 (6 U.S.C. 279), and for carrying out the Torture
12 Victims Relief Act of 1998 (22 U.S.C. 2152 note)
13 \$650,630,000, of which up to \$9,814,000 shall be avail-
14 able to carry out the Trafficking Victims Protection Act
15 of 2000 (22 U.S.C. 7101 et seq.): *Provided*, That funds
16 appropriated under this heading pursuant to section
17 414(a) of the Immigration and Nationality Act and sec-
18 tion 462 of the Homeland Security Act of 2002 for fiscal
19 year 2008 shall be available for the costs of assistance pro-
20 vided and other activities to remain available through Sep-
21 tember 30, 2010.

22 PAYMENTS TO STATES FOR THE CHILD CARE AND

23 DEVELOPMENT BLOCK GRANT

24 For carrying out the Child Care and Development
25 Block Grant Act of 1990 (42 U.S.C. 9858 et seq.),
26 \$2,137,081,000 shall be used to supplement, not supplant,

1 State general revenue funds for child care assistance for
2 low-income families: *Provided*, That \$18,777,370 shall be
3 available for child care resource and referral and school-
4 aged child care activities, of which \$982,080 shall be for
5 the Child Care Aware toll-free hotline: *Provided further*,
6 That, in addition to the amounts required to be reserved
7 by the States under section 658G, \$267,785,718 shall be
8 reserved by the States for activities authorized under sec-
9 tion 658G, of which \$98,208,000 shall be for activities
10 that improve the quality of infant and toddler care: *Pro-*
11 *vided further*, That \$9,821,000 shall be for use by the Sec-
12 retary for child care research, demonstration, and evalua-
13 tion activities.

14 SOCIAL SERVICES BLOCK GRANT

15 For making grants to States pursuant to section
16 2002 of the Social Security Act (42 U.S.C. 1397a),
17 \$1,700,000,000.

18 CHILDREN AND FAMILIES SERVICES PROGRAMS

19 For carrying out, except as otherwise provided, the
20 Runaway and Homeless Youth Act (42 U.S.C. 5711 et
21 seq.), the Developmental Disabilities Assistance and Bill
22 of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head
23 Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Pre-
24 vention and Treatment Act (42 U.S.C. 5101 et seq.), sec-
25 tions 310 and 316 of the Family Violence Prevention and
26 Services Act (42 U.S.C. 10409, 10416), the Native Amer-

1 ican Programs Act of 1974 (42 U.S.C. 2991a et seq.),
2 title II of the Child Abuse Prevention and Treatment and
3 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)
4 (adoption opportunities), sections 330F and 330G of the
5 Public Health Service Act (42 U.S.C. 254e-6, 254e-7),
6 the Abandoned Infants Assistance Act of 1988 (42 U.S.C.
7 670 note), sections 261 and 291 of the Help America Vote
8 Act of 2002 (42 U.S.C. 15421, 15461), subpart 1 of part
9 B of title IV and sections 413, 1110, and 1115 of the
10 Social Security Act, for making payments under the Com-
11 munity Services Block Grant Act (42 U.S.C. 9901 et
12 seq.), sections 439, 473B, and 477 of the Social Security
13 Act, and the Assets for Independence Act (42 U.S.C. 604
14 note), and for necessary administrative expenses to carry
15 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
16 XX of the Social Security Act, the Act of July 5, 1960
17 (24 U.S.C. chapter 9), the Low-Income Home Energy As-
18 sistance Act of 1981, title IV of the Immigration and Na-
19 tionality Act, section 501 of the Refugee Education Assist-
20 ance Act of 1980, and section 505 of the Family Support
21 Act of 1988 (42 U.S.C. 9926), \$9,125,940,000 (increased
22 by \$21,000,000), of which \$9,500,000, to remain available
23 until September 30, 2009, shall be for grants to States
24 for adoption incentive payments, as authorized by section
25 473A of the Social Security Act (42 U.S.C. 673b) and

1 may be made for adoptions completed before September
2 30, 2008: *Provided*, That \$6,963,571,000 shall be for
3 making payments under the Head Start Act, of which
4 \$1,388,800,000 shall become available October 1, 2008,
5 and remain available through September 30, 2009: *Pro-*
6 *vided further*, That \$701,125,000 shall be for making pay-
7 ments under the Community Services Block Grant Act:
8 *Provided further*, That not less than \$8,000,000 shall be
9 for section 680(3)(B) of the Community Services Block
10 Grant Act: *Provided further*, That in addition to amounts
11 provided herein, \$6,000,000 shall be available from
12 amounts available under section 241 of the Public Health
13 Service Act to carry out the provisions of section 1110
14 of the Social Security Act: *Provided further*, That to the
15 extent Community Services Block Grant funds are distrib-
16 uted as grant funds by a State to an eligible entity as
17 provided under the Act, and have not been expended by
18 such entity, they shall remain with such entity for carry-
19 over into the next fiscal year for expenditure by such enti-
20 ty consistent with program purposes: *Provided further*,
21 That the Secretary of Health and Human Services shall
22 establish procedures regarding the disposition of intan-
23 gible property which permits grant funds, or intangible as-
24 sets acquired with funds authorized under section 680 of
25 the Community Services Block Grant Act, to become the

1 sole property of such grantees after a period of not more
2 than 12 years after the end of the grant for purposes and
3 uses consistent with the original grant: *Provided further*,
4 That funds appropriated for section 680(a)(2) of the Com-
5 munity Services Block Grant Act shall be available for fi-
6 nancing construction and rehabilitation and loans or in-
7 vestments in private business enterprises owned by com-
8 munity development corporations: *Provided further*, That
9 \$64,350,000 is for a compassion capital fund to provide
10 grants to charitable organizations to emulate model social
11 service programs and to encourage research on the best
12 practices of social service organizations: *Provided further*,
13 That \$15,720,000 (increased by \$21,000,000) shall be for
14 activities authorized by the Help America Vote Act of
15 2002, of which \$10,890,000 (increased by \$15,000,000)
16 shall be for payments to States to promote access for vot-
17 ers with disabilities, and of which \$4,830,000 (increased
18 by \$6,000,000) shall be for payments to States for protec-
19 tion and advocacy systems for voters with disabilities: *Pro-*
20 *vided further*, That \$136,664,000 shall be for making
21 competitive grants to provide abstinence education (as de-
22 fined by section 510(b)(2) of the Social Security Act) to
23 adolescents, and for Federal costs of administering the
24 grant: *Provided further*, That grants under the imme-
25 diately preceding proviso shall be made only to public and

1 private entities which agree that, with respect to an ado-
2 lescent to whom the entities provide abstinence education
3 under such grant, the entities will not provide to that ado-
4 lescent any other education regarding sexual conduct, ex-
5 cept that, in the case of an entity expressly required by
6 law to provide health information or services the adoles-
7 cent shall not be precluded from seeking health informa-
8 tion or services from the entity in a different setting than
9 the setting in which abstinence education was provided:
10 *Provided further*, That within amounts provided herein for
11 abstinence education for adolescents, up to \$10,000,000
12 may be available for a national abstinence education cam-
13 paign: *Provided further*, That in addition to amounts pro-
14 vided herein for abstinence education for adolescents,
15 \$4,500,000 shall be available from amounts available
16 under section 241 of the Public Health Service Act to
17 carry out evaluations (including longitudinal evaluations)
18 of adolescent pregnancy prevention approaches: *Provided*
19 *further*, That up to \$2,000,000 shall be for improving the
20 Public Assistance Reporting Information System, includ-
21 ing grants to States to support data collection for a study
22 of the system's effectiveness.

23 PROMOTING SAFE AND STABLE FAMILIES

24 For carrying out section 436 of the Social Security
25 Act (42 U.S.C. 629f), \$345,000,000 and for section 437
26 of such Act (42 U.S.C. 629g), \$89,100,000.

1 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
2 ASSISTANCE

3 For making payments to States or other non-Federal
4 entities under title IV–E of the Social Security Act,
5 \$5,082,000,000.

6 For making payments to States or other non-Federal
7 entities under title IV–E of the Social Security Act, for
8 the first quarter of fiscal year 2009, \$1,776,000,000.

9 For making, after May 31 of the current fiscal year,
10 payments to States or other non-Federal entities under
11 section 474 of title IV–E of the Social Security Act, for
12 the last three months of the current fiscal year for unan-
13 ticipated costs, incurred for the current fiscal year, such
14 sums as may be necessary.

15 ADMINISTRATION ON AGING

16 AGING SERVICES PROGRAMS

17 For carrying out, to the extent not otherwise pro-
18 vided, the Older Americans Act of 1965 (42 U.S.C. 3011
19 et seq.) and section 398 of the Public Health Service Act
20 (42 U.S.C. 280c–3), \$1,417,189,000.

21 DEPARTMENTAL MANAGEMENT

22 OFFICE OF THE SECRETARY

23 GENERAL DEPARTMENTAL MANAGEMENT

24 For necessary expenses, not otherwise provided, for
25 general departmental management, including hire of six
26 sedans, and for carrying out titles III, XVII, XX, and XXI

1 of the Public Health Service Act, the United States-Mex-
2 ico Border Health Commission Act, and research studies
3 under section 1110 of the Social Security Act,
4 \$363,224,000 (reduced by \$21,000,000) (reduced by
5 \$10,000,000) (increased by \$10,000,000), together with
6 \$5,851,000 to be transferred and expended as authorized
7 by section 201(g)(1) of the Social Security Act from the
8 Federal Hospital Insurance Trust Fund and the Federal
9 Supplementary Medical Insurance Trust Fund, and
10 \$46,756,000 from the amounts available under section
11 241 of the Public Health Service Act to carry out national
12 health or human services research and evaluation activi-
13 ties: *Provided*, That of the funds made available under this
14 heading for carrying out title XX of the Public Health
15 Service Act, \$13,120,000 shall be for activities specified
16 under section 2003(b)(2), all of which shall be for preven-
17 tion service demonstration grants under section 510(b)(2)
18 of title V of the Social Security Act without application
19 of the limitation of section 2010(c) of such title XX: *Pro-*
20 *vided further*, That of this amount, \$51,891,000 shall be
21 for minority AIDS prevention and treatment activities;
22 and \$5,941,000 shall be to assist Afghanistan in the devel-
23 opment of maternal and child health clinics, consistent
24 with section 103(a)(4)(H) of the Afghanistan Freedom
25 Support Act of 2002.

1 OFFICE OF MEDICARE HEARINGS AND APPEALS

2 For expenses necessary for administrative law judges
3 responsible for hearing cases under title XVIII of the So-
4 cial Security Act (and related provisions of title XI of such
5 Act), \$65,000,000, to be transferred in appropriate part
6 from the Federal Hospital Insurance and the Federal Sup-
7 plementary Medical Insurance Trust Funds.

8 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
9 INFORMATION TECHNOLOGY

10 For expenses necessary for the Office of the National
11 Coordinator for Health Information Technology, including
12 grants, contracts, and cooperative agreements for the de-
13 velopment and advancement of an interoperable national
14 health information technology infrastructure,
15 \$13,302,000: *Provided*, That in addition to amounts pro-
16 vided herein, \$48,000,000 shall be available from amounts
17 available under section 241 of the Public Health Service
18 Act to carry out health information technology network
19 development.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of the Inspector
22 General, including the hire of passenger motor vehicles for
23 investigations, in carrying out the provisions of the Inspec-
24 tor General Act of 1978, \$44,687,000: *Provided*, That of
25 such amount, necessary sums are available for providing
26 protective services to the Secretary and investigating non-

1 payment of child support cases for which non-payment is
2 a Federal offense under section 228 of title 18, United
3 States Code.

4 OFFICE FOR CIVIL RIGHTS

5 For expenses necessary for the Office for Civil
6 Rights, \$33,748,000, together with not to exceed
7 \$3,314,000 to be transferred and expended as authorized
8 by section 201(g)(1) of the Social Security Act from the
9 Federal Hospital Insurance Trust Fund and the Federal
10 Supplementary Medical Insurance Trust Fund.

11 RETIREMENT PAY AND MEDICAL BENEFITS FOR

12 COMMISSIONED OFFICERS

13 For retirement pay and medical benefits of Public
14 Health Service Commissioned Officers as authorized by
15 law, for payments under the Retired Serviceman's Family
16 Protection Plan and Survivor Benefit Plan, for medical
17 care of dependents and retired personnel under the De-
18 pendants' Medical Care Act (10 U.S.C. chapter 55), such
19 amounts as may be required during the current fiscal year.

20 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

21 FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses necessary to support activities related
24 to countering potential biological, disease, nuclear, radio-
25 logical and chemical threats to civilian populations, and
26 for other public health emergencies, \$757,291,000, of

1 which not to exceed \$22,363,000, to remain available until
2 September 30, 2009, is to pay the costs described in sec-
3 tion 319F-2(c)(7)(B) of the Public Health Service Act (42
4 U.S.C. 247d-6b(c)(7)(B)).

5 For expenses necessary to prepare for and respond
6 to an influenza pandemic, \$948,091,000, of which
7 \$870,000,000 shall be available until expended, for activi-
8 ties including the development and purchase of vaccine,
9 antivirals, necessary medical supplies, diagnostics, and
10 other surveillance tools: *Provided*, That products pur-
11 chased with these funds may, at the discretion of the Sec-
12 retary of Health and Human Services, be deposited in the
13 Strategic National Stockpile: *Provided further*, That not-
14 withstanding section 496(b) of the Public Health Service
15 Act, funds may be used for the construction or renovation
16 of privately owned facilities for the production of pandemic
17 vaccine and other biologicals, where the Secretary finds
18 such a contract necessary to secure sufficient supplies of
19 such vaccines or biologicals: *Provided further*, That funds
20 appropriated herein may be transferred to other appro-
21 priation accounts of the Department of Health and
22 Human Services, as determined by the Secretary to be ap-
23 propriate, to be used for the purposes specified in this sen-
24 tence.

1 COVERED COUNTERMEASURE PROCESS FUND

2 For carrying out section 319F–4 of the Public Health
3 Service Act (42 U.S.C. 247d–6e) to compensate individ-
4 uals for injuries caused by H5N1 vaccine, in accordance
5 with the declaration regarding avian influenza viruses
6 issued by the Secretary of Health and Human Services
7 on January 26, 2007, pursuant to section 319F–3(b) of
8 such Act (42 U.S.C. 247d–6d(b)), \$5,000,000, to remain
9 available until expended.

10 GENERAL PROVISIONS

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

15 SEC. 202. The Secretary of Health and Human Serv-
16 ices shall make available through assignment not more
17 than 60 employees of the Public Health Service to assist
18 in child survival activities and to work in AIDS programs
19 through and with funds provided by the United States
20 Agency for International Development, the United Na-
21 tions International Children’s Emergency Fund, or the
22 World Health Organization.

23 SEC. 203. None of the funds appropriated in this Act
24 for the National Institutes of Health, the Agency for
25 Healthcare Research and Quality, and the Substance

1 Abuse and Mental Health Services Administration shall
2 be used to pay the salary of an individual, through a grant
3 or other extramural mechanism, at a rate in excess of Ex-
4 ecutive Level I.

5 SEC. 204. None of the funds appropriated in this title
6 for Head Start shall be used to pay the compensation of
7 an individual, either as direct costs or any proration as
8 an indirect cost, at a rate in excess of Executive Level
9 II.

10 SEC. 205. None of the funds appropriated in this Act
11 may be expended pursuant to section 241 of the Public
12 Health Service Act, except for funds specifically provided
13 for in this Act, or for other taps and assessments made
14 by any office located in the Department of Health and
15 Human Services, prior to the preparation and submission
16 of a report by the Secretary of Health and Human Serv-
17 ices to the Committees on Appropriations of the House
18 of Representatives and the Senate detailing the planned
19 uses of such funds.

20 SEC. 206. Notwithstanding section 241(a) of the
21 Public Health Service Act, such portion as the Secretary
22 of Health and Human Services shall determine, but not
23 more than 2.4 percent, of any amounts appropriated for
24 programs authorized under such Act shall be made avail-

1 able for the evaluation (directly, or by grants or contracts)
2 of the implementation and effectiveness of such programs.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 207. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
7 seq.)) which are appropriated for the current fiscal year
8 for the Department of Health and Human Services in this
9 Act may be transferred between appropriations, but no
10 such appropriation shall be increased by more than 3 per-
11 cent by any such transfer: *Provided*, That an appropria-
12 tion may be increased by up to an additional 2 percent
13 subject to approval by the Committees on Appropriations
14 of the House of Representatives and the Senate: *Provided*
15 *further*, That the transfer authority granted by this section
16 shall be available only to meet unanticipated needs and
17 shall not be used to create any new program or to fund
18 any project or activity for which no funds are provided
19 in this Act: *Provided further*, That the Committees on Ap-
20 propriations of the House of Representatives and the Sen-
21 ate are notified at least 15 days in advance of any trans-
22 fer.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 208. The Director of the National Institutes of
25 Health, jointly with the Director of the Office of AIDS
26 Research, may transfer up to 3 percent among institutes

1 and centers from the total amounts identified by these two
2 Directors as funding for research pertaining to the human
3 immunodeficiency virus: *Provided*, That the Committees
4 on Appropriations of the House of Representatives and the
5 Senate are promptly notified of the transfer.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 209. Of the amounts made available in this Act
8 for the National Institutes of Health, the amount for re-
9 search related to the human immunodeficiency virus, as
10 jointly determined by the Director of the National Insti-
11 tutes of Health and the Director of the Office of AIDS
12 Research, shall be made available to the “Office of AIDS
13 Research” account. The Director of the Office of AIDS
14 Research shall transfer from such account amounts nec-
15 essary to carry out section 2353(d)(3) of the Public
16 Health Service Act (42 U.S.C. 300cc–40b(d)(3)).

17 SEC. 210. None of the funds appropriated in this Act
18 may be made available to any entity under title X of the
19 Public Health Service Act (42 U.S.C. 1001 et seq.) unless
20 the applicant for the award certifies to the Secretary of
21 Health and Human Services that it encourages family par-
22 ticipation in the decision of minors to seek family planning
23 services and that it provides counseling to minors on how
24 to resist attempts to coerce minors into engaging in sexual
25 activities.

1 SEC. 211. Notwithstanding any other provision of
2 law, no provider of services under title X of the Public
3 Health Service Act (42 U.S.C. 1001 et seq.) shall be ex-
4 empt from any State law requiring notification or the re-
5 porting of child abuse, child molestation, sexual abuse,
6 rape, or incest.

7 SEC. 212. None of the funds appropriated by this Act
8 (including funds appropriated to any trust fund) may be
9 used to carry out the Medicare Advantage program if the
10 Secretary of Health and Human Services denies participa-
11 tion in such program to an otherwise eligible entity (in-
12 cluding a Provider Sponsored Organization) because the
13 entity informs the Secretary that it will not provide, pay
14 for, provide coverage of, or provide referrals for abortions:
15 *Provided*, That the Secretary shall make appropriate pro-
16 spective adjustments to the capitation payment to such an
17 entity (based on an actuarially sound estimate of the ex-
18 pected costs of providing the service to such entity's enroll-
19 ees): *Provided further*, That nothing in this section shall
20 be construed to change the Medicare program's coverage
21 for such services and a Medicare Advantage organization
22 described in this section shall be responsible for informing
23 enrollees where to obtain information about all Medicare
24 covered services.

1 SEC. 213. (a) Except as provided by subsection (e)
2 none of the funds appropriated by this Act may be used
3 to withhold substance abuse funding from a State pursu-
4 ant to section 1926 of the Public Health Service Act (42
5 U.S.C. 300x-26) if such State certifies to the Secretary
6 of Health and Human Services by May 1, 2008, that the
7 State will commit additional State funds, in accordance
8 with subsection (b), to ensure compliance with State laws
9 prohibiting the sale of tobacco products to individuals
10 under 18 years of age.

11 (b) The amount of funds to be committed by a State
12 under subsection (a) shall be equal to 1 percent of such
13 State's substance abuse block grant allocation for each
14 percentage point by which the State misses the retailer
15 compliance rate goal established by the Secretary of
16 Health and Human Services under section 1926 of such
17 Act.

18 (c) The State is to maintain State expenditures in
19 fiscal year 2008 for tobacco prevention programs and for
20 compliance activities at a level that is not less than the
21 level of such expenditures maintained by the State for fis-
22 cal year 2007, and adding to that level the additional
23 funds for tobacco compliance activities required under
24 subsection (a). The State is to submit a report to the Sec-
25 retary on all fiscal year 2007 State expenditures and all

1 fiscal year 2008 obligations for tobacco prevention and
2 compliance activities by program activity by July 31,
3 2008.

4 (d) The Secretary shall exercise discretion in enforce-
5 ing the timing of the State obligation of the additional
6 funds required by the certification described in subsection
7 (a) as late as July 31, 2008.

8 (e) None of the funds appropriated by this Act may
9 be used to withhold substance abuse funding pursuant to
10 section 1926 of the Public Health Service Act from a terri-
11 tory that receives less than \$1,000,000.

12 SEC. 214. In order for the Centers for Disease Con-
13 trol and Prevention to carry out international health ac-
14 tivities, including HIV/AIDS and other infectious disease,
15 chronic and environmental disease, and other health ac-
16 tivities abroad during fiscal year 2008:

17 (1) The Secretary of Health and Human Serv-
18 ices (in this section referred to as the “Secretary of
19 HHS”) may exercise authority equivalent to that
20 available to the Secretary of State in section 2(c) of
21 the State Department Basic Authorities Act of 1956
22 (22 U.S.C. 2669(c)). The Secretary of HHS shall
23 consult with the Secretary of State and relevant
24 Chief of Mission to ensure that the authority pro-
25 vided in this section is exercised in a manner con-

1 sistent with section 207 of the Foreign Service Act
2 of 1980 (22 U.S.C. 3927) and other applicable stat-
3 utes administered by the Department of State.

4 (2) The Secretary of HHS is authorized to pro-
5 vide such funds by advance or reimbursement to the
6 Secretary of State as may be necessary to pay the
7 costs of acquisition, lease, alteration, renovation, and
8 management of facilities outside of the United
9 States for the use of the Department of Health and
10 Human Services. The Department of State shall co-
11 operate fully with the Secretary of HHS to ensure
12 that the Department of Health and Human Services
13 has secure, safe, functional facilities that comply
14 with applicable regulation governing location, set-
15 back, and other facilities requirements and serve the
16 purposes established by this Act. The Secretary of
17 HHS is authorized, in consultation with the Sec-
18 retary of State, through grant or cooperative agree-
19 ment, to make available to public or nonprofit pri-
20 vate institutions or agencies in participating foreign
21 countries, funds to acquire, lease, alter, or renovate
22 facilities in those countries as necessary to conduct
23 programs of assistance for international health ac-
24 tivities, including activities relating to HIV/AIDS

1 and other infectious diseases, chronic and environ-
2 mental diseases, and other health activities abroad.

3 SEC. 215. (a) AUTHORITY.—Notwithstanding any
4 other provision of law, the Director of the National Insti-
5 tutes of Health (in this section referred to as the “Direc-
6 tor of NIH”) may use funds available under section
7 402(b)(7) or 402(b)(12) of the Public Health Service Act
8 (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into trans-
9 actions (other than contracts, cooperative agreements, or
10 grants) to carry out research identified pursuant to such
11 section 402(b)(7) (pertaining to the Common Fund) or re-
12 search and activities described in such section 402(b)(12).

13 (b) PEER REVIEW.—In entering into transactions
14 under subsection (a), the Director of the NIH may utilize
15 such peer review procedures (including consultation with
16 appropriate scientific experts) as the Director determines
17 to be appropriate to obtain assessments of scientific and
18 technical merit. Such procedures shall apply to such trans-
19 actions in lieu of the peer review and advisory council re-
20 view procedures that would otherwise be required under
21 sections 301(a)(3), 405(b)(1)(B), 405(b)(2),
22 406(a)(3)(A), 492, and 494 of the Public Health Service
23 Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2),
24 284a(a)(3)(A), 289a, and 289c).

1 SEC. 216. Funds which are available for Individual
2 Learning Accounts for employees of the Centers for Dis-
3 ease Control and Prevention (“CDC”) and the Agency for
4 Toxic Substances and Disease Registry (“ATSDR”) may
5 be transferred to “Disease Control, Research, and Train-
6 ing”, to be available only for Individual Learning Ac-
7 counts: *Provided*, That such funds may be used for any
8 individual full-time equivalent employee while such em-
9 ployee is employed either by CDC or ATSDR.

10 SEC. 217. The Director of the National Institutes of
11 Health shall require that all investigators funded by the
12 NIH submit or have submitted for them to the National
13 Library of Medicine’s PubMed Central an electronic
14 version of their final, peer-reviewed manuscripts upon ac-
15 ceptance for publication, to be made publicly available no
16 later than 12 months after the official date of publication:
17 *Provided*, That the NIH shall implement the public access
18 policy in a manner consistent with copyright law.

19 SEC. 218. Not to exceed \$35,000,000 of funds appro-
20 priated by this Act to the institutes and centers of the
21 National Institutes of Health may be used for alteration,
22 repair, or improvement of facilities, as necessary for the
23 proper and efficient conduct of the activities authorized
24 herein, at not to exceed \$2,500,000 per project.

1 SEC. 219. None of the funds appropriated in this Act
2 may be used to administer to any child under 3 years of
3 age an influenza vaccine during the 2008–2009 influenza
4 season for which thimerosal is listed on the labeling as
5 an ingredient.

6 This title may be cited as the “Department of Health
7 and Human Services Appropriations Act, 2008”.

8 TITLE III—DEPARTMENT OF EDUCATION

9 EDUCATION FOR THE DISADVANTAGED

10 For carrying out title I of the Elementary and Sec-
11 ondary Education Act of 1965 (“ESEA”) (20 U.S.C.
12 6301 et seq.) and section 418A of the Higher Education
13 Act of 1965 (20 U.S.C. 1070d–2), \$16,016,318,000 (re-
14 duced by \$46,500,000), of which \$7,698,807,000 (reduced
15 by \$46,500,000) shall become available on July 1, 2008,
16 and shall remain available through September 30, 2009,
17 and of which \$8,136,218,000 shall become available on
18 October 1, 2008, and shall remain available through Sep-
19 tember 30, 2009 for academic year 2008–2009: *Provided*,
20 That \$6,808,971,000 shall be for basic grants under sec-
21 tion 1124 of ESEA (20 U.S.C. 6333): *Provided further*,
22 That up to \$4,000,000 of these funds shall be available
23 to the Secretary of Education on October 1, 2007, to ob-
24 tain annually updated local educational-agency-level cen-
25 sus poverty data from the Bureau of the Census: *Provided*

1 *further*, That \$1,365,031,000 shall be for concentration
2 grants under section 1124A of ESEA (20 U.S.C. 6334):
3 *Provided further*, That \$3,094,562,000 shall be for tar-
4 geted grants under section 1125 of ESEA (20 U.S.C.
5 6335): *Provided further*, That \$3,094,260,000 shall be for
6 education finance incentive grants under section 1125A of
7 ESEA (20 U.S.C. 6337): *Provided further*, That
8 \$9,330,000 shall be to carry out sections 1501 and 1503
9 of ESEA (20 U.S.C. 6491, 6493): *Provided further*, That
10 \$1,634,000 shall be available for a comprehensive school
11 reform clearinghouse.

12 IMPACT AID

13 For carrying out programs of financial assistance to
14 federally affected schools authorized by title VIII of the
15 Elementary and Secondary Education Act of 1965 (20
16 U.S.C. 7701 et seq.), \$1,278,453,000, of which
17 \$1,140,517,000 shall be for basic support payments under
18 section 8003(b) of such Act (20 U.S.C. 7703(b)),
19 \$49,466,000 shall be for payments for children with dis-
20 abilities under section 8003(d) of such Act (20 U.S.C.
21 7703(d)), \$17,820,000 shall be for construction under sec-
22 tion 8007(a) of such Act (20 U.S.C. 7707(a)),
23 \$65,700,000 shall be for Federal property payments under
24 section 8002 of such Act (20 U.S.C. 7702), and
25 \$4,950,000, to remain available until expended, shall be

1 for facilities maintenance under section 8008 of such Act
2 (20 U.S.C. 7708): *Provided*, That for purposes of com-
3 puting the amount of a payment for an eligible local edu-
4 cational agency under section 8003(a) of such Act (20
5 U.S.C. 7703(a)) for school year 2007–2008, children en-
6 rolled in a school of such agency that would otherwise be
7 eligible for payment under section 8003(a)(1)(B) of such
8 Act, but due to the deployment of both parents or legal
9 guardians, or a parent or legal guardian having sole cus-
10 tody of such children, or due to the death of a military
11 parent or legal guardian while on active duty (so long as
12 such children reside on Federal property as described in
13 section 8003(a)(1)(B) of such Act), are no longer eligible
14 under such section, shall be considered as eligible students
15 under such section, provided such students remain in aver-
16 age daily attendance at a school in the same local edu-
17 cational agency they attended prior to their change in eli-
18 gibility status.

19 SCHOOL IMPROVEMENT PROGRAMS

20 For carrying out school improvement activities au-
21 thorized by title II (20 U.S.C. 6601 et seq.), part B of
22 title IV (20 U.S.C. 7171 et seq.), part A of title V (20
23 U.S.C. 7201 et seq.) and subparts 6 and 9 of part D of
24 title V (20 U.S.C. 7253 et seq., 20 U.S.C. 7259 et seq.),
25 part A of title VI (20 U.S.C. 7301 et seq.) and part B

1 of title VI (20 U.S.C. 7341 et seq.), and part B of title
2 VII (20 U.S.C. 7511 et seq.) and part C of title VII (20
3 U.S.C. 7541 et seq.) of the Elementary and Secondary
4 Education Act of 1965 (“ESEA”); the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11301 et seq.); sec-
6 tion 203 of the Educational Technical Assistance Act of
7 2002 (20 U.S.C. 9602); the Compact of Free Association
8 Amendments Act of 2003 (48 U.S.C. 1921 et seq.); and
9 the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.),
10 \$5,678,002,000, of which \$4,059,441,000 shall become
11 available on July 1, 2008, and remain available through
12 September 30, 2009, and of which \$1,435,000,000 shall
13 become available on October 1, 2008, and shall remain
14 available through September 30, 2009, for academic year
15 2008–2009: *Provided*, That \$411,630,000 shall be for
16 State assessments and related activities authorized under
17 sections 6111 and 6112 of ESEA (20 U.S.C. 7301,
18 7301a): *Provided further*, That up to 100 percent of the
19 funds available to a State educational agency under part
20 D of title II of the ESEA (20 U.S.C. 6751 et seq.) may
21 be used for subgrants described in section 2412(a)(2)(B)
22 of such Act (20 U.S.C. 6762(a)(2)(B)): *Provided further*,
23 That \$56,257,000 shall be available to carry out section
24 203 of the Educational Technical Assistance Act of 2002:
25 *Provided further*, That \$34,376,000 shall be available to

1 carry out part D of title V of ESEA: *Provided further,*
2 That no funds appropriated under this heading may be
3 used to carry out section 5494 under ESEA (20 U.S.C.
4 7259c): *Provided further,* That \$18,001,000 shall be avail-
5 able to carry out the Supplemental Education Grants pro-
6 gram for the Federated States of Micronesia and for the
7 Republic of the Marshall Islands: *Provided further,* That
8 up to 5 percent of these amounts may be reserved by the
9 Federated States of Micronesia and the Republic of the
10 Marshall Islands to administer the Supplemental Edu-
11 cation Grants programs and to obtain technical assistance,
12 oversight, and consultancy services in the administration
13 of these grants and to reimburse the United States De-
14 partments of Labor, Health and Human Services, and
15 Education for such services: *Provided further,* That
16 \$3,000,000 of the funds available for the Foreign Lan-
17 guage Assistance Program shall be available for 5-year
18 grants to local educational agencies that would work in
19 partnership with one or more institutions of higher edu-
20 cation to establish or expand articulated programs of
21 study in languages critical to United States national secu-
22 rity that will enable successful students to advance from
23 elementary school through college to achieve a superior
24 level of proficiency in those languages.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, part A of title VII of the Elemen-
4 tary and Secondary Education Act of 1965 (20 U.S.C.
5 7401 et seq.), \$124,000,000.

6 INNOVATION AND IMPROVEMENT

7 For carrying out activities authorized by section 1504
8 (20 U.S.C. 6494), part G of title I (20 U.S.C. 6531 et
9 seq.), subpart 5 of part A of title II (20 U.S.C. 6651)
10 and part C and part D of title II (20 U.S.C. 6671 et seq.,
11 20 U.S.C. 6751 et seq.), and part B (including subpart
12 2), part C, and part D of title V (20 U.S.C. 7221 et seq.,
13 20 U.S.C. 7231 et seq., and 20 U.S.C. 7241) of the Ele-
14 mentary and Secondary Education Act of 1965
15 (“ESEA”), \$992,354,000: *Provided*, That \$10,695,000
16 shall be provided to the National Board for Professional
17 Teaching Standards to carry out section 2151(c) of ESEA
18 (20 U.S.C. 6651(c)): *Provided further*, That from funds
19 for subpart 4 of part C of title II (20 U.S.C. 6721 et
20 seq.), up to 3 percent shall be available to the Secretary
21 for technical assistance and dissemination of information:
22 *Provided further*, That \$258,988,000 shall be available to
23 carry out part D of title V of ESEA (20 U.S.C. 7241
24 et seq.), of which \$99,000,000 of the funds for subpart
25 1 shall be for competitive grants to local educational agen-

1 cies, including charter schools that are local educational
2 agencies, or States, or partnerships of: (1) a local edu-
3 cational agency, a State, or both; and (2) at least one non-
4 profit organization to develop and implement performance-
5 based teacher and principal compensation systems in high-
6 need schools: *Provided further*, That such performance-
7 based compensation systems must consider gains in stu-
8 dent academic achievement as well as classroom evalua-
9 tions conducted multiple times during each school year
10 among other factors and provide educators with incentives
11 to take on additional responsibilities and leadership roles:
12 *Provided further*, That up to 5 percent of such funds for
13 competitive grants shall be available for technical assist-
14 ance, training, peer review of applications, program out-
15 reach, and evaluation activities.

16 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

17 For carrying out activities authorized by subpart 3
18 of part C of title II (20 U.S.C. 6711 et seq.), part A of
19 title IV (20 U.S.C. 7101 et seq.), subpart 2 of part D
20 of title V (20 U.S.C. 7245), subpart 3 of part D of title
21 V (20 U.S.C. 7247), and subpart 10 of part D of title
22 V (20 U.S.C. 7261 et seq.) of the Elementary and Sec-
23 ondary Education Act of 1965 (“ESEA”), \$714,075,000
24 (increased by \$46,500,000), of which \$300,000,000 (in-
25 creased by \$46,500,000) shall become available on July

1 1, 2008, and remain available through September 30,
2 2009: *Provided*, That \$300,000,000 (increased by
3 \$46,500,000) shall be available for subpart 1 of part A
4 of title IV of ESEA (20 U.S.C. 7111 et seq.) and
5 \$222,335,000 shall be available for subpart 2 of part A
6 of title IV of ESEA (20 U.S.C. 7131 et seq.), of which
7 \$5,000,000, to remain available until expended, shall be
8 for the Project School Emergency Response to Violence
9 program to provide education-related services to local edu-
10 cational agencies, and institutions of higher education, in
11 which the learning environment has been disrupted due
12 to a violent or traumatic crisis: *Provided further*, That
13 \$158,422,000 shall be available to carry out part D of
14 title V of ESEA (20 U.S.C. 7241 et seq.): *Provided fur-*
15 *ther*, That of the funds available to carry out subpart 3
16 of part C of title II of ESEA (20 U.S.C. 6711 et seq.),
17 up to \$12,072,000 may be used to carry out section 2345
18 (20 U.S.C. 6715) and \$3,025,000 shall be used by the
19 Center for Civic Education to implement a comprehensive
20 program to improve public knowledge, understanding, and
21 support of the Congress and the State legislatures.

22 ENGLISH LANGUAGE ACQUISITION

23 For carrying out part A of title III of the Elementary
24 and Secondary Education Act of 1965 (20 U.S.C. 6811
25 et seq.), \$774,614,000, which shall become available on

1 July 1, 2008, and shall remain available through Sep-
2 tember 30, 2009, except that 6.5 percent of such amount
3 shall be available on October 1, 2007, and shall remain
4 available through September 30, 2009, to carry out activi-
5 ties under section 3111(c)(1)(C) of such Act (20 U.S.C.
6 6821(c)(1)(C)).

7 SPECIAL EDUCATION

8 For carrying out the Individuals with Disabilities
9 Education Act (20 U.S.C. 1400 et seq.), \$12,310,831,000
10 (increased by \$2,000,000) (increased by \$50,000,000) of
11 which \$5,467,594,000 (increased by \$2,000,000) shall be-
12 come available on July 1, 2008, and shall remain available
13 through September 30, 2009, and of which
14 \$6,641,982,000 shall become available on October 1,
15 2008, and shall remain available through September 30,
16 2009, for academic year 2008–2009: *Provided*, That
17 \$11,880,000 shall be for the activities authorized by sec-
18 tion 674(c)(1)(D) of such Act: *Provided further*, That the
19 amount for section 611(b)(2) of such Act (20 U.S.C.
20 1411(b)(2)) shall be equal to the lesser of the amount
21 available for that activity during fiscal year 2007, in-
22 creased by the amount of inflation as specified in section
23 619(d)(2)(B) of such Act (20 U.S.C. 1419(d)(2)(B)) or
24 the percentage increase in the funds appropriated under
25 section 611(i) of such Act (20 U.S.C. 1411(i)).

1 REHABILITATION SERVICES AND DISABILITY RESEARCH

2 For carrying out, to the extent not otherwise pro-
3 vided, the Rehabilitation Act of 1973 (29 U.S.C. 701 et
4 seq.), the Assistive Technology Act of 1998 (29 U.S.C.
5 3001 et seq.), and the Helen Keller National Center Act
6 (29 U.S.C. 1901 et seq.), \$3,279,743,000: *Provided*, That
7 \$30,452,000 shall be used for carrying out the Assistive
8 Technology Act of 1998.

9 SPECIAL INSTITUTIONS FOR PERSONS WITH
10 DISABILITIES

11 AMERICAN PRINTING HOUSE FOR THE BLIND

12 For carrying out the Act of March 3, 1879 (20
13 U.S.C. 101 et seq.), \$17,573,000.

14 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

15 For the National Technical Institute for the Deaf
16 under titles I and II of the Education of the Deaf Act
17 of 1986 (20 U.S.C. 4301 et seq.), \$60,757,000, of which
18 \$1,705,000 shall be for construction and shall remain
19 available until expended: *Provided*, That from the total
20 amount available, the Institute may at its discretion use
21 funds for the endowment program as authorized under
22 section 207 of such Act (20 U.S.C. 4357).

23 GALLAUDET UNIVERSITY

24 For the Kendall Demonstration Elementary School,
25 the Model Secondary School for the Deaf, and the partial
26 support of Gallaudet University under titles I and II of

1 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
2 et seq.), \$109,952,000: *Provided*, That from the total
3 amount available, the University may at its discretion use
4 funds for the endowment program as authorized under
5 section 207 of such Act (20 U.S.C. 4357).

6 CAREER, TECHNICAL, AND ADULT EDUCATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Carl D. Perkins Career and Technical Edu-
9 cation Act of 2006 (20 U.S.C. 2301 et seq.), the Adult
10 Education and Family Literacy Act (20 U.S.C. 9201 et
11 seq.), and subpart 4 of part D of title V of the Elementary
12 and Secondary Education Act of 1965 (“ESEA”) (20
13 U.S.C. 7249), \$2,046,220,000, of which \$1,247,220,000
14 shall become available on July 1, 2008, and shall remain
15 available through September 30, 2009, and of which
16 \$791,000,000 shall become available on October 1, 2008,
17 and shall remain available through September 30, 2009:
18 *Provided*, That of the amounts made available for the Carl
19 D. Perkins Career and Technical Education Act of 2006,
20 \$8,000,000 is for the postsecondary career and technical
21 institutions under section 117 of such Act (20 U.S.C.
22 2327): *Provided further*, That of the amounts provided for
23 Adult Education State Grants, \$71,622,000 shall be made
24 available for integrated English literacy and civics edu-
25 cation services to immigrants and other limited English

1 proficient populations: *Provided further*, That of the
2 amount reserved for integrated English literacy and civics
3 education, notwithstanding section 211 of the Adult Edu-
4 cation and Family Literacy Act (20 U.S.C. 9211), 65 per-
5 cent shall be allocated to States based on a State's abso-
6 lute need as determined by calculating each State's share
7 of a 10-year average of the United States Citizenship and
8 Immigration Services data for immigrants admitted for
9 legal permanent residence for the 10 most recent years,
10 and 35 percent allocated to States that experienced growth
11 as measured by the average of the 3 most recent years
12 for which United States Citizenship and Immigration
13 Services data for immigrants admitted for legal permanent
14 residence are available, except that no State shall be allo-
15 cated an amount less than \$60,000: *Provided further*,
16 That of the amounts made available for the Adult Edu-
17 cation and Family Literacy Act, \$7,000,000 shall be for
18 national leadership activities under section 243 of such
19 Act (20 U.S.C. 9253) and \$6,638,000 shall be for the Na-
20 tional Institute for Literacy under section 242 of such Act
21 (20 U.S.C. 9252): *Provided further*, That \$93,531,000
22 shall be available to support the activities authorized
23 under subpart 4 of part D of title V of the ESEA (20
24 U.S.C. 7249), of which up to 5 percent shall become avail-
25 able October 1, 2007, and shall remain available through

1 September 30, 2009, for evaluation, technical assistance,
2 school networks, peer review of applications, and program
3 outreach activities, and of which not less than 95 percent
4 shall become available on July 1, 2008, and remain avail-
5 able through September 30, 2009, for grants to local edu-
6 cational agencies: *Provided further*, That funds made
7 available to local educational agencies under this subpart
8 shall be used only for activities related to establishing
9 smaller learning communities within large high schools or
10 small high schools that provide alternatives for students
11 enrolled in large high schools.

12 STUDENT FINANCIAL ASSISTANCE

13 For carrying out subparts 1, 3, and 4 of part A, part
14 C, and part E of title IV of the Higher Education Act
15 of 1965, \$17,464,883,000, which shall remain available
16 through September 30, 2009: *Provided*, That, in addition,
17 any amount made available for Academic Competitiveness
18 Grants and National SMART Grants under section 401A
19 of the Higher Education Act of 1965 (20 U.S.C. 1070a–
20 1) for fiscal year 2007 (in an appropriation for such fiscal
21 year or a preceding fiscal year) that is unobligated at the
22 end of fiscal year 2007 shall be available for Pell Grants
23 for the 2008–2009 award year.

24 The maximum Pell Grant for which a student shall
25 be eligible during award year 2008–2009 shall be \$4,700.

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For administrative expenses to carry out the Histori-
4 cally Black College and University Capital Financing Pro-
5 gram entered into pursuant to part D of title III of the
6 Higher Education Act of 1965, \$188,000.

7 INSTITUTE OF EDUCATION SCIENCES

8 For carrying out activities authorized by the Edu-
9 cation Sciences Reform Act of 2002 (20 U.S.C. 9501 et
10 seq.) the National Assessment of Educational Progress
11 Authorization Act (20 U.S.C. 9621 et seq.), section 208
12 of the Educational Technical Assistance Act of 2002 (20
13 U.S.C. 9607), and section 664 of the Individuals with Dis-
14 abilities Education Act (20 U.S.C. 1464), \$535,103,000,
15 of which \$293,144,000 shall remain available until Sep-
16 tember 30, 2009.

17 DEPARTMENTAL MANAGEMENT

18 PROGRAM ADMINISTRATION

19 For carrying out, to the extent not otherwise pro-
20 vided, the Department of Education Organization Act (20
21 U.S.C. 3401 et seq.), including rental of conference rooms
22 in the District of Columbia and hire of three passenger
23 motor vehicles, \$394,487,000 (reduced by \$125,000,000)
24 (reduced by \$50,000,000), of which \$3,000,000, to remain
25 available until expended, shall be for building alterations

1 and related expenses for the move of Department staff to
2 the Mary E. Switzer building in Washington, D.C.

3 OFFICE FOR CIVIL RIGHTS

4 For expenses necessary for the Office for Civil
5 Rights, as authorized by section 203 of the Department
6 of Education Organization Act (20 U.S.C. 3413),
7 \$93,771,000.

8 OFFICE OF INSPECTOR GENERAL

9 For expenses necessary for the Office of the Inspector
10 General, as authorized by section 212 of the Department
11 of Education Organization Act (20 U.S.C. 3422),
12 \$53,239,000.

13 GENERAL PROVISIONS

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 301. No funds appropriated in this Act may be
16 used for the transportation of students or teachers (or for
17 the purchase of equipment for such transportation) in
18 order to overcome racial imbalance in any school or school
19 system, or for the transportation of students or teachers
20 (or for the purchase of equipment for such transportation)
21 in order to carry out a plan of racial desegregation of any
22 school or school system.

23 SEC. 302. None of the funds contained in this Act
24 shall be used to require, directly or indirectly, the trans-
25 portation of any student to a school other than the school
26 which is nearest the student's home, except for a student

1 requiring special education, to the school offering such
2 special education, in order to comply with title VI of the
3 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). For
4 the purpose of this section an indirect requirement of
5 transportation of students includes the transportation of
6 students to carry out a plan involving the reorganization
7 of the grade structure of schools; the pairing of schools;
8 or the clustering of schools; or any combination of grade
9 restructuring, pairing, or clustering. The prohibition de-
10 scribed in this section does not include the establishment
11 of magnet schools.

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

15 SEC. 304. Not to exceed 1 percent of any discre-
16 tionary funds (pursuant to the Balanced Budget and
17 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
18 seq.)) which are appropriated for the current fiscal year
19 for the Department of Education in this Act may be trans-
20 ferred between appropriations, but no such appropriation
21 shall be increased by more than 3 percent by any such
22 transfer: *Provided*, That an appropriation may be in-
23 creased by up to an additional 2 percent subject to ap-
24 proval by the Committees on Appropriations of the House
25 of Representatives and the Senate: *Provided further*, That

1 the transfer authority granted by this section shall be
2 available only to meet unanticipated needs and shall not
3 be used to create any new program or to fund any project
4 or activity for which no funds are provided in this Act:
5 *Provided further*, That the Committees on Appropriations
6 of the House of Representatives and the Senate are noti-
7 fied at least 15 days in advance of any transfer.

8 SEC. 305. None of the funds made available in this
9 Act may be used to promulgate, implement, or enforce any
10 revision to the regulations in effect under section 496 of
11 the Higher Education Act of 1965 on June 1, 2007, until
12 legislation specifically requiring such revision is enacted.

13 SEC. 306. (a) MAINTENANCE OF INTEGRITY AND
14 ETHICAL VALUES WITHIN DEPARTMENT OF EDU-
15 CATION.—Within 30 days after the enactment of this Act,
16 the Secretary of Education shall implement procedures—

17 (1) to assess whether a covered individual or
18 entity has a potential financial interest in, or bias
19 towards, a product or service purchased with, or
20 guaranteed or insured by, funds administered by the
21 Department of Education or a contracted entity of
22 the Department; and

23 (2) to disclose the existence of any such poten-
24 tial financial interest or bias.

25 (b) REVIEW BY INSPECTOR GENERAL.—

1 (1) Within 30 days after the implementation of
2 the procedures described in subsection (a), the In-
3 spector General of the Department of Education
4 shall report to the Committees on Appropriations of
5 the House of Representatives and the Senate on the
6 adequacy of such procedures.

7 (2) Within 1 year, the Inspector General shall
8 conduct at least 1 audit to ensure that such proce-
9 dures are properly implemented and are adequate to
10 uncover and disclose the existence of potential finan-
11 cial interests or bias described in subsection (a).

12 (3) The Inspector General shall report to such
13 Committees any recommendations for modifications
14 to such procedures that the Inspector General deter-
15 mines are necessary to uncover and disclose the ex-
16 istence of such potential financial interests or bias.

17 (c) DEFINITION.—For purposes of this section, the
18 term “covered individual or entity” means—

19 (1) an officer or professional employee of the
20 Department of Education;

21 (2) a contractor or subcontractor of the Depart-
22 ment, or an individual hired by the contracted enti-
23 ty;

24 (3) a member of a peer review panel of the De-
25 partment; or

1 (4) a consultant or advisor to the Department.

2 This title may be cited as the “Department of Edu-
3 cation Appropriations Act, 2008”.

4 TITLE IV—RELATED AGENCIES

5 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

6 BLIND OR SEVERELY DISABLED

7 SALARIES AND EXPENSES

8 For expenses necessary of the Committee for Pur-
9 chase From People Who Are Blind or Severely Disabled
10 established by Public Law 92–28, \$4,994,000.

11 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

12 OPERATING EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses for the Corporation for Na-
15 tional and Community Service to carry out the Domestic
16 Volunteer Service Act of 1973 (“1973 Act”) (42 U.S.C.
17 4950 et seq.) and the National and Community Service
18 Act of 1990 (“1990 Act”) (42 U.S.C. 12501 et seq.),
19 \$768,905,000, of which \$313,054,000 is to carry out the
20 1973 Act and \$455,851,000 is to carry out the 1990 Act:
21 *Provided*, That up to 1 percent of program grant funds
22 may be used to defray the costs of conducting grant appli-
23 cation reviews, including the use of outside peer reviewers
24 and electronic management of the grants cycle: *Provided*
25 *further*, That none of the funds made available under this
26 heading for activities authorized by section 122 and part

1 E (42 U.S.C. 5028 et seq.) of title II of the 1973 Act
2 shall be used to provide stipends or other monetary incen-
3 tives to volunteers or volunteer leaders whose incomes ex-
4 ceed 125 percent of the national poverty level: *Provided*
5 *further*, That notwithstanding subtitle H of title I of the
6 1990 Act (42 U.S.C. 12653 et seq.), none of the funds
7 provided for quality and innovation activities shall be used
8 to support salaries and related expenses (including travel)
9 attributable to Corporation for National and Community
10 Service employees: *Provided further*, That of the amounts
11 provided under this heading: (1) \$122,521,000, to remain
12 available until expended, to be transferred to the National
13 Service Trust for educational awards authorized under
14 subtitle D of title I of the 1990 Act: *Provided further*, That
15 in addition to these funds, the Corporation may transfer
16 funds from the amount provided for AmeriCorps grants
17 under the National Service Trust Program, to the Na-
18 tional Service Trust authorized under subtitle D of title
19 I of the 1990 Act (42 U.S.C. 12601 et seq.), upon deter-
20 mination that such transfer is necessary to support the
21 activities of national service participants and after notice
22 is transmitted to the Congress; (2) not more than
23 \$55,000,000 of funding provided for grants under the Na-
24 tional Service Trust program authorized under subtitle C
25 of title I of the 1990 Act may be used to administer, reim-

1 burse, or support any national service program authorized
2 under section 121(d)(2) of such Act (42 U.S.C.
3 12571(d)(2)); (3) \$37,125,000, to remain available until
4 September 30, 2009, shall be for service-learning pro-
5 grams authorized under subtitle B of title I of the 1990
6 Act (42 U.S.C. 12521 et seq.); and (4) \$12,000,000 shall
7 be to provide assistance to State commissions on national
8 and community service, under 126(a) of the 1990 Act (42
9 U.S.C. 12576(a)) and notwithstanding 501(a)(4) of the
10 1990 Act (42 U.S.C. 12681(a)(4)).

11 SALARIES AND EXPENSES

12 For necessary expenses of administration as provided
13 under section 501(a)(4) of the National and Community
14 Service Act of 1990 (42 U.S.C. 12681 (a)(4)) and under
15 section 504(a) of the Domestic Volunteer Service Act of
16 1973 (42 U.S.C. 5084(a)), including payment of salaries,
17 authorized travel, hire of passenger motor vehicles, the
18 rental of conference rooms in the District of Columbia,
19 the employment of experts and consultants authorized
20 under section 3109 of title 5, United States Code, and
21 not to exceed \$2,500 for official reception and representa-
22 tion expenses, \$68,964,000.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General in carrying out the Inspector General Act of 1978

1 (5 U.S.C. App.), \$5,512,000, to remain available until
2 September 30, 2008.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 401. Notwithstanding any other provision of
5 law, the term “qualified student loan” with respect to na-
6 tional service education awards shall mean any loan deter-
7 mined by an institution of higher education to be nec-
8 essary to cover a student’s cost of attendance at such in-
9 stitution and made, insured, or guaranteed directly to a
10 student by a State agency, in addition to other meanings
11 under section 148(b)(7) of the National and Community
12 Service Act of 1990 (42 U.S.C. 12604 (b)(7)).

13 SEC. 402. Notwithstanding any other provision of
14 law, funds made available under section 129(d)(5)(B) of
15 the National and Community Service Act of 1990 (42
16 U.S.C. 12581(d)(5)(B)) to assist entities in placing appli-
17 cants who are individuals with disabilities may be provided
18 to any entity that receives a grant under section 121 of
19 the Act (42 U.S.C. 12571).

20 SEC. 403. The Inspector General of the Corporation
21 for National and Community Service shall conduct ran-
22 dom audits of the grantees that administer activities under
23 the AmeriCorps programs and shall levy sanctions in ac-
24 cordance with standard Inspector General audit resolution
25 procedures which include, but are not limited to, debar-
26 ment of any grantee (or successor in interest or any entity

1 with substantially the same person or persons in control)
2 that has been determined to have committed any substan-
3 tial violation of the requirements of the AmeriCorps pro-
4 grams, including any grantee that has been determined
5 to have violated the prohibition of using Federal funds to
6 lobby the Congress: *Provided*, That the Inspector General
7 shall obtain reimbursements in the amount of any misused
8 funds from any grantee that has been determined to have
9 committed any substantial violation of the requirements
10 of the AmeriCorps programs.

11 SEC. 404. The Corporation for National and Commu-
12 nity Service shall make any significant changes to pro-
13 gram requirements or policy only through public notice
14 and comment rulemaking. For fiscal year 2008, during
15 any grant selection process, an officer or employee of the
16 Corporation shall not knowingly disclose any covered grant
17 selection information regarding such selection, directly or
18 indirectly, to any person other than an officer or employee
19 of the Corporation that is authorized by the Corporation
20 to receive such information.

21 SEC. 405. Professional Corps programs described in
22 section 122(a)(8) of the National and Community Service
23 Act of 1990 (42 U.S.C. 12572(a)(8)) may apply to the
24 Corporation for a waiver of application of section
25 140(c)(2) (42 U.S.C. 12594(c)(2)).

1 SEC. 406. Notwithstanding section 1342 of title 31,
2 United States Code, the Corporation may solicit and ac-
3 cept the services of organizations and individuals (other
4 than participants) to assist the Corporation in carrying
5 out the duties of the Corporation under the national serv-
6 ice laws: *Provided*, That an individual who provides serv-
7 ices under this section shall be subject to the same protec-
8 tions and limitations as volunteers under section 196(a)
9 of the National and Community Service Act of 1990 (42
10 U.S.C. 12651g(a)).

11 SEC. 407. Organizations operating projects under the
12 AmeriCorps Education Awards Program shall do so with-
13 out regard to the requirements of sections 121(d) and (e)
14 (42 U.S.C. 12571(d) and (e)), 131(e) (42 U.S.C.
15 12583(e)), 132 (42 U.S.C. 12584), and 140(a), (d), and
16 (e) (42 U.S.C. 12594(a), (d), and (e)) of the National and
17 Community Service Act of 1990.

18 SEC. 408. AmeriCorps programs receiving grants
19 under the National Service Trust program shall meet an
20 overall minimum share requirement of 24 percent for the
21 first three years that they receive AmeriCorps funding,
22 and thereafter shall meet the overall minimum share re-
23 quirement as provided in section 2521.60 of title 45, Code
24 of Federal Regulations, without regard to the operating
25 costs match requirement in section 121(e) (42 U.S.C.

1 12571(e)) or the member support Federal share limita-
2 tions in section 140 (42 U.S.C. 12594) of the National
3 and Community Service Act of 1990, and subject to par-
4 tial waiver consistent with section 2521.70 of title 45,
5 Code of Federal Regulations.

6 CORPORATION FOR PUBLIC BROADCASTING

7 For payment to the Corporation for Public Broad-
8 casting, as authorized by the Communications Act of
9 1934, an amount which shall be available within limita-
10 tions specified by that Act, for the fiscal year 2010,
11 \$420,000,000: *Provided*, That no funds made available to
12 the Corporation for Public Broadcasting by this Act shall
13 be used to pay for receptions, parties, or similar forms
14 of entertainment for Government officials or employees:
15 *Provided further*, That none of the funds contained in this
16 paragraph shall be available or used to aid or support any
17 program or activity from which any person is excluded,
18 or is denied benefits, or is discriminated against, on the
19 basis of race, color, national origin, religion, or sex: *Pro-*
20 *vided further*, That no funds made available to the Cor-
21 poration for Public Broadcasting by this Act shall be used
22 to apply any political test or qualification in selecting, ap-
23 pointing, promoting, or taking any other personnel action
24 with respect to officers, agents, and employees of the Cor-
25 poration: *Provided further*, That for fiscal year 2008, in

1 addition to the amounts provided above, \$29,700,000 shall
2 be for costs related to digital program production, develop-
3 ment, and distribution, associated with the transition of
4 public broadcasting to digital broadcasting, to be awarded
5 as determined by the Corporation in consultation with
6 public radio and television licensees or permittees, or their
7 designated representatives: *Provided further*, That for fis-
8 cal year 2008, in addition to the amounts provided above,
9 \$26,750,000 is available pursuant to section 396(k)(10)
10 of the Communications Act of 1934 for replacement and
11 upgrade of the public radio interconnection system: *Pro-*
12 *vided further*, That none of the funds made available to
13 the Corporation for Public Broadcasting by this Act, the
14 Continuing Appropriations Resolution, 2007 (Public Law
15 110–5), or the Departments of Labor, Health and Human
16 Services, and Education, and Related Agencies Appropria-
17 tions Act, 2006 (Public Law 109–149), shall be used to
18 support the Television Future Fund or any similar pur-
19 pose.

20 FEDERAL MEDIATION AND CONCILIATION SERVICE

21 SALARIES AND EXPENSES

22 For expenses necessary for the Federal Mediation
23 and Conciliation Service to carry out the functions vested
24 in it by the Labor Management Relations Act of 1947 (29
25 U.S.C. et seq.), including hire of passenger motor vehicles;

1 for expenses necessary for the Labor-Management Co-
2 operation Act of 1978 (29 U.S.C. 175a); and for expenses
3 necessary for the Service to carry out the functions vested
4 in it by the Civil Service Reform Act (5 U.S.C. chapter
5 71), \$44,450,000, including \$650,000 to remain available
6 through September 30, 2009, for activities authorized by
7 the Labor-Management Cooperation Act of 1978 (29
8 U.S.C. 175a): *Provided*, That notwithstanding section
9 3302 of title 31, United States Code, fees charged, up to
10 full-cost recovery, for special training activities and other
11 conflict resolution services and technical assistance, in-
12 cluding those provided to foreign governments and inter-
13 national organizations, and for arbitration services shall
14 be credited to and merged with this account, and shall
15 remain available until expended: *Provided further*, That
16 fees for arbitration services shall be available only for edu-
17 cation, training, and professional development of the agen-
18 cy workforce: *Provided further*, That the Director of the
19 Service is authorized to accept and use on behalf of the
20 United States gifts of services and real, personal, or other
21 property in the aid of any projects or functions within the
22 Director's jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission (30 U.S.C. 801 et seq.),
6 \$8,096,000.

7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

9 AND ADMINISTRATION

10 For carrying out the Museum and Library Services
11 Act (20 U.S.C. 9101 et seq.), and the National Museum
12 of African American History and Culture Act (20 U.S.C.
13 80 et seq.), \$264,812,000, to remain available until Sep-
14 tember 30, 2008.

15 MEDICARE PAYMENT ADVISORY COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary to carry out section 1805 of
18 the Social Security Act (42 U.S.C. 1395b-6),
19 \$10,748,000, to be transferred to this appropriation from
20 the Federal Hospital Insurance and the Federal Supple-
21 mentary Medical Insurance Trust Funds.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, \$3,113,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act of 1947 (29 U.S.C.
11 141–167 et seq.), Equal Access to Justice Act, Fair Labor
12 Standards Act, Government in the Sunshine Act, Postal
13 Service Reorganization Act, Freedom of Information Act,
14 and the Privacy Act, \$256,988,000 (increased by
15 \$500,000): *Provided*, That none of the funds available
16 under this Act available to organize or assist in organizing
17 agricultural laborers or used in connection with investiga-
18 tions, hearings, directives, or orders concerning bargaining
19 units composed of agricultural laborers as referred to in
20 section 2(3) of the Act of July 5, 1935 (29 U.S.C.
21 152(3)), and as amended by the Labor-Management Rela-
22 tions Act, 1947, and as defined in section 3(f) of the Act
23 of June 25, 1938 (29 U.S.C. 203(f)), and including in
24 such definition employees engaged in the maintenance and
25 operation of ditches, canals, reservoirs, and waterways

1 when maintained or operated on a mutual, nonprofit basis
2 and at least 95 percent of the water stored or supplied
3 thereby is used for farming purposes.

4 NATIONAL MEDIATION BOARD

5 SALARIES AND EXPENSES

6 For expenses necessary to carry out the provisions
7 of the Railway Labor Act (45 U.S.C. 151 et seq.), includ-
8 ing emergency boards appointed by the President,
9 \$12,992,000, of which \$750,000 shall be for arbitrator
10 salaries and expenses pursuant to section 153(1).

11 OCCUPATIONAL SAFETY AND HEALTH REVIEW

12 COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary for the Occupational Safety
15 and Health Review Commission (29 U.S.C. 661),
16 \$10,696,000.

17 RAILROAD RETIREMENT BOARD

18 DUAL BENEFITS PAYMENTS ACCOUNT

19 For payment to the Dual Benefits Payments Ac-
20 count, authorized under section 15(d) of the Railroad Re-
21 tirement Act of 1974 (45 U.S.C. 231n (d)), \$79,000,000,
22 which shall include amounts becoming available in fiscal
23 year 2008 pursuant to section 224(c)(1)(B) of Public Law
24 98-76 (45 U.S.C. 231n note); and in addition, an amount,
25 not to exceed 2 percent of the amount provided herein,

1 shall be available proportional to the amount by which the
2 product of recipients and the average benefit received ex-
3 ceeds the amount available for payment of vested dual
4 benefits: *Provided*, That the total amount provided herein
5 shall be credited in 12 approximately equal amounts on
6 the first day of each month in the fiscal year.

7 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

8 ACCOUNTS

9 For payment to the accounts established in the
10 Treasury for the payment of benefits under the Railroad
11 Retirement Act for interest earned on unnegotiated
12 checks, \$150,000, to remain available through September
13 30, 2009, which shall be the maximum amount available
14 for payment pursuant to section 417 of Public Law 98-
15 76 (45 U.S.C. 231n note).

16 LIMITATION ON ADMINISTRATION

17 For necessary expenses for the Railroad Retirement
18 Board for administration of the Railroad Retirement Act
19 (45 U.S.C. 231 et seq.) and the Railroad Unemployment
20 Insurance Act (45 U.S.C. 351 et seq.), \$103,694,000, to
21 be derived in such amounts as determined by the Board
22 from the railroad retirement accounts and from moneys
23 credited to the railroad unemployment insurance adminis-
24 tration fund.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General for audit, investigatory and review activities, as
4 authorized by the Inspector General Act of 1978 (5 U.S.C.
5 appendix), not more than \$7,606,000, to be derived from
6 the railroad retirement accounts and railroad unemploy-
7 ment insurance account.

8 SOCIAL SECURITY ADMINISTRATION

9 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

10 For payment to the Federal Old-Age and Survivors
11 Insurance Trust Fund and the Federal Disability Insur-
12 ance Trust Fund, as provided under sections 201(m),
13 217(g), 228(g), and 1131(b)(2) of the Social Security Act
14 (42 U.S.C. 401(m), 417(g), 428(g), and 1320b-1(b)(2)),
15 \$28,140,000.

16 SUPPLEMENTAL SECURITY INCOME PROGRAM

17 For carrying out titles XI and XVI of the Social Se-
18 curity Act (42 U.S.C. 1301 et seq., 1381 et seq.), section
19 401 of Public Law 92-603, section 212 of Public Law
20 93-66, as amended, and section 405 of Public Law 95-
21 216, including payment to the Social Security trust funds
22 for administrative expenses incurred pursuant to section
23 201(g)(1) of the Social Security Act (42 U.S.C.
24 401(g)(1)), \$26,948,525,000, to remain available until ex-
25 pended: *Provided*, That any portion of the funds provided
26 to a State in the current fiscal year and not obligated by

1 the State during that year shall be returned to the Treas-
2 ury.

3 For making, after June 15 of the current fiscal year,
4 benefit payments to individuals under title XVI of the So-
5 cial Security Act (42 U.S.C. 1381 et seq.), for unantici-
6 pated costs incurred for the current fiscal year, such sums
7 as may be necessary.

8 For making benefit payments under title XVI of the
9 Social Security Act (42 U.S.C. 1381 et seq.) for the first
10 quarter of fiscal year 2009, \$14,800,000,000, to remain
11 available until expended.

12 LIMITATION ON ADMINISTRATIVE EXPENSES

13 For necessary expenses, including the hire of two pas-
14 senger motor vehicles, and not to exceed \$15,000 for offi-
15 cial reception and representation expenses, not more than
16 \$9,347,953,000 may be expended, as authorized by sec-
17 tion 201(g)(1) of the Social Security Act (42 U.S.C.
18 401(g)(1)), from any one or all of the trust funds referred
19 to therein: *Provided*, That not less than \$2,000,000 shall
20 be for the Social Security Advisory Board: *Provided fur-*
21 *ther*, That unobligated balances of funds provided under
22 this paragraph at the end of fiscal year 2008 not needed
23 for fiscal year 2008 shall remain available until expended
24 to invest in the Social Security Administration information
25 technology and telecommunications hardware and soft-
26 ware infrastructure, including related equipment and non-

1 payroll administrative expenses associated solely with this
2 information technology and telecommunications infra-
3 structure: *Provided further*, That reimbursement to the
4 trust funds under this heading for expenditures for official
5 time for employees of the Social Security Administration
6 pursuant to section 7131 of title 5, United States Code,
7 and for facilities or support services for labor organiza-
8 tions pursuant to policies, regulations, or procedures re-
9 ferred to in section 7135(b) of such title shall be made
10 by the Secretary of the Treasury, with interest, from
11 amounts in the general fund not otherwise appropriated,
12 as soon as possible after such expenditures are made.

13 From funds provided under the first paragraph, not
14 less than \$263,970,000 shall be available for conducting
15 continuing disability reviews under title II and XVI of the
16 Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.)
17 and for conducting redeterminations of eligibility under
18 title XVI of the Social Security Act (42 U.S.C. 1381 et
19 seq.).

20 In addition to amounts made available above, and
21 subject to the same terms and conditions, \$213,000,000,
22 for additional continuing disability reviews and redeter-
23 minations of eligibility.

24 In addition, \$135,000,000 to be derived from admin-
25 istration fees in excess of \$5.00 per supplementary pay-

1 ment collected pursuant to section 1616(d) of the Social
2 Security Act (42 U.S.C. 1382e(d)) or section 212(b)(3)
3 of Public Law 93–66, which shall remain available until
4 expended. To the extent that the amounts collected pursu-
5 ant to such sections in fiscal year 2008 exceed
6 \$135,000,000, the amounts shall be available in fiscal year
7 2009 only to the extent provided in advance in appropria-
8 tions Acts.

9 In addition, up to \$1,000,000 to be derived from fees
10 collected pursuant to section 303(c) of the Social Security
11 Protection Act (Public Law 108–203), which shall remain
12 available until expended.

13 OFFICE OF INSPECTOR GENERAL

14 (INCLUDING TRANSFER OF FUNDS)

15 For expenses necessary for the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978 (5 U.S.C. App.), \$27,000,000, to-
18 gether with not to exceed \$68,047,000, to be transferred
19 and expended as authorized by section 201(g)(1) of the
20 Social Security Act (42 U.S.C. 401(g)(1)) from the Fed-
21 eral Old-Age and Survivors Insurance Trust Fund and the
22 Federal Disability Insurance Trust Fund.

23 In addition, an amount not to exceed 3 percent of
24 the total provided in this appropriation may be transferred
25 from the “Limitation on Administrative Expenses”, Social
26 Security Administration, to be merged with this account,

1 to be available for the time and purposes for which this
2 account is available: *Provided*, That notice of such trans-
3 fers shall be transmitted promptly to the Committees on
4 Appropriations of the House of Representatives and the
5 Senate.

6 TITLE V—GENERAL PROVISIONS

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

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

17 SEC. 503. (a) No part of any appropriation contained
18 in this Act shall be used, other than for normal and recog-
19 nized executive-legislative relationships, for publicity or
20 propaganda purposes, for the preparation, distribution, or
21 use of any kit, pamphlet, booklet, publication, radio, tele-
22 vision, or video presentation designed to support or defeat
23 legislation pending before the Congress or any State legis-
24 lature, except in presentation to the Congress or any State
25 legislature itself.

1 (b) No part of any appropriation contained in this
2 Act shall be used to pay the salary or expenses of any
3 grant or contract recipient, or agent acting for such recipi-
4 ent, related to any activity designed to influence legislation
5 or appropriations pending before the Congress or any
6 State legislature.

7 SEC. 504. The Secretaries of Labor and Education
8 are authorized to make available not to exceed \$28,000
9 and \$20,000, respectively, from funds available for sala-
10 ries and expenses under titles I and III, respectively, for
11 official reception and representation expenses; the Direc-
12 tor of the Federal Mediation and Conciliation Service is
13 authorized to make available for official reception and rep-
14 resentation expenses not to exceed \$5,000 from the funds
15 available for “Federal Mediation and Conciliation Service,
16 Salaries and expenses”; and the Chairman of the National
17 Mediation Board is authorized to make available for offi-
18 cial reception and representation expenses not to exceed
19 \$5,000 from funds available for “National Mediation
20 Board, Salaries and expenses”.

21 SEC. 505. Notwithstanding any other provision of
22 this Act, no funds appropriated in this Act shall be used
23 to carry out any program of distributing sterile needles
24 or syringes for the hypodermic injection of any illegal
25 drug.

1 SEC. 506. When issuing statements, press releases,
2 requests for proposals, bid solicitations and other docu-
3 ments describing projects or programs funded in whole or
4 in part with Federal money, all grantees receiving Federal
5 funds included in this Act, including but not limited to
6 State and local governments and recipients of Federal re-
7 search grants, shall clearly state—

8 (1) the percentage of the total costs of the pro-
9 gram or project which will be financed with Federal
10 money;

11 (2) the dollar amount of Federal funds for the
12 project or program; and

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

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

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

24 (c) The term “health benefits coverage” means the
25 package of services covered by a managed care provider

1 or organization pursuant to a contract or other arrange-
2 ment.

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

5 (1) if the pregnancy is the result of an act of
6 rape or incest; or

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

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

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

1 (d)(1) None of the funds made available in this Act
2 may be made available to a Federal agency or program,
3 or to a State or local government, if such agency, program,
4 or government subjects any institutional or individual
5 health care entity to discrimination on the basis that the
6 health care entity does not provide, pay for, provide cov-
7 erage of, or refer for abortions.

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

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

16 (1) the creation of a human embryo or embryos
17 for research purposes; or

18 (2) research in which a human embryo or em-
19 bryos are destroyed, discarded, or knowingly sub-
20 jected to risk of injury or death greater than that
21 allowed for research on fetuses in utero under sec-
22 tion 46.204(b) of title 45, Code of Federal Regula-
23 tions, and section 498(b) of the Public Health Serv-
24 ice Act (42 U.S.C. 289g(b)).

1 (b) For purposes of this section, the term “human
2 embryo or embryos” includes any organism, not protected
3 as a human subject under part 46 of title 45, Code of
4 Federal Regulations, as of the date of the enactment of
5 this Act, that is derived by fertilization, parthenogenesis,
6 cloning, or any other means from one or more human
7 gametes or human diploid cells.

8 SEC. 510. (a) None of the funds made available in
9 this Act may be used for any activity that promotes the
10 legalization of any drug or other substance included in
11 schedule I of the schedules of controlled substances estab-
12 lished under section 202 of the Controlled Substances Act
13 (21 U.S.C. 812) except for normal and recognized execu-
14 tive-congressional communications.

15 (b) The limitation in subsection (a) shall not apply
16 when there is significant medical evidence of a therapeutic
17 advantage to the use of such drug or other substance or
18 that federally sponsored clinical trials are being conducted
19 to determine therapeutic advantage.

20 SEC. 511. None of the funds made available in this
21 Act may be used to promulgate or adopt any final stand-
22 ard under section 1173(b) of the Social Security Act (42
23 U.S.C. 1320d–2(b)) providing for, or providing for the as-
24 signment of, a unique health identifier for an individual
25 (except in an individual’s capacity as an employer or a

1 health care provider), until legislation is enacted specifi-
2 cally approving the standard.

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

6 (1) such entity is otherwise a contractor with
7 the United States and is subject to the requirement
8 in section 4212(d) of title 38, United States Code,
9 regarding submission of an annual report to the Sec-
10 retary of Labor concerning employment of certain
11 veterans; and

12 (2) such entity has not submitted a report as
13 required by that section for the most recent year for
14 which such requirement was applicable to such enti-
15 ty.

16 SEC. 513. None of the funds made available in this
17 Act may be transferred to any department, agency, or in-
18 strumentality of the United States Government, except
19 pursuant to a transfer made by, or transfer authority pro-
20 vided in, this Act or any other appropriation Act.

21 SEC. 514. None of the funds made available by this
22 Act to carry out the Library Services and Technology Act
23 may be made available to any library covered by para-
24 graph (1) of section 224(f) of such Act (20 U.S.C.
25 9134(f)), as amended by the Children's Internet Protec-

1 tion Act, unless such library has made the certifications
2 required by paragraph (4) of such section.

3 SEC. 515. None of the funds made available by this
4 Act to carry out part D of title II of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 2401 et
6 seq.) may be made available to any elementary or sec-
7 ondary school covered by paragraph (1) of section 2441(a)
8 of such Act (20 U.S.C. 6777(a)), as amended by the Chil-
9 dren’s Internet Protection Act and the No Child Left Be-
10 hind Act, unless the local educational agency with respon-
11 sibility for such covered school has made the certifications
12 required by paragraph (2) of such section.

13 SEC. 516. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2008, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;
2 (5) reorganizes or renames offices;
3 (6) reorganizes programs or activities; or
4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;
6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are notified 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier.

11 (b) None of the funds provided under this Act, or
12 provided under previous appropriations Acts to the agen-
13 cies funded by this Act that remain available for obligation
14 or expenditure in fiscal year 2008, or provided from any
15 accounts in the Treasury of the United States derived by
16 the collection of fees available to the agencies funded by
17 this Act, shall be available for obligation or expenditure
18 through a reprogramming of funds in excess of \$500,000
19 or 10 percent, whichever is less, that—

20 (1) augments existing programs, projects (in-
21 cluding construction projects), or activities;

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

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

5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are notified 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier.

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

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

20 SEC. 518. Within 45 days of enactment of this Act,
21 each department and related agency funded through this
22 Act shall submit an operating plan that details at the pro-
23 gram, project, and activity level any funding allocations
24 for fiscal year 2008 that are different than those specified

1 in this Act, the accompanying detailed table in the com-
2 mittee report, or the fiscal year 2008 budget request.

3 SEC. 519. The Department of Labor and the Depart-
4 ment of Health and Human Services shall provide con-
5 gressional budget justifications for their fiscal year 2009
6 budget requests in the format and level of detail used by
7 the Department of Education in its fiscal year 2008 con-
8 gressional budget justifications.

9 SEC. 520. None of the funds appropriated by this Act
10 may be used by the Commissioner of Social Security or
11 the Social Security Administration to develop guidelines,
12 policies, or procedures, or to pay the compensation of em-
13 ployees of the Social Security Administration, to admin-
14 ister Social Security benefit payments, under any agree-
15 ment between the United States and any foreign country
16 establishing totalization arrangements between the social
17 security system established by title II of the Social Secu-
18 rity Act and the social security system of such foreign
19 country, which would be inconsistent with existing statu-
20 tory law.

21 SEC. 521. None of the funds made available in this
22 Act may be used to enter into a contract with an entity
23 that does not participate in the basic pilot program de-
24 scribed in section 403(a) of the Illegal Immigration Re-

1 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
2 1324a note).

3 SEC. 522. None of the funds made available in this
4 Act may be used to pay the basic pay of any individual
5 serving as Deputy Commissioner of Social Security, Social
6 Security Administration, whose appointment to such posi-
7 tion has not been confirmed by a vote of the Senate pursu-
8 ant to section 702(b)(1) of the Social Security Act.

9 SEC. 523. None of the funds made available in this
10 Act may be used to establish or implement any require-
11 ment that individuals receive vaccination for human
12 papillomavirus (HPV) as a condition of school admittance
13 or matriculation.

14 SEC. 524. The amounts otherwise provided by this
15 Act are revised by reducing the amount made available
16 for “DEPARTMENT OF LABOR—Departmental Man-
17 agement—Salaries and Expenses”, and increasing the
18 amount made available for “DEPARTMENT OF EDU-
19 CATION—School Improvement Programs” (for activities
20 authorized by part B of title II of the Elementary and
21 Secondary Education Act of 1965), by \$15,665,760.

22 SEC. 525. None of the funds made available in this
23 Act may be used by the Centers for Medicare & Medicaid
24 Services to implement the final rule published on March
25 30, 2007, on page 15275 of volume 72, Federal Register

1 (relating to section 482.82(b) of title 42, Code of Federal
2 Regulations).

3 SEC. 526. None of the funds made available by this
4 Act may be used to carry out the evaluation of the Upward
5 Bound program described in the absolute priority for Up-
6 ward Bound Program participant selection and evaluation
7 published by the Department of Education in the Federal
8 Register on September 22, 2006 (71 Fed. Reg. 55447 et
9 seq.).

10 SEC. 527. The amount otherwise provided in this Act
11 for “DEPARTMENT OF EDUCATION—DEPART-
12 MENTAL MANAGEMENT—Office of Civil Rights” is
13 hereby decreased by \$2,000,000 and increased by
14 \$2,000,000.

15 SEC. 528. The amount otherwise provided in this Act
16 for “DEPARTMENT OF EDUCATION—EDUCATION
17 FOR THE DISADVANTAGED” is hereby decreased by
18 \$2,000,000 and increased by \$2,000,000.

19 SEC. 529. (a) None of the funds made available in
20 this Act may be used to carry out the Entertainment Edu-
21 cation Program of the Centers for Disease Control and
22 Prevention.

23 (b) None of the funds made available in this Act may
24 be used for the Ombudsman Program of the Centers for
25 Disease Control and Prevention.

1 (c) None of the funds made available in this Act may
2 be used by the Centers for Disease Control and Prevention
3 to provide additional rotating pastel lights, zero-gravity
4 chairs, or dry-heat saunas for its fitness center.

5 SEC. 530. None of the funds made available in this
6 Act may be used to purchase light bulbs unless the light
7 bulbs have the “ENERGY STAR” designation.

8 SEC. 531. None of the funds made available in this
9 Act may be used to send or otherwise pay for the attend-
10 ance of more than 50 employees from a Federal depart-
11 ment or agency at any single conference occurring outside
12 the United States.

13 SEC. 532. The amounts otherwise provided by this
14 Act are revised by reducing the amount made available
15 for the “Department of Labor, Employment and Training
16 Administration, Training and Employment Services”, by
17 increasing the amount made available for the “National
18 Institutes of Health, National Cancer Institute”, and by
19 increasing the amount made available for the “National
20 Institutes of Health, National Institute of Neurological
21 Disorders and Stroke” by \$49,000,000, \$10,000,000, and
22 \$10,000,000, respectively.

23 SEC. 533. None of the funds in this Act may be used
24 to employ workers described in section 274A(h)(3) of the
25 Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

1 SEC. 534. None of the funds made available in this
2 Act may be used by the Public Broadcasting Service to
3 sponsor events at the Filmmaker Lodge at the Sundance
4 Film Festival.

5 SEC. 535. None of the funds appropriated by this Act
6 may be used by the Commissioner of Social Security or
7 the Social Security Administration to pay the compensa-
8 tion of employees of the Social Security Administration
9 to administer Social Security benefit payments, under any
10 agreement between the United States and Mexico estab-
11 lishing totalization arrangements between the social secu-
12 rity system established by title II of the Social Security
13 Act and the social security system of Mexico, which would
14 not otherwise be payable but for such agreement.

15 SEC. 536. None of the funds made available in this
16 Act may be used to take any action to finalize (or other-
17 wise implement) provisions contained in the proposed rule
18 published on May 3, 2007, on pages 24680 through 25135
19 of volume 72, Federal Register, insofar as such provisions
20 propose—

21 (1) to alter payments for services under the
22 hospital inpatient prospective payment system under
23 section 1886(d) of the Social Security Act (42 U.S.C
24 1395ww(d)) based on use of a Medicare severity di-
25 agnosis related group (MS-DRG) system; or

1 (2) to implement a prospective behavioral offset
2 in response to the implementation of such a Medi-
3 care Severity Diagnosis Related Group (MS-DRG)
4 system for purposes of such hospital inpatient pro-
5 spective payment system.

6 This Act may be cited as the “Departments of Labor,
7 Health and Human Services, and Education, and Related
8 Agencies Appropriations Act, 2008”.

 Passed the House of Representatives July 19, 2007.

Attest: LORRAINE C. MILLER,

Clerk.

Calendar No. 280

110TH CONGRESS
1ST Session

H. R. 3043

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, 2008, and for other purposes.

JULY 23, 2007

Received; read twice and placed on the calendar