

***In the Senate of the United States,***

*November 7, 2007.*

*Resolved,* That the bill from the House of Representatives (H.R. 3043) entitled “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.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 **SECTION 1. TABLE OF CONTENTS.**

2 *The table of contents for this Act is as follows:*

*Sec. 1. Table of contents.*

*Sec. 2. Statement of Appropriations.*

*LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND  
RELATED AGENCIES APPROPRIATIONS, 2008*

*Title I—Department of Labor*

*Title II—Department of Health and Human Services*

*Title III—Department of Education*

*Title IV—Related Agencies*

*Title V—General Provisions*

3 **SEC. 2. STATEMENT OF APPROPRIATIONS.**

4 *The following sums in this Act are appropriated, out*  
5 *of any money in the Treasury not otherwise appropriated,*  
6 *for the fiscal year ending September 30, 2008.*

7 **TITLE I**

8 **DEPARTMENT OF LABOR**

9 **EMPLOYMENT AND TRAINING ADMINISTRATION**

10 **TRAINING AND EMPLOYMENT SERVICES**

11 **(INCLUDING RESCISSIONS)**

12 *For necessary expenses of the Workforce Investment Act*  
13 *of 1998 (“WIA”), the Denali Commission Act of 1998, and*  
14 *the Women in Apprenticeship and Non-Traditional Occu-*  
15 *pations Act of 1992, including the purchase and hire of pas-*  
16 *senger motor vehicles, the construction, alteration, and re-*  
17 *pair of buildings and other facilities, and the purchase of*  
18 *real property for training centers as authorized by the WIA;*  
19 *\$3,618,940,000, plus reimbursements, is available. Of the*  
20 *amounts provided:*

1           (1) *for grants to States for adult employment*  
2 *and training activities, youth activities, and dis-*  
3 *located worker employment and training activities,*  
4 *\$2,994,510,000 as follows:*

5           (A) *\$864,199,000 for adult employment and*  
6 *training activities, of which \$152,199,000 shall*  
7 *be available for the period July 1, 2008 to June*  
8 *30, 2009, and of which \$712,000,000 shall be*  
9 *available for the period October 1, 2008 through*  
10 *June 30, 2009;*

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

14           (C) *\$1,189,811,000 for dislocated worker*  
15 *employment and training activities, of which*  
16 *\$341,811,000 shall be available for the period*  
17 *July 1, 2008 through June 30, 2009, and of*  
18 *which \$848,000,000 shall be available for the pe-*  
19 *riod October 1, 2008 through June 30, 2009:*

20 *Provided, That notwithstanding the transfer limita-*  
21 *tion under section 133(b)(4) of the WIA, up to 30 per-*  
22 *cent of such funds may be transferred by a local*  
23 *board if approved by the Governor;*

24           (2) *for federally administered programs,*  
25 *\$483,371,000 as follows:*

1           (A) \$282,092,000 for the dislocated workers  
2           assistance national reserve, of which \$6,300,000  
3           shall be available on October 1, 2007, of which  
4           \$63,792,000 shall be available for the period  
5           July 1, 2008 through June 30, 2009, and of  
6           which \$212,000,000 shall be available for the pe-  
7           riod October 1, 2008 through June 30, 2009:  
8           Provided, That up to \$125,000,000 may be made  
9           available for Community-Based Job Training  
10          grants from funds reserved under section  
11          132(a)(2)(A) of the WIA and shall be used to  
12          carry out such grants under section 171(d) of  
13          such Act, except that the 10 percent limitation  
14          otherwise applicable to the amount of funds that  
15          may be used to carry out section 171(d) shall not  
16          be applicable to funds used for Community-  
17          Based Job Training grants: Provided further,  
18          That funds provided to carry out section  
19          132(a)(2)(A) of the WIA may be used to provide  
20          assistance to a State for State-wide or local use  
21          in order to address cases where there have been  
22          worker dislocations across multiple sectors or  
23          across multiple local areas and such workers re-  
24          main dislocated; coordinate the State workforce  
25          development plan with emerging economic devel-

1        *opment needs; and train such eligible dislocated*  
2        *workers: Provided further, That funds provided*  
3        *to carry out section 171(d) of the WIA may be*  
4        *used for demonstration projects that provide as-*  
5        *sistance to new entrants in the workforce and in-*  
6        *cumbent workers: Provided further, That*  
7        *\$2,600,000 shall be for a noncompetitive grant to*  
8        *the National Center on Education and the Econ-*  
9        *omy, which shall be awarded not later than 30*  
10       *days after the date of enactment of this Act: Pro-*  
11       *vided further, That \$1,500,000 shall be for a*  
12       *non-competitive grant to the AFL–CIO Working*  
13       *for America Institute, which shall be awarded*  
14       *not later than 30 days after the date of enact-*  
15       *ment of this Act: Provided further, That*  
16       *\$2,200,000 shall be for a non-competitive grant*  
17       *to the AFL–CIO Appalachian Council, Incor-*  
18       *porated, for Job Corps career transition services,*  
19       *which shall be awarded not later than 30 days*  
20       *after the date of enactment of this Act;*

21                *(B) \$55,039,000 for Native American pro-*  
22                *grams, which shall be available for the period*  
23                *July 1, 2008 through June 30, 2009;*

24                *(C) \$82,740,000 for migrant and seasonal*  
25                *farmworker programs under section 167 of the*

1           WIA, including \$77,265,000 for formula grants  
2           (of which not less than 70 percent shall be for em-  
3           ployment and training services), \$4,975,000 for  
4           migrant and seasonal housing (of which not less  
5           than 70 percent shall be for permanent housing),  
6           and \$500,000 for other discretionary purposes,  
7           which shall be available for the period July 1,  
8           2008 through June 30, 2009: Provided, That,  
9           notwithstanding any other provision of law or  
10          related regulation, the Department shall take no  
11          action limiting the number or proportion of eli-  
12          gible participants receiving related assistance  
13          services or discouraging grantees from providing  
14          such services;

15                 (D) \$1,000,000 for carrying out the Women  
16          in Apprenticeship and Nontraditional Occupa-  
17          tions Act, which shall be available for the period  
18          July 1, 2008 through June 30, 2009; and

19                 (E) \$62,500,000 for YouthBuild activities  
20          as described in section 173A of the WIA, which  
21          shall be available for the period April 1, 2008  
22          through June 30, 2009;

23                 (3) for national activities, \$141,059,000, which  
24          shall be available for the period July 1, 2008 through  
25          July 30, 2009 as follows:

1           (A) \$50,569,000 for *Pilots, Demonstrations,*  
2           *and Research, of which \$5,000,000 shall be for*  
3           *grants to address the employment and training*  
4           *needs of young parents (notwithstanding the re-*  
5           *quirements of sections 171(b)(2)(B) or*  
6           *171(c)(4)(D) of the WIA): Provided, That fund-*  
7           *ing provided to carry out projects under section*  
8           *171 of the WIA that are identified in the state-*  
9           *ment of the managers on the conference report*  
10           *accompanying this Act, shall not be subject to*  
11           *the requirements of section 171(b)(2)(B) and*  
12           *171(c)(4)(D) of the WIA, the joint funding re-*  
13           *quirements of sections 171(b)(2)(A) and*  
14           *171(c)(4)(A) of the WIA, or any time limit re-*  
15           *quirements of sections 171(b)(2)(C) and*  
16           *171(c)(4)(B) of the WIA;*

17           (B) \$78,694,000 for *ex-offender activities,*  
18           *under the authority of section 171 of the Act,*  
19           *notwithstanding the requirements of sections*  
20           *171(b)(2)(B) or 171(c)(4)(D), of which not less*  
21           *than \$59,000,000 shall be for youthful offender*  
22           *activities: Provided, That \$50,000,000 shall be*  
23           *available from program year 2007 and program*  
24           *year 2008 funds for competitive grants to local*  
25           *educational agencies or community-based organi-*

1            *zations to develop and implement mentoring*  
2            *strategies that integrate educational and employ-*  
3            *ment interventions designed to prevent youth vi-*  
4            *olence in schools identified as persistently dan-*  
5            *gerous under section 9532 of the Elementary and*  
6            *Secondary Education Act;*

7            *(C) \$4,921,000 for Evaluation under section*  
8            *172 of the WIA; and*

9            *(D) \$6,875,000 for the Denali Commission,*  
10           *which shall be available for the period July 1,*  
11           *2008 through June 30, 2009.*

12           *Of the amounts made available under this heading in*  
13           *Public Law 107–116 to carry out the activities of the Na-*  
14           *tional Skills Standards Board, \$44,000 are rescinded.*

15           *Of the unexpended balances remaining from funds ap-*  
16           *propriated to the Department of Labor under this heading*  
17           *for fiscal years 2005 and 2006 to carry out the Youth, Adult*  
18           *and Dislocated Worker formula programs under the Work-*  
19           *force Investment Act, \$245,000,000 are rescinded: Provided,*  
20           *That the Secretary of Labor may, upon the request of a*  
21           *State, apply any portion of the State’s share of this rescis-*  
22           *sion to funds otherwise available to the State for such pro-*  
23           *grams during program year 2007: Provided further, That*  
24           *notwithstanding any provision of such Act, the Secretary*  
25           *may waive such requirements as may be necessary to carry*



1 *out the instructions relating to this rescission in the state-*  
2 *ment of the managers on the conference report accom-*  
3 *panying this Act.*

4 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

5 *To carry out title V of the Older Americans Act of*  
6 *1965, \$530,900,000, which shall be available for the period*  
7 *July 1, 2008 through June 30, 2009.*

8 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

9 *For payments during fiscal year 2008 of trade adjust-*  
10 *ment benefit payments and allowances under part I of sub-*  
11 *chapter B of chapter 2 of title II of the Trade Act of 1974,*  
12 *and section 246 of that Act; and for training, allowances*  
13 *for job search and relocation, and related State administra-*  
14 *tive expenses under Part II of subchapter B of chapter 2*  
15 *of title II of the Trade Act of 1974, \$888,700,000, together*  
16 *with such amounts as may be necessary to be charged to*  
17 *the subsequent appropriation for payments for any period*  
18 *subsequent to September 15, 2008.*

19 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

20 *SERVICE OPERATIONS*

21 *For authorized administrative expenses, \$90,517,000,*  
22 *together with not to exceed \$3,337,506,000 which may be*  
23 *expended from the Employment Security Administration*  
24 *Account in the Unemployment Trust Fund (“the Trust*  
25 *Fund”), of which:*

1           (1) \$2,510,723,000 from the Trust Fund is for  
2 grants to States for the administration of State un-  
3 employment insurance laws as authorized under title  
4 III of the Social Security Act (including \$10,000,000  
5 to conduct in-person reemployment and eligibility as-  
6 sessments in one-stop career centers of claimants of  
7 unemployment insurance), the administration of un-  
8 employment insurance for Federal employees and for  
9 ex-service members as authorized under sections  
10 8501–8523 of title 5, United States Code, and the ad-  
11 ministration of trade readjustment allowances and al-  
12 ternative trade adjustment assistance under the Trade  
13 Act of 1974, and shall be available for obligation by  
14 the States through December 31, 2008, except that  
15 funds used for automation acquisitions shall be avail-  
16 able for obligation by the States through September  
17 30, 2010, and funds used for unemployment insur-  
18 ance workloads experienced by the States through  
19 September 30, 2008 shall be available for Federal ob-  
20 ligation through December 31, 2008;

21           (2) \$10,500,000 from the Trust Fund is for na-  
22 tional activities necessary to support the administra-  
23 tion of the Federal-State unemployment insurance  
24 system;

1           (3) \$693,000,000 from the Trust Fund, together  
2 with \$22,883,000 from the General Fund of the Treas-  
3 ury, is for grants to States in accordance with section  
4 6 of the Wagner-Peyser Act, and shall be available for  
5 Federal obligation for the period July 1, 2008 through  
6 June 30, 2009;

7           (4) \$32,766,000 from the Trust Fund is for na-  
8 tional activities of the Employment Service, including  
9 administration of the work opportunity tax credit  
10 under section 51 of the Internal Revenue Code of  
11 1986, the administration of activities, including for-  
12 eign labor certifications, under the Immigration and  
13 Nationality Act, and the provision of technical assist-  
14 ance and staff training under the Wagner-Peyser Act,  
15 including not to exceed \$1,228,000 that may be used  
16 for amortization payments to States which had inde-  
17 pendent retirement plans in their State employment  
18 service agencies prior to 1980;

19           (5) \$52,985,000 from the General Fund is to  
20 provide workforce information, national electronic  
21 tools, and one-stop system building under the Wagner-  
22 Peyser Act and shall be available for Federal obliga-  
23 tion for the period July 1, 2008 through June 30,  
24 2009; and

1           (6) \$14,649,000 from the General Fund is to  
2       provide for work incentive grants to the States and  
3       shall be available for the period July 1, 2008 through  
4       June 30, 2009:  
5       *Provided, That to the extent that the Average Weekly In-*  
6       *sured Unemployment (“AWIU”) for fiscal year 2008 is pro-*  
7       *jected by the Department of Labor to exceed 2,786,000, an*  
8       *additional \$28,600,000 from the Trust Fund shall be avail-*  
9       *able for obligation for every 100,000 increase in the AWIU*  
10       *level (including a pro rata amount for any increment less*  
11       *than 100,000) to carry out title III of the Social Security*  
12       *Act: Provided further, That funds appropriated in this Act*  
13       *that are allotted to a State to carry out activities under*  
14       *title III of the Social Security Act may be used by such*  
15       *State to assist other States in carrying out activities under*  
16       *such title III if the other States include areas that have*  
17       *suffered a major disaster declared by the President under*  
18       *the Robert T. Stafford Disaster Relief and Emergency As-*  
19       *sistance Act: Provided further, That the Secretary of Labor*  
20       *may use funds appropriated for grants to States under title*  
21       *III of the Social Security Act to make payments on behalf*  
22       *of States for the use of the National Directory of New Hires*  
23       *under section 453(j)(8) of such Act: Provided further, That*  
24       *funds appropriated in this Act which are used to establish*  
25       *a national one-stop career center system, or which are used*

1 *to support the national activities of the Federal-State un-*  
2 *employment insurance or immigration programs, may be*  
3 *obligated in contracts, grants, or agreements with non-State*  
4 *entities: Provided further, That funds appropriated under*  
5 *this Act for activities authorized under title III of the Social*  
6 *Security Act and the Wagner-Peyser Act may be used by*  
7 *States to fund integrated Unemployment Insurance and*  
8 *Employment Service automation efforts, notwithstanding*  
9 *cost allocation principles prescribed under the Office of*  
10 *Management and Budget Circular A-87.*

11 *In addition, \$40,000,000 from the Employment Secu-*  
12 *rity Administration Account of the Unemployment Trust*  
13 *Fund shall be available to conduct in-person reemployment*  
14 *and eligibility assessments in one-stop career centers of*  
15 *claimants of unemployment insurance: Provided, That not*  
16 *later than 180 days following the end of the current fiscal*  
17 *year, the Secretary shall submit an interim report to the*  
18 *Congress that includes available information on expendi-*  
19 *tures, number of individuals assessed, and outcomes from*  
20 *the assessments: Provided further, That not later than 18*  
21 *months following the end of the fiscal year, the Secretary*  
22 *of Labor shall submit to the Congress a final report con-*  
23 *taining comprehensive information on the estimated sav-*  
24 *ings that result from the assessments of claimants and iden-*  
25 *tification of best practices.*

1     *ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND*  
2                                     *OTHER FUNDS*

3         *For repayable advances to the Unemployment Trust*  
4 *Fund as authorized by sections 905(d) and 1203 of the So-*  
5 *cial Security Act, and to the Black Lung Disability Trust*  
6 *Fund as authorized by section 9501(c)(1) of the Internal*  
7 *Revenue Code of 1954; and for nonrepayable advances to*  
8 *the Unemployment Trust Fund as authorized by section*  
9 *8509 of title 5, United States Code, and to the “Federal*  
10 *unemployment benefits and allowances” account, to remain*  
11 *available until September 30, 2009, \$437,000,000.*

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

17                                     *PROGRAM ADMINISTRATION*

18         *For expenses of administering employment and train-*  
19 *ing programs, \$88,451,000, together with not to exceed*  
20 *\$88,211,000, which may be expended from the Employment*  
21 *Security Administration Account in the Unemployment*  
22 *Trust Fund.*

23                     *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*

24                                     *SALARIES AND EXPENSES*

25         *For necessary expenses for the Employee Benefits Secu-*  
26 *rity Administration, \$142,925,000.*

1           *PENSION BENEFIT GUARANTY CORPORATION*

2           *PENSION BENEFIT GUARANTY CORPORATION FUND*

3           *The Pension Benefit Guaranty Corporation is author-*  
4 *ized to make such expenditures, including financial assist-*  
5 *ance authorized by subtitle E of title IV of the Employee*  
6 *Retirement Income Security Act of 1974 (29 U.S.C. 4201*  
7 *et seq.), within limits of funds and borrowing authority*  
8 *available to such Corporation, and in accord with law, and*  
9 *to make such contracts and commitments without regard*  
10 *to fiscal year limitations as provided by section 104 of the*  
11 *Government Corporation Control Act (31 U.S.C. 9104), as*  
12 *may be necessary in carrying out the program, including*  
13 *associated administrative expenses, through September 30,*  
14 *2008, for such Corporation: Provided, That none of the*  
15 *funds available to the Corporation for fiscal year 2008 shall*  
16 *be available for obligations for administrative expenses in*  
17 *excess of \$411,151,000: Provided further, That to the extent*  
18 *that the number of new plan participants in plans termi-*  
19 *nated by the Corporation exceeds 100,000 in fiscal year*  
20 *2008, an amount not to exceed an additional \$9,200,000*  
21 *shall be available for obligation for administrative expenses*  
22 *for every 20,000 additional terminated participants: Pro-*  
23 *vided further, That an additional \$50,000 shall be made*  
24 *available for obligation for investment management fees for*  
25 *every \$25,000,000 in assets received by the Corporation as*

1 *a result of new plan terminations, after approval by the*  
2 *Office of Management and Budget and notification of the*  
3 *Committees on Appropriations of the House of Representa-*  
4 *tives and the Senate.*

5 *EMPLOYMENT STANDARDS ADMINISTRATION*

6 *SALARIES AND EXPENSES*

7 *(INCLUDING RESCISSION)*

8 *For necessary expenses for the Employment Standards*  
9 *Administration, including reimbursement to State, Federal,*  
10 *and local agencies and their employees for inspection serv-*  
11 *ices rendered, \$435,397,000, together with \$2,111,000 which*  
12 *may be expended from the Special Fund in accordance with*  
13 *sections 39(c), 44(d), and 44(j) of the Longshore and Har-*  
14 *bor Workers' Compensation Act: Provided, That the Sec-*  
15 *retary of Labor is authorized to establish and, in accord-*  
16 *ance with 31 U.S.C. 3302, collect and deposit in the Treas-*  
17 *ury fees for processing applications and issuing certificates*  
18 *under sections 11(d) and 14 of the Fair Labor Standards*  
19 *Act of 1938 and for processing applications and issuing reg-*  
20 *istrations under title I of the Migrant and Seasonal Agri-*  
21 *cultural Worker Protection Act.*

22 *Of the unobligated funds collected pursuant to section*  
23 *286(v) of the Immigration and Nationality Act,*  
24 *\$102,000,000 are rescinded.*



## SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

1  
2  
3       *For the payment of compensation, benefits, and ex-*  
4 *penses (except administrative expenses) accruing during the*  
5 *current or any prior fiscal year authorized by chapter 81*  
6 *of title 5, United States Code; continuation of benefits as*  
7 *provided for under the heading “Civilian War Benefits” in*  
8 *the Federal Security Agency Appropriation Act, 1947; the*  
9 *Employees’ Compensation Commission Appropriation Act,*  
10 *1944; sections 4(c) and 5(f) of the War Claims Act of 1948;*  
11 *and 50 percent of the additional compensation and benefits*  
12 *required by section 10(h) of the Longshore and Harbor*  
13 *Workers’ Compensation Act, \$203,000,000, together with*  
14 *such amounts as may be necessary to be charged to the sub-*  
15 *sequent year appropriation for the payment of compensa-*  
16 *tion and other benefits for any period subsequent to August*  
17 *15 of the current year: Provided, That amounts appro-*  
18 *riated may be used under section 8104 of title 5, United*  
19 *States Code, by the Secretary of Labor to reimburse an em-*  
20 *ployer, who is not the employer at the time of injury, for*  
21 *portions of the salary of a reemployed, disabled beneficiary:*  
22 *Provided further, That balances of reimbursements unobli-*  
23 *gated on September 30, 2007, shall remain available until*  
24 *expended for the payment of compensation, benefits, and ex-*  
25 *penses: Provided further, That in addition there shall be*

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

12 (1) For enhancement and maintenance of auto-  
13 mated data processing systems and telecommuni-  
14 cations systems, \$21,855,000.

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

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

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

22 Provided further, That the Secretary may require that any  
23 person filing a notice of injury or a claim for benefits under  
24 chapter 81 of title 5, United States Code, or the Longshore  
25 and Harbor Workers' Compensation Act, provide as part

1 *of such notice and claim, such identifying information (in-*  
 2 *cluding Social Security account number) as such regula-*  
 3 *tions may prescribe.*

4 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

5 *For carrying out title IV of the Federal Mine Safety*  
 6 *and Health Act of 1977, as amended by Public Law 107-*  
 7 *275, \$208,221,000, to remain available until expended.*

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

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

15 *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES*

16 *OCCUPATIONAL ILLNESS COMPENSATION FUND*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For necessary expenses to administer the Energy Em-*  
 19 *ployees Occupational Illness Compensation Program Act,*  
 20 *\$104,745,000, to remain available until expended: Pro-*  
 21 *vided, That the Secretary of Labor is authorized to transfer*  
 22 *to any executive agency with authority under the Energy*  
 23 *Employees Occupational Illness Compensation Program*  
 24 *Act, including within the Department of Labor, such sums*  
 25 *as may be necessary in fiscal year 2008 to carry out those*  
 26 *authorities: Provided further, That the Secretary may re-*

1 *quire that any person filing a claim for benefits under the*  
2 *Act provide as part of such claim, such identifying informa-*  
3 *tion (including Social Security account number) as may*  
4 *be prescribed: Provided further, That not later than 30 days*  
5 *after enactment of this Act, in addition to other sums trans-*  
6 *ferred by the Secretary to the National Institute for Occupa-*  
7 *tional Safety and Health (“NIOSH”) for the administra-*  
8 *tion of the Energy Employees Occupational Illness Com-*  
9 *ensation Program (“EEOICP”), the Secretary shall trans-*  
10 *fer \$4,500,000 to NIOSH from the funds appropriated to*  
11 *the Energy Employees Occupational Illness Compensation*  
12 *Fund, for use by or in support of the Advisory Board on*  
13 *Radiation and Worker Health (“the Board”) to carry out*  
14 *its statutory responsibilities under the EEOICP, including*  
15 *obtaining audits, technical assistance and other support*  
16 *from the Board’s audit contractor with regard to radiation*  
17 *dose estimation and reconstruction efforts, site profiles, pro-*  
18 *cedures, and review of Special Exposure Cohort petitions*  
19 *and evaluation reports.*

20 *BLACK LUNG DISABILITY TRUST FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *In fiscal year 2008 and thereafter, such sums as may*  
23 *be necessary from the Black Lung Disability Trust Fund,*  
24 *to remain available until expended, for payment of all bene-*  
25 *fits authorized by section 9501(d)(1), (2), (4), and (7) of*  
26 *the Internal Revenue Code of 1954; and interest on ad-*

1 *vances, as authorized by section 9501(c)(2) of that Act. In*  
2 *addition, the following amounts shall be available from the*  
3 *Fund for fiscal year 2008 for expenses of operation and ad-*  
4 *ministration of the Black Lung Benefits program, as au-*  
5 *thorized by section 9501(d)(5): not to exceed \$32,761,000*  
6 *for transfer to the Employment Standards Administration*  
7 *“Salaries and Expenses”; not to exceed \$24,785,000 for*  
8 *transfer to Departmental Management, “Salaries and Ex-*  
9 *penses”; not to exceed \$335,000 for transfer to Depart-*  
10 *mental Management, “Office of Inspector General”; and not*  
11 *to exceed \$356,000 for payments into miscellaneous receipts*  
12 *for the expenses of the Department of the Treasury.*

13 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses for the Occupational Safety*  
16 *and Health Administration, \$500,568,000, including not to*  
17 *exceed \$91,093,000 which shall be the maximum amount*  
18 *available for grants to States under section 23(g) of the Oc-*  
19 *cupational Safety and Health Act (the “Act”), which grants*  
20 *shall be no less than 50 percent of the costs of State occupa-*  
21 *tional safety and health programs required to be incurred*  
22 *under plans approved by the Secretary of Labor under sec-*  
23 *tion 18 of the Act; and, in addition, notwithstanding 31*  
24 *U.S.C. 3302, the Occupational Safety and Health Adminis-*  
25 *tration may retain up to \$750,000 per fiscal year of train-*

1 *ing institute course tuition fees, otherwise authorized by law*  
2 *to be collected, and may utilize such sums for occupational*  
3 *safety and health training and education grants: Provided,*  
4 *That, notwithstanding 31 U.S.C. 3302, the Secretary is au-*  
5 *thorized, during the fiscal year ending September 30, 2008,*  
6 *to collect and retain fees for services provided to Nationally*  
7 *Recognized Testing Laboratories, and may utilize such*  
8 *sums, in accordance with the provisions of 29 U.S.C. 9a,*  
9 *to administer national and international laboratory rec-*  
10 *ognition programs that ensure the safety of equipment and*  
11 *products used by workers in the workplace: Provided fur-*  
12 *ther, That none of the funds appropriated under this para-*  
13 *graph shall be obligated or expended to prescribe, issue, ad-*  
14 *minister, or enforce any standard, rule, regulation, or order*  
15 *under the Act which is applicable to any person who is en-*  
16 *gaged in a farming operation which does not maintain a*  
17 *temporary labor camp and employs 10 or fewer employees:*  
18 *Provided further, That no funds appropriated under this*  
19 *paragraph shall be obligated or expended to administer or*  
20 *enforce any standard, rule, regulation, or order under the*  
21 *Act with respect to any employer of 10 or fewer employees*  
22 *who is included within a category having a Days Away,*  
23 *Restricted, or Transferred (DART) occupational injury and*  
24 *illness rate, at the most precise industrial classification code*  
25 *for which such data are published, less than the national*

1 *average rate as such rates are most recently published by*  
2 *the Secretary, acting through the Bureau of Labor Statis-*  
3 *tics, in accordance with section 24 of the Act, except—*

4           (1) *to provide, as authorized by the Act, con-*  
5 *sultation, technical assistance, educational and train-*  
6 *ing services, and to conduct surveys and studies;*

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

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

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

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

23           (6) *to take any action authorized by the Act with*  
24 *respect to complaints of discrimination against em-*  
25 *ployees for exercising rights under the Act:*

1 *Provided further, That the foregoing proviso shall not apply*  
2 *to any person who is engaged in a farming operation which*  
3 *does not maintain a temporary labor camp and employs*  
4 *10 or fewer employees: Provided further, That \$10,116,000*  
5 *shall be available for Susan Harwood training grants, of*  
6 *which \$3,200,000 shall be used for the Institutional Com-*  
7 *petency Building training grants which commenced in Sep-*  
8 *tember 2000, for program activities for the period of October*  
9 *1, 2007 to September 30, 2008, provided that a grantee has*  
10 *demonstrated satisfactory performance: Provided further,*  
11 *That such grants shall be awarded not later than 30 days*  
12 *after the date of enactment of this Act: Provided further,*  
13 *That the Secretary shall provide a report to the Committees*  
14 *on Appropriations of the House of Representatives and the*  
15 *Senate with timetables for the development and issuance of*  
16 *occupational safety and health standards on beryllium, sili-*  
17 *ca, cranes and derricks, confined space entry in construc-*  
18 *tion, and hazard communication global harmonization;*  
19 *such timetables shall include actual or estimated dates for:*  
20 *the publication of an advance notice of proposed rule-*  
21 *making, the commencement and completion of a Small*  
22 *Business Regulatory Enforcement Fairness Act review (if*  
23 *required), the completion of any peer review (if required),*  
24 *the submission of the draft proposed rule to the Office of*  
25 *Management and Budget for review under Executive Order*



1 *No. 12866 (if required), the publication of a proposed rule,*  
2 *the conduct of public hearings, the submission of a draft*  
3 *final rule to the Office and Management and Budget for*  
4 *review under Executive Order No. 12866 (if required), and*  
5 *the issuance of a final rule; and such report shall be sub-*  
6 *mitted to the Committees on Appropriations of the House*  
7 *of Representatives and the Senate within 90 days of the*  
8 *enactment of this Act, with updates provided every 90 days*  
9 *thereafter that shall include an explanation of the reasons*  
10 *for any delays in meeting the projected timetables for ac-*  
11 *tion.*

12 *MINE SAFETY AND HEALTH ADMINISTRATION*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses for the Mine Safety and Health*  
15 *Administration, \$339,893,000, including purchase and be-*  
16 *stowal of certificates and trophies in connection with mine*  
17 *rescue and first-aid work, and the hire of passenger motor*  
18 *vehicles, including up to \$2,000,000 for mine rescue and*  
19 *recovery activities, \$2,200,000 for an award to the United*  
20 *Mine Workers of America, for classroom and simulated res-*  
21 *cue training for mine rescue teams, and \$1,215,000 for an*  
22 *award to the Wheeling Jesuit University, for the National*  
23 *Technology Transfer Center for a coal slurry impoundment*  
24 *project; in addition, not to exceed \$750,000 may be collected*  
25 *by the National Mine Health and Safety Academy for room,*

1 board, tuition, and the sale of training materials, otherwise  
2 authorized by law to be collected, to be available for mine  
3 safety and health education and training activities, not-  
4 withstanding 31 U.S.C. 3302; and, in addition, the Mine  
5 Safety and Health Administration may retain up to  
6 \$1,000,000 from fees collected for the approval and certifi-  
7 cation of equipment, materials, and explosives for use in  
8 mines, and may utilize such sums for such activities; the  
9 Secretary of Labor is authorized to accept lands, buildings,  
10 equipment, and other contributions from public and private  
11 sources and to prosecute projects in cooperation with other  
12 agencies, Federal, State, or private; the Mine Safety and  
13 Health Administration is authorized to promote health and  
14 safety education and training in the mining community  
15 through cooperative programs with States, industry, and  
16 safety associations; the Secretary is authorized to recognize  
17 the Joseph A. Holmes Safety Association as a principal  
18 safety association and, notwithstanding any other provision  
19 of law, may provide funds and, with or without reimburse-  
20 ment, personnel, including service of Mine Safety and  
21 Health Administration officials as officers in local chapters  
22 or in the national organization; and any funds available  
23 to the Department may be used, with the approval of the  
24 Secretary, to provide for the costs of mine rescue and sur-  
25 vival operations in the event of a major disaster.

1                    *BUREAU OF LABOR STATISTICS*2                    *SALARIES AND EXPENSES*

3            *For necessary expenses for the Bureau of Labor Statis-*  
4 *tics, including advances or reimbursements to State, Fed-*  
5 *eral, and local agencies and their employees for services ren-*  
6 *dered, \$488,804,000, together with not to exceed*  
7 *\$78,000,000, which may be expended from the Employment*  
8 *Security Administration Account in the Unemployment*  
9 *Trust Fund, of which \$5,000,000 may be used to fund the*  
10 *mass layoff statistics program under section 15 of the Wag-*  
11 *ner-Peyser Act: Provided, That the Current Employment*  
12 *Survey shall maintain the content of the survey issued prior*  
13 *to June 2005 with respect to the collection of data for the*  
14 *women worker series.*

15                    *OFFICE OF DISABILITY EMPLOYMENT POLICY*16                    *SALARIES AND EXPENSES*

17            *For necessary expenses for the Office of Disability Em-*  
18 *ployment Policy to provide leadership, develop policy and*  
19 *initiatives, and award grants furthering the objective of*  
20 *eliminating barriers to the training and employment of*  
21 *people with disabilities, \$27,712,000.*

22                    *DEPARTMENTAL MANAGEMENT*23                    *SALARIES AND EXPENSES*

24            *For necessary expenses for Departmental Management,*  
25 *including the hire of three sedans, and including the man-*

1 *agement or operation, through contracts, grants or other ar-*  
2 *rangements of Departmental activities conducted by or*  
3 *through the Bureau of International Labor Affairs, includ-*  
4 *ing bilateral and multilateral technical assistance and other*  
5 *international labor activities, \$304,856,000, of which*  
6 *\$82,516,000 is for the Bureau of International Labor Af-*  
7 *fairs (including \$5,000,000 to implement model programs*  
8 *to address worker rights issues through technical assistance*  
9 *in countries with which the United States has trade pref-*  
10 *erence programs), and of which \$20,000,000 is for the ac-*  
11 *quisition of Departmental information technology, architec-*  
12 *ture, infrastructure, equipment, software and related needs,*  
13 *which will be allocated by the Department's Chief Informa-*  
14 *tion Officer in accordance with the Department's capital*  
15 *investment management process to assure a sound invest-*  
16 *ment strategy; together with not to exceed \$318,000, which*  
17 *may be expended from the Employment Security Adminis-*  
18 *tration Account in the Unemployment Trust Fund.*

19 *OFFICE OF JOB CORPS*

20 *To carry out subtitle C of title I of the Workforce In-*  
21 *vestment Act of 1998, including Federal administrative ex-*  
22 *penses, the purchase and hire of passenger motor vehicles,*  
23 *the construction, alteration and repairs of buildings and*  
24 *other facilities, and the purchase of real property for train-*  
25 *ing centers as authorized by the Workforce Investment Act;*  
26 *\$1,650,516,000, plus reimbursements, as follows:*

1           (1) \$1,507,684,000 for Job Corps Operations, of  
2           which \$916,684,000 is available for obligation for the  
3           period July 1, 2008 through June 30, 2009 and of  
4           which \$591,000,000 is available for obligation for the  
5           period October 1, 2008 through June 30, 2009;

6           (2) \$113,960,000 for construction, rehabilitation  
7           and acquisition of Job Corps Centers, of which  
8           \$13,960,000 is available for the period July 1, 2008  
9           through June 30, 2011 and \$100,000,000 is available  
10          for the period October 1, 2008 through June 30, 2011;  
11          and

12          (3) \$28,872,000 for necessary expenses of the Of-  
13          fice of Job Corps is available for obligation for the pe-  
14          riod October 1, 2007 through September 30, 2008:

15          *Provided, That the Office of Job Corps shall have con-*  
16          *tracting authority: Provided further, That no funds from*  
17          *any other appropriation shall be used to provide meal serv-*  
18          *ices at or for Job Corps centers: Provided further, That none*  
19          *of the funds made available in this Act shall be used to*  
20          *reduce Job Corps total student training slots below 44,791*  
21          *in program year 2008.*

22                                   VETERANS EMPLOYMENT AND TRAINING

23          *Not to exceed \$197,143,000 may be derived from the*  
24          *Employment Security Administration Account in the Un-*  
25          *employment Trust Fund to carry out the provisions of sec-*  
26          *tions 4100–4113, 4211–4215, and 4321–4327 of title 38,*

1 *United States Code, and Public Law 103–353, and which*  
2 *shall be available for obligation by the States through De-*  
3 *cember 31, 2008, of which \$1,967,000 is for the National*  
4 *Veterans’ Employment and Training Services Institute. To*  
5 *carry out the Homeless Veterans Reintegration Programs*  
6 *under section 5(a)(1) of the Homeless Veterans Comprehen-*  
7 *sive Assistance Act of 2001 and the Veterans Workforce In-*  
8 *vestment Programs under section 168 of the Workforce In-*  
9 *vestment Act, \$31,055,000, of which \$7,435,000 shall be*  
10 *available for obligation for the period July 1, 2008, through*  
11 *June 30, 2009.*

12 *OFFICE OF INSPECTOR GENERAL*

13 *For salaries and expenses of the Office of Inspector*  
14 *General in carrying out the provisions of the Inspector Gen-*  
15 *eral Act of 1978, \$72,929,000, together with not to exceed*  
16 *\$5,729,000, which may be expended from the Employment*  
17 *Security Administration Account in the Unemployment*  
18 *Trust Fund.*

19 *GENERAL PROVISIONS*

20 *SEC. 101. None of the funds appropriated in this Act*  
21 *for the Job Corps shall be used to pay the salary of an indi-*  
22 *vidual, either as direct costs or any proration as an indirect*  
23 *cost, at a rate in excess of Executive Level I.*

24 *(TRANSFER OF FUNDS)*

25 *SEC. 102. Not to exceed 1 percent of any discretionary*  
26 *funds (pursuant to the Balanced Budget and Emergency*

1 *Deficit Control Act of 1985) which are appropriated for the*  
2 *current fiscal year for the Department of Labor in this Act*  
3 *may be transferred between a program, project, or activity,*  
4 *but no such program, project, or activity shall be increased*  
5 *by more than 3 percent by any such transfer: Provided,*  
6 *That the transfer authority granted by this section shall be*  
7 *available only to meet emergency needs and shall not be*  
8 *used to create any new program or to fund any project or*  
9 *activity for which no funds are provided in this Act: Pro-*  
10 *vided further, That the Committees on Appropriations of*  
11 *the House of Representatives and the Senate are notified*  
12 *at least 15 days in advance of any transfer.*

13       *SEC. 103. In accordance with Executive Order No.*  
14 *13126, none of the funds appropriated or otherwise made*  
15 *available pursuant to this Act shall be obligated or expended*  
16 *for the procurement of goods mined, produced, manufac-*  
17 *tured, or harvested or services rendered, whole or in part,*  
18 *by forced or indentured child labor in industries and host*  
19 *countries already identified by the United States Depart-*  
20 *ment of Labor prior to enactment of this Act.*

21       *SEC. 104. After September 30, 2007, the Secretary of*  
22 *Labor shall issue a monthly transit subsidy of not less than*  
23 *the full amount (of not less than \$110) that each of its em-*  
24 *ployees of the National Capital Region is eligible to receive.*

1       *SEC. 105. None of the funds appropriated in this title*  
2 *for grants under section 171 of the Workforce Investment*  
3 *Act of 1998 may be obligated prior to the preparation and*  
4 *submission of a report by the Secretary of Labor to the*  
5 *Committees on Appropriations of the House of Representa-*  
6 *tives and the Senate detailing the planned uses of such*  
7 *funds.*

8       *SEC. 106. There is authorized to be appropriated such*  
9 *sums as may be necessary to the Denali Commission*  
10 *through the Department of Labor to conduct job training*  
11 *of the local workforce where Denali Commission projects*  
12 *will be constructed.*

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

24       *SEC. 108. None of the funds available in this Act or*  
25 *available to the Secretary of Labor from other sources for*



1 *Community-Based Job Training grants and grants author-*  
2 *ized under section 414(c) of the American Competitiveness*  
3 *and Workforce Improvement Act of 1998 shall be obligated*  
4 *for a grant awarded on a non-competitive basis.*

5       *SEC. 109. The Secretary of Labor shall take no action*  
6 *to amend, through regulatory or administration action, the*  
7 *definition established in 20 CFR 667.220 for functions and*  
8 *activities under title I of the Workforce Investment Act of*  
9 *1998, or to modify, through regulatory or administrative*  
10 *action, the procedure for redesignation of local areas as*  
11 *specified in subtitle B of title I of that Act (including ap-*  
12 *plying the standards specified in section 116(a)(3)(B) of*  
13 *that Act, but notwithstanding the time limits specified in*  
14 *section 116(a)(3)(B) of that Act), until such time as legisla-*  
15 *tion reauthorizing the Act is enacted. Nothing in the pre-*  
16 *ceding sentence shall permit or require the Secretary of*  
17 *Labor to withdraw approval for such redesignation from*  
18 *a State that received the approval not later than October*  
19 *12, 2005, or to revise action taken or modify the redesigna-*  
20 *tion procedure being used by the Secretary in order to com-*  
21 *plete such redesignation for a State that initiated the proc-*  
22 *ess of such redesignation by submitting any request for such*  
23 *redesignation not later than October 26, 2005.*

24       *SEC. 110. None of the funds made available in this*  
25 *or any other Act shall be available to finalize or implement*

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

7       *SEC. 111. (a) On or before November 30, 2007, the Sec-*  
8 *retary of Labor shall, pursuant to section 6 of the Occupa-*  
9 *tional Safety and Health Act of 1970, promulgate a final*  
10 *occupational safety and health standard concerning em-*  
11 *ployer payment for personal protective equipment. The*  
12 *final standard shall provide no less protection to employees*  
13 *and shall have no further exceptions from the employer pay-*  
14 *ment requirement than the proposed rule published in the*  
15 *Federal Register on March 31, 1999 (64 Fed. Reg. 15402).*

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

22       *SEC. 112. None of the funds available in this Act may*  
23 *be used to carry out a public-private competition or direct*  
24 *conversion under Office of Management and Budget Cir-*  
25 *cular A-76 or any successor administrative regulation, di-*

1 *rective or policy until 60 days after the Government Ac-*  
2 *countability Office provides a report to the Committees on*  
3 *Appropriations of the House of Representatives and the*  
4 *Senate on the use of competitive sourcing at the Department*  
5 *of Labor.*

6       *SEC. 113. (a) Not later than June 20, 2008, the Sec-*  
7 *retary of Labor shall propose regulations pursuant to sec-*  
8 *tion 303(y) of the Federal Mine Safety and Health Act of*  
9 *1977, consistent with the recommendations of the Technical*  
10 *Study Panel established pursuant to section 11 of the Mine*  
11 *Improvement and New Emergency Response (MINER) Act*  
12 *(Public Law 109–236), to require that in any coal mine,*  
13 *regardless of the date on which it was opened, belt haulage*  
14 *entries not be used to ventilate active working places with-*  
15 *out prior approval from the Assistant Secretary. Further,*  
16 *a mine ventilation plan incorporating the use of air coursed*  
17 *through belt haulage entries to ventilate active working*  
18 *places shall not be approved until the Assistant Secretary*  
19 *has reviewed the elements of the plan related to the use of*  
20 *belt air and determined that the plan at all times affords*  
21 *at least the same measure of protection where belt haulage*  
22 *entries are not used to ventilate working places. The Sec-*  
23 *retary shall finalize the regulations not later than December*  
24 *31, 2008.*

1       (b) Not later than June 15, 2008, the Secretary of  
2 Labor shall propose regulations pursuant to section 315 of  
3 the Federal Coal Mine Health and Safety Act of 1969, con-  
4 sistent with the recommendations of the National Institute  
5 for Occupational Safety and Health pursuant to section 13  
6 of the MINER Act (Public Law 109–236), requiring rescue  
7 chambers, or facilities that afford at least the same measure  
8 of protection, in underground coal mines. The Secretary  
9 shall finalize the regulations not later than December 31,  
10 2008.

11       SEC. 114. None of the funds appropriated in this Act  
12 under the heading “Employment and Training Adminis-  
13 tration” shall be used by a recipient or subrecipient of such  
14 funds to pay the salary and bonuses of an individual, either  
15 as direct costs or indirect costs, at a rate in excess of Execu-  
16 tive Level II. This limitation shall not apply to vendors  
17 providing goods and services as defined in OMB Circular  
18 A–133. Where States are recipients of such funds, States  
19 may establish a lower limit for salaries and bonuses of those  
20 receiving salaries and bonuses from subrecipients of such  
21 funds, taking into account factors including the relative  
22 cost-of-living in the State, the compensation levels for com-  
23 parable State or local government employees, and the size  
24 of the organizations that administer Federal programs in-

1 *involved including Employment and Training Administra-*  
2 *tion programs.*

3 *This title may be cited as the “Department of Labor*  
4 *Appropriations Act, 2008”.*

5 *TITLE II*

6 *DEPARTMENT OF HEALTH AND HUMAN*

7 *SERVICES*

8 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

9 *HEALTH RESOURCES AND SERVICES*

10 *For carrying out titles II, III, IV, VII, VIII, X, XII,*  
11 *XIX, and XXVI of the Public Health Service Act, section*  
12 *427(a) of the Federal Coal Mine Health and Safety Act,*  
13 *title V and sections 1128E, and 711, and 1820 of the Social*  
14 *Security Act, the Health Care Quality Improvement Act of*  
15 *1986, the Native Hawaiian Health Care Act of 1988, the*  
16 *Cardiac Arrest Survival Act of 2000, and section 712 of*  
17 *the American Jobs Creation Act of 2004, \$7,235,468,000,*  
18 *of which \$317,684,000 shall be available for construction*  
19 *and renovation (including equipment) of health care and*  
20 *other facilities and other health-related activities as speci-*  
21 *fied in the statement of the managers on the conference re-*  
22 *port accompanying this Act, and of which \$38,538,000 from*  
23 *general revenues, notwithstanding section 1820(j) of the So-*  
24 *cial Security Act, shall be available for carrying out the*  
25 *Medicare rural hospital flexibility grants program under*

1 *such section: Provided, That of the funds made available*  
2 *under this heading, \$160,000 shall be available until ex-*  
3 *pended for facilities renovations at the Gillis W. Long Han-*  
4 *sen’s Disease Center: Provided further, That \$40,000,000 of*  
5 *the funding provided for community health centers shall be*  
6 *for base grant adjustments for existing health centers: Pro-*  
7 *vided further, That in addition to fees authorized by section*  
8 *427(b) of the Health Care Quality Improvement Act of*  
9 *1986, fees shall be collected for the full disclosure of informa-*  
10 *tion under the Act sufficient to recover the full costs of oper-*  
11 *ating the National Practitioner Data Bank, and shall re-*  
12 *main available until expended to carry out that Act: Pro-*  
13 *vided further, That fees collected for the full disclosure of*  
14 *information under the “Health Care Fraud and Abuse Data*  
15 *Collection Program”, authorized by section 1128E(d)(2) of*  
16 *the Social Security Act, shall be sufficient to recover the*  
17 *full costs of operating the program, and shall remain avail-*  
18 *able until expended to carry out that Act: Provided further,*  
19 *That no more than \$40,000 is available until expended for*  
20 *carrying out the provisions of 42 U.S.C. 233(o) including*  
21 *associated administrative expenses and relevant evalua-*  
22 *tions: Provided further, That no more than \$44,055,000 is*  
23 *available until expended for carrying out the provisions of*  
24 *Public Law 104–73 and for expenses incurred by the De-*  
25 *partment of Health and Human Services pertaining to ad-*

1 *ministrative claims made under such law: Provided further,*  
2 *That of the funds made available under this heading,*  
3 *\$310,910,000 shall be for the program under title X of the*  
4 *Public Health Service Act to provide for voluntary family*  
5 *planning projects: Provided further, That amounts provided*  
6 *to said projects under such title shall not be expended for*  
7 *abortions, that all pregnancy counseling shall be nondirec-*  
8 *tive, and that such amounts shall not be expended for any*  
9 *activity (including the publication or distribution of lit-*  
10 *erature) that in any way tends to promote public support*  
11 *or opposition to any legislative proposal or candidate for*  
12 *public office: Provided further, That of the funds available*  
13 *under this heading, \$1,868,809,000 shall remain available*  
14 *to the Secretary of Health and Human Services through*  
15 *September 30, 2010, for parts A and B of title XXVI of*  
16 *the Public Health Service Act: Provided further, That with-*  
17 *in the amounts provided for part A of title XXVI of the*  
18 *Public Health Service Act, \$9,377,000 is available to the*  
19 *Secretary of Health and Human Services through Sep-*  
20 *tember 30, 2010, and shall be made available to qualifying*  
21 *jurisdictions within 45 days of enactment, for increasing*  
22 *supplemental grants for fiscal year 2008 to metropolitan*  
23 *areas that received grant funding in fiscal year 2007 under*  
24 *subpart I of part A of title XXVI of the Public Health Serv-*  
25 *ice Act to ensure that an area's total funding under subpart*

1 *I of part A for fiscal year 2007, together with the amount*  
2 *of this additional funding, is not less than 91.6 percent of*  
3 *the amount of such area's total funding under part A for*  
4 *fiscal year 2006, and to transitional areas that received*  
5 *grant funding in fiscal year 2007 under subpart II of part*  
6 *A of title XXVI of the Public Health Service Act to ensure*  
7 *that an area's total funding under subpart II of part A*  
8 *for fiscal year 2007, together with the amount of this addi-*  
9 *tional funding, is not less than 86.6 percent of the amount*  
10 *of such area's total funding under part A for fiscal year*  
11 *2006: Provided further, That, notwithstanding section*  
12 *2603(c)(1) of the Public Health Service Act, the additional*  
13 *funding to areas under the immediately preceding proviso,*  
14 *which may be used for costs incurred during fiscal year*  
15 *2007, shall be available to the area for obligation from the*  
16 *date of the award through the end of the grant year for*  
17 *the award: Provided further, That \$822,570,000 shall be for*  
18 *State AIDS Drug Assistance Programs authorized by sec-*  
19 *tion 2616 of the Public Health Service Act: Provided fur-*  
20 *ther, That in addition to amounts provided herein,*  
21 *\$25,000,000 shall be available from amounts available*  
22 *under section 241 of the Public Health Service Act to carry*  
23 *out Parts A, B, C, and D of title XXVI of the Public Health*  
24 *Service Act to fund section 2691 Special Projects of Na-*  
25 *tional Significance: Provided further, That, notwith-*



1 *standing section 502(a)(1) and 502(b)(1) of the Social Secu-*  
2 *rity Act, not to exceed \$103,666,000 is available for car-*  
3 *rying out special projects of regional and national signifi-*  
4 *cance pursuant to section 501(a)(2) of such Act and*  
5 *\$10,586,000 is available for projects described in para-*  
6 *graphs (A) through (F) of section 501(a)(3) of such Act:*  
7 *Provided further, That of the funds provided, \$39,283,000*  
8 *shall be provided to the Denali Commission as a direct*  
9 *lump payment pursuant to Public Law 106–113: Provided*  
10 *further, That of the funds provided, \$25,000,000 shall be*  
11 *provided for the Delta Health Initiative as authorized in*  
12 *section 219 of this Act and associated administrative ex-*  
13 *penses: Provided further, That notwithstanding section*  
14 *747(e)(2) of the PHS Act, not less than \$5,000,000 shall*  
15 *be for general dentistry programs, not less than \$5,000,000*  
16 *shall be for pediatric dentistry programs and not less than*  
17 *\$24,614,000 shall be for family medicine programs: Pro-*  
18 *vided further, That of the funds available under this head-*  
19 *ing, \$12,000,000 shall be provided for the National Cord*  
20 *Blood Inventory pursuant to the Stem Cell Therapeutic and*  
21 *Research Act of 2005.*

22 *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM*

23 *ACCOUNT*

24 *Such sums as may be necessary to carry out the pur-*  
25 *pose of the program, as authorized by title VII of the Public*  
26 *Health Service Act. For administrative expenses to carry*

1 *out the guaranteed loan program, including section 709 of*  
2 *the Public Health Service Act, \$2,906,000.*

3 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

4 *For payments from the Vaccine Injury Compensation*  
5 *Program Trust Fund, such sums as may be necessary for*  
6 *claims associated with vaccine-related injury or death with*  
7 *respect to vaccines administered after September 30, 1988,*  
8 *pursuant to subtitle 2 of title XXI of the Public Health*  
9 *Service Act, to remain available until expended: Provided,*  
10 *That for necessary administrative expenses, not to exceed*  
11 *\$6,000,000 shall be available from the Trust Fund to the*  
12 *Secretary of Health and Human Services.*

13 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

14 *DISEASE CONTROL, RESEARCH, AND TRAINING*

15 *To carry out titles II, III, VII, XI, XV, XVII, XIX,*  
16 *XXI, and XXVI of the Public Health Service Act, sections*  
17 *101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Fed-*  
18 *eral Mine Safety and Health Act of 1977, section 13 of the*  
19 *Mine Improvement and New Emergency Response Act of*  
20 *2006, sections 20, 21, and 22 of the Occupational Safety*  
21 *and Health Act of 1970, title IV of the Immigration and*  
22 *Nationality Act, section 501 of the Refugee Education As-*  
23 *sistance Act of 1980, and for expenses necessary to support*  
24 *activities related to countering potential biological, disease,*  
25 *nuclear, radiological, and chemical threats to civilian popu-*  
26 *lations; including purchase and insurance of official motor*

1 *vehicles in foreign countries; and purchase, hire, mainte-*  
2 *nance, and operation of aircraft, \$6,288,289,000, of which*  
3 *\$147,000,000 shall remain available until expended for*  
4 *equipment, construction and renovation of facilities; of*  
5 *which \$568,803,000 shall remain available until expended*  
6 *for the Strategic National Stockpile; of which \$52,500,000*  
7 *shall be available until expended to provide screening and*  
8 *treatment for first response emergency services personnel,*  
9 *residents, students, and others related to the September 11,*  
10 *2001 terrorist attacks on the World Trade Center; and of*  
11 *which \$121,541,000 for international HIV/AIDS shall re-*  
12 *main available until September 30, 2009. In addition, such*  
13 *sums as may be derived from authorized user fees, which*  
14 *shall be credited to this account: Provided, That in addition*  
15 *to amounts provided herein, the following amounts shall be*  
16 *available from amounts available under section 241 of the*  
17 *Public Health Service Act: (1) \$12,794,000 to carry out the*  
18 *National Immunization Surveys; (2) \$116,550,000 to carry*  
19 *out the National Center for Health Statistics surveys; (3)*  
20 *\$24,751,000 to carry out information systems standards de-*  
21 *velopment and architecture and applications-based research*  
22 *used at local public health levels; (4) \$44,523,000 for Health*  
23 *Marketing; (5) \$31,000,000 to carry out Public Health Re-*  
24 *search; and (6) \$97,404,000 to carry out research activities*  
25 *within the National Occupational Research Agenda: Pro-*

1 *vided further, That none of the funds made available for*  
2 *injury prevention and control at the Centers for Disease*  
3 *Control and Prevention may be used, in whole or in part,*  
4 *to advocate or promote gun control: Provided further, That*  
5 *up to \$31,800,000 shall be made available until expended*  
6 *for Individual Learning Accounts for full-time equivalent*  
7 *employees of the Centers for Disease Control and Preven-*  
8 *tion: Provided further, That the Director may redirect the*  
9 *total amount made available under authority of Public Law*  
10 *101–502, section 3, dated November 3, 1990, to activities*  
11 *the Director may so designate: Provided further, That the*  
12 *Committees on Appropriations of the House of Representa-*  
13 *tives and the Senate are to be notified promptly of any such*  
14 *transfer: Provided further, That not to exceed \$19,414,000*  
15 *may be available for making grants under section 1509 of*  
16 *the Public Health Service Act to not less than 15 States,*  
17 *tribes, or tribal organizations: Provided further, That not-*  
18 *withstanding any other provision of law, a single contract*  
19 *or related contracts for development and construction of fa-*  
20 *cilities may be employed which collectively include the full*  
21 *scope of the project: Provided further, That the solicitation*  
22 *and contract shall contain the clause “availability of funds”*  
23 *found at 48 CFR 52.232–18: Provided further, That of the*  
24 *funds appropriated, \$10,000 is for official reception and*  
25 *representation expenses when specifically approved by the*

1 *Director of the Centers for Disease Control and Prevention:*  
2 *Provided further, That employees of the Centers for Disease*  
3 *Control and Prevention or the Public Health Service, both*  
4 *civilian and Commissioned Officers, detailed to States, mu-*  
5 *nicipalities, or other organizations under authority of sec-*  
6 *tion 214 of the Public Health Service Act, or in overseas*  
7 *assignments, shall be treated as non-Federal employees for*  
8 *reporting purposes only and shall not be included within*  
9 *any personnel ceiling applicable to the Agency, Service, or*  
10 *the Department of Health and Human Services during the*  
11 *period of detail or assignment: Provided further, That out*  
12 *of funds made available under this heading for domestic*  
13 *HIV/AIDS testing, up to \$30,000,000 shall be for States*  
14 *eligible under section 2625 of the Public Health Service Act*  
15 *as of December 31, 2007 and shall be distributed by March*  
16 *31, 2008 based on standard criteria relating to a State's*  
17 *epidemiological profile, and of which not more than*  
18 *\$1,000,000 may be made available to any one State, and*  
19 *any amounts that have not been obligated by March 31,*  
20 *2008 shall be used to make grants authorized by other provi-*  
21 *sions of the Public Health Service Act to States and local*  
22 *public health departments for HIV prevention activities.*

1                    *NATIONAL INSTITUTES OF HEALTH*2                    *NATIONAL CANCER INSTITUTE*

3            *For carrying out section 301 and title IV of the Public*  
4 *Health Service Act with respect to cancer, \$4,925,740,000,*  
5 *of which up to \$8,000,000 may be used for facilities repairs*  
6 *and improvements at the NCI-Frederick Federally Funded*  
7 *Research and Development Center in Frederick, Maryland.*

8                    *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

9            *For carrying out section 301 and title IV of the Public*  
10 *Health Service Act with respect to cardiovascular, lung,*  
11 *and blood diseases, and blood and blood products,*  
12 *\$3,001,691,000.*

13                    *NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL*14                    *RESEARCH*

15            *For carrying out section 301 and title IV of the Public*  
16 *Health Service Act with respect to dental disease,*  
17 *\$399,867,000.*

18                    *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND*19                    *KIDNEY DISEASES*

20            *For carrying out section 301 and title IV of the Public*  
21 *Health Service Act with respect to diabetes and digestive*  
22 *and kidney disease, \$1,753,037,000.*

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND  
2 STROKE

3 *For carrying out section 301 and title IV of the Public*  
4 *Health Service Act with respect to neurological disorders*  
5 *and stroke, \$1,578,210,000.*

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
7 DISEASES

8 (INCLUDING TRANSFER OF FUNDS)

9 *For carrying out section 301 and title IV of the Public*  
10 *Health Service Act with respect to allergy and infectious*  
11 *diseases, \$4,682,585,000: Provided, That \$300,000,000 may*  
12 *be made available to International Assistance Programs*  
13 *“Global Fund to Fight HIV/AIDS, Malaria, and Tuber-*  
14 *culosis”, to remain available until expended: Provided fur-*  
15 *ther, That such sums obligated in fiscal years 2003 through*  
16 *2007 for extramural facilities construction projects are to*  
17 *remain available until expended for disbursement, with*  
18 *prior notification of such projects to the Committees on Ap-*  
19 *propriations of the House of Representatives and the Sen-*  
20 *ate.*

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 *For carrying out section 301 and title IV of the Public*  
23 *Health Service Act with respect to general medical sciences,*  
24 *\$1,984,879,000.*

1     *NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN*  
2                                     *DEVELOPMENT*

3             *For carrying out section 301 and title IV of the Public*  
4 *Health Service Act with respect to child health and human*  
5 *development, \$1,286,379,000.*

6                                     *NATIONAL EYE INSTITUTE*

7             *For carrying out section 301 and title IV of the Public*  
8 *Health Service Act with respect to eye diseases and visual*  
9 *disorders, \$684,126,000.*

10     *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*  
11                                     *SCIENCES*

12             *For carrying out sections 301 and 311 and title IV*  
13 *of the Public Health Service Act with respect to environ-*  
14 *mental health sciences, \$658,258,000.*

15                                     *NATIONAL INSTITUTE ON AGING*

16             *For carrying out section 301 and title IV of the Public*  
17 *Health Service Act with respect to aging, \$1,076,389,000.*

18                                     *NATIONAL INSTITUTE OF ARTHRITIS AND*  
19                                     *MUSCULOSKELETAL AND SKIN DISEASES*

20             *For carrying out section 301 and title IV of the Public*  
21 *Health Service Act with respect to arthritis and musculo-*  
22 *skeletal and skin diseases, \$521,459,000.*



1        *NATIONAL INSTITUTE ON DEAFNESS AND OTHER*  
2                                    *COMMUNICATION DISORDERS*

3        *For carrying out section 301 and title IV of the Public*  
4 *Health Service Act with respect to deafness and other com-*  
5 *munication disorders, \$403,958,000.*

6        *NATIONAL INSTITUTE OF NURSING RESEARCH*

7        *For carrying out section 301 and title IV of the Public*  
8 *Health Service Act with respect to nursing research,*  
9 *\$140,900,000.*

10        *NATIONAL INSTITUTE ON ALCOHOL ABUSE AND*  
11                                    *ALCOHOLISM*

12        *For carrying out section 301 and title IV of the Public*  
13 *Health Service Act with respect to alcohol abuse and alco-*  
14 *holism, \$447,245,000.*

15        *NATIONAL INSTITUTE ON DRUG ABUSE*

16        *For carrying out section 301 and title IV of the Public*  
17 *Health Service Act with respect to drug abuse,*  
18 *\$1,025,839,000.*

19        *NATIONAL INSTITUTE OF MENTAL HEALTH*

20        *For carrying out section 301 and title IV of the Public*  
21 *Health Service Act with respect to mental health,*  
22 *\$1,440,557,000.*

23        *NATIONAL HUMAN GENOME RESEARCH INSTITUTE*

24        *For carrying out section 301 and title IV of the Public*  
25 *Health Service Act with respect to human genome research,*  
26 *\$498,748,000.*

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND  
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the Public  
4 Health Service Act with respect to biomedical imaging and  
5 bioengineering research, \$305,884,000.

6 NATIONAL CENTER FOR RESEARCH RESOURCES

7 For carrying out section 301 and title IV of the Public  
8 Health Service Act with respect to research resources and  
9 general research support grants, \$1,182,015,000.

10 NATIONAL CENTER FOR COMPLEMENTARY AND  
11 ALTERNATIVE MEDICINE

12 For carrying out section 301 and title IV of the Public  
13 Health Service Act with respect to complementary and al-  
14 ternative medicine, \$124,647,000.

15 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
16 DISPARITIES

17 For carrying out section 301 and title IV of the Public  
18 Health Service Act with respect to minority health and  
19 health disparities research, \$204,542,000.

20 JOHN E. FOGARTY INTERNATIONAL CENTER

21 For carrying out the activities of the John E. Fogarty  
22 International Center (described in subpart 2 of part E of  
23 title IV of the Public Health Service Act), \$68,216,000.

24 NATIONAL LIBRARY OF MEDICINE

25 For carrying out section 301 and title IV of the Public  
26 Health Service Act with respect to health information com-

1 *munications, \$329,039,000, of which \$4,000,000 shall be*  
2 *available until expended for improvement of information*  
3 *systems: Provided, That in fiscal year 2008, the National*  
4 *Library of Medicine may enter into personal services con-*  
5 *tracts for the provision of services in facilities owned, oper-*  
6 *ated, or constructed under the jurisdiction of the National*  
7 *Institutes of Health: Provided further, That in addition to*  
8 *amounts provided herein, \$8,200,000 shall be available from*  
9 *amounts available under section 241 of the Public Health*  
10 *Service Act to carry out the purposes of the National Infor-*  
11 *mation Center on Health Services Research and Health*  
12 *Care Technology established under section 478A of the Pub-*  
13 *lic Health Service Act and related health services.*

14 *OFFICE OF THE DIRECTOR*

15 *For carrying out the responsibilities of the Office of*  
16 *the Director, National Institutes of Health, \$1,145,790,000,*  
17 *of which up to \$25,000,000 shall be used to carry out section*  
18 *215 of this Act: Provided, That funding shall be available*  
19 *for the purchase of not to exceed 29 passenger motor vehicles*  
20 *for replacement only: Provided further, That the National*  
21 *Institutes of Health is authorized to collect third party pay-*  
22 *ments for the cost of clinical services that are incurred in*  
23 *National Institutes of Health research facilities and that*  
24 *such payments shall be credited to the National Institutes*  
25 *of Health Management Fund: Provided further, That all*  
26 *funds credited to such Fund shall remain available for one*

1 *fiscal year after the fiscal year in which they are deposited:*  
 2 *Provided further, That no more than \$500,000 shall be*  
 3 *available to carry out section 499 of the Public Health Serv-*  
 4 *ice Act: Provided further, That \$110,900,000 shall be avail-*  
 5 *able for continuation of the National Children’s Study: Pro-*  
 6 *vided further, That \$531,300,000 shall be available for the*  
 7 *Common Fund established under section 402A(c)(1) of the*  
 8 *Public Health Service Act: Provided further, That of the*  
 9 *funds provided \$10,000 shall be for official reception and*  
 10 *representation expenses when specifically approved by the*  
 11 *Director of the National Institutes of Health: Provided fur-*  
 12 *ther, That the Office of AIDS Research within the Office*  
 13 *of the Director of the National Institutes of Health may*  
 14 *spend up to \$4,000,000 to make grants for construction or*  
 15 *renovation of facilities as provided for in section*  
 16 *2354(a)(5)(B) of the Public Health Service Act.*

17 *BUILDINGS AND FACILITIES*

18 *For the study of, construction of, renovation of, and*  
 19 *acquisition of equipment for, facilities of or used by the Na-*  
 20 *tional Institutes of Health, including the acquisition of real*  
 21 *property, \$130,000,000, to remain available until expended.*

22 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

23 *ADMINISTRATION*

24 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

25 *For carrying out titles V and XIX of the Public Health*  
 26 *Service Act (“PHS Act”) with respect to substance abuse*

1 *and mental health services, the Protection and Advocacy for*  
2 *Individuals with Mental Illness Act, and section 301 of the*  
3 *PHS Act with respect to program management,*  
4 *\$3,290,848,000, of which \$19,644,000 shall be available for*  
5 *the projects and in the amounts specified in the statement*  
6 *of the managers on the conference report accompanying this*  
7 *Act: Provided, That notwithstanding section 520A(f)(2) of*  
8 *the PHS Act, no funds appropriated for carrying out sec-*  
9 *tion 520A are available for carrying out section 1971 of*  
10 *the PHS Act: Provided further, That in addition to*  
11 *amounts provided herein, the following amounts shall be*  
12 *available under section 241 of the PHS Act: (1) \$79,200,000*  
13 *to carry out subpart II of part B of title XIX of the PHS*  
14 *Act to fund section 1935(b) technical assistance, national*  
15 *data, data collection and evaluation activities, and further*  
16 *that the total available under this Act for section 1935(b)*  
17 *activities shall not exceed 5 percent of the amounts appro-*  
18 *priated for subpart II of part B of title XIX; (2)*  
19 *\$21,413,000 to carry out subpart I of part B of title XIX*  
20 *of the PHS Act to fund section 1920(b) technical assistance,*  
21 *national data, data collection and evaluation activities,*  
22 *and further that the total available under this Act for sec-*  
23 *tion 1920(b) activities shall not exceed 5 percent of the*  
24 *amounts appropriated for subpart I of part B of title XIX;*  
25 *(3) \$19,750,000 to carry out national surveys on drug*

1 *abuse; and (4) \$4,300,000 to evaluate substance abuse treat-*  
2 *ment programs: Provided further, That section 520E(b)(2)*  
3 *of the Public Health Service Act shall not apply to funds*  
4 *appropriated under this Act for fiscal year 2008.*

5 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

6 *HEALTHCARE RESEARCH AND QUALITY*

7 *For carrying out titles III and IX of the Public Health*  
8 *Service Act, and part A of title XI of the Social Security*  
9 *Act, amounts received from Freedom of Information Act*  
10 *fees, reimbursable and interagency agreements, and the sale*  
11 *of data shall be credited to this appropriation and shall*  
12 *remain available until expended: Provided, That the*  
13 *amount made available pursuant to section 937(c) of the*  
14 *Public Health Service Act shall not exceed \$334,564,000.*

15 *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

16 *GRANTS TO STATES FOR MEDICAID*

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

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

24 *For making payments to States or in the case of sec-*  
25 *tion 1928 on behalf of States under title XIX of the Social*

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

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

7 *PAYMENTS TO HEALTH CARE TRUST FUNDS*

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

16 *In addition, for making matching payments under sec-*  
17 *tion 1844, and benefit payments under section 1860D–16*  
18 *of the Social Security Act, not anticipated in budget esti-*  
19 *mates, such sums as may be necessary.*

20 *PROGRAM MANAGEMENT*

21 *For carrying out, except as otherwise provided, titles*  
22 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*  
23 *XIII and XXVII of the Public Health Service Act, and the*  
24 *Clinical Laboratory Improvement Amendments of 1988, not*  
25 *to exceed \$3,276,502,000, to be transferred from the Federal*  
26 *Hospital Insurance and the Federal Supplementary Med-*

1 *ical Insurance Trust Funds, as authorized by section 201(g)*  
2 *of the Social Security Act; together with all funds collected*  
3 *in accordance with section 353 of the Public Health Service*  
4 *Act and section 1857(e)(2) of the Social Security Act, funds*  
5 *retained by the Secretary pursuant to section 302 of the*  
6 *Tax Relief and Health Care Act of 2006; and such sums*  
7 *as may be collected from authorized user fees and the sale*  
8 *of data, which shall remain available until expended: Pro-*  
9 *vided, That all funds derived in accordance with 31 U.S.C.*  
10 *9701 from organizations established under title XIII of the*  
11 *Public Health Service Act shall be credited to and available*  
12 *for carrying out the purposes of this appropriation: Pro-*  
13 *vided further, That \$49,869,000, to remain available until*  
14 *September 30, 2009, is for contract costs for the Healthcare*  
15 *Integrated General Ledger Accounting System: Provided*  
16 *further, That \$193,000,000, to remain available until Sep-*  
17 *tember 30, 2009, is for CMS Medicare contracting reform*  
18 *activities: Provided further, That funds appropriated under*  
19 *this heading are available for the Healthy Start, Grow*  
20 *Smart program under which the Centers for Medicare and*  
21 *Medicaid Services may, directly or through grants, con-*  
22 *tracts, or cooperative agreements, produce and distribute*  
23 *informational materials including, but not limited to, pam-*  
24 *phlets and brochures on infant and toddler health care to*  
25 *expectant parents enrolled in the Medicaid program and*



1 *to parents and guardians enrolled in such program with*  
2 *infants and children: Provided further, That the Secretary*  
3 *of Health and Human Services is directed to collect fees*  
4 *in fiscal year 2008 from Medicare Advantage organizations*  
5 *pursuant to section 1857(e)(2) of the Social Security Act*  
6 *and from eligible organizations with risk-sharing contracts*  
7 *under section 1876 of that Act pursuant to section*  
8 *1876(k)(4)(D) of that Act: Provided further, That*  
9 *\$5,140,000 shall be available for the projects and in the*  
10 *amounts specified in the statement of the managers on the*  
11 *conference report accompanying this Act.*

12 *HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT*

13 *In addition to amounts otherwise available for pro-*  
14 *gram integrity and program management, \$383,000,000, to*  
15 *be available until expended, to be transferred from the Fed-*  
16 *eral Hospital Insurance and the Federal Supplementary*  
17 *Insurance Trust Funds, as authorized by section 201(g) of*  
18 *the Social Security Act, of which \$249,620,000 is for the*  
19 *Centers for Medicare and Medicaid Services for carrying*  
20 *out program integrity activities with respect to title XVIII*  
21 *of such Act, including activities authorized under the Medi-*  
22 *care Integrity Program under section 1893 of such Act; of*  
23 *which \$35,000,000 is for the Centers for Medicare and Med-*  
24 *icaid Services for carrying out Medicaid IPIA Compliance*  
25 *with respect to titles XIX and XXI of such Act; and of*  
26 *which, for carrying out fraud and abuse control activities*

1 *authorized by section 1817(k)(3) of such Act, \$36,690,000*  
2 *is for the Department of Justice; \$36,690,000 is for the De-*  
3 *partment of Health and Human Services Office of the In-*  
4 *spector General; and \$25,000,000 is for the Department of*  
5 *Health and Human Services: Provided, That the report re-*  
6 *quired by section 1817(k)(5) of such Act for fiscal year 2008*  
7 *shall include measures of the operational efficiency and im-*  
8 *pact on fraud, waste and abuse in the Medicare and Med-*  
9 *icaid programs of the funds provided by this appropriation.*

10 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

11 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*

12 *AND FAMILY SUPPORT PROGRAMS*

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

20 *For making payments to each State for carrying out*  
21 *the program of Aid to Families with Dependent Children*  
22 *under title IV–A of the Social Security Act before the effec-*  
23 *tive date of the program of Temporary Assistance for Needy*  
24 *Families (TANF) with respect to such State, such sums as*  
25 *may be necessary: Provided, That the sum of the amounts*

1 *available to a State with respect to expenditures under such*  
2 *title IV–A in fiscal year 1997 under this appropriation and*  
3 *under such title IV–A as amended by the Personal Respon-*  
4 *sibility and Work Opportunity Reconciliation Act of 1996*  
5 *shall not exceed the limitations under section 116(b) of such*  
6 *Act.*

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

14 *LOW-INCOME HOME ENERGY ASSISTANCE*

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

18 *For making payments under section 2604(e) of the*  
19 *Low-Income Home Energy Assistance Act of 1981 (42*  
20 *U.S.C. 8623(e)), \$431,585,000, notwithstanding the des-*  
21 *ignation requirement of section 2602(e) of such Act.*

22 *REFUGEE AND ENTRANT ASSISTANCE*

23 *For necessary expenses for refugee and entrant assist-*  
24 *ance activities and for costs associated with the care and*  
25 *placement of unaccompanied alien children authorized by*  
26 *title IV of the Immigration and Nationality Act and section*

1 *501 of the Refugee Education Assistance Act of 1980, for*  
2 *carrying out section 462 of the Homeland Security Act of*  
3 *2002, and for carrying out the Torture Victims Relief Act*  
4 *of 1998, \$652,394,000, of which up to \$9,814,000 shall be*  
5 *available to carry out the Trafficking Victims Protection*  
6 *Act of 2000: Provided, That funds appropriated under this*  
7 *heading pursuant to section 414(a) of the Immigration and*  
8 *Nationality Act and section 462 of the Homeland Security*  
9 *Act of 2002 for fiscal year 2008 shall be available for the*  
10 *costs of assistance provided and other activities to remain*  
11 *available through September 30, 2010.*

12 *PAYMENTS TO STATES FOR THE CHILD CARE AND*

13 *DEVELOPMENT BLOCK GRANT*

14 *For carrying out the Child Care and Development*  
15 *Block Grant Act of 1990, \$2,094,581,000 shall be used to*  
16 *supplement, not supplant State general revenue funds for*  
17 *child care assistance for low-income families: Provided,*  
18 *That \$18,777,370 shall be available for child care resource*  
19 *and referral and school-aged child care activities, of which*  
20 *\$982,080 shall be for the Child Care Aware toll-free hotline:*  
21 *Provided further, That, in addition to the amounts required*  
22 *to be reserved by the States under section 658G,*  
23 *\$267,785,718 shall be reserved by the States for activities*  
24 *authorized under section 658G, of which \$98,208,000 shall*  
25 *be for activities that improve the quality of infant and tod-*  
26 *dlar care: Provided further, That \$9,821,000 shall be for use*

1 *by the Secretary for child care research, demonstration, and*  
2 *evaluation activities.*

3 *In addition, \$5,000,000, to remain available until*  
4 *September 30, 2009, shall be for carrying out the small*  
5 *business child care grant program under section 8303 of*  
6 *the U.S. Troop Readiness, Veterans' Care, Katrina Recov-*  
7 *ery, and Iraq Accountability Appropriations Act, 2007.*

8 *SOCIAL SERVICES BLOCK GRANT*

9 *For making grants to States pursuant to section 2002*  
10 *of the Social Security Act, \$1,700,000,000: Provided, That*  
11 *notwithstanding subparagraph (B) of section 404(d)(2) of*  
12 *such Act, the applicable percent specified under such sub-*  
13 *paragraph for a State to carry out State programs pursu-*  
14 *ant to title XX of such Act shall be 10 percent.*

15 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

16 *For carrying out, except as otherwise provided, the*  
17 *Runaway and Homeless Youth Act, the Developmental Dis-*  
18 *abilities Assistance and Bill of Rights Act, the Head Start*  
19 *Act, the Child Abuse Prevention and Treatment Act, sec-*  
20 *tions 310 and 316 of the Family Violence Prevention and*  
21 *Services Act, the Native American Programs Act of 1974,*  
22 *title II of the Child Abuse Prevention and Treatment and*  
23 *Adoption Reform Act of 1978 (adoption opportunities), sec-*  
24 *tions 330F and 330G of the Public Health Service Act, the*  
25 *Abandoned Infants Assistance Act of 1988, sections 261 and*  
26 *291 of the Help America Vote Act of 2002, part B(1) of*

1 *title IV and sections 413, 1110, and 1115 of the Social Secu-*  
2 *rity Act; for making payments under the Community Serv-*  
3 *ices Block Grant Act, sections 439(i), 473B, and 477(i) of*  
4 *the Social Security Act, and the Assets for Independence*  
5 *Act, and for necessary administrative expenses to carry out*  
6 *such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX*  
7 *of the Social Security Act, the Act of July 5, 1960 (24*  
8 *U.S.C. chapter 9), the Low-Income Home Energy Assist-*  
9 *ance Act of 1981, title IV of the Immigration and Nation-*  
10 *ality Act, section 501 of the Refugee Education Assistance*  
11 *Act of 1980, and section 505 of the Family Support Act*  
12 *of 1988, \$9,220,695,000, of which \$4,400,000, to remain*  
13 *available until September 30, 2009, shall be for grants to*  
14 *States for adoption incentive payments, as authorized by*  
15 *section 473A of the Social Security Act and may be made*  
16 *for adoptions completed before September 30, 2008: Pro-*  
17 *vided, That \$7,042,196,000 shall be for making payments*  
18 *under the Head Start Act, of which \$1,388,800,000 shall*  
19 *become available October 1, 2008, and remain available*  
20 *through September 30, 2009: Provided further, That*  
21 *\$706,125,000 shall be for making payments under the Com-*  
22 *munity Services Block Grant Act: Provided further, That*  
23 *not less than \$8,000,000 shall be for section 680(3)(B) of*  
24 *the Community Services Block Grant Act: Provided further,*  
25 *That in addition to amounts provided herein, \$6,000,000*

1 shall be available from amounts available under section 241  
2 of the Public Health Service Act to carry out the provisions  
3 of section 1110 of the Social Security Act: Provided further,  
4 That to the extent Community Services Block Grant funds  
5 are distributed as grant funds by a State to an eligible enti-  
6 ty as provided under the Act, and have not been expended  
7 by such entity, they shall remain with such entity for carry-  
8 over into the next fiscal year for expenditure by such entity  
9 consistent with program purposes: Provided further, That  
10 the Secretary of Health and Human Services shall establish  
11 procedures regarding the disposition of intangible property  
12 which permits grant funds, or intangible assets acquired  
13 with funds authorized under section 680 of the Community  
14 Services Block Grant Act to become the sole property of such  
15 grantees after a period of not more than 12 years after the  
16 end of the grant for purposes and uses consistent with the  
17 original grant: Provided further, That funds appropriated  
18 for section 680(a)(2) of the Community Services Block  
19 Grant Act shall be available for financing construction and  
20 rehabilitation and loans or investments in private business  
21 enterprises owned by community development corporations:  
22 Provided further, That \$53,625,000 is for a compassion  
23 capital fund to provide grants to charitable organizations  
24 to emulate model social service programs and to encourage  
25 research on the best practices of social service organizations:

1 *Provided further, That \$18,820,000 shall be for activities*  
2 *authorized by the Help America Vote Act of 2002, of which*  
3 *\$12,920,000 shall be for payments to States to promote ac-*  
4 *cess for voters with disabilities, and of which \$5,900,000*  
5 *shall be for payments to States for protection and advocacy*  
6 *systems for voters with disabilities: Provided further, That*  
7 *\$136,664,000 shall be for making competitive grants to pro-*  
8 *vide abstinence education (as defined by section 510(b)(2)*  
9 *of the Social Security Act) to adolescents, and for Federal*  
10 *costs of administering the grant: Provided further, That*  
11 *grants under the immediately preceding proviso shall be*  
12 *made only to public and private entities which agree that,*  
13 *with respect to an adolescent to whom the entities provide*  
14 *abstinence education under such grant, the entities will not*  
15 *provide to that adolescent any other education regarding*  
16 *sexual conduct, except that, in the case of an entity ex-*  
17 *pressly required by law to provide health information or*  
18 *services the adolescent shall not be precluded from seeking*  
19 *health information or services from the entity in a different*  
20 *setting than the setting in which abstinence education was*  
21 *provided: Provided further, That within amounts provided*  
22 *herein for abstinence education for adolescents, up to*  
23 *\$10,000,000 may be available for a national abstinence edu-*  
24 *cation campaign: Provided further, That in addition to*  
25 *amounts provided herein for abstinence education for ado-*



1 *lescents, \$4,500,000 shall be available from amounts avail-*  
2 *able under section 241 of the Public Health Service Act to*  
3 *carry out evaluations (including longitudinal evaluations)*  
4 *of adolescent pregnancy prevention approaches: Provided*  
5 *further, That up to \$2,000,000 shall be for improving the*  
6 *Public Assistance Reporting Information System, including*  
7 *grants to States to support data collection for a study of*  
8 *the system's effectiveness.*

9 *PROMOTING SAFE AND STABLE FAMILIES*

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

12 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

13 *ASSISTANCE*

14 *For making payments to States or other non-Federal*  
15 *entities under title IV–E of the Social Security Act,*  
16 *\$5,067,000,000.*

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

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

1                    *ADMINISTRATION ON AGING*2                    *AGING SERVICES PROGRAMS*

3            *For carrying out, to the extent not otherwise provided,*  
4 *the Older Americans Act of 1965 and section 398 of the*  
5 *Public Health Service Act, \$1,446,651,000, of which*  
6 *\$5,500,000 shall be available for activities regarding medi-*  
7 *cation management, screening, and education to prevent in-*  
8 *correct medication and adverse drug reactions.*

9                    *OFFICE OF THE SECRETARY*10                  *GENERAL DEPARTMENTAL MANAGEMENT*11                  *(INCLUDING TRANSFER OF FUNDS)*

12            *For necessary expenses, not otherwise provided, for*  
13 *general departmental management, including hire of six se-*  
14 *dans, and for carrying out titles III, XVII, XX, and XXI*  
15 *of the Public Health Service Act, the Lifespan Respite Care*  
16 *Act, the United States-Mexico Border Health Commission*  
17 *Act, and research studies under section 1110 of the Social*  
18 *Security Act, \$387,070,000, together with \$5,851,000 to be*  
19 *transferred and expended as authorized by section 201(g)(1)*  
20 *of the Social Security Act from the Hospital Insurance*  
21 *Trust Fund and the Supplemental Medical Insurance Trust*  
22 *Fund, and \$46,756,000 from the amounts available under*  
23 *section 241 of the Public Health Service Act to carry out*  
24 *national health or human services research and evaluation*  
25 *activities: Provided, That of the funds made available under*  
26 *this heading for carrying out title XX of the Public Health*

1 *Service Act, \$13,120,000 shall be for activities specified*  
2 *under section 2003(b)(2), all of which shall be for preven-*  
3 *tion service demonstration grants under section 510(b)(2)*  
4 *of title V of the Social Security Act, as amended, without*  
5 *application of the limitation of section 2010(c) of said title*  
6 *XX: Provided further, That of this amount, \$51,891,000*  
7 *shall be for minority AIDS prevention and treatment ac-*  
8 *tivities; and \$5,941,000 shall be to assist Afghanistan in*  
9 *the development of maternal and child health clinics, con-*  
10 *sistent with section 103(a)(4)(H) of the Afghanistan Free-*  
11 *dom Support Act of 2002; and \$1,000,000 shall be trans-*  
12 *ferred, not later than 30 days after enactment of this Act,*  
13 *to the National Institute of Mental Health to administer*  
14 *the Interagency Autism Coordinating Committee; and*  
15 *\$5,500,000 shall be for a Health Diplomacy Initiative and*  
16 *may be used to carry out health diplomacy activities such*  
17 *as health training, services, education, and program eval-*  
18 *uation, provided directly, through grants, or through con-*  
19 *tracts: Provided further, That specific information requests*  
20 *from the chairmen and ranking members of the Subcommit-*  
21 *tees on Labor, Health and Human Services, and Education,*  
22 *and Related Agencies, on scientific research or any other*  
23 *matter, shall be transmitted to the Committees on Appro-*  
24 *priations in a prompt, professional manner and within the*  
25 *time frame specified in the request: Provided further, That*

1 *scientific information, including such information provided*  
2 *in congressional testimony, requested by the Committees on*  
3 *Appropriations and prepared by government researchers*  
4 *and scientists shall be transmitted to the Committees on Ap-*  
5 *propriations, uncensored and without delay: Provided fur-*  
6 *ther, That funds provided in this Act for embryo adoption*  
7 *activities may be used to provide, to individuals adopting*  
8 *embryos, through grants and other mechanisms, medical*  
9 *and administrative services deemed necessary for such*  
10 *adoptions: Provided further, That such services shall be pro-*  
11 *vided consistent with 42 CFR 59.5(a)(4).*

12 *OFFICE OF MEDICARE HEARINGS AND APPEALS*

13 *For expenses necessary for administrative law judges*  
14 *responsible for hearing cases under title XVIII of the Social*  
15 *Security Act (and related provisions of title XI of such Act),*  
16 *\$67,500,000, to be transferred in appropriate part from the*  
17 *Federal Hospital Insurance and the Federal Supple-*  
18 *mentary Medical Insurance Trust Funds.*

19 *OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH*

20 *INFORMATION TECHNOLOGY*

21 *For expenses necessary for the Office of the National*  
22 *Coordinator for Health Information Technology, including*  
23 *grants, contracts and cooperative agreements for the devel-*  
24 *opment and advancement of an interoperable national*  
25 *health information technology infrastructure, \$27,651,000:*  
26 *Provided, That in addition to amounts provided herein,*

1 \$38,500,000 shall be available from amounts available  
2 under section 241 of the Public Health Service Act to carry  
3 out health information technology network development.

4 OFFICE OF INSPECTOR GENERAL

5 For expenses necessary for the Office of Inspector Gen-  
6 eral, including the hire of passenger motor vehicles for in-  
7 vestigations, in carrying out the provisions of the Inspector  
8 General Act of 1978, \$45,187,000: Provided, That of such  
9 amount, necessary sums are available for providing protec-  
10 tive services to the Secretary and investigating non-pay-  
11 ment of child support cases for which non-payment is a  
12 Federal offense under 18 U.S.C. 228.

13 OFFICE FOR CIVIL RIGHTS

14 For expenses necessary for the Office for Civil Rights,  
15 \$33,748,000, together with not to exceed \$3,314,000 to be  
16 transferred and expended as authorized by section 201(g)(1)  
17 of the Social Security Act from the Hospital Insurance  
18 Trust Fund and the Supplemental Medical Insurance Trust  
19 Fund.

20 RETIREMENT PAY AND MEDICAL BENEFITS FOR

21 COMMISSIONED OFFICERS

22 For retirement pay and medical benefits of Public  
23 Health Service Commissioned Officers as authorized by law,  
24 for payments under the Retired Serviceman's Family Pro-  
25 tection Plan and Survivor Benefit Plan, for medical care  
26 of dependents and retired personnel under the Dependents'

1 *Medical Care Act (10 U.S.C. chapter 55), such amounts as*  
2 *may be required during the current fiscal year.*

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

5 *For expenses necessary to support activities related to*  
6 *countering potential biological, disease, nuclear, radio-*  
7 *logical and chemical threats to civilian populations, and*  
8 *for other public health emergencies, \$741,586,000, of which*  
9 *not to exceed \$22,363,000, to remain available until Sep-*  
10 *tember 30, 2009, is to pay the costs described in section*  
11 *319F-2(c)(7)(B) of the Public Health Service Act, and of*  
12 *which \$149,250,000 shall be used to support advanced re-*  
13 *search and development of medical countermeasures, con-*  
14 *sistent with section 319L of the Public Health Service Act.*

15 *For expenses necessary to prepare for and respond to*  
16 *an influenza pandemic, \$763,923,000, of which*  
17 *\$685,832,000 shall be available until expended, for activi-*  
18 *ties including the development and purchase of vaccine,*  
19 *antivirals, necessary medical supplies, diagnostics, and*  
20 *other surveillance tools: Provided, That products purchased*  
21 *with these funds may, at the discretion of the Secretary,*  
22 *be deposited in the Strategic National Stockpile: Provided*  
23 *further, That notwithstanding section 496(b) of the Public*  
24 *Health Service Act, funds may be used for the construction*  
25 *or renovation of privately owned facilities for the produc-*  
26 *tion of pandemic influenza vaccines and other biologicals,*

1 *where the Secretary finds such a contract necessary to se-*  
2 *cure sufficient supplies of such vaccines or biologicals: Pro-*  
3 *vided further, That funds appropriated herein may be*  
4 *transferred to other appropriation accounts of the Depart-*  
5 *ment of Health and Human Services, as determined by the*  
6 *Secretary to be appropriate, to be used for the purposes*  
7 *specified in this sentence.*

8 *GENERAL PROVISIONS*

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

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

20 *SEC. 203. None of the funds appropriated in this Act*  
21 *for the National Institutes of Health, the Agency for*  
22 *Healthcare Research and Quality, and the Substance Abuse*  
23 *and Mental Health Services Administration shall be used*  
24 *to pay the salary of an individual, through a grant or other*

1 *extramural mechanism, at a rate in excess of Executive*  
2 *Level I.*

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

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

17 *SEC. 206. Notwithstanding section 241(a) of the Public*  
18 *Health Service Act, such portion as the Secretary of Health*  
19 *and Human Services shall determine, but not more than*  
20 *2.4 percent, of any amounts appropriated for programs au-*  
21 *thorized under such Act shall be made available for the eval-*  
22 *uation (directly, or by grants or contracts) of the implemen-*  
23 *tation and effectiveness of such programs.*

24 *(TRANSFER OF FUNDS)*

25 *SEC. 207. Not to exceed 1 percent of any discretionary*  
26 *funds (pursuant to the Balanced Budget and Emergency*



1 *Deficit Control Act of 1985) which are appropriated for the*  
2 *current fiscal year for the Department of Health and*  
3 *Human Services in this Act may be transferred between a*  
4 *program, project, or activity, but no such program, project,*  
5 *or activity shall be increased by more than 3 percent by*  
6 *any such transfer: Provided, That the transfer authority*  
7 *granted by this section shall be available only to meet emer-*  
8 *gency needs and shall not be used to create any new pro-*  
9 *gram or to fund any project or activity for which no funds*  
10 *are provided in this Act: Provided further, That the Com-*  
11 *mittees on Appropriations of the House of Representatives*  
12 *and the Senate are notified at least 15 days in advance*  
13 *of any transfer.*

14 (TRANSFER OF FUNDS)

15 *SEC. 208. The Director of the National Institutes of*  
16 *Health, jointly with the Director of the Office of AIDS Re-*  
17 *search, may transfer up to 3 percent among institutes and*  
18 *centers from the total amounts identified by these two Di-*  
19 *rectors as funding for research pertaining to the human im-*  
20 *munodeficiency virus: Provided, That the Committees on*  
21 *Appropriations of the House of Representatives and the*  
22 *Senate are notified at least 15 days in advance of any*  
23 *transfer.*

24 (TRANSFER OF FUNDS)

25 *SEC. 209. Of the amounts made available in this Act*  
26 *for the National Institutes of Health, the amount for re-*

1 *search related to the human immunodeficiency virus, as*  
2 *jointly determined by the Director of the National Institutes*  
3 *of Health and the Director of the Office of AIDS Research,*  
4 *shall be made available to the “Office of AIDS Research”*  
5 *account. The Director of the Office of AIDS Research shall*  
6 *transfer from such account amounts necessary to carry out*  
7 *section 2353(d)(3) of the Public Health Service Act.*

8       *SEC. 210. None of the funds appropriated in this Act*  
9 *may be made available to any entity under title X of the*  
10 *Public Health Service Act unless the applicant for the*  
11 *award certifies to the Secretary that it encourages family*  
12 *participation in the decision of minors to seek family plan-*  
13 *ning services and that it provides counseling to minors on*  
14 *how to resist attempts to coerce minors into engaging in*  
15 *sexual activities.*

16       *SEC. 211. Notwithstanding any other provision of law,*  
17 *no provider of services under title X of the Public Health*  
18 *Service Act shall be exempt from any State law requiring*  
19 *notification or the reporting of child abuse, child molesta-*  
20 *tion, sexual abuse, rape, or incest.*

21       *SEC. 212. None of the funds appropriated by this Act*  
22 *(including funds appropriated to any trust fund) may be*  
23 *used to carry out the Medicare Advantage program if the*  
24 *Secretary of Health and Human Services denies participa-*  
25 *tion in such program to an otherwise eligible entity (includ-*

1 *ing a Provider Sponsored Organization) because the entity*  
2 *informs the Secretary that it will not provide, pay for, pro-*  
3 *vide coverage of, or provide referrals for abortions: Pro-*  
4 *vided, That the Secretary shall make appropriate prospec-*  
5 *tive adjustments to the capitation payment to such an enti-*  
6 *ty (based on an actuarially sound estimate of the expected*  
7 *costs of providing the service to such entity's enrollees): Pro-*  
8 *vided further, That nothing in this section shall be con-*  
9 *strued to change the Medicare program's coverage for such*  
10 *services and a Medicare Advantage organization described*  
11 *in this section shall be responsible for informing enrollees*  
12 *where to obtain information about all Medicare covered*  
13 *services.*

14       *SEC. 213. (a) Except as provided by subsection (e)*  
15 *none of the funds appropriated by this Act may be used*  
16 *to withhold substance abuse funding from a State pursuant*  
17 *to section 1926 of the Public Health Service Act (42 U.S.C.*  
18 *300x-26) if such State certifies to the Secretary of Health*  
19 *and Human Services by May 1, 2008, that the State will*  
20 *commit additional State funds, in accordance with sub-*  
21 *section (b), to ensure compliance with State laws prohib-*  
22 *iting the sale of tobacco products to individuals under 18*  
23 *years of age.*

24       *(b) The amount of funds to be committed by a State*  
25 *under subsection (a) shall be equal to 1 percent of such*

1 *State's substance abuse block grant allocation for each per-*  
2 *centage point by which the State misses the retailer compli-*  
3 *ance rate goal established by the Secretary of Health and*  
4 *Human Services under section 1926 of such Act.*

5 *(c) The State is to maintain State expenditures in fis-*  
6 *cal year 2008 for tobacco prevention programs and for com-*  
7 *pliance activities at a level that is not less than the level*  
8 *of such expenditures maintained by the State for fiscal year*  
9 *2007, and adding to that level the additional funds for to-*  
10 *bacco compliance activities required under subsection (a).*  
11 *The State is to submit a report to the Secretary on all fiscal*  
12 *year 2007 State expenditures and all fiscal year 2008 obli-*  
13 *gations for tobacco prevention and compliance activities by*  
14 *program activity by July 31, 2008.*

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

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

23 *SEC. 214. In order for the Centers for Disease Control*  
24 *and Prevention to carry out international health activities,*  
25 *including HIV/AIDS and other infectious disease, chronic*

1 *and environmental disease, and other health activities*  
2 *abroad during fiscal year 2008:*

3           (1) *The Secretary of Health and Human Serv-*  
4 *ices (in this section referred to as the “Secretary of*  
5 *HHS”)* may exercise authority equivalent to that  
6 *available to the Secretary of State in section 2(c) of*  
7 *the State Department Basic Authorities Act of 1956*  
8 *(22 U.S.C. 2669(c)). The Secretary of HHS shall con-*  
9 *sult with the Secretary of State and relevant Chief of*  
10 *Mission to ensure that the authority provided in this*  
11 *section is exercised in a manner consistent with sec-*  
12 *tion 207 of the Foreign Service Act of 1980 (22*  
13 *U.S.C. 3927) and other applicable statutes adminis-*  
14 *tered by the Department of State.*

15           (2) *The Secretary of HHS is authorized to pro-*  
16 *vide such funds by advance or reimbursement to the*  
17 *Secretary of State as may be necessary to pay the*  
18 *costs of acquisition, lease, alteration, renovation, and*  
19 *management of facilities outside of the United States*  
20 *for the use of the Department of Health and Human*  
21 *Services. The Department of State shall cooperate*  
22 *fully with the Secretary of HHS to ensure that the*  
23 *Department of Health and Human Services has se-*  
24 *ecure, safe, functional facilities that comply with ap-*  
25 *plicable regulation governing location, setback, and*

1     *other facilities requirements and serve the purposes*  
2     *established by this Act. The Secretary of HHS is au-*  
3     *thorized, in consultation with the Secretary of State,*  
4     *through grant or cooperative agreement, to make*  
5     *available to public or nonprofit private institutions*  
6     *or agencies in participating foreign countries, funds*  
7     *to acquire, lease, alter, or renovate facilities in those*  
8     *countries as necessary to conduct programs of assist-*  
9     *ance for international health activities, including ac-*  
10    *tivities relating to HIV/AIDS and other infectious*  
11    *diseases, chronic and environmental diseases, and*  
12    *other health activities abroad.*

13    *SEC. 215. (a) AUTHORITY.—Notwithstanding any*  
14    *other provision of law, the Director of the National Insti-*  
15    *tutes of Health (in this section referred to as the “Director*  
16    *of NIH”) may use funds available under section 402(b)(7)*  
17    *or 402(b)(12) of the Public Health Service Act (42 U.S.C.*  
18    *282(b)(7), 282(b)(12)) to enter into transactions (other than*  
19    *contracts, cooperative agreements, or grants) to carry out*  
20    *research identified pursuant to such section 402(b)(7) (per-*  
21    *taining to the Common Fund) or research and activities*  
22    *described in such section 402(b)(12).*

23    *(b) PEER REVIEW.—In entering into transactions*  
24    *under subsection (a), the Director of the NIH may utilize*  
25    *such peer review procedures (including consultation with*

1 *appropriate scientific experts) as the Director determines*  
2 *to be appropriate to obtain assessments of scientific and*  
3 *technical merit. Such procedures shall apply to such trans-*  
4 *actions in lieu of the peer review and advisory council re-*  
5 *view procedures that would otherwise be required under sec-*  
6 *tions 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,*  
7 *and 494 of the Public Health Service Act (42 U.S.C.*  
8 *241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a,*  
9 *and 289c).*

10 *SEC. 216. Funds which are available for Individual*  
11 *Learning Accounts for employees of the Centers for Disease*  
12 *Control and Prevention (“CDC”) and the Agency for Toxic*  
13 *Substances and Disease Registry (“ATSDR”) may be*  
14 *transferred to “Disease Control, Research, and Training”,*  
15 *to be available only for Individual Learning Accounts: Pro-*  
16 *vided, That such funds may be used for any individual full-*  
17 *time equivalent employee while such employee is employed*  
18 *either by CDC or ATSDR.*

19 *SEC. 217. Notwithstanding any other provisions of*  
20 *law, funds made available in this Act may be used to con-*  
21 *tinue operating the Council on Graduate Medical Edu-*  
22 *cation established by section 301 of Public Law 102–408.*

23 *SEC. 218. The Director of the National Institutes of*  
24 *Health shall require that all investigators funded by the*  
25 *NIH submit or have submitted for them to the National*

1 *Library of Medicine's PubMed Central an electronic version*  
2 *of their final, peer-reviewed manuscripts upon acceptance*  
3 *for publication, to be made publicly available no later than*  
4 *12 months after the official date of publication: Provided,*  
5 *That the NIH shall implement the public access policy in*  
6 *a manner consistent with copyright law.*

7       *SEC. 219. (a) The Secretary of Health and Human*  
8 *Services is authorized to award a grant to the Delta Health*  
9 *Alliance, a nonprofit alliance of academic institutions in*  
10 *the Mississippi Delta region that has as its primary pur-*  
11 *poses addressing longstanding, unmet health needs and*  
12 *catalyzing economic development in the Mississippi Delta.*

13       *(b) To be eligible to receive a grant under subsection*  
14 *(a), the Delta Health Alliance shall solicit and fund pro-*  
15 *posals from local governments, hospitals, health care clinics,*  
16 *academic institutions, and rural public health-related enti-*  
17 *ties and organizations for research development, edu-*  
18 *cational programs, health care services, job training, and*  
19 *planning, construction, and equipment of public health-re-*  
20 *lated facilities in the Mississippi Delta region.*

21       *(c) With respect to the use of grant funds under this*  
22 *section for construction or major alteration of property, the*  
23 *Federal interest in the property involved shall last for a*  
24 *period of 1 year following the completion of the project or*  
25 *until such time that the Federal Government is com-*



1 *pensated for its proportionate interest in the property if*  
2 *the property use changes or the property is transferred or*  
3 *sold, whichever time period is less. At the conclusion of such*  
4 *period, the Notice of Federal Interest in such property shall*  
5 *be removed.*

6 *(d) There are authorized to be appropriated such sums*  
7 *as may be necessary to carry out this section in fiscal year*  
8 *2008 and in each of the five succeeding fiscal years.*

9 *SEC. 220. Not to exceed \$35,000,000 of funds appro-*  
10 *priated by this Act to the institutes and centers of the Na-*  
11 *tional Institutes of Health may be used for alteration, re-*  
12 *pair, or improvement of facilities, as necessary for the prop-*  
13 *er and efficient conduct of the activities authorized herein,*  
14 *at not to exceed \$2,500,000 per project.*

15 *SEC. 221. (a) PROHIBITION.—With respect to the*  
16 *2010–2011 influenza season, the Secretary of Health and*  
17 *Human Services (the Secretary) shall not use or make*  
18 *available any funds for the administration of any influenza*  
19 *vaccine containing thimerosal as a preservative (thimer-*  
20 *osal-free) to any child under 3 years of age, unless the Sec-*  
21 *retary:*

22 *(1) finds that there is inadequate supply of thi-*  
23 *merosal-free influenza vaccine for the covered popu-*  
24 *lation and for the respective influenza season; or*

1           (2) *finds that an actual or potential public*  
 2 *health situation justifies the use of other influenza*  
 3 *vaccine for children under 3 years of age; and*

4           (3) *gives written notice of such findings (and an*  
 5 *explanation of the basis for the findings) to the Con-*  
 6 *gress and of actions the Secretary is taking to ensure*  
 7 *adequate supply of pediatric thimerosal-free influenza*  
 8 *vaccine for the following influenza season.*

9       (b) *REPORT TO CONGRESS.—To improve public con-*  
 10 *fidence in the safety of vaccines, the Secretary shall submit*  
 11 *to the Congress a plan no later than April 1, 2008—*

12           (1) *to work proactively with manufacturers of*  
 13 *influenza vaccine to facilitate the approval of thimer-*  
 14 *osal-free influenza vaccine for administration to chil-*  
 15 *dren under 3 years of age;*

16           (2) *to increase the Federal Government’s pur-*  
 17 *chases of thimerosal-free influenza vaccine; and*

18           (3) *to take any other actions determined appro-*  
 19 *priate by the Secretary to increase the supply of thi-*  
 20 *merosal-free influenza vaccine.*

21   (TRANSFER OF FUNDS)

22       *SEC. 222. Of the amounts made available in this Act*  
 23 *for the National Institutes of Health, 1 percent of the*  
 24 *amount made available for National Research Service*  
 25 *Awards (NRSA) shall be made available to the Adminis-*  
 26 *trator of the Health Resources and Services Administration*

1 *to make NRSA awards for research in primary medical*  
2 *care to individuals affiliated with entities who have re-*  
3 *ceived grants or contracts under section 747 of the Public*  
4 *Health Service Act, and 1 percent of the amount made*  
5 *available for NRSA shall be made available to the Director*  
6 *of the Agency for Healthcare Research and Quality to make*  
7 *NRSA awards for health service research.*

8 *SEC. 223. None of the funds made available in this*  
9 *Act may be used—*

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

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

16 *SEC. 224. There is hereby established in the Treasury*  
17 *of the United States a fund to be known as the “Non-*  
18 *recurring expenses fund” (the Fund): Provided, That unob-*  
19 *ligated balances of expired discretionary funds appro-*  
20 *priated for this or any succeeding fiscal year from the Gen-*  
21 *eral Fund of the Treasury to the Department of Health and*  
22 *Human Services by this or any other Act may be trans-*  
23 *ferred (not later than the end of the fifth fiscal year after*  
24 *the last fiscal year for which such funds are available for*  
25 *the purposes for which appropriated) into the Fund: Pro-*

1 *vided further, That amounts deposited in the Fund shall*  
2 *be available until expended, and in addition to such other*  
3 *funds as may be available for such purposes, for capital*  
4 *acquisition necessary for the operation of the Department,*  
5 *including facilities infrastructure and information tech-*  
6 *nology infrastructure, subject to approval by the Office of*  
7 *Management and Budget: Provided further, That amounts*  
8 *in the Fund may be obligated only after the Committees*  
9 *on Appropriations of the House of Representatives and the*  
10 *Senate are notified at least 15 days in advance of the*  
11 *planned use of funds.*

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

### 14 *TITLE III*

#### 15 *DEPARTMENT OF EDUCATION*

#### 16 *EDUCATION FOR THE DISADVANTAGED*

17 *For carrying out title I of the Elementary and Sec-*  
18 *ondary Education Act of 1965 (“ESEA”) and section 418A*  
19 *of the Higher Education Act of 1965, \$15,930,691,000, of*  
20 *which \$7,611,423,000 shall become available on July 1,*  
21 *2008, and shall remain available through September 30,*  
22 *2009, and of which \$8,136,218,000 shall become available*  
23 *on October 1, 2008, and shall remain available through*  
24 *September 30, 2009, for academic year 2008–2009: Pro-*  
25 *vided, That \$6,808,971,000 shall be for basic grants under*

1 *section 1124: Provided further, That up to \$4,000,000 of*  
2 *these funds shall be available to the Secretary of Education*  
3 *on October 1, 2007, to obtain annually updated local edu-*  
4 *cational-agency-level census poverty data from the Bureau*  
5 *of the Census: Provided further, That \$1,365,031,000 shall*  
6 *be for concentration grants under section 1124A: Provided*  
7 *further, That \$3,068,680,000 shall be for targeted grants*  
8 *under section 1125: Provided further, That \$3,068,680,000*  
9 *shall be for education finance incentive grants under section*  
10 *1125A: Provided further, That \$9,330,000 shall be to carry*  
11 *out sections 1501 and 1503: Provided further, That*  
12 *\$1,634,000 shall be available for a comprehensive school re-*  
13 *form clearinghouse.*

14 *IMPACT AID*

15 *For carrying out programs of financial assistance to*  
16 *federally affected schools authorized by title VIII of the Ele-*  
17 *mentary and Secondary Education Act of 1965,*  
18 *\$1,262,778,000, of which \$1,126,192,000 shall be for basic*  
19 *support payments under section 8003(b), \$49,466,000 shall*  
20 *be for payments for children with disabilities under section*  
21 *8003(d), \$17,820,000 shall be for construction under section*  
22 *8007(b) and shall remain available through September 30,*  
23 *2009, \$64,350,000 shall be for Federal property payments*  
24 *under section 8002, and \$4,950,000, to remain available*  
25 *until expended, shall be for facilities maintenance under*

1 *section 8008: Provided, That for purposes of computing the*  
2 *amount of a payment for an eligible local educational agen-*  
3 *cy under section 8003(a) for school year 2007–2008, chil-*  
4 *dren enrolled in a school of such agency that would other-*  
5 *wise be eligible for payment under section 8003(a)(1)(B)*  
6 *of such Act, but due to the deployment of both parents or*  
7 *legal guardians, or a parent or legal guardian having sole*  
8 *custody of such children, or due to the death of a military*  
9 *parent or legal guardian while on active duty (so long as*  
10 *such children reside on Federal property as described in sec-*  
11 *tion 8003(a)(1)(B)), are no longer eligible under such sec-*  
12 *tion, shall be considered as eligible students under such sec-*  
13 *tion, provided such students remain in average daily at-*  
14 *tendance at a school in the same local educational agency*  
15 *they attended prior to their change in eligibility status.*

#### 16 *SCHOOL IMPROVEMENT PROGRAMS*

17 *For carrying out school improvement activities author-*  
18 *ized by title II, part B of title IV, subparts 6 and 9 of*  
19 *part D of title V, parts A and B of title VI, and parts*  
20 *B and C of title VII of the Elementary and Secondary Edu-*  
21 *cation Act of 1965 (“ESEA”); the McKinney-Vento Home-*  
22 *less Assistance Act; section 203 of the Educational Tech-*  
23 *nical Assistance Act of 2002; the Compact of Free Associa-*  
24 *tion Amendments Act of 2003; and the Civil Rights Act of*  
25 *1964, \$5,411,758,000, of which \$3,790,731,000 shall become*

1 available on July 1, 2008, and remain available through  
2 September 30, 2009, and of which \$1,435,000,000 shall be-  
3 come available on October 1, 2008, and shall remain avail-  
4 able through September 30, 2009, for academic year 2008-  
5 2009: Provided, That funds made available to carry out  
6 part B of title VII of the ESEA may be used for construc-  
7 tion, renovation and modernization of any elementary  
8 school, secondary school, or structure related to an elemen-  
9 tary school or secondary school, run by the Department of  
10 Education of the State of Hawaii, that serves a predomi-  
11 nantly Native Hawaiian student body: Provided further,  
12 That from the funds referred to in the preceding proviso,  
13 not less than \$1,250,000 shall be for a grant to the Depart-  
14 ment of Education of the State of Hawaii for the activities  
15 described in such proviso, and \$1,250,000 shall be for a  
16 grant to the University of Hawaii School of Law for a Cen-  
17 ter of Excellence in Native Hawaiian law: Provided further,  
18 That funds made available to carry out part C of title VII  
19 of the ESEA may be used for construction: Provided fur-  
20 ther, That up to 100 percent of the funds available to a  
21 State educational agency under part D of title II of the  
22 ESEA may be used for subgrants described in section  
23 2412(a)(2)(B) of such Act: Provided further, That  
24 \$58,129,000 shall be available to carry out section 203 of  
25 the Educational Technical Assistance Act of 2002: Provided

1 further, That \$34,376,000 shall be available to carry out  
2 part D of title V of the ESEA: Provided further, That no  
3 funds appropriated under this heading may be used to  
4 carry out section 5494 under the ESEA: Provided further,  
5 That \$18,001,000 shall be available to carry out the Supple-  
6 mental Education Grants program for the Federated States  
7 of Micronesia and the Republic of the Marshall Islands:  
8 Provided further, That up to 5 percent of these amounts  
9 may be reserved by the Federated States of Micronesia and  
10 the Republic of the Marshall Islands to administer the Sup-  
11 plemental Education Grants programs and to obtain tech-  
12 nical assistance, oversight and consultancy services in the  
13 administration of these grants and to reimburse the United  
14 States Departments of Labor, Health and Human Services,  
15 and Education for such services: Provided further, That  
16 \$3,000,000 of the funds available for the Foreign Language  
17 Assistance Program shall be available for 5-year grants to  
18 local educational agencies that would work in partnership  
19 with one or more institutions of higher education to estab-  
20 lish or expand articulated programs of study in languages  
21 critical to United States national security that will enable  
22 successful students to advance from elementary school  
23 through college to achieve a superior level of proficiency in  
24 those languages.



1 *INDIAN EDUCATION*

2 *For expenses necessary to carry out, to the extent not*  
3 *otherwise provided, title VII, part A of the Elementary and*  
4 *Secondary Education Act of 1965, \$124,000,000.*

5 *INNOVATION AND IMPROVEMENT*

6 *For carrying out activities authorized by part G of*  
7 *title I, subpart 5 of part A and parts C and D of title*  
8 *II, parts B, C, and D of title V, and section 1504 of the*  
9 *Elementary and Secondary Education Act of 1965*  
10 *(“ESEA”), \$1,010,084,000: Provided, That \$9,821,000*  
11 *shall be provided to the National Board for Professional*  
12 *Teaching Standards to carry out section 2151(c) of the*  
13 *ESEA: Provided further, That from funds for subpart 4,*  
14 *part C of title II, up to 3 percent shall be available to the*  
15 *Secretary for technical assistance and dissemination of in-*  
16 *formation: Provided further, That \$361,917,000 shall be*  
17 *available to carry out part D of title V of the ESEA: Pro-*  
18 *vided further, That \$103,293,000 of the funds for subpart*  
19 *1, part D of title V of the ESEA shall be available for the*  
20 *projects and in the amounts specified in the statement of*  
21 *the managers on the conference report accompanying this*  
22 *Act: Provided further, That \$99,000,000 of the funds for*  
23 *subpart 1 shall be for competitive grants to local edu-*  
24 *cational agencies, including charter schools that are local*  
25 *educational agencies, or States, or partnerships of: (1) a*

1 *local educational agency, a State, or both; and (2) at least*  
2 *one non-profit organization to develop and implement per-*  
3 *formance-based teacher and principal compensation sys-*  
4 *tems in high-need schools: Provided further, That such per-*  
5 *formance-based compensation systems must consider gains*  
6 *in student academic achievement as well as classroom eval-*  
7 *uations conducted multiple times during each school year*  
8 *among other factors and provide educators with incentives*  
9 *to take on additional responsibilities and leadership roles:*  
10 *Provided further, That up to 5 percent of such funds for*  
11 *competitive grants shall be available for technical assist-*  
12 *ance, training, peer review of applications, program out-*  
13 *reach and evaluation activities: Provided further, That of*  
14 *the funds available for part B of title V, the Secretary shall*  
15 *use up to \$24,783,000 to carry out activities under section*  
16 *5205(b) and under subpart 2, and shall use not less than*  
17 *\$190,000,000 to carry out other activities authorized under*  
18 *subpart 1.*

19 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

20 *For carrying out activities authorized by subpart 3 of*  
21 *part C of title II, part A of title IV, and subparts 2, 3,*  
22 *and 10 of part D of title V of the Elementary and Sec-*  
23 *ondary Education Act of 1965 (“ESEA”), \$708,835,000, of*  
24 *which \$300,000,000 shall become available on July 1, 2008,*  
25 *and remain available through September 30, 2009: Pro-*

1 *vided, That \$300,000,000 shall be available for subpart 1*  
2 *of part A of title IV and \$222,519,000 shall be available*  
3 *for subpart 2 of part A of title IV, of which not less than*  
4 *\$1,500,000, to remain available until expended, shall be for*  
5 *the Project School Emergency Response to Violence*  
6 *(“Project SERV”) program to provide education-related*  
7 *services to local educational agencies and to institutions of*  
8 *higher education in which the learning environment has*  
9 *been disrupted due to a violent or traumatic crisis: Pro-*  
10 *vided further, That Project SERV funds appropriated in*  
11 *previous fiscal years may be used to provide services to local*  
12 *educational agencies and to institutions of higher education*  
13 *in which the learning environment has been disrupted due*  
14 *to a violent or traumatic crisis: Provided further, That*  
15 *\$152,998,000 shall be available to carry out part D of title*  
16 *V of the ESEA: Provided further, That of the funds avail-*  
17 *able to carry out subpart 3 of part C of title II, up to*  
18 *\$12,072,000 may be used to carry out section 2345 and*  
19 *\$3,025,000 shall be used by the Center for Civic Education*  
20 *to implement a comprehensive program to improve public*  
21 *knowledge, understanding, and support of the Congress and*  
22 *the State legislatures.*

23 *ENGLISH LANGUAGE ACQUISITION*

24 *For carrying out part A of title III of the Elementary*  
25 *and Secondary Education Act of 1965, \$722,717,000, which*

1 shall become available on July 1, 2008, and shall remain  
2 available through September 30, 2009, except that 6.5 per-  
3 cent of such amount shall be available on October 1, 2007,  
4 and shall remain available through September 30, 2009, to  
5 carry out activities under section 3111(c)(1)(C).

6 *SPECIAL EDUCATION*

7 *For carrying out the Individuals with Disabilities*  
8 *Education Act (“IDEA”) and the Special Olympics Sport*  
9 *and Empowerment Act of 2004, \$12,357,999,000, of which*  
10 *\$5,461,394,000 shall become available on July 1, 2008, and*  
11 *shall remain available through September 30, 2009, and of*  
12 *which \$6,654,982,000 shall become available on October 1,*  
13 *2008, and shall remain available through September 30,*  
14 *2009, for academic year 2008–2009: Provided, That*  
15 *\$13,000,000 shall be for Recording for the Blind and*  
16 *Dyslexic, Inc., to support activities under section*  
17 *674(c)(1)(D) of the IDEA: Provided further, That*  
18 *\$1,500,000 shall be for the recipient of funds provided by*  
19 *Public Law 105–78 under section 687(b)(2)(G) of the IDEA*  
20 *(as in effect prior to the enactment of the Individuals with*  
21 *Disabilities Education Improvement Act of 2004) to pro-*  
22 *vide information on diagnosis, intervention, and teaching*  
23 *strategies for children with disabilities: Provided further,*  
24 *That the amount for section 611(b)(2) of the IDEA shall*  
25 *be equal to the lesser of the amount available for that activ-*

1 *ity during fiscal year 2007, increased by the amount of in-*  
2 *flation as specified in section 619(d)(2)(B) of the IDEA,*  
3 *or the percentage increase in the funds appropriated under*  
4 *section 611(i) of the IDEA: Provided further, That nothing*  
5 *in section 674(e) of the IDEA shall be construed to establish*  
6 *a private right of action against the National Instructional*  
7 *Materials Access Center for failure to perform the duties*  
8 *of such center or otherwise authorize a private right of ac-*  
9 *tion related to the performance of such center: Provided fur-*  
10 *ther, That \$8,000,000 shall be available to support the 2009*  
11 *Special Olympics World Winter Games.*

12 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

13 *For carrying out, to the extent not otherwise provided,*  
14 *the Rehabilitation Act of 1973, the Assistive Technology Act*  
15 *of 1998 (“the AT Act”), and the Helen Keller National Cen-*  
16 *ter Act, \$3,285,985,000, of which \$1,000,000 shall be award-*  
17 *ed to the American Academy of Orthotists and Prosthetists*  
18 *for activities that further the purposes of the grant received*  
19 *by the Academy for the period beginning October 1, 2003,*  
20 *including activities to meet the demand for orthotic and*  
21 *prosthetic provider services and improve patient care: Pro-*  
22 *vided, That \$3,242,000 of the funds for section 303 of the*  
23 *Rehabilitation Act of 1973 shall be available for the projects*  
24 *and in the amounts specified in the statement of the man-*  
25 *agers on the conference report accompanying this Act.*

1 *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*2 *AMERICAN PRINTING HOUSE FOR THE BLIND*

3 *For carrying out the Act of March 3, 1879,*  
4 *\$22,000,000.*

5 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

6 *For the National Technical Institute for the Deaf*  
7 *under titles I and II of the Education of the Deaf Act of*  
8 *1986, \$60,757,000, of which \$1,705,000 shall be for con-*  
9 *struction and shall remain available until expended: Pro-*  
10 *vided, That from the total amount available, the Institute*  
11 *may at its discretion use funds for the endowment program*  
12 *as authorized under section 207 of such Act.*

13 *GALLAUDET UNIVERSITY*

14 *For the Kendall Demonstration Elementary School,*  
15 *the Model Secondary School for the Deaf, and the partial*  
16 *support of Gallaudet University under titles I and II of*  
17 *the Education of the Deaf Act of 1986, \$115,400,000: Pro-*  
18 *vided, That from the total amount available, the University*  
19 *may at its discretion use funds for the endowment program*  
20 *as authorized under section 207.*

21 *CAREER, TECHNICAL, AND ADULT EDUCATION*

22 *For carrying out, to the extent not otherwise provided,*  
23 *the Carl D. Perkins Career and Technical Education Act*  
24 *of 2006, the Adult Education and Family Literacy Act,*  
25 *subpart 4 of part D of title V of the Elementary and Sec-*  
26 *ondary Education Act of 1965 (“ESEA”) and title VIII—*

1 *D of the Higher Education Amendments of 1998,*  
2 *\$2,013,329,000, of which \$1,218,252,000 shall become avail-*  
3 *able on July 1, 2008, and shall remain available through*  
4 *September 30, 2009, and of which \$791,000,000 shall be-*  
5 *come available on October 1, 2008, and shall remain avail-*  
6 *able through September 30, 2009: Provided, That of the*  
7 *amount provided for Adult Education State Grants,*  
8 *\$69,759,000 shall be made available for integrated English*  
9 *literacy and civics education services to immigrants and*  
10 *other limited English proficient populations: Provided fur-*  
11 *ther, That of the amount reserved for integrated English*  
12 *literacy and civics education, notwithstanding section 211*  
13 *of the Adult Education and Family Literacy Act, 65 per-*  
14 *cent shall be allocated to States based on a State's absolute*  
15 *need as determined by calculating each State's share of a*  
16 *10-year average of the United States Citizenship and Immi-*  
17 *gration Services data for immigrants admitted for legal*  
18 *permanent residence for the 10 most recent years, and 35*  
19 *percent allocated to States that experienced growth as meas-*  
20 *ured by the average of the 3 most recent years for which*  
21 *United States Citizenship and Immigration Services data*  
22 *for immigrants admitted for legal permanent residence are*  
23 *available, except that no State shall be allocated an amount*  
24 *less than \$60,000: Provided further, That of the amounts*  
25 *made available for the Adult Education and Family Lit-*

1 *eracy Act, \$7,000,000 shall be for national leadership ac-*  
2 *tivities under section 243 and \$6,638,000 shall be for the*  
3 *National Institute for Literacy under section 242: Provided*  
4 *further, That \$81,532,000 shall be available to support the*  
5 *activities authorized under subpart 4 of part D of title V*  
6 *of the ESEA, of which up to 5 percent shall become avail-*  
7 *able October 1, 2007, and shall remain available through*  
8 *September 30, 2009, for evaluation, technical assistance,*  
9 *school networks, peer review of applications, and program*  
10 *outreach activities, and of which not less than 95 percent*  
11 *shall become available on July 1, 2008, and remain avail-*  
12 *able through September 30, 2009, for grants to local edu-*  
13 *cational agencies: Provided further, That funds made avail-*  
14 *able to local educational agencies under this subpart shall*  
15 *be used only for activities related to establishing smaller*  
16 *learning communities within large high schools or small*  
17 *high schools that provide alternatives for students enrolled*  
18 *in large high schools.*

19 *STUDENT FINANCIAL ASSISTANCE*

20 *(INCLUDING RESCISSION)*

21 *For carrying out subparts 1, 3, and 4 of part A, part*  
22 *C and part E of title IV of the Higher Education Act of*  
23 *1965, \$16,379,883,000, which shall remain available*  
24 *through September 30, 2009.*



1       *The maximum Pell Grant for which a student shall*  
2 *be eligible during award year 2008–2009 shall be \$4,435.*

3       *Of the unobligated funds available under section*  
4 *401A(e)(1)(C) of the Higher Education Act of 1965,*  
5 *\$525,000,000 are rescinded.*

6       *For an additional amount to carry out subpart 1 of*  
7 *part A of title IV of the Higher Education Act of 1965,*  
8 *\$525,000,000, which shall remain available through Sep-*  
9 *tember 30, 2009.*

10                                   *STUDENT AID ADMINISTRATION*

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

16                                   *HIGHER EDUCATION*

17       *For carrying out, to the extent not otherwise provided,*  
18 *titles II, III, IV, V, VI, and VII of the Higher Education*  
19 *Act of 1965 (“HEA”), section 1543 of the Higher Education*  
20 *Amendments of 1992, the Mutual Educational and Cultural*  
21 *Exchange Act of 1961, title VIII of the Higher Education*  
22 *Amendments of 1998, part I of subtitle A of title VI of the*  
23 *America COMPETES Act, and section 117 of the Carl D.*  
24 *Perkins Career and Technical Education Act of 2006,*  
25 *\$2,095,608,000: Provided, That \$9,699,000, to remain*

1 *available through September 30, 2009, shall be available to*  
2 *fund fellowships for academic year 2009–2010 under sub-*  
3 *part 1 of part A of title VII of the HEA, under the terms*  
4 *and conditions of such subpart 1: Provided further, That*  
5 *\$620,000 is for data collection and evaluation activities for*  
6 *programs under the HEA, including such activities needed*  
7 *to comply with the Government Performance and Results*  
8 *Act of 1993: Provided further, That notwithstanding any*  
9 *other provision of law, funds made available in this Act*  
10 *to carry out title VI of the HEA and section 102(b)(6) of*  
11 *the Mutual Educational and Cultural Exchange Act of 1961*  
12 *may be used to support visits and study in foreign countries*  
13 *by individuals who are participating in advanced foreign*  
14 *language training and international studies in areas that*  
15 *are vital to United States national security and who plan*  
16 *to apply their language skills and knowledge of these coun-*  
17 *tries in the fields of government, the professions, or inter-*  
18 *national development: Provided further, That of the funds*  
19 *referred to in the preceding proviso up to 1 percent may*  
20 *be used for program evaluation, national outreach, and in-*  
21 *formation dissemination activities: Provided further, That*  
22 *the funds provided for title II of the HEA shall be allocated*  
23 *notwithstanding section 210 of such Act: Provided further,*  
24 *That \$104,399,000 of the funds for part B of title VII of*  
25 *the Higher Education Act of 1965 shall be available for the*

1 *projects and in the amounts specified in the statement of*  
2 *the managers on the conference report accompanying this*  
3 *Act.*

4 *HOWARD UNIVERSITY*

5 *For partial support of Howard University,*  
6 *\$237,392,000, of which not less than \$3,526,000 shall be for*  
7 *a matching endowment grant pursuant to the Howard Uni-*  
8 *versity Endowment Act (Public Law 98-480) and shall re-*  
9 *main available until expended.*

10 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

11 *PROGRAM*

12 *For Federal administrative expenses to carry out ac-*  
13 *tivities related to existing facility loans pursuant to section*  
14 *121 of the Higher Education Act of 1965, \$481,000.*

15 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*

16 *FINANCING PROGRAM ACCOUNT*

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

21 *INSTITUTE OF EDUCATION SCIENCES*

22 *For carrying out activities authorized by the Edu-*  
23 *cation Sciences Reform Act of 2002, the National Assess-*  
24 *ment of Educational Progress Authorization Act, section*  
25 *208 of the Educational Technical Assistance Act of 2002,*

1 *and section 664 of the Individuals with Disabilities Edu-*  
2 *cation Act, \$561,315,000, of which \$293,155,000 shall be*  
3 *available until September 30, 2009.*

4 *DEPARTMENTAL MANAGEMENT*

5 *PROGRAM ADMINISTRATION*

6 *For carrying out, to the extent not otherwise provided,*  
7 *the Department of Education Organization Act, including*  
8 *rental of conference rooms in the District of Columbia and*  
9 *hire of three passenger motor vehicles, \$420,698,000, of*  
10 *which \$3,000,000, to remain available until expended, shall*  
11 *be for building alterations and related expenses for the move*  
12 *of Department staff to the Mary E. Switzer building in*  
13 *Washington, DC.*

14 *OFFICE FOR CIVIL RIGHTS*

15 *For expenses necessary for the Office for Civil Rights,*  
16 *as authorized by section 203 of the Department of Edu-*  
17 *cation Organization Act, \$93,771,000.*

18 *OFFICE OF THE INSPECTOR GENERAL*

19 *For expenses necessary for the Office of the Inspector*  
20 *General, as authorized by section 212 of the Department*  
21 *of Education Organization Act, \$53,239,000.*

22 *GENERAL PROVISIONS*

23 *SEC. 301. No funds appropriated in this Act may be*  
24 *used for the transportation of students or teachers (or for*  
25 *the purchase of equipment for such transportation) in order*  
26 *to overcome racial imbalance in any school or school system,*

1 *or for the transportation of students or teachers (or for the*  
2 *purchase of equipment for such transportation) in order to*  
3 *carry out a plan of racial desegregation of any school or*  
4 *school system.*

5       *SEC. 302. None of the funds contained in this Act shall*  
6 *be used to require, directly or indirectly, the transportation*  
7 *of any student to a school other than the school which is*  
8 *nearest the student's home, except for a student requiring*  
9 *special education, to the school offering such special edu-*  
10 *cation, in order to comply with title VI of the Civil Rights*  
11 *Act of 1964. For the purpose of this section an indirect re-*  
12 *quirement of transportation of students includes the trans-*  
13 *portation of students to carry out a plan involving the reor-*  
14 *ganization of the grade structure of schools, the pairing of*  
15 *schools, or the clustering of schools, or any combination of*  
16 *grade restructuring, pairing or clustering. The prohibition*  
17 *described in this section does not include the establishment*  
18 *of magnet schools.*

19       *SEC. 303. No funds appropriated in this Act may be*  
20 *used to prevent the implementation of programs of vol-*  
21 *untary prayer and meditation in the public schools.*

22                                   *(TRANSFER OF FUNDS)*

23       *SEC. 304. Not to exceed 1 percent of any discretionary*  
24 *funds (pursuant to the Balanced Budget and Emergency*  
25 *Deficit Control Act of 1985) which are appropriated for the*  
26 *Department of Education in this Act may be transferred*

1 *between appropriations, but no such appropriation shall be*  
2 *increased by more than 3 percent by any such transfer: Pro-*  
3 *vided, That the transfer authority granted by this section*  
4 *shall be available only to meet emergency needs and shall*  
5 *not be used to create any new program or to fund any*  
6 *project or activity for which no funds are provided in this*  
7 *Act: Provided further, That the Committees on Appropria-*  
8 *tions of the House of Representatives and the Senate are*  
9 *notified at least 15 days in advance of any transfer.*

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

15       *SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETH-*  
16 *ICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—*  
17 *Within 30 days after the enactment of this Act, the Sec-*  
18 *retary of Education shall implement procedures—*

19               *(1) to assess whether a covered individual or en-*  
20 *tity has a potential financial interest in, or bias to-*  
21 *wards, a product or service purchased with, or guar-*  
22 *anteed or insured by, funds administered by the De-*  
23 *partment of Education or a contracted entity of the*  
24 *Department; and*

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

3           **(b) REVIEW BY INSPECTOR GENERAL.—**

4           (1) *Within 30 days after the implementation of*  
5 *the procedures described in subsection (a), the Inspec-*  
6 *tor General of the Department of Education shall re-*  
7 *port to the Committees on Appropriations of the*  
8 *House of Representatives and the Senate on the ade-*  
9 *quacy of such procedures.*

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

15          (3) *The Inspector General shall report to such*  
16 *Committees any recommendations for modifications*  
17 *to such procedures that the Inspector General deter-*  
18 *mines are necessary to uncover and disclose the exist-*  
19 *ence of such potential financial interests or bias.*

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

22           (1) *an officer or professional employee of the De-*  
23 *partment of Education;*

24           (2) *a contractor or subcontractor of the Depart-*  
25 *ment, or an individual hired by the contracted entity;*

1           (3) *a member of a peer review panel of the De-*  
2           *partment; or*

3           (4) *a consultant or advisor to the Department.*

4           *SEC. 307. (a) Notwithstanding section 8013(9)(B) of*  
5 *the Elementary and Secondary Education Act of 1965,*  
6 *North Chicago Community Unit School District 187, North*  
7 *Shore District 112, and Township High School District 113*  
8 *in Lake County, Illinois, and Glenview Public School Dis-*  
9 *trict 34 and Glenbrook High School District 225 in Cook*  
10 *County, Illinois, shall be considered local educational agen-*  
11 *cies as such term is used in and for purposes of title VIII*  
12 *of such Act.*

13           *(b) Notwithstanding any other provision of law, feder-*  
14 *ally connected children (as determined under section*  
15 *8003(a) of the Elementary and Secondary Education Act*  
16 *of 1965) who are in attendance in the North Shore District*  
17 *112, Township High School District 113, Glenview Public*  
18 *School District 34, and Glenbrook High School District 225*  
19 *described in subsection (a), shall be considered to be in at-*  
20 *tendance in the North Chicago Community Unit School*  
21 *District 187 described in subsection (a) for purposes of com-*  
22 *puting the amount that the North Chicago Community*  
23 *Unit School District 187 is eligible to receive under sub-*  
24 *section (b) or (d) of such section if—*



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

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

11          *SEC. 308. Prior to January 1, 2008, the Secretary of*  
12          *Education may not terminate any voluntary flexible agree-*  
13          *ment under section 428A of the Higher Education Act of*  
14          *1965 that existed on October 1, 2007. With respect to an*  
15          *entity with which the Secretary of Education had a vol-*  
16          *untary flexible agreement under section 428A of the Higher*  
17          *Education Act of 1965 on October 1, 2007 that is not cost*  
18          *neutral, if the Secretary terminates such agreement on or*  
19          *after January 1, 2008, the Secretary of Education shall,*  
20          *not later than March 31, 2008, negotiate to enter, and enter,*  
21          *into a new voluntary flexible agreement with such entity*  
22          *so that the agreement is cost neutral, unless such entity does*  
23          *not want to enter into such agreement.*

24          *SEC. 309. Notwithstanding section 102(a)(4)(A) of the*  
25          *Higher Education Act of 1965, the Secretary of Education*

1 *shall not take into account a bankruptcy petition filed in*  
 2 *the United States Bankruptcy Court for the Northern Dis-*  
 3 *trict of New York on February 21, 2001, in determining*  
 4 *whether a nonprofit educational institution that is a sub-*  
 5 *sidary of an entity that filed such petition meets the defini-*  
 6 *tion of an “institution of higher education” under section*  
 7 *102 of that Act.*

8 *This title may be cited as the “Department of Edu-*  
 9 *cation Appropriations Act, 2008”.*

10 *TITLE IV*

11 *RELATED AGENCIES*

12 *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE*

13 *BLIND OR SEVERELY DISABLED*

14 *SALARIES AND EXPENSES*

15 *For expenses necessary of the Committee for Purchase*  
 16 *From People Who Are Blind or Severely Disabled estab-*  
 17 *lished by Public Law 92–28, \$4,994,000.*

18 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

19 *OPERATING EXPENSES*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For necessary expenses for the Corporation for Na-*  
 22 *tional and Community Service to carry out the Domestic*  
 23 *Volunteer Service Act of 1973 (“1973 Act”) and the Na-*  
 24 *tional and Community Service Act of 1990 (“1990 Act”),*  
 25 *\$798,065,000, of which \$313,054,000 is to carry out the*  
 26 *1973 Act and \$485,011,000 is to carry out the 1990 Act:*

1 *Provided, That up to 1 percent of program grant funds may*  
2 *be used to defray the costs of conducting grant application*  
3 *reviews, including the use of outside peer reviewers and elec-*  
4 *tronic management of the grants cycle: Provided further,*  
5 *That none of the funds made available under this heading*  
6 *for activities authorized by section 122 and part E of title*  
7 *II of the 1973 Act shall be used to provide stipends or other*  
8 *monetary incentives to program participants or volunteer*  
9 *leaders whose incomes exceed the income guidelines in sub-*  
10 *sections 211(e) and 213(b) of the 1973 Act: Provided fur-*  
11 *ther, That notwithstanding subtitle H of title I of the 1990*  
12 *Act, none of the funds provided for quality and innovation*  
13 *activities shall be used to support salaries and related ex-*  
14 *penses (including travel) attributable to Corporation for*  
15 *National and Community Service employees: Provided fur-*  
16 *ther, That of the amounts provided under this heading: (1)*  
17 *not less than \$126,121,000, to remain available until ex-*  
18 *pended, to be transferred to the National Service Trust for*  
19 *educational awards authorized under subtitle D of title I*  
20 *of the 1990 Act: Provided further, That in addition to these*  
21 *funds, the Corporation may transfer funds from the amount*  
22 *provided for AmeriCorps grants under the National Service*  
23 *Trust Program, to the National Service Trust authorized*  
24 *under subtitle D of title I of the 1990 Act, upon determina-*  
25 *tion that such transfer is necessary to support the activities*

1 *of national service participants and after notice is trans-*  
2 *mitted to the Congress; (2) not more than \$55,000,000 of*  
3 *funding provided for grants under the National Service*  
4 *Trust program authorized under subtitle C of title I of the*  
5 *1990 Act may be used to administer, reimburse, or support*  
6 *any national service program authorized under section*  
7 *129(d)(2) of such Act; (3) \$12,000,000 shall be to provide*  
8 *assistance to State commissions on national and commu-*  
9 *nity service, under section 126(a) of the 1990 Act and not-*  
10 *withstanding section 501(a)(4) of the 1990 Act; and (4) not*  
11 *less than \$5,000,000 shall be for the acquisition, renovation,*  
12 *equipping and startup costs for a campus located in Vinton,*  
13 *Iowa and a campus in Vicksburg, Mississippi to carry out*  
14 *subtitle G of title I of the 1990 Act.*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of administration as provided*  
17 *under section 501(a)(4) of the National and Community*  
18 *Service Act of 1990 and under section 504(a) of the Domes-*  
19 *tic Volunteer Service Act of 1973, including payment of sal-*  
20 *aries, authorized travel, hire of passenger motor vehicles,*  
21 *the rental of conference rooms in the District of Columbia,*  
22 *the employment of experts and consultants authorized under*  
23 *5 U.S.C. 3109, and not to exceed \$2,500 for official recep-*  
24 *tion and representation expenses, \$68,964,000.*

1    *OFFICE OF INSPECTOR GENERAL*

2            *For necessary expenses of the Office of Inspector Gen-*  
3 *eral in carrying out the Inspector General Act of 1978,*  
4 *\$6,900,000.*

5    *ADMINISTRATIVE PROVISIONS*

6            *SEC. 401. Notwithstanding any other provision of law,*  
7 *the term “qualified student loan” with respect to national*  
8 *service education awards shall mean any loan determined*  
9 *by an institution of higher education to be necessary to*  
10 *cover a student’s cost of attendance at such institution and*  
11 *made, insured, or guaranteed directly to a student by a*  
12 *State agency, in addition to other meanings under section*  
13 *148(b)(7) of the National and Community Service Act.*

14            *SEC. 402. Notwithstanding any other provision of law,*  
15 *funds made available under section 129(d)(5)(B) of the Na-*  
16 *tional and Community Service Act of 1990 to assist entities*  
17 *in placing applicants who are individuals with disabilities*  
18 *may be provided to any entity that receives a grant under*  
19 *section 121 of the Act.*

20            *SEC. 403. The Inspector General of the Corporation*  
21 *for National and Community Service shall conduct random*  
22 *audits of the grantees that administer activities under the*  
23 *AmeriCorps programs and shall levy sanctions in accord-*  
24 *ance with standard Inspector General audit resolution pro-*  
25 *cedures which include, but are not limited to, debarment*  
26 *of any grantee (or successor in interest or any entity with*

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

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

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

1       *SEC. 406. Notwithstanding section 1342 of title 31,*  
2 *United States Code, the Corporation may solicit and accept*  
3 *the services of organizations and individuals (other than*  
4 *participants) to assist the Corporation in carrying out the*  
5 *duties of the Corporation under the national service laws:*  
6 *Provided, That an individual who provides services under*  
7 *this section shall be subject to the same protections and lim-*  
8 *itations as volunteers under section 196(a) of the National*  
9 *and Community Service Act of 1990.*

10       *SEC. 407. Organizations operating projects under the*  
11 *AmeriCorps Education Awards Program shall do so with-*  
12 *out regard to the requirements of sections 121(d) and (e),*  
13 *131(e), 132, and 140(a), (d), and (e) of the National and*  
14 *Community Service Act of 1990.*

15       *SEC. 408. AmeriCorps programs receiving grants*  
16 *under the National Service Trust program shall meet an*  
17 *overall minimum share requirement of 24 percent for the*  
18 *first three years that they receive AmeriCorps funding, and*  
19 *thereafter shall meet the overall minimum share require-*  
20 *ment as provided in section 2521.60 of title 45, Code of*  
21 *Federal Regulations, without regard to the operating costs*  
22 *match requirement in section 121(e) or the member support*  
23 *Federal share limitations in section 140 of the National and*  
24 *Community Service Act of 1990, and subject to partial*

1 *waiver consistent with section 2521.70 of title 45, Code of*  
2 *Federal Regulations.*

3 *CORPORATION FOR PUBLIC BROADCASTING*

4 *For payment to the Corporation for Public Broad-*  
5 *casting, as authorized by the Communications Act of 1934,*  
6 *an amount which shall be available within limitations spec-*  
7 *ified by that Act, for the fiscal year 2010, \$420,000,000:*  
8 *Provided, That no funds made available to the Corporation*  
9 *for Public Broadcasting by this Act shall be used to pay*  
10 *for receptions, parties, or similar forms of entertainment*  
11 *for Government officials or employees: Provided further,*  
12 *That none of the funds contained in this paragraph shall*  
13 *be available or used to aid or support any program or activ-*  
14 *ity from which any person is excluded, or is denied benefits,*  
15 *or is discriminated against, on the basis of race, color, na-*  
16 *tional origin, religion, or sex: Provided further, That no*  
17 *funds made available to the Corporation for Public Broad-*  
18 *casting by this Act shall be used to apply any political test*  
19 *or qualification in selecting, appointing, promoting, or tak-*  
20 *ing any other personnel action with respect to officers,*  
21 *agents, and employees of the Corporation: Provided further,*  
22 *That for fiscal year 2008, in addition to the amounts pro-*  
23 *vided above, \$29,700,000 shall be for costs related to digital*  
24 *program production, development, and distribution, associ-*  
25 *ated with the transition of public broadcasting to digital*



1 *broadcasting, to be awarded as determined by the Corpora-*  
2 *tion in consultation with public radio and television licens-*  
3 *ees or permittees, or their designated representatives: Pro-*  
4 *vided further, That for fiscal year 2008, in addition to the*  
5 *amounts provided above, \$26,750,000 is available pursuant*  
6 *to section 396(k)(10) of the Communications Act of 1934*  
7 *for replacement and upgrade of the public radio inter-*  
8 *connection system: Provided further, That none of the funds*  
9 *made available to the Corporation for Public Broadcasting*  
10 *by this Act, the Continuing Appropriations Resolution,*  
11 *2007 (Public Law 110–5), or the Departments of Labor,*  
12 *Health and Human Services, and Education, and Related*  
13 *Agencies Appropriations Act, 2006 (Public Law 109–149),*  
14 *shall be used to support the Television Future Fund or any*  
15 *similar purpose.*

16 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

17 *SALARIES AND EXPENSES*

18 *For expenses necessary for the Federal Mediation and*  
19 *Conciliation Service to carry out the functions vested in*  
20 *it by the Labor Management Relations Act, 1947, including*  
21 *hire of passenger motor vehicles; for expenses necessary for*  
22 *the Labor-Management Cooperation Act of 1978; and for*  
23 *expenses necessary for the Service to carry out the functions*  
24 *vested in it by the Civil Service Reform Act, Public Law*  
25 *95–454, \$44,450,000, including \$650,000 to remain avail-*

1 able through September 30, 2009, for activities authorized  
2 by the Labor-Management Cooperation Act of 1978: Pro-  
3 vided, That notwithstanding 31 U.S.C. 3302, fees charged,  
4 up to full-cost recovery, for special training activities and  
5 other conflict resolution services and technical assistance,  
6 including those provided to foreign governments and inter-  
7 national organizations, and for arbitration services shall be  
8 credited to and merged with this account, and shall remain  
9 available until expended: Provided further, That fees for ar-  
10 bitration services shall be available only for education,  
11 training, and professional development of the agency work-  
12 force: Provided further, That the Director of the Service is  
13 authorized to accept and use on behalf of the United States  
14 gifts of services and real, personal, or other property in the  
15 aid of any projects or functions within the Director's juris-  
16 diction.

17 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

18 *COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the Federal Mine Safety*  
21 *and Health Review Commission, \$8,096,000.*



1                    *NATIONAL COUNCIL ON DISABILITY*2                    *SALARIES AND EXPENSES*

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

6                    *NATIONAL LABOR RELATIONS BOARD*7                    *SALARIES AND EXPENSES*

8            *For expenses necessary for the National Labor Rela-*  
9 *tions Board to carry out the functions vested in it by the*  
10 *Labor-Management Relations Act, 1947, and other laws,*  
11 *\$256,988,000: Provided, That no part of this appropriation*  
12 *shall be available to organize or assist in organizing agri-*  
13 *cultural laborers or used in connection with investigations,*  
14 *hearings, directives, or orders concerning bargaining units*  
15 *composed of agricultural laborers as referred to in section*  
16 *2(3) of the Act of July 5, 1935, and as amended by the*  
17 *Labor-Management Relations Act, 1947, and as defined in*  
18 *section 3(f) of the Act of June 25, 1938, and including in*  
19 *said definition employees engaged in the maintenance and*  
20 *operation of ditches, canals, reservoirs, and waterways*  
21 *when maintained or operated on a mutual, nonprofit basis*  
22 *and at least 95 percent of the water stored or supplied there-*  
23 *by is used for farming purposes.*

1                    *NATIONAL MEDIATION BOARD*2                    *SALARIES AND EXPENSES*

3            *For expenses necessary to carry out the provisions of*  
4 *the Railway Labor Act, including emergency boards ap-*  
5 *pointed by the President, \$12,992,000, of which \$750,000*  
6 *shall be for arbitrator salaries and expenses pursuant to*  
7 *section 153(1).*

8                    *OCCUPATIONAL SAFETY AND HEALTH REVIEW*9                    *COMMISSION*10                   *SALARIES AND EXPENSES*

11           *For expenses necessary for the Occupational Safety*  
12 *and Health Review Commission, \$10,696,000.*

13                   *RAILROAD RETIREMENT BOARD*14                   *DUAL BENEFITS PAYMENTS ACCOUNT*

15           *For payment to the Dual Benefits Payments Account,*  
16 *authorized under section 15(d) of the Railroad Retirement*  
17 *Act of 1974, \$79,000,000, which shall include amounts be-*  
18 *coming available in fiscal year 2008 pursuant to section*  
19 *224(c)(1)(B) of Public Law 98-76; and in addition, an*  
20 *amount, not to exceed 2 percent of the amount provided*  
21 *herein, shall be available proportional to the amount by*  
22 *which the product of recipients and the average benefit re-*  
23 *ceived exceeds the amount available for payment of vested*  
24 *dual benefits: Provided, That the total amount provided*

1 *herein shall be credited in 12 approximately equal amounts*  
2 *on the first day of each month in the fiscal year.*

3 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

4 *ACCOUNTS*

5 *For payment to the accounts established in the Treas-*  
6 *ury for the payment of benefits under the Railroad Retire-*  
7 *ment Act for interest earned on unnegotiated checks,*  
8 *\$150,000, to remain available through September 30, 2009,*  
9 *which shall be the maximum amount available for payment*  
10 *pursuant to section 417 of Public Law 98–76.*

11 *LIMITATION ON ADMINISTRATION*

12 *For necessary expenses for the Railroad Retirement*  
13 *Board for administration of the Railroad Retirement Act*  
14 *and the Railroad Unemployment Insurance Act,*  
15 *\$103,694,000, to be derived in such amounts as determined*  
16 *by the Board from the railroad retirement accounts and*  
17 *from moneys credited to the railroad unemployment insur-*  
18 *ance administration fund.*

19 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

20 *For expenses necessary for the Office of Inspector Gen-*  
21 *eral for audit, investigatory and review activities, as au-*  
22 *thorized by the Inspector General Act of 1978, not more*  
23 *than \$7,803,000, to be derived from the railroad retirement*  
24 *accounts and railroad unemployment insurance account:*  
25 *Provided, That none of the funds made available in any*  
26 *other paragraph of this Act may be transferred to the Office;*

1 *used to carry out any such transfer; used to provide any*  
2 *office space, equipment, office supplies, communications fa-*  
3 *cilities or services, maintenance services, or administrative*  
4 *services for the Office; used to pay any salary, benefit, or*  
5 *award for any personnel of the Office; used to pay any other*  
6 *operating expense of the Office; or used to reimburse the*  
7 *Office for any service provided, or expense incurred, by the*  
8 *Office: Provided further, That funds made available under*  
9 *the heading in this Act, or subsequent Departments of*  
10 *Labor, Health and Human Services, and Education, and*  
11 *Related Agencies Appropriations Acts, may be used for any*  
12 *audit, investigation, or review of the Medicare Program.*

13 *SOCIAL SECURITY ADMINISTRATION*

14 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

15 *For payment to the Federal Old-Age and Survivors In-*  
16 *surance Trust Fund and the Federal Disability Insurance*  
17 *Trust Fund, as provided under sections 201(m), 217(g),*  
18 *228(g), and 1131(b)(2) of the Social Security Act,*  
19 *\$28,140,000.*

20 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

21 *For carrying out titles XI and XVI of the Social Secu-*  
22 *rity Act, section 401 of Public Law 92–603, section 212*  
23 *of Public Law 93–66, as amended, and section 405 of Public*  
24 *Law 95–216, including payment to the Social Security*  
25 *trust funds for administrative expenses incurred pursuant*  
26 *to section 201(g)(1) of the Social Security Act,*

1 \$27,014,000,000, to remain available until expended: Pro-  
2 vided, That any portion of the funds provided to a State  
3 in the current fiscal year and not obligated by the State  
4 during that year shall be returned to the Treasury.

5 For making, after June 15 of the current fiscal year,  
6 benefit payments to individuals under title XVI of the So-  
7 cial Security Act, for unanticipated costs incurred for the  
8 current fiscal year, such sums as may be necessary.

9 For making benefit payments under title XVI of the  
10 Social Security Act for the first quarter of fiscal year 2009,  
11 \$14,800,000,000, to remain available until expended.

12 *LIMITATION ON ADMINISTRATIVE EXPENSES*

13 For necessary expenses, including the hire of two pas-  
14 senger motor vehicles, and not to exceed \$15,000 for official  
15 reception and representation expenses, not more than  
16 \$9,522,953,000 may be expended, as authorized by section  
17 201(g)(1) of the Social Security Act, from any one or all  
18 of the trust funds referred to therein: Provided, That not  
19 less than \$2,000,000 shall be for the Social Security Advi-  
20 sory Board: Provided further, That unobligated balances of  
21 funds provided under this paragraph at the end of fiscal  
22 year 2008 not needed for fiscal year 2008 shall remain  
23 available until expended to invest in the Social Security  
24 Administration information technology and telecommuni-  
25 cations hardware and software infrastructure, including re-  
26 lated equipment and non-payroll administrative expenses



1 *associated solely with this information technology and tele-*  
2 *communications infrastructure: Provided further, That re-*  
3 *imbursement to the trust funds under this heading for ex-*  
4 *penditures for official time for employees of the Social Secu-*  
5 *urity Administration pursuant to section 7131 of title 5,*  
6 *United States Code, and for facilities or support services*  
7 *for labor organizations pursuant to policies, regulations, or*  
8 *procedures referred to in section 7135(b) of such title shall*  
9 *be made by the Secretary of the Treasury, with interest,*  
10 *from amounts in the general fund not otherwise appro-*  
11 *priated, as soon as possible after such expenditures are*  
12 *made.*

13 *From funds provided under the first paragraph, not*  
14 *less than \$263,970,000 shall be available for conducting*  
15 *continuing disability reviews under titles II and XVI of the*  
16 *Social Security Act and for conducting redeterminations of*  
17 *eligibility under title XVI of the Social Security Act.*

18 *In addition to amounts made available above, and sub-*  
19 *ject to the same terms and conditions, \$213,000,000, for ad-*  
20 *ditional continuing disability reviews and redeterminations*  
21 *of eligibility.*

22 *In addition, \$135,000,000 to be derived from adminis-*  
23 *tration fees in excess of \$5.00 per supplementary payment*  
24 *collected pursuant to section 1616(d) of the Social Security*  
25 *Act or section 212(b)(3) of Public Law 93-66, which shall*

1 *remain available until expended. To the extent that the*  
2 *amounts collected pursuant to such sections in fiscal year*  
3 *2008 exceed \$135,000,000, the amounts shall be available*  
4 *in fiscal year 2009 only to the extent provided in advance*  
5 *in appropriations Acts.*

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

10 *OFFICE OF INSPECTOR GENERAL*  
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For expenses necessary for the Office of Inspector Gen-*  
13 *eral in carrying out the provisions of the Inspector General*  
14 *Act of 1978, \$27,000,000, together with not to exceed*  
15 *\$68,047,000, to be transferred and expended as authorized*  
16 *by section 201(g)(1) of the Social Security Act from the*  
17 *Federal Old-Age and Survivors Insurance Trust Fund and*  
18 *the Federal Disability Insurance Trust Fund.*

19 *In addition, an amount not to exceed 3 percent of the*  
20 *total provided in this appropriation may be transferred*  
21 *from the “Limitation on Administrative Expenses”, Social*  
22 *Security Administration, to be merged with this account,*  
23 *to be available for the time and purposes for which this*  
24 *account is available: Provided, That notice of such transfers*  
25 *shall be transmitted promptly to the Committees on Appro-*  
26 *priations of the House of Representatives and the Senate.*

## TITLE V

## GENERAL PROVISIONS

1  
2  
3       *SEC. 501. The Secretaries of Labor, Health and*  
4 *Human Services, and Education are authorized to transfer*  
5 *unexpended balances of prior appropriations to accounts*  
6 *corresponding to current appropriations provided in this*  
7 *Act. Such transferred balances shall be used for the same*  
8 *purpose, and for the same periods of time, for which they*  
9 *were originally appropriated.*

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

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

22       *(b) No part of any appropriation contained in this*  
23 *Act shall be used to pay the salary or expenses of any grant*  
24 *or contract recipient, or agent acting for such recipient, re-*  
25 *lated to any activity designed to influence legislation or ap-*

1 *propriations pending before the Congress or any State legis-*  
2 *lature.*

3       *SEC. 504. The Secretaries of Labor and Education are*  
4 *authorized to make available not to exceed \$28,000 and*  
5 *\$20,000, respectively, from funds available for salaries and*  
6 *expenses under titles I and III, respectively, for official re-*  
7 *ception and representation expenses; the Director of the*  
8 *Federal Mediation and Conciliation Service is authorized*  
9 *to make available for official reception and representation*  
10 *expenses not to exceed \$5,000 from the funds available for*  
11 *“Federal Mediation and Conciliation Service, Salaries and*  
12 *expenses”;* and the Chairman of the National Mediation  
13 *Board is authorized to make available for official reception*  
14 *and representation expenses not to exceed \$5,000 from funds*  
15 *available for “National Mediation Board, Salaries and ex-*  
16 *penses”.*

17       *SEC. 505. Notwithstanding any other provision of this*  
18 *Act, no funds appropriated in this Act shall be used to*  
19 *carry out any program of distributing sterile needles or sy-*  
20 *ringes for the hypodermic injection of any illegal drug.*

21       *SEC. 506. When issuing statements, press releases, re-*  
22 *quests for proposals, bid solicitations and other documents*  
23 *describing projects or programs funded in whole or in part*  
24 *with Federal money, all grantees receiving Federal funds*  
25 *included in this Act, including but not limited to State and*

1 *local governments and recipients of Federal research grants,*  
2 *shall clearly state—*

3           (1) *the percentage of the total costs of the pro-*  
4 *gram or project which will be financed with Federal*  
5 *money;*

6           (2) *the dollar amount of Federal funds for the*  
7 *project or program; and*

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

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

15       *(b) None of the funds appropriated in this Act, and*  
16 *none of the funds in any trust fund to which funds are*  
17 *appropriated in this Act, shall be expended for health bene-*  
18 *fits coverage that includes coverage of abortion.*

19       *(c) The term “health benefits coverage” means the*  
20 *package of services covered by a managed care provider or*  
21 *organization pursuant to a contract or other arrangement.*

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

24           (1) *if the pregnancy is the result of an act of*  
25 *rape or incest; or*

1           (2) *in the case where a woman suffers from a*  
2           *physical disorder, physical injury, or physical illness,*  
3           *including a life-endangering physical condition*  
4           *caused by or arising from the pregnancy itself, that*  
5           *would, as certified by a physician, place the woman*  
6           *in danger of death unless an abortion is performed.*

7           (b) *Nothing in the preceding section shall be construed*  
8           *as prohibiting the expenditure by a State, locality, entity,*  
9           *or private person of State, local, or private funds (other*  
10           *than a State's or locality's contribution of Medicaid match-*  
11           *ing funds).*

12           (c) *Nothing in the preceding section shall be construed*  
13           *as restricting the ability of any managed care provider*  
14           *from offering abortion coverage or the ability of a State or*  
15           *locality to contract separately with such a provider for such*  
16           *coverage with State funds (other than a State's or locality's*  
17           *contribution of Medicaid matching funds).*

18           (d)(1) *None of the funds made available in this Act*  
19           *may be made available to a Federal agency or program,*  
20           *or to a State or local government, if such agency, program,*  
21           *or government subjects any institutional or individual*  
22           *health care entity to discrimination on the basis that the*  
23           *health care entity does not provide, pay for, provide cov-*  
24           *erage of, or refer for abortions.*

1       (2) *In this subsection, the term “health care entity”*  
2 *includes an individual physician or other health care pro-*  
3 *fessional, a hospital, a provider-sponsored organization, a*  
4 *health maintenance organization, a health insurance plan,*  
5 *or any other kind of health care facility, organization, or*  
6 *plan.*

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

9             (1) *the creation of a human embryo or embryos*  
10 *for research purposes; or*

11             (2) *research in which a human embryo or em-*  
12 *bryos are destroyed, discarded, or knowingly subjected*  
13 *to risk of injury or death greater than that allowed*  
14 *for research on fetuses in utero under 45 CFR*  
15 *46.204(b) and section 498(b) of the Public Health*  
16 *Service Act (42 U.S.C. 289g(b)).*

17       (b) *For purposes of this section, the term “human em-*  
18 *bryo or embryos” includes any organism, not protected as*  
19 *a human subject under 45 CFR 46 as of the date of the*  
20 *enactment of this Act, that is derived by fertilization, par-*  
21 *thenogenesis, cloning, or any other means from one or more*  
22 *human gametes or human diploid cells.*

23       *SEC. 510. (a) None of the funds made available in this*  
24 *Act may be used for any activity that promotes the legaliza-*  
25 *tion of any drug or other substance included in schedule*

1 *I of the schedules of controlled substances established under*  
2 *section 202 of the Controlled Substances Act (21 U.S.C.*  
3 *812) except for normal and recognized executive-congres-*  
4 *sional communications.*

5 *(b) The limitation in subsection (a) shall not apply*  
6 *when there is significant medical evidence of a therapeutic*  
7 *advantage to the use of such drug or other substance or that*  
8 *federally sponsored clinical trials are being conducted to de-*  
9 *termine therapeutic advantage.*

10 *SEC. 511. None of the funds made available in this*  
11 *Act may be used to promulgate or adopt any final standard*  
12 *under section 1173(b) of the Social Security Act (42 U.S.C.*  
13 *1320d–2(b)) providing for, or providing for the assignment*  
14 *of, a unique health identifier for an individual (except in*  
15 *an individual’s capacity as an employer or a health care*  
16 *provider), until legislation is enacted specifically approving*  
17 *the standard.*

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

21 *(1) such entity is otherwise a contractor with the*  
22 *United States and is subject to the requirement in*  
23 *section 4212(d) of title 38, United States Code, re-*  
24 *garding submission of an annual report to the Sec-*



1        *retary of Labor concerning employment of certain vet-*  
2        *erans; and*

3            *(2) such entity has not submitted a report as re-*  
4        *quired by that section for the most recent year for*  
5        *which such requirement was applicable to such entity.*

6        *SEC. 513. None of the funds made available in this*  
7        *Act may be transferred to any department, agency, or in-*  
8        *strumentality of the United States Government, except pur-*  
9        *suant to a transfer made by, or transfer authority provided*  
10       *in, this Act or any other appropriation Act.*

11       *SEC. 514. None of the funds made available by this*  
12       *Act to carry out the Library Services and Technology Act*  
13       *may be made available to any library covered by paragraph*  
14       *(1) of section 224(f) of such Act, as amended by the Chil-*  
15       *dren's Internet Protection Act, unless such library has made*  
16       *the certifications required by paragraph (4) of such section.*

17       *SEC. 515. None of the funds made available by this*  
18       *Act to carry out part D of title II of the Elementary and*  
19       *Secondary Education Act of 1965 may be made available*  
20       *to any elementary or secondary school covered by para-*  
21       *graph (1) of section 2441(a) of such Act, as amended by*  
22       *the Children's Internet Protection Act and the No Child Left*  
23       *Behind Act, unless the local educational agency with re-*  
24       *sponsibility for such covered school has made the certifi-*  
25       *cations required by paragraph (2) of such section.*

1       *SEC. 516. (a) None of the funds provided under this*  
2 *Act, or provided under previous appropriations Acts to the*  
3 *agencies funded by this Act that remain available for obli-*  
4 *gation or expenditure in fiscal year 2008, or provided from*  
5 *any accounts in the Treasury of the United States derived*  
6 *by the collection of fees available to the agencies funded by*  
7 *this Act, shall be available for obligation or expenditure*  
8 *through a reprogramming of funds that—*

9           (1) *creates new programs;*

10          (2) *eliminates a program, project, or activity;*

11          (3) *increases funds or personnel by any means*  
12 *for any project or activity for which funds have been*  
13 *denied or restricted;*

14          (4) *relocates an office or employees;*

15          (5) *reorganizes or renames offices;*

16          (6) *reorganizes programs or activities; or*

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

19 *unless the Committees on Appropriations of the House of*  
20 *Representatives and the Senate are notified 15 days in ad-*  
21 *vance of such reprogramming or of an announcement of in-*  
22 *tent relating to such reprogramming, whichever occurs ear-*  
23 *lier.*

24       *(b) None of the funds provided under this Act, or pro-*  
25 *vided under previous appropriations Acts to the agencies*

1 *funded by this Act that remain available for obligation or*  
2 *expenditure in fiscal year 2008, or provided from any ac-*  
3 *counts in the Treasury of the United States derived by the*  
4 *collection of fees available to the agencies funded by this*  
5 *Act, shall be available for obligation or expenditure through*  
6 *a reprogramming of funds in excess of \$500,000 or 10 per-*  
7 *cent, whichever is less, that—*

8           (1) *augments existing programs, projects (in-*  
9 *cluding construction projects), or activities;*

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

13           (3) *results from any general savings from a re-*  
14 *duction in personnel which would result in a change*  
15 *in existing programs, activities, or projects as ap-*  
16 *proved by Congress;*

17 *unless the Committees on Appropriations of the House of*  
18 *Representatives and the Senate are notified 15 days in ad-*  
19 *vance of such reprogramming or of an announcement of in-*  
20 *tent relating to such reprogramming, whichever occurs ear-*  
21 *lier.*

22           *SEC. 517. (a) None of the funds made available in this*  
23 *Act may be used to request that a candidate for appoint-*  
24 *ment to a Federal scientific advisory committee disclose the*  
25 *political affiliation or voting history of the candidate or*

1 *the position that the candidate holds with respect to polit-*  
2 *ical issues not directly related to and necessary for the work*  
3 *of the committee involved.*

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

7 *SEC. 518. Within 45 days of enactment of this Act,*  
8 *each department and related agency funded through this*  
9 *Act shall submit an operating plan that details at the pro-*  
10 *gram, project, and activity level any funding allocations*  
11 *for fiscal year 2008 that are different than those specified*  
12 *in this Act, the accompanying detailed table in the com-*  
13 *mittee report, or the fiscal year 2008 budget request.*

14 *SEC. 519. None of the funds made available by this*  
15 *Act may be used to carry out the evaluation of the Upward*  
16 *Bound program described in the absolute priority for Up-*  
17 *ward Bound Program participant selection and evaluation*  
18 *published by the Department of Education in the Federal*  
19 *Register on September 22, 2006 (71 Fed. Reg. 55447 et*  
20 *seq.).*

21 *SEC. 520. None of the funds in this Act may be used*  
22 *to employ workers described in section 274A(h)(3) of the*  
23 *Immigration and Nationality Act.*

24 *SEC. 521. The Secretaries of Labor, Health and*  
25 *Human Services, and Education shall each prepare and*

1 *submit to the Committees on Appropriations of the House*  
2 *of Representatives and the Senate a report on the number*  
3 *and amount of contracts, grants, and cooperative agree-*  
4 *ments exceeding \$100,000 in value and awarded by the De-*  
5 *partment on a non-competitive basis during each quarter*  
6 *of fiscal year 2008, but not to include grants awarded on*  
7 *a formula basis. Such report shall include the name of the*  
8 *contractor or grantee, the amount of funding, and the gov-*  
9 *ernmental purpose. Such report shall be transmitted to the*  
10 *Committees within 30 days after the end of the quarter for*  
11 *which the report is submitted.*

12 *SEC. 522. Not later than 30 days after the date of en-*  
13 *actment of this Act, the Departments, agencies, and com-*  
14 *missions funded under this Act, shall establish and main-*  
15 *tain on the homepages of their Internet websites—*

16 *(1) a direct link to the Internet websites of their*  
17 *Offices of Inspectors General; and*

18 *(2) a mechanism on the Offices of Inspectors*  
19 *General website by which individuals may anony-*  
20 *mously report cases of waste, fraud, or abuse with re-*  
21 *spect to those Departments, agencies, and commis-*  
22 *sions.*

23 *SEC. 523. None of the funds appropriated or otherwise*  
24 *made available by this Act may be used to enter into a*  
25 *contract in an amount greater than \$5,000,000 or to award*

1 a grant in excess of such amount unless the prospective con-  
2 tractor or grantee certifies in writing to the agency award-  
3 ing the contract or grant that, to the best of its knowledge  
4 and belief, the contractor or grantee has filed all Federal  
5 tax returns required during the three years preceding the  
6 certification, has not been convicted of a criminal offense  
7 under the Internal Revenue Code of 1986, and has not, more  
8 than 90 days prior to certification, been notified of any  
9 unpaid Federal tax assessment for which the liability re-  
10 mains unsatisfied, unless the assessment is the subject of  
11 an installment agreement or offer in compromise that has  
12 been approved by the Internal Revenue Service and is not  
13 in default, or the assessment is the subject of a non-frivolous  
14 administrative or judicial proceeding.

15       *SEC. 524. Section 1848(l)(2)(A) of the Social Security*  
16 *Act, as amended by section 6 of the TMA, Abstinence Edu-*  
17 *cation, and QI Programs Extension Act of 2007 (Public*  
18 *Law 110–90), is amended by striking “\$1,350,000,000” and*  
19 *inserting “\$1,200,000,000, but in no case shall expenditures*  
20 *from the Fund in fiscal year 2008 exceed \$650,000,000”*  
21 *in the first sentence.*

22       *SEC. 525. Iraqi and Afghan aliens granted special im-*  
23 *migrant status under section 101(a)(27) of the Immigration*  
24 *and Nationality Act shall be eligible for resettlement assist-*  
25 *ance, entitlement programs, and other benefits available to*

1 *refugees admitted under section 207 of such Act for a period*  
2 *not to exceed 6 months.*

3       *SEC. 526. None of the funds appropriated by this Act*  
4 *may be used by the Commissioner of Social Security or the*  
5 *Social Security Administration to pay the compensation of*  
6 *employees of the Social Security Administration to admin-*  
7 *ister Social Security benefit payments, under any agree-*  
8 *ment between the United States and Mexico establishing to-*  
9 *talization arrangements between the social security system*  
10 *established by title II of the Social Security Act and the*  
11 *social security system of Mexico, which would not otherwise*  
12 *be payable but for such agreement.*

13       *SEC. 527. None of the funds appropriated in this Act*  
14 *shall be expended or obligated by the Commissioner of So-*  
15 *cial Security, for purposes of administering Social Security*  
16 *benefit payments under title II of the Social Security Act,*  
17 *to process claims for credit for quarters of coverage based*  
18 *on work performed under a social security account number*  
19 *that was not the claimant's number which is an offense pro-*  
20 *hibited under section 208 of the Social Security Act.*

1        *This Act may be cited as the “Departments of Labor,*  
2 *Health and Human Services, and Education, and Related*  
3 *Agencies Appropriations Act, 2008”.*

Attest:

*Secretary.*



110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3043**

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**AMENDMENT**