

110TH CONGRESS
1ST SESSION

H. R. 3043

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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:

6 TITLE I—DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 (INCLUDING RESCISSIONS)

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

18 (1) For grants to States for adult employment
19 and training activities, youth activities, and dis-
20 located worker employment and training activities,
21 \$2,994,510,000 as follows:

22 (A) \$864,199,000 for adult employment
23 and training activities, of which \$152,199,000
24 is available for the period July 1, 2008, to June
25 30, 2009, and of which \$712,000,000 is avail-

1 able for the period October 1, 2008, through
2 June 30, 2009.

3 (B) \$940,500,000 for youth activities,
4 which shall be available for the period April 1,
5 2008, through June 30, 2009.

6 (C) \$1,189,811,000 for dislocated worker
7 employment and training activities, of which
8 \$341,811,000 is available for the period July 1,
9 2008, through June 30, 2009, and of which
10 \$848,000,000 is available for the period Octo-
11 ber 1, 2008, through June 30, 2009: *Provided,*
12 That notwithstanding the transfer limitation
13 under section 133(b)(4) of such Act (29 U.S.C.
14 2863(B)(4)), up to 30 percent of such funds
15 may be transferred by a local board if approved
16 by the Governor.

17 (2) For federally administered programs,
18 \$483,213,000 as follows:

19 (A) \$282,092,000 for the dislocated work-
20 ers assistance national reserve, of which
21 \$2,600,000 is available on October 1, 2007, of
22 which \$67,492,000 is available for the period
23 July 1, 2008, through June 30, 2009, and of
24 which \$212,000,000 is available for the period
25 October 1, 2008, through June 30, 2009: *Pro-*

1 *vided*, That up to \$125,000,000 may be made
2 available for Community-Based Job Training
3 grants: *Provided further*, That funds provided
4 to carry out section 132(a)(2)(A) of the Act (29
5 U.S.C. 2862(A)(2)(a)) may be used to provide
6 assistance to a State for State-wide or local use
7 in order to address cases where there have been
8 worker dislocations across multiple sectors or
9 across multiple local areas and such workers re-
10 main dislocated; coordinate the State workforce
11 development plan with emerging economic de-
12 velopment needs; and train such eligible dis-
13 located workers: *Provided further*, That funds
14 provided to carry out section 171(d) of the Act
15 (29 U.S.C. 2916(d)) may be used for dem-
16 onstration projects that provide assistance to
17 new entrants in the workforce and incumbent
18 workers: *Provided further*, That \$2,600,000
19 shall be for a noncompetitive grant to the Na-
20 tional Center on Education and the Economy,
21 which shall be awarded not later than 30 days
22 after the date of enactment of this Act.

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

1 (C) \$83,740,000 for migrant and seasonal
2 farmworkers under section 167 of the Act (29
3 U.S.C. 2912), of which \$78,740,000 is for for-
4 mula grants (of which not less than 70 percent
5 shall be for employment and training services)
6 and \$5,000,000 is for migrant and seasonal
7 housing (of which not less than 70 percent shall
8 be for permanent housing), which shall be avail-
9 able for the period July 1, 2008, through June
10 30, 2009.

11 (D) \$60,000,000 for YouthBuild activities
12 under section 173A of the Act (29 U.S.C.
13 2918a), which shall be available for the period
14 April 1, 2008, through June 30, 2009.

15 (E) \$1,000,000 for carrying out the
16 Women in Apprenticeship and Nontraditional
17 Occupations Act (29 U.S.C. 2501 et seq.),
18 which shall be available for the period July 1,
19 2008, through June 30, 2009.

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

23 (A) \$68,746,000 for ex-offender activities,
24 under the authority of section 171 of the Act
25 (29 U.S.C. 2916), notwithstanding the require-

1 ments of sections 171(b)(2)(B) or 171(c)(4)(D)
2 of such section, of which not less than
3 \$48,000,000 shall be for youthful offender ac-
4 tivities.

5 (B) \$28,140,000 for Pilots, Demonstra-
6 tions, and Research (notwithstanding the re-
7 quirements of sections 171(b)(2)(B) or
8 171(c)(4)(D) of the Act (29 U.S.C.
9 2916(b)(2)(B) or (c)(4)(D)), of which
10 \$10,000,000 shall be for grants to address the
11 employment and training needs of young par-
12 ents.

13 (C) \$4,921,000 for Evaluation under the
14 authority of section 172 of the Act (29 U.S.C.
15 2917).

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

19 Of the unexpended balances, including recaptures
20 and carryover, remaining from funds appropriated to the
21 Department of Labor under this heading for fiscal years
22 2006 and prior years, \$335,000,000 is rescinded.

1 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
2 AMERICANS

3 To carry out title V of the Older Americans Act of
4 1965, \$530,900,000, which shall be available for the pe-
5 riod July 1, 2008, through June 30, 2009.

6 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

18 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
19 SERVICE OPERATIONS

20 For authorized administrative expenses,
21 \$85,945,000, together with not to exceed \$3,256,669,000
22 which may be expended from the employment security ad-
23 ministration account in the Unemployment Trust Fund
24 (“the Trust Fund”), of which—

25 (1) \$2,510,723,000 from the Trust Fund is for
26 grants to States for the administration of State un-

1 employment insurance laws as authorized under title
2 III of the Social Security Act (including
3 \$10,000,000 to conduct in-person reemployment and
4 eligibility assessments in one-stop career centers of
5 claimants of unemployment insurance), the adminis-
6 tration of unemployment insurance for Federal em-
7 ployees and for ex-service members as authorized
8 under sections 8501–8525 of title 5, United States
9 Code, and the administration of trade readjustment
10 allowances and alternative trade adjustment assist-
11 ance under the Trade Act of 1974, and shall be
12 available for obligation by the States through De-
13 cember 31, 2008, except that funds used for auto-
14 mation acquisitions shall be available for obligation
15 by the States through September 30, 2010, and
16 funds used for unemployment insurance workloads
17 experienced by the States through September 30,
18 2008, shall be available for Federal obligation
19 through December 31, 2008;

20 (2) \$10,500,000 from the Trust Fund is for na-
21 tional activities necessary to support the administra-
22 tion of the Federal-State unemployment insurance
23 system;

24 (3) \$23,203,000, together with \$702,680,000
25 from the Trust Fund, is for grants to States in ac-

1 cordance with section 6 of the Wagner-Peyser Act,
2 and shall be available for Federal obligation for the
3 period July 1, 2008, through June 30, 2009;

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

16 (5) \$52,985,000 is to provide workforce infor-
17 mation, national electronic tools, and one-stop sys-
18 tem building under the Wagner-Peyser Act and shall
19 be available for Federal obligation for the period
20 July 1, 2008, through June 30, 2009; and

21 (6) \$9,757,000 is to provide for work incentive
22 grants to the States and shall be available for the
23 period July 1, 2008, through June 30, 2009:

24 *Provided*, That to the extent that the Average Weekly In-
25 sured Unemployment (“AWIU”) for fiscal year 2008 is

1 projected by the Department of Labor to exceed
2 2,786,000, an additional \$28,600,000 from the Trust
3 Fund shall be available for obligation for every 100,000
4 increase in the AWIU level (including a pro rata amount
5 for any increment less than 100,000) to carry out title
6 III of the Social Security Act: *Provided further*, That
7 funds appropriated in this Act that are allotted to a State
8 to carry out activities under title III of the Social Security
9 Act may be used by such State to assist other States in
10 carrying out activities under such title III if the other
11 States include areas that have suffered a major disaster
12 declared by the President under the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act: *Provided*
14 *further*, That funds appropriated in this Act which are
15 used to establish a national one-stop career center system,
16 or which are used to support the national activities of the
17 Federal-State unemployment insurance or immigration
18 programs, may be obligated in contracts, grants, or agree-
19 ments with non-State entities: *Provided further*, That
20 funds appropriated under this Act for activities authorized
21 under title III of the Social Security Act and the Wagner-
22 Peyser Act may be used by States to fund integrated un-
23 employment insurance and Employment Service automa-
24 tion efforts, notwithstanding cost allocation principles pre-

18 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
19 OTHER FUNDS

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1 “Federal unemployment benefits and allowances” account,
2 to remain available until September 30, 2009,
3 \$437,000,000.

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

9 PROGRAM ADMINISTRATION

10 For expenses of administering employment and train-
11 ing programs, \$88,451,000, together with not to exceed
12 \$82,049,000, which may be expended from the employ-
13 ment security administration account in the Unemploy-
14 ment Trust Fund.

15 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

16 SALARIES AND EXPENSES

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

19 PENSION BENEFIT GUARANTY CORPORATION

20 PENSION BENEFIT GUARANTY CORPORATION FUND

21 The Pension Benefit Guaranty Corporation is author-
22 ized to make such expenditures, including financial assist-
23 ance authorized by subtitle E of title IV of the Employee
24 Retirement Income Security Act of 1974 (29 U.S.C. 4201
25 et seq.), within limits of funds and borrowing authority

1 available to such Corporation, and in accord with law, and
2 to make such contracts and commitments without regard
3 to fiscal year limitations as provided by section 104 of the
4 Government Corporation Control Act (31 U.S.C. 9104),
5 as may be necessary in carrying out the program, includ-
6 ing associated administrative expenses, through Sep-
7 tember 30, 2008, for such Corporation: *Provided*, That
8 none of the funds available to the Corporation for fiscal
9 year 2008 shall be available for obligations for administra-
10 tive expenses in excess of \$411,151,000: *Provided further*,
11 That to the extent that the number of new plan partici-
12 pants in plans terminated by the Corporation exceeds
13 100,000 in fiscal year 2008, an amount not to exceed an
14 additional \$9,200,000 shall be available for obligation for
15 administrative expenses for every 20,000 additional termi-
16 nated participants: *Provided further*, That an additional
17 \$50,000 shall be made available for obligation for invest-
18 ment management fees for every \$25,000,000 in assets
19 received by the Corporation as a result of new plan termi-
20 nations, after approval by the Office of Management and
21 Budget and notification of the Committees on Appropria-
22 tions of the House of Representatives and the Senate.

1 EMPLOYMENT STANDARDS ADMINISTRATION
2 SALARIES AND EXPENSES
3 (INCLUDING RESCISSION)

4 For necessary expenses for the Employment Stand-
5 ards Administration, including reimbursement to State,
6 Federal, and local agencies and their employees for inspec-
7 tion services rendered, \$434,397,000, together with
8 \$2,111,000 which may be expended from the Special Fund
9 in accordance with sections 39(c), 44(d) and 44(j) of the
10 Longshore and Harbor Workers' Compensation Act: *Pro-*
11 *vided*, That the Secretary of Labor is authorized to estab-
12 lish and, in accordance with section 3302 of title 31,
13 United States Code, collect and deposit in the Treasury
14 fees for processing applications and issuing certificates
15 under sections 11(d) and 14 of the Fair Labor Standards
16 Act of 1938 (29 U.S.C. 211(d) and 214) and for proc-
17 essing applications and issuing registrations under title I
18 of the Migrant and Seasonal Agricultural Worker Protec-
19 tion Act (29 U.S.C. 1801 et seq.).

20 Of the unobligated funds collected pursuant to sec-
21 tion 286(v) of the Immigration and Nationality Act,
22 \$70,000,000 is rescinded.

23 SPECIAL BENEFITS
24 (INCLUDING TRANSFER OF FUNDS)

25 For the payment of compensation, benefits, and ex-
26 penses (except administrative expenses) accruing during

1 the current or any prior fiscal year authorized by chapter
2 81 of title 5, United States Code; continuation of benefits
3 as provided for under the heading “Civilian War Benefits”
4 in the Federal Security Agency Appropriation Act, 1947;
5 the Employees’ Compensation Commission Appropriation
6 Act, 1944; sections 4(c) and 5(f) of the War Claims Act
7 of 1948 (50 U.S.C. App. 2012); and 50 percent of the
8 additional compensation and benefits required by section
9 10(h) of the Longshore and Harbor Workers’ Compensa-
10 tion Act, \$203,000,000, together with such amounts as
11 may be necessary to be charged to the subsequent year
12 appropriation for the payment of compensation and other
13 benefits for any period subsequent to August 15 of the
14 current year: *Provided*, That amounts appropriated may
15 be used under section 8104 of title 5, United States Code,
16 by the Secretary of Labor to reimburse an employer, who
17 is not the employer at the time of injury, for portions of
18 the salary of a reemployed, disabled beneficiary: *Provided*
19 *further*, That balances of reimbursements unobligated on
20 September 30, 2007, shall remain available until expended
21 for the payment of compensation, benefits, and expenses:
22 *Provided further*, That in addition there shall be trans-
23 ferred to this appropriation from the Postal Service and
24 from any other corporation or instrumentality required
25 under section 8147(c) of title 5, United States Code, to

1 pay an amount for its fair share of the cost of administra-
2 tion, such sums as the Secretary determines to be the cost
3 of administration for employees of such fair share entities
4 through September 30, 2008: *Provided further*, That of
5 those funds transferred to this account from the fair share
6 entities to pay the cost of administration of the Federal
7 Employees' Compensation Act, \$52,280,000 shall be made
8 available to the Secretary as follows:

9 (1) For enhancement and maintenance of auto-
10 mated data processing systems and telecommuni-
11 cations systems, \$21,855,000.

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

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

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

19 *Provided further*, That the Secretary may require that any
20 person filing a notice of injury or a claim for benefits
21 under chapter 81 of title 5, United States Code, or the
22 Longshore and Harbor Workers' Compensation Act, pro-
23 vide as part of such notice and claim, such identifying in-
24 formation (including Social Security account number) as
25 such regulations may prescribe.

1 SPECIAL BENEFITS FOR DISABLED COAL MINERS

2 For carrying out title IV of the Federal Mine Safety
3 and Health Act of 1977, as amended by Public Law 107–
4 275, \$208,221,000, to remain available until expended.

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

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

12 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

13 OCCUPATIONAL ILLNESS COMPENSATION FUND

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to administer the Energy
16 Employees Occupational Illness Compensation Act,
17 \$104,745,000, to remain available until expended: *Pro-*
18 *vided*, That the Secretary of Labor is authorized to trans-
19 fer to any executive agency with authority under the En-
20 ergy Employees Occupational Illness Compensation Act,
21 including within the Department of Labor, such sums as
22 may be necessary in fiscal year 2008 to carry out those
23 authorities: *Provided further*, That the Secretary may re-
24 quire that any person filing a claim for benefits under
25 such Act provide as part of such claim, such identifying
26 information (including Social Security account number) as

1 may be prescribed. *Provided further*, That not later than
 2 30 days after enactment of this Act, in addition to other
 3 sums transferred by the Secretary to the National Insti-
 4 tute for Occupational Safety and Health (NIOSH) for the
 5 administration of the Energy Employees Occupational Ill-
 6 ness Compensation Program (EEOICPA), the Secretary
 7 shall transfer \$4,500,000 to NIOSH from the funds ap-
 8 propriated to the Energy Employees Occupational Illness
 9 Compensation Fund (42 U.S.C. 7384e), for use by or in
 10 support of the Advisory Board on Radiation and Worker
 11 Health (the Board) to carry out its statutory responsibil-
 12 ities under EEOICPA (42 U.S.C. 7384n–q), including ob-
 13 taining audits, technical assistance and other support
 14 from the Board’s audit contractor with regard to radiation
 15 dose estimation and reconstruction efforts, site profiles,
 16 procedures, and review of Special Exposure Cohort peti-
 17 tions and evaluation reports.

18 BLACK LUNG DISABILITY TRUST FUND

19 (INCLUDING TRANSFER OF FUNDS)

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

1 In addition, the following amounts shall be available from
2 the Fund for fiscal year 2008 for expenses of operation
3 and administration of the Black Lung Benefits program,
4 as authorized by section 9501(d)(5) of such Act:
5 \$32,761,000 for transfer to the Employment Standards
6 Administration “Salaries and Expenses”; \$24,785,000 for
7 transfer to Departmental Management, “Salaries and Ex-
8 penses”; \$335,000 for transfer to Departmental Manage-
9 ment, “Office of Inspector General”; and \$356,000 for
10 payments into miscellaneous receipts for the expenses of
11 the Department of the Treasury.

12 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
13 SALARIES AND EXPENSES

14 For necessary expenses for the Occupational Safety
15 and Health Administration, \$503,516,000, including not
16 to exceed \$91,093,000 which shall be the maximum
17 amount available for grants to States under section 23(g)
18 of the Occupational Safety and Health Act (“the Act”),
19 which grants shall be no less than 50 percent of the costs
20 of State occupational safety and health programs required
21 to be incurred under plans approved by the Secretary of
22 Labor under section 18 of the Act; and, in addition, not-
23 withstanding section 3302 of title 31, United States Code,
24 the Occupational Safety and Health Administration may
25 retain up to \$750,000 per fiscal year of training institute

1 course tuition fees, otherwise authorized by law to be col-
2 lected, and may utilize such sums for occupational safety
3 and health training and education: *Provided*, That, not-
4 withstanding section 3302 of title 31, United States Code,
5 the Secretary is authorized, during the fiscal year ending
6 September 30, 2008, to collect and retain fees for services
7 provided to Nationally Recognized Testing Laboratories,
8 and may utilize such sums, in accordance with the provi-
9 sions of section 2 of the Act of April 13, 1934 (29 U.S.C.
10 9a), to administer national and international laboratory
11 recognition programs that ensure the safety of equipment
12 and products used by workers in the workplace: *Provided*
13 *further*, That none of the funds appropriated under this
14 paragraph shall be obligated or expended to prescribe,
15 issue, administer, or enforce any standard, rule, regula-
16 tion, or order under the Act which is applicable to any
17 person who is engaged in a farming operation which does
18 not maintain a temporary labor camp and employs 10 or
19 fewer employees: *Provided further*, That no funds appro-
20 priated under this paragraph shall be obligated or ex-
21 pended to administer or enforce any standard, rule, regu-
22 lation, or order under the Act with respect to any employer
23 of 10 or fewer employees who is included within a category
24 having a Days Away, Restricted, or Transferred (DART)
25 occupational injury and illness rate, at the most precise

1 industrial classification code for which such data are pub-
2 lished, less than the national average rate as such rates
3 are most recently published by the Secretary, acting
4 through the Bureau of Labor Statistics, in accordance
5 with section 24 of the Act (29 U.S.C. 673), except—

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

9 (2) to conduct an inspection or investigation in
10 response to an employee complaint, to issue a cita-
11 tion for violations found during such inspection, and
12 to assess a penalty for violations which are not cor-
13 rected within a reasonable abatement period and for
14 any willful violations found;

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

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

19 (5) to take any action authorized by the Act
20 with respect to a report of an employment accident
21 which is fatal to one or more employees or which re-
22 sults in hospitalization of two or more employees,
23 and to take any action pursuant to such investiga-
24 tion authorized by the Act; and

1 (6) to take any action authorized by the Act
2 with respect to complaints of discrimination against
3 employees for exercising rights under the Act:

4 *Provided further*, That the foregoing proviso shall not
5 apply to any person who is engaged in a farming operation
6 which does not maintain a temporary labor camp and em-
7 ploys 10 or fewer employees: *Provided further*, That
8 \$10,116,000 shall be available for Susan Harwood train-
9 ing grants, of which \$3,200,000 shall be used for the In-
10 stitutional Competency Building training grants which
11 commenced in September 2000, for program activities for
12 the period of October 1, 2007, to September 30, 2008,
13 provided that a grantee has demonstrated satisfactory per-
14 formance: *Provided further*, That such grants shall be
15 awarded no less than 30 days after the date of enactment
16 of this Act: *Provided further*, That the Secretary shall pro-
17 vide a report to the Committees on Appropriations of the
18 House of Representatives and the Senate with timetables
19 for the development and issuance of occupational safety
20 and health standards on beryllium, silica, cranes and der-
21 ricks, confined space entry in construction, and hazard
22 communication global harmonization; such timetables
23 shall include actual or estimated dates for: the publication
24 of an advance notice of proposed rulemaking, the com-
25 mencement and completion of a Small Business Regu-

1 latory Enforcement Fairness Act review (if required), the
2 completion of any peer review (if required), the submission
3 of the draft proposed rule to the Office of Management
4 and Budget for review under Executive Order No. 12866
5 (if required), the publication of a proposed rule, the con-
6 duct of public hearings, the submission of a draft final
7 rule to the Office and Management and Budget for review
8 under Executive Order No. 12866 (if required), and the
9 issuance of a final rule; and such report shall be submitted
10 to the Committees on Appropriations of the House of Rep-
11 resentatives and the Senate within 90 days of the enact-
12 ment of this Act, with updates provided every 90 days
13 thereafter that shall include an explanation of the reasons
14 for any delays in meeting the projected timetables for ac-
15 tion.

16 MINE SAFETY AND HEALTH ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Mine Safety and
19 Health Administration, \$313,478,000 including purchase
20 and bestowal of certificates and trophies in connection
21 with mine rescue and first-aid work, and the hire of pas-
22 senger motor vehicles, including up to \$2,000,000 for
23 mine rescue and recovery activities; in addition, not to ex-
24 ceed \$750,000 may be collected by the National Mine
25 Health and Safety Academy for room, board, tuition, and

1 the sale of training materials, otherwise authorized by law
2 to be collected, to be available for mine safety and health
3 education and training activities, notwithstanding section
4 3302 of title 31, United States Code; and, in addition,
5 the Mine Safety and Health Administration may retain
6 up to \$1,000,000 from fees collected for the approval and
7 certification of equipment, materials, and explosives for
8 use in mines, and may utilize such sums for such activi-
9 ties; the Secretary of Labor is authorized to accept lands,
10 buildings, equipment, and other contributions from public
11 and private sources and to prosecute projects in coopera-
12 tion with other agencies, Federal, State, or private; the
13 Mine Safety and Health Administration is authorized to
14 promote health and safety education and training in the
15 mining community through cooperative programs with
16 States, industry, and safety associations; the Secretary is
17 authorized to recognize the Joseph A. Holmes Safety As-
18 sociation as a principal safety association and, notwith-
19 standing any other provision of law, may provide funds
20 and, with or without reimbursement, personnel, including
21 service of Mine Safety and Health Administration officials
22 as officers in local chapters or in the national organiza-
23 tion; and any funds available to the Department may be
24 used, with the approval of the Secretary, to provide for

1 the costs of mine rescue and survival operations in the
2 event of a major disaster.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
6 tistics, including advances or reimbursements to State,
7 Federal, and local agencies and their employees for serv-
8 ices rendered, \$497,854,000, together with not to exceed
9 \$78,264,000, which may be expended from the employ-
10 ment security administration account in the Unemploy-
11 ment Trust Fund, of which \$5,000,000 may be used to
12 fund the mass layoff statistics program under section 15
13 of the Wagner-Peyser Act (29 U.S.C. 491–2): *Provided*,
14 That the Current Employment Survey shall maintain the
15 content of the survey issued prior to June 2005 with re-
16 spect to the collection of data for the women worker series.

17 OFFICE OF DISABILITY EMPLOYMENT POLICY

18 SALARIES AND EXPENSES

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

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Manage-
4 ment, including the hire of three sedans, and including
5 the management or operation, through contracts, grants
6 or other arrangements of Departmental activities con-
7 ducted by or through the Bureau of International Labor
8 Affairs, including bilateral and multilateral technical as-
9 sistance and other international labor activities,
10 \$292,943,000 (reduced by \$2,500,000) (reduced by
11 \$2,000,000) (reduced by \$500,000), of which \$72,516,000
12 is for the Bureau of International Labor Affairs (including
13 \$5,000,000 to implement model programs to address
14 worker rights issues through technical assistance in coun-
15 tries with which the United States has trade preference
16 programs), and of which \$18,000,000 is for the acquisi-
17 tion of Departmental information technology, architecture,
18 infrastructure, equipment, software and related needs,
19 which will be allocated by the Department's Chief Infor-
20 mation Officer in accordance with the Department's cap-
21 ital investment management process to assure a sound in-
22 vestment strategy; together with not to exceed \$318,000,
23 which may be expended from the employment security ad-
24 ministration account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

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

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

(2) \$112,920,000 for construction, rehabilitation, and acquisition of Job Corps centers, of which \$12,920,000 is available from July 1, 2008, through June 30, 2011. \$100,000,000 is available for the period October 1, 2008, through June 30, 2011.

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

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from

1 any other appropriation shall be used to provide meal serv-
2 ices at or for Job Corps centers: *Provided further*, That
3 none of the funds appropriated in this title for the Job
4 Corps shall be used to pay the salary of an individual,
5 either as direct costs or any proration as an indirect cost,
6 at a rate in excess of Executive Level I: *Provided further*,
7 That a total student training slot level of not less than
8 44,791 shall be achieved by the end of program year 2008.

9 VETERANS EMPLOYMENT AND TRAINING

10 Not to exceed \$197,143,000 may be derived from the
11 employment security administration account in the Unem-
12 ployment Trust Fund to carry out the provisions of sec-
13 tions 4100–4113, 4211–4215, and 4321–4327 of title 38,
14 United States Code, and Public Law 103–353, and which
15 shall be available for obligation by the States through De-
16 cember 31, 2008, of which \$1,967,000 is for the National
17 Veterans’ Employment and Training Services Institute.
18 To carry out the Homeless Veterans Reintegration Pro-
19 grams under section 5(a)(1) of the Homeless Veterans
20 Comprehensive Assistance Act of 2001 (38 U.S.C. 2021)
21 and the Veterans Workforce Investment Programs under
22 section 168 of the Workforce Investment Act (29 U.S.C.
23 2913), \$31,055,000, of which \$7,435,000 shall be avail-
24 able for obligation for the period July 1, 2008, through
25 June 30, 2009.

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided further*, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

1 SEC. 102. In accordance with Executive Order No.
2 13126, none of the funds appropriated or otherwise made
3 available pursuant to this Act shall be obligated or ex-
4 pended for the procurement of goods mined, produced,
5 manufactured, or harvested or services rendered, whole or
6 in part, by forced or indentured child labor in industries
7 and host countries already identified by the United States
8 Department of Labor prior to enactment of this Act.

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

14 SEC. 104. None of the funds appropriated in this title
15 for grants under section 171 of the Workforce Investment
16 Act of 1998 (29 U.S.C. 2916) may be obligated prior to
17 the preparation and submission of a report by the Sec-
18 retary of Labor to the Committees on Appropriations of
19 the House of Representatives and the Senate detailing the
20 planned uses of such funds.

21 SEC. 105. The Secretary of Labor shall award the
22 following grants on a competitive basis: (1) Community-
23 Based Job Training Grants awarded from amounts pro-
24 vided for such purpose under this title; and (2) grants dur-
25 ing fiscal or program year 2008 under section 414(c) of

1 the American Competitiveness and Workforce Improve-
2 ment Act of 1998 (29 U.S.C. 2916 note), as amended by
3 section 428 of the Consolidated Appropriations Act, 2005
4 (Public Law 108–447).

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

17 SEC. 107. Out of funds available to the Department
18 of Labor under section 414(c) the American Competitive-
19 ness and Workforce Improvement Act of 1998 (29 U.S.C.
20 2916 note), as amended by section 428 of the Consoli-
21 dated Appropriations Act, 2005 (Public Law 108–447),
22 up to \$20,000,000 is available (in addition to dislocated
23 worker assistance national reserve funds) for the purposes
24 of grants to States to address the gap in health care cov-
25 erage faced by trade adjustment assistance (“TAA”) par-

1 ticipants and dislocated workers awaiting TAA certifi-
2 cation, to assure that these dislocated workers can benefit
3 from the tax credit for health insurance costs authorized
4 in section 35 of the Internal Revenue Code of 1986.

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

17 SEC. 109. None of the funds made available in this
18 or any other Act shall be available to finalize or implement
19 any proposed regulation under the Workforce Investment
20 Act of 1998, Wagner-Peyser Act of 1933, or the Trade
21 Adjustment Assistance Reform Act of 2002 until such
22 time as legislation reauthorizing the Workforce Invest-
23 ment Act of 1998 and the Trade Adjustment Assistance
24 Reform Act of 2002 is enacted.

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

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

18 SEC. 111. None of the funds appropriated in this title
19 may be used to carry out a public-private competition or
20 direct conversion under OMB Circular A-76 or any suc-
21 cessor administrative regulation, directive, or policy until
22 60 days after the Government Accountability Office pro-
23 vides a report to the Committees on Appropriations of the
24 House of Representatives and the Senate on the use of
25 competitive sourcing at the Department of Labor.

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

3 TITLE II—DEPARTMENT OF HEALTH AND
4 HUMAN SERVICES

5 HEALTH RESOURCES AND SERVICES ADMINISTRATION
6 HEALTH RESOURCES AND SERVICES

7 For carrying out titles II, III, IV, VII, VIII, X, XII,
8 XVI, XIX, and XXVI of the Public Health Service Act,
9 section 427(a) of the Federal Coal Mine Health and Safe-
10 ty Act, title V and sections 1128E, 711, and 1820 of the
11 Social Security Act (42 U.S.C. 1320a–7e, 912, and 1395i–
12 4), the Health Care Quality Improvement Act of 1986,
13 the Native Hawaiian Health Care Act of 1988, the Car-
14 diac Arrest Survival Act of 2000, construction and renova-
15 tion (including equipment) of health care and other facili-
16 ties, and section 712(c) of the American Jobs Creation
17 Act of 2004 (42 U.S.C. 300b–1 note), \$7,055,709,000 (in-
18 creased by \$2,500,000) (increased by \$3,500,000), of
19 which \$63,538,000 from general revenues, notwith-
20 standing subsection (j) of section 1820 of the Social Secu-
21 rity Act, shall be available for carrying out the Medicare
22 rural hospital flexibility grants program under such sec-
23 tion: *Provided*, That of the funds made available under
24 this heading, \$100,000 shall be available until expended
25 for facilities renovations at the National Hansen’s Disease

1 Programs Center (as described in section 320 of the Pub-
2 lic Health Service Act (42 U.S.C. 247e)): *Provided further*,
3 That in addition to fees authorized by section 427(b)(4)
4 of the Health Care Quality Improvement Act of 1986 (42
5 U.S.C. 11137(b)(4)), fees shall be collected for the full
6 disclosure of information under the Act sufficient to re-
7 cover the full costs of operating the National Practitioner
8 Data Bank authorized under such Act, and shall remain
9 available until expended to carry out such Act: *Provided*
10 *further*, That fees authorized under subsection (d)(2) of
11 section 1128E of the Social Security Act (42 U.S.C.
12 1320a–7e) to be collected for the full disclosure of infor-
13 mation under the national health care fraud and abuse
14 data collection program established under such section,
15 shall be sufficient to recover the full costs of operating
16 the program, and shall remain available until expended to
17 carry out that program: *Provided further*, That
18 \$35,000,000 of the funding provided for community
19 health centers shall be used for base grant adjustments
20 for existing centers: *Provided further*, That no more than
21 \$40,000 is available until expended for carrying out the
22 provisions of section 224(o)(6) of the Public Health Serv-
23 ice Act (42 U.S.C. 233(o)(6)) including associated admin-
24 istrative expenses: *Provided further*, That \$3,963,000
25 (increased by \$11,037,000) is available until expended for

1 the National Cord Blood Stem Cell Program: *Provided*
2 *further*, That no more than \$45,000,000 is available until
3 expended for carrying out the amendments to section 224
4 of the Public Health Service Act (42 U.S.C. 233) made
5 by the Federally Supported Health Centers Assistance Act
6 of 1995 and for expenses incurred by the Department of
7 Health and Human Services pertaining to administrative
8 claims made pursuant to such amendments: *Provided fur-*
9 *ther*, That of the funds made available under this heading,
10 \$310,910,000 shall be for the program under title X of
11 the Public Health Service Act to provide for voluntary
12 family planning projects: *Provided further*, That amounts
13 provided to such projects under such title shall not be ex-
14 pended for abortions, that all pregnancy counseling shall
15 be nondirective, and that such amounts shall not be ex-
16 pended for any activity (including the publication or dis-
17 tribution of literature) that in any way tends to promote
18 public support or opposition to any legislative proposal or
19 candidate for public office: *Provided further*, That of the
20 funds available under this heading, \$1,865,800,000 shall
21 remain available to the Secretary of Health and Human
22 Services through September 30, 2010, for parts A and B
23 of title XXVI of the Public Health Service Act: *Provided*
24 *further*, That within the amounts provided for part A of
25 title XXVI of the Public Health Service Act (42 U.S.C.

1 300ff–11 et seq.), funds are included to ensure that the
2 amount of any funding provided under such part to a met-
3 ropolitan area for the program year beginning in 2007 is
4 not reduced by an amount that is more than 8.4 percent,
5 and the amount of any funding provided under subpart
6 II of such part to a transitional area is not reduced by
7 an amount that is more than 13.4 percent, relative to the
8 amount of the total funding provided under such part to
9 the metropolitan area or transitional area, respectively, for
10 the program year beginning in fiscal year 2006: *Provided*
11 *further*, That \$830,593,000 shall be for State AIDS Drug
12 Assistance Programs authorized under section 2616 of
13 such Act (42 U.S.C. 300ff–26): *Provided further*, That in
14 addition to amounts provided herein, \$25,000,000 shall be
15 available from amounts available under section 241 of the
16 Public Health Service Act (42 U.S.C. 238j) to carry out
17 parts A, B, C, and D of title XXVI of such Act to fund
18 the special projects of national significance under section
19 2691 of the Public Health Service Act (42 U.S.C. 300ff–
20 101): *Provided further*, That, notwithstanding section
21 502(a)(1) of the Social Security Act (42 U.S.C.
22 702(a)(1)), not to exceed \$170,991,000 is available for
23 carrying out special projects of regional and national sig-
24 nificance pursuant to section 501(a)(2) of such Act (42
25 U.S.C. 701(a)(2)).

1 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
2 ACCOUNT

3 Such sums as may be necessary to carry out subpart
4 1 of part A of title VII of the Public Health Service Act.
5 For administrative expenses to carry out the guaranteed
6 loan program under such subpart, including section 709
7 of such Act, \$2,906,000.

8 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

18 CENTERS FOR DISEASE CONTROL AND PREVENTION

19 DISEASE CONTROL, RESEARCH, AND TRAINING

20 To carry out titles II, III, VII, XI, XV, XVII, XIX,
21 XXI, and XXVI of the Public Health Service Act (42
22 U.S.C. 201 et seq.) (“PHS Act”), sections 101, 102, 103,
23 201, 202, 203, 301, and 501 of the Federal Mine Safety
24 and Health Act of 1977 (30 U.S.C. 811, 812, 813, 841,
25 842, 843, 861, and 951), sections 20, 21, and 22 of the
26 Occupational Safety and Health Act of 1970 (29 U.S.C.

1 669, 670, and 671), title IV of the Immigration and Na-
2 tionality Act (8 U.S.C. 1101 et seq.), section 501 of the
3 Refugee Education Assistance Act of 1980 (8 U.S.C. 1522
4 note), and for expenses necessary to support activities re-
5 lated to countering potential biological, disease, nuclear,
6 radiological, and chemical threats to civilian populations;
7 including purchase and insurance of official motor vehicles
8 in foreign countries; and purchase, hire, maintenance, and
9 operation of aircraft, \$6,141,753,000 (reduced by
10 \$3,500,000), of which \$10,500,000 shall remain available
11 until expended for equipment, construction, and renova-
12 tion of facilities; of which \$581,335,000 shall remain
13 available until expended for the Strategic National Stock-
14 pile under section 319F–2 of the PHS Act (42 U.S.C.
15 247d–6b); of which \$50,000,000 shall be available until
16 expended to provide screening and treatment for first re-
17 sponse emergency services personnel related to the Sep-
18 tember 11, 2001 terrorist attacks on the World Trade
19 Center; and of which \$122,769,000 for international HIV/
20 AIDS shall remain available until September 30, 2009:
21 *Provided*, That in addition, such sums as may be derived
22 from authorized user fees, which shall be credited to this
23 account: *Provided further*, That in addition to amounts
24 provided herein, the following amounts shall be available
25 from amounts available under section 241 of the PHS Act

1 (42 U.S.C. 238j): (1) \$12,794,000 to carry out the Na-
2 tional Immunization Surveys; (2) \$120,000,000 to carry
3 out the National Center for Health Statistics surveys; (3)
4 \$24,751,000 to carry out information systems standards
5 development and architecture and applications-based re-
6 search used at local public health levels; (4) \$39,173,000
7 for Health Marketing; (5) \$31,000,000 to carry out Public
8 Health Research; and (6) \$88,361,000 (increased by
9 \$3,500,000) to carry out research activities within the Na-
10 tional Occupational Research Agenda: *Provided further*,
11 That none of the funds made available for injury preven-
12 tion and control at the Centers for Disease Control and
13 Prevention may be used, in whole or in part, to advocate
14 or promote gun control: *Provided further*, That up to
15 \$31,800,000 shall be made available until expended for
16 Individual Learning Accounts for full-time equivalent em-
17 ployees of the Centers for Disease Control and Prevention:
18 *Provided further*, That the Director may redirect the total
19 amount made available under authority of section 3 of the
20 Vaccine and Immunization Amendments of 1990 (Public
21 Law 101–502) to activities the Director may so designate:
22 *Provided further*, That the Committees on Appropriations
23 of the House of Representatives and the Senate are to be
24 notified promptly of any such transfer: *Provided further*,
25 That not to exceed \$12,500,000 may be available for mak-

1 ing grants under section 1509 of the PHS Act (42 U.S.C.
 2 300n-4a) to not more than 15 States, tribes, or tribal or-
 3 ganizations: *Provided further*, That of the funds appro-
 4 priated, \$10,000 is for official reception and representa-
 5 tion expenses when specifically approved by the Director
 6 of the Centers for Disease Control and Prevention: *Pro-*
 7 *vided further*, That none of the funds appropriated may
 8 be used to implement section 2625 of the PHS Act (42
 9 U.S.C. 300ff-33): *Provided further*, That employees of the
 10 Centers for Disease Control and Prevention or the Public
 11 Health Service, both civilian and Commissioned Officers,
 12 detailed to States, municipalities, or other organizations
 13 under authority of section 214 of the PHS Act (42 U.S.C.
 14 215), shall be treated as non-Federal employees for re-
 15 porting purposes only and shall not be included within any
 16 personnel ceiling applicable to the Agency, Service, or the
 17 Department of Health and Human Services during the pe-
 18 riod of detail or assignment.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL CANCER INSTITUTE

21 For carrying out section 301 and title IV of the Pub-
 22 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
 23 respect to cancer, \$4,870,382,000, of which up to
 24 \$8,000,000 may be used for facilities repairs and improve-

1 ments at the NCI–Frederick Federally Funded Research
2 and Development Center in Frederick, Maryland.

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

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

8 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
9 RESEARCH

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

13 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
14 KIDNEY DISEASES

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
17 respect to diabetes and digestive and kidney disease,
18 \$1,731,893,000.

19 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
20 AND STROKE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
23 respect to neurological disorders and stroke,
24 \$1,559,106,000.

17 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

21 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
22 DEVELOPMENT

•HR 3043 EH

1 NATIONAL EYE INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
4 respect to eye diseases and visual disorders,
5 \$677,039,000.

6 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
7 SCIENCES

8 For carrying out sections 301 and 311 and title IV
9 of the Public Health Service Act (42 U.S.C. 241, 243, 281
10 et seq.) with respect to environmental health sciences,
11 \$652,303,000.

12 NATIONAL INSTITUTE ON AGING

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

16 NATIONAL INSTITUTE OF ARTHRITIS AND
17 MUSCULOSKELETAL AND SKIN DISEASES

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
20 respect to arthritis and musculoskeletal and skin diseases,
21 \$516,044,000.

22 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
23 COMMUNICATION DISORDERS

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

1 respect to deafness and other communication disorders,
2 \$400,305,000.

3 NATIONAL INSTITUTE OF NURSING RESEARCH

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

7 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
8 ALCOHOLISM

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

12 NATIONAL INSTITUTE ON DRUG ABUSE

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

16 NATIONAL INSTITUTE OF MENTAL HEALTH

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

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

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

7 NATIONAL CENTER FOR RESEARCH RESOURCES

12 NATIONAL CENTER FOR COMPLEMENTARY AND

13 ALTERNATIVE MEDICINE

18 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH

19 DISPARITIES

24 JOHN E. FOGARTY INTERNATIONAL CENTER

25 For carrying out the activities of the John E. Fogarty
26 International Center (described in subpart 2 of part E of

1 title IV of the Public Health Service Act (42 U.S.C.
2 287b)), \$67,599,000.

3 NATIONAL LIBRARY OF MEDICINE

4 For carrying out section 301 and title IV of the Pub-
5 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with
6 respect to health information communications,
7 \$325,484,000, of which \$4,000,000 shall be available until
8 expended for improvement of information systems: *Pro-*
9 *vided*, That in fiscal year 2008, the National Library of
10 Medicine may enter into personal services contracts for the
11 provision of services in facilities owned, operated, or con-
12 structed under the jurisdiction of the National Institutes
13 of Health: *Provided further*, That in addition to amounts
14 provided herein, \$8,200,000 shall be available from
15 amounts available under section 241 of the Public Health
16 Service Act (42 U.S.C. 238j) to carry out the purposes
17 of the National Information Center on Health Services Re-
18 search and Health Care Technology established under sec-
19 tion 478A of the Public Health Service Act (42 U.S.C.
20 286d) and related health services.

21 OFFICE OF THE DIRECTOR

22 For carrying out the responsibilities of the Office of
23 the Director, National Institutes of Health,
24 \$1,114,422,000, of which up to \$14,000,000 shall be used
25 to carry out section 214 of this Act, of which
26 \$110,900,000 shall be for continuation of the National

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

1 National Institutes of Health may spend up to \$4,000,000
 2 to make grants for construction or renovation of facilities
 3 as provided for in section 2354(a)(5)(B) of the Public
 4 Health Service Act (42 U.S.C. 300cc–41(a)(5)(B)).

5 BUILDINGS AND FACILITIES

6 For the study of, construction of, renovation of, and
 7 acquisition of equipment for, facilities of or used by the
 8 National Institutes of Health, including the acquisition of
 9 real property, \$121,081,000, to remain available until ex-
 10 pended.

11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

12 ADMINISTRATION

13 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

14 For carrying out titles V and XIX of the Public
 15 Health Service Act (42 U.S.C. 290aa et seq., 300w et
 16 seq.) (“PHS Act”) with respect to substance abuse and
 17 mental health services, the Protection and Advocacy for
 18 Individuals with Mental Illness Act (42 U.S.C. 10801 et
 19 seq.), and section 301 of the PHS Act (42 U.S.C. 241)
 20 with respect to program management, \$3,272,928,000:
 21 *Provided*, That notwithstanding section 520A(f)(2) of the
 22 PHS Act (42 U.S.C. 290bb–32(f)(2)), no funds appro-
 23 priated for carrying out section 520A are available for car-
 24 rying out section 1971 of such Act: *Provided further*, That
 25 in addition to amounts provided herein, the following
 26 amounts shall be available under section 241 of the PHS

1 Act (42 U.S.C. 238j): (1) \$79,200,000 to carry out sub-
 2 part II of part B of title XIX of the PHS Act (42 U.S.C.
 3 300x–21 et seq.) to fund section 1935(b) of such Act (42
 4 U.S.C. 300x–35(b)) relating to technical assistance, na-
 5 tional data, data collection, and evaluation activities, and
 6 further that the total available under this Act for activities
 7 under such section 1935(b) shall not exceed 5 percent of
 8 the amounts appropriated for subpart II of part B of title
 9 XIX of such Act; (2) \$21,413,000 to carry out subpart
 10 I of part B of title XIX of the PHS Act (42 U.S.C. 300x–
 11 1 et seq.) to fund section 1920(b) of such Act (42 U.S.C.
 12 300x–9(b)) relating to technical assistance, national data,
 13 data collection, and evaluation activities, and further that
 14 the total available under this Act for activities under such
 15 section 1920(b) shall not exceed 5 percent of the amounts
 16 appropriated for subpart I of part B of title XIX of such
 17 Act; (3) \$16,000,000 to carry out national surveys on
 18 drug abuse; and (4) \$4,300,000 to evaluate substance
 19 abuse treatment programs.

20 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

21 HEALTHCARE RESEARCH AND QUALITY

22 For carrying out titles III and IX of the Public
 23 Health Service Act (42 U.S.C. 241 et seq., 299 et seq.),
 24 and part A of title XI of the Social Security Act (42
 25 U.S.C. 1301 et seq.), \$329,564,000; and in addition,

1 amounts received from Freedom of Information Act fees,
2 reimbursable and interagency agreements, and the sale of
3 data shall be credited to this appropriation and shall re-
4 main available until expended: *Provided*, That the amount
5 made available pursuant to section 937(c) of the Public
6 Health Service Act shall not exceed \$47,064,000.

7 CENTERS FOR MEDICARE AND MEDICAID SERVICES

8 GRANTS TO STATES FOR MEDICAID

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

12 For making, after May 31, 2008, payments to States
13 under title XIX of the Social Security Act for the last
14 quarter of fiscal year 2008, for unanticipated costs, in-
15 curred for the current fiscal year, such sums as may be
16 necessary.

17 For making payments to States or in the case of sec-
18 tion 1928 of the Social Security Act (42 U.S.C. 1396s)
19 on behalf of States under title XIX of the Social Security
20 Act for the first quarter of fiscal year 2009,
21 \$67,292,669,000, to remain available until expended.

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

1 PAYMENTS TO HEALTH CARE TRUST FUNDS

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

12 In addition, for making matching payments under
13 section 1844 of the Social Security Act (42 U.S.C.
14 1395w), and benefit payments under 1860D–16 of such
15 Act (42 U.S.C. 1395w–116), not anticipated in budget es-
16 timates, such sums as may be necessary.

17 PROGRAM MANAGEMENT

18 For carrying out, except as otherwise provided, titles
19 XI, XVIII, XIX, and XXI of the Social Security Act, titles
20 XIII and XXVII of the Public Health Service Act, and
21 the Clinical Laboratory Improvement Amendments of
22 1988, not to exceed \$3,230,163,000, to be transferred
23 from the Federal Hospital Insurance and the Federal Sup-
24 plementary Medical Insurance Trust Funds, as authorized
25 by section 201(g) of the Social Security Act (42 U.S.C.
26 401(g)); together with all funds collected in accordance

1 with section 353 of the Public Health Service Act (42
2 U.S.C. 263a) and section 1857(e)(2) of the Social Security
3 Act (42 U.S.C. 1395w-27(e)(2)), funds retained by the
4 Secretary pursuant to section 1893(h)(1)(C) of the Social
5 Security Act (42 U.S.C. 1395ddd(h)(1)(C)), and such
6 sums as may be collected from authorized user fees and
7 the sale of data, which shall remain available until ex-
8 pended: *Provided*, That all funds derived in accordance
9 with section 9701 of title 31, United States Code, from
10 organizations established under title XIII of the Public
11 Health Service Act shall be credited to and available for
12 carrying out the purposes of this appropriation: *Provided*
13 *further*, That \$49,869,000, to remain available until Sep-
14 tember 30, 2009, is for contract costs for the Healthcare
15 Integrated General Ledger Accounting System: *Provided*
16 *further*, That \$163,800,000, to remain available until Sep-
17 tember 30, 2009, is for Medicare contracting reform ac-
18 tivities of the Centers for Medicare and Medicaid Services:
19 *Provided further*, That funds appropriated under this
20 heading are available for the Healthy Start, Grow Smart
21 program under which the Centers for Medicare and Med-
22 icaid Services may, directly or through grants, contracts,
23 or cooperative agreements, produce and distribute infor-
24 mational materials including, but not limited to, pam-
25 phlets and brochures on infant and toddler health care to

1 expectant parents enrolled in the Medicaid program and
 2 to parents and guardians enrolled in such program with
 3 infants and children: *Provided further*, That the Secretary
 4 of Health and Human Services shall collect fees in fiscal
 5 year 2008 from Medicare Advantage organizations pursu-
 6 ant to section 1857(e)(2) of the Social Security Act (42
 7 U.S.C. 1395s-27(e)(2)) and from eligible organizations
 8 with risk-sharing contracts under section 1876 of such Act
 9 (42 U.S.C. 1395mm) pursuant to section 1876(k)(4)(D)
 10 of such Act (42 U.S.C. 1395mm(k)(4)(D)).

11 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

12 In addition to amounts otherwise available for pro-
 13 gram integrity and program management, \$383,000,000,
 14 to be transferred from the Federal Hospital Insurance and
 15 the Federal Supplementary Medical Insurance Trust
 16 Funds, as authorized by section 201(g) of the Social Secu-
 17 rity Act (42 U.S.C. 401(g)), of which \$288,480,000 is for
 18 the Medicare Integrity Program at the Centers for Medi-
 19 care and Medicaid Services to conduct oversight of activi-
 20 ties authorized in titles I and II of the Medicare Prescrip-
 21 tion Drug, Improvement, and Modernization Act of 2003
 22 (Public Law 108-173), with oversight activities including
 23 those activities listed in section 1893(b) of the Social Se-
 24 curity Act (42 U.S.C. 1395www(b)); of which \$36,690,000
 25 is for the Department of Health and Human Services Of-
 26 fice of Inspector General; of which \$21,140,000 is for the

1 Medicaid program integrity activities; and of which
 2 \$36,690,000 is for the Department of Justice: *Provided*,
 3 That the report required by section 1817(k)(5) of the So-
 4 cial Security Act (42 U.S.C. 1395i(k)(5)) for fiscal year
 5 2008 shall include measures of the operational efficiency
 6 and impact on fraud, waste and abuse in the Medicare
 7 and Medicaid programs for the funds provided by this ap-
 8 propriation.

9 ADMINISTRATION FOR CHILDREN AND FAMILIES

10 PAYMENTS TO STATES FOR CHILD SUPPORT

11 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

1 expenditures under such title IV–A in fiscal year 1997
2 under this appropriation and under such title IV–A as
3 amended by the Personal Responsibility and Work Oppor-
4 tunity Reconciliation Act of 1996 shall not exceed the limi-
5 tations under section 116(b) of such Act.

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

13 LOW-INCOME HOME ENERGY ASSISTANCE

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

17 For making payments under section 2604(e) of the
18 Low-Income Home Energy Assistance Act of 1981 (42
19 U.S.C. 8623(e)), \$682,000,000, notwithstanding the des-
20 ignation requirement of section 2602(e) of such Act.

21 REFUGEE AND ENTRANT ASSISTANCE

22 For necessary expenses for refugee and entrant as-
23 sistance activities and for costs associated with the care
24 and placement of unaccompanied alien children authorized
25 by title IV of the Immigration and Nationality Act (8
26 U.S.C. 1521–1524) and section 501 of the Refugee Edu-

1 cation Assistance Act of 1980 (8 U.S.C. 1522 note), for
 2 carrying out section 462 of the Homeland Security Act
 3 of 2002 (6 U.S.C. 279), and for carrying out the Torture
 4 Victims Relief Act of 1998 (22 U.S.C. 2152 note)
 5 \$650,630,000, of which up to \$9,814,000 shall be avail-
 6 able to carry out the Trafficking Victims Protection Act
 7 of 2000 (22 U.S.C. 7101 et seq.): *Provided*, That funds
 8 appropriated under this heading pursuant to section
 9 414(a) of the Immigration and Nationality Act and sec-
 10 tion 462 of the Homeland Security Act of 2002 for fiscal
 11 year 2008 shall be available for the costs of assistance pro-
 12 vided and other activities to remain available through Sep-
 13 tember 30, 2010.

14 PAYMENTS TO STATES FOR THE CHILD CARE AND
 15 DEVELOPMENT BLOCK GRANT

16 For carrying out the Child Care and Development
 17 Block Grant Act of 1990 (42 U.S.C. 9858 et seq.),
 18 \$2,137,081,000 shall be used to supplement, not supplant,
 19 State general revenue funds for child care assistance for
 20 low-income families: *Provided*, That \$18,777,370 shall be
 21 available for child care resource and referral and school-
 22 aged child care activities, of which \$982,080 shall be for
 23 the Child Care Aware toll-free hotline: *Provided further*,
 24 That, in addition to the amounts required to be reserved
 25 by the States under section 658G, \$267,785,718 shall be
 26 reserved by the States for activities authorized under sec-

tion 658G, of which \$98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), sections 310 and 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10409, 10416), the Native American Programs Act of 1974 (42 U.S.C. 2991a et seq.), title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.) (adoption opportunities), sections 330F and 330G of the Public Health Service Act (42 U.S.C. 254c–6, 254c–7), the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note), sections 261 and 291 of the Help America Vote Act of 2002 (42 U.S.C. 15421, 15461), subpart 1 of part

1 B of title IV and sections 413, 1110, and 1115 of the
2 Social Security Act, for making payments under the Com-
3 munity Services Block Grant Act (42 U.S.C. 9901 et
4 seq.), sections 439, 473B, and 477 of the Social Security
5 Act, and the Assets for Independence Act (42 U.S.C. 604
6 note), and for necessary administrative expenses to carry
7 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
8 XX of the Social Security Act, the Act of July 5, 1960
9 (24 U.S.C. chapter 9), the Low-Income Home Energy As-
10 sistance Act of 1981, title IV of the Immigration and Na-
11 tionality Act, section 501 of the Refugee Education Assist-
12 ance Act of 1980, and section 505 of the Family Support
13 Act of 1988 (42 U.S.C. 9926), \$9,125,940,000 (increased
14 by \$21,000,000), of which \$9,500,000, to remain available
15 until September 30, 2009, shall be for grants to States
16 for adoption incentive payments, as authorized by section
17 473A of the Social Security Act (42 U.S.C. 673b) and
18 may be made for adoptions completed before September
19 30, 2008: *Provided*, That \$6,963,571,000 shall be for
20 making payments under the Head Start Act, of which
21 \$1,388,800,000 shall become available October 1, 2008,
22 and remain available through September 30, 2009: *Pro-*
23 *vided further*, That \$701,125,000 shall be for making pay-
24 ments under the Community Services Block Grant Act:
25 *Provided further*, That not less than \$8,000,000 shall be

1 for section 680(3)(B) of the Community Services Block
2 Grant Act: *Provided further*, That in addition to amounts
3 provided herein, \$6,000,000 shall be available from
4 amounts available under section 241 of the Public Health
5 Service Act to carry out the provisions of section 1110
6 of the Social Security Act: *Provided further*, That to the
7 extent Community Services Block Grant funds are distrib-
8 uted as grant funds by a State to an eligible entity as
9 provided under the Act, and have not been expended by
10 such entity, they shall remain with such entity for carry-
11 over into the next fiscal year for expenditure by such enti-
12 ty consistent with program purposes: *Provided further*,
13 That the Secretary of Health and Human Services shall
14 establish procedures regarding the disposition of intan-
15 gible property which permits grant funds, or intangible as-
16 sets acquired with funds authorized under section 680 of
17 the Community Services Block Grant Act, to become the
18 sole property of such grantees after a period of not more
19 than 12 years after the end of the grant for purposes and
20 uses consistent with the original grant: *Provided further*,
21 That funds appropriated for section 680(a)(2) of the Com-
22 munity Services Block Grant Act shall be available for fi-
23 nancing construction and rehabilitation and loans or in-
24 vestments in private business enterprises owned by com-
25 munity development corporations: *Provided further*, That

1 \$64,350,000 is for a compassion capital fund to provide
2 grants to charitable organizations to emulate model social
3 service programs and to encourage research on the best
4 practices of social service organizations: *Provided further*,
5 That \$15,720,000 (increased by \$21,000,000) shall be for
6 activities authorized by the Help America Vote Act of
7 2002, of which \$10,890,000 (increased by \$15,000,000)
8 shall be for payments to States to promote access for vot-
9 ers with disabilities, and of which \$4,830,000 (increased
10 by \$6,000,000) shall be for payments to States for protec-
11 tion and advocacy systems for voters with disabilities: *Pro-*
12 *vided further*, That \$136,664,000 shall be for making
13 competitive grants to provide abstinence education (as de-
14 fined by section 510(b)(2) of the Social Security Act) to
15 adolescents, and for Federal costs of administering the
16 grant: *Provided further*, That grants under the imme-
17 diately preceding proviso shall be made only to public and
18 private entities which agree that, with respect to an ado-
19 lescent to whom the entities provide abstinence education
20 under such grant, the entities will not provide to that ado-
21 lescent any other education regarding sexual conduct, ex-
22 cept that, in the case of an entity expressly required by
23 law to provide health information or services the adoles-
24 cent shall not be precluded from seeking health informa-
25 tion or services from the entity in a different setting than

1 the setting in which abstinence education was provided:
 2 *Provided further*, That within amounts provided herein for
 3 abstinence education for adolescents, up to \$10,000,000
 4 may be available for a national abstinence education cam-
 5 paign: *Provided further*, That in addition to amounts pro-
 6 vided herein for abstinence education for adolescents,
 7 \$4,500,000 shall be available from amounts available
 8 under section 241 of the Public Health Service Act to
 9 carry out evaluations (including longitudinal evaluations)
 10 of adolescent pregnancy prevention approaches: *Provided*
 11 *further*, That up to \$2,000,000 shall be for improving the
 12 Public Assistance Reporting Information System, includ-
 13 ing grants to States to support data collection for a study
 14 of the system's effectiveness.

15 PROMOTING SAFE AND STABLE FAMILIES

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

19 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

20 ASSISTANCE

21 For making payments to States or other non-Federal
 22 entities under title IV–E of the Social Security Act,
 23 \$5,082,000,000.

24 For making payments to States or other non-Federal
 25 entities under title IV–E of the Social Security Act, for
 26 the first quarter 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
3 section 474 of title IV–E of the Social Security Act, for
4 the last three months of the current fiscal year for unan-
5 ticipated costs, incurred for the current fiscal year, such
6 sums as may be necessary.

7 ADMINISTRATION ON AGING

8 AGING SERVICES PROGRAMS

9 For carrying out, to the extent not otherwise pro-
10 vided, the Older Americans Act of 1965 (42 U.S.C. 3011
11 et seq.) and section 398 of the Public Health Service Act
12 (42 U.S.C. 280c–3), \$1,417,189,000.

13 DEPARTMENTAL MANAGEMENT

14 OFFICE OF THE SECRETARY

15 GENERAL DEPARTMENTAL MANAGEMENT

16 For necessary expenses, not otherwise provided, for
17 general departmental management, including hire of six
18 sedans, and for carrying out titles III, XVII, XX, and XXI
19 of the Public Health Service Act, the United States-Mex-
20 ico Border Health Commission Act, and research studies
21 under section 1110 of the Social Security Act,
22 \$363,224,000 (reduced by \$21,000,000) (reduced by
23 \$10,000,000) (increased by \$10,000,000), together with
24 \$5,851,000 to be transferred and expended as authorized
25 by section 201(g)(1) of the Social Security Act from the
26 Federal Hospital Insurance Trust Fund and the Federal

1 Supplementary Medical Insurance Trust Fund, and
2 \$46,756,000 from the amounts available under section
3 241 of the Public Health Service Act to carry out national
4 health or human services research and evaluation activi-
5 ties: *Provided*, That of the funds made available under this
6 heading for carrying out title XX of the Public Health
7 Service Act, \$13,120,000 shall be for activities specified
8 under section 2003(b)(2), all of which shall be for preven-
9 tion service demonstration grants under section 510(b)(2)
10 of title V of the Social Security Act without application
11 of the limitation of section 2010(c) of such title XX: *Pro-*
12 *vided further*, That of this amount, \$51,891,000 shall be
13 for minority AIDS prevention and treatment activities;
14 and \$5,941,000 shall be to assist Afghanistan in the devel-
15 opment of maternal and child health clinics, consistent
16 with section 103(a)(4)(H) of the Afghanistan Freedom
17 Support Act of 2002.

18 OFFICE OF MEDICARE HEARINGS AND APPEALS

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

1 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
2 INFORMATION TECHNOLOGY

3 For expenses necessary for the Office of the National
4 Coordinator for Health Information Technology, including
5 grants, contracts, and cooperative agreements for the de-
6 velopment and advancement of an interoperable national
7 health information technology infrastructure,
8 \$13,302,000: *Provided*, That in addition to amounts pro-
9 vided herein, \$48,000,000 shall be available from amounts
10 available under section 241 of the Public Health Service
11 Act to carry out health information technology network
12 development.

13 OFFICE OF INSPECTOR GENERAL

14 For expenses necessary for the Office of the Inspector
15 General, including the hire of passenger motor vehicles for
16 investigations, in carrying out the provisions of the Inspec-
17 tor General Act of 1978, \$44,687,000: *Provided*, That of
18 such amount, necessary sums are available for providing
19 protective services to the Secretary and investigating non-
20 payment of child support cases for which non-payment is
21 a Federal offense under section 228 of title 18, United
22 States Code.

23 OFFICE FOR CIVIL RIGHTS

24 For expenses necessary for the Office for Civil
25 Rights, \$33,748,000, together with not to exceed
26 \$3,314,000 to be transferred and expended as authorized

1 by section 201(g)(1) of the Social Security Act from the
 2 Federal Hospital Insurance Trust Fund and the Federal
 3 Supplementary Medical Insurance Trust Fund.

4 RETIREMENT PAY AND MEDICAL BENEFITS FOR
 5 COMMISSIONED OFFICERS

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

13 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
 14 FUND
 15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses necessary to support activities related
 17 to countering potential biological, disease, nuclear, radio-
 18 logical and chemical threats to civilian populations, and
 19 for other public health emergencies, \$757,291,000, of
 20 which not to exceed \$22,363,000, to remain available until
 21 September 30, 2009, is to pay the costs described in sec-
 22 tion 319F-2(c)(7)(B) of the Public Health Service Act (42
 23 U.S.C. 247d-6b(c)(7)(B)).

24 For expenses necessary to prepare for and respond
 25 to an influenza pandemic, \$948,091,000, of which
 26 \$870,000,000 shall be available until expended, for activi-

1 ties including the development and purchase of vaccine,
2 antivirals, necessary medical supplies, diagnostics, and
3 other surveillance tools: *Provided*, That products pur-
4 chased with these funds may, at the discretion of the Sec-
5 retary of Health and Human Services, be deposited in the
6 Strategic National Stockpile: *Provided further*, That not-
7 withstanding section 496(b) of the Public Health Service
8 Act, funds may be used for the construction or renovation
9 of privately owned facilities for the production of pandemic
10 vaccine and other biologicals, where the Secretary finds
11 such a contract necessary to secure sufficient supplies of
12 such vaccines or biologicals: *Provided further*, That funds
13 appropriated herein may be transferred to other appro-
14 priation accounts of the Department of Health and
15 Human Services, as determined by the Secretary to be ap-
16 propriate, to be used for the purposes specified in this sen-
17 tence.

18 COVERED COUNTERMEASURE PROCESS FUND

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

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

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

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

1 SEC. 205. None of the funds appropriated in this Act
2 may be expended pursuant to section 241 of the Public
3 Health Service Act, except for funds specifically provided
4 for in this Act, or for other taps and assessments made
5 by any office located in the Department of Health and
6 Human Services, prior to the preparation and submission
7 of a report by the Secretary of Health and Human Serv-
8 ices to the Committees on Appropriations of the House
9 of Representatives and the Senate detailing the planned
10 uses of such funds.

11 SEC. 206. Notwithstanding section 241(a) of the
12 Public Health Service Act, such portion as the Secretary
13 of Health and Human Services shall determine, but not
14 more than 2.4 percent, of any amounts appropriated for
15 programs authorized under such Act shall be made avail-
16 able for the evaluation (directly, or by grants or contracts)
17 of the implementation and effectiveness of such programs.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 207. Not to exceed 1 percent of any discre-
20 tionary funds (pursuant to the Balanced Budget and
21 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
22 seq.)) which are appropriated for the current fiscal year
23 for the Department of Health and Human Services in this
24 Act may be transferred between appropriations, but no
25 such appropriation shall be increased by more than 3 per-
26 cent by any such transfer: *Provided*, That an appropria-

1 tion may be increased by up to an additional 2 percent
2 subject to approval by the Committees on Appropriations
3 of the House of Representatives and the Senate: *Provided*
4 *further*, That the transfer authority granted by this section
5 shall be available only to meet unanticipated needs and
6 shall not be used to create any new program or to fund
7 any project or activity for which no funds are provided
8 in this Act: *Provided further*, That the Committees on Ap-
9 propriations of the House of Representatives and the Sen-
10 ate are notified at least 15 days in advance of any trans-
11 fer.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 208. The Director of the National Institutes of
14 Health, jointly with the Director of the Office of AIDS
15 Research, may transfer up to 3 percent among institutes
16 and centers from the total amounts identified by these two
17 Directors as funding for research pertaining to the human
18 immunodeficiency virus: *Provided*, That the Committees
19 on Appropriations of the House of Representatives and the
20 Senate are promptly notified of the transfer.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 209. Of the amounts made available in this Act
23 for the National Institutes of Health, the amount for re-
24 search related to the human immunodeficiency virus, as
25 jointly determined by the Director of the National Insti-
26 tutes of Health and the Director of the Office of AIDS

1 Research, shall be made available to the “Office of AIDS
2 Research” account. The Director of the Office of AIDS
3 Research shall transfer from such account amounts nec-
4 essary to carry out section 2353(d)(3) of the Public
5 Health Service Act (42 U.S.C. 300cc–40b(d)(3)).

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

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

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

cluding a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

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

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

1 State's substance abuse block grant allocation for each
2 percentage point by which the State misses the retailer
3 compliance rate goal established by the Secretary of
4 Health and Human Services under section 1926 of such
5 Act.

6 (c) The State is to maintain State expenditures in
7 fiscal year 2008 for tobacco prevention programs and for
8 compliance activities at a level that is not less than the
9 level of such expenditures maintained by the State for fis-
10 cal year 2007, and adding to that level the additional
11 funds for tobacco compliance activities required under
12 subsection (a). The State is to submit a report to the Sec-
13 retary on all fiscal year 2007 State expenditures and all
14 fiscal year 2008 obligations for tobacco prevention and
15 compliance activities by program activity by July 31,
16 2008.

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

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

1 SEC. 214. In order for the Centers for Disease Con-
2 trol and Prevention to carry out international health ac-
3 tivities, including HIV/AIDS and other infectious disease,
4 chronic and environmental disease, and other health ac-
5 tivities abroad during fiscal year 2008:

6 (1) The Secretary of Health and Human Serv-
7 ices (in this section referred to as the “Secretary of
8 HHS”) may exercise authority equivalent to that
9 available to the Secretary of State in section 2(c) of
10 the State Department Basic Authorities Act of 1956
11 (22 U.S.C. 2669(c)). The Secretary of HHS shall
12 consult with the Secretary of State and relevant
13 Chief of Mission to ensure that the authority pro-
14 vided in this section is exercised in a manner con-
15 sistent with section 207 of the Foreign Service Act
16 of 1980 (22 U.S.C. 3927) and other applicable stat-
17 utes administered by the Department of State.

18 (2) The Secretary of HHS is authorized to pro-
19 vide such funds by advance or reimbursement to the
20 Secretary of State as may be necessary to pay the
21 costs of acquisition, lease, alteration, renovation, and
22 management of facilities outside of the United
23 States for the use of the Department of Health and
24 Human Services. The Department of State shall co-
25 operate fully with the Secretary of HHS to ensure

1 that the Department of Health and Human Services
2 has secure, safe, functional facilities that comply
3 with applicable regulation governing location, set-
4 back, and other facilities requirements and serve the
5 purposes established by this Act. The Secretary of
6 HHS is authorized, in consultation with the Sec-
7 retary of State, through grant or cooperative agree-
8 ment, to make available to public or nonprofit pri-
9 vate institutions or agencies in participating foreign
10 countries, funds to acquire, lease, alter, or renovate
11 facilities in those countries as necessary to conduct
12 programs of assistance for international health ac-
13 tivities, including activities relating to HIV/AIDS
14 and other infectious diseases, chronic and environ-
15 mental diseases, and other health activities abroad.

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

1 (b) PEER REVIEW.—In entering into transactions
2 under subsection (a), the Director of the NIH may utilize
3 such peer review procedures (including consultation with
4 appropriate scientific experts) as the Director determines
5 to be appropriate to obtain assessments of scientific and
6 technical merit. Such procedures shall apply to such trans-
7 actions in lieu of the peer review and advisory council re-
8 view procedures that would otherwise be required under
9 sections 301(a)(3), 405(b)(1)(B), 405(b)(2),
10 406(a)(3)(A), 492, and 494 of the Public Health Service
11 Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2),
12 284a(a)(3)(A), 289a, and 289c).

13 SEC. 216. Funds which are available for Individual
14 Learning Accounts for employees of the Centers for Dis-
15 ease Control and Prevention (“CDC”) and the Agency for
16 Toxic Substances and Disease Registry (“ATSDR”) may
17 be transferred to “Disease Control, Research, and Train-
18 ing”, to be available only for Individual Learning Ac-
19 counts: *Provided*, That such funds may be used for any
20 individual full-time equivalent employee while such em-
21 ployee is employed either by CDC or ATSDR.

22 SEC. 217. 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

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

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

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

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

19 TITLE III—DEPARTMENT OF EDUCATION

20 EDUCATION FOR THE DISADVANTAGED

21 For carrying out title I of the Elementary and Sec-
 22 ondary Education Act of 1965 (“ESEA”) (20 U.S.C.
 23 6301 et seq.) and section 418A of the Higher Education
 24 Act of 1965 (20 U.S.C. 1070d–2), \$16,016,318,000 (re-
 25 duced by \$46,500,000), of which \$7,698,807,000 (reduced

1 by \$46,500,000) shall become available on July 1, 2008,
 2 and shall remain available through September 30, 2009,
 3 and of which \$8,136,218,000 shall become available on
 4 October 1, 2008, and shall remain available through Sep-
 5 tember 30, 2009 for academic year 2008–2009: *Provided*,
 6 That \$6,808,971,000 shall be for basic grants under sec-
 7 tion 1124 of ESEA (20 U.S.C. 6333): *Provided further*,
 8 That up to \$4,000,000 of these funds shall be available
 9 to the Secretary of Education on October 1, 2007, to ob-
 10 tain annually updated local educational-agency-level cen-
 11 sus poverty data from the Bureau of the Census: *Provided*
 12 *further*, That \$1,365,031,000 shall be for concentration
 13 grants under section 1124A of ESEA (20 U.S.C. 6334):
 14 *Provided further*, That \$3,094,562,000 shall be for tar-
 15 geted grants under section 1125 of ESEA (20 U.S.C.
 16 6335): *Provided further*, That \$3,094,260,000 shall be for
 17 education finance incentive grants under section 1125A of
 18 ESEA (20 U.S.C. 6337): *Provided further*, That
 19 \$9,330,000 shall be to carry out sections 1501 and 1503
 20 of ESEA (20 U.S.C. 6491, 6493): *Provided further*, That
 21 \$1,634,000 shall be available for a comprehensive school
 22 reform clearinghouse.

23 IMPACT AID

24 For carrying out programs of financial assistance to
 25 federally affected schools authorized by title VIII of the

1 Elementary and Secondary Education Act of 1965 (20
2 U.S.C. 7701 et seq.), \$1,278,453,000, of which
3 \$1,140,517,000 shall be for basic support payments under
4 section 8003(b) of such Act (20 U.S.C. 7703(b)),
5 \$49,466,000 shall be for payments for children with dis-
6 abilities under section 8003(d) of such Act (20 U.S.C.
7 7703(d)), \$17,820,000 shall be for construction under sec-
8 tion 8007(a) of such Act (20 U.S.C. 7707(a)),
9 \$65,700,000 shall be for Federal property payments under
10 section 8002 of such Act (20 U.S.C. 7702), and
11 \$4,950,000, to remain available until expended, shall be
12 for facilities maintenance under section 8008 of such Act
13 (20 U.S.C. 7708): *Provided*, That for purposes of com-
14 puting the amount of a payment for an eligible local edu-
15 cational agency under section 8003(a) of such Act (20
16 U.S.C. 7703(a)) for school year 2007–2008, children en-
17 rolled in a school of such agency that would otherwise be
18 eligible for payment under section 8003(a)(1)(B) of such
19 Act, but due to the deployment of both parents or legal
20 guardians, or a parent or legal guardian having sole cus-
21 tody of such children, or due to the death of a military
22 parent or legal guardian while on active duty (so long as
23 such children reside on Federal property as described in
24 section 8003(a)(1)(B) of such Act), are no longer eligible
25 under such section, shall be considered as eligible students

1 under such section, provided such students remain in aver-
 2 age daily attendance at a school in the same local edu-
 3 cational agency they attended prior to their change in eli-
 4 gibility status.

5 SCHOOL IMPROVEMENT PROGRAMS

6 For carrying out school improvement activities au-
 7 thorized by title II (20 U.S.C. 6601 et seq.), part B of
 8 title IV (20 U.S.C. 7171 et seq.), part A of title V (20
 9 U.S.C. 7201 et seq.) and subparts 6 and 9 of part D of
 10 title V (20 U.S.C. 7253 et seq., 20 U.S.C. 7259 et seq.),
 11 part A of title VI (20 U.S.C. 7301 et seq.) and part B
 12 of title VI (20 U.S.C. 7341 et seq.), and part B of title
 13 VII (20 U.S.C. 7511 et seq.) and part C of title VII (20
 14 U.S.C. 7541 et seq.) of the Elementary and Secondary
 15 Education Act of 1965 (“ESEA”); the McKinney-Vento
 16 Homeless Assistance Act (42 U.S.C. 11301 et seq.); sec-
 17 tion 203 of the Educational Technical Assistance Act of
 18 2002 (20 U.S.C. 9602); the Compact of Free Association
 19 Amendments Act of 2003 (48 U.S.C. 1921 et seq.); and
 20 the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.),
 21 \$5,678,002,000, of which \$4,059,441,000 shall become
 22 available on July 1, 2008, and remain available through
 23 September 30, 2009, and of which \$1,435,000,000 shall
 24 become available on October 1, 2008, and shall remain
 25 available through September 30, 2009, for academic year

1 2008–2009: *Provided*, That \$411,630,000 shall be for
2 State assessments and related activities authorized under
3 sections 6111 and 6112 of ESEA (20 U.S.C. 7301,
4 7301a): *Provided further*, That up to 100 percent of the
5 funds available to a State educational agency under part
6 D of title II of the ESEA (20 U.S.C. 6751 et seq.) may
7 be used for subgrants described in section 2412(a)(2)(B)
8 of such Act (20 U.S.C. 6762(a)(2)(B)): *Provided further*,
9 That \$56,257,000 shall be available to carry out section
10 203 of the Educational Technical Assistance Act of 2002:
11 *Provided further*, That \$34,376,000 shall be available to
12 carry out part D of title V of ESEA: *Provided further*,
13 That no funds appropriated under this heading may be
14 used to carry out section 5494 under ESEA (20 U.S.C.
15 7259c): *Provided further*, That \$18,001,000 shall be avail-
16 able to carry out the Supplemental Education Grants pro-
17 gram for the Federated States of Micronesia and for the
18 Republic of the Marshall Islands: *Provided further*, That
19 up to 5 percent of these amounts may be reserved by the
20 Federated States of Micronesia and the Republic of the
21 Marshall Islands to administer the Supplemental Edu-
22 cation Grants programs and to obtain technical assistance,
23 oversight, and consultancy services in the administration
24 of these grants and to reimburse the United States De-
25 partments of Labor, Health and Human Services, and

1 Education for such services: *Provided further*, That
 2 \$3,000,000 of the funds available for the Foreign Lan-
 3 guage Assistance Program shall be available for 5-year
 4 grants to local educational agencies that would work in
 5 partnership with one or more institutions of higher edu-
 6 cation to establish or expand articulated programs of
 7 study in languages critical to United States national secu-
 8 rity that will enable successful students to advance from
 9 elementary school through college to achieve a superior
 10 level of proficiency in those languages.

11 INDIAN EDUCATION

12 For expenses necessary to carry out, to the extent
 13 not otherwise provided, part A of title VII of the Elemen-
 14 tary and Secondary Education Act of 1965 (20 U.S.C.
 15 7401 et seq.), \$124,000,000.

16 INNOVATION AND IMPROVEMENT

17 For carrying out activities authorized by section 1504
 18 (20 U.S.C. 6494), part G of title I (20 U.S.C. 6531 et
 19 seq.), subpart 5 of part A of title II (20 U.S.C. 6651)
 20 and part C and part D of title II (20 U.S.C. 6671 et seq.,
 21 20 U.S.C. 6751 et seq.), and part B (including subpart
 22 2), part C, and part D of title V (20 U.S.C. 7221 et seq.,
 23 20 U.S.C. 7231 et seq., and 20 U.S.C. 7241) of the Ele-
 24 mentary and Secondary Education Act of 1965
 25 (“ESEA”), \$992,354,000: *Provided*, That \$10,695,000

1 shall be provided to the National Board for Professional
2 Teaching Standards to carry out section 2151(c) of ESEA
3 (20 U.S.C. 6651(c)): *Provided further*, That from funds
4 for subpart 4 of part C of title II (20 U.S.C. 6721 et
5 seq.), up to 3 percent shall be available to the Secretary
6 for technical assistance and dissemination of information:
7 *Provided further*, That \$258,988,000 shall be available to
8 carry out part D of title V of ESEA (20 U.S.C. 7241
9 et seq.), of which \$99,000,000 of the funds for subpart
10 1 shall be for competitive grants to local educational agen-
11 cies, including charter schools that are local educational
12 agencies, or States, or partnerships of: (1) a local edu-
13 cational agency, a State, or both; and (2) at least one non-
14 profit organization to develop and implement performance-
15 based teacher and principal compensation systems in high-
16 need schools: *Provided further*, That such performance-
17 based compensation systems must consider gains in stu-
18 dent academic achievement as well as classroom evalua-
19 tions conducted multiple times during each school year
20 among other factors and provide educators with incentives
21 to take on additional responsibilities and leadership roles:
22 *Provided further*, That up to 5 percent of such funds for
23 competitive grants shall be available for technical assist-
24 ance, training, peer review of applications, program out-
25 reach, and evaluation activities.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subpart 3
3 of part C of title II (20 U.S.C. 6711 et seq.), part A of
4 title IV (20 U.S.C. 7101 et seq.), subpart 2 of part D
5 of title V (20 U.S.C. 7245), subpart 3 of part D of title
6 V (20 U.S.C. 7247), and subpart 10 of part D of title
7 V (20 U.S.C. 7261 et seq.) of the Elementary and Sec-
8 ondary Education Act of 1965 (“ESEA”), \$714,075,000
9 (increased by \$46,500,000), of which \$300,000,000 (in-
10 creased by \$46,500,000) shall become available on July
11 1, 2008, and remain available through September 30,
12 2009: *Provided*, That \$300,000,000 (increased by
13 \$46,500,000) shall be available for subpart 1 of part A
14 of title IV of ESEA (20 U.S.C. 7111 et seq.) and
15 \$222,335,000 shall be available for subpart 2 of part A
16 of title IV of ESEA (20 U.S.C. 7131 et seq.), of which
17 \$5,000,000, to remain available until expended, shall be
18 for the Project School Emergency Response to Violence
19 program to provide education-related services to local edu-
20 cational agencies, and institutions of higher education, in
21 which the learning environment has been disrupted due
22 to a violent or traumatic crisis: *Provided further*, That
23 \$158,422,000 shall be available to carry out part D of
24 title V of ESEA (20 U.S.C. 7241 et seq.): *Provided fur-*
25 *ther*, That of the funds available to carry out subpart 3

1 of part C of title II of ESEA (20 U.S.C. 6711 et seq.),
 2 up to \$12,072,000 may be used to carry out section 2345
 3 (20 U.S.C. 6715) and \$3,025,000 shall be used by the
 4 Center for Civic Education to implement a comprehensive
 5 program to improve public knowledge, understanding, and
 6 support of the Congress and the State legislatures.

7 ENGLISH LANGUAGE ACQUISITION

8 For carrying out part A of title III of the Elementary
 9 and Secondary Education Act of 1965 (20 U.S.C. 6811
 10 et seq.), \$774,614,000, which shall become available on
 11 July 1, 2008, and shall remain available through Sep-
 12 tember 30, 2009, except that 6.5 percent of such amount
 13 shall be available on October 1, 2007, and shall remain
 14 available through September 30, 2009, to carry out activi-
 15 ties under section 3111(c)(1)(C) of such Act (20 U.S.C.
 16 6821(c)(1)(C)).

17 SPECIAL EDUCATION

18 For carrying out the Individuals with Disabilities
 19 Education Act (20 U.S.C. 1400 et seq.), \$12,310,831,000
 20 (increased by \$2,000,000) (increased by \$50,000,000) of
 21 which \$5,467,594,000 (increased by \$2,000,000) shall be-
 22 come available on July 1, 2008, and shall remain available
 23 through September 30, 2009, and of which
 24 \$6,641,982,000 shall become available on October 1,
 25 2008, and shall remain available through September 30,

1 2009, for academic year 2008–2009: *Provided*, That
 2 \$11,880,000 shall be for the activities authorized by sec-
 3 tion 674(c)(1)(D) of such Act: *Provided further*, That the
 4 amount for section 611(b)(2) of such Act (20 U.S.C.
 5 1411(b)(2)) shall be equal to the lesser of the amount
 6 available for that activity during fiscal year 2007, in-
 7 creased by the amount of inflation as specified in section
 8 619(d)(2)(B) of such Act (20 U.S.C. 1419(d)(2)(B)) or
 9 the percentage increase in the funds appropriated under
 10 section 611(i) of such Act (20 U.S.C. 1411(i)).

11 REHABILITATION SERVICES AND DISABILITY RESEARCH

12 For carrying out, to the extent not otherwise pro-
 13 vided, the Rehabilitation Act of 1973 (29 U.S.C. 701 et
 14 seq.), the Assistive Technology Act of 1998 (29 U.S.C.
 15 3001 et seq.), and the Helen Keller National Center Act
 16 (29 U.S.C. 1901 et seq.), \$3,279,743,000: *Provided*, That
 17 \$30,452,000 shall be used for carrying out the Assistive
 18 Technology Act of 1998.

19 SPECIAL INSTITUTIONS FOR PERSONS WITH 20 DISABILITIES

21 AMERICAN PRINTING HOUSE FOR THE BLIND

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

24 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

25 For the National Technical Institute for the Deaf
 26 under titles I and II of the Education of the Deaf Act

1 of 1986 (20 U.S.C. 4301 et seq.), \$60,757,000, of which
 2 \$1,705,000 shall be for construction and shall remain
 3 available until expended: *Provided*, That from the total
 4 amount available, the Institute may at its discretion use
 5 funds for the endowment program as authorized under
 6 section 207 of such Act (20 U.S.C. 4357).

7 GALLAUDET UNIVERSITY

8 For the Kendall Demonstration Elementary School,
 9 the Model Secondary School for the Deaf, and the partial
 10 support of Gallaudet University under titles I and II of
 11 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
 12 et seq.), \$109,952,000: *Provided*, That from the total
 13 amount available, the University may at its discretion use
 14 funds for the endowment program as authorized under
 15 section 207 of such Act (20 U.S.C. 4357).

16 CAREER, TECHNICAL, AND ADULT EDUCATION

17 For carrying out, to the extent not otherwise pro-
 18 vided, the Carl D. Perkins Career and Technical Edu-
 19 cation Act of 2006 (20 U.S.C. 2301 et seq.), the Adult
 20 Education and Family Literacy Act (20 U.S.C. 9201 et
 21 seq.), and subpart 4 of part D of title V of the Elementary
 22 and Secondary Education Act of 1965 (“ESEA”) (20
 23 U.S.C. 7249), \$2,046,220,000, of which \$1,247,220,000
 24 shall become available on July 1, 2008, and shall remain
 25 available through September 30, 2009, and of which
 26 \$791,000,000 shall become available on October 1, 2008,

1 and shall remain available through September 30, 2009:
2 *Provided*, That of the amounts made available for the Carl
3 D. Perkins Career and Technical Education Act of 2006,
4 \$8,000,000 is for the postsecondary career and technical
5 institutions under section 117 of such Act (20 U.S.C.
6 2327): *Provided further*, That of the amounts provided for
7 Adult Education State Grants, \$71,622,000 shall be made
8 available for integrated English literacy and civics edu-
9 cation services to immigrants and other limited English
10 proficient populations: *Provided further*, That of the
11 amount reserved for integrated English literacy and civics
12 education, notwithstanding section 211 of the Adult Edu-
13 cation and Family Literacy Act (20 U.S.C. 9211), 65 per-
14 cent shall be allocated to States based on a State's abso-
15 lute need as determined by calculating each State's share
16 of a 10-year average of the United States Citizenship and
17 Immigration Services data for immigrants admitted for
18 legal permanent residence for the 10 most recent years,
19 and 35 percent allocated to States that experienced growth
20 as measured by the average of the 3 most recent years
21 for which United States Citizenship and Immigration
22 Services data for immigrants admitted for legal permanent
23 residence are available, except that no State shall be allo-
24 cated an amount less than \$60,000: *Provided further*,
25 That of the amounts made available for the Adult Edu-

1 cation and Family Literacy Act, \$7,000,000 shall be for
2 national leadership activities under section 243 of such
3 Act (20 U.S.C. 9253) and \$6,638,000 shall be for the Na-
4 tional Institute for Literacy under section 242 of such Act
5 (20 U.S.C. 9252): *Provided further*, That \$93,531,000
6 shall be available to support the activities authorized
7 under subpart 4 of part D of title V of the ESEA (20
8 U.S.C. 7249), of which up to 5 percent shall become avail-
9 able October 1, 2007, and shall remain available through
10 September 30, 2009, for evaluation, technical assistance,
11 school networks, peer review of applications, and program
12 outreach activities, and of which not less than 95 percent
13 shall become available on July 1, 2008, and remain avail-
14 able through September 30, 2009, for grants to local edu-
15 cational agencies: *Provided further*, That funds made
16 available to local educational agencies under this subpart
17 shall be used only for activities related to establishing
18 smaller learning communities within large high schools or
19 small high schools that provide alternatives for students
20 enrolled in large high schools.

21 STUDENT FINANCIAL ASSISTANCE

22 For carrying out subparts 1, 3, and 4 of part A, part
23 C, and part E of title IV of the Higher Education Act
24 of 1965, \$17,464,883,000, which shall remain available
25 through September 30, 2009: *Provided*, That, in addition,

1 any amount made available for Academic Competitiveness
 2 Grants and National SMART Grants under section 401A
 3 of the Higher Education Act of 1965 (20 U.S.C. 1070a–
 4 1) for fiscal year 2007 (in an appropriation for such fiscal
 5 year or a preceding fiscal year) that is unobligated at the
 6 end of fiscal year 2007 shall be available for Pell Grants
 7 for the 2008–2009 award year.

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

10 STUDENT AID ADMINISTRATION

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

16 HIGHER EDUCATION

17 For carrying out, to the extent not otherwise pro-
 18 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
 19 cation Act of 1965 (“HEA”), section 1543 of the Higher
 20 Education Amendments of 1992, and the Mutual Edu-
 21 cational and Cultural Exchange Act of 1961,
 22 \$2,051,533,000 (increased by \$100,000,000) (increased
 23 by \$25,000,000): *Provided*, That \$9,699,000, to remain
 24 available through September 30, 2009, shall be available
 25 to fund fellowships for academic year 2009–2010 under

1 subpart 1 of part A of title VII of the HEA, under the
 2 terms and conditions of such subpart 1: *Provided further*,
 3 That \$620,000 is for data collection and evaluation activi-
 4 ties for programs under the HEA, including such activities
 5 needed to comply with the Government Performance and
 6 Results Act of 1993: *Provided further*, That notwith-
 7 standing any other provision of law, funds made available
 8 in this Act to carry out title VI of the HEA and section
 9 102(b)(6) of the Mutual Educational and Cultural Ex-
 10 change Act of 1961 may be used to support visits and
 11 study in foreign countries by individuals who are partici-
 12 pating in advanced foreign language training and inter-
 13 national studies in areas that are vital to United States
 14 national security and who plan to apply their language
 15 skills and knowledge of these countries in the fields of gov-
 16 ernment, the professions, or international development:
 17 *Provided further*, That of the funds referred to in the pre-
 18 ceding proviso, up to 1 percent may be used for program
 19 evaluation, national outreach, and information dissemina-
 20 tion activities: *Provided further*, That the funds provided
 21 for title II of the HEA shall be allocated notwithstanding
 22 section 210 of such Act.

23 HOWARD UNIVERSITY

24 For partial support of Howard University (20 U.S.C.
 25 121 et seq.), \$237,392,000, of which not less than

1 \$3,526,000 shall be for a matching endowment grant pur-
 2 suant to the Howard University Endowment Act (20
 3 U.S.C. 130aa et seq.) and shall remain available until ex-
 4 pended.

5 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
 6 PROGRAM

7 For Federal administrative expenses to carry out ac-
 8 tivities related to existing facility loans pursuant to section
 9 121 of the Higher Education Act of 1965, \$481,000.

10 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
 11 CAPITAL FINANCING PROGRAM ACCOUNT

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

16 INSTITUTE OF EDUCATION SCIENCES

17 For carrying out activities authorized by the Edu-
 18 cation Sciences Reform Act of 2002 (20 U.S.C. 9501 et
 19 seq.) the National Assessment of Educational Progress
 20 Authorization Act (20 U.S.C. 9621 et seq.), section 208
 21 of the Educational Technical Assistance Act of 2002 (20
 22 U.S.C. 9607), and section 664 of the Individuals with Dis-
 23 abilities Education Act (20 U.S.C. 1464), \$535,103,000,
 24 of which \$293,144,000 shall remain available until Sep-
 25 tember 30, 2009.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act (20
5 U.S.C. 3401 et seq.), including rental of conference rooms
6 in the District of Columbia and hire of three passenger
7 motor vehicles, \$394,487,000 (reduced by \$125,000,000)
8 (reduced by \$50,000,000), of which \$3,000,000, to remain
9 available until expended, shall be for building alterations
10 and related expenses for the move of Department staff to
11 the Mary E. Switzer building in Washington, D.C.

12 OFFICE FOR CIVIL RIGHTS

13 For expenses necessary for the Office for Civil
14 Rights, as authorized by section 203 of the Department
15 of Education Organization Act (20 U.S.C. 3413),
16 \$93,771,000.

17 OFFICE OF INSPECTOR GENERAL

18 For expenses necessary for the Office of the Inspector
19 General, as authorized by section 212 of the Department
20 of Education Organization Act (20 U.S.C. 3422),
21 \$53,239,000.

22 GENERAL PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

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

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

6 SEC. 302. None of the funds contained in this Act
7 shall be used to require, directly or indirectly, the trans-
8 portation of any student to a school other than the school
9 which is nearest the student's home, except for a student
10 requiring special education, to the school offering such
11 special education, in order to comply with title VI of the
12 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). For
13 the purpose of this section an indirect requirement of
14 transportation of students includes the transportation of
15 students to carry out a plan involving the reorganization
16 of the grade structure of schools; the pairing of schools;
17 or the clustering of schools; or any combination of grade
18 restructuring, pairing, or clustering. The prohibition de-
19 scribed in this section does not include the establishment
20 of magnet schools.

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

24 SEC. 304. Not to exceed 1 percent of any discre-
25 tionary funds (pursuant to the Balanced Budget and

1 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
2 seq.)) which are appropriated for the current fiscal year
3 for the Department of Education in this Act may be trans-
4 ferred between appropriations, but no such appropriation
5 shall be increased by more than 3 percent by any such
6 transfer: *Provided*, That an appropriation may be in-
7 creased by up to an additional 2 percent subject to ap-
8 proval by the Committees on Appropriations of the House
9 of Representatives and the Senate: *Provided further*, That
10 the transfer authority granted by this section shall be
11 available only to meet unanticipated needs and shall not
12 be used to create any new program or to fund any project
13 or activity for which no funds are provided in this Act:
14 *Provided further*, That the Committees on Appropriations
15 of the House of Representatives and the Senate are noti-
16 fied at least 15 days in advance of any transfer.

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

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

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

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

9 (b) REVIEW BY INSPECTOR GENERAL.—

10 (1) Within 30 days after the implementation of
11 the procedures described in subsection (a), the In-
12 specter General of the Department of Education
13 shall report to the Committees on Appropriations of
14 the House of Representatives and the Senate on the
15 adequacy of such procedures.

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

21 (3) The Inspector General shall report to such
22 Committees any recommendations for modifications
23 to such procedures that the Inspector General deter-
24 mines are necessary to uncover and disclose the ex-
25 istence of such potential financial interests or bias.

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

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

5 (2) a contractor or subcontractor of the Depart-
 6 ment, or an individual hired by the contracted enti-
 7 ty;

8 (3) a member of a peer review panel of the De-
 9 partment; or

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

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

13 TITLE IV—RELATED AGENCIES

14 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

15 BLIND OR SEVERELY DISABLED

16 SALARIES AND EXPENSES

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

20 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

21 OPERATING EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for the Corporation for Na-
 24 tional and Community Service to carry out the Domestic
 25 Volunteer Service Act of 1973 (“1973 Act”) (42 U.S.C.
 26 4950 et seq.) and the National and Community Service

1 Act of 1990 (“1990 Act”) (42 U.S.C. 12501 et seq.),
2 \$768,905,000, of which \$313,054,000 is to carry out the
3 1973 Act and \$455,851,000 is to carry out the 1990 Act:
4 *Provided*, That up to 1 percent of program grant funds
5 may be used to defray the costs of conducting grant appli-
6 cation reviews, including the use of outside peer reviewers
7 and electronic management of the grants cycle: *Provided*
8 *further*, That none of the funds made available under this
9 heading for activities authorized by section 122 and part
10 E (42 U.S.C. 5028 et seq.) of title II of the 1973 Act
11 shall be used to provide stipends or other monetary incen-
12 tives to volunteers or volunteer leaders whose incomes ex-
13 ceed 125 percent of the national poverty level: *Provided*
14 *further*, That notwithstanding subtitle H of title I of the
15 1990 Act (42 U.S.C. 12653 et seq.), none of the funds
16 provided for quality and innovation activities shall be used
17 to support salaries and related expenses (including travel)
18 attributable to Corporation for National and Community
19 Service employees: *Provided further*, That of the amounts
20 provided under this heading: (1) \$122,521,000, to remain
21 available until expended, to be transferred to the National
22 Service Trust for educational awards authorized under
23 subtitle D of title I of the 1990 Act: *Provided further*, That
24 in addition to these funds, the Corporation may transfer
25 funds from the amount provided for AmeriCorps grants

1 under the National Service Trust Program, to the Na-
2 tional Service Trust authorized under subtitle D of title
3 I of the 1990 Act (42 U.S.C. 12601 et seq.), upon deter-
4 mination that such transfer is necessary to support the
5 activities of national service participants and after notice
6 is transmitted to the Congress; (2) not more than
7 \$55,000,000 of funding provided for grants under the Na-
8 tional Service Trust program authorized under subtitle C
9 of title I of the 1990 Act may be used to administer, reim-
10 burse, or support any national service program authorized
11 under section 121(d)(2) of such Act (42 U.S.C.
12 12571(d)(2)); (3) \$37,125,000, to remain available until
13 September 30, 2009, shall be for service-learning pro-
14 grams authorized under subtitle B of title I of the 1990
15 Act (42 U.S.C. 12521 et seq.); and (4) \$12,000,000 shall
16 be to provide assistance to State commissions on national
17 and community service, under 126(a) of the 1990 Act (42
18 U.S.C. 12576(a)) and notwithstanding 501(a)(4) of the
19 1990 Act (42 U.S.C. 12681(a)(4)).

20 SALARIES AND EXPENSES

21 For necessary expenses of administration as provided
22 under section 501(a)(4) of the National and Community
23 Service Act of 1990 (42 U.S.C. 12681 (a)(4)) and under
24 section 504(a) of the Domestic Volunteer Service Act of
25 1973 (42 U.S.C. 5084(a)), including payment of salaries,
26 authorized travel, hire of passenger motor vehicles, the

1 rental of conference rooms in the District of Columbia,
2 the employment of experts and consultants authorized
3 under section 3109 of title 5, United States Code, and
4 not to exceed \$2,500 for official reception and representa-
5 tion expenses, \$68,964,000.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
8 General in carrying out the Inspector General Act of 1978
9 (5 U.S.C. App.), \$5,512,000, to remain available until
10 September 30, 2008.

11 ADMINISTRATIVE PROVISIONS

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

21 SEC. 402. Notwithstanding any other provision of
22 law, funds made available under section 129(d)(5)(B) of
23 the National and Community Service Act of 1990 (42
24 U.S.C. 12581(d)(5)(B)) to assist entities in placing appli-
25 cants who are individuals with disabilities may be provided

1 to any entity that receives a grant under section 121 of
2 the Act (42 U.S.C. 12571).

3 SEC. 403. The Inspector General of the Corporation
4 for National and Community Service shall conduct ran-
5 dom audits of the grantees that administer activities under
6 the AmeriCorps programs and shall levy sanctions in ac-
7 cordance with standard Inspector General audit resolution
8 procedures which include, but are not limited to, debar-
9 ment of any grantee (or successor in interest or any entity
10 with substantially the same person or persons in control)
11 that has been determined to have committed any substan-
12 tial violation of the requirements of the AmeriCorps pro-
13 grams, including any grantee that has been determined
14 to have violated the prohibition of using Federal funds to
15 lobby the Congress: *Provided*, That the Inspector General
16 shall obtain reimbursements in the amount of any misused
17 funds from any grantee that has been determined to have
18 committed any substantial violation of the requirements
19 of the AmeriCorps programs.

20 SEC. 404. The Corporation for National and Commu-
21 nity Service shall make any significant changes to pro-
22 gram requirements or policy only through public notice
23 and comment rulemaking. For fiscal year 2008, during
24 any grant selection process, an officer or employee of the
25 Corporation shall not knowingly disclose any covered grant

1 selection information regarding such selection, directly or
2 indirectly, to any person other than an officer or employee
3 of the Corporation that is authorized by the Corporation
4 to receive such information.

5 SEC. 405. Professional Corps programs described in
6 section 122(a)(8) of the National and Community Service
7 Act of 1990 (42 U.S.C. 12572(a)(8)) may apply to the
8 Corporation for a waiver of application of section
9 140(c)(2) (42 U.S.C. 12594(c)(2)).

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

20 SEC. 407. Organizations operating projects under the
21 AmeriCorps Education Awards Program shall do so with-
22 out regard to the requirements of sections 121(d) and (e)
23 (42 U.S.C. 12571(d) and (e)), 131(e) (42 U.S.C.
24 12583(e)), 132 (42 U.S.C. 12584), and 140(a), (d), and

1 (e) (42 U.S.C. 12594(a), (d), and (e)) of the National and
2 Community Service Act of 1990.

3 SEC. 408. AmeriCorps programs receiving grants
4 under the National Service Trust program shall meet an
5 overall minimum share requirement of 24 percent for the
6 first three years that they receive AmeriCorps funding,
7 and thereafter shall meet the overall minimum share re-
8 quirement as provided in section 2521.60 of title 45, Code
9 of Federal Regulations, without regard to the operating
10 costs match requirement in section 121(e) (42 U.S.C.
11 12571(e)) or the member support Federal share limita-
12 tions in section 140 (42 U.S.C. 12594) of the National
13 and Community Service Act of 1990, and subject to par-
14 tial waiver consistent with section 2521.70 of title 45,
15 Code of Federal Regulations.

16 CORPORATION FOR PUBLIC BROADCASTING

17 For payment to the Corporation for Public Broad-
18 casting, as authorized by the Communications Act of
19 1934, an amount which shall be available within limita-
20 tions specified by that Act, for the fiscal year 2010,
21 \$420,000,000: *Provided*, That no funds made available to
22 the Corporation for Public Broadcasting by this Act shall
23 be used to pay for receptions, parties, or similar forms
24 of entertainment for Government officials or employees:
25 *Provided further*, That none of the funds contained in this

1 paragraph shall be available or used to aid or support any
2 program or activity from which any person is excluded,
3 or is denied benefits, or is discriminated against, on the
4 basis of race, color, national origin, religion, or sex: *Pro-*
5 *vided further*, That no funds made available to the Cor-
6 poration for Public Broadcasting by this Act shall be used
7 to apply any political test or qualification in selecting, ap-
8 pointing, promoting, or taking any other personnel action
9 with respect to officers, agents, and employees of the Cor-
10 poration: *Provided further*, That for fiscal year 2008, in
11 addition to the amounts provided above, \$29,700,000 shall
12 be for costs related to digital program production, develop-
13 ment, and distribution, associated with the transition of
14 public broadcasting to digital broadcasting, to be awarded
15 as determined by the Corporation in consultation with
16 public radio and television licensees or permittees, or their
17 designated representatives: *Provided further*, That for fis-
18 cal year 2008, in addition to the amounts provided above,
19 \$26,750,000 is available pursuant to section 396(k)(10)
20 of the Communications Act of 1934 for replacement and
21 upgrade of the public radio interconnection system: *Pro-*
22 *vided further*, That none of the funds made available to
23 the Corporation for Public Broadcasting by this Act, the
24 Continuing Appropriations Resolution, 2007 (Public Law
25 110–5), or the Departments of Labor, Health and Human

1 Services, and Education, and Related Agencies Appropria-
2 tions Act, 2006 (Public Law 109–149), shall be used to
3 support the Television Future Fund or any similar pur-
4 pose.

5 FEDERAL MEDIATION AND CONCILIATION SERVICE

6 SALARIES AND EXPENSES

7 For expenses necessary for the Federal Mediation
8 and Conciliation Service to carry out the functions vested
9 in it by the Labor Management Relations Act of 1947 (29
10 U.S.C. et seq.), including hire of passenger motor vehicles;
11 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 (5 U.S.C. chapter
15 71), \$44,450,000, including \$650,000 to remain available
16 through September 30, 2009, for activities authorized by
17 the Labor-Management Cooperation Act of 1978 (29
18 U.S.C. 175a): *Provided*, That notwithstanding section
19 3302 of title 31, United States Code, fees charged, up to
20 full-cost recovery, for special training activities and other
21 conflict resolution services and technical assistance, in-
22 cluding those provided to foreign governments and inter-
23 national organizations, and for arbitration services shall
24 be credited to and merged with this account, and shall
25 remain available until expended: *Provided further*, That

1 fees for arbitration services shall be available only for edu-
 2 cation, training, and professional development of the agen-
 3 cy workforce: *Provided further*, That the Director of the
 4 Service is authorized to accept and use on behalf of the
 5 United States gifts of services and real, personal, or other
 6 property in the aid of any projects or functions within the
 7 Director's jurisdiction.

8 FEDERAL MINE SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Federal Mine Safety
 12 and Health Review Commission (30 U.S.C. 801 et seq.),
 13 \$8,096,000.

14 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

15 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

16 AND ADMINISTRATION

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

22 MEDICARE PAYMENT ADVISORY COMMISSION

23 SALARIES AND EXPENSES

24 For expenses necessary to carry out section 1805 of
 25 the Social Security Act (42 U.S.C. 1395b–6),

1 \$10,748,000, to be transferred to this appropriation from
2 the Federal Hospital Insurance and the Federal Supple-
3 mentary Medical Insurance Trust Funds.

4 NATIONAL COUNCIL ON DISABILITY

5 SALARIES AND EXPENSES

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

9 NATIONAL LABOR RELATIONS BOARD

10 SALARIES AND EXPENSES

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

1 of June 25, 1938 (29 U.S.C. 203(f)), and including in
2 such definition employees engaged in the maintenance and
3 operation of ditches, canals, reservoirs, and waterways
4 when maintained or operated on a mutual, nonprofit basis
5 and at least 95 percent of the water stored or supplied
6 thereby is used for farming purposes.

7 NATIONAL MEDIATION BOARD

8 SALARIES AND EXPENSES

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

14 OCCUPATIONAL SAFETY AND HEALTH REVIEW

15 COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary for the Occupational Safety
18 and Health Review Commission (29 U.S.C. 661),
19 \$10,696,000.

20 RAILROAD RETIREMENT BOARD

21 DUAL BENEFITS PAYMENTS ACCOUNT

22 For payment to the Dual Benefits Payments Ac-
23 count, authorized under section 15(d) of the Railroad Re-
24 tirement Act of 1974 (45 U.S.C. 231n (d)), \$79,000,000,
25 which shall include amounts becoming available in fiscal

1 year 2008 pursuant to section 224(c)(1)(B) of Public Law
2 98–76 (45 U.S.C. 231n note); and in addition, an amount,
3 not to exceed 2 percent of the amount provided herein,
4 shall be available proportional to the amount by which the
5 product of recipients and the average benefit received ex-
6 ceeds the amount available for payment of vested dual
7 benefits: *Provided*, That the total amount provided herein
8 shall be credited in 12 approximately equal amounts on
9 the first day of each month in the fiscal year.

10 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

11 ACCOUNTS

12 For payment to the accounts established in the
13 Treasury for the payment of benefits under the Railroad
14 Retirement Act for interest earned on unnegotiated
15 checks, \$150,000, to remain available through September
16 30, 2009, which shall be the maximum amount available
17 for payment pursuant to section 417 of Public Law 98–
18 76 (45 U.S.C. 231n note).

19 LIMITATION ON ADMINISTRATION

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

1 credited to the railroad unemployment insurance adminis-
 2 tration fund.

3 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

10 SOCIAL SECURITY ADMINISTRATION

11 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

12 For payment to the Federal Old-Age and Survivors
 13 Insurance Trust Fund and the Federal Disability Insur-
 14 ance Trust Fund, as provided under sections 201(m),
 15 217(g), 228(g), and 1131(b)(2) of the Social Security Act
 16 (42 U.S.C. 401(m), 417(g), 428(g), and 1320b-1(b)(2)),
 17 \$28,140,000.

18 SUPPLEMENTAL SECURITY INCOME PROGRAM

19 For carrying out titles XI and XVI of the Social Se-
 20 curity Act (42 U.S.C. 1301 et seq., 1381 et seq.), section
 21 401 of Public Law 92-603, section 212 of Public Law
 22 93-66, as amended, and section 405 of Public Law 95-
 23 216, including payment to the Social Security trust funds
 24 for administrative expenses incurred pursuant to section
 25 201(g)(1) of the Social Security Act (42 U.S.C.
 26 401(g)(1)), \$26,948,525,000, to remain available until ex-

1 pending: *Provided*, That any portion of the funds provided
2 to a State in the current fiscal year and not obligated by
3 the State during that year shall be returned to the Treas-
4 ury.

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

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

14 LIMITATION ON ADMINISTRATIVE EXPENSES

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

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

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

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

15 OFFICE OF INSPECTOR GENERAL
16 (INCLUDING TRANSFER OF FUNDS)

25 In addition, an amount not to exceed 3 percent of
26 the total provided in this appropriation may be transferred

1 from the “Limitation on Administrative Expenses”, Social
2 Security Administration, to be merged with this account,
3 to be available for the time and purposes for which this
4 account is available: *Provided*, That notice of such trans-
5 fers shall be transmitted promptly to the Committees on
6 Appropriations of the House of Representatives and the
7 Senate.

8 TITLE V—GENERAL PROVISIONS

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

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

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

1 lature, except in presentation to the Congress or any State
2 legislature itself.

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

9 SEC. 504. The Secretaries of Labor and Education
10 are authorized to make available not to exceed \$28,000
11 and \$20,000, respectively, from funds available for sala-
12 ries and expenses under titles I and III, respectively, for
13 official reception and representation expenses; the Direc-
14 tor of the Federal Mediation and Conciliation Service is
15 authorized to make available for official reception and rep-
16 resentation expenses not to exceed \$5,000 from the funds
17 available for “Federal Mediation and Conciliation Service,
18 Salaries and expenses”; and the Chairman of the National
19 Mediation Board is authorized to make available for offi-
20 cial reception and representation expenses not to exceed
21 \$5,000 from funds available for “National Mediation
22 Board, Salaries and expenses”.

23 SEC. 505. Notwithstanding any other provision of
24 this Act, no funds appropriated in this Act shall be used
25 to carry out any program of distributing sterile needles

1 or syringes for the hypodermic injection of any illegal
2 drug.

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

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

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

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

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

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

1 (c) The term “health benefits coverage” means the
2 package of services covered by a managed care provider
3 or organization pursuant to a contract or other arrange-
4 ment.

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

7 (1) if the pregnancy is the result of an act of
8 rape or incest; or

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

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

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

1 State's or locality's contribution of Medicaid matching
2 funds).

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

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

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

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

20 (2) research in which a human embryo or em-
21 bryos are destroyed, discarded, or knowingly sub-
22 jected to risk of injury or death greater than that
23 allowed for research on fetuses in utero under sec-
24 tion 46.204(b) of title 45, Code of Federal Regula-

1 tions, and section 498(b) of the Public Health Serv-
2 ice Act (42 U.S.C. 289g(b)).

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

10 SEC. 510. (a) None of the funds made available in
11 this Act may be used for any activity that promotes the
12 legalization of any drug or other substance included in
13 schedule I of the schedules of controlled substances estab-
14 lished under section 202 of the Controlled Substances Act
15 (21 U.S.C. 812) except for normal and recognized execu-
16 tive-congressional communications.

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

22 SEC. 511. None of the funds made available in this
23 Act may be used to promulgate or adopt any final stand-
24 ard under section 1173(b) of the Social Security Act (42
25 U.S.C. 1320d–2(b)) providing for, or providing for the as-

1 signment of, a unique health identifier for an individual
2 (except in an individual's capacity as an employer or a
3 health care provider), until legislation is enacted specifi-
4 cally approving the standard.

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

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

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

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

23 SEC. 514. None of the funds made available by this
24 Act to carry out the Library Services and Technology Act
25 may be made available to any library covered by para-

1 graph (1) of section 224(f) of such Act (20 U.S.C.
2 9134(f)), as amended by the Children's Internet Protec-
3 tion Act, unless such library has made the certifications
4 required by paragraph (4) of such section.

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

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

23 (1) creates new programs;

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

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

4 (4) relocates an office or employees;

5 (5) reorganizes or renames offices;

6 (6) reorganizes programs or activities; or

7 (7) contracts out or privatizes any functions or
8 activities presently performed by Federal employees;
9 unless the Committees on Appropriations of the House of
10 Representatives and the Senate are notified 15 days in
11 advance of such reprogramming or of an announcement
12 of intent relating to such reprogramming, whichever oc-
13 curs earlier.

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

23 (1) augments existing programs, projects (in-
24 cluding construction projects), or activities;

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

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

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

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

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

23 SEC. 518. Within 45 days of enactment of this Act,
24 each department and related agency funded through this
25 Act shall submit an operating plan that details at the pro-

1 gram, project, and activity level any funding allocations
2 for fiscal year 2008 that are different than those specified
3 in this Act, the accompanying detailed table in the com-
4 mittee report, or the fiscal year 2008 budget request.

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

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

23 SEC. 521. None of the funds made available in this
24 Act may be used to enter into a contract with an entity
25 that does not participate in the basic pilot program de-

1 scribed in section 403(a) of the Illegal Immigration Re-
2 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
3 1324a note).

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

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

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

23 SEC. 525. None of the funds made available in this
24 Act may be used by the Centers for Medicare & Medicaid
25 Services to implement the final rule published on March

1 30, 2007, on page 15275 of volume 72, Federal Register
2 (relating to section 482.82(b) of title 42, Code of Federal
3 Regulations).

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

11 SEC. 527. The amount otherwise provided in this Act
12 for “DEPARTMENT OF EDUCATION—DEPART-
13 MENTAL MANAGEMENT—Office of Civil Rights” is
14 hereby decreased by \$2,000,000 and increased by
15 \$2,000,000.

16 SEC. 528. The amount otherwise provided in this Act
17 for “DEPARTMENT OF EDUCATION—EDUCATION
18 FOR THE DISADVANTAGED” is hereby decreased by
19 \$2,000,000 and increased by \$2,000,000.

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

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

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

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

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

16 SEC. 532. The amounts otherwise provided by this
17 Act are revised by reducing the amount made available
18 for the “Department of Labor, Employment and Training
19 Administration, Training and Employment Services”, by
20 increasing the amount made available for the “National
21 Institutes of Health, National Cancer Institute”, and by
22 increasing the amount made available for the “National
23 Institutes of Health, National Institute of Neurological
24 Disorders and Stroke” by \$49,000,000, \$10,000,000, and
25 \$10,000,000, respectively.

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

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

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

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

24 (1) to alter payments for services under the
25 hospital inpatient prospective payment system under

1 section 1886(d) of the Social Security Act (42 U.S.C
2 1395ww(d)) based on use of a Medicare severity di-
3 agnosis related group (MS-DRG) system; or

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

9 This Act may be cited as the “Departments of Labor,
10 Health and Human Services, and Education, and Related
11 Agencies Appropriations Act, 2008”.

Passed the House of Representatives July 19, 2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 3043

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.