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110TH CONGRESS
1ST SESSION

# H. R. 3043

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23 2007

Ordered to be printed with the amendment of the Senate

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

# 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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

~~That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:~~

~~TITLE I—DEPARTMENT OF LABOR~~

~~EMPLOYMENT AND TRAINING ADMINISTRATION~~

~~TRAINING AND EMPLOYMENT SERVICES~~

~~(INCLUDING RESCISSIONS)~~

~~For necessary expenses of the Workforce Investment Act of 1998 ("the Act"), and the Women in Apprenticeship and Nontraditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act, $3,579,530,000, plus reimbursements, is available. Of the amounts provided:~~

~~(1) For grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:~~

~~(A) $864,199,000 for adult employment and training activities, of which $152,199,000 is available for the period July 1, 2008, to June 30, 2009, and of which $712,000,000 is available for the period October 1, 2008, through June 30, 2009.~~

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

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

~~(2) For federally administered programs, $483,213,000 as follows:~~

~~(A) $282,092,000 for the dislocated workers assistance national reserve, of which $2,600,000 is available on October 1, 2007, of which $67,492,000 is available for the period July 1, 2008, through June 30, 2009, and of which $212,000,000 is available for the period October 1, 2008, through June 30, 2009: *Provided,* That up to $125,000,000 may be made available for Community-Based Job Training grants: *Provided further,* That funds provided to carry out section 132(a)(2)(A) of the Act (29 U.S.C. 2862(A)(2)(a)) may be used to provide~~

~~assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the Act (29 U.S.C. 2916(d)) may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act.~~

~~(B) $56,381,000 for Native American programs, which shall be available for the period July 1, 2008, through June 30, 2009.~~

~~(C) $83,740,000 for migrant and seasonal farmworkers under section 167 of the Act (29 U.S.C. 2912), of which $78,740,000 is for formula grants (of which not less that 70 percent shall be for employment and training services)~~

~~and $5,000,000 is for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), which shall be available for the period July 1, 2008, through June 30, 2009.~~

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

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

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

~~(A) $68,746,000 for ex-offender activities, under the authority of section 171 of the Act (29 U.S.C. 2916), notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of such section, of which not less than $48,000,000 shall be for youthful offender activities.~~

~~(B) $28,140,000 for Pilots, Demonstrations, and Research (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the Act (29 U.S.C. 2916(b)(2)(B) or (c)(4)(D)), of which $10,000,000 shall be for grants to address the employment and training needs of young parents.~~

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

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

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

~~COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS~~

~~To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008, through June 30, 2009.~~

~~FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES~~

~~For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I~~

~~of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.~~

~~STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS~~

~~For authorized administrative expenses, $85,945,000, together with not to exceed $3,256,669,000 which may be expended from the employment security administration account in the Unemployment Trust Fund ("the Trust Fund"), of which—~~

~~(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8525 of title 5, United States~~

~~Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008, shall be available for Federal obligation through December 31, 2008;~~

~~(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;~~

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

~~(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including for-~~

~~eign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;~~

~~(5) $52,985,000 is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008, through June 30, 2009; and~~

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

~~*Provided,* That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act. *Provided further,* That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security~~

~~Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated unemployment insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.~~

~~In addition, $40,000,000 from the employment security administration account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the fiscal year 2008, the Secretary shall submit an interim report to the~~

~~Congress that includes available information on expenditures, number of claimants assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.~~

~~ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS~~

~~For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.~~

~~In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.~~

~~PROGRAM ADMINISTRATION~~

~~For expenses of administering employment and training programs, $88,451,000, together with not to exceed $82,049,000, which may be expended from the employment security administration account in the Unemployment Trust Fund.~~

~~EMPLOYEE BENEFITS SECURITY ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses for the Employee Benefits Security Administration, $142,925,000.~~

~~PENSION BENEFIT GUARANTY CORPORATION~~

~~PENSION BENEFIT GUARANTY CORPORATION FUND~~

~~The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal~~

~~year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000. *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants. *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.~~

~~EMPLOYMENT STANDARDS ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~(INCLUDING RESCISSION)~~

~~For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $434,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act. *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with section 3302 of title 31,~~

~~United States Code, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).~~

~~Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 is rescinded.~~

~~SPECIAL BENEFITS~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year~~

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

~~(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.~~

~~(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.~~

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

~~(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts.~~

~~*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.~~

~~SPECIAL BENEFITS FOR DISABLED COAL MINERS~~

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

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

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

~~ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND (INCLUDING TRANSFER OF FUNDS)~~

~~For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,745,000, to remain available until expended. *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities. *Provided further*, That the Secretary may require that any person filing a claim for benefits under such Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed. *Provided further*, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health (NIOSH) for the administration of the Energy Employees Occupational Illness Compensation Program (EEOICPA), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health (the Board) to carry out its statutory responsibil-~~

~~ities under EEOICPA (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.~~

~~BLACK LUNG DISABILITY TRUST FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954 and interest on advances, as authorized by section 9501(c)(2) of such Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5) of such Act: $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; $335,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.~~

~~OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES~~

~~For necessary expenses for the Occupational Safety and Health Administration, $503,516,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("the Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding section 3302 of title 31, United States Code, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That, notwithstanding section 3302 of title 31, United States Code, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of section 2 of the Act of April 13, 1934 (29 U.S.C. 9a), to administer national and international laboratory recognition programs that ensure the safety of equipment~~

~~and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act (29 U.S.C. 673), except—~~

~~(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;~~

~~(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and~~

~~to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;~~

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

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

~~(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and~~

~~(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act.~~

~~*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees. *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008,~~

~~provided that a grantee has demonstrated satisfactory performance: *Provided further,* That such grants shall be awarded no less than 30 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days~~

~~thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.~~

~~MINE SAFETY AND HEALTH ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses for the Mine Safety and Health Administration, $313,478,000 including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding section 3302 of title 31, United States Code; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the~~

~~Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.~~

~~BUREAU OF LABOR STATISTICS~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $497,854,000, together with not to exceed $78,264,000, which may be expended from the employment security administration account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2). *Provided*,~~

~~That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.~~

~~OFFICE OF DISABILITY EMPLOYMENT POLICY~~

~~SALARIES AND EXPENSES~~

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

~~DEPARTMENTAL MANAGEMENT~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $292,943,000 (reduced by $2,500,000) (reduced by $2,000,000) (reduced by $500,000), of which $72,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference~~

~~programs), and of which $18,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the employment security administration account in the Unemployment Trust Fund.~~

~~OFFICE OF JOB CORPS~~

~~To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act, $1,649,476,000, as follows:~~

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

~~(2) $112,920,000 for construction, rehabilitation, and acquisition of Job Corps centers, of which $12,920,000 is available from July 1, 2008, through~~

~~June 30, 2011. $100,000,000 is available for the period October 1, 2008, through June 30, 2011.~~

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

~~*Provided*, That the Office of Job Corps shall have contracting authority. *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers. *Provided further*, That none of the funds appropriated in this title for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I. *Provided further*, That a total student training slot level of not less than 44,791 shall be achieved by the end of program year 2008.~~

~~VETERANS EMPLOYMENT AND TRAINING~~

~~Not to exceed $197,143,000 may be derived from the employment security administration account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Pro-~~

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

~~OFFICE OF INSPECTOR GENERAL~~

~~For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $72,929,000, together with not to exceed $5,729,000, which may be expended from the employment security administration account in the Unemployment Trust Fund.~~

~~GENERAL PROVISIONS~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

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

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

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

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

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

~~SEC. 105. The Secretary of Labor shall award the following grants on a competitive basis: (1) Community-Based Job Training Grants awarded from amounts provided for such purpose under this title; and (2) grants during fiscal or program year 2008 under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916 note), as amended by section 428 of the Consolidated Appropriations Act, 2005 (Public Law 108–447).~~

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

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

~~ness and Workforce Improvement Act of 1998 (29 U.S.C. 2916 note), as amended by section 428 of the Consolidated Appropriations Act, 2005 (Public Law 108–447), up to $20,000,000 is available (in addition to dislocated worker assistance national reserve funds) for the purposes of grants to States to address the gap in health care coverage faced by trade adjustment assistance (''TAA'') participants and dislocated workers awaiting TAA certification, to assure that these dislocated workers can benefit from the tax credit for health insurance costs authorized in section 35 of the Internal Revenue Code of 1986.~~

~~SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of the Act (including applying the standards specified in section 116(a)(3)(B) of such Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of such Act (29 U.S.C. 2831), until such time as legislation reauthorizing such Act is enacted.~~

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

~~any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.~~

~~SEC. 110. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).~~

~~(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.~~

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

~~direct conversion under OMB Circular A–76 or any successor administrative regulation, directive, or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.~~

~~This title may be cited as the "Department of Labor Appropriations Act, 2008".~~

~~TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES~~

~~HEALTH RESOURCES AND SERVICES ADMINISTRATION~~

~~HEALTH RESOURCES AND SERVICES~~

~~For carrying out titles II, III, IV, VII, VIII, X, XII, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act (42 U.S.C. 1320a–7e, 912, and 1395i–4), the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, construction and renovation (including equipment) of health care and other facilities, and section 712(c) of the American Jobs Creation Act of 2004 (42 U.S.C. 300b–1 note), $7,055,709,000 (increased by $2,500,000) (increased by $3,500,000), of which $63,538,000 from general revenues, notwith-~~

~~standing subsection (j) of section 1820 of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, $100,000 shall be available until expended for facilities renovations at the National Hansen's Disease Programs Center (as described in section 320 of the Public Health Service Act (42 U.S.C. 247c)). *Provided further*, That in addition to fees authorized by section 427(b)(4) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137(b)(4)), fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank authorized under such Act, and shall remain available until expended to carry out such Act: *Provided further*, That fees authorized under subsection (d)(2) of section 1128E of the Social Security Act (42 U.S.C. 1320a–7e) to be collected for the full disclosure of information under the national health care fraud and abuse data collection program established under such section, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that program: *Provided further*, That $35,000,000 of the funding provided for community health centers shall be used for base grant adjustments~~

~~for existing centers: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of section 224(o)(6) of the Public Health Service Act (42 U.S.C. 233(o)(6)) including associated administrative expenses: *Provided further*, That $3,963,000 (incresed by $11,037,000) is available until expended for the National Cord Blood Stem Cell Program: *Provided further*, That no more than $45,000,000 is available until expended for carrying out the amendments to section 224 of the Public Health Service Act (42 U.S.C. 233) made by the Federally Supported Health Centers Assistance Act of 1995 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made pursuant to such amendments: *Provided further*, That of the funds made available under this heading, $310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to such projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the~~

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

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

~~HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT~~

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

~~VACCINE INJURY COMPENSATION PROGRAM TRUST FUND~~

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

~~CENTERS FOR DISEASE CONTROL AND PREVENTION~~

~~DISEASE CONTROL, RESEARCH, AND TRAINING~~

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

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

~~ployees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of section 3 of the Vaccine and Immunization Amendments of 1990 (Public Law 101–502) to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the PHS Act (42 U.S.C. 300n–4a) to not more than 15 States, tribes, or tribal organizations: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That none of the funds appropriated may be used to implement section 2625 of the PHS Act (42 U.S.C. 300ff–33): *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act (42 U.S.C. 215), shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the~~

~~Department of Health and Human Services during the period of detail or assignment.~~

~~NATIONAL INSTITUTES OF HEALTH~~

~~NATIONAL CANCER INSTITUTE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to cancer, $4,870,382,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI–Frederick Federally Funded Research and Development Center in Frederick, Maryland.~~

~~NATIONAL HEART, LUNG, AND BLOOD INSTITUTE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,965,775,000.~~

~~NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to dental disease, $395,753,000.~~

~~NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to diabetes and digestive and kidney disease, $1,731,893,000.~~

~~NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to neurological disorders and stroke, $1,559,106,000.~~

~~NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to allergy and infectious diseases, $4,632,019,000. *Provided*, That $300,000,000 (reduced by $175,000) may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended. *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.~~

~~NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES~~

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

~~NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to child health and human development, $1,273,863,000.~~

~~NATIONAL EYE INSTITUTE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to eye diseases and visual disorders, $677,039,000.~~

~~NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES~~

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

~~NATIONAL INSTITUTE ON AGING~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to aging, $1,062,833,000.~~

~~NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with~~

~~respect to arthritis and musculoskeletal and skin diseases, $516,044,000.~~

~~NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to deafness and other communication disorders, $400,305,000.~~

~~NATIONAL INSTITUTE OF NURSING RESEARCH~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to nursing research, $139,527,000.~~

~~NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to alcohol abuse and alcoholism, $442,870,000.~~

~~NATIONAL INSTITUTE ON DRUG ABUSE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to drug abuse, $1,015,559,000.~~

~~NATIONAL INSTITUTE OF MENTAL HEALTH~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to mental health, $1,425,531,000.~~

~~NATIONAL HUMAN GENOME RESEARCH INSTITUTE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to human genome research, $493,996,000.~~

~~NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to biomedical imaging and bioengineering research, $303,318,000.~~

~~NATIONAL CENTER FOR RESEARCH RESOURCES~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to research resources and general research support grants, $1,171,095,000.~~

~~NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to complementary and alternative medicine, $123,380,000.~~

~~NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with~~

~~respect to minority health and health disparities research, $202,691,000.~~

~~JOHN E. FOGARTY INTERNATIONAL CENTER~~

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

~~NATIONAL LIBRARY OF MEDICINE~~

~~For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to health information communications, $325,484,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act (42 U.S.C. 238j) to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act (42 U.S.C. 286d) and related health services.~~

~~OFFICE OF THE DIRECTOR~~

~~For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,114,422,000, of which up to $14,000,000 shall be used to carry out section 214 of this Act, of which $110,900,000 shall be for continuation of the National Children's Study, and of which $495,153,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (42 U.S.C. 282a). *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only. *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund. *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited. *Provided further*, That no more than $500,000 shall be available to carry out section 499 of the Public Health Service Act(42 U.S.C. 290b). *Provided further*, That amounts appropriated to the Common Fund shall be in addition to any amounts allocated to activities related to the Common Fund through the normal research~~

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

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

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

~~*Provided*, That notwithstanding section 520A(f)(2) of the PHS Act (42 U.S.C. 290bb–32(f)(2)), no funds appropriated for carrying out section 520A are available for carrying out section 1971 of such Act. *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act (42 U.S.C. 238j). (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.) to fund section 1935(b) of such Act (42 U.S.C. 300x–35(b)) relating to technical assistance, national data, data collection, and evaluation activities, and further that the total available under this Act for activities under such section 1935(b) shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX of such Act; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act (42 U.S.C. 300x–1 et seq.) to fund section 1920(b) of such Act (42 U.S.C. 300x–9(b)) relating to technical assistance, national data, data collection, and evaluation activities, and further that the total available under this Act for activities under such section 1920(b) shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX of such Act; (3) $16,000,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.~~

~~AGENCY FOR HEALTHCARE RESEARCH AND QUALITY~~

~~HEALTHCARE RESEARCH AND QUALITY~~

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

~~CENTERS FOR MEDICARE AND MEDICAID SERVICES~~

~~GRANTS TO STATES FOR MEDICAID~~

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

~~For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008, for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.~~

~~For making payments to States or in the case of section 1928 of the Social Security Act (42 U.S.C. 1396s) on behalf of States under title XIX of the Social Security~~

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

~~Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.~~

~~PAYMENTS TO HEALTH CARE TRUST FUNDS~~

~~For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 1844 and 1860D–16 of the Social Security Act (42 U.S.C. 1395w, 1395w–116), sections 103(c) and 111(d) of the Social Security Amendments of 1965 (42 U.S.C. 426a(c), 1395i–1), section 278(d) of the Tax Equity and Fiscal Responsibility Act of 1982 (42 U.S.C. 426 note), and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act (42 U.S.C. 401(g)), $188,828,000,000.~~

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

~~PROGRAM MANAGEMENT~~

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

~~the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,230,163,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act (42 U.S.C. 401(g)); together with all funds collected in accordance with section 353 of the Public Health Service Act (42 U.S.C. 263a) and section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w–27(e)(2)), funds retained by the Secretary pursuant to section 1893(h)(1)(C) of the Social Security Act (42 U.S.C. 1395ddd(h)(1)(C)), and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended. *Provided*, That all funds derived in accordance with section 9701 of title 31, United States Code, from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation. *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System. *Provided further*, That $163,800,000, to remain available until September 30, 2009, is for Medicare contracting reform activities of the Centers for Medicare and Medicaid Services. *Provided further*, That funds appropriated under this~~

~~heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services shall collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395s–27(e)(2)) and from eligible organizations with risk-sharing contracts under section 1876 of such Act (42 U.S.C. 1395mm) pursuant to section 1876(k)(4)(D) of such Act (42 U.S.C. 1395mm(k)(4)(D)).~~

~~HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT~~

~~In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act (42 U.S.C. 401(g)), of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in titles I and II of the Medicare Prescrip-~~

~~tion Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), with oversight activities including those activities listed in section 1893(b) of the Social Security Act (42 U.S.C. 1395www(b)); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the Medicaid program integrity activities; and of which $36,690,000 is for the Department of Justice: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act (42 U.S.C. 1395i(k)(5)) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.~~

~~ADMINISTRATION FOR CHILDREN AND FAMILIES~~

~~PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS~~

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

~~For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act as in effect before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.~~

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

~~LOW-INCOME HOME ENERGY ASSISTANCE~~

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

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

~~U.S.C. 8623(e)), $682,000,000, notwithstanding the designation requirement of section 2602(e) of such Act.~~

~~REFUGEE AND ENTRANT ASSISTANCE~~

~~For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act (8 U.S.C. 1521–1524) and section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for carrying out section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), and for carrying out the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) $650,630,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.~~

~~PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT~~

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

~~State general revenue funds for child care assistance for low-income families: *Provided*, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.~~

~~SOCIAL SERVICES BLOCK GRANT~~

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

~~CHILDREN AND FAMILIES SERVICES PROGRAMS~~

~~For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), sections 310 and 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10409, 10416), the Native Amer-~~

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

~~may be made for adoptions completed before September 30, 2008. *Provided,* That $6,963,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009. *Provided further*, That $701,125,000 shall be for making payments under the Community Services Block Grant Act. *Provided further*, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act. *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act. *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes. *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, to become the~~

~~sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $64,350,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $15,720,000 (increased by $21,000,000) shall be for activities authorized by the Help America Vote Act of 2002, of which $10,890,000 (increased by $15,000,000) shall be for payments to States to promote access for voters with disabilities, and of which $4,830,000 (increased by $6,000,000) shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and~~

~~private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided. *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign. *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches. *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.~~

~~PROMOTING SAFE AND STABLE FAMILIES~~

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

~~PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE~~

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

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

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

~~ADMINISTRATION ON AGING~~

~~AGING SERVICES PROGRAMS~~

~~For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) and section 398 of the Public Health Service Act (42 U.S.C. 280c–3), $1,417,189,000.~~

~~DEPARTMENTAL MANAGEMENT~~

~~OFFICE OF THE SECRETARY~~

~~GENERAL DEPARTMENTAL MANAGEMENT~~

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

~~of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $363,224,000 (reduced by $21,000,000) (reduced by $10,000,000) (increased by $10,000,000), together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities. *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act without application of the limitation of section 2010(c) of such title XX. *Provided further*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.~~

~~OFFICE OF MEDICARE HEARINGS AND APPEALS~~

~~For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $65,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.~~

~~OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY~~

~~For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $13,302,000: *Provided*, That in addition to amounts provided herein, $48,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.~~

~~OFFICE OF INSPECTOR GENERAL~~

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

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

~~OFFICE FOR CIVIL RIGHTS~~

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

~~RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS~~

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

~~PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $757,291,000, of~~

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

~~For expenses necessary to prepare for and respond to an influenza pandemic, $948,091,000, of which $870,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.~~

~~COVERED COUNTERMEASURE PROCESS FUND~~

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

~~GENERAL PROVISIONS~~

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

~~SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the United States Agency for International Development, the United Nations International Children's Emergency Fund, or the World Health Organization.~~

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

~~Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.~~

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

~~SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.~~

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

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

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

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

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act (42 U.S.C. 300cc–40b(d)(3)).~~

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

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 (c)~~
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~~

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

~~(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.~~

~~(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.~~

~~SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:~~

~~(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner con-~~

~~sistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.~~

~~(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS~~

~~and other infectious diseases, chronic and environmental diseases, and other health activities abroad.~~

~~SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).~~

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

~~SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR)" may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.~~

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

~~SEC. 218. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.~~

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

~~This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".~~

~~TITLE III—DEPARTMENT OF EDUCATION~~

~~EDUCATION FOR THE DISADVANTAGED~~

~~For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") (20 U.S.C. 6301 et seq.) and section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2), $16,016,318,000 (reduced by $46,500,000), of which $7,698,807,000 (reduced by $46,500,000) shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009 for academic year 2008–2009: *Provided*, That $6,808,971,000 shall be for basic grants under section 1124 of ESEA (20 U.S.C. 6333): *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided*~~

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

IMPACT AID

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

~~for facilities maintenance under section 8008 of such Act (20 U.S.C. 7708): *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of such Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B) of such Act), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.~~

~~SCHOOL IMPROVEMENT PROGRAMS~~

~~For carrying out school improvement activities authorized by title II (20 U.S.C. 6601 et seq.), part B of title IV (20 U.S.C. 7171 et seq.), part A of title V (20 U.S.C. 7201 et seq.) and subparts 6 and 9 of part D of title V (20 U.S.C. 7253 et seq., 20 U.S.C. 7259 et seq.), part A of title VI (20 U.S.C. 7301 et seq.) and part B~~

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

~~carry out part D of title V of ESEA. *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under ESEA (20 U.S.C. 7259c). *Provided further*, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and for the Republic of the Marshall Islands. *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight, and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services. *Provided further*, That $3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.~~

~~INDIAN EDUCATION~~

~~For expenses necessary to carry out, to the extent not otherwise provided, part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), $124,000,000.~~

~~INNOVATION AND IMPROVEMENT~~

~~For carrying out activities authorized by section 1504 (20 U.S.C. 6494), part G of title I (20 U.S.C. 6531 et seq.), subpart 5 of part A of title II (20 U.S.C. 6651) and part C and part D of title II (20 U.S.C. 6671 et seq., 20 U.S.C. 6751 et seq.), and part B (including subpart 2), part C, and part D of title V (20 U.S.C. 7221 et seq., 20 U.S.C. 7231 et seq., and 20 U.S.C. 7241) of the Elementary and Secondary Education Act of 1965 (''ESEA''), $992,354,000: *Provided*, That $10,695,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of ESEA (20 U.S.C. 6651(c)): *Provided further*, That from funds for subpart 4 of part C of title II (20 U.S.C. 6721 et seq.), up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That $258,988,000 shall be available to carry out part D of title V of ESEA (20 U.S.C. 7241 et seq.), of which $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agen-~~

~~cies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities.~~

~~SAFE SCHOOLS AND CITIZENSHIP EDUCATION~~

~~For carrying out activities authorized by subpart 3 of part C of title II (20 U.S.C. 6711 et seq.), part A of title IV (20 U.S.C. 7101 et seq.), subpart 2 of part D of title V (20 U.S.C. 7245), subpart 3 of part D of title V (20 U.S.C. 7247), and subpart 10 of part D of title V (20 U.S.C. 7261 et seq.) of the Elementary and Secondary Education Act of 1965 ("ESEA"), $714,075,000 (increased by $46,500,000), of which $300,000,000 (increased by $46,500,000) shall become available on July~~

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

~~ENGLISH LANGUAGE ACQUISITION~~

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

~~July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C) of such Act (20 U.S.C. 6821(c)(1)(C)).~~

~~SPECIAL EDUCATION~~

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

~~REHABILITATION SERVICES AND DISABILITY RESEARCH~~

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

~~SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES~~

~~AMERICAN PRINTING HOUSE FOR THE BLIND~~

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

~~NATIONAL TECHNICAL INSTITUTE FOR THE DEAF~~

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

~~GALLAUDET UNIVERSITY~~

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

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

~~CAREER, TECHNICAL, AND ADULT EDUCATION~~

~~For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") (20 U.S.C. 7249), $2,046,220,000, of which $1,247,220,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amounts made available for the Carl D. Perkins Career and Technical Education Act of 2006, $8,000,000 is for the postsecondary career and technical institutions under section 117 of such Act (20 U.S.C. 2327): *Provided further*, That of the amounts provided for Adult Education State Grants, $71,622,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English~~

~~proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211), 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 of such Act (20 U.S.C. 9253) and $6,638,000 shall be for the National Institute for Literacy under section 242 of such Act (20 U.S.C. 9252): *Provided further*, That $93,531,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA (20 U.S.C. 7249), of which up to 5 percent shall become available October 1, 2007, and shall remain available through~~

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

~~STUDENT FINANCIAL ASSISTANCE~~

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

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

~~STUDENT AID ADMINISTRATION~~

~~For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, to remain available until expended.~~

~~HIGHER EDUCATION~~

~~For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, and the Mutual Educational and Cultural Exchange Act of 1961, $2,051,533,000 (increased by $100,000,000) (increased by $25,000,000). *Provided,* That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1. *Provided further,* That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993. *Provided further,* That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Ex-*

~~change Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development. *Provided further*, That of the funds referred to in the preceding proviso, up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities. *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.~~

~~HOWARD UNIVERSITY~~

~~For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (20 U.S.C. 130aa et seq.) and shall remain available until expended.~~

~~COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM~~

~~For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.~~

~~HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT~~

~~For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.~~

~~INSTITUTE OF EDUCATION SCIENCES~~

~~For carrying out activities authorized by the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.), section 208 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9607), and section 664 of the Individuals with Disabilities Education Act (20 U.S.C. 1464), $535,103,000, of which $293,144,000 shall remain available until September 30, 2009.~~

~~DEPARTMENTAL MANAGEMENT~~

~~PROGRAM ADMINISTRATION~~

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

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

~~OFFICE FOR CIVIL RIGHTS~~

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

~~OFFICE OF INSPECTOR GENERAL~~

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

~~GENERAL PROVISIONS~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

~~SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student~~

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

~~SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.~~

~~SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer. *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. *Provided further*, That~~

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

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

~~SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—~~

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

~~(2) to disclose the existence of any such potential financial interest or bias.~~

~~(b) REVIEW BY INSPECTOR GENERAL.—~~

~~(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.~~

~~(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).~~

~~(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.~~

~~(c) DEFINITION.—For purposes of this section, the term "covered individual or entity" means—~~

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

~~(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;~~

~~(3) a member of a peer review panel of the Department; or~~

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

~~This title may be cited as the "Department of Education Appropriations Act, 2008".~~

~~TITLE IV—RELATED AGENCIES~~

~~COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED~~

~~SALARIES AND EXPENSES~~

~~For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.~~

~~CORPORATION FOR NATIONAL AND COMMUNITY SERVICE~~

~~OPERATING EXPENSES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") (42 U.S.C. 4950 et seq.) and the National and Community Service Act of 1990 ("1990 Act") (42 U.S.C. 12501 et seq.), $768,905,000, of which $313,054,000 is to carry out the 1973 Act and $455,851,000 is to carry out the 1990 Act: *Provided*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle. *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part~~

~~E (42 U.S.C. 5028 et seq.) of title H of the 1973 Act shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level. *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12653 et seq.), none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees. *Provided further*, That of the amounts provided under this heading: (1) $122,521,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act. *Provided further*, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601 et seq.), upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reim-~~

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

~~SALARIES AND EXPENSES~~

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

~~OFFICE OF INSPECTOR GENERAL~~

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

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

~~ADMINISTRATIVE PROVISIONS~~

~~SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act of 1990 (42 U.S.C. 12604 (b)(7)).~~

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

~~SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity~~

~~with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided,* That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.~~

~~SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.~~

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

~~SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws. *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990 (42 U.S.C. 12651g(a)).~~

~~SEC. 407. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e) (42 U.S.C. 12571(d) and (e)), 131(e) (42 U.S.C. 12583(e)), 132 (42 U.S.C. 12584), and 140(a), (d), and (e) (42 U.S.C. 12594(a), (d), and (e)) of the National and Community Service Act of 1990.~~

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

~~12571(e)) or the member support Federal share limitations in section 140 (42 U.S.C. 12594) of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.~~

~~CORPORATION FOR PUBLIC BROADCASTING~~

~~For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2008, in~~

~~addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.~~

~~FEDERAL MEDIATION AND CONCILIATION SERVICE~~

~~SALARIES AND EXPENSES~~

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

~~for expenses necessary for the Labor-Management Co-operation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act (5 U.S.C. chapter 71), $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a). *Provided*, That notwithstanding section 3302 of title 31, United States Code, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended. *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce. *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.~~

~~FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION~~

~~SALARIES AND EXPENSES~~

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

~~INSTITUTE OF MUSEUM AND LIBRARY SERVICES~~

~~OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION~~

~~For carrying out the Museum and Library Services Act (20 U.S.C. 9101 et seq.), and the National Museum of African American History and Culture Act (20 U.S.C. 80 et seq.), $264,812,000, to remain available until September 30, 2008.~~

~~MEDICARE PAYMENT ADVISORY COMMISSION~~

~~SALARIES AND EXPENSES~~

~~For expenses necessary to carry out section 1805 of the Social Security Act (42 U.S.C. 1395b–6), $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.~~

~~NATIONAL COUNCIL ON DISABILITY~~

~~SALARIES AND EXPENSES~~

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

~~NATIONAL LABOR RELATIONS BOARD~~

~~SALARIES AND EXPENSES~~

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

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

~~NATIONAL MEDIATION BOARD~~

~~SALARIES AND EXPENSES~~

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

~~OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION~~

~~SALARIES AND EXPENSES~~

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

~~RAILROAD RETIREMENT BOARD~~

~~DUAL BENEFITS PAYMENTS ACCOUNT~~

~~For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n (d)), $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76 (45 U.S.C. 231n note); and in addition, an amount, not to exceed 2 percent of the amount provided herein,~~

~~shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits. *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.~~

~~FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS~~

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

~~LIMITATION ON ADMINISTRATION~~

~~For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act (45 U.S.C. 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.), $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.~~

~~LIMITATION ON THE OFFICE OF INSPECTOR GENERAL~~

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

~~SOCIAL SECURITY ADMINISTRATION~~

~~PAYMENTS TO SOCIAL SECURITY TRUST FUNDS~~

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

~~SUPPLEMENTAL SECURITY INCOME PROGRAM~~

~~For carrying out titles XI and XVI of the Social Security Act (42 U.S.C. 1301 et seq., 1381 et seq.), section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)), $26,948,525,000, to remain available until expended. *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by~~

~~the State during that year shall be returned to the Treasury.~~

~~For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.~~

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

~~LIMITATION ON ADMINISTRATIVE EXPENSES~~

~~For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,347,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)), from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-~~

~~payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.~~

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

~~In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000, for additional continuing disability reviews and redeterminations of eligibility.~~

~~In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary pay-~~

~~ment collected pursuant to section 1616(d) of the Social Security Act (42 U.S.C. 1382c(d)) or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.~~

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

~~OFFICE OF INSPECTOR GENERAL~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

~~In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account,~~

~~to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.~~

~~TITLE V—GENERAL PROVISIONS~~

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

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

~~SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State 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.~~

~~SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—~~

~~(1) the percentage of the total costs of the program or project which will be financed with Federal money;~~

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

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

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

~~(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.~~

~~(c) The term "health benefits coverage" means the 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).~~

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

~~(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.~~

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

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

~~(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under section 46.204(b) of title 45, Code of Federal Regulations, and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).~~

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

~~SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.~~

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

~~SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a~~

~~health care provider), until legislation is enacted specifically approving the standard.~~

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

~~(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and~~

~~(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.~~

~~SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.~~

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

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

~~SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2401 et seq.) may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.~~

~~SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—~~

~~(1) creates new programs;~~

~~(2) eliminates a program, project, or activity;~~

~~(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;~~

~~(4) relocates an office or employees;~~

~~(5) reorganizes or renames offices;~~

~~(6) reorganizes programs or activities; or~~

~~(7) contracts out or privatizes any functions or activities presently performed by Federal employees;~~

~~unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.~~

~~(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—~~

~~(1) augments existing programs, projects (including construction projects), or activities;~~

~~(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or~~

~~(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;~~

~~unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.~~

~~SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.~~

~~(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.~~

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

~~in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.~~

~~SEC. 519. The Department of Labor and the Department of Health and Human Services shall provide congressional budget justifications for their fiscal year 2009 budget requests in the format and level of detail used by the Department of Education in its fiscal year 2008 congressional budget justifications.~~

~~SEC. 520. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to develop guidelines, policies, or procedures, or to pay the compensation of employees of the Social Security Administration, to administer Social Security benefit payments, under any agreement between the United States and any foreign country establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of such foreign country, which would be inconsistent with existing statutory law.~~

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

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

~~SEC. 522. None of the funds made available in this Act may be used to pay the basic pay of any individual serving as Deputy Commissioner of Social Security, Social Security Administration, whose appointment to such position has not been confirmed by a vote of the Senate pursuant to section 702(b)(1) of the Social Security Act.~~

~~SEC. 523. None of the funds made available in this Act may be used to establish or implement any requirement that individuals receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation.~~

~~SEC. 524. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF LABOR—Departmental Management—Salaries and Expenses", and increasing the amount made available for "DEPARTMENT OF EDUCATION—School Improvement Programs" (for activities authorized by part B of title II of the Elementary and Secondary Education Act of 1965), by $15,665,760.~~

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

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

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

~~SEC. 527. The amount otherwise provided in this Act for "DEPARTMENT OF EDUCATION—DEPARTMENTAL MANAGEMENT—Office of Civil Rights" is hereby decreased by $2,000,000 and increased by $2,000,000.~~

~~SEC. 528. The amount otherwise provided in this Act for "DEPARTMENT OF EDUCATION—EDUCATION FOR THE DISADVANTAGED" is hereby decreased by $2,000,000 and increased by $2,000,000.~~

~~SEC. 529. (a) None of the funds made available in this Act may be used to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention.~~

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

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

~~SEC. 530. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" designation.~~

~~SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.~~

~~SEC. 532. The amounts otherwise provided by this Act are revised by reducing the amount made available for the "Department of Labor, Employment and Training Administration, Training and Employment Services", by increasing the amount made available for the "National Institutes of Health, National Cancer Institute", and by increasing the amount made available for the "National Institutes of Health, National Institute of Neurological Disorders and Stroke" by $49,000,000, $10,000,000, and $10,000,000, respectively.~~

~~SEC. 533. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the 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~~

~~(2) to implement a prospective behavioral offset in response to the implementation of such a Medicare Severity Diagnosis Related Group (MS-DRG) system for purposes of such hospital inpatient prospective payment system.~~

~~This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".~~

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:*

## *TITLE I*

## *DEPARTMENT OF LABOR*

### *EMPLOYMENT AND TRAINING ADMINISTRATION*

#### *TRAINING AND EMPLOYMENT SERVICES*

#### *(INCLUDING RESCISSION)*

*For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA;*

*$3,587,138,000, plus reimbursements, is available. Of the amounts provided:*

*(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:*

*(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;*

*(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and*

*(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009:*

*Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor:*

*(2) for federally administered programs, $481,540,000 as follows:*

*(A) $282,092,000 for the dislocated workers assistance national reserve, of which $3,700,000 shall be available on October 1, 2007, of which $66,392,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: Provided, That up to $150,000,000 may be made available for Community-Based Job Training Grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers re-*

*main dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: Provided further, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;*

*(B) $53,696,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;*

*(C) $79,752,000 for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall*

*be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: Provided, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;*

*(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and*

*(E) $65,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;*

*(3) for national activities, $111,088,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:*

*(A) $30,650,000 for Pilots, Demonstrations, and Research, of which $27,650,000 shall be available for noncompetitive grants, with the terms, conditions and amounts specified in the committee report of the Senate accompanying*

*this Act: Provided, That funding provided to carry out projects under section 171 of the WIA that are identified in the committee report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;*

*(B) $13,642,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D);*

*(C) $4,921,000 for Evaluation under section 172 of the WIA; and*

*(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.*

*Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,063 are hereby rescinded.*

*COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

*To carry out title V of the Older Americans Act of 1965, as amended, $483,611,000, which shall be available for the period July 1, 2008 through June 30, 2009.*

*FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

*For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter II of the Trade Act of 1974 and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.*

*STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS*

*For authorized administrative expenses, $98,409,000, together with not to exceed $3,248,223,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:*

*(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;*

*(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;*

*(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;*

*(4) $34,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;*

*(5) $55,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and*

*(6) $19,541,000 is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:*

*Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security*

*Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.*

*In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: Provided, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: Provided further, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.*

*ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS*

*For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of*

*the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, $437,000,000.*

*In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.*

*PROGRAM ADMINISTRATION*

*For expenses of administering employment and training programs, $91,133,000, together with not to exceed $94,372,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

*EMPLOYEE BENEFITS SECURITY ADMINISTRATION*

*SALARIES AND EXPENSES*

*For necessary expenses for the Employee Benefits Security Administration, $143,262,000.*

*PENSION BENEFIT GUARANTY CORPORATION*

*PENSION BENEFIT GUARANTY CORPORATION FUND*

*The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, with-*

*in limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and*

*Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.*

*EMPLOYMENT STANDARDS ADMINISTRATION*

*SALARIES AND EXPENSES*

*(INCLUDING RESCISSION)*

*For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $436,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).*

*Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 are hereby rescinded.*

*SPECIAL BENEFITS*

*(INCLUDING TRANSFER OF FUNDS)*

*For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this ap-*

*propriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:*

*(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.*

*(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.*

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

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

*Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such iden-*

*tifying information (including Social Security account number) as such regulations may prescribe.*

*SPECIAL BENEFITS FOR DISABLED COAL MINERS*

*For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the "Act"), $208,221,000, to remain available until expended.*

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

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

*ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: Provided further, That the Secretary may re-*

*quire that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.*

*BLACK LUNG DISABILITY TRUST FUND*

*(INCLUDING TRANSFER OF FUNDS)*

*In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of*

*the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $335,000 for transfer to Departmental Management "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.*

*OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

*SALARIES AND EXPENSES*

*For necessary expenses for the Occupational Safety and Health Administration, $498,445,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C.*

*3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and*

*illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—*

*(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;*

*(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;*

*(3) to take any action authorized by such Act with respect to imminent dangers;*

*(4) to take any action authorized by such Act with respect to health hazards;*

*(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and*

*(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:*

*Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: Provided further, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.*

*MINE SAFETY AND HEALTH ADMINISTRATION*

*SALARIES AND EXPENSES*

*For necessary expenses for the Mine Safety and Health Administration, $330,028,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers Association, for classroom and simulated rescue training for mine rescue teams, and $1,350,000 for an*

*award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters*

*or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

*BUREAU OF LABOR STATISTICS*

*SALARIES AND EXPENSES*

*For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $482,000,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2): Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.*

*OFFICE OF DISABILITY EMPLOYMENT POLICY*

*SALARIES AND EXPENSES*

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

*DEPARTMENTAL MANAGEMENT*

*SALARIES AND EXPENSES*

*For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,400,000, of which $82,516,000 is for the Bureau of International Labor Affairs, and of which $22,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

*OFFICE OF JOB CORPS*

*To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et. seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the*

*Workforce Investment Act; $1,659,872,000, plus reimbursements, as follows:*

*(1) $1,516,000,000 for Job Corps Operations, of which $925,000,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;*

*(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 is available for the period July 1, 2008 through June 30, 2009 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and*

*(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:*

*Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.*

*VETERANS EMPLOYMENT AND TRAINING*

*Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Un-*

*employment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009: Provided, That $3,000,000 shall be transferred from amounts made available in this title for salaries and expenses of the Department of Labor, to carry out Federal management activities relating to veterans employment and training.*

*OFFICE OF INSPECTOR GENERAL*

*For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $73,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.*

*GENERAL PROVISIONS*

*SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an indi-*

*vidual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.*

*(TRANSFER OF FUNDS)*

*SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

*SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host*

*countries already identified by the United States Department of Labor prior to enactment of this Act.*

*SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.*

*SEC. 105. The Secretary shall prepare and submit not later than July 1, 2008, to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2008 funds made available for section 171 of the Workforce Investment Act.*

*SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community College Initiative Grants, Community-Based Job Training Grants, and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.*

*SEC. 107. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as*

*legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.*

*SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.*

*SEC. 109. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Cir-*

*cular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.*

*SEC. 110. (a) Not later than June 20, 2008, the Secretary of Labor shall revise regulations prescribed pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 863(y)) to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary of Labor.*

*(b) Not later than June 15, 2008, the Secretary of Labor shall issue regulations, pursuant to the design criteria recommended by the National Institute of Occupational Safety and Health and section 13 of the MINER Act (Public Law 109–236), requiring installation of rescue chambers in the working areas of underground coal mines.*

*SEC. 111. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Execu-*

*tive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.*

*SEC. 112. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,000,000 for necessary expenses for salaries and expenses of the Mine Safety and Health Administration.*

*(b) Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $10,000,000.*

*SEC. 113. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, $5,000,000,*

*which shall include any other amounts made available under this Act for such Program. Amounts made available under this Act for travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,500,000.*

*This title may be cited as the "Department of Labor Appropriations Act, 2008".*

## *TITLE II*

## *DEPARTMENT OF HEALTH AND HUMAN SERVICES*

### *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

#### *HEALTH RESOURCES AND SERVICES*

*For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $6,843,673,000, of which $191,235,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-*

*related activities as specified in the committee report of the Senate accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act, and of which $250,000 shall be for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana: Provided, That of the funds made available under this heading, $220,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that*

*Act: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: Provided further, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $300,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $814,546,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of*

*the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $95,936,920 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,238 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: Provided further, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: Provided further, That of the funds available under this heading, $1,829,511,000 shall remain available to the Secretary until September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants): Provided further, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 222 of this Act and associated administrative expenses: Provided further, That notwithstanding section 747(e)(2) of the PHS Act, and not less than $5,000,000 shall be for general dentistry programs and not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: Provided further, That of the funds*

*available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005 (Public Law 109–129): Provided further, That where prior year funds were disbursed under this appropriation account as Health Care and Other Facilities grants (and were used for the purchase, construction, or major alteration of property; or the purchase of equipment), the Federal interest in such property or equipment shall last for a period of 5 years following the completion of the project and terminate at that time: Provided further, That if the property use changes (or the property is transferred or sold) and the Government is compensated for its proportionate interest in the property, the Federal interest in such property shall be terminated: Provided further, That for projects where 5 years has already elapsed since completion, the Federal interest shall be terminated immediately.*

*HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT*

*Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.*

*VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

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

*CENTERS FOR DISEASE CONTROL AND PREVENTION*

*DISEASE CONTROL, RESEARCH, AND TRAINING*

*To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and*

*operation of aircraft, $6,157,169,000, of which $220,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $108,585,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $92,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended*

*for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $19,035,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas*

*assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That if States are eligible, up to $30,000,000 shall be used to implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program): Provided further, That $16,890,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

*NATIONAL INSTITUTES OF HEALTH*

*NATIONAL CANCER INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,910,160,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.*

*NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,992,197,000.*

*NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $398,602,000.*

*NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,747,784,000.*

*NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,573,268,000.*

*NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES*

*(INCLUDING TRANSFER OF FUNDS)*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,668,472,000: Provided, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to*

*remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.*

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

*For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,978,601,000.*

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

*For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,282,231,000.*

NATIONAL EYE INSTITUTE

*For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $681,962,000.*

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

*For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $656,176,000.*

NATIONAL INSTITUTE ON AGING

*For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,073,048,000.*

*NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $519,810,000.*

*NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $402,680,000.*

*NATIONAL INSTITUTE OF NURSING RESEARCH*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,456,000.*

*NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $445,702,000.*

*NATIONAL INSTITUTE ON DRUG ABUSE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,022,594,000.*

*NATIONAL INSTITUTE OF MENTAL HEALTH*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,436,001,000.*

*NATIONAL HUMAN GENOME RESEARCH INSTITUTE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $497,031,000.*

*NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $304,319,000.*

*NATIONAL CENTER FOR RESEARCH RESOURCES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,177,997,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.*

*NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,213,000.*

*NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,895,000.*

*JOHN E. FOGARTY INTERNATIONAL CENTER*

*For carrying out the activities at the John E. Fogarty International Center, $68,000,000.*

*NATIONAL LIBRARY OF MEDICINE*

*For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $327,817,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2008, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.*

*OFFICE OF THE DIRECTOR*

*(INCLUDING TRANSFER OF FUNDS)*

*For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 217 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That $110,900,000 shall be available to carry out the National Children's Study: Provided further, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: Provided further, That the Office of AIDS Research within*

*the Office of the Director, NIH may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.*

*BUILDINGS AND FACILITIES*

*For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.*

*SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION*

*SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

*For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,278,135,000, of which $10,335,000 shall be available for projects and in the amounts specified in the committee report accompanying this Act: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That of the funds provided to the Child Trauma Stress Network Initiative, priority shall be given to those centers, that previously received grants, that provide mental health serv-*

*ices to children affected by Hurricane Katrina and/or Rita: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $21,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: Provided further, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.*

*AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

*HEALTHCARE RESEARCH AND QUALITY*

*For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security*

*Act, $329,564,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2008: Provided further, That $5,000,000 shall be for activities to reduce infections from methicillin-resistant staphylococcus aureus (MRSA) and related infections.*

*CENTERS FOR MEDICARE AND MEDICAID SERVICES*

*GRANTS TO STATES FOR MEDICAID*

*For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.*

*For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

*For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.*

*Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect*

*during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.*

*PAYMENTS TO HEALTH CARE TRUST FUNDS*

*For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.*

*In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.*

*PROGRAM MANAGEMENT*

*For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,248,088,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds*

*retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That $253,775,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations*

*pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That in addition, the Secretary may charge a fee for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys: Provided further, That such fees, in an amount not to exceed $35,000,000, shall be credited to this account as offsetting collections, to remain available until expended for the purpose of conducting such revisit surveys: Provided further, That amounts transferred to this account from the Federal Health Insurance and Federal Supplementary Medical Insurance Trust Funds for fiscal year 2008 shall be reduced by the amount credited to this account under this paragraph: Provided further, That $1,625,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

*HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT*

*In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $288,480,000*

*is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in title 18 of the Social Security Act, with oversight activities including those activities listed in 18 U.S.C. 1893(b); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the Department of Health and Human Services for program integrity activities in title 18, title 19 and title 21 of the Social Security Act; and of which $36,690,000 is for the Department of Justice: Provided, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.*

*ADMINISTRATION FOR CHILDREN AND FAMILIES*

*PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS*

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

*For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.*

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

*LOW-INCOME HOME ENERGY ASSISTANCE*

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

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

*U.S.C. 8623(e)), $181,170,000, notwithstanding the designation requirement of section 2602(e) of such Act.*

*REFUGEE AND ENTRANT ASSISTANCE*

*For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $654,166,000, of which up to $9,823,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.*

*PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT*

*For carrying out the Child Care and Development Block Grant Act of 1990, $2,062,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which*

*$982,080 shall be available to the Secretary for discretionary activities to support comprehensive consumer education or parental choice: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.*

*SOCIAL SERVICES BLOCK GRANT*

*For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000.*

*CHILDREN AND FAMILIES SERVICES PROGRAMS*

*For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Secu-*

*rity Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,213,332,000, of which $9,500,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: Provided, That $7,088,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: Provided further, That $735,281,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public*

*Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $16,720,000 shall be for activities*

*authorized by the Help America Vote Act of 2002, of which $11,390,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,330,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $80,416,000 shall be for making competitive grants to provide abstinence education to adolescents, and for Federal costs of administering the grant: Provided further, That information provided through grants under the immediately preceding proviso shall be scientifically accurate and shall comply with section 317P(c)(2) of the Public Health Service Act: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: Provided further, That $7,425,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

*PROMOTING SAFE AND STABLE FAMILIES*

*For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.*

*PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE*

*For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.*

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

*For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.*

*ADMINISTRATION ON AGING*

*AGING SERVICES PROGRAMS*

*For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,441,585,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $2,935,000 shall be available for the projects*

*and in the amounts specified in the committee report of the Senate accompanying this Act.*

*OFFICE OF THE SECRETARY*

*GENERAL DEPARTMENTAL MANAGEMENT*

*For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $399,386,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $51,891,000 shall be for minority AIDS*

*prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; up to $4,000,000 shall be for the Secretary's discretionary fund and may be used to carry out activities authorized under the Department's statutory authorities; and $9,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and*

*administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4): Provided further, That $2,100,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act: Provided further, That $2,000,000 of the amounts appropriated under this heading shall be made available to carry out dental workforce programs under section 340G of the Public Health Service Act (42 U.S.C. 256g).*

*OFFICE OF MEDICARE HEARINGS AND APPEALS*

*For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $70,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.*

*OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY*

*For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $43,000,000: Provided, That in addition to amounts provided herein, $28,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.*

*OFFICE OF INSPECTOR GENERAL*

*For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,687,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.*

*OFFICE FOR CIVIL RIGHTS*

*For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance*

*Trust Fund and the Supplemental Medical Insurance Trust Fund.*

*RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS*

*For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.*

*PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND (INCLUDING TRANSFER OF FUNDS)*

*For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $786,556,000, of which not to exceed $22,338,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.*

*For expenses necessary to prepare for and respond to an influenza pandemic, $888,000,000, of which $652,000,000 shall be available until expended, for activi-*

*ties including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That $158,000,000 shall be transferred within 30 days of enactment to the Centers for Disease Control and Prevention for pandemic preparedness activities: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.*

*For expenses to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001, terrorist attacks on the World Trade Center, $55,000,000 to*

*be transferred to Centers for Disease Control and Prevention, Disease Control, Research, and Training.*

*GENERAL PROVISIONS*

*SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.*

*SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.*

*SEC. 203. None of the funds appropriated in this Act may be used to implement section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.*

*SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.*

*SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.*

*SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.*

*SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.*

*(TRANSFER OF FUNDS)*

*SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred*

*between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

*(TRANSFER OF FUNDS)*

*SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Appropriations Committees of both Houses of Congress are promptly notified of the transfer.*

*(TRANSFER OF FUNDS)*

*SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as*

*jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.*

*SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.*

*SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such*

*entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.*

*SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.*

*SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.*

*(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compli-*

*ance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.*

*(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.*

*(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.*

*(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.*

*SEC. 215. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health ac-*

*tivities abroad during fiscal year 2008, the Secretary of Health and Human Services—*

*(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State; and*

*(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes*

*established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.*

*SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.*

*SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under sections 402(b)(7) and 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Common Fund.*

*(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (includ-*

*ing consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).*

*SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.*

*SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.*

*SEC. 220. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropria-*

*tion for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.*

*SEC. 221. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.*

*SEC. 222. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.*

*(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics,*

*academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.*

*(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.*

*(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.*

*SEC. 223. Not to exceed $35,000,000 of funds appropriated by this Act to the Institutes and Centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.*

*(TRANSFER OF FUNDS)*

*SEC. 224. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.*

*SEC. 225. Nothing in this Act shall be construed to effect or otherwise modify provisions of current Federal law with respect to the funding of abortion.*

*SEC. 226. Of the funds made available in this Act for subtitle B of title IV of the Cardiac Arrest Survival Act of 2000 (Public Law 106–505), $200,000 shall be used to carry out section 312(c)(6) of the Public Health Service Act.*

*SEC. 227. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the*

*amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.*

*(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.*

*SEC. 228. (a) Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report concerning State health care reform initiatives.*

*(b) The report required under subsection (a) shall include the following:*

*(1) An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand the access of residents to health insurance and health care services, including the following:*

*(A) An overview of State approaches to reexamining health care delivery and insurance.*

*(B) A description of whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.*

*(C) A description of the extent to which public and private cooperation has occurred in State health care initiatives.*

*(D) A description of the outcomes of State insurance coverage mandates.*

*(E) A description of the effects of increased health care costs on State fiscal choices.*

*(F) A description of the effects of Federal law and funding on State health care initiatives and fiscal choices.*

*(G) A description of outcomes of State efforts to increase health care quality and control costs.*

*(2) Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including the following:*

*(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.*

*(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.*

*(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.*

*SEC. 229. None of the funds made available in this Act may be used—*

*(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and*

*(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.*

*SEC. 230. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,000,000 for the Centers for Disease Control and Prevention to make grants under the State Heart Disease and Stroke Prevention Program.*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $3,000,000.*

*SEC. 231. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $30,000,000.*

*SEC. 232. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $8,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109–18).*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $8,000,000.*

*SEC. 233. (a) In addition to other amounts made available in this title, $3,000,000 shall be made available for trauma care activities.*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $6,000,000.*

*SEC. 234. (a) In addition to other amounts appropriated in this title to carry out title VII of the Public Health Service Act, $2,000,000 shall be made available to carry out allied health professional programs under section 755 of such title VII, other than the Chiropractic-Medical School Demonstration Grant program, Graduate Psychology training programs, and podiatric physicians programs.*

*(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced further on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $2,000,000.*

*SEC. 235. It is the sense of the Senate that a portion of the funds appropriated under this title be used for fre-*

*quent hemodialysis clinical trials at the National Institute of Diabetes and Digestive and Kidney Diseases.*

*SEC. 236. SMALL BUSINESS CHILD CARE GRANT PROGRAM. For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $5,000,000, to remain available until expended. Each amount otherwise appropriated in this Act for administrative expenses for the Department of Labor, Department of Health and Human Services, and Department of Education shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.*

*SEC. 237. Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.*

*SEC. 238. (a) The amount made available under the heading "AGING SERVICES PROGRAMS" under the heading "ADMINISTRATION ON AGING" in this title shall be increased by $10,000,000 of which—*

*(1) $5,000,000 shall be used to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive*

*services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);*

*(2) $2,000,000 shall be used to carry out part C of title III of such Act (42 U.S.C. 3030d–21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and*

*(3) $3,000,000 shall be used to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).*

*(b)(1) The 3 amounts described in paragraph (2) shall be reduced on a pro rata basis, to achieve a total reduction of $10,000,000.*

*(2) The amounts referred to in paragraph (1) are—*

*(A) the amount made available under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT" in title I, for administration or travel expenses;*

*(B) the amount made available under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under*

*the heading "OFFICE OF THE SECRETARY" in this title, for administration or travel expenses; and*

*(C) the amount made available under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" in title III, for administration or travel expenses.*

*SEC. 239. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of $7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.*

*(b) Amounts made available under this Act for travel and administrative expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $7,500,000.*

*SEC. 240. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act.*

*(b) The report described in subsection (a) shall contain the following information:*

*(1) The number of workers' compensation set-aside determination requests that have been pending for more than 60 days from the date of the initial submission for a workers' compensation set-aside determination.*

*(2) The average amount of time taken between the date of the initial submission for a workers' compensation set-aside determination request and the date of the final determination by the Centers for Medicare & Medicaid Services.*

*(3) The breakout of conditional payments recovered when workers' compensation is the primary payer separate from the amounts in Workers' Compensation Medicare Set-aside Accounts (in this section referred to as "WCMSAs").*

*(4) The aggregate amounts allocated in WCMSAs and disbursements from WCMSAs for fiscal year 2005 and fiscal year 2006.*

*(5) The number of conditional payment requests pending with regard to WCMSAs after 60 days from the date of the submission of the request.*

*(6) The number of WCMSAs that do not receive a determination based on the initial complete submission.*

*(7) Any other information determined appropriate by the Congressional Budget Office in order to determine the baseline revenue and expenditures associated with such workers' compensation set-asides.*

*SEC. 241. It is the sense of the Senate that the Secretary of Health and Human Services should maintain "deemed status" coverage under the Medicare program for clinical trials that are federally funded or reviewed, as provided for by the Executive Memorandum of June 2000.*

*SEC. 242. (a) The amount appropriated under the heading "DISEASE CONTROL, RESEARCH, AND TRAINING" under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION" in this title is increased by $1,000,000.*

*(b) The amount appropriated under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" in this title is decreased by $1,000,000.*

*(c)(1)(A) The Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall conduct, and shall invite the University of Utah and West Virginia University to participate in conducting, a study of the recovery*

*of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1500 feet.*

*(B) The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining.*

*(C) The study shall consider, among other things—*

*(i) the conditions under which retreat mining is used, including conditions relating to—*

*(I) seam thickness;*

*(II) depth of cover;*

*(III) strength of the mine roof, pillars, and floor; and*

*(IV) the susceptibility of the mine to seismic activity; and*

*(ii) the procedures used to ensure miner safety during retreat mining.*

*(2)(A) Not later than 1 year after beginning the study described in paragraph (1), the Secretary shall submit a report containing the results of the study to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.*

*(B) The report shall include recommendations to enhance the safety of miners working in underground coal mines where retreat mining in room and pillar operations is utilized. Among other things, the recommendations shall identify means of adapting any practical technology to the mining environment to improve miner protections during mining at depths greater than 1500 feet, and research needed to develop improved technology to improve miner protections during mining at such depths.*

*(3) Not later than 90 days after the submission of the report described in paragraph (2) to Congress, the Secretary of Health and Human Services shall publish a notice in the Federal Register describing the actions, if any, that the Secretary intends to take based on the report.*

*SEC. 243. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355) and is not—*

*(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or*

*(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).*

*This title may be cited as the "Department of Health and Human Services Appropriations Act, 2008".*

## *TITLE III*

## *DEPARTMENT OF EDUCATION*

### *EDUCATION FOR THE DISADVANTAGED*

*For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,867,778,000, of which $6,812,554,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,867,301,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $6,808,407,000 shall be for basic grants under section 1124: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $2,868,231,000 shall be for targeted grants under section 1125: Provided further, That $2,868,231,000 shall be for education finance incentive grants under section*

*1125A: Provided further, That $500,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA: Provided further, That $9,330,000 shall be to carry out part E of title I: Provided further, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.*

*IMPACT AID*

*For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,248,453,000, of which $1,111,867,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both*

*parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.*

*SCHOOL IMPROVEMENT PROGRAMS*

*For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,198,525,000, of which $3,560,485,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That funds made available to carry out*

*part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $60,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $34,376,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $18,001,000 shall be available to carry out the Supple-*

*mental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.*

*INDIAN EDUCATION*

*For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $118,690,000.*

*INNOVATION AND IMPROVEMENT*

*For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $962,889,000: Provided, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Pro-*

*vided further, That $317,699,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $64,504,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That five percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities.*

*SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

*For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3,*

*and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $697,112,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: Provided further, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,112,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $145,000,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345 and $3,000,000 shall be used to implement a comprehensive program to improve public knowledge, understanding and support of the Congress and the State legislatures.*

*English Language Acquisition*

*For carrying out part A of title III of the ESEA, $670,819,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).*

*Special Education*

*For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $12,330,374,000, of which $6,192,551,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $5,924,200,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: Provided, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching*

*strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: Provided further, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: Provided further, That $3,000,000 shall be available to support the Special Olympics Winter World Games.*

*REHABILITATION SERVICES AND DISABILITY RESEARCH*

*For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,286,942,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $32,000,000 shall be used for carrying out the*

*AT Act, including $26,377,000 for State grant activities authorized under section 4 of the AT Act, $4,570,000 for State grants for protection and advocacy under section 5 of the AT Act and $1,053,000 shall be for technical assistance activities under section 6 of the AT Act: Provided further, That $2,650,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That $8,400,000 shall be used to carry out the Traumatic Brain Injury (TBI) Model Systems of Care Program and to sustain at least 16 TBI Model Systems Centers.*

*SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*

*AMERICAN PRINTING HOUSE FOR THE BLIND*

*For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $22,000,000.*

*NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

*For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $59,000,000, of which $1,705,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.*

*GALLAUDET UNIVERSITY*

*For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $111,000,000, of which $600,000 shall be for the Secretary of Education to carry out section 205 of the Act: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.*

*CAREER, TECHNICAL, AND ADULT EDUCATION*

*For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Amendments of 1998, $1,894,788,000, of which $1,103,788,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: Provided, That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English*

*literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That $22,770,000 shall be for Youth Offender Grants.*

*STUDENT FINANCIAL ASSISTANCE*

*For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $16,368,883,000, which shall remain available through September 30, 2009.*

*The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,310.*

*STUDENT AID ADMINISTRATION*

*For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $708,216,000, which shall remain available until expended.*

*HIGHER EDUCATION*

*For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,028,302,000: Provided, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $970,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries*

*by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: Provided further, That $12,000,000 shall be for grants to institutions of higher education, in partnership with local educational agencies, to establish instructional programs at all educational levels in languages critical to U.S. national security: Provided further, That $59,855,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.*

*HOWARD UNIVERSITY*

*For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.*

*COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM*

*For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $481,000.*

*HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT*

*For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $188,000.*

*INSTITUTE OF EDUCATION SCIENCES*

*For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $589,826,000, of which $322,020,000 shall be available until September 30, 2009.*

*DEPARTMENTAL MANAGEMENT*

*PROGRAM ADMINISTRATION*

*For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and*

*hire of three passenger motor vehicles, $432,631,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC: Provided, That the Secretary of Education shall assess the impact on education felt by students in states with a high proportion of federal land compared to students in non-public land states. The study shall consider current student teacher ratios, trends in student teacher ratios, the proportion of property tax dedicated to education in each State, and the impact of these and other factors on education in public land states. The Secretary shall submit the report not later than 1 year after the date of the enactment of this Act.*

*OFFICE FOR CIVIL RIGHTS*

*For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.*

*OFFICE OF THE INSPECTOR GENERAL*

*For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,239,000.*

*GENERAL PROVISIONS*

*SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order*

*to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.*

*SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.*

*SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.*

*(TRANSFER OF FUNDS)*

*SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appro-*

*priated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

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

*SEC. 306. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.*

*(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District*

*113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—*

*(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and*

*(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.*

*SEC. 307. Notwithstanding any other provision of this Act, $2,000,000 shall be available for the Underground Railroad Educational and Cultural Program. Amounts appropriated under title III for administrative expenses shall be reduced on a pro rata basis by $2,000,000.*

*SEC. 308. No funds appropriated under this Act may be used by the Secretary of Education to promulgate, implement, or enforce the evaluation for the Upward Bound Pro-*

*gram as announced in the Notice of Final Priority published at 71 Fed. Reg. 55447–55450 (Sept. 22, 2006), until after the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives have thoroughly examined such regulation in concert with the reauthorization of the Higher Education Act of 1965.*

*SEC. 309. Notwithstanding any other provision of this Act, the Secretary of Education shall, not later than September 30, 2008, submit to the appropriate committees of Congress and post on the Internet website of the Department of Education, a report concerning—*

*(1) the total number of Department of Education employees, including employees who salaries are paid by the Department but are employed by contractors or grantees of the Department;*

*(2) the total number, and percentage, of such employees who have previously worked in a classroom as a teacher or a teacher's assistant;*

*(3) of the employees who have worked in a classroom, the average number of years of time spent as an instructor;*

*(4) the total dollar amount, and overall percentage of the Department of Education funding, that is expended—*

*(A) in the classroom;*

*(B) on student tuition assistance;*

*(C) on overhead and administrative costs and expenses; and*

*(D) on Congressionally directed spending items, including the administrative costs of administering such earmarks; and*

*(5) a listing of all of the programs run by the Department of Education and the total budget and most recent evaluation of each such program, and a notation if no such evaluation has been conducted.*

*SEC. 310. SENSE OF THE SENATE REGARDING SCIENCE TEACHING AND ASSESSMENT. (a) FINDINGS.—The Senate finds that there is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that such direct involvement must be included in every science program for every science student in prekindergarten through grade 16.*

*(b) SENSE OF THE SENATE REGARDING THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009 SCIENCE TEST.—It is the sense of the Senate that—*

*(1) the National Assessment of Educational Progress (NAEP) 2009 Science assessment should reflect the findings of the Senate described in subsection (a) and those expressed in section 7026(a) of the*

*America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act; and*

*(2) the National Assessment Governing Board (NAGB) should certify that the National Assessment of Education Progress 2009 Science framework, specification, and assessment include extensive and explicit attention to inquiry.*

*(c) REPORT.—The National Assessment Governing Board shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate describing whether the certification described in subsection (b)(2) has been made, and if such certification has been made, include in the report the following:*

*(1) A description of the analysis used to arrive at such certification.*

*(2) A list of individuals with experience in inquiry science education making the certification.*

*SEC. 311. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—*

*(1) $6,000,000 to carry out the programs for baccalaureate degrees in science, technology, engineering, mathematics, or critical foreign languages, with concurrent teacher certification under section 6113 of*

*the America COMPETES Act (Public Law 110–69); and*

*(2) $4,000,000 to carry out the programs for master's degrees in science, technology, engineering, and mathematics, or critical foreign language education under section 6114 of the America COMPETES Act (Public Law 110–69).*

*(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management of the Department of Education, shall be reduced by $10,000,000.*

*SEC. 312. (a) The Secretary of Education shall update the 2002 Department of Education and United States Secret Service guidance entitled "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates" to reflect the recommendations contained in the report entitled "Report to the President On Issues Raised by the Virginia Tech Tragedy", to include the need to provide schools with guidance on how information can be shared legally under the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act.*

*(b) Not later than 3 months after the date of enactment of this Act, the Secretary of Education shall disseminate the updated guidance under subsection (a) to institutions of higher education and to State departments of education for distribution to all local education agencies.*

*SEC. 313. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on the strategies utilized to assist students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments.*

*(b) The report required under subsection (a) shall include data collected from a representative sample of schools across the Nation to determine the strategies utilized by schools to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments, including the following categories of strategies:*

*(1) Adjusting the structure of the school day, which may include the expansion of the school day, or modifications in the time spent on instruction in core academic subjects.*

*(2) The professional development provided to teachers or additional school personnel to assist low-performing students.*

*(3) Changes in the provision of instruction to students, including targeting low-performing students for specialized instruction or tutoring.*

*(4) Utilizing types of instructional materials to prepare students.*

*(5) Instituting other State or local assessments.*

*(6) Using other strategies to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments.*

*(c) The data collected pursuant to this section shall be disaggregated by—*

*(1) schools with a high percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);*

*(2) schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);*

*(3) schools with a student enrollment consisting of a majority of racial and ethnic minority students;*

*(4) schools with a student enrollment consisting of a majority of non-minority students;*

*(5) urban schools;*

*(6) suburban schools;*

*(7) rural schools; and*

*(8) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).*

*(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).*

*(e) The data collected under subsection (b) shall be reported separately for the most common types of strategies, in each of the categories listed in paragraphs (1) through (6) of subsection (b), used by schools to prepare students to meet State student academic achievement standards, including achieving proficiency on State academic assessments.*

*SEC. 314. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) that exists on the date of enactment of this Act. With respect to an entity with which the Secretary of Education has a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) on the date of enactment of this Act that is not cost neutral, if the Secretary terminates such*

*agreement after January 1, 2008, the Secretary of Education shall, not later than December 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.*

*This title may be cited as the "Department of Education Appropriations Act, 2008".*

## *TITLE IV*

## *RELATED AGENCIES*

### *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED*

#### *SALARIES AND EXPENSES*

*For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.*

### *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

#### *NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES*

#### *(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for the Corporation for National and Community Service to carry out the programs, activities, and initiatives under provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (the 1973 Act) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act), $804,489,000: Provided, That all prior year unobligated*

*balances from the "Domestic Volunteer Service Programs, Operating Expenses" account shall be transferred to and merged with this appropriation: Provided further, That up to one percent of program grant funds may be used to defray costs of conducting grant application reviews, including the use of outside peer reviewers: Provided further, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to program participants whose incomes exceed 125 percent of the national poverty level: Provided further, That not more than $275,775,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the 1990 Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the 1990 Act: Provided further, That not less than $117,720,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service*

*Trust for educational awards authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $7,000,000 shall be held in reserve as defined in Public Law 108–45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the fifth proviso, the Corporation may transfer funds from the amount provided under the fourth proviso, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $65,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,516,000 shall be made available to provide assistance to State commissions on national and community service under section 126(a) of the 1990 Act: Provided further, That not more*

*than $10,466,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the 1990 Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That $31,789,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the 1990 Act (42 U.S.C. 12611 et seq.), of which not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi.*

*SALARIES AND EXPENSES*

*For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $69,520,000.*

*OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000.*

*ADMINISTRATIVE PROVISIONS*

*(INCLUDING TRANSFER OF FUNDS)*

*Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.*

*Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.*

*The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any*

*grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.*

*For fiscal year 2008, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.*

*Except as expressly provided herein, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Corporation in this Act may be transferred between activities identified*

*under this heading in the committee report accompanying this Act, but no such activity shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.*

*CORPORATION FOR PUBLIC BROADCASTING*

*For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees*

*or permittees, or their designated representatives: Provided further, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 shall be for the costs associated with replacement and upgrade of the public radio interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.*

*FEDERAL MEDIATION AND CONCILIATION SERVICE*

*SALARIES AND EXPENSES*

*For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $44,450,000, including $400,000, to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services*

*and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.*

## *FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION*

### *SALARIES AND EXPENSES*

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

## *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

### *OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION*

*For carrying out the Museum and Library Services Act of 1996, $266,680,000: Provided, That $8,680,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: Provided further, That funds may be made available*

*for grants to Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.*

*MEDICARE PAYMENT ADVISORY COMMISSION*

*SALARIES AND EXPENSES*

*For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.*

*NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE*

*SALARIES AND EXPENSES*

*For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.*

*NATIONAL COUNCIL ON DISABILITY*

*SALARIES AND EXPENSES*

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

*NATIONAL LABOR RELATIONS BOARD*

*SALARIES AND EXPENSES*

*For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $256,988,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.*

*NATIONAL MEDIATION BOARD*

*SALARIES AND EXPENSES*

*For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188),*

*including emergency boards appointed by the President, $12,992,000.*

## *Occupational Safety and Health Review Commission*

### *SALARIES AND EXPENSES*

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

## *Railroad Retirement Board*

### *DUAL BENEFITS PAYMENTS ACCOUNT*

*For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.*

### *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS*

*For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks,*

*$150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.*

*LIMITATION ON ADMINISTRATION*

*For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.*

*LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

*For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $8,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense*

*incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.*

*SOCIAL SECURITY ADMINISTRATION*

*PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

*For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.*

*SUPPLEMENTAL SECURITY INCOME PROGRAM*

*For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,959,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.*

*For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the So-*

*cial Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.*

*For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.*

*LIMITATION ON ADMINISTRATIVE EXPENSES*

*For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,372,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services*

*for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.*

*From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.*

*In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000 shall be available for additional continuing disability reviews and redeterminations of eligibility.*

*In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.*

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

*OFFICE OF INSPECTOR GENERAL*

*(INCLUDING TRANSFER OF FUNDS)*

*For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.*

*In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.*

*TITLE V*

*GENERAL PROVISIONS*

*SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts*

*corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.*

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

*SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.*

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

*SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and*

*expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".*

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

*SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—*

*(1) the percentage of the total costs of the program or project which will be financed with Federal money;*

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

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

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

*(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.*

*(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.*

*SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—*

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

*(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that*

*would, as certified by a physician, place the woman in danger of death unless an abortion is performed.*

*(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).*

*(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).*

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

*(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan,*

*or any other kind of health care facility, organization, or plan.*

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

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

*(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).*

*(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.*

*SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).*

*(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic*

*advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.*

*SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.*

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

*(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and*

*(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.*

*SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or in-*

*strumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.*

*SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.*

*SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.*

*SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to*

*serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.*

*SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—*

*(1) creates new programs;*

*(2) eliminates a program, project, or activity;*

*(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;*

*(4) relocates an office or employees;*

*(5) reorganizes or renames offices;*

*(6) reorganizes programs or activities; or*

*(7) contracts out or privatizes any functions or activities presently performed by Federal employees;*

*unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—*

*(1) augments existing programs, projects (including construction projects), or activities;*

*(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or*

*(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;*

*unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.*

*SEC. 518. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the*

*political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.*

*(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.*

*SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the Senate and of the House of Representatives a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.*

*SEC. 520. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—*

*(1) a direct link to the Internet websites of their Offices of Inspectors General; and*

*(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.*

*SEC. 521. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.*

*SEC. 522. (a) Notwithstanding any other provision of this Act, none of the funds made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV may be used for the Bethel Performing Arts Center.*

*(b) The amount made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV is reduced by*

*$1,000,000, and the amount made available under the heading "HEALTH RESOURCES AND SERVICES" under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION" in title II is increased by $336,500, which $336,500 shall be used to carry out title V of the Social Security Act (42 U.S.C. 701 et seq.), in order to provide additional funding for the maternal and child health services program carried out under that title.*

*SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.*

*SEC. 524. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by $150,000,000.*

*(b) Section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)), as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking "$1,350,000,000" and inserting "$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000" in the first sentence.*

*SEC. 525. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110–107.*

*(b) Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.*

*SEC. 526. Not later than 9 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to Congress that contains an assessment of the process for hiring and managing administrative law judges and makes recommendations on ways to improve the hiring and management of administrative law judges.*

*SEC. 527. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut, before the date on which the Commissioner of Social Security submits to the appropriate committees of Congress a comprehensive and detailed report outlining and justifying the process for selecting field offices to be closed. Such report shall include—*

*(1) a thorough analysis of the criteria used for selecting field offices for closure and how the Commissioner of Social Security analyzes and considers factors relating to transportation and communication burdens faced by elderly and disabled citizens as a result of field office closures, including the extent to which elderly citizens have access to, and competence with, online services; and*

*(2) for each field office proposed to be closed during fiscal year 2007 or 2008, including the office located in Bristol, Connecticut, a thorough cost-benefit analysis for each such closure that takes into account—*

*(A) the savings anticipated as a result of the closure;*

*(B) the anticipated burdens placed on elderly and disabled citizens; and*

*(C) any costs associated with replacement services and provisional contact stations.*

*SEC. 528. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be allocated, directed, or otherwise made available to cities that provide safe haven to illegal drug users through the use of illegal drug injection facilities.*

*SEC. 529. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 6 months.*

*SEC. 530. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the*

*Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.*

*SEC. 531. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).*

*SEC. 532. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—(a) SHORT TITLE.—This section may be cited as the "American Competitiveness Scholarship Act of 2007".*

*(b) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate,*

*or graduate level degrees in mathematics, engineering, health care, or computer science.*

*(c) ELIGIBILITY.—*

*(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—*

*(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;*

*(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and*

*(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical med-*

*ical program, or technology, or science program designated by the Director.*

*(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.*

*(d) AMOUNT OF SCHOLARSHIP; RENEWAL.—*

*(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.*

*(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.*

*(e) FUNDING.—The Director shall carry out this section only with funds made available under section 286(w) of the Immigration and Nationality Act, as added by subsection (g).*

*(f) FEDERAL REGISTER.—Not later than 60 days after the date of the enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.*

*(g) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT; GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:*

*"(w) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—*

*"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account 85.75 percent of the fees collected under section 214(c)(15)(B).*

*"(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H–1B Nonimmigrant Pe-*

*titioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in the American Competitiveness Scholarship Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.*

*"(x) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—*

*"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.25 percent of the fees collected under section 214(c)(15)(B).*

*"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".*

*(h) SUPPLEMENTAL AND DEFICIT REDUCTION FEES.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:*

*"(15)(A) Except as provided under subparagraph (D), if the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee and a deficit reduction fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amounts determined under subparagraph (B).*

*"(B) The amount of the supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).*

*"(C) Of the amounts collected under subparagraph (B)—*

*"(i) 85.75 percent shall be deposited in the Treasury in accordance with section 286(w); and*

*"(ii) 14.25 percent shall be deposited in the Treasury in accordance with section 286(x).*

*"(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State*

*shall not be subject to the supplemental fees imposed under this paragraph.".*

*SEC. 533. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—*

*(1) in paragraph (1)—*

*(A) by inserting "1996, 1997," after "available in fiscal year"; and*

*(B) by inserting "group I," after "schedule A,";*

*(2) in paragraph (2)(A), by inserting "1996, 1997, and" after "available in fiscal years"; and*

*(3) by adding at the end the following:*

*"(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.".*

*SEC. 534. (a) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by section 521, is further amended by adding at the end the following:*

*"(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—*

*"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—*

*"(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and*

*"(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—*

*"(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or*

*"(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area fa-*

*cility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).*

*"(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.".*

*(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:*

***"SEC. 832. CAPITATION GRANTS.***

*"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.*

*"(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing in-*

*volved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.*

*"(c) GRANT COMPUTATION.—*

*"(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:*

*"(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—*

*"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and*

*"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.*

*"(B) $1,405 for each full-time or part-time student who—*

*"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree,*

*a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and*

*"(ii) has not more than 3 years of academic credits remaining in the program.*

*"(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.*

*"(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—*

*"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;*

*"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;*

*"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or*

*"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).*

*"(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—*

*"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;*

*"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and*

*"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.*

*"(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:*

*"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.*

*"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.*

*"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.*

*"(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.*

*"(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—*

*"(i) the physical facilities at the school involved limit the school from enrolling additional students; or*

*"(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.*

*"(4) Not later than 1 year after receiving a grant under this section, the school will formulate and*

*implement a plan to accomplish at least 2 of the following:*

*"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.*

*"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.*

*"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.*

*"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.*

*"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.*

*"(F) Increasing enrollment of minority and diverse student populations.*

*"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.*

*"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.*

*"(I) Increasing integration of geriatric content into the core curriculum.*

*"(J) Partnering with economically disadvantaged communities to provide nursing education.*

*"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.*

*"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are*

*accepted into graduate programs for further nursing education.*

*"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.*

*"(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—*

*"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and*

*"(2) not later than September 30, 2010, a final report on such results.*

*"(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.*

*"(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.*

***"SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.***

*"(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.*

*"(b) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.".*

*(c) GLOBAL HEALTH CARE COOPERATION.—*

*(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:*

***"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.***

*"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—*

*"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and*

*"(2) to meet the continuous residency requirements under section 316(b).*

*"(b) DEFINITIONS.—In this section:*

*"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—*

*"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;*

*"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or*

*"(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.*

*"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—*

*"(A) has been lawfully admitted to the United States for permanent residence; and*

*"(B) is a physician or other healthcare worker.*

*"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.*

*"(d) PUBLICATION.—The Secretary of State shall publish—*

*"(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;*

*"(2) an updated version of the list required by paragraph (1) not less often than once each year; and*

*"(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".*

*(2) RULEMAKING.—*

*(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.*

*(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—*

*(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to ex-*

*ceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;*

*(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and*

*(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.*

*(3) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: "except in the case of an eligible alien, or the spouse or child of such*

*alien, who is authorized to be absent from the United States under section 317A,".*

*(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".*

*(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".*

*(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:*

*"Sec. 317A. Temporary absence of aliens providing health care in developing countries.".*

*(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may*

*be necessary to carry out this subsection and the amendments made by this subsection.*

*(d) ATTESTATION BY HEALTH CARE WORKERS.—*

*(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:*

*"(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—*

*"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.*

*"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which*

*the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.*

*"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—*

*"(I) the obligation was incurred by coercion or other improper means;*

*"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or*

*"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".*

*(2) EFFECTIVE DATE; APPLICATION.—*

*(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.*

*(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.*

*SEC. 535. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123*

*and 301–10.124 of title 41 of the Code of Federal Regulations.*

*This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".*

Passed the House of Representatives July 19, 2007.

Attest: LORRAINE C. MILLER,
*Clerk.*

Passed the Senate October 23, 2007.

Attest: NANCY ERICKSON,
*Secretary.*