

In the Senate of the United States,

October 23, 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 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Departments of Labor, Health and Human Services, and*
- 4 *Education, and Related Agencies for the fiscal year ending*
- 5 *September 30, 2008, and for other purposes, namely:*

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TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,587,138,000, plus reimbursements, is available. Of the amounts provided:

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

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

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

4 (C) \$1,189,811,000 for dislocated worker
5 employment and training activities, of which
6 \$341,811,000 shall be available for the period
7 July 1, 2008 through June 30, 2009, and of
8 which \$848,000,000 shall be available for the pe-
9 riod October 1, 2008 through June 30, 2009:

10 *Provided, That notwithstanding the transfer limita-*
11 *tion under section 133(b)(4) of the WIA, up to 30 per-*
12 *cent of such funds may be transferred by a local*
13 *board if approved by the Governor:*

14 (2) for federally administered programs,
15 \$481,540,000 as follows:

16 (A) \$282,092,000 for the dislocated workers
17 assistance national reserve, of which \$3,700,000
18 shall be available on October 1, 2007, of which
19 \$66,392,000 shall be available for the period
20 July 1, 2008 through June 30, 2009, and of
21 which \$212,000,000 shall be available for the pe-
22 riod October 1, 2008 through June 30, 2009:

23 *Provided, That up to \$150,000,000 may be made*
24 *available for Community-Based Job Training*
25 *Grants from funds reserved under section*

1 *132(a)(2)(A) of the WIA and shall be used to*
2 *carry out such grants under section 171(d) of*
3 *such Act, except that the 10 percent limitation*
4 *otherwise applicable to the amount of funds that*
5 *may be used to carry out section 171(d) shall not*
6 *be applicable to funds used for Community-*
7 *Based Job Training grants: Provided further,*
8 *That funds provided to carry out section*
9 *132(a)(2)(A) of the WIA may be used to provide*
10 *assistance to a State for State-wide or local use*
11 *in order to address cases where there have been*
12 *worker dislocations across multiple sectors or*
13 *across multiple local areas and such workers re-*
14 *main dislocated; coordinate the State workforce*
15 *development plan with emerging economic devel-*
16 *opment needs; and train such eligible dislocated*
17 *workers: Provided further, That funds provided*
18 *to carry out section 171(d) of the WIA may be*
19 *used for demonstration projects that provide as-*
20 *sistance to new entrants in the workforce and in-*
21 *cumbent workers: Provided further, That*
22 *\$1,500,000 shall be for a non-competitive grant*
23 *to the AFL–CIO Working for America Institute,*
24 *which shall be awarded not later than 30 days*
25 *after the date of enactment of this Act: Provided*

1 *further, That \$2,200,000 shall be for a non-com-*
2 *petitive grant to the AFL–CIO Appalachian*
3 *Council, Incorporated, for Job Corps career tran-*
4 *sition services, which shall be awarded not later*
5 *than 30 days after the date of enactment of this*
6 *Act;*

7 *(B) \$53,696,000 for Native American pro-*
8 *grams, which shall be available for the period*
9 *July 1, 2008 through June 30, 2009;*

10 *(C) \$79,752,000 for migrant and seasonal*
11 *farmworkers, including \$74,302,000 for formula*
12 *grants, \$4,950,000 for migrant and seasonal*
13 *housing (of which not less than 70 percent shall*
14 *be for permanent housing), and \$500,000 for*
15 *other discretionary purposes, which shall be*
16 *available for the period July 1, 2008 through*
17 *June 30, 2009: Provided, That, notwithstanding*
18 *any other provision of law or related regulation,*
19 *the Department shall take no action limiting the*
20 *number or proportion of eligible participants re-*
21 *ceiving related assistance services or discour-*
22 *aging grantees from providing such services;*

23 *(D) \$1,000,000 for carrying out the Women*
24 *in Apprenticeship and Nontraditional Occupa-*

1 *tions Act, which shall be available for the period*
2 *July 1, 2008 through June 30, 2009; and*

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

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

10 *(A) \$30,650,000 for Pilots, Demonstrations,*
11 *and Research, of which \$27,650,000 shall be*
12 *available for noncompetitive grants, with the*
13 *terms, conditions and amounts specified in the*
14 *committee report of the Senate accompanying*
15 *this Act: Provided, That funding provided to*
16 *carry out projects under section 171 of the WIA*
17 *that are identified in the committee report ac-*
18 *companying this Act, shall not be subject to the*
19 *requirements of section 171(b)(2)(B) and*
20 *171(c)(4)(D) of the WIA, the joint funding re-*
21 *quirements of sections 171(b)(2)(A) and*
22 *171(c)(4)(A) of the WIA, or any time limit re-*
23 *quirements of sections 171(b)(2)(C) and*
24 *171(c)(4)(B) of the WIA;*

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

5 (C) \$4,921,000 for *Evaluation under section*
6 172 of the WIA; and

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

10 Of the amounts made available under this heading in
11 Public Law 107–116 to carry out the activities of the Na-
12 tional Skills Standards Board, \$44,063 are hereby re-
13 scinded.

14 COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

15 To carry out title V of the Older Americans Act of
16 1965, as amended, \$483,611,000, which shall be available
17 for the period July 1, 2008 through June 30, 2009.

18 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

19 For payments during fiscal year 2008 of trade adjust-
20 ment benefit payments and allowances under part I of sub-
21 chapter B of chapter II of the Trade Act of 1974 and section
22 246 of that Act; and for training, allowances for job search
23 and relocation, and related State administrative expenses
24 under part II of subchapter B of chapter 2, title II of the
25 Trade Act of 1974 (including the benefits and services de-
26 scribed under sections 123(c)(2) and 151(b) and (c) of the

1 *Trade Adjustment Assistance Reform Act of 2002, Public*
2 *Law 107–210), \$888,700,000, together with such amounts*
3 *as may be necessary to be charged to the subsequent appro-*
4 *priation for payments for any period subsequent to Sep-*
5 *tember 15, 2008.*

6 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

7 *SERVICE OPERATIONS*

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

13 *(1) \$2,510,723,000 from the Trust Fund is for*
14 *grants to States for the administration of State un-*
15 *employment insurance laws as authorized under title*
16 *III of the Social Security Act (including \$10,000,000*
17 *to conduct in-person reemployment and eligibility as-*
18 *sessments in one-stop career centers of claimants of*
19 *unemployment insurance), the administration of un-*
20 *employment insurance for Federal employees and for*
21 *ex-service members as authorized under sections*
22 *8501–8523 of title 5, United States Code, and the ad-*
23 *ministration of trade readjustment allowances and al-*
24 *ternative trade adjustment assistance under the Trade*
25 *Act of 1974, and shall be available for obligation by*
26 *the States through December 31, 2008, except that*

1 *funds used for automation acquisitions shall be avail-*
2 *able for obligation by the States through September*
3 *30, 2010, and funds used for unemployment insur-*
4 *ance workloads experienced by the States through*
5 *September 30, 2008 shall be available for Federal ob-*
6 *ligation through December 31, 2008;*

7 (2) *\$10,500,000 from the Trust Fund is for na-*
8 *tional activities necessary to support the administra-*
9 *tion of the Federal-State unemployment insurance*
10 *system;*

11 (3) *\$693,000,000 from the Trust Fund, together*
12 *with \$22,883,000 from the General Fund of the Treas-*
13 *ury, is for grants to States in accordance with section*
14 *6 of the Wagner-Peyser Act, and shall be available for*
15 *Federal obligation for the period July 1, 2008 through*
16 *June 30, 2009;*

17 (4) *\$34,000,000 from the Trust Fund is for na-*
18 *tional activities of the Employment Service, including*
19 *administration of the work opportunity tax credit*
20 *under section 51 of the Internal Revenue Code of*
21 *1986, the administration of activities, including for-*
22 *foreign labor certifications, under the Immigration and*
23 *Nationality Act, and the provision of technical assist-*
24 *ance and staff training under the Wagner-Peyser Act,*
25 *including not to exceed \$1,228,000 that may be used*

1 *for amortization payments to States which had inde-*
2 *pendent retirement plans in their State employment*
3 *service agencies prior to 1980;*

4 (5) *\$55,985,000 from the General Fund is to*
5 *provide workforce information, national electronic*
6 *tools, and one-stop system building under the Wagner-*
7 *Peysner Act and shall be available for Federal obliga-*
8 *tion for the period July 1, 2008 through June 30,*
9 *2009; and*

10 (6) *\$19,541,000 is to provide for work incentive*
11 *grants to the States and shall be available for the pe-*
12 *riod July 1, 2008 through June 30, 2009:*

13 *Provided, That to the extent that the Average Weekly In-*
14 *jured Unemployment (AWIU) for fiscal year 2008 is pro-*
15 *jected by the Department of Labor to exceed 2,786,000, an*
16 *additional \$28,600,000 from the Trust Fund shall be avail-*
17 *able for obligation for every 100,000 increase in the AWIU*
18 *level (including a pro rata amount for any increment less*
19 *than 100,000) to carry out title III of the Social Security*
20 *Act: Provided further, That funds appropriated in this Act*
21 *that are allotted to a State to carry out activities under*
22 *title III of the Social Security Act may be used by such*
23 *State to assist other States in carrying out activities under*
24 *such title III if the other States include areas that have*
25 *suffered a major disaster declared by the President under*

1 *the Robert T. Stafford Disaster Relief and Emergency As-*
2 *sistance Act: Provided further, That funds appropriated in*
3 *this Act which are used to establish a national one-stop ca-*
4 *reer center system, or which are used to support the na-*
5 *tional activities of the Federal-State unemployment insur-*
6 *ance or immigration programs, may be obligated in con-*
7 *tracts, grants, or agreements with non-State entities: Pro-*
8 *vided further, That funds appropriated under this Act for*
9 *activities authorized under title III of the Social Security*
10 *Act and the Wagner-Peyser Act may be used by States to*
11 *fund integrated Unemployment Insurance and Employ-*
12 *ment Service automation efforts, notwithstanding cost allo-*
13 *cation principles prescribed under the Office of Manage-*
14 *ment and Budget Circular A-87.*

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

1 *Security Administration Account in the Unemployment*
2 *Trust Fund.*

3 *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Employee Benefits Secu-*
6 *rity Administration, \$143,262,000.*

7 *PENSION BENEFIT GUARANTY CORPORATION*

8 *PENSION BENEFIT GUARANTY CORPORATION FUND*

9 *The Pension Benefit Guaranty Corporation is author-*
10 *ized to make such expenditures, including financial assist-*
11 *ance authorized by section 104 of Public Law 96–364, with-*
12 *in limits of funds and borrowing authority available to*
13 *such Corporation, and in accord with law, and to make*
14 *such contracts and commitments without regard to fiscal*
15 *year limitations as provided by section 104 of the Govern-*
16 *ment Corporation Control Act, as amended (31 U.S.C.*
17 *9104), as may be necessary in carrying out the program,*
18 *including associated administrative expenses, through Sep-*
19 *tember 30, 2008, for such Corporation: Provided, That none*
20 *of the funds available to the Corporation for fiscal year*
21 *2008 shall be available for obligations for administrative*
22 *expenses in excess of \$411,151,000: Provided further, That*
23 *obligations in excess of such amount may be incurred after*
24 *approval by the Office of Management and Budget and the*
25 *Committees on Appropriations of the House and Senate:*

1 *Provided further, That to the extent that the number of new*
2 *plan participants in plans terminated by the Corporation*
3 *exceeds 100,000 in fiscal year 2008, an amount not to ex-*
4 *ceed an additional \$9,200,000 shall be available for obliga-*
5 *tion for administrative expenses for every 20,000 additional*
6 *terminated participants: Provided further, That an addi-*
7 *tional \$50,000 shall be made available for obligation for*
8 *investment management fees for every \$25,000,000 in assets*
9 *received by the Corporation as a result of new plan termi-*
10 *nations, after approval by the Office of Management and*
11 *Budget and notification of the Committees on Appropria-*
12 *tions of the House of Representatives and the Senate.*

13 *EMPLOYMENT STANDARDS ADMINISTRATION*

14 *SALARIES AND EXPENSES*

15 *(INCLUDING RESCISSION)*

16 *For necessary expenses for the Employment Standards*
17 *Administration, including reimbursement to State, Federal,*
18 *and local agencies and their employees for inspection serv-*
19 *ices rendered, \$436,397,000, together with \$2,111,000 which*
20 *may be expended from the Special Fund in accordance with*
21 *sections 39(c), 44(d), and 44(j) of the Longshore and Har-*
22 *bor Workers' Compensation Act: Provided, That the Sec-*
23 *retary of Labor is authorized to establish and, in accord-*
24 *ance with 31 U.S.C. 3302, collect and deposit in the Treas-*
25 *ury fees for processing applications and issuing certificates*
26 *under sections 11(d) and 14 of the Fair Labor Standards*

1 *Act of 1938, as amended (29 U.S.C. 211(d) and 214) and*
2 *for processing applications and issuing registrations under*
3 *title I of the Migrant and Seasonal Agricultural Worker*
4 *Protection Act (29 U.S.C. 1801 et seq.).*

5 *Of the unobligated funds collected pursuant to section*
6 *286(v) of the Immigration and Nationality Act,*
7 *\$70,000,000 are hereby rescinded.*

8 *SPECIAL BENEFITS*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For the payment of compensation, benefits, and ex-*
11 *penses (except administrative expenses) accruing during the*
12 *current or any prior fiscal year authorized by title 5, chap-*
13 *ter 81 of the United States Code; continuation of benefits*
14 *as provided for under the heading “Civilian War Benefits”*
15 *in the Federal Security Agency Appropriation Act, 1947;*
16 *the Employees’ Compensation Commission Appropriation*
17 *Act, 1944; sections 4(c) and 5(f) of the War Claims Act*
18 *of 1948 (50 U.S.C. App. 2012); and 50 percent of the addi-*
19 *tional compensation and benefits required by section 10(h)*
20 *of the Longshore and Harbor Workers’ Compensation Act,*
21 *as amended, \$203,000,000, together with such amounts as*
22 *may be necessary to be charged to the subsequent year ap-*
23 *propriation for the payment of compensation and other ben-*
24 *efits for any period subsequent to August 15 of the current*
25 *year: Provided, That amounts appropriated may be used*
26 *under section 8104 of title 5, United States Code, by the*

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

19 (1) *For enhancement and maintenance of auto-*
20 *mated data processing systems and telecommuni-*
21 *cations systems, \$21,855,000.*

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

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

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

5 *Provided further, That the Secretary may require that any*
6 *person filing a notice of injury or a claim for benefits under*
7 *chapter 81 of title 5, United States Code, or 33 U.S.C. 901*
8 *et seq., provide as part of such notice and claim, such iden-*
9 *tifying information (including Social Security account*
10 *number) as such regulations may prescribe.*

11 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

12 *For carrying out title IV of the Federal Mine Safety*
13 *and Health Act of 1977, as amended by Public Law 107–*
14 *275 (the “Act”), \$208,221,000, to remain available until*
15 *expended.*

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

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

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

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

1 *under the EEOICP (42 U.S.C. 7384n–q), including obtain-*
2 *ing audits, technical assistance and other support from the*
3 *Board’s audit contractor with regard to radiation dose esti-*
4 *mation and reconstruction efforts, site profiles, procedures,*
5 *and review of Special Exposure Cohort petitions and eval-*
6 *uation reports.*

7 *BLACK LUNG DISABILITY TRUST FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *In fiscal year 2008 and thereafter, such sums as may*
10 *be necessary from the Black Lung Disability Trust Fund,*
11 *to remain available until expended, for payment of all bene-*
12 *fits authorized by section 9501(d)(1), (2), (4), and (7) of*
13 *the Internal Revenue Code of 1954, as amended; and inter-*
14 *est on advances, as authorized by section 9501(c)(2) of that*
15 *Act. In addition, the following amounts shall be available*
16 *from the Fund for fiscal year 2008 for expenses of operation*
17 *and administration of the Black Lung Benefits program,*
18 *as authorized by section 9501(d)(5): not to exceed*
19 *\$32,761,000 for transfer to the Employment Standards Ad-*
20 *ministration “Salaries and Expenses”; not to exceed*
21 *\$24,785,000 for transfer to Departmental Management,*
22 *“Salaries and Expenses”; not to exceed \$335,000 for trans-*
23 *fer to Departmental Management “Office of Inspector Gen-*
24 *eral”; and not to exceed \$356,000 for payments into mis-*
25 *cellaneous receipts for the expenses of the Department of the*
26 *Treasury.*

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 *For necessary expenses for the Occupational Safety*
4 *and Health Administration, \$498,445,000, including not to*
5 *exceed \$91,093,000 which shall be the maximum amount*
6 *available for grants to States under section 23(g) of the Oc-*
7 *cupational Safety and Health Act (the “Act”), which grants*
8 *shall be no less than 50 percent of the costs of State occupa-*
9 *tional safety and health programs required to be incurred*
10 *under plans approved by the Secretary under section 18*
11 *of the Act; and, in addition, notwithstanding 31 U.S.C.*
12 *3302, the Occupational Safety and Health Administration*
13 *may retain up to \$750,000 per fiscal year of training insti-*
14 *tute course tuition fees, otherwise authorized by law to be*
15 *collected, and may utilize such sums for occupational safety*
16 *and health training and education grants: Provided, That,*
17 *notwithstanding 31 U.S.C. 3302, the Secretary of Labor is*
18 *authorized, during the fiscal year ending September 30,*
19 *2008, to collect and retain fees for services provided to Na-*
20 *tionally Recognized Testing Laboratories, and may utilize*
21 *such sums, in accordance with the provisions of 29 U.S.C.*
22 *9a, to administer national and international laboratory*
23 *recognition programs that ensure the safety of equipment*
24 *and products used by workers in the workplace: Provided*
25 *further, That none of the funds appropriated under this*

1 *paragraph shall be obligated or expended to prescribe, issue,*
2 *administer, or enforce any standard, rule, regulation, or*
3 *order under the Act which is applicable to any person who*
4 *is engaged in a farming operation which does not maintain*
5 *a temporary labor camp and employs 10 or fewer employ-*
6 *ees: Provided further, That no funds appropriated under*
7 *this paragraph shall be obligated or expended to administer*
8 *or enforce any standard, rule, regulation, or order under*
9 *the Act with respect to any employer of 10 or fewer employ-*
10 *ees who is included within a category having a Days Away,*
11 *Restricted, or Transferred (DART) occupational injury and*
12 *illness rate, at the most precise industrial classification code*
13 *for which such data are published, less than the national*
14 *average rate as such rates are most recently published by*
15 *the Secretary, acting through the Bureau of Labor Statis-*
16 *tics, in accordance with section 24 of that Act (29 U.S.C.*
17 *673), except—*

18 *(1) to provide, as authorized by such Act, con-*
19 *sultation, technical assistance, educational and train-*
20 *ing services, and to conduct surveys and studies;*

21 *(2) to conduct an inspection or investigation in*
22 *response to an employee complaint, to issue a citation*
23 *for violations found during such inspection, and to*
24 *assess a penalty for violations which are not corrected*

1 *within a reasonable abatement period and for any*
2 *willful violations found;*

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

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

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

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

16 *Provided further, That the foregoing proviso shall not apply*
17 *to any person who is engaged in a farming operation which*
18 *does not maintain a temporary labor camp and employs*
19 *10 or fewer employees: Provided further, That \$10,116,000*
20 *shall be available for Susan Harwood training grants, of*
21 *which \$3,200,000 shall be used for the Institutional Com-*
22 *petency Building training grants which commenced in Sep-*
23 *tember 2000, for program activities for the period of October*
24 *1, 2007, to September 30, 2008, provided that a grantee*
25 *has demonstrated satisfactory performance: Provided fur-*

1 *ther, That such grants shall be awarded not later than 30*
2 *days after the date of enactment of this Act.*

3 *MINE SAFETY AND HEALTH ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Mine Safety and Health*
6 *Administration, \$330,028,000, including purchase and be-*
7 *stowal of certificates and trophies in connection with mine*
8 *rescue and first-aid work, and the hire of passenger motor*
9 *vehicles, including up to \$2,000,000 for mine rescue and*
10 *recovery activities, \$2,200,000 for an award to the United*
11 *Mine Workers Association, for classroom and simulated res-*
12 *cue training for mine rescue teams, and \$1,350,000 for an*
13 *award to the Wheeling Jesuit University, for the National*
14 *Technology Transfer Center for a coal slurry impoundment*
15 *project; in addition, not to exceed \$750,000 may be collected*
16 *by the National Mine Health and Safety Academy for room,*
17 *board, tuition, and the sale of training materials, otherwise*
18 *authorized by law to be collected, to be available for mine*
19 *safety and health education and training activities, not-*
20 *withstanding 31 U.S.C. 3302; and, in addition, the Mine*
21 *Safety and Health Administration may retain up to*
22 *\$1,000,000 from fees collected for the approval and certifi-*
23 *cation of equipment, materials, and explosives for use in*
24 *mines, and may utilize such sums for such activities; the*
25 *Secretary is authorized to accept lands, buildings, equip-*

1 *ment, and other contributions from public and private*
2 *sources and to prosecute projects in cooperation with other*
3 *agencies, Federal, State, or private; the Mine Safety and*
4 *Health Administration is authorized to promote health and*
5 *safety education and training in the mining community*
6 *through cooperative programs with States, industry, and*
7 *safety associations; the Secretary is authorized to recognize*
8 *the Joseph A. Holmes Safety Association as a principal*
9 *safety association and, notwithstanding any other provision*
10 *of law, may provide funds and, with or without reimburse-*
11 *ment, personnel, including service of Mine Safety and*
12 *Health Administration officials as officers in local chapters*
13 *or in the national organization; and any funds available*
14 *to the department may be used, with the approval of the*
15 *Secretary, to provide for the costs of mine rescue and sur-*
16 *vival operations in the event of a major disaster.*

17 *BUREAU OF LABOR STATISTICS*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses for the Bureau of Labor Statis-*
20 *tics, including advances or reimbursements to State, Fed-*
21 *eral, and local agencies and their employees for services ren-*
22 *dered, \$482,000,000, together with not to exceed*
23 *\$78,000,000, which may be expended from the Employment*
24 *Security Administration Account in the Unemployment*
25 *Trust Fund, of which \$5,000,000 may be used to fund the*

1 *mass layoff statistics program under section 15 of the Wag-*
2 *ner-Peyser Act (29 U.S.C. 49l-2): Provided, That the Cur-*
3 *rent Employment Survey shall maintain the content of the*
4 *survey issued prior to June 2005 with respect to the collec-*
5 *tion of data for the women worker series.*

6 *OFFICE OF DISABILITY EMPLOYMENT POLICY*

7 *SALARIES AND EXPENSES*

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

13 *DEPARTMENTAL MANAGEMENT*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses for Departmental Management,*
16 *including the hire of three sedans, and including the man-*
17 *agement or operation, through contracts, grants or other ar-*
18 *rangements of Departmental activities conducted by or*
19 *through the Bureau of International Labor Affairs, includ-*
20 *ing bilateral and multilateral technical assistance and other*
21 *international labor activities, \$313,400,000, of which*
22 *\$82,516,000 is for the Bureau of International Labor Af-*
23 *airs, and of which \$22,000,000 is for the acquisition of De-*
24 *partmental information technology, architecture, infra-*
25 *structure, equipment, software and related needs, which will*

1 *be allocated by the Department's Chief Information Officer*
2 *in accordance with the Department's capital investment*
3 *management process to assure a sound investment strategy;*
4 *together with not to exceed \$318,000, which may be ex-*
5 *pended from the Employment Security Administration Ac-*
6 *count in the Unemployment Trust Fund.*

7 *OFFICE OF JOB CORPS*

8 *To carry out subtitle C of title I of the Workforce In-*
9 *vestment Act of 1998 (29 U.S.C. 2881 et. seq.), including*
10 *Federal administrative expenses, the purchase and hire of*
11 *passenger motor vehicles, the construction, alteration and*
12 *repairs of buildings and other facilities, and the purchase*
13 *of real property for training centers as authorized by the*
14 *Workforce Investment Act; \$1,659,872,000, plus reimburse-*
15 *ments, as follows:*

16 *(1) \$1,516,000,000 for Job Corps Operations, of*
17 *which \$925,000,000 is available for obligation for the*
18 *period July 1, 2008 through June 30, 2009 and of*
19 *which \$591,000,000 is available for obligation for the*
20 *period October 1, 2008 through June 30, 2009;*

21 *(2) \$115,000,000 for construction, rehabilitation*
22 *and acquisition of Job Corps Centers, of which*
23 *\$15,000,000 is available for the period July 1, 2008*
24 *through June 30, 2009 and \$100,000,000 is available*
25 *for the period October 1, 2008 through June 30, 2011;*
26 *and*

1 (3) \$28,872,000 for necessary expenses of the Of-
2 fice of Job Corps is available for obligation for the pe-
3 riod October 1, 2007 through September 30, 2008:
4 *Provided, That the Office of Job Corps shall have con-*
5 *tracting authority: Provided further, That no funds from*
6 *any other appropriation shall be used to provide meal serv-*
7 *ices at or for Job Corps centers: Provided further, That none*
8 *of the funds made available in this Act shall be used to*
9 *reduce Job Corps total student training slots below 44,791*
10 *in program year 2008.*

11 VETERANS EMPLOYMENT AND TRAINING

12 *Not to exceed \$197,143,000 may be derived from the*
13 *Employment Security Administration Account in the Un-*
14 *employment Trust Fund to carry out the provisions of 38*
15 *U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public*
16 *Law 103–353, and which shall be available for obligation*
17 *by the States through December 31, 2008, of which*
18 *\$1,967,000 is for the National Veterans’ Employment and*
19 *Training Services Institute. To carry out the Homeless Vet-*
20 *erans Reintegration Programs (38 U.S.C. 2021) and the*
21 *Veterans Workforce Investment Programs (29 U.S.C. 2913),*
22 *\$31,055,000, of which \$7,435,000 shall be available for obli-*
23 *gation for the period July 1, 2008, through June 30, 2009:*
24 *Provided, That \$3,000,000 shall be transferred from*
25 *amounts made available in this title for salaries and ex-*
26 *penses of the Department of Labor, to carry out Federal*

1 *management activities relating to veterans employment and*
2 *training.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For salaries and expenses of the Office of Inspector*
5 *General in carrying out the provisions of the Inspector Gen-*
6 *eral Act of 1978, as amended, \$73,929,000, together with*
7 *not to exceed \$5,729,000, which may be expended from the*
8 *Employment Security Administration Account in the Un-*
9 *employment Trust Fund.*

10 *GENERAL PROVISIONS*

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

15 *(TRANSFER OF FUNDS)*

16 *SEC. 102. Not to exceed 1 percent of any discretionary*
17 *funds (pursuant to the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985, as amended) which are appro-*
19 *priated for the current fiscal year for the Department of*
20 *Labor in this Act may be transferred between a program,*
21 *project, or activity, but no such program, project, or activ-*
22 *ity shall be increased by more than 3 percent by any such*
23 *transfer: Provided, That a program, project, or activity*
24 *may be increased by up to an additional 2 percent subject*
25 *to approval by the House and Senate Committees on Appro-*
26 *priations: Provided further, That the transfer authority*

1 *granted by this section shall be available only to meet emer-*
2 *gency needs and shall not be used to create any new pro-*
3 *gram or to fund any project or activity for which no funds*
4 *are provided in this Act: Provided further, That the Appro-*
5 *priations Committees of both Houses of Congress are noti-*
6 *fied at least 15 days in advance of any transfer.*

7 *SEC. 103. In accordance with Executive Order No.*
8 *13126, none of the funds appropriated or otherwise made*
9 *available pursuant to this Act shall be obligated or expended*
10 *for the procurement of goods mined, produced, manufac-*
11 *tured, or harvested or services rendered, whole or in part,*
12 *by forced or indentured child labor in industries and host*
13 *countries already identified by the United States Depart-*
14 *ment of Labor prior to enactment of this Act.*

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

20 *SEC. 105. The Secretary shall prepare and submit not*
21 *later than July 1, 2008, to the Committees on Appropria-*
22 *tions of the Senate and of the House an operating plan that*
23 *outlines the planned allocation by major project and activ-*
24 *ity of fiscal year 2008 funds made available for section 171*
25 *of the Workforce Investment Act.*

1 *SEC. 106. None of the funds available in this Act or*
2 *available to the Secretary of Labor from other sources for*
3 *Community College Initiative Grants, Community-Based*
4 *Job Training Grants, and grants authorized under section*
5 *414(c) of the American Competitiveness and Workforce Im-*
6 *provement Act of 1998 shall be obligated for a grant award-*
7 *ed on a non-competitive basis.*

8 *SEC. 107. None of the funds made available in this*
9 *or any other Act shall be available to finalize or implement*
10 *any proposed regulation under the Workforce Investment*
11 *Act of 1998, Wagner-Peyser Act of 1933, or the Trade Ad-*
12 *justment Assistance Reform Act of 2002 until such time as*
13 *legislation reauthorizing the Workforce Investment Act of*
14 *1998 and the Trade Adjustment Assistance Reform Act of*
15 *2002 is enacted.*

16 *SEC. 108. The Secretary of Labor shall take no action*
17 *to amend, through regulatory or administration action, the*
18 *definition established in 20 CFR 667.220 for functions and*
19 *activities under title I of the Workforce Investment Act of*
20 *1998, or to modify, through regulatory or administrative*
21 *action, the procedure for redesignation of local areas as*
22 *specified in subtitle B of title I of that Act (including ap-*
23 *plying the standards specified in section 116(a)(3)(B) of*
24 *that Act, but notwithstanding the time limits specified in*
25 *section 116(a)(3)(B) of that Act), until such time as legisla-*

1 *tion reauthorizing the Act is enacted. Nothing in the pre-*
2 *ceding sentence shall permit or require the Secretary of*
3 *Labor to withdraw approval for such redesignation from*
4 *a State that received the approval not later than October*
5 *12, 2005, or to revise action taken or modify the redesigna-*
6 *tion procedure being used by the Secretary in order to com-*
7 *plete such redesignation for a State that initiated the proc-*
8 *ess of such redesignation by submitting any request for such*
9 *redesignation not later than October 26, 2005.*

10 *SEC. 109. None of the funds available in this Act may*
11 *be used to carry out a public-private competition or direct*
12 *conversion under Office of Management and Budget Cir-*
13 *cular A-76 or any successor administrative regulation, di-*
14 *rective or policy until 60 days after the Government Ac-*
15 *countability Office provides a report to the Committees on*
16 *Appropriations of the House of Representatives and the*
17 *Senate on the use of competitive sourcing at the Department*
18 *of Labor.*

19 *SEC. 110. (a) Not later than June 20, 2008, the Sec-*
20 *retary of Labor shall revise regulations prescribed pursuant*
21 *to section 303(y) of the Federal Mine Safety and Health*
22 *Act of 1977 (30 U.S.C. 863(y)) to require, in any coal mine,*
23 *regardless of the date on which it was opened, that belt haul-*
24 *age entries not be used to ventilate active working places*

1 *without prior approval from the Assistant Secretary of*
2 *Labor.*

3 **(b)** *Not later than June 15, 2008, the Secretary of*
4 *Labor shall issue regulations, pursuant to the design cri-*
5 *teria recommended by the National Institute of Occupa-*
6 *tional Safety and Health and section 13 of the MINER Act*
7 *(Public Law 109–236), requiring installation of rescue*
8 *chambers in the working areas of underground coal mines.*

9 **SEC. 111.** *None of the funds appropriated in this Act*
10 *under the heading “Employment and Training Adminis-*
11 *tration” shall be used by a recipient or subrecipient of such*
12 *funds to pay the salary and bonuses of an individual, either*
13 *as direct costs or indirect costs, at a rate in excess of Execu-*
14 *tive Level II. This limitation shall not apply to vendors*
15 *providing goods and services as defined in OMB Circular*
16 *A–133. Where States are recipients of such funds, States*
17 *may establish a lower limit for salaries and bonuses of those*
18 *receiving salaries and bonuses from subrecipients of such*
19 *funds, taking into account factors including the relative*
20 *cost-of-living in the State, the compensation levels for com-*
21 *parable State or local government employees, and the size*
22 *of the organizations that administer Federal programs in-*
23 *cluded including Employment and Training Administra-*
24 *tion programs.*

1 *SEC. 112. (a) In addition to amounts otherwise appro-*
2 *priated under this Act, there is appropriated, out of any*
3 *money in the Treasury not otherwise appropriated, an ad-*
4 *ditional \$10,000,000 for necessary expenses for salaries and*
5 *expenses of the Mine Safety and Health Administration.*

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

12 *SEC. 113. To enable the National Institute for Occupa-*
13 *tional Safety and Health to carry out the Fire Fighter Fa-*
14 *tality Investigation and Prevention Program, \$5,000,000,*
15 *which shall include any other amounts made available*
16 *under this Act for such Program. Amounts made available*
17 *under this Act for travel expenses for the Department of*
18 *Labor, the Department of Health and Human Services, and*
19 *the Department of Education shall be reduced on a pro rata*
20 *basis by the percentage necessary to decrease the overall*
21 *amount of such spending by \$2,500,000.*

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

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TITLE II

*DEPARTMENT OF HEALTH AND HUMAN
SERVICES*

*HEALTH RESOURCES AND SERVICES ADMINISTRATION
HEALTH RESOURCES AND SERVICES*

*For carrying out titles II, III, IV, VII, VIII, X, XII,
XIX, and XXVI of the Public Health Service Act, section
427(a) of the Federal Coal Mine Health and Safety Act,
title V and sections 1128E, and 711, and 1820 of the Social
Security Act, the Health Care Quality Improvement Act of
1986, as amended, the Native Hawaiian Health Care Act
of 1988, as amended, the Cardiac Arrest Survival Act of
2000, and section 712 of the American Jobs Creation Act
of 2004, \$6,843,673,000, of which \$191,235,000 shall be
available for construction and renovation (including equip-
ment) of health care and other facilities and other health-
related activities as specified in the committee report of the
Senate accompanying this Act, and of which \$38,538,000
from general revenues, notwithstanding section 1820(j) of
the Social Security Act, shall be available for carrying out
the Medicare rural hospital flexibility grants program
under section 1820 of such Act, and of which \$250,000 shall
be for the Center for Asbestos Related Disease (CARD) Clin-
ic in Libby, Montana: Provided, That of the funds made
available under this heading, \$220,000 shall be available*

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

1 *this heading, \$300,000,000 shall be for the program under*
2 *title X of the Public Health Service Act to provide for vol-*
3 *untary family planning projects: Provided further, That*
4 *amounts provided to said projects under such title shall not*
5 *be expended for abortions, that all pregnancy counseling*
6 *shall be nondirective, and that such amounts shall not be*
7 *expended for any activity (including the publication or dis-*
8 *tribution of literature) that in any way tends to promote*
9 *public support or opposition to any legislative proposal or*
10 *candidate for public office: Provided further, That*
11 *\$814,546,000 shall be for State AIDS Drug Assistance Pro-*
12 *grams authorized by section 2616 of the Public Health Serv-*
13 *ice Act: Provided further, That in addition to amounts pro-*
14 *vided herein, \$25,000,000 shall be available from amounts*
15 *available under section 241 of the Public Health Service*
16 *Act to carry out Parts A, B, C, and D of title XXVI of*
17 *the Public Health Service Act to fund section 2691 Special*
18 *Projects of National Significance: Provided further, That,*
19 *notwithstanding section 502(a)(1) and 502(b)(1) of the So-*
20 *cial Security Act, not to exceed \$95,936,920 is available for*
21 *carrying out special projects of regional and national sig-*
22 *nificance pursuant to section 501(a)(2) of such Act and*
23 *\$10,586,238 is available for projects described in para-*
24 *graphs (A) through (F) of section 501(a)(3) of such Act:*
25 *Provided further, That of the funds provided, \$39,283,000*

1 *shall be provided to the Denali Commission as a direct*
2 *lump payment pursuant to Public Law 106–113: Provided*
3 *further, That of the funds available under this heading,*
4 *\$1,829,511,000 shall remain available to the Secretary until*
5 *September 30, 2010, for parts A and B of title XXVI of*
6 *the Public Health Service Act (42 U.S.C. 300ff–11 et seq.;*
7 *relating to Ryan White Emergency Relief Grants and*
8 *CARE Grants): Provided further, That of the funds pro-*
9 *vided, \$25,000,000 shall be provided for the Delta Health*
10 *Initiative as authorized in section 222 of this Act and asso-*
11 *ciated administrative expenses: Provided further, That not-*
12 *withstanding section 747(e)(2) of the PHS Act, and not less*
13 *than \$5,000,000 shall be for general dentistry programs and*
14 *not less than \$5,000,000 shall be for pediatric dentistry pro-*
15 *grams and not less than \$24,614,000 shall be for family*
16 *medicine programs: Provided further, That of the funds*
17 *available under this heading, \$12,000,000 shall be provided*
18 *for the National Cord Blood Inventory pursuant to the*
19 *Stem Cell Therapeutic and Research Act of 2005 (Public*
20 *Law 109–129): Provided further, That where prior year*
21 *funds were disbursed under this appropriation account as*
22 *Health Care and Other Facilities grants (and were used*
23 *for the purchase, construction, or major alteration of prop-*
24 *erty; or the purchase of equipment), the Federal interest in*
25 *such property or equipment shall last for a period of 5 years*

1 *following the completion of the project and terminate at*
2 *that time: Provided further, That if the property use*
3 *changes (or the property is transferred or sold) and the Gov-*
4 *ernment is compensated for its proportionate interest in the*
5 *property, the Federal interest in such property shall be ter-*
6 *minated: Provided further, That for projects where 5 years*
7 *has already elapsed since completion, the Federal interest*
8 *shall be terminated immediately.*

9 *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM*

10 *ACCOUNT*

11 *Such sums as may be necessary to carry out the pur-*
12 *pose of the program, as authorized by title VII of the Public*
13 *Health Service Act, as amended. For administrative ex-*
14 *penses to carry out the guaranteed loan program, including*
15 *section 709 of the Public Health Service Act, \$2,906,000.*

16 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

17 *For payments from the Vaccine Injury Compensation*
18 *Program Trust Fund, such sums as may be necessary for*
19 *claims associated with vaccine-related injury or death with*
20 *respect to vaccines administered after September 30, 1988,*
21 *pursuant to subtitle 2 of title XXI of the Public Health*
22 *Service Act, to remain available until expended: Provided,*
23 *That for necessary administrative expenses, not to exceed*
24 *\$3,528,000 shall be available from the Trust Fund to the*
25 *Secretary of Health and Human Services.*

1 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

2 *DISEASE CONTROL, RESEARCH, AND TRAINING*

3 *To carry out titles II, III, VII, XI, XV, XVII, XIX,*
4 *XXI, and XXVI of the Public Health Service Act, sections*
5 *101, 102, 103, 201, 202, 203, 301, and 501 of the Federal*
6 *Mine Safety and Health Act of 1977, and the Mine Im-*
7 *provement and New Emergency Response Act of 2006, sec-*
8 *tions 20, 21, and 22 of the Occupational Safety and Health*
9 *Act of 1970, title IV of the Immigration and Nationality*
10 *Act, section 501 of the Refugee Education Assistance Act*
11 *of 1980, and for expenses necessary to support activities re-*
12 *lated to countering potential biological, disease, nuclear, ra-*
13 *diological, and chemical threats to civilian populations; in-*
14 *cluding purchase and insurance of official motor vehicles*
15 *in foreign countries; and purchase, hire, maintenance, and*
16 *operation of aircraft, \$6,157,169,000, of which*
17 *\$220,000,000 shall remain available until expended for*
18 *equipment, construction and renovation of facilities; of*
19 *which \$581,335,000 shall remain available until expended*
20 *for the Strategic National Stockpile; and of which*
21 *\$122,769,000 for international HIV/AIDS shall remain*
22 *available until September 30, 2009. In addition, such sums*
23 *as may be derived from authorized user fees, which shall*
24 *be credited to this account: Provided, That in addition to*
25 *amounts provided herein, the following amounts shall be*

1 available from amounts available under section 241 of the
2 Public Health Service Act: (1) \$12,794,000 to carry out the
3 National Immunization Surveys; (2) \$108,585,000 to carry
4 out the National Center for Health Statistics surveys; (3)
5 \$24,751,000 to carry out information systems standards de-
6 velopment and architecture and applications-based research
7 used at local public health levels; (4) \$463,000 for Health
8 Marketing evaluations; (5) \$31,000,000 to carry out Public
9 Health Research; and (6) \$92,071,000 to carry out research
10 activities within the National Occupational Research Agen-
11 da: Provided further, That none of the funds made available
12 for injury prevention and control at the Centers for Disease
13 Control and Prevention may be used, in whole or in part,
14 to advocate or promote gun control: Provided further, That
15 up to \$31,800,000 shall be made available until expended
16 for Individual Learning Accounts for full-time equivalent
17 employees of the Centers for Disease Control and Preven-
18 tion: Provided further, That the Director may redirect the
19 total amount made available under authority of Public Law
20 101–502, section 3, dated November 3, 1990, to activities
21 the Director may so designate: Provided further, That the
22 Congress is to be notified promptly of any such transfer:
23 Provided further, That not to exceed \$19,035,000 may be
24 available for making grants under section 1509 of the Pub-
25 lic Health Service Act to not less than 15 States, tribes,

1 *or tribal organizations: Provided further, That notwith-*
2 *standing any other provision of law, a single contract or*
3 *related contracts for development and construction of facili-*
4 *ties may be employed which collectively include the full*
5 *scope of the project: Provided further, That the solicitation*
6 *and contract shall contain the clause “availability of funds”*
7 *found at 48 CFR 52.232–18: Provided further, That of the*
8 *funds appropriated, \$10,000 is for official reception and*
9 *representation expenses when specifically approved by the*
10 *Director of the Centers for Disease Control and Prevention:*
11 *Provided further, That employees of the Centers for Disease*
12 *Control and Prevention or the Public Health Service, both*
13 *civilian and Commissioned Officers, detailed to States, mu-*
14 *nicipalities, or other organizations under authority of sec-*
15 *tion 214 of the Public Health Service Act, or in overseas*
16 *assignments, shall be treated as non-Federal employees for*
17 *reporting purposes only and shall not be included within*
18 *any personnel ceiling applicable to the Agency, Service, or*
19 *the Department of Health and Human Services during the*
20 *period of detail or assignment: Provided further, That if*
21 *States are eligible, up to \$30,000,000 shall be used to imple-*
22 *ment section 2625 of the Public Health Service Act (42*
23 *U.S.C. 300ff–33; relating to the Ryan White early diagnosis*
24 *grant program): Provided further, That \$16,890,000 shall*
25 *be available for the projects and in the amounts specified*

1 *in the committee report of the Senate accompanying this*
2 *Act.*

3 *NATIONAL INSTITUTES OF HEALTH*

4 *NATIONAL CANCER INSTITUTE*

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

10 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

11 *For carrying out section 301 and title IV of the Public*
12 *Health Service Act with respect to cardiovascular, lung,*
13 *and blood diseases, and blood and blood products,*
14 *\$2,992,197,000.*

15 *NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL*

16 *RESEARCH*

17 *For carrying out section 301 and title IV of the Public*
18 *Health Service Act with respect to dental disease,*
19 *\$398,602,000.*

20 *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND*

21 *KIDNEY DISEASES*

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

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, \$1,573,268,000.*

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, \$4,668,472,000: 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 *\$1,978,601,000.*

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, \$1,282,231,000.*

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, \$681,962,000.*

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, \$656,176,000.*

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, \$1,073,048,000.*

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, \$519,810,000.*

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, \$402,680,000.*

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 *\$140,456,000.*

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, \$445,702,000.*

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 *\$1,022,594,000.*

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 *\$1,436,001,000.*

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 *\$497,031,000.*

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, \$304,319,000.*

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, \$1,177,997,000: Provided,*
10 *That none of these funds shall be used to pay recipients*
11 *of the general research support grants program any amount*
12 *for indirect expenses in connection with such grants.*

13 NATIONAL CENTER FOR COMPLEMENTARY AND
14 ALTERNATIVE MEDICINE

15 *For carrying out section 301 and title IV of the Public*
16 *Health Service Act with respect to complementary and al-*
17 *ternative medicine, \$124,213,000.*

18 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
19 DISPARITIES

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

23 JOHN E. FOGARTY INTERNATIONAL CENTER

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

1 *NATIONAL LIBRARY OF MEDICINE*

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

16 *OFFICE OF THE DIRECTOR*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For carrying out the responsibilities of the Office of*
19 *the Director, National Institutes of Health, \$1,145,790,000,*
20 *of which up to \$25,000,000 shall be used to carry out section*
21 *217 of this Act: Provided, That funding shall be available*
22 *for the purchase of not to exceed 29 passenger motor vehicles*
23 *for replacement only: Provided further, That the National*
24 *Institutes of Health is authorized to collect third party pay-*
25 *ments for the cost of clinical services that are incurred in*
26 *National Institutes of Health research facilities and that*

1 *such payments shall be credited to the National Institutes*
2 *of Health Management Fund: Provided further, That all*
3 *funds credited to the National Institutes of Health Manage-*
4 *ment Fund shall remain available for one fiscal year after*
5 *the fiscal year in which they are deposited: Provided fur-*
6 *ther, That up to \$500,000 shall be available to carry out*
7 *section 499 of the Public Health Service Act: Provided fur-*
8 *ther, That \$110,900,000 shall be available to carry out the*
9 *National Children's Study: Provided further, That*
10 *\$531,300,000 shall be available for the Common Fund es-*
11 *tablished under section 402A(c)(1) of the Public Health*
12 *Service Act: Provided further, That of the funds provided*
13 *\$10,000 shall be for official reception and representation*
14 *expenses when specifically approved by the Director of NIH:*
15 *Provided further, That the Office of AIDS Research within*
16 *the Office of the Director, NIH may spend up to \$4,000,000*
17 *to make grants for construction or renovation of facilities*
18 *as provided for in section 2354(a)(5)(B) of the Public*
19 *Health Service Act.*

20 *BUILDINGS AND FACILITIES*

21 *For the study of, construction of, renovation of, and*
22 *acquisition of equipment for, facilities of or used by the Na-*
23 *tional Institutes of Health, including the acquisition of real*
24 *property, \$121,081,000, to remain available until expended.*

1 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*
2 *ADMINISTRATION*

3 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

4 *For carrying out titles V and XIX of the Public Health*
5 *Service Act (“PHS Act”) with respect to substance abuse*
6 *and mental health services, the Protection and Advocacy for*
7 *Individuals with Mental Illness Act, and section 301 of the*
8 *PHS Act with respect to program management,*
9 *\$3,278,135,000, of which \$10,335,000 shall be available for*
10 *projects and in the amounts specified in the committee re-*
11 *port accompanying this Act: Provided, That notwith-*
12 *standing section 520A(f)(2) of the PHS Act, no funds ap-*
13 *propriated for carrying out section 520A are available for*
14 *carrying out section 1971 of the PHS Act: Provided further,*
15 *That of the funds provided to the Child Trauma Stress Net-*
16 *work Initiative, priority shall be given to those centers, that*
17 *previously received grants, that provide mental health serv-*
18 *ices to children affected by Hurricane Katrina and/or Rita:*
19 *Provided further, That in addition to amounts provided*
20 *herein, the following amounts shall be available under sec-*
21 *tion 241 of the PHS Act: (1) \$79,200,000 to carry out sub-*
22 *part II of part B of title XIX of the PHS Act to fund section*
23 *1935(b) technical assistance, national data, data collection*
24 *and evaluation activities, and further that the total avail-*
25 *able under this Act for section 1935(b) activities shall not*

1 *exceed 5 percent of the amounts appropriated for subpart*
2 *II of part B of title XIX; (2) \$21,413,000 to carry out sub-*
3 *part I of part B of title XIX of the PHS Act to fund section*
4 *1920(b) technical assistance, national data, data collection*
5 *and evaluation activities, and further that the total avail-*
6 *able under this Act for section 1920(b) activities shall not*
7 *exceed 5 percent of the amounts appropriated for subpart*
8 *I of part B of title XIX; (3) \$21,750,000 to carry out na-*
9 *tional surveys on drug abuse; and (4) \$4,300,000 to evalu-*
10 *ate substance abuse treatment programs: Provided further,*
11 *That section 520E(b)(2) of the Public Health Service Act*
12 *shall not apply to funds appropriated under this Act for*
13 *fiscal year 2008.*

14 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

15 *HEALTHCARE RESEARCH AND QUALITY*

16 *For carrying out titles III and IX of the Public Health*
17 *Service Act, and part A of title XI of the Social Security*
18 *Act, \$329,564,000; and in addition, amounts received from*
19 *Freedom of Information Act fees, reimbursable and inter-*
20 *agency agreements, and the sale of data shall be credited*
21 *to this appropriation and shall remain available until ex-*
22 *pended: Provided, That no amount shall be made available*
23 *pursuant to section 927(c) of the Public Health Service Act*
24 *for fiscal year 2008: Provided further, That \$5,000,000 shall*

1 *be for activities to reduce infections from methicillin-resist-*
2 *ant staphylococcus aureus (MRSA) and related infections.*

3 *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

4 *GRANTS TO STATES FOR MEDICAID*

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

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

12 *For making payments to States or in the case of sec-*
13 *tion 1928 on behalf of States under title XIX of the Social*
14 *Security Act for the first quarter of fiscal year 2009,*
15 *\$67,292,669,000, to remain available until expended.*

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

20 *PAYMENTS TO HEALTH CARE TRUST FUNDS*

21 *For payment to the Federal Hospital Insurance and*
22 *the Federal Supplementary Medical Insurance Trust*
23 *Funds, as provided under section 1844 and 1860D–16 of*
24 *the Social Security Act, sections 103(c) and 111(d) of the*
25 *Social Security Amendments of 1965, section 278(d) of*
26 *Public Law 97–248, and for administrative expenses in-*

1 *curred pursuant to section 201(g) of the Social Security*
2 *Act, \$188,828,000,000.*

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

7 *PROGRAM MANAGEMENT*

8 *For carrying out, except as otherwise provided, titles*
9 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*
10 *XIII and XXVII of the Public Health Service Act, and the*
11 *Clinical Laboratory Improvement Amendments of 1988, not*
12 *to exceed \$3,248,088,000, to be transferred from the Federal*
13 *Hospital Insurance and the Federal Supplementary Med-*
14 *ical Insurance Trust Funds, as authorized by section 201(g)*
15 *of the Social Security Act; together with all funds collected*
16 *in accordance with section 353 of the Public Health Service*
17 *Act and section 1857(e)(2) of the Social Security Act, funds*
18 *retained by the Secretary pursuant to section 302 of the*
19 *Tax Relief and Health Care Act of 2006; and such sums*
20 *as may be collected from authorized user fees and the sale*
21 *of data, which shall remain available until expended: Pro-*
22 *vided, That all funds derived in accordance with 31 U.S.C.*
23 *9701 from organizations established under title XIII of the*
24 *Public Health Service Act shall be credited to and available*
25 *for carrying out the purposes of this appropriation: Pro-*
26 *vided further, That \$49,869,000, to remain available until*

1 *September 30, 2009, is for contract costs for the Healthcare*
2 *Integrated General Ledger Accounting System: Provided*
3 *further, That \$253,775,000, to remain available until Sep-*
4 *tember 30, 2009, is for CMS Medicare contracting reform*
5 *activities: Provided further, That funds appropriated under*
6 *this heading are available for the Healthy Start, Grow*
7 *Smart program under which the Centers for Medicare and*
8 *Medicaid Services may, directly or through grants, con-*
9 *tracts, or cooperative agreements, produce and distribute*
10 *informational materials including, but not limited to, pam-*
11 *phlets and brochures on infant and toddler health care to*
12 *expectant parents enrolled in the Medicaid program and*
13 *to parents and guardians enrolled in such program with*
14 *infants and children: Provided further, That the Secretary*
15 *of Health and Human Services is directed to collect fees*
16 *in fiscal year 2008 from Medicare Advantage organizations*
17 *pursuant to section 1857(e)(2) of the Social Security Act*
18 *and from eligible organizations with risk-sharing contracts*
19 *under section 1876 of that Act pursuant to section*
20 *1876(k)(4)(D) of that Act: Provided further, That in addi-*
21 *tion, the Secretary may charge a fee for conducting revisit*
22 *surveys on health care facilities cited for deficiencies during*
23 *initial certification, recertification, or substantiated com-*
24 *plaints surveys: Provided further, That such fees, in an*
25 *amount not to exceed \$35,000,000, shall be credited to this*

1 *account as offsetting collections, to remain available until*
2 *expended for the purpose of conducting such revisit surveys:*
3 *Provided further, That amounts transferred to this account*
4 *from the Federal Health Insurance and Federal Supple-*
5 *mentary Medical Insurance Trust Funds for fiscal year*
6 *2008 shall be reduced by the amount credited to this account*
7 *under this paragraph: Provided further, That \$1,625,000*
8 *shall be available for the projects and in the amounts speci-*
9 *fied in the committee report of the Senate accompanying*
10 *this Act.*

11 *HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT*

12 *In addition to amounts otherwise available for pro-*
13 *gram integrity and program management, \$383,000,000, to*
14 *be available until expended, to be transferred from the Fed-*
15 *eral Hospital Insurance and the Federal Supplementary*
16 *Medical Insurance Trust Funds, as authorized by section*
17 *201(g) of the Social Security Act, of which \$288,480,000*
18 *is for the Medicare Integrity Program at the Centers for*
19 *Medicare and Medicaid Services to conduct oversight of ac-*
20 *tivities authorized in title 18 of the Social Security Act,*
21 *with oversight activities including those activities listed in*
22 *18 U.S.C. 1893(b); of which \$36,690,000 is for the Depart-*
23 *ment of Health and Human Services Office of Inspector*
24 *General; of which \$21,140,000 is for the Department of*
25 *Health and Human Services for program integrity activi-*
26 *ties in title 18, title 19 and title 21 of the Social Security*

1 *Act; and of which \$36,690,000 is for the Department of Jus-*
2 *tice: Provided, That the report required by 18 U.S.C.*
3 *1817(k)(5) for fiscal year 2008 shall include measures of*
4 *the operational efficiency and impact on fraud, waste and*
5 *abuse in the Medicare and Medicaid programs for the funds*
6 *provided by this appropriation.*

7 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
8 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*
9 *AND FAMILY SUPPORT PROGRAMS*

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

16 *For making payments to each State for carrying out*
17 *the program of Aid to Families with Dependent Children*
18 *under title IV–A of the Social Security Act before the effec-*
19 *tive date of the program of Temporary Assistance for Needy*
20 *Families (TANF) with respect to such State, such sums as*
21 *may be necessary: Provided, That the sum of the amounts*
22 *available to a State with respect to expenditures under such*
23 *title IV–A in fiscal year 1997 under this appropriation and*
24 *under such title IV–A as amended by the Personal Respon-*
25 *sibility and Work Opportunity Reconciliation Act of 1996*

1 *shall not exceed the limitations under section 116(b) of such*
2 *Act.*

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

10 *LOW-INCOME HOME ENERGY ASSISTANCE*

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

14 *For making payments under section 2604(e) of the*
15 *Low Income Home Energy Assistance Act of 1981 (42*
16 *U.S.C. 8623(e)), \$181,170,000, notwithstanding the des-*
17 *ignation requirement of section 2602(e) of such Act.*

18 *REFUGEE AND ENTRANT ASSISTANCE*

19 *For necessary expenses for refugee and entrant assist-*
20 *ance activities and for costs associated with the care and*
21 *placement of unaccompanied alien children authorized by*
22 *title IV of the Immigration and Nationality Act and section*
23 *501 of the Refugee Education Assistance Act of 1980, for*
24 *carrying out section 462 of the Homeland Security Act of*
25 *2002, and for carrying out the Torture Victims Relief Act*
26 *of 1998, \$654,166,000, of which up to \$9,823,000 shall be*

1 *available to carry out the Trafficking Victims Protection*
2 *Act of 2000: Provided, That funds appropriated under this*
3 *heading pursuant to section 414(a) of the Immigration and*
4 *Nationality Act and section 462 of the Homeland Security*
5 *Act of 2002 for fiscal year 2008 shall be available for the*
6 *costs of assistance provided and other activities to remain*
7 *available through September 30, 2010.*

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

10 *For carrying out the Child Care and Development*
11 *Block Grant Act of 1990, \$2,062,081,000 shall be used to*
12 *supplement, not supplant State general revenue funds for*
13 *child care assistance for low-income families: Provided,*
14 *That \$18,777,370 shall be available for child care resource*
15 *and referral and school-aged child care activities, of which*
16 *\$982,080 shall be available to the Secretary for discre-*
17 *tionary activities to support comprehensive consumer edu-*
18 *cation or parental choice: Provided further, That, in addi-*
19 *tion to the amounts required to be reserved by the States*
20 *under section 658G, \$267,785,718 shall be reserved by the*
21 *States for activities authorized under section 658G, of which*
22 *\$98,208,000 shall be for activities that improve the quality*
23 *of infant and toddler care: Provided further, That*
24 *\$9,821,000 shall be for use by the Secretary for child care*
25 *research, demonstration, and evaluation activities.*

1 *SOCIAL SERVICES BLOCK GRANT*

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

4 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

5 *For carrying out, except as otherwise provided, the*
6 *Runaway and Homeless Youth Act, the Developmental Dis-*
7 *abilities Assistance and Bill of Rights Act, the Head Start*
8 *Act, the Child Abuse Prevention and Treatment Act, sec-*
9 *tions 310 and 316 of the Family Violence Prevention and*
10 *Services Act, the Native American Programs Act of 1974,*
11 *title II of the Child Abuse Prevention and Treatment and*
12 *Adoption Reform Act of 1978 (adoption opportunities), sec-*
13 *tions 330F and 330G of the Public Health Service Act, the*
14 *Abandoned Infants Assistance Act of 1988, sections 261 and*
15 *291 of the Help America Vote Act of 2002, part B(1) of*
16 *title IV and sections 413, 1110, and 1115 of the Social Secu-*
17 *riety Act; for making payments under the Community Serv-*
18 *ices Block Grant Act, sections 439(i), 473B, and 477(i) of*
19 *the Social Security Act, and the Assets for Independence*
20 *Act, and for necessary administrative expenses to carry out*
21 *such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX*
22 *of the Social Security Act, the Act of July 5, 1960 (24*
23 *U.S.C. ch. 9), the Low Income Home Energy Assistance Act*
24 *of 1981, title IV of the Immigration and Nationality Act,*
25 *section 501 of the Refugee Education Assistance Act of 1980,*
26 *and section 505 of the Family Support Act of 1988,*

1 \$9,213,332,000, of which \$9,500,000, to remain available
2 until September 30, 2009, shall be for grants to States for
3 adoption incentive payments, as authorized by section 473A
4 of the Social Security Act and may be made for adoptions
5 completed before September 30, 2008: Provided, That
6 \$7,088,571,000 shall be for making payments under the
7 Head Start Act, of which \$1,388,800,000 shall become
8 available October 1, 2008, and remain available through
9 September 30, 2009: Provided further, That \$735,281,000
10 shall be for making payments under the Community Serv-
11 ices Block Grant Act: Provided further, That not less than
12 \$8,000,000 shall be for section 680(3)(B) of the Community
13 Services Block Grant Act: Provided further, That in addi-
14 tion to amounts provided herein, \$6,000,000 shall be avail-
15 able from amounts available under section 241 of the Public
16 Health Service Act to carry out the provisions of section
17 1110 of the Social Security Act: Provided further, That to
18 the extent Community Services Block Grant funds are dis-
19 tributed as grant funds by a State to an eligible entity as
20 provided under the Act, and have not been expended by such
21 entity, they shall remain with such entity for carryover into
22 the next fiscal year for expenditure by such entity consistent
23 with program purposes: Provided further, That the Sec-
24 retary shall establish procedures regarding the disposition
25 of intangible property which permits grant funds, or intan-

1 *gible assets acquired with funds authorized under section*
2 *680 of the Community Services Block Grant Act, as amend-*
3 *ed, to become the sole property of such grantees after a pe-*
4 *riod of not more than 12 years after the end of the grant*
5 *for purposes and uses consistent with the original grant:*
6 *Provided further, That funds appropriated for section*
7 *680(a)(2) of the Community Services Block Grant Act, as*
8 *amended, shall be available for financing construction and*
9 *rehabilitation and loans or investments in private business*
10 *enterprises owned by community development corporations:*
11 *Provided further, That \$53,625,000 is for a compassion*
12 *capital fund to provide grants to charitable organizations*
13 *to emulate model social service programs and to encourage*
14 *research on the best practices of social service organizations:*
15 *Provided further, That \$16,720,000 shall be for activities*
16 *authorized by the Help America Vote Act of 2002, of which*
17 *\$11,390,000 shall be for payments to States to promote ac-*
18 *cess for voters with disabilities, and of which \$5,330,000*
19 *shall be for payments to States for protection and advocacy*
20 *systems for voters with disabilities: Provided further, That*
21 *\$80,416,000 shall be for making competitive grants to pro-*
22 *vide abstinence education to adolescents, and for Federal*
23 *costs of administering the grant: Provided further, That in-*
24 *formation provided through grants under the immediately*
25 *preceding proviso shall be scientifically accurate and shall*

1 *comply with section 317P(c)(2) of the Public Health Service*
2 *Act: Provided further, That in addition to amounts pro-*
3 *vided herein for abstinence education for adolescents,*
4 *\$4,500,000 shall be available from amounts available under*
5 *section 241 of the Public Health Service Act to carry out*
6 *evaluations (including longitudinal evaluations) of adoles-*
7 *cent pregnancy prevention approaches: Provided further,*
8 *That up to \$2,000,000 shall be for improving the Public*
9 *Assistance Reporting Information System, including grants*
10 *to States to support data collection for a study of the sys-*
11 *tem's effectiveness: Provided further, That \$7,425,000 shall*
12 *be available for the projects and in the amounts specified*
13 *in the committee report of the Senate accompanying this*
14 *Act.*

15 *PROMOTING SAFE AND STABLE FAMILIES*

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

18 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

19 *ASSISTANCE*

20 *For making payments to States or other non-Federal*
21 *entities under title IV–E of the Social Security Act,*
22 *\$5,067,000,000.*

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

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

6 *ADMINISTRATION ON AGING*

7 *AGING SERVICES PROGRAMS*

8 *For carrying out, to the extent not otherwise provided,*
9 *the Older Americans Act of 1965, as amended, and section*
10 *398 of the Public Health Service Act, \$1,441,585,000, of*
11 *which \$5,500,000 shall be available for activities regarding*
12 *medication management, screening, and education to pre-*
13 *vent incorrect medication and adverse drug reactions: Pro-*
14 *vided, That \$2,935,000 shall be available for the projects*
15 *and in the amounts specified in the committee report of*
16 *the Senate accompanying this Act.*

17 *OFFICE OF THE SECRETARY*

18 *GENERAL DEPARTMENTAL MANAGEMENT*

19 *For necessary expenses, not otherwise provided, for*
20 *general departmental management, including hire of six se-*
21 *dans, and for carrying out titles III, XVII, XX, and XXI*
22 *of the Public Health Service Act, the United States-Mexico*
23 *Border Health Commission Act, and research studies under*
24 *section 1110 of the Social Security Act, \$399,386,000, to-*
25 *gether with \$5,851,000 to be transferred and expended as*

1 *authorized by section 201(g)(1) of the Social Security Act*
2 *from the Hospital Insurance Trust Fund and the Supple-*
3 *mental Medical Insurance Trust Fund, and \$46,756,000*
4 *from the amounts available under section 241 of the Public*
5 *Health Service Act to carry out national health or human*
6 *services research and evaluation activities: Provided, That*
7 *of the funds made available under this heading for carrying*
8 *out title XX of the Public Health Service Act, \$13,120,000*
9 *shall be for activities specified under section 2003(b)(2), all*
10 *of which shall be for prevention service demonstration*
11 *grants under section 510(b)(2) of title V of the Social Secu-*
12 *rity Act, as amended, without application of the limitation*
13 *of section 2010(c) of said title XX: Provided further, That*
14 *of this amount, \$51,891,000 shall be for minority AIDS*
15 *prevention and treatment activities; and \$5,941,000 shall*
16 *be to assist Afghanistan in the development of maternal and*
17 *child health clinics, consistent with section 103(a)(4)(H) of*
18 *the Afghanistan Freedom Support Act of 2002; up to*
19 *\$4,000,000 shall be for the Secretary's discretionary fund*
20 *and may be used to carry out activities authorized under*
21 *the Department's statutory authorities; and \$9,500,000*
22 *shall be for a Health Diplomacy Initiative and may be used*
23 *to carry out health diplomacy activities such as health*
24 *training, services, education, and program evaluation, pro-*
25 *vided directly, through grants, or through contracts: Pro-*

1 vided further, That specific information requests from the
2 chairmen and ranking members of the Subcommittees on
3 Labor, Health and Human Services, and Education, and
4 Related Agencies, on scientific research or any other matter,
5 shall be transmitted to the Committees on Appropriations
6 in a prompt professional manner and within the time
7 frame specified in the request: Provided further, That sci-
8 entific information requested by the Committees on Appro-
9 priations and prepared by government researchers and sci-
10 entists shall be transmitted to the Committees on Appro-
11 priations, uncensored and without delay: Provided further,
12 That funds provided in this Act for embryo adoption activi-
13 ties may be used to provide, to individuals adopting em-
14 bryos, through grants and other mechanisms, medical and
15 administrative services deemed necessary for such adop-
16 tions: Provided further, That such services shall be provided
17 consistent with 42 CFR 59.5(a)(4): Provided further, That
18 \$2,100,000 shall be available for the projects and in the
19 amounts specified in the committee report of the Senate ac-
20 companying this Act: Provided further, That \$500,000 shall
21 be available to complete a feasibility study for a National
22 Registry of Substantiated Cases of Child Abuse or Neglect,
23 as described in section 633(g) of the Adam Walsh Child Pro-
24 tection and Safety Act of 2006 (Public Law 109–248), and
25 the Secretary of Health and Human Services shall submit

1 *the report described in section 633(g)(2) of such Act not*
2 *later than 1 year after date of enactment of this Act: Pro-*
3 *vided further, That \$2,000,000 of the amounts appropriated*
4 *under this heading shall be made available to carry out den-*
5 *tal workforce programs under section 340G of the Public*
6 *Health Service Act (42 U.S.C. 256g).*

7 *OFFICE OF MEDICARE HEARINGS AND APPEALS*

8 *For expenses necessary for administrative law judges*
9 *responsible for hearing cases under title XVIII of the Social*
10 *Security Act (and related provisions of title XI of such Act),*
11 *\$70,000,000, to be transferred in appropriate part from the*
12 *Federal Hospital Insurance and the Federal Supple-*
13 *mentary Medical Insurance Trust Funds.*

14 *OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH*
15 *INFORMATION TECHNOLOGY*

16 *For expenses necessary for the Office of the National*
17 *Coordinator for Health Information Technology, including*
18 *grants, contracts and cooperative agreements for the devel-*
19 *opment and advancement of an interoperable national*
20 *health information technology infrastructure, \$43,000,000:*
21 *Provided, That in addition to amounts provided herein,*
22 *\$28,000,000 shall be available from amounts available*
23 *under section 241 of the Public Health Service Act to carry*
24 *out health information technology network development.*

1 *OFFICE OF INSPECTOR GENERAL*

2 *For expenses necessary for the Office of Inspector Gen-*
3 *eral, including the hire of passenger motor vehicles for in-*
4 *vestigations, in carrying out the provisions of the Inspector*
5 *General Act of 1978, as amended, \$45,687,000: Provided,*
6 *That of such amount, necessary sums are available for pro-*
7 *viding protective services to the Secretary and investigating*
8 *non-payment of child support cases for which non-payment*
9 *is a Federal offense under 18 U.S.C. 228.*

10 *OFFICE FOR CIVIL RIGHTS*

11 *For expenses necessary for the Office for Civil Rights,*
12 *\$33,748,000, together with not to exceed \$3,314,000 to be*
13 *transferred and expended as authorized by section 201(g)(1)*
14 *of the Social Security Act from the Hospital Insurance*
15 *Trust Fund and the Supplemental Medical Insurance Trust*
16 *Fund.*

17 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*

18 *COMMISSIONED OFFICERS*

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

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

3 *For expenses necessary to support activities related to*
4 *countering potential biological, disease, nuclear, radio-*
5 *logical and chemical threats to civilian populations, and*
6 *for other public health emergencies, \$786,556,000, of which*
7 *not to exceed \$22,338,000, to remain available until Sep-*
8 *tember 30, 2009, is to pay the costs described in section*
9 *319F-2(c)(7)(B) of the Public Health Service Act, and of*
10 *which \$189,000,000 shall be used to support advanced re-*
11 *search and development of medical countermeasures, con-*
12 *sistent with section 319L of the Public Health Service Act.*

13 *For expenses necessary to prepare for and respond to*
14 *an influenza pandemic, \$888,000,000, of which*
15 *\$652,000,000 shall be available until expended, for activi-*
16 *ties including the development and purchase of vaccine,*
17 *antivirals, necessary medical supplies, diagnostics, and*
18 *other surveillance tools: Provided, That products purchased*
19 *with these funds may, at the discretion of the Secretary,*
20 *be deposited in the Strategic National Stockpile: Provided*
21 *further, That notwithstanding section 496(b) of the Public*
22 *Health Service Act, funds may be used for the construction*
23 *or renovation of privately owned facilities for the produc-*
24 *tion of pandemic influenza vaccines and other biologicals,*
25 *where the Secretary finds such a contract necessary to se-*
26 *cure sufficient supplies of such vaccines or biologicals: Pro-*

1 *vided further, That \$158,000,000 shall be transferred within*
2 *30 days of enactment to the Centers for Disease Control and*
3 *Prevention for pandemic preparedness activities: Provided*
4 *further, That funds appropriated herein and not specifi-*
5 *cally designated under this heading may be transferred to*
6 *other appropriation accounts of the Department of Health*
7 *and Human Services, as determined by the Secretary to*
8 *be appropriate, to be used for the purposes specified in this*
9 *sentence.*

10 *For expenses to provide screening and treatment for*
11 *first response emergency services personnel, residents, stu-*
12 *dents, and others related to the September 11, 2001, ter-*
13 *rorist attacks on the World Trade Center, \$55,000,000 to*
14 *be transferred to Centers for Disease Control and Preven-*
15 *tion, Disease Control, Research, and Training.*

16 *GENERAL PROVISIONS*

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

21 *SEC. 202. The Secretary shall make available through*
22 *assignment not more than 60 employees of the Public*
23 *Health Service to assist in child survival activities and to*
24 *work in AIDS programs through and with funds provided*
25 *by the Agency for International Development, the United*

1 *Nations International Children's Emergency Fund or the*
2 *World Health Organization.*

3 *SEC. 203. None of the funds appropriated in this Act*
4 *may be used to implement section 1503 of the National In-*
5 *stitutes of Health Revitalization Act of 1993, Public Law*
6 *103-43.*

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

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

18 *SEC. 206. None of the funds appropriated in this Act*
19 *may be expended pursuant to section 241 of the Public*
20 *Health Service Act, except for funds specifically provided*
21 *for in this Act, or for other taps and assessments made by*
22 *any office located in the Department of Health and Human*
23 *Services, prior to the Secretary's preparation and submis-*
24 *sion of a report to the Committee on Appropriations of the*

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

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

10 *(TRANSFER OF FUNDS)*

11 *SEC. 208. Not to exceed 1 percent of any discretionary*
12 *funds (pursuant to the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985, as amended) which are appro-*
14 *priated for the current fiscal year for the Department of*
15 *Health and Human Services in this Act may be transferred*
16 *between a program, project, or activity, but no such pro-*
17 *gram, project, or activity shall be increased by more than*
18 *3 percent by any such transfer: Provided, That a program,*
19 *project, or activity may be increased by up to an additional*
20 *2 percent subject to approval by the House and Senate Com-*
21 *mittees on Appropriations: Provided further, That the*
22 *transfer authority granted by this section shall be available*
23 *only to meet emergency needs and shall not be used to create*
24 *any new program or to fund any project or activity for*
25 *which no funds are provided in this Act: Provided further,*
26 *That the Appropriations Committees of both Houses of Con-*

1 *gress are notified at least 15 days in advance of any trans-*
2 *fer.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 209. The Director of the National Institutes of*
5 *Health, jointly with the Director of the Office of AIDS Re-*
6 *search, may transfer up to 3 percent among institutes and*
7 *centers from the total amounts identified by these two Di-*
8 *rectors as funding for research pertaining to the human im-*
9 *munodeficiency virus: Provided, That the Appropriations*
10 *Committees of both Houses of Congress are promptly noti-*
11 *fied of the transfer.*

12 *(TRANSFER OF FUNDS)*

13 *SEC. 210. Of the amounts made available in this Act*
14 *for the National Institutes of Health, the amount for re-*
15 *search related to the human immunodeficiency virus, as*
16 *jointly determined by the Director of the National Institutes*
17 *of Health and the Director of the Office of AIDS Research,*
18 *shall be made available to the "Office of AIDS Research"*
19 *account. The Director of the Office of AIDS Research shall*
20 *transfer from such account amounts necessary to carry out*
21 *section 2353(d)(3) of the Public Health Service Act.*

22 *SEC. 211. None of the funds appropriated in this Act*
23 *may be made available to any entity under title X of the*
24 *Public Health Service Act unless the applicant for the*
25 *award certifies to the Secretary that it encourages family*
26 *participation in the decision of minors to seek family plan-*

1 *ning services and that it provides counseling to minors on*
2 *how to resist attempts to coerce minors into engaging in*
3 *sexual activities.*

4 *SEC. 212. None of the funds appropriated by this Act*
5 *(including funds appropriated to any trust fund) may be*
6 *used to carry out the Medicare Advantage program if the*
7 *Secretary denies participation in such program to an other-*
8 *wise eligible entity (including a Provider Sponsored Orga-*
9 *nization) because the entity informs the Secretary that it*
10 *will not provide, pay for, provide coverage of, or provide*
11 *referrals for abortions: Provided, That the Secretary shall*
12 *make appropriate prospective adjustments to the capitation*
13 *payment to such an entity (based on an actuarially sound*
14 *estimate of the expected costs of providing the service to such*
15 *entity's enrollees): Provided further, That nothing in this*
16 *section shall be construed to change the Medicare program's*
17 *coverage for such services and a Medicare Advantage orga-*
18 *nization described in this section shall be responsible for*
19 *informing enrollees where to obtain information about all*
20 *Medicare covered services.*

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

1 *SEC. 214. (a) Except as provided by subsection (e)*
2 *none of the funds appropriated by this Act may be used*
3 *to withhold substance abuse funding from a State pursuant*
4 *to section 1926 of the Public Health Service Act (42 U.S.C.*
5 *300x-26) if such State certifies to the Secretary of Health*
6 *and Human Services by May 1, 2008, that the State will*
7 *commit additional State funds, in accordance with sub-*
8 *section (b), to ensure compliance with State laws prohib-*
9 *iting the sale of tobacco products to individuals under 18*
10 *years of age.*

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

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

1 *gations for tobacco prevention and compliance activities by*
2 *program activity by July 31, 2008.*

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

7 *(e) None of the funds appropriated by this Act may*
8 *be used to withhold substance abuse funding pursuant to*
9 *section 1926 from a territory that receives less than*
10 *\$1,000,000.*

11 *SEC. 215. In order for the Department of Health and*
12 *Human Services to carry out international health activi-*
13 *ties, including HIV/AIDS and other infectious diseases,*
14 *chronic and environmental diseases, and other health ac-*
15 *tivities abroad during fiscal year 2008, the Secretary of*
16 *Health and Human Services—*

17 *(1) may exercise authority equivalent to that*
18 *available to the Secretary of State in section 2(c) of*
19 *the State Department Basic Authorities Act of 1956*
20 *(22 U.S.C. 2669(c)). The Secretary of Health and*
21 *Human Services shall consult with the Secretary of*
22 *State and relevant Chief of Mission to ensure that the*
23 *authority provided in this section is exercised in a*
24 *manner consistent with section 207 of the Foreign*
25 *Service Act of 1980 (22 U.S.C. 3927) and other appli-*

1 *cable statutes administered by the Department of*
2 *State; and*

3 *(2) is authorized to provide such funds by ad-*
4 *vance or reimbursement to the Secretary of State as*
5 *may be necessary to pay the costs of acquisition,*
6 *lease, alteration, renovation, and management of fa-*
7 *cilities outside of the United States for the use of the*
8 *Department of Health and Human Services. The De-*
9 *partment of State shall cooperate fully with the Sec-*
10 *retary of Health and Human Services to ensure that*
11 *the Department of Health and Human Services has*
12 *secure, safe, functional facilities that comply with ap-*
13 *plicable regulation governing location, setback, and*
14 *other facilities requirements and serve the purposes*
15 *established by this Act. The Secretary of Health and*
16 *Human Services is authorized, in consultation with*
17 *the Secretary of State, through grant or cooperative*
18 *agreement, to make available to public or nonprofit*
19 *private institutions or agencies in participating for-*
20 *ign countries, funds to acquire, lease, alter, or ren-*
21 *ovate facilities in those countries as necessary to con-*
22 *duct programs of assistance for international health*
23 *activities, including activities relating to HIV/AIDS*
24 *and other infectious diseases, chronic and environ-*
25 *mental diseases, and other health activities abroad.*

1 *SEC. 216. The Division of Federal Occupational*
2 *Health hereafter may utilize personal services contracting*
3 *to employ professional management/administrative and oc-*
4 *cupational health professionals.*

5 *SEC. 217. (a) AUTHORITY.—Notwithstanding any*
6 *other provision of law, the Director of the National Insti-*
7 *tutes of Health may use funds available under sections*
8 *402(b)(7) and 402(b)(12) of the Public Health Service Act*
9 *(42 U.S.C. 282(i)) to enter into transactions (other than*
10 *contracts, cooperative agreements, or grants) to carry out*
11 *research in support of the NIH Common Fund.*

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

24 *SEC. 218. Funds which are available for Individual*
25 *Learning Accounts for employees of the Centers for Disease*

1 *Control and Prevention and the Agency for Toxic Sub-*
2 *stances and Disease Registry may be transferred to “Dis-*
3 *ease Control, Research, and Training”, to be available only*
4 *for Individual Learning Accounts: Provided, That such*
5 *funds may be used for any individual full-time equivalent*
6 *employee while such employee is employed either by CDC*
7 *or ATSDR.*

8 *SEC. 219. Notwithstanding any other provisions of*
9 *law, funds made available in this Act may be used to con-*
10 *tinue operating the Council on Graduate Medical Edu-*
11 *cation established by section 301 of Public Law 102–408.*

12 *SEC. 220. In addition to any other amounts available*
13 *for such travel, and notwithstanding any other provision*
14 *of law, amounts available from this or any other appropria-*
15 *tion for the purchase, hire, maintenance, or operation of*
16 *aircraft by the Centers for Disease Control and Prevention*
17 *shall be available for travel by the Secretary of Health and*
18 *Human Services, the Director of the Centers for Disease*
19 *Control and Prevention, and employees of the Department*
20 *of Health and Human Services accompanying the Sec-*
21 *retary or the Director during such travel.*

22 *SEC. 221. The Director of the National Institutes of*
23 *Health shall require that all investigators funded by the*
24 *NIH submit or have submitted for them to the National*
25 *Library of Medicine’s PubMed Central an electronic version*

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

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

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

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

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

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

8 *SEC. 223. Not to exceed \$35,000,000 of funds appro-*
9 *priated by this Act to the Institutes and Centers of the Na-*
10 *tional Institutes of Health may be used for alteration, re-*
11 *pair, or improvement of facilities, as necessary for the prop-*
12 *er and efficient conduct of the activities authorized herein,*
13 *at not to exceed \$2,500,000 per project.*

14 *(TRANSFER OF FUNDS)*

15 *SEC. 224. Of the amounts made available in this Act*
16 *for the National Institutes of Health, 1 percent of the*
17 *amount made available for National Research Service*
18 *Awards (NRSA) shall be made available to the Adminis-*
19 *trator of the Health Resources and Services Administration*
20 *to make NRSA awards for research in primary medical*
21 *care to individuals affiliated with entities who have re-*
22 *ceived grants or contracts under section 747 of the Public*
23 *Health Service Act, and 1 percent of the amount made*
24 *available for NRSA shall be made available to the Director*
25 *of the Agency for Healthcare Research and Quality to make*
26 *NRSA awards for health service research.*

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

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

8 *SEC. 227. (a) In addition to any amounts appro-*
9 *priated or otherwise made available under this Act to the*
10 *Health Resources and Services Administration to carry out*
11 *programs and activities under the Health Care Safety Net*
12 *Amendments of 2002 (Public Law 107–251) and the*
13 *amendments made by such Act, and for other telehealth pro-*
14 *grams under section 330I of the Public Health Service Act*
15 *(42 U.S.C. 254c–14), there shall be made available an addi-*
16 *tional \$6,800,000, to (1) expand support for existing and*
17 *new telehealth resource centers, including at least 1 resource*
18 *center focusing on telehomecare; (2) support telehealth net-*
19 *work grants, telehealth demonstrations, and telehomecare*
20 *pilot projects; and (3) provide grants to carry out programs*
21 *under which health licensing boards or various States co-*
22 *operate to develop and implement policies that will reduce*
23 *statutory and regulatory barriers to telehealth.*

24 *(b) Notwithstanding any other provision of this Act,*
25 *amounts appropriated or otherwise made available under*

1 *this Act for the administrative and related expenses for de-*
2 *partmental management for the Department of Labor, the*
3 *Department of Health and Human Services, and the De-*
4 *partment of Education, shall be reduced on a pro rata basis*
5 *by \$6,800,000.*

6 *SEC. 228. (a) Not later than November 30, 2008, the*
7 *Comptroller General of the United States shall submit to*
8 *Congress a report concerning State health care reform ini-*
9 *tiatives.*

10 *(b) The report required under subsection (a) shall in-*
11 *clude the following:*

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

16 *(A) An overview of State approaches to re-*
17 *examining health care delivery and insurance.*

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

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

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

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

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

6 (G) *A description of outcomes of State ef-*
7 *forts to increase health care quality and control*
8 *costs.*

9 (2) *Recommendations regarding the potential*
10 *role of Congress in supporting State-based reform ef-*
11 *forts, including the following:*

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

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

18 (C) *Expanding existing Federal health in-*
19 *surance programs and increasing other sources of*
20 *Federal health care funding to support State-*
21 *based health reform and expansion efforts.*

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

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

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

5 SEC. 230. (a) In addition to amounts otherwise appro-
6 priated under this Act, there is appropriated, out of any
7 money in the Treasury not otherwise appropriated, an ad-
8 ditional \$3,000,000 for the Centers for Disease Control and
9 Prevention to make grants under the State Heart Disease
10 and Stroke Prevention Program.

11 (b) Amounts made available under this Act for con-
12 sulting services for the Department of Labor, the Depart-
13 ment of Health and Human Services, and the Department
14 of Education shall be further reduced on a pro rata basis
15 by the percentage necessary to decrease the overall amount
16 of such spending by \$3,000,000.

17 SEC. 231. Notwithstanding any other provision of this
18 Act, amounts appropriated in this Act for the administra-
19 tion and related expenses for the departmental management
20 of the Department of Labor, the Department of Health and
21 Human Services, and the Department of Education shall
22 be reduced by a pro rata percentage required to reduce the
23 total amount appropriated in this Act by \$30,000,000.

24 SEC. 232. (a) In addition to any other amounts appro-
25 priated or otherwise made available under this Act,

1 \$8,000,000 shall be available to carry out activities under
2 the Patient Navigator Outreach and Chronic Disease Pre-
3 vention Act of 2005 (Public Law 109–18).

4 (b) Amounts made available under this Act for con-
5 sulting services for the Department of Labor, the Depart-
6 ment of Health and Human Services, and the Department
7 of Education shall be further reduced on a pro rata basis
8 by the percentage necessary to decrease the overall amount
9 of such spending by \$8,000,000.

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

13 (b) Amounts made available under this Act for con-
14 sulting services for the Department of Labor, the Depart-
15 ment of Health and Human Services, and the Department
16 of Education shall be reduced on a pro rata basis by the
17 percentage necessary to decrease the overall amount of such
18 spending by \$6,000,000.

19 SEC. 234. (a) In addition to other amounts appro-
20 priated in this title to carry out title VII of the Public
21 Health Service Act, \$2,000,000 shall be made available to
22 carry out allied health professional programs under section
23 755 of such title VII, other than the Chiropractic-Medical
24 School Demonstration Grant program, Graduate Psy-

1 *chology training programs, and podiatric physicians pro-*
2 *grams.*

3 **(b)** *Amounts made available under this Act for con-*
4 *sulting services for the Department of Labor, the Depart-*
5 *ment of Health and Human Services, and the Department*
6 *of Education shall be reduced further on a pro rata basis*
7 *by the percentage necessary to decrease the overall amount*
8 *of such spending by \$2,000,000.*

9 **SEC. 235.** *It is the sense of the Senate that a portion*
10 *of the funds appropriated under this title be used for fre-*
11 *quent hemodialysis clinical trials at the National Institute*
12 *of Diabetes and Digestive and Kidney Diseases.*

13 **SEC. 236. SMALL BUSINESS CHILD CARE GRANT PRO-**
14 **GRAM.** *For carrying out the small business child care grant*
15 *program under section 8303 of the U.S. Troop Readiness,*
16 *Veterans' Care, Katrina Recovery, and Iraq Accountability*
17 *Appropriations Act, 2007 (42 U.S.C. 9858 note)*
18 *\$5,000,000, to remain available until expended. Each*
19 *amount otherwise appropriated in this Act for administra-*
20 *tive expenses for the Department of Labor, Department of*
21 *Health and Human Services, and Department of Education*
22 *shall be reduced on a pro rata basis by the amount nec-*
23 *essary to provide the amount referred to in the preceding*
24 *sentence.*

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

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

9 *(1) \$5,000,000 shall be used to carry out part B*
10 *of title III of the Older Americans Act of 1965 (42*
11 *U.S.C. 3030d) for fiscal year 2008 (for supportive*
12 *services and senior centers to allow area agencies on*
13 *aging to account for projected growth in the popu-*
14 *lation of older individuals, and inflation);*

15 *(2) \$2,000,000 shall be used to carry out part C*
16 *of title III of such Act (42 U.S.C. 3030d–21 et seq.)*
17 *for fiscal year 2008 (for congregate and home-deliv-*
18 *ered nutrition services to help account for increased*
19 *gas and food costs); and*

20 *(3) \$3,000,000 shall be used to carry out part E*
21 *of title III of such Act (42 U.S.C. 3030s et seq.) for*
22 *fiscal year 2008 (for the National Family Caregiver*
23 *Support Program to fund the program at the level*
24 *authorized for that program under that Act (42*
25 *U.S.C. 3001 et seq.)).*

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

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

5 (A) *the amount made available under the head-*
6 *ing “SALARIES AND EXPENSES” under the heading*
7 *“DEPARTMENTAL MANAGEMENT” in title I, for ad-*
8 *ministration or travel expenses;*

9 (B) *the amount made available under the head-*
10 *ing “GENERAL DEPARTMENTAL MANAGEMENT” under*
11 *the heading “OFFICE OF THE SECRETARY” in this*
12 *title, for administration or travel expenses; and*

13 (C) *the amount made available under the head-*
14 *ing “PROGRAM ADMINISTRATION” under the heading*
15 *“DEPARTMENTAL MANAGEMENT” in title III, for ad-*
16 *ministration or travel expenses.*

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

21 (b) *Amounts made available under this Act for travel*
22 *and administrative expenses for the Department of Labor,*
23 *the Department of Health and Human Services, and the*
24 *Department of Education shall be further reduced on a pro*

1 *rata basis by the percentage necessary to decrease the overall*
2 *amount of such spending by \$7,500,000.*

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

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

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

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

24 *(3) The breakout of conditional payments recov-*
25 *ered when workers' compensation is the primary*

1 *payer separate from the amounts in Workers' Com-*
2 *ensation Medicare Set-aside Accounts (in this sec-*
3 *tion referred to as "WCMSAs").*

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

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

10 (6) *The number of WCMSAs that do not receive*
11 *a determination based on the initial complete submis-*
12 *sion.*

13 (7) *Any other information determined appro-*
14 *priate by the Congressional Budget Office in order to*
15 *determine the baseline revenue and expenditures asso-*
16 *ciated with such workers' compensation set-asides.*

17 *SEC. 241. It is the sense of the Senate that the Sec-*
18 *retary of Health and Human Services should maintain*
19 *"deemed status" coverage under the Medicare program for*
20 *clinical trials that are federally funded or reviewed, as pro-*
21 *vided for by the Executive Memorandum of June 2000.*

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

1 **(b)** *The amount appropriated under the heading “GEN-*
2 *ERAL DEPARTMENTAL MANAGEMENT” under the heading*
3 *“OFFICE OF THE SECRETARY” in this title is decreased by*
4 *\$1,000,000.*

5 **(c)(1)(A)** *The Secretary of Health and Human Serv-*
6 *ices (acting through the Director of the National Institute*
7 *for Occupational Safety and Health) shall conduct, and*
8 *shall invite the University of Utah and West Virginia Uni-*
9 *versity to participate in conducting, a study of the recovery*
10 *of coal pillars through retreat room and pillar mining prac-*
11 *tices in underground coal mines at depths greater than*
12 *1500 feet.*

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

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

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

19 **(I)** *seam thickness;*

20 **(II)** *depth of cover;*

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

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

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

3 (2)(A) Not later than 1 year after beginning the study
4 described in paragraph (1), the Secretary shall submit a
5 report containing the results of the study to the Committee
6 on Education and Labor of the House of Representatives,
7 the Committee on Health, Education, Labor, and Pensions
8 of the Senate, the Committee on Appropriations of the
9 House of Representatives, and the Committee on Appro-
10 priations of the Senate.

11 (B) The report shall include recommendations to en-
12 hance the safety of miners working in underground coal
13 mines where retreat mining in room and pillar operations
14 is utilized. Among other things, the recommendations shall
15 identify means of adapting any practical technology to the
16 mining environment to improve miner protections during
17 mining at depths greater than 1500 feet, and research need-
18 ed to develop improved technology to improve miner protec-
19 tions during mining at such depths.

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

1 *SEC. 243. None of the funds appropriated in this Act*
2 *may be used to prevent an individual not in the business*
3 *of importing a prescription drug (within the meaning of*
4 *section 801(g) of the Federal Food, Drug, and Cosmetic Act*
5 *(21 U.S.C. 381(g)) from importing a prescription drug*
6 *from Canada that complies with sections 501, 502, and 505*
7 *of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
8 *351, 352, and 355) and is not—*

9 *(1) a controlled substance, as defined in section*
10 *102 of the Controlled Substances Act (21 U.S.C. 802);*
11 *or*

12 *(2) a biological product, as defined in section*
13 *351 of the Public Health Service Act (42 U.S.C. 262).*

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

16 *TITLE III*

17 *DEPARTMENT OF EDUCATION*

18 *EDUCATION FOR THE DISADVANTAGED*

19 *For carrying out title I of the Elementary and Sec-*
20 *ondary Education Act of 1965 (“ESEA”) and section 418A*
21 *of the Higher Education Act of 1965, \$15,867,778,000, of*
22 *which \$6,812,554,000 shall become available on July 1,*
23 *2008, and shall remain available through September 30,*
24 *2009, and of which \$8,867,301,000 shall become available*
25 *on October 1, 2008, and shall remain available through*

1 *September 30, 2009, for academic year 2008–2009: Pro-*
2 *vided, That \$6,808,407,000 shall be for basic grants under*
3 *section 1124: Provided further, That up to \$4,000,000 of*
4 *these funds shall be available to the Secretary of Education*
5 *on October 1, 2007, to obtain annually updated edu-*
6 *cational-agency-level census poverty data from the Bureau*
7 *of the Census: Provided further, That \$1,365,031,000 shall*
8 *be for concentration grants under section 1124A: Provided*
9 *further, That \$2,868,231,000 shall be for targeted grants*
10 *under section 1125: Provided further, That \$2,868,231,000*
11 *shall be for education finance incentive grants under section*
12 *1125A: Provided further, That \$500,000,000 shall be for*
13 *school improvement grants authorized under section*
14 *1003(g) of the ESEA: Provided further, That \$9,330,000*
15 *shall be to carry out part E of title I: Provided further,*
16 *That \$1,634,000 shall be available for a comprehensive*
17 *school reform clearinghouse.*

18 *IMPACT AID*

19 *For carrying out programs of financial assistance to*
20 *federally affected schools authorized by title VIII of the Ele-*
21 *mentary and Secondary Education Act of 1965,*
22 *\$1,248,453,000, of which \$1,111,867,000 shall be for basic*
23 *support payments under section 8003(b), \$49,466,000 shall*
24 *be for payments for children with disabilities under section*
25 *8003(d), \$17,820,000 shall be for construction under section*

1 8007(b) and shall remain available through September 30,
2 2009, \$64,350,000 shall be for Federal property payments
3 under section 8002, and \$4,950,000, to remain available
4 until expended, shall be for facilities maintenance under
5 section 8008: Provided, That for purposes of computing the
6 amount of a payment for an eligible local educational agen-
7 cy under section 8003(a) of the Elementary and Secondary
8 Education Act (20 U.S.C. 7703(a)) for school year 2007–
9 2008, children enrolled in a school of such agency that
10 would otherwise be eligible for payment under section
11 8003(a)(1)(B) of such Act, but due to the deployment of both
12 parents or legal guardians, or a parent or legal guardian
13 having sole custody of such children, or due to the death
14 of a military parent or legal guardian while on active duty
15 (so long as such children reside on Federal property as de-
16 scribed in section 8003(a)(1)(B)), are no longer eligible
17 under such section, shall be considered as eligible students
18 under such section, provided such students remain in aver-
19 age daily attendance at a school in the same local edu-
20 cational agency they attended prior to their change in eligi-
21 bility status.

22 SCHOOL IMPROVEMENT PROGRAMS

23 For carrying out school improvement activities author-
24 ized by title II, part B of title IV, subparts 6 and 9 of
25 part D of title V, parts A and B of title VI, and parts

1 *B and C of title VII of the Elementary and Secondary Edu-*
2 *cation Act of 1965 (“ESEA”); the McKinney-Vento Home-*
3 *less Assistance Act; section 203 of the Educational Tech-*
4 *nical Assistance Act of 2002; the Compact of Free Associa-*
5 *tion Amendments Act of 2003; and the Civil Rights Act of*
6 *1964, \$5,198,525,000, of which \$3,560,485,000 shall become*
7 *available on July 1, 2008, and remain available through*
8 *September 30, 2009, and of which \$1,435,000,000 shall be-*
9 *come available on October 1, 2008, and shall remain avail-*
10 *able through September 30, 2009, for academic year 2008–*
11 *2009: Provided, That funds made available to carry out*
12 *part B of title VII of the ESEA may be used for construc-*
13 *tion, renovation and modernization of any elementary*
14 *school, secondary school, or structure related to an elemen-*
15 *tary school or secondary school, run by the Department of*
16 *Education of the State of Hawaii, that serves a predomi-*
17 *nantly Native Hawaiian student body: Provided further,*
18 *That from the funds referred to in the preceding proviso,*
19 *not less than \$1,250,000 shall be for a grant to the Depart-*
20 *ment of Education of the State of Hawaii for the activities*
21 *described in such proviso, and \$1,250,000 shall be for a*
22 *grant to the University of Hawaii School of Law for a Cen-*
23 *ter of Excellence in Native Hawaiian law: Provided further,*
24 *That funds made available to carry out part C of title VII*
25 *of the ESEA may be used for construction: Provided fur-*

1 *ther, That up to 100 percent of the funds available to a*
2 *State educational agency under part D of title II of the*
3 *ESEA may be used for subgrants described in section*
4 *2412(a)(2)(B) of such Act: Provided further, That*
5 *\$60,000,000 shall be available to carry out section 203 of*
6 *the Educational Technical Assistance Act of 2002: Provided*
7 *further, That \$34,376,000 shall be available to carry out*
8 *part D of title V of the ESEA: Provided further, That no*
9 *funds appropriated under this heading may be used to*
10 *carry out section 5494 under the ESEA: Provided further,*
11 *That \$18,001,000 shall be available to carry out the Supple-*
12 *mental Education Grants program for the Federated States*
13 *of Micronesia and the Republic of the Marshall Islands:*
14 *Provided further, That up to 5 percent of these amounts*
15 *may be reserved by the Federated States of Micronesia and*
16 *the Republic of the Marshall Islands to administer the Sup-*
17 *plemental Education Grants programs and to obtain tech-*
18 *nical assistance, oversight and consultancy services in the*
19 *administration of these grants and to reimburse the United*
20 *States Departments of Labor, Health and Human Services,*
21 *and Education for such services.*

22 *INDIAN EDUCATION*

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

1 *INNOVATION AND IMPROVEMENT*

2 *For carrying out activities authorized by parts G and*
3 *H of title I, subpart 5 of part A and parts C and D of*
4 *title II, parts B, C, and D of title V, and section 1504 of*
5 *the Elementary and Secondary Education Act of 1965*
6 *(“ESEA”), \$962,889,000: Provided, That \$9,821,000 shall*
7 *be provided to the National Board for Professional Teaching*
8 *Standards to carry out section 2151(c) of the ESEA: Pro-*
9 *vided further, That from funds for subpart 4, part C of title*
10 *II, up to 3 percent shall be available to the Secretary for*
11 *technical assistance and dissemination of information: Pro-*
12 *vided further, That \$317,699,000 shall be available to carry*
13 *out part D of title V of the ESEA: Provided further, That*
14 *\$64,504,000 of the funds for subpart 1, part D of title V*
15 *of the ESEA shall be available for the projects and in the*
16 *amounts specified in the committee report of the Senate ac-*
17 *companying this Act: Provided further, That \$99,000,000*
18 *of the funds for subpart 1 shall be for competitive grants*
19 *to local educational agencies, including charter schools that*
20 *are local educational agencies, or States, or partnerships*
21 *of: (1) a local educational agency, a State, or both; and*
22 *(2) at least one non-profit organization to develop and im-*
23 *plement performance-based teacher and principal com-*
24 *ensation systems in high-need schools: Provided further,*
25 *That such performance-based compensation systems must*

1 *consider gains in student academic achievement as well as*
2 *classroom evaluations conducted multiple times during each*
3 *school year among other factors and provide educators with*
4 *incentives to take on additional responsibilities and leader-*
5 *ship roles: Provided further, That five percent of such funds*
6 *for competitive grants shall be available for technical assist-*
7 *ance, training, peer review of applications, program out-*
8 *reach and evaluation activities.*

9 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

10 *For carrying out activities authorized by subpart 3 of*
11 *part C of title II, part A of title IV, and subparts 2, 3,*
12 *and 10 of part D of title V of the Elementary and Sec-*
13 *ondary Education Act of 1965 (“ESEA”), \$697,112,000, of*
14 *which \$300,000,000 shall become available on July 1, 2008,*
15 *and remain available through September 30, 2009: Pro-*
16 *vided, That of the amount available for subpart 2 of part*
17 *A of title IV of the ESEA, \$850,000 shall be used to con-*
18 *tinue the National Recognition Awards program under the*
19 *same guidelines outlined by section 120(f) of Public Law*
20 *105–244: Provided further, That \$300,000,000 shall be*
21 *available for subpart 1 of part A of title IV and*
22 *\$222,112,000 shall be available for subpart 2 of part A of*
23 *title IV, of which not less than \$1,000,000, to remain avail-*
24 *able until expended, shall be for the Project School Emer-*
25 *gency Response to Violence program to provide education-*

1 *related services to local educational agencies in which the*
2 *learning environment has been disrupted due to a violent*
3 *or traumatic crisis: Provided further, That \$145,000,000*
4 *shall be available to carry out part D of title V of the*
5 *ESEA: Provided further, That of the funds available to*
6 *carry out subpart 3 of part C of title II, up to \$12,000,000*
7 *may be used to carry out section 2345 and \$3,000,000 shall*
8 *be used to implement a comprehensive program to improve*
9 *public knowledge, understanding and support of the Con-*
10 *gress and the State legislatures.*

11 *ENGLISH LANGUAGE ACQUISITION*

12 *For carrying out part A of title III of the ESEA,*
13 *\$670,819,000, which shall become available on July 1, 2008,*
14 *and shall remain available through September 30, 2009, ex-*
15 *cept that 6.5 percent of such amount shall be available on*
16 *October 1, 2007, and shall remain available through Sep-*
17 *tember 30, 2009, to carry out activities under section*
18 *3111(c)(1)(C).*

19 *SPECIAL EDUCATION*

20 *For carrying out the Individuals with Disabilities*
21 *Education Act (IDEA) and the Special Olympics Sport*
22 *and Empowerment Act of 2004, \$12,330,374,000, of which*
23 *\$6,192,551,000 shall become available on July 1, 2008, and*
24 *shall remain available through September 30, 2009, and of*
25 *which \$5,924,200,000 shall become available on October 1,*

1 2008, and shall remain available through September 30,
2 2009, for academic year 2008–2009: Provided, That
3 \$13,000,000 shall be for Recording for the Blind and
4 Dyslexic, Inc., to support activities under section
5 674(c)(1)(D) of the IDEA: Provided further, That
6 \$1,500,000 shall be for the recipient of funds provided by
7 Public Law 105–78 under section 687(b)(2)(G) of the IDEA
8 (as in effect prior to the enactment of the Individuals with
9 Disabilities Education Improvement Act of 2004) to pro-
10 vide information on diagnosis, intervention, and teaching
11 strategies for children with disabilities: Provided further,
12 That the amount for section 611(b)(2) of the IDEA shall
13 be equal to the lesser of the amount available for that activ-
14 ity during fiscal year 2007, increased by the amount of in-
15 flation as specified in section 619(d)(2)(B) of the IDEA,
16 or the percentage increase in the funds appropriated under
17 section 611(i) of the IDEA: Provided further, That nothing
18 in section 674(e) of the IDEA shall be construed to establish
19 a private right of action against the National Instructional
20 Materials Access Center for failure to perform the duties
21 of such center or otherwise authorize a private right of ac-
22 tion related to the performance of such center: Provided fur-
23 ther, That \$3,000,000 shall be available to support the Spe-
24 cial Olympics Winter World Games.

1 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

2 *For carrying out, to the extent not otherwise provided,*
3 *the Rehabilitation Act of 1973, the Assistive Technology Act*
4 *of 1998 (“the AT Act”), and the Helen Keller National Cen-*
5 *ter Act, \$3,286,942,000, of which \$1,000,000 shall be award-*
6 *ed to the American Academy of Orthotists and Prosthetists*
7 *for activities that further the purposes of the grant received*
8 *by the Academy for the period beginning October 1, 2003,*
9 *including activities to meet the demand for orthotic and*
10 *prosthetic provider services and improve patient care: Pro-*
11 *vided, That \$32,000,000 shall be used for carrying out the*
12 *AT Act, including \$26,377,000 for State grant activities*
13 *authorized under section 4 of the AT Act, \$4,570,000 for*
14 *State grants for protection and advocacy under section 5*
15 *of the AT Act and \$1,053,000 shall be for technical assist-*
16 *ance activities under section 6 of the AT Act: Provided fur-*
17 *ther, That \$2,650,000 of the funds for section 303 of the*
18 *Rehabilitation Act of 1973 shall be available for the projects*
19 *and in the amounts specified in the committee report of*
20 *the Senate accompanying this Act: Provided further, That*
21 *\$8,400,000 shall be used to carry out the Traumatic Brain*
22 *Injury (TBI) Model Systems of Care Program and to sus-*
23 *tain at least 16 TBI Model Systems Centers.*

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

3 *For carrying out the Act of March 3, 1879, as amended*
4 *(20 U.S.C. 101 et seq.), \$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 (20 U.S.C. 4301 et seq.), \$59,000,000, of which*
9 *\$1,705,000 shall be for construction and shall remain avail-*
10 *able until expended: Provided, That from the total amount*
11 *available, the Institute may at its discretion use funds for*
12 *the endowment program as authorized under section 207.*

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 (20 U.S.C. 4301 et*
18 *seq.), \$111,000,000, of which \$600,000 shall be for the Sec-*
19 *retary of Education to carry out section 205 of the Act:*
20 *Provided, That from the total amount available, the Univer-*
21 *sity may at its discretion use funds for the endowment pro-*
22 *gram as authorized under section 207.*

23 *CAREER, TECHNICAL, AND ADULT EDUCATION*

24 *For carrying out, to the extent not otherwise provided,*
25 *the Carl D. Perkins Career and Technical Education Act*
26 *of 2006, the Adult Education and Family Literacy Act, and*

1 *title VIII–D of the Higher Education Amendments of 1998,*
2 *\$1,894,788,000, of which \$1,103,788,000 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 *\$67,896,000 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 Immigration and Naturalization*
17 *Service data for immigrants admitted for legal permanent*
18 *residence for the 10 most recent years, and 35 percent allo-*
19 *cated to States that experienced growth as measured by the*
20 *average of the 3 most recent years for which Immigration*
21 *and Naturalization Service data for immigrants admitted*
22 *for legal permanent residence are available, except that no*
23 *State shall be allocated an amount less than \$60,000: Pro-*
24 *vided further, That of the amounts made available for the*
25 *Adult Education and Family Literacy Act, \$7,000,000*

1 *shall be for national leadership activities under section 243*
2 *and \$6,638,000 shall be for the National Institute for Lit-*
3 *eracy under section 242: Provided further, That*
4 *\$22,770,000 shall be for Youth Offender Grants.*

5 *STUDENT FINANCIAL ASSISTANCE*

6 *For carrying out subparts 1, 3, and 4 of part A, part*
7 *C and part E of title IV of the Higher Education Act of*
8 *1965, as amended, \$16,368,883,000, which shall remain*
9 *available through September 30, 2009.*

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

12 *STUDENT AID ADMINISTRATION*

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

18 *HIGHER EDUCATION*

19 *For carrying out, to the extent not otherwise provided,*
20 *titles II, III, IV, V, VI, and VII of the Higher Education*
21 *Act of 1965 (“HEA”), as amended, the Mutual Educational*
22 *and Cultural Exchange Act of 1961, and section 117 of the*
23 *Carl D. Perkins Career and Technical Education Act of*
24 *2006, \$2,028,302,000: Provided, That \$9,699,000, to remain*
25 *available through September 30, 2009, shall be available to*

1 *fund fellowships for academic year 2009–2010 under part*
2 *A, subpart 1 of title VII of said Act, under the terms and*
3 *conditions of part A, subpart 1: Provided further, That*
4 *\$970,000 is for data collection and evaluation activities for*
5 *programs under the HEA, including such activities needed*
6 *to comply with the Government Performance and Results*
7 *Act of 1993: Provided further, That notwithstanding any*
8 *other provision of law, funds made available in this Act*
9 *to carry out title VI of the HEA and section 102(b)(6) of*
10 *the Mutual Educational and Cultural Exchange Act of 1961*
11 *may be used to support visits and study in foreign countries*
12 *by individuals who are participating in advanced foreign*
13 *language training and international studies in areas that*
14 *are vital to United States national security and who plan*
15 *to apply their language skills and knowledge of these coun-*
16 *tries in the fields of government, the professions, or inter-*
17 *national development: Provided further, That of the funds*
18 *referred to in the preceding proviso up to 1 percent may*
19 *be used for program evaluation, national outreach, and in-*
20 *formation dissemination activities: Provided further, That*
21 *the funds provided for title II of the HEA shall be allocated*
22 *notwithstanding section 210 of such Act: Provided further,*
23 *That \$12,000,000 shall be for grants to institutions of high-*
24 *er education, in partnership with local educational agen-*
25 *cies, to establish instructional programs at all educational*

1 *levels in languages critical to U.S. national security: Pro-*
2 *vided further, That \$59,855,000 of the funds for part B of*
3 *title VII of the Higher Education Act of 1965 shall be avail-*
4 *able for the projects and in the amounts specified in the*
5 *committee report of the Senate accompanying this Act.*

6 *HOWARD UNIVERSITY*

7 *For partial support of Howard University (20 U.S.C.*
8 *121 et seq.), \$237,392,000, of which not less than \$3,526,000*
9 *shall be for a matching endowment grant pursuant to the*
10 *Howard University Endowment Act (Public Law 98-480)*
11 *and shall remain available until expended.*

12 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

13 *PROGRAM*

14 *For Federal administrative expenses to carry out ac-*
15 *tivities related to existing facility loans pursuant to section*
16 *121 of the Higher Education Act of 1965, as amended*
17 *\$481,000.*

18 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*

19 *FINANCING PROGRAM ACCOUNT*

20 *For administrative expenses to carry out the Histori-*
21 *cally Black College and University Capital Financing Pro-*
22 *gram entered into pursuant to title III, part D of the High-*
23 *er Education Act of 1965, as amended, \$188,000.*

1 *INSTITUTE OF EDUCATION SCIENCES*

2 *For carrying out activities authorized by the Edu-*
3 *cation Sciences Reform Act of 2002, as amended, the Na-*
4 *tional Assessment of Educational Progress Authorization*
5 *Act, section 208 of the Educational Technical Assistance*
6 *Act of 2002, and section 664 of the Individuals with Dis-*
7 *abilities Education Act, \$589,826,000, of which*
8 *\$322,020,000 shall be available until September 30, 2009.*

9 *DEPARTMENTAL MANAGEMENT*10 *PROGRAM ADMINISTRATION*

11 *For carrying out, to the extent not otherwise provided,*
12 *the Department of Education Organization Act, including*
13 *rental of conference rooms in the District of Columbia and*
14 *hire of three passenger motor vehicles, \$432,631,000, of*
15 *which \$3,000,000, to remain available until expended, shall*
16 *be for building alterations and related expenses for the move*
17 *of Department staff to the Mary E. Switzer building in*
18 *Washington, DC: Provided, That the Secretary of Edu-*
19 *cation shall assess the impact on education felt by students*
20 *in states with a high proportion of federal land compared*
21 *to students in non-public land states. The study shall con-*
22 *sider current student teacher ratios, trends in student teach-*
23 *er ratios, the proportion of property tax dedicated to edu-*
24 *cation in each State, and the impact of these and other fac-*
25 *tors on education in public land states. The Secretary shall*

1 *submit the report not later than 1 year after the date of*
2 *the enactment of this Act.*

3 *OFFICE FOR CIVIL RIGHTS*

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

7 *OFFICE OF THE INSPECTOR GENERAL*

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

11 *GENERAL PROVISIONS*

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

20 *SEC. 302. None of the funds contained in this Act shall*
21 *be used to require, directly or indirectly, the transportation*
22 *of any student to a school other than the school which is*
23 *nearest the student's home, except for a student requiring*
24 *special education, to the school offering such special edu-*
25 *cation, in order to comply with title VI of the Civil Rights*
26 *Act of 1964. For the purpose of this section an indirect re-*

1 *quirement of transportation of students includes the trans-*
 2 *portation of students to carry out a plan involving the reor-*
 3 *ganization of the grade structure of schools, the pairing of*
 4 *schools, or the clustering of schools, or any combination of*
 5 *grade restructuring, pairing or clustering. The prohibition*
 6 *described in this section does not include the establishment*
 7 *of magnet schools.*

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

11 *(TRANSFER OF FUNDS)*

12 *SEC. 304. Not to exceed 1 percent of any discretionary*
 13 *funds (pursuant to the Balanced Budget and Emergency*
 14 *Deficit Control Act of 1985, as amended) which are appro-*
 15 *priated for the Department of Education in this Act may*
 16 *be transferred between appropriations, but no such appro-*
 17 *priation shall be increased by more than 3 percent by any*
 18 *such transfer: Provided, That the Appropriations Commit-*
 19 *tees of both Houses of Congress are notified at least 15 days*
 20 *in advance of any transfer.*

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

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

10 *(b) Notwithstanding any other provision of law, feder-*
11 *ally connected children (as determined under section*
12 *8003(a) of the Elementary and Secondary Education Act*
13 *of 1965 (20 U.S.C. 7703(a))) who are in attendance in the*
14 *North Shore District 112, Township High School District*
15 *113, Glenview Public School District 34, and Glenbrook*
16 *High School District 225 described in subsection (a), shall*
17 *be considered to be in attendance in the North Chicago Com-*
18 *munity Unit School District 187 described in subsection (a)*
19 *for purposes of computing the amount that the North Chi-*
20 *cago Community Unit School District 187 is eligible to re-*
21 *ceive under subsection (b) or (d) of such section if—*

22 *(1) such school districts have entered into an*
23 *agreement for such students to be so considered and*
24 *for the equitable apportionment among all such school*
25 *districts of any amount received by the North Chicago*

1 *Community Unit School District 187 under such sec-*
2 *tion; and*

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

7 *SEC. 307. Notwithstanding any other provision of this*
8 *Act, \$2,000,000 shall be available for the Underground*
9 *Railroad Educational and Cultural Program. Amounts ap-*
10 *propriated under title III for administrative expenses shall*
11 *be reduced on a pro rata basis by \$2,000,000.*

12 *SEC. 308. No funds appropriated under this Act may*
13 *be used by the Secretary of Education to promulgate, imple-*
14 *ment, or enforce the evaluation for the Upward Bound Pro-*
15 *gram as announced in the Notice of Final Priority pub-*
16 *lished at 71 Fed. Reg. 55447–55450 (Sept. 22, 2006), until*
17 *after the Committee on Health, Education, Labor, and Pen-*
18 *sions of the Senate and the Committee on Education and*
19 *Labor of the House of Representatives have thoroughly ex-*
20 *amined such regulation in concert with the reauthorization*
21 *of the Higher Education Act of 1965.*

22 *SEC. 309. Notwithstanding any other provision of this*
23 *Act, the Secretary of Education shall, not later than Sep-*
24 *tember 30, 2008, submit to the appropriate committees of*

1 *Congress and post on the Internet website of the Department*
2 *of Education, a report concerning—*

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

7 (2) *the total number, and percentage, of such em-*
8 *ployees who have previously worked in a classroom as*
9 *a teacher or a teacher's assistant;*

10 (3) *of the employees who have worked in a class-*
11 *room, the average number of years of time spent as*
12 *an instructor;*

13 (4) *the total dollar amount, and overall percent-*
14 *age of the Department of Education funding, that is*
15 *expended—*

16 (A) *in the classroom;*

17 (B) *on student tuition assistance;*

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

20 (D) *on Congressionally directed spending*
21 *items, including the administrative costs of ad-*
22 *ministering such earmarks; and*

23 (5) *a listing of all of the programs run by the*
24 *Department of Education and the total budget and*

1 *most recent evaluation of each such program, and a*
2 *notation if no such evaluation has been conducted.*

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

10 *(b) SENSE OF THE SENATE REGARDING THE NA-*
11 *TIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009*
12 *SCIENCE TEST.—It is the sense of the Senate that—*

13 *(1) the National Assessment of Educational*
14 *Progress (NAEP) 2009 Science assessment should re-*
15 *fect the findings of the Senate described in subsection*
16 *(a) and those expressed in section 7026(a) of the*
17 *America Creating Opportunities to Meaningfully Pro-*
18 *mote Excellence in Technology, Education, and*
19 *Science Act; and*

20 *(2) the National Assessment Governing Board*
21 *(NAGB) should certify that the National Assessment*
22 *of Education Progress 2009 Science framework, speci-*
23 *fication, and assessment include extensive and ex-*
24 *PLICIT attention to inquiry.*

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

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

9 (2) *A list of individuals with experience in in-*
10 *quiry science education making the certification.*

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

14 (1) *\$6,000,000 to carry out the programs for*
15 *baccalaureate degrees in science, technology, engineer-*
16 *ing, mathematics, or critical foreign languages, with*
17 *concurrent teacher certification under section 6113 of*
18 *the America COMPETES Act (Public Law 110–69);*
19 *and*

20 (2) *\$4,000,000 to carry out the programs for*
21 *master’s degrees in science, technology, engineering,*
22 *and mathematics, or critical foreign language edu-*
23 *cation under section 6114 of the America COM-*
24 *PETES Act (Public Law 110–69).*

1 **(b)** *Notwithstanding any other provision of this Act,*
2 *amounts made available under this Act for the administra-*
3 *tion and related expenses for the departmental management*
4 *of the Department of Education, shall be reduced by*
5 *\$10,000,000.*

6 **SEC. 312.** *(a) The Secretary of Education shall update*
7 *the 2002 Department of Education and United States Se-*
8 *cret Service guidance entitled “Threat Assessment in*
9 *Schools: A Guide to Managing Threatening Situations and*
10 *to Creating Safe School Climates” to reflect the rec-*
11 *ommendations contained in the report entitled “Report to*
12 *the President On Issues Raised by the Virginia Tech Trag-*
13 *edy”, to include the need to provide schools with guidance*
14 *on how information can be shared legally under the regula-*
15 *tions issued under section 264(c) of the Health Insurance*
16 *Portability and Accountability Act and the Family Edu-*
17 *cational Rights and Privacy Act.*

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

23 **SEC. 313.** *(a) Not later than May 31, 2009, the Comp-*
24 *troller General of the United States shall submit a report*
25 *to Congress on the strategies utilized to assist students in*

1 *meeting State student academic achievement standards, in-*
2 *cluding achieving proficiency on State academic assess-*
3 *ments.*

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

11 *(1) Adjusting the structure of the school day,*
12 *which may include the expansion of the school day,*
13 *or modifications in the time spent on instruction in*
14 *core academic subjects.*

15 *(2) The professional development provided to*
16 *teachers or additional school personnel to assist low-*
17 *performing students.*

18 *(3) Changes in the provision of instruction to*
19 *students, including targeting low-performing students*
20 *for specialized instruction or tutoring.*

21 *(4) Utilizing types of instructional materials to*
22 *prepare students.*

23 *(5) Instituting other State or local assessments.*

24 *(6) Using other strategies to prepare students to*
25 *meet State student academic achievement standards*

1 *and achieve proficiency on State academic assess-*
2 *ments.*

3 *(c) The data collected pursuant to this section shall*
4 *be disaggregated by—*

5 *(1) schools with a high percentage of students eli-*
6 *gible for a free or reduced price lunch under the Rich-*
7 *ard B. Russell National School Lunch Act (42 U.S.C.*
8 *1751 et seq.);*

9 *(2) schools with a low percentage of students eli-*
10 *gible for a free or reduced price lunch under the Rich-*
11 *ard B. Russell National School Lunch Act (42 U.S.C.*
12 *1751 et seq.);*

13 *(3) schools with a student enrollment consisting*
14 *of a majority of racial and ethnic minority students;*

15 *(4) schools with a student enrollment consisting*
16 *of a majority of non-minority students;*

17 *(5) urban schools;*

18 *(6) suburban schools;*

19 *(7) rural schools; and*

20 *(8) schools identified as in need of improvement*
21 *under section 1116 of the Elementary and Secondary*
22 *Education Act of 1965 (20 U.S.C. 6316).*

23 *(d) The representative sample described in subsection*
24 *(b) shall be designed in such a manner as to provide valid,*

1 *reliable, and accurate information as well as sufficient sam-*
2 *ple sizes for each type of school described in subsection (c).*

3 *(e) The data collected under subsection (b) shall be re-*
4 *ported separately for the most common types of strategies,*
5 *in each of the categories listed in paragraphs (1) through*
6 *(6) of subsection (b), used by schools to prepare students*
7 *to meet State student academic achievement standards, in-*
8 *cluding achieving proficiency on State academic assess-*
9 *ments.*

10 *SEC. 314. Prior to January 1, 2008, the Secretary of*
11 *Education may not terminate any voluntary flexible agree-*
12 *ment under section 428A of the Higher Education Act of*
13 *1965 (20 U.S.C. 1078–1) that exists on the date of enact-*
14 *ment of this Act. With respect to an entity with which the*
15 *Secretary of Education has a voluntary flexible agreement*
16 *under section 428A of the Higher Education Act of 1965*
17 *(20 U.S.C. 1078–1) on the date of enactment of this Act*
18 *that is not cost neutral, if the Secretary terminates such*
19 *agreement after January 1, 2008, the Secretary of Edu-*
20 *cation shall, not later than December 31, 2008, negotiate*
21 *to enter, and enter, into a new voluntary flexible agreement*
22 *with such entity so that the agreement is cost neutral, unless*
23 *such entity does not want to enter into such agreement.*

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

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TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

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

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS,

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the programs, activities, and initiatives under provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (the 1973 Act) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act), \$804,489,000: Provided, That all prior year unobligated balances from the “Domestic Volunteer Service Programs, Operating Expenses” account shall be transferred to and merged with this appropriation: Provided further, That up to one percent of program grant funds may be used to defray costs of conducting grant application reviews, including the use of outside peer reviewers: Provided further, That none of the funds made available to the Corporation for Na-

1 *tional and Community Service in this Act for activities au-*
2 *thorized by section 122 of part C of title I and part E of*
3 *title II of the Domestic Volunteer Service Act of 1973 shall*
4 *be used to provide stipends or other monetary incentives*
5 *to program participants whose incomes exceed 125 percent*
6 *of the national poverty level: Provided further, That not*
7 *more than \$275,775,000 of the amount provided under this*
8 *heading shall be available for grants under the National*
9 *Service Trust Program authorized under subtitle C of title*
10 *I of the 1990 Act (42 U.S.C. 12571 et seq.) (relating to ac-*
11 *tivities of the AmeriCorps program), including grants to*
12 *organizations operating projects under the AmeriCorps*
13 *Education Awards Program (without regard to the require-*
14 *ments of sections 121(d) and (e), section 131(e), section 132,*
15 *and sections 140(a), (d), and (e) of the 1990 Act: Provided*
16 *further, That not less than \$117,720,000 of the amount pro-*
17 *vided under this heading, to remain available without fiscal*
18 *year limitation, shall be transferred to the National Service*
19 *Trust for educational awards authorized under subtitle D*
20 *of title I of the 1990 Act (42 U.S.C. 12601), of which up*
21 *to \$4,000,000 shall be available to support national service*
22 *scholarships for high school students performing community*
23 *service, and of which \$7,000,000 shall be held in reserve*
24 *as defined in Public Law 108–45: Provided further, That*
25 *in addition to amounts otherwise provided to the National*

1 *Service Trust under the fifth proviso, the Corporation may*
2 *transfer funds from the amount provided under the fourth*
3 *proviso, to the National Service Trust authorized under sub-*
4 *title D of title I of the 1990 Act (42 U.S.C. 12601) upon*
5 *determination that such transfer is necessary to support the*
6 *activities of national service participants and after notice*
7 *is transmitted to Congress: Provided further, That of the*
8 *amount provided under this heading for grants under the*
9 *National Service Trust program authorized under subtitle*
10 *C of title I of the Act, not more than \$65,000,000 may be*
11 *used to administer, reimburse, or support any national*
12 *service program authorized under section 121(d)(2) of such*
13 *Act (42 U.S.C. 12581(d)(2)): Provided further, That not-*
14 *withstanding section 501(a)(4) of the Act, of the funds pro-*
15 *vided under this heading, not more than \$12,516,000 shall*
16 *be made available to provide assistance to State commis-*
17 *sions on national and community service under section*
18 *126(a) of the 1990 Act: Provided further, That not more*
19 *than \$10,466,000 shall be available for quality and innova-*
20 *tion activities authorized under subtitle H of title I of the*
21 *1990 Act (42 U.S.C. 12853 et seq.): Provided further, That*
22 *notwithstanding subtitle H of title I of the 1990 Act (42*
23 *U.S.C. 12853), none of the funds provided under the pre-*
24 *vious proviso shall be used to support salaries and related*
25 *expenses (including travel) attributable to Corporation em-*

1 *ployees: Provided further, That \$31,789,000 of the funds*
2 *made available under this heading shall be available for the*
3 *Civilian Community Corps authorized under subtitle E of*
4 *title I of the 1990 Act (42 U.S.C. 12611 et seq.), of which*
5 *not less than \$5,000,000 shall be for the acquisition, renova-*
6 *tion, equipping and startup costs for a campus located in*
7 *Vinton, Iowa and a campus in Vicksburg, Mississippi.*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of administration as provided*
10 *under section 501(a)(4) of the National and Community*
11 *Service Act of 1990 (42 U.S.C. 12501 et seq.) and under*
12 *section 504(a) of the Domestic Volunteer Service Act of*
13 *1973, including payment of salaries, authorized travel, hire*
14 *of passenger motor vehicles, the rental of conference rooms*
15 *in the District of Columbia, the employment of experts and*
16 *consultants authorized under 5 U.S.C. 3109, and not to ex-*
17 *ceed \$2,500 for official reception and representation ex-*
18 *penses, \$69,520,000.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *For necessary expenses of the Office of Inspector Gen-*
21 *eral in carrying out the Inspector General Act of 1978, as*
22 *amended, \$6,900,000.*

23 *ADMINISTRATIVE PROVISIONS*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *Notwithstanding any other provision of law, the term*
26 *“qualified student loan” with respect to national service*

1 *education awards shall mean any loan determined by an*
2 *institution of higher education to be necessary to cover a*
3 *student's cost of attendance at such institution and made,*
4 *insured, or guaranteed directly to a student by a State*
5 *agency, in addition to other meanings under section*
6 *148(b)(7) of the National and Community Service Act.*

7 *Notwithstanding any other provision of law, funds*
8 *made available under section 129(d)(5)(B) of the National*
9 *and Community Service Act to assist entities in placing*
10 *applicants who are individuals with disabilities may be*
11 *provided to any entity that receives a grant under section*
12 *121 of the Act.*

13 *The Inspector General of the Corporation for National*
14 *and Community Service shall conduct random audits of the*
15 *grantees that administer activities under the AmeriCorps*
16 *programs and shall levy sanctions in accordance with*
17 *standard Inspector General audit resolution procedures*
18 *which include, but are not limited to, debarment of any*
19 *grantee (or successor in interest or any entity with substan-*
20 *tially the same person or persons in control) that has been*
21 *determined to have committed any substantial violations of*
22 *the requirements of the AmeriCorps programs, including*
23 *any grantee that has been determined to have violated the*
24 *prohibition of using Federal funds to lobby the Congress:*
25 *Provided, That the Inspector General shall obtain reim-*

1 *bursements in the amount of any misused funds from any*
2 *grantee that has been determined to have committed any*
3 *substantial violations of the requirements of the AmeriCorps*
4 *programs.*

5 *For fiscal year 2008, the Corporation shall make any*
6 *significant changes to program requirements or policy only*
7 *through public notice and comment rulemaking. For fiscal*
8 *year 2008, during any grant selection process, no officer*
9 *or employee of the Corporation shall knowingly disclose any*
10 *covered grant selection information regarding such selec-*
11 *tion, directly or indirectly, to any person other than an*
12 *officer or employee of the Corporation that is authorized*
13 *by the Corporation to receive such information.*

14 *Except as expressly provided herein, not to exceed 1*
15 *percent of any discretionary funds (pursuant to the Bal-*
16 *anced Budget and Emergency Deficit Control Act of 1985,*
17 *as amended) which are appropriated for the Corporation*
18 *in this Act may be transferred between activities identified*
19 *under this heading in the committee report accompanying*
20 *this Act, but no such activity shall be increased by more*
21 *than 3 percent by any such transfer: Provided, That the*
22 *Appropriations Committees of both Houses of Congress are*
23 *notified at least 15 days in advance of any transfer.*

1 *CORPORATION FOR PUBLIC BROADCASTING*

2 *For payment to the Corporation for Public Broad-*
3 *casting, as authorized by the Communications Act of 1934,*
4 *an amount which shall be available within limitations spec-*
5 *ified by that Act, for the fiscal year 2010, \$420,000,000:*
6 *Provided, That no funds made available to the Corporation*
7 *for Public Broadcasting by this Act shall be used to pay*
8 *for receptions, parties, or similar forms of entertainment*
9 *for Government officials or employees: Provided further,*
10 *That none of the funds contained in this paragraph shall*
11 *be available or used to aid or support any program or activ-*
12 *ity from which any person is excluded, or is denied benefits,*
13 *or is discriminated against, on the basis of race, color, na-*
14 *tional origin, religion, or sex: Provided further, That for*
15 *fiscal year 2008, in addition to the amounts provided above,*
16 *\$29,700,000 shall be for costs related to digital program*
17 *production, development, and distribution, associated with*
18 *the transition of public broadcasting to digital broad-*
19 *casting, to be awarded as determined by the Corporation*
20 *in consultation with public radio and television licensees*
21 *or permittees, or their designated representatives: Provided*
22 *further, That for fiscal year 2008, in addition to the*
23 *amounts provided above, \$26,750,000 shall be for the costs*
24 *associated with replacement and upgrade of the public*
25 *radio interconnection system: Provided further, That none*

1 *of the funds made available to the Corporation for Public*
2 *Broadcasting by this Act, Public Law 108–199 or Public*
3 *Law 108–7, shall be used to support the Television Future*
4 *Fund or any similar purpose.*

5 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

6 *SALARIES AND EXPENSES*

7 *For expenses necessary for the Federal Mediation and*
8 *Conciliation Service to carry out the functions vested in*
9 *it by the Labor Management Relations Act, 1947 (29 U.S.C.*
10 *171–180, 182–183), including hire of passenger motor vehi-*
11 *cles; for expenses necessary for the Labor-Management Co-*
12 *operation Act of 1978 (29 U.S.C. 175a); and for expenses*
13 *necessary for the Service to carry out the functions vested*
14 *in it by the Civil Service Reform Act, Public Law 95–454*
15 *(5 U.S.C. chapter 71), \$44,450,000, including \$400,000, to*
16 *remain available through September 30, 2009, for activities*
17 *authorized by the Labor-Management Cooperation Act of*
18 *1978 (29 U.S.C. 175a): Provided, That notwithstanding 31*
19 *U.S.C. 3302, fees charged, up to full-cost recovery, for spe-*
20 *cial training activities and other conflict resolution services*
21 *and technical assistance, including those provided to foreign*
22 *governments and international organizations, and for arbi-*
23 *tration services shall be credited to and merged with this*
24 *account, and shall remain available until expended: Pro-*
25 *vided further, That fees for arbitration services shall be*

1 *available only for education, training, and professional de-*
2 *velopment of the agency workforce: Provided further, That*
3 *the Director of the Service is authorized to accept and use*
4 *on behalf of the United States gifts of services and real, per-*
5 *sonal, or other property in the aid of any projects or func-*
6 *tions within the Director's jurisdiction.*

7 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

8 *COMMISSION*

9 *SALARIES AND EXPENSES*

10 *For expenses necessary for the Federal Mine Safety*
11 *and Health Review Commission (30 U.S.C. 801 et seq.),*
12 *\$8,096,000.*

13 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

14 *OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND*

15 *ADMINISTRATION*

16 *For carrying out the Museum and Library Services*
17 *Act of 1996, \$266,680,000: Provided, That \$8,680,000 shall*
18 *be available for the projects and in the amounts specified*
19 *in the committee report of the Senate accompanying this*
20 *Act: Provided further, That funds may be made available*
21 *for grants to Federal commissions that support museum*
22 *and library activities, in partnership with libraries and*
23 *museums that are eligible for funding under programs car-*
24 *ried out by the Institute of Museum and Library Services.*

1 *MEDICARE PAYMENT ADVISORY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For expenses necessary to carry out section 1805 of the*
4 *Social Security Act, \$10,748,000, to be transferred to this*
5 *appropriation from the Federal Hospital Insurance and the*
6 *Federal Supplementary Medical Insurance Trust Funds.*

7 *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*8 *SCIENCE*9 *SALARIES AND EXPENSES*

10 *For close out activities of the National Commission on*
11 *Libraries and Information Science, established by the Act*
12 *of July 20, 1970 (Public Law 91-345, as amended),*
13 *\$400,000.*

14 *NATIONAL COUNCIL ON DISABILITY*15 *SALARIES AND EXPENSES*

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

19 *NATIONAL LABOR RELATIONS BOARD*20 *SALARIES AND EXPENSES*

21 *For expenses necessary for the National Labor Rela-*
22 *tions Board to carry out the functions vested in it by the*
23 *Labor-Management Relations Act, 1947, as amended (29*
24 *U.S.C. 141-167), and other laws, \$256,988,000: Provided,*
25 *That no part of this appropriation shall be available to or-*

1 *ganize or assist in organizing agricultural laborers or used*
2 *in connection with investigations, hearings, directives, or*
3 *orders concerning bargaining units composed of agricul-*
4 *tural laborers as referred to in section 2(3) of the Act of*
5 *July 5, 1935 (29 U.S.C. 152), and as amended by the*
6 *Labor-Management Relations Act, 1947, as amended, and*
7 *as defined in section 3(f) of the Act of June 25, 1938 (29*
8 *U.S.C. 203), and including in said definition employees en-*
9 *gaged in the maintenance and operation of ditches, canals,*
10 *reservoirs, and waterways when maintained or operated on*
11 *a mutual, nonprofit basis and at least 95 percent of the*
12 *water stored or supplied thereby is used for farming pur-*
13 *poses.*

14 *NATIONAL MEDIATION BOARD*

15 *SALARIES AND EXPENSES*

16 *For expenses necessary to carry out the provisions of*
17 *the Railway Labor Act, as amended (45 U.S.C. 151–188),*
18 *including emergency boards appointed by the President,*
19 *\$12,992,000.*

20 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*

21 *COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the Occupational Safety*
24 *and Health Review Commission (29 U.S.C. 661),*
25 *\$10,696,000.*

1 *RAILROAD RETIREMENT BOARD*2 *DUAL BENEFITS PAYMENTS ACCOUNT*

3 *For payment to the Dual Benefits Payments Account,*
4 *authorized under section 15(d) of the Railroad Retirement*
5 *Act of 1974, \$79,000,000, which shall include amounts be-*
6 *coming available in fiscal year 2008 pursuant to section*
7 *224(c)(1)(B) of Public Law 98-76; and in addition, an*
8 *amount, not to exceed 2 percent of the amount provided*
9 *herein, shall be available proportional to the amount by*
10 *which the product of recipients and the average benefit re-*
11 *ceived exceeds \$97,000,000: Provided, That the total amount*
12 *provided herein shall be credited in 12 approximately equal*
13 *amounts on the first day of each month in the fiscal year.*

14 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*15 *ACCOUNTS*

16 *For payment to the accounts established in the Treas-*
17 *ury for the payment of benefits under the Railroad Retire-*
18 *ment Act for interest earned on unnegotiated checks,*
19 *\$150,000, to remain available through September 30, 2009,*
20 *which shall be the maximum amount available for payment*
21 *pursuant to section 417 of Public Law 98-76.*

22 *LIMITATION ON ADMINISTRATION*

23 *For necessary expenses for the Railroad Retirement*
24 *Board for administration of the Railroad Retirement Act*
25 *and the Railroad Unemployment Insurance Act,*
26 *\$103,694,000, to be derived in such amounts as determined*

1 *by the Board from the railroad retirement accounts and*
2 *from moneys credited to the railroad unemployment insur-*
3 *ance administration fund.*

4 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

5 *For expenses necessary for the Office of Inspector Gen-*
6 *eral for audit, investigatory and review activities, as au-*
7 *thorized by the Inspector General Act of 1978, as amended,*
8 *not more than \$8,000,000, to be derived from the railroad*
9 *retirement accounts and railroad unemployment insurance*
10 *account: Provided, That none of the funds made available*
11 *in any other paragraph of this Act may be transferred to*
12 *the Office; used to carry out any such transfer; used to pro-*
13 *vide any office space, equipment, office supplies, commu-*
14 *nications facilities or services, maintenance services, or ad-*
15 *ministrative services for the Office; used to pay any salary,*
16 *benefit, or award for any personnel of the Office; used to*
17 *pay any other operating expense of the Office; or used to*
18 *reimburse the Office for any service provided, or expense*
19 *incurred, by the Office: Provided further, That funds made*
20 *available under the heading in this Act, or subsequent De-*
21 *partments of Labor, Health and Human Services, and Edu-*
22 *cation, and Related Agencies Appropriations Acts, may be*
23 *used for any audit, investigation, or review of the Medicare*
24 *Program.*

1 *SOCIAL SECURITY ADMINISTRATION*2 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

3 *For payment to the Federal Old-Age and Survivors In-*
4 *surance and the Federal Disability Insurance trust funds,*
5 *as provided under sections 201(m), 228(g), and 1131(b)(2)*
6 *of the Social Security Act, \$28,140,000.*

7 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

8 *For carrying out titles XI and XVI of the Social Secu-*
9 *rity Act, section 401 of Public Law 92-603, section 212*
10 *of Public Law 93-66, as amended, and section 405 of Public*
11 *Law 95-216, including payment to the Social Security*
12 *trust funds for administrative expenses incurred pursuant*
13 *to section 201(g)(1) of the Social Security Act,*
14 *\$26,959,000,000, to remain available until expended: Pro-*
15 *vided, That any portion of the funds provided to a State*
16 *in the current fiscal year and not obligated by the State*
17 *during that year shall be returned to the Treasury.*

18 *For making, after June 15 of the current fiscal year,*
19 *benefit payments to individuals under title XVI of the So-*
20 *cial Security Act, for unanticipated costs incurred for the*
21 *current fiscal year, such sums as may be necessary.*

22 *For making benefit payments under title XVI of the*
23 *Social Security Act for the first quarter of fiscal year 2009,*
24 *\$14,800,000,000, to remain available until expended.*

1 *LIMITATION ON ADMINISTRATIVE EXPENSES*

2 *For necessary expenses, including the hire of two pas-*
3 *senger motor vehicles, and not to exceed \$15,000 for official*
4 *reception and representation expenses, not more than*
5 *\$9,372,953,000 may be expended, as authorized by section*
6 *201(g)(1) of the Social Security Act, from any one or all*
7 *of the trust funds referred to therein: Provided, That not*
8 *less than \$2,000,000 shall be for the Social Security Advi-*
9 *sory Board: Provided further, That unobligated balances of*
10 *funds provided under this paragraph at the end of fiscal*
11 *year 2008 not needed for fiscal year 2008 shall remain*
12 *available until expended to invest in the Social Security*
13 *Administration information technology and telecommuni-*
14 *cations hardware and software infrastructure, including re-*
15 *lated equipment and non-payroll administrative expenses*
16 *associated solely with this information technology and tele-*
17 *communications infrastructure: Provided further, That re-*
18 *imbursement to the trust funds under this heading for ex-*
19 *penditures for official time for employees of the Social Secu-*
20 *rity Administration pursuant to section 7131 of title 5,*
21 *United States Code, and for facilities or support services*
22 *for labor organizations pursuant to policies, regulations, or*
23 *procedures referred to in section 7135(b) of such title shall*
24 *be made by the Secretary of the Treasury, with interest,*
25 *from amounts in the general fund not otherwise appro-*

1 *priated, as soon as possible after such expenditures are*
2 *made.*

3 *From funds provided under the first paragraph, not*
4 *less than \$263,970,000 shall be available for conducting*
5 *continuing disability reviews under titles II and XVI of the*
6 *Social Security Act and for conducting redeterminations of*
7 *eligibility under title XVI of the Social Security Act.*

8 *In addition to amounts made available above, and sub-*
9 *ject to the same terms and conditions, \$213,000,000 shall*
10 *be available for additional continuing disability reviews*
11 *and redeterminations of eligibility.*

12 *In addition, \$135,000,000 to be derived from adminis-*
13 *tration fees in excess of \$5.00 per supplementary payment*
14 *collected pursuant to section 1616(d) of the Social Security*
15 *Act or section 212(b)(3) of Public Law 93-66, which shall*
16 *remain available until expended. To the extent that the*
17 *amounts collected pursuant to such section 1616(d) or*
18 *212(b)(3) in fiscal year 2008 exceed \$135,000,000, the*
19 *amounts shall be available in fiscal year 2009 only to the*
20 *extent provided in advance in appropriations Acts.*

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

1 *OFFICE OF INSPECTOR GENERAL*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For expenses necessary for the Office of Inspector Gen-*
4 *eral in carrying out the provisions of the Inspector General*
5 *Act of 1978, as amended, \$28,000,000, together with not to*
6 *exceed \$68,047,000, to be transferred and expended as au-*
7 *thorized by section 201(g)(1) of the Social Security Act from*
8 *the Federal Old-Age and Survivors Insurance Trust Fund*
9 *and the Federal Disability Insurance Trust Fund.*

10 *In addition, an amount not to exceed 3 percent of the*
11 *total provided in this appropriation may be transferred*
12 *from the “Limitation on Administrative Expenses”, Social*
13 *Security Administration, to be merged with this account,*
14 *to be available for the time and purposes for which this*
15 *account is available: Provided, That notice of such transfers*
16 *shall be transmitted promptly to the Committees on Appro-*
17 *priations of the House and Senate.*

18 *TITLE V*

19 *GENERAL PROVISIONS*

20 *SEC. 501. The Secretaries of Labor, Health and*
21 *Human Services, and Education are authorized to transfer*
22 *unexpended balances of prior appropriations to accounts*
23 *corresponding to current appropriations provided in this*
24 *Act: Provided, That such transferred balances are used for*
25 *the same purpose, and for the same periods of time, for*
26 *which they were originally appropriated.*

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

4 *SEC. 503. (a) No part of any appropriation contained*
5 *in this Act shall be used, other than for normal and recog-*
6 *nized executive-legislative relationships, for publicity or*
7 *propaganda purposes, for the preparation, distribution, or*
8 *use of any kit, pamphlet, booklet, publication, radio, tele-*
9 *vision, or video presentation designed to support or defeat*
10 *legislation pending before the Congress or any State legisla-*
11 *ture, except in presentation to the Congress or any State*
12 *legislature itself.*

13 *(b) No part of any appropriation contained in this*
14 *Act shall be used to pay the salary or expenses of any grant*
15 *or contract recipient, or agent acting for such recipient, re-*
16 *lated to any activity designed to influence legislation or ap-*
17 *propriations pending before the Congress or any State legis-*
18 *lature.*

19 *SEC. 504. The Secretaries of Labor and Education are*
20 *authorized to make available not to exceed \$28,000 and*
21 *\$20,000, respectively, from funds available for salaries and*
22 *expenses under titles I and III, respectively, for official re-*
23 *ception and representation expenses; the Director of the*
24 *Federal Mediation and Conciliation Service is authorized*
25 *to make available for official reception and representation*

1 *expenses not to exceed \$5,000 from the funds available for*
2 *“Salaries and expenses, Federal Mediation and Concilia-*
3 *tion Service”*; and the Chairman of the National Mediation
4 *Board is authorized to make available for official reception*
5 *and representation expenses not to exceed \$5,000 from funds*
6 *available for “Salaries and expenses, National Mediation*
7 *Board”*.

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

12 *SEC. 506. When issuing statements, press releases, re-*
13 *quests for proposals, bid solicitations and other documents*
14 *describing projects or programs funded in whole or in part*
15 *with Federal money, all grantees receiving Federal funds*
16 *included in this Act, including but not limited to State and*
17 *local governments and recipients of Federal research grants,*
18 *shall clearly state—*

19 (1) *the percentage of the total costs of the pro-*
20 *gram or project which will be financed with Federal*
21 *money;*

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

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

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

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

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

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

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

19 *(2) in the case where a woman suffers from a*
20 *physical disorder, physical injury, or physical illness,*
21 *including a life-endangering physical condition*
22 *caused by or arising from the pregnancy itself, that*
23 *would, as certified by a physician, place the woman*
24 *in danger of death unless an abortion is performed.*

1 (b) *Nothing in the preceding section shall be construed*
2 *as prohibiting the expenditure by a State, locality, entity,*
3 *or private person of State, local, or private funds (other*
4 *than a State’s or locality’s contribution of Medicaid match-*
5 *ing funds).*

6 (c) *Nothing in the preceding section shall be construed*
7 *as restricting the ability of any managed care provider*
8 *from offering abortion coverage or the ability of a State or*
9 *locality to contract separately with such a provider for such*
10 *coverage with State funds (other than a State’s or locality’s*
11 *contribution of Medicaid matching funds).*

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

19 (2) *In this subsection, the term “health care entity”*
20 *includes an individual physician or other health care pro-*
21 *fessional, a hospital, a provider-sponsored organization, a*
22 *health maintenance organization, a health insurance plan,*
23 *or any other kind of health care facility, organization, or*
24 *plan.*

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

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

5 *(2) research in which a human embryo or em-*
6 *bryos are destroyed, discarded, or knowingly subjected*
7 *to risk of injury or death greater than that allowed*
8 *for research on fetuses in utero under 45 CFR*
9 *46.204(b) and section 498(b) of the Public Health*
10 *Service Act (42 U.S.C. 289g(b)).*

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

17 *SEC. 510. (a) None of the funds made available in this*
18 *Act may be used for any activity that promotes the legaliza-*
19 *tion of any drug or other substance included in schedule*
20 *I of the schedules of controlled substances established by sec-*
21 *tion 202 of the Controlled Substances Act (21 U.S.C. 812).*

22 *(b) The limitation in subsection (a) shall not apply*
23 *when there is significant medical evidence of a therapeutic*
24 *advantage to the use of such drug or other substance or that*

1 *federally sponsored clinical trials are being conducted to de-*
2 *termine therapeutic advantage.*

3 *SEC. 511. None of the funds made available in this*
4 *Act may be used to promulgate or adopt any final standard*
5 *under section 1173(b) of the Social Security Act (42 U.S.C.*
6 *1320d–2(b)) providing for, or providing for the assignment*
7 *of, a unique health identifier for an individual (except in*
8 *an individual’s capacity as an employer or a health care*
9 *provider), until legislation is enacted specifically approving*
10 *the standard.*

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

14 *(1) such entity is otherwise a contractor with the*
15 *United States and is subject to the requirement in*
16 *section 4212(d) of title 38, United States Code, re-*
17 *garding submission of an annual report to the Sec-*
18 *retary of Labor concerning employment of certain vet-*
19 *erans; and*

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

23 *SEC. 513. None of the funds made available in this*
24 *Act may be transferred to any department, agency, or in-*
25 *strumentality of the United States Government, except pur-*

1 *suant to a transfer made by, or transfer authority provided*
2 *in, this Act or any other appropriation Act.*

3 *SEC. 514. None of the funds made available by this*
4 *Act to carry out the Library Services and Technology Act*
5 *may be made available to any library covered by paragraph*
6 *(1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as*
7 *amended by the Children’s Internet Protections Act, unless*
8 *such library has made the certifications required by para-*
9 *graph (4) of such section.*

10 *SEC. 515. None of the funds made available by this*
11 *Act to carry out part D of title II of the Elementary and*
12 *Secondary Education Act of 1965 may be made available*
13 *to any elementary or secondary school covered by para-*
14 *graph (1) of section 2441(a) of such Act (20 U.S.C.*
15 *6777(a)), as amended by the Children’s Internet Protections*
16 *Act and the No Child Left Behind Act, unless the local edu-*
17 *cational agency with responsibility for such covered school*
18 *has made the certifications required by paragraph (2) of*
19 *such section.*

20 *SEC. 516. None of the funds appropriated in this Act*
21 *may be used to enter into an arrangement under section*
22 *7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.*
23 *231f(b)(4)) with a nongovernmental financial institution to*
24 *serve as disbursing agent for benefits payable under the*
25 *Railroad Retirement Act of 1974.*

1 *SEC. 517. (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 Appropriations Committees of both Houses of*
20 *Congress are notified 15 days in advance of such re-*
21 *programming or of an announcement of intent relating to*
22 *such reprogramming, whichever occurs earlier.*

23 (b) *None of the funds provided under this Act, or pro-*
24 *vided under previous appropriations Acts to the agencies*
25 *funded by this Act that remain available for obligation or*

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

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

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

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

16 *unless the Appropriations Committees of both Houses of*
17 *Congress are notified 15 days in advance of such re-*
18 *programming or of an announcement of intent relating to*
19 *such reprogramming, whichever occurs earlier.*

20 SEC. 518. (a) *None of the funds made available in this*
21 *Act may be used to request that a candidate for appoint-*
22 *ment to a Federal scientific advisory committee disclose the*
23 *political affiliation or voting history of the candidate or*
24 *the position that the candidate holds with respect to polit-*

1 ical issues not directly related to and necessary for the work
2 of the committee involved.

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

6 SEC. 519. The Secretaries of Labor, Health and
7 Human Services, and Education shall each prepare and
8 submit to the Committees on Appropriations of the Senate
9 and of the House of Representatives a report on the number
10 and amount of contracts, grants, and cooperative agree-
11 ments exceeding \$100,000 in value and awarded by the De-
12 partment on a non-competitive basis during each quarter
13 of fiscal year 2008, but not to include grants awarded on
14 a formula basis. Such report shall include the name of the
15 contractor or grantee, the amount of funding, and the gov-
16 ernmental purpose. Such report shall be transmitted to the
17 Committees within 30 days after the end of the quarter for
18 which the report is submitted.

19 SEC. 520. Not later than 30 days after the date of en-
20 actment of this Act, the Departments, agencies, and com-
21 missions funded under this Act, shall establish and main-
22 tain on the homepages of their Internet websites—

23 (1) a direct link to the Internet websites of their
24 Offices of Inspectors General; and

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

6 *SEC. 521. None of the funds made available under this*
7 *Act may be used to circumvent any statutory or adminis-*
8 *trative formula-driven or competitive awarding process to*
9 *award funds to a project in response to a request from a*
10 *Member of Congress (or any employee of a Member or com-*
11 *mittee of Congress), unless the specific project has been dis-*
12 *closed in accordance with the rules of the Senate or House*
13 *of Representatives, as applicable.*

14 *SEC. 522. (a) Notwithstanding any other provision of*
15 *this Act, none of the funds made available under the head-*
16 *ing “OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS*
17 *AND ADMINISTRATION” under the heading “INSTITUTE OF*
18 *MUSEUM AND LIBRARY SERVICES” in title IV may be used*
19 *for the Bethel Performing Arts Center.*

20 *(b) The amount made available under the heading*
21 *“OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND*
22 *ADMINISTRATION” under the heading “INSTITUTE OF MU-*
23 *SEUM AND LIBRARY SERVICES” in title IV is reduced by*
24 *\$1,000,000, and the amount made available under the head-*
25 *ing “HEALTH RESOURCES AND SERVICES” under the head-*

1 *ing “HEALTH RESOURCES AND SERVICES ADMINISTRA-*
2 *TION” in title II is increased by \$336,500, which \$336,500*
3 *shall be used to carry out title V of the Social Security Act*
4 *(42 U.S.C. 701 et seq.), in order to provide additional fund-*
5 *ing for the maternal and child health services program car-*
6 *ried out under that title.*

7 *SEC. 523. None of the funds appropriated or otherwise*
8 *made available by this Act may be used to enter into a*
9 *contract in an amount greater than \$5,000,000 or to award*
10 *a grant in excess of such amount unless the prospective con-*
11 *tractor or grantee certifies in writing to the agency award-*
12 *ing the contract or grant that, to the best of its knowledge*
13 *and belief, the contractor or grantee has filed all Federal*
14 *tax returns required during the three years preceding the*
15 *certification, has not been convicted of a criminal offense*
16 *under the Internal Revenue Code of 1986, and has not, more*
17 *than 90 days prior to certification, been notified of any*
18 *unpaid Federal tax assessment for which the liability re-*
19 *mains unsatisfied, unless the assessment is the subject of*
20 *an installment agreement or offer in compromise that has*
21 *been approved by the Internal Revenue Service and is not*
22 *in default, or the assessment is the subject of a non-frivolous*
23 *administrative or judicial proceeding.*

24 *SEC. 524. (a) Notwithstanding any other provision of*
25 *this Act, the amount appropriated under the heading “LIMI-*

1 *TATION ON ADMINISTRATIVE EXPENSES” under the heading*
2 *“SOCIAL SECURITY ADMINISTRATION” shall be increased by*
3 *\$150,000,000.*

4 *(b) Section 1848(l)(2)(A) of the Social Security Act*
5 *(42 U.S.C. 1395w-4(l)(2)(A)), as amended by section 6 of*
6 *the TMA, Abstinence Education, and QI Programs Exten-*
7 *sion Act of 2007 (Public Law 110-90), is amended by strik-*
8 *ing “\$1,350,000,000” and inserting “\$1,200,000,000, but in*
9 *no case shall expenditures from the Fund in fiscal year*
10 *2008 exceed \$650,000,000” in the first sentence.*

11 *SEC. 525. (a) The Comptroller General of the United*
12 *States shall conduct a study to evaluate the Social Security*
13 *Administration’s plan to reduce the hearing backlog for dis-*
14 *ability claims at the Social Security Administration and*
15 *the Social Security Administration’s current and planned*
16 *initiatives to improve the disability process, as contained*
17 *in the report submitted to the Senate on September 13,*
18 *2007, pursuant to Senate Report 110-107.*

19 *(b) Not later than 5 months after the date of enactment*
20 *of this Act, the Comptroller General of the United States*
21 *shall submit to Congress a report on the study conducted*
22 *under subsection (a), together with such recommendations*
23 *as the Comptroller General determines appropriate.*

24 *SEC. 526. Not later than 9 months after the date of*
25 *enactment of this Act, the Government Accountability Office*

1 *shall submit a report to Congress that contains an assess-*
2 *ment of the process for hiring and managing administrative*
3 *law judges and makes recommendations on ways to improve*
4 *the hiring and management of administrative law judges.*

5 *SEC. 527. None of the funds appropriated or otherwise*
6 *made available in this Act or any other Act making appro-*
7 *priations to the agencies funded by this Act may be used*
8 *to close or otherwise cease to operate the field office of the*
9 *Social Security Administration located in Bristol, Con-*
10 *necticut, before the date on which the Commissioner of So-*
11 *cial Security submits to the appropriate committees of Con-*
12 *gress a comprehensive and detailed report outlining and*
13 *justifying the process for selecting field offices to be closed.*
14 *Such report shall include—*

15 *(1) a thorough analysis of the criteria used for*
16 *selecting field offices for closure and how the Commis-*
17 *sioner of Social Security analyzes and considers fac-*
18 *tors relating to transportation and communication*
19 *burdens faced by elderly and disabled citizens as a re-*
20 *sult of field office closures, including the extent to*
21 *which elderly citizens have access to, and competence*
22 *with, online services; and*

23 *(2) for each field office proposed to be closed dur-*
24 *ing fiscal year 2007 or 2008, including the office lo-*
25 *cated in Bristol, Connecticut, a thorough cost-benefit*

1 *analysis for each such closure that takes into*
2 *account—*

3 *(A) the savings anticipated as a result of*
4 *the closure;*

5 *(B) the anticipated burdens placed on elder-*
6 *ly and disabled citizens; and*

7 *(C) any costs associated with replacement*
8 *services and provisional contact stations.*

9 *SEC. 528. Notwithstanding any other provision of this*
10 *Act, none of the funds appropriated in this Act may be allo-*
11 *cated, directed, or otherwise made available to cities that*
12 *provide safe haven to illegal drug users through the use of*
13 *illegal drug injection facilities.*

14 *SEC. 529. Iraqi and Afghan aliens granted special im-*
15 *migrant status under section 101(a)(27) of the Immigration*
16 *and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible*
17 *for resettlement assistance, entitlement programs, and other*
18 *benefits available to refugees admitted under section 207 of*
19 *such Act (8 U.S.C. 1157) for a period not to exceed 6*
20 *months.*

21 *SEC. 530. None of the funds appropriated by this Act*
22 *may be used by the Commissioner of Social Security or the*
23 *Social Security Administration to pay the compensation of*
24 *employees of the Social Security Administration to admin-*
25 *ister Social Security benefit payments, under any agree-*

1 *ment between the United States and Mexico establishing to-*
2 *talization arrangements between the social security system*
3 *established by title II of the Social Security Act and the*
4 *social security system of Mexico, which would not otherwise*
5 *be payable but for such agreement.*

6 *SEC. 531. None of the funds appropriated in this Act*
7 *shall be expended or obligated by the Commissioner of So-*
8 *cial Security, for purposes of administering Social Security*
9 *benefit payments under title II of the Social Security Act,*
10 *to process claims for credit for quarters of coverage based*
11 *on work performed under a social security account number*
12 *that was not the claimant's number which is an offense pro-*
13 *hibited under section 208 of the Social Security Act (42*
14 *U.S.C. 408).*

15 *SEC. 532. AMERICAN COMPETITIVENESS SCHOLAR-*
16 *SHIP PROGRAM.—(a) SHORT TITLE.—This section may be*
17 *cited as the “American Competitiveness Scholarship Act of*
18 *2007”.*

19 *(b) ESTABLISHMENT.—The Director of the National*
20 *Science Foundation (referred to in this section as the “Di-*
21 *rector”)* shall award scholarships to eligible individuals to
22 enable such individuals to pursue associate, undergraduate,
23 or graduate level degrees in mathematics, engineering,
24 health care, or computer science.

25 *(c) ELIGIBILITY.—*

1 (1) *IN GENERAL.*—*To be eligible to receive a*
2 *scholarship under this section, an individual shall—*

3 (A) *be a citizen of the United States, a na-*
4 *tional of the United States (as defined in section*
5 *101(a) of the Immigration and Nationality Act*
6 *(8 U.S.C. 1101(a)), an alien admitted as a ref-*
7 *ugee under section 207 of such Act (8 U.S.C.*
8 *1157), or an alien lawfully admitted to the*
9 *United States for permanent residence;*

10 (B) *prepare and submit to the Director an*
11 *application at such time, in such manner, and*
12 *containing such information as the Director may*
13 *require; and*

14 (C) *certify to the Director that the indi-*
15 *vidual intends to use amounts received under the*
16 *scholarship to enroll or continue enrollment at*
17 *an institution of higher education (as defined in*
18 *section 101(a) of the Higher Education Act of*
19 *1965 (20 U.S.C. 1001(a)) in order to pursue an*
20 *associate, undergraduate, or graduate level de-*
21 *gree in mathematics, engineering, computer*
22 *science, nursing, medicine, or other clinical med-*
23 *ical program, or technology, or science program*
24 *designated by the Director.*

1 (2) *ABILITY*.—Awards of scholarships under this
2 section shall be made by the Director solely on the
3 basis of the ability of the applicant, except that in
4 any case in which 2 or more applicants for scholar-
5 ships are deemed by the Director to be possessed of
6 substantially equal ability, and there are not suffi-
7 cient scholarships available to grant one to each of
8 such applicants, the available scholarship or scholar-
9 ships shall be awarded to the applicants in a manner
10 that will tend to result in a geographically wide dis-
11 tribution throughout the United States of recipients'
12 places of permanent residence.

13 (d) *AMOUNT OF SCHOLARSHIP; RENEWAL*.—

14 (1) *AMOUNT OF SCHOLARSHIP*.—The amount of
15 a scholarship awarded under this section shall be
16 \$15,000 per year, except that no scholarship shall be
17 greater than the annual cost of tuition and fees at the
18 institution of higher education in which the scholar-
19 ship recipient is enrolled or will enroll.

20 (2) *RENEWAL*.—The Director may renew a schol-
21 arship under this section for an eligible individual for
22 not more than 4 years.

23 (e) *FUNDING*.—The Director shall carry out this sec-
24 tion only with funds made available under section 286(w)

1 *of the Immigration and Nationality Act, as added by sub-*
2 *section (g).*

3 (f) *FEDERAL REGISTER.*—*Not later than 60 days after*
4 *the date of the enactment of this Act, the Director shall pub-*
5 *lish in the Federal Register a list of eligible programs of*
6 *study for a scholarship under this section.*

7 (g) *SUPPLEMENTAL H-1B NONIMMIGRANT PETI-*
8 *TIONER ACCOUNT; GIFTED AND TALENTED STUDENTS*
9 *EDUCATION ACCOUNT.*—*Section 286 of the Immigration*
10 *and Nationality Act (8 U.S.C. 1356) is amended by adding*
11 *at the end the following:*

12 “(w) *SUPPLEMENTAL H-1B NONIMMIGRANT PETI-*
13 *TIONER ACCOUNT.*—

14 “(1) *IN GENERAL.*—*There is established in the*
15 *general fund of the Treasury a separate account,*
16 *which shall be known as the ‘Supplemental H-1B*
17 *Nonimmigrant Petitioner Account’.* *Notwithstanding*
18 *any other section of this Act, there shall be deposited*
19 *as offsetting receipts into the account 85.75 percent of*
20 *the fees collected under section 214(c)(15)(B).*

21 “(2) *USE OF FEES FOR AMERICAN COMPETITIVE-*
22 *NESS SCHOLARSHIP PROGRAM.*—*The amounts depos-*
23 *ited into the Supplemental H-1B Nonimmigrant Pe-*
24 *titioner Account shall remain available to the Direc-*
25 *tor of the National Science Foundation until ex-*

1 *pended for scholarships described in the American*
2 *Competitiveness Scholarship Act of 2007 for students*
3 *enrolled in a program of study leading to a degree in*
4 *mathematics, engineering, health care, or computer*
5 *science.*

6 “(x) *GIFTED AND TALENTED STUDENTS EDUCATION*
7 *ACCOUNT.—*

8 “(1) *IN GENERAL.—There is established in the*
9 *general fund of the Treasury a separate account,*
10 *which shall be known as the ‘Gifted and Talented*
11 *Students Education Account’. There shall be deposited*
12 *as offsetting receipts into the account 14.25 percent of*
13 *the fees collected under section 214(c)(15)(B).*

14 “(2) *USE OF FEES.—Amounts deposited into the*
15 *account established under paragraph (1) shall remain*
16 *available to the Secretary of Education until ex-*
17 *pended for programs and projects authorized under*
18 *the Jacob K. Javits Gifted and Talented Students*
19 *Education Act of 2001 (20 U.S.C. 7253 et seq.).”.*

20 (h) *SUPPLEMENTAL AND DEFICIT REDUCTION*
21 *FEES.—Section 214(c) of the Immigration and Nationality*
22 *Act (8 U.S.C. 1184(c)) is amended by adding at the end*
23 *the following:*

24 “(15)(A) *Except as provided under subpara-*
25 *graph (D), if the Attorney General, the Secretary of*

1 *Homeland Security, or the Secretary of State is re-*
2 *quired to impose a fee pursuant to paragraph (9) or*
3 *(11), the Attorney General, the Secretary of Home-*
4 *land Security, or the Secretary of State, as appro-*
5 *priate, shall impose a supplemental fee and a deficit*
6 *reduction fee on the employer in addition to any*
7 *other fee required by such paragraph or any other*
8 *provision of law, in the amounts determined under*
9 *subparagraph (B).*

10 *“(B) The amount of the supplemental fee shall be*
11 *\$3,500, except that the fee shall be 1/2 that amount for*
12 *any employer with not more than 25 full-time equiva-*
13 *lent employees who are employed in the United States*
14 *(determined by including any affiliate or subsidiary*
15 *of such employer).*

16 *“(C) Of the amounts collected under subpara-*
17 *graph (B)—*

18 *“(i) 85.75 percent shall be deposited in the*
19 *Treasury in accordance with section 286(w); and*

20 *“(ii) 14.25 percent shall be deposited in the*
21 *Treasury in accordance with section 286(x).*

22 *“(D) Public hospitals, which are owned and op-*
23 *erated by a State or a political subdivision of a State*
24 *shall not be subject to the supplemental fees imposed*
25 *under this paragraph.”.*

1 *SEC. 533. Section 106(d) of the American Competitive-*
2 *ness in the Twenty-first Century Act of 2000 (Public Law*
3 *106–313; 8 U.S.C. 1153 note) is amended—*

4 *(1) in paragraph (1)—*

5 *(A) by inserting “1996, 1997,” after “avail-*
6 *able in fiscal year”; and*

7 *(B) by inserting “group I,” after “schedule*
8 *A,”;*

9 *(2) in paragraph (2)(A), by inserting “1996,*
10 *1997, and” after “available in fiscal years”; and*

11 *(3) by adding at the end the following:*

12 *“(4) PETITIONS.—The Secretary of Homeland*
13 *Security shall provide a process for reviewing and*
14 *acting upon petitions with respect to immigrants de-*
15 *scribed in schedule A not later than 30 days after the*
16 *date on which a completed petition has been filed.”.*

17 *SEC. 534. (a) FEE FOR RECAPTURE OF UNUSED EM-*
18 *PLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of*
19 *the American Competitiveness in the Twenty-first Century*
20 *Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as*
21 *amended by section 521, is further amended by adding at*
22 *the end the following:*

23 *“(5) FEE FOR RECAPTURE OF UNUSED EMPLOY-*
24 *MENT-BASED IMMIGRANT VISAS.—*

1 “(A) *IN GENERAL.*—*The Secretary of Home-*
2 *land Security shall impose a fee upon each peti-*
3 *tioning employer who uses a visa recaptured*
4 *from fiscal years 1996 and 1997 under this sub-*
5 *section to provide employment for an alien as a*
6 *professional nurse, provided that—*

7 “(i) *such fee shall be in the amount of*
8 *\$1,500 for each such alien nurse (but not*
9 *for dependents accompanying or following*
10 *to join who are not professional nurses);*
11 *and*

12 “(ii) *no fee shall be imposed for the use*
13 *of such visas if the employer demonstrates*
14 *to the Secretary that—*

15 “(I) *the employer is a health care*
16 *facility that is located in a county or*
17 *parish that received individual and*
18 *public assistance pursuant to Major*
19 *Disaster Declaration number 1603 or*
20 *1607; or*

21 “(II) *the employer is a health care*
22 *facility that has been designated as a*
23 *Health Professional Shortage Area fa-*
24 *cility by the Secretary of Health and*
25 *Human Services as defined in section*

1 *332 of the Public Health Service Act*
2 *(42 U.S.C. 254e).*

3 “(B) *FEE COLLECTION.*—*A fee imposed by*
4 *the Secretary of Homeland Security pursuant to*
5 *this paragraph shall be collected by the Secretary*
6 *as a condition of approval of an application for*
7 *adjustment of status by the beneficiary of a peti-*
8 *tion or by the Secretary of State as a condition*
9 *of issuance of a visa to such beneficiary.”.*

10 (b) *CAPITATION GRANTS TO INCREASE THE NUMBER*
11 *OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING*
12 *ENHANCEMENT ACCOUNT.*—*Part D of title VIII of the Pub-*
13 *lic Health Service Act (42 U.S.C. 296p et seq.) is amended*
14 *by adding at the end the following:*

15 “**SEC. 832. CAPITATION GRANTS.**

16 “(a) *IN GENERAL.*—*For the purpose described in sub-*
17 *section (b), the Secretary, acting through the Health Re-*
18 *sources and Services Administration, shall award a grant*
19 *each fiscal year in an amount determined in accordance*
20 *with subsection (c) to each eligible school of nursing that*
21 *submits an application in accordance with this section.*

22 “(b) *PURPOSE.*—*A funding agreement for a grant*
23 *under this section is that the eligible school of nursing in-*
24 *volved will expend the grant to increase the number of nurs-*
25 *ing faculty and students at the school, including by hiring*

1 *new faculty, retaining current faculty, purchasing edu-*
2 *cational equipment and audiovisual laboratories, enhanc-*
3 *ing clinical laboratories, repairing and expanding infra-*
4 *structure, or recruiting students.*

5 “(c) *GRANT COMPUTATION.*—

6 “(1) *AMOUNT PER STUDENT.*—Subject to para-
7 *graph (2), the amount of a grant to an eligible school*
8 *of nursing under this section for a fiscal year shall*
9 *be the total of the following:*

10 “(A) *\$1,800 for each full-time or part-time*
11 *student who is enrolled at the school in a grad-*
12 *uate program in nursing that—*

13 “(i) *leads to a master’s degree, a doc-*
14 *toral degree, or an equivalent degree; and*

15 “(ii) *prepares individuals to serve as*
16 *faculty through additional course work in*
17 *education and ensuring competency in an*
18 *advanced practice area.*

19 “(B) *\$1,405 for each full-time or part-time*
20 *student who—*

21 “(i) *is enrolled at the school in a pro-*
22 *gram in nursing leading to a bachelor of*
23 *science degree, a bachelor of nursing degree,*
24 *a graduate degree in nursing if such pro-*

1 *gram does not meet the requirements of sub-*
2 *paragraph (A), or an equivalent degree; and*

3 *“(ii) has not more than 3 years of aca-*
4 *demie credits remaining in the program.*

5 *“(C) \$966 for each full-time or part-time*
6 *student who is enrolled at the school in a pro-*
7 *gram in nursing leading to an associate degree*
8 *in nursing or an equivalent degree.*

9 *“(2) LIMITATION.—In calculating the amount of*
10 *a grant to a school under paragraph (1), the Sec-*
11 *retary may not make a payment with respect to a*
12 *particular student—*

13 *“(A) for more than 2 fiscal years in the case*
14 *of a student described in paragraph (1)(A) who*
15 *is enrolled in a graduate program in nursing*
16 *leading to a master’s degree or an equivalent de-*
17 *gree;*

18 *“(B) for more than 4 fiscal years in the*
19 *case of a student described in paragraph (1)(A)*
20 *who is enrolled in a graduate program in nurs-*
21 *ing leading to a doctoral degree or an equivalent*
22 *degree;*

23 *“(C) for more than 3 fiscal years in the case*
24 *of a student described in paragraph (1)(B); or*

1 “(D) for more than 2 fiscal years in the
2 case of a student described in paragraph (1)(C).

3 “(d) *ELIGIBILITY.*—In this section, the term ‘eligible
4 school of nursing’ means a school of nursing that—

5 “(1) is accredited by a nursing accrediting agen-
6 cy recognized by the Secretary of Education;

7 “(2) has a passage rate on the National Council
8 Licensure Examination for Registered Nurses of not
9 less than 80 percent for each of the 3 academic years
10 preceding submission of the grant application; and

11 “(3) has a graduation rate (based on the number
12 of students in a class who graduate relative to, for a
13 baccalaureate program, the number of students who
14 were enrolled in the class at the beginning of junior
15 year or, for an associate degree program, the number
16 of students who were enrolled in the class at the end
17 of the first year) of not less than 80 percent for each
18 of the 3 academic years preceding submission of the
19 grant application.

20 “(e) *REQUIREMENTS.*—The Secretary may award a
21 grant under this section to an eligible school of nursing only
22 if the school gives assurances satisfactory to the Secretary
23 that, for each academic year for which the grant is awarded,
24 the school will comply with the following:

1 “(1) *The school will maintain a passage rate on*
2 *the National Council Licensure Examination for Reg-*
3 *istered Nurses of not less than 80 percent.*

4 “(2) *The school will maintain a graduation rate*
5 *(as described in subsection (d)(3)) of not less than 80*
6 *percent.*

7 “(3)(A) *Subject to subparagraphs (B) and (C),*
8 *the first-year enrollment of full-time nursing students*
9 *in the school will exceed such enrollment for the pre-*
10 *ceding academic year by 5 percent or 5 students,*
11 *whichever is greater.*

12 “(B) *Subparagraph (A) shall not apply to the*
13 *first academic year for which a school receives a*
14 *grant under this section.*

15 “(C) *With respect to any academic year, the Sec-*
16 *retary may waive application of subparagraph (A)*
17 *if—*

18 “(i) *the physical facilities at the school in-*
19 *volved limit the school from enrolling additional*
20 *students; or*

21 “(ii) *the school has increased enrollment in*
22 *the school (as described in subparagraph (A)) for*
23 *each of the 2 preceding academic years.*

24 “(4) *Not later than 1 year after receiving a*
25 *grant under this section, the school will formulate and*

1 *implement a plan to accomplish at least 2 of the fol-*
2 *lowing:*

3 “(A) *Establishing or significantly expand-*
4 *ing an accelerated baccalaureate degree nursing*
5 *program designed to graduate new nurses in 12*
6 *to 18 months.*

7 “(B) *Establishing cooperative*
8 *intradisciplinary education among schools of*
9 *nursing with a view toward shared use of techno-*
10 *logical resources, including information tech-*
11 *nology.*

12 “(C) *Establishing cooperative interdiscipli-*
13 *nary training between schools of nursing and*
14 *schools of allied health, medicine, dentistry, oste-*
15 *opathy, optometry, podiatry, pharmacy, public*
16 *health, or veterinary medicine, including train-*
17 *ing for the use of the interdisciplinary team ap-*
18 *proach to the delivery of health services.*

19 “(D) *Integrating core competencies on evi-*
20 *dence-based practice, quality improvements, and*
21 *patient-centered care.*

22 “(E) *Increasing admissions, enrollment,*
23 *and retention of qualified individuals who are fi-*
24 *nancially disadvantaged.*

1 “(F) Increasing enrollment of minority and
2 diverse student populations.

3 “(G) Increasing enrollment of new graduate
4 baccalaureate nursing students in graduate pro-
5 grams that educate nurse faculty members.

6 “(H) Developing post-baccalaureate resi-
7 dency programs to prepare nurses for practice in
8 specialty areas where nursing shortages are most
9 severe.

10 “(I) Increasing integration of geriatric con-
11 tent into the core curriculum.

12 “(J) Partnering with economically dis-
13 advantaged communities to provide nursing edu-
14 cation.

15 “(K) Expanding the ability of nurse man-
16 aged health centers to provide clinical education
17 training sites to nursing students.

18 “(5) The school will submit an annual report to
19 the Secretary that includes updated information on
20 the school with respect to student enrollment, student
21 retention, graduation rates, passage rates on the Na-
22 tional Council Licensure Examination for Registered
23 Nurses, the number of graduates employed as nursing
24 faculty or nursing care providers within 12 months
25 of graduation, and the number of students who are

1 *accepted into graduate programs for further nursing*
2 *education.*

3 “(6) *The school will allow the Secretary to make*
4 *on-site inspections, and will comply with the Sec-*
5 *retary’s requests for information, to determine the ex-*
6 *tent to which the school is complying with the re-*
7 *quirements of this section.*

8 “(f) *REPORTS TO CONGRESS.—The Secretary shall*
9 *evaluate the results of grants under this section and submit*
10 *to Congress—*

11 “(1) *not later than 18 months after the date of*
12 *the enactment of this section, an interim report on*
13 *such results; and*

14 “(2) *not later than September 30, 2010, a final*
15 *report on such results.*

16 “(g) *APPLICATION.—An eligible school of nursing seek-*
17 *ing a grant under this section shall submit an application*
18 *to the Secretary at such time, in such manner, and con-*
19 *taining such information and assurances as the Secretary*
20 *may require.*

21 “(h) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
22 *tion to the amounts in the Domestic Nursing Enhancement*
23 *Account, established under section 833, there are authorized*
24 *to be appropriated such sums as may be necessary to carry*
25 *out this section.*

1 **“SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.**

2 “(a) *ESTABLISHMENT.*—*There is established in the*
3 *general fund of the Treasury a separate account which shall*
4 *be known as the ‘Domestic Nursing Enhancement Account.’*
5 *Notwithstanding any other provision of law, there shall be*
6 *deposited as offsetting receipts into the account all fees col-*
7 *lected under section 106(d)(5) of the American Competitive-*
8 *ness in the Twenty-first Century Act of 2000 (Public Law*
9 *106–313; 8 U.S.C. 1153 note). Nothing in this subsection*
10 *shall prohibit the depositing of other moneys into the ac-*
11 *count established under this section.*

12 “(b) *USE OF FUNDS.*—*Amounts collected under section*
13 *106(d)(5) of the American Competitiveness in the Twenty-*
14 *first Century Act of 2000, and deposited into the account*
15 *established under subsection (a) shall be used by the Sec-*
16 *retary of Health and Human Services to carry out section*
17 *832. Such amounts shall be available for obligation only*
18 *to the extent, and in the amount, provided in advance in*
19 *appropriations Acts. Such amounts are authorized to re-*
20 *main available until expended.”.*

21 (c) *GLOBAL HEALTH CARE COOPERATION.*—

22 (1) *IN GENERAL.*—*Title III of the Immigration*
23 *and Nationality Act (8 U.S.C. 1401 et seq.) is amend-*
24 *ed by inserting after section 317 the following:*

1 **“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING**
2 **HEALTH CARE IN DEVELOPING COUNTRIES.**

3 *“(a) IN GENERAL.—Notwithstanding any other provi-*
4 *sion of this Act, the Secretary of Homeland Security shall*
5 *allow an eligible alien and the spouse or child of such alien*
6 *to reside in a candidate country during the period that the*
7 *eligible alien is working as a physician or other health care*
8 *worker in a candidate country. During such period the eli-*
9 *gible alien and such spouse or child shall be considered—*

10 *“(1) to be physically present and residing in the*
11 *United States for purposes of naturalization under*
12 *section 316(a); and*

13 *“(2) to meet the continuous residency require-*
14 *ments under section 316(b).*

15 *“(b) DEFINITIONS.—In this section:*

16 *“(1) CANDIDATE COUNTRY.—The term ‘candidate*
17 *country’ means a country that the Secretary of State*
18 *determines to be—*

19 *“(A) eligible for assistance from the Inter-*
20 *national Development Association, in which the*
21 *per capita income of the country is equal to or*
22 *less than the historical ceiling of the Inter-*
23 *national Development Association for the appli-*
24 *cable fiscal year, as defined by the International*
25 *Bank for Reconstruction and Development;*

1 “(B) *classified as a lower middle income*
2 *country in the then most recent edition of the*
3 *World Development Report for Reconstruction*
4 *and Development published by the International*
5 *Bank for Reconstruction and Development and*
6 *having an income greater than the historical*
7 *ceiling for International Development Associa-*
8 *tion eligibility for the applicable fiscal year; or*

9 “(C) *qualified to be a candidate country*
10 *due to special circumstances, including natural*
11 *disasters or public health emergencies.*

12 “(2) *ELIGIBLE ALIEN.—The term ‘eligible alien’*
13 *means an alien who—*

14 “(A) *has been lawfully admitted to the*
15 *United States for permanent residence; and*

16 “(B) *is a physician or other healthcare*
17 *worker.*

18 “(c) *CONSULTATION.—The Secretary of Homeland Se-*
19 *curity shall consult with the Secretary of State in carrying*
20 *out this section.*

21 “(d) *PUBLICATION.—The Secretary of State shall*
22 *publish—*

23 “(1) *not later than 180 days after the date of the*
24 *enactment of this section, a list of candidate coun-*
25 *tries;*

1 “(2) *an updated version of the list required by*
2 *paragraph (1) not less often than once each year; and*

3 “(3) *an amendment to the list required by para-*
4 *graph (1) at the time any country qualifies as a can-*
5 *didate country due to special circumstances under*
6 *subsection (b)(1)(C).”.*

7 (2) *RULEMAKING.—*

8 (A) *REQUIREMENT.—Not later than 180*
9 *days after the date of the enactment of this Act,*
10 *the Secretary of Homeland Security shall pro-*
11 *mulgate regulations to carry out the amendments*
12 *made by this subsection.*

13 (B) *CONTENT.—The regulations promul-*
14 *gated pursuant to paragraph (1) shall—*

15 (i) *permit an eligible alien (as defined*
16 *in section 317A of the Immigration and*
17 *Nationality Act, as added by paragraph*
18 *(1)) and the spouse or child of the eligible*
19 *alien to reside in a foreign country to work*
20 *as a physician or other healthcare worker as*
21 *described in subsection (a) of such section*
22 *317A for not less than a 12-month period*
23 *and not more than a 24-month period, and*
24 *shall permit the Secretary to extend such*
25 *period for an additional period not to ex-*

1 *ceed 12 months, if the Secretary determines*
2 *that such country has a continuing need for*
3 *such a physician or other healthcare worker;*

4 *(ii) provide for the issuance of docu-*
5 *ments by the Secretary to such eligible*
6 *alien, and such spouse or child, if appro-*
7 *priate, to demonstrate that such eligible*
8 *alien, and such spouse or child, if appro-*
9 *priate, is authorized to reside in such coun-*
10 *try under such section 317A; and*

11 *(iii) provide for an expedited process*
12 *through which the Secretary shall review*
13 *applications for such an eligible alien to re-*
14 *side in a foreign country pursuant to sub-*
15 *section (a) of such section 317A if the Sec-*
16 *retary of State determines a country is a*
17 *candidate country pursuant to subsection*
18 *(b)(1)(C) of such section 317A.*

19 (3) *TECHNICAL AND CONFORMING AMEND-*
20 *MENTS.—*

21 (A) *DEFINITION.—Section 101(a)(13)(C)(ii)*
22 *of the Immigration and Nationality Act (8*
23 *U.S.C. 1101(a)(13)(C)(ii)) is amended by adding*
24 *at the end the following: “except in the case of*
25 *an eligible alien, or the spouse or child of such*

1 *alien, who is authorized to be absent from the*
2 *United States under section 317A,”.*

3 (B) *DOCUMENTARY REQUIREMENTS.—Section*
4 *211(b) of such Act (8 U.S.C. 1181(b)) is*
5 *amended by inserting “, including an eligible*
6 *alien authorized to reside in a foreign country*
7 *under section 317A and the spouse or child of*
8 *such eligible alien, if appropriate,” after*
9 *“101(a)(27)(A),”.*

10 (C) *INELIGIBLE ALIENS.—Section*
11 *212(a)(7)(A)(i)(I) of such Act (8 U.S.C.*
12 *1182(a)(7)(A)(i)(I)) is amended by inserting*
13 *“other than an eligible alien authorized to reside*
14 *in a foreign country under section 317A and the*
15 *spouse or child of such eligible alien, if appro-*
16 *priate,” after “Act,”.*

17 (D) *CLERICAL AMENDMENT.—The table of*
18 *contents of such Act is amended by inserting*
19 *after the item relating to section 317 the fol-*
20 *lowing:*

 “Sec. 317A. *Temporary absence of aliens providing health care in developing*
 countries.”.

21 (4) *AUTHORIZATION OF APPROPRIATIONS.—*
22 *There are authorized to be appropriated to U.S. Citi-*
23 *zenship and Immigration Services such sums as may*

1 *be necessary to carry out this subsection and the*
2 *amendments made by this subsection.*

3 *(d) ATTESTATION BY HEALTH CARE WORKERS.—*

4 *(1) ATTESTATION REQUIREMENT.—Section*
5 *212(a)(5) of the Immigration and Nationality Act (8*
6 *U.S.C. 1182(a)(5)) is amended by adding at the end*
7 *the following:*

8 *“(E) HEALTH CARE WORKERS WITH OTHER*
9 *OBLIGATIONS.—*

10 *“(i) IN GENERAL.—An alien who seeks*
11 *to enter the United States for the purpose of*
12 *performing labor as a physician or other*
13 *health care worker is inadmissible unless*
14 *the alien submits to the Secretary of Home-*
15 *land Security or the Secretary of State, as*
16 *appropriate, an attestation that the alien is*
17 *not seeking to enter the United States for*
18 *such purpose during any period in which*
19 *the alien has an outstanding obligation to*
20 *the government of the alien’s country of ori-*
21 *gin or the alien’s country of residence.*

22 *“(ii) OBLIGATION DEFINED.—In this*
23 *subparagraph, the term ‘obligation’ means*
24 *an obligation incurred as part of a valid,*
25 *voluntary individual agreement in which*

1 *the alien received financial assistance to de-*
2 *fray the costs of education or training to*
3 *qualify as a physician or other health care*
4 *worker in consideration for a commitment*
5 *to work as a physician or other health care*
6 *worker in the alien's country of origin or*
7 *the alien's country of residence.*

8 “(iii) *WAIVER.*—*The Secretary of*
9 *Homeland Security may waive a finding of*
10 *inadmissibility under clause (i) if the Sec-*
11 *retary determines that—*

12 “(I) *the obligation was incurred*
13 *by coercion or other improper means;*

14 “(II) *the alien and the govern-*
15 *ment of the country to which the alien*
16 *has an outstanding obligation have*
17 *reached a valid, voluntary agreement,*
18 *pursuant to which the alien's obliga-*
19 *tion has been deemed satisfied, or the*
20 *alien has shown to the satisfaction of*
21 *the Secretary that the alien has been*
22 *unable to reach such an agreement be-*
23 *cause of coercion or other improper*
24 *means; or*

1 “(III) the obligation should not be
2 enforced due to other extraordinary
3 circumstances, including undue hard-
4 ship that would be suffered by the alien
5 in the absence of a waiver.”.

6 (2) *EFFECTIVE DATE; APPLICATION.*—

7 (A) *EFFECTIVE DATE.*—The amendment
8 made by paragraph (1) shall take effect on the
9 date that is 180 days after the date of the enact-
10 ment of this Act.

11 (B) *APPLICATION BY THE SECRETARY.*—Not
12 later than the effective date described in subpara-
13 graph (A), the Secretary of Homeland Security
14 shall begin to carry out subparagraph (E) of sec-
15 tion 212(a)(5) of the Immigration and Nation-
16 ality Act, as added by paragraph (1), including
17 the requirement for the attestation and the
18 granting of a waiver described in clause (iii) of
19 such subparagraph (E), regardless of whether
20 regulations to implement such subparagraph
21 have been promulgated.

22 SEC. 535. None of the funds made available under this
23 Act may be used to purchase first class or premium airline
24 travel that would not be consistent with sections 301–10.123

1 *and 301–10.124 of title 41 of the Code of Federal Regula-*
2 *tions.*

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

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 3043

AMENDMENT