

110TH CONGRESS  
1ST SESSION

# H. R. 3043

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## 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 Apprenticeship  
12 and Nontraditional Occupations Act of 1992, including  
13 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 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-



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(e)(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.

## 1 OFFICE OF JOB CORPS

2 To carry out subtitle C of title I of the Workforce  
3 Investment Act of 1998 (29 U.S.C. 2881 et seq.), includ-  
4 ing Federal administrative expenses, the purchase and  
5 hire of passenger motor vehicles, the construction, alter-  
6 ation and repairs of buildings and other facilities, and the  
7 purchase of real property for training centers as author-  
8 ized by the Workforce Investment Act; \$1,649,476,000,  
9 as follows:

10 (1) \$1,507,684,000 for Job Corps operations,  
11 of which \$916,684,000 is available for the period  
12 July 1, 2008, through June 30, 2009, and of which  
13 \$591,000,000 is available for the period October 1,  
14 2008, through June 30, 2009.

15 (2) \$112,920,000 for construction, rehabilita-  
16 tion, and acquisition of Job Corps centers, of which  
17 \$12,920,000 is available from July 1, 2008, through  
18 June 30, 2011. \$100,000,000 is available for the pe-  
19 riod October 1, 2008, through June 30, 2011.

20 (3) \$28,872,000 for necessary expenses of the  
21 Office of Job Corps, which shall be available for the  
22 period October 1, 2007, through September 30,  
23 2008:

24 *Provided*, That the Office of Job Corps shall have con-  
25 tracting 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.

## 1 OFFICE OF INSPECTOR GENERAL

2 For salaries and expenses of the Office of Inspector  
3 General in carrying out the provisions of the Inspector  
4 General Act of 1978, \$72,929,000, together with not to  
5 exceed \$5,729,000, which may be expended from the em-  
6 ployment security administration account in the Unem-  
7 ployment Trust Fund.

## 8 GENERAL PROVISIONS

## 9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 101. Not to exceed 1 percent of any discre-  
11 tionary funds (pursuant to the Balanced Budget and  
12 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
13 seq.)) which are appropriated for the current fiscal year  
14 for the Department of Labor in this Act may be trans-  
15 ferred between a program, project, or activity, but no such  
16 program, project, or activity shall be increased by more  
17 than 3 percent by any such transfer: *Provided further*,  
18 That the transfer authority granted by this section shall  
19 be available only to meet unanticipated needs and shall  
20 not be used to create any new program or to fund any  
21 project or activity for which no funds are provided in this  
22 Act: *Provided further*, That the Committees on Appropria-  
23 tions of the House of Representatives and the Senate are  
24 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(e) 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 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.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
2 DISEASES  
3 (INCLUDING TRANSFER OF FUNDS)

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 allergy and infectious diseases, \$4,632,019,000:  
7 *Provided*, That \$300,000,000 (reduced by \$175,000) may  
8 be made available to International Assistance Programs  
9 “Global Fund to Fight HIV/AIDS, Malaria, and Tuber-  
10 culosis”, to remain available until expended: *Provided fur-*  
11 *ther*, That such sums obligated in fiscal years 2003  
12 through 2007 for extramural facilities construction  
13 projects are to remain available until expended for dis-  
14 bursement, with prior notification of such projects to the  
15 Committees on Appropriations of the House of Represent-  
16 atives and the Senate.

17 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

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 general medical sciences, \$1,966,019,000.

21 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
22 DEVELOPMENT

23 For carrying out section 301 and title IV of the Pub-  
24 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with  
25 respect to child health and human development,  
26 \$1,273,863,000.

## 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.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND  
2 BIOENGINEERING

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

7 NATIONAL CENTER FOR RESEARCH RESOURCES

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

12 NATIONAL CENTER FOR COMPLEMENTARY AND  
13 ALTERNATIVE MEDICINE

14 For carrying out section 301 and title IV of the Pub-  
15 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with  
16 respect to complementary and alternative medicine,  
17 \$123,380,000.

18 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
19 DISPARITIES

20 For carrying out section 301 and title IV of the Pub-  
21 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with  
22 respect to minority health and health disparities research,  
23 \$202,691,000.

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-

1 tion 658G, of which \$98,208,000 shall be for activities  
2 that improve the quality of infant and toddler care: *Pro-*  
3 *vided further*, That \$9,821,000 shall be for use by the Sec-  
4 retary for child care research, demonstration, and evalua-  
5 tion activities.

6 SOCIAL SERVICES BLOCK GRANT

7 For making grants to States pursuant to section  
8 2002 of the Social Security Act (42 U.S.C. 1397a),  
9 \$1,700,000,000.

10 CHILDREN AND FAMILIES SERVICES PROGRAMS

11 For carrying out, except as otherwise provided, the  
12 Runaway and Homeless Youth Act (42 U.S.C. 5711 et  
13 seq.), the Developmental Disabilities Assistance and Bill  
14 of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head  
15 Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Pre-  
16 vention and Treatment Act (42 U.S.C. 5101 et seq.), sec-  
17 tions 310 and 316 of the Family Violence Prevention and  
18 Services Act (42 U.S.C. 10409, 10416), the Native Amer-  
19 ican Programs Act of 1974 (42 U.S.C. 2991a et seq.),  
20 title II of the Child Abuse Prevention and Treatment and  
21 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)  
22 (adoption opportunities), sections 330F and 330G of the  
23 Public Health Service Act (42 U.S.C. 254c-6, 254c-7),  
24 the Abandoned Infants Assistance Act of 1988 (42 U.S.C.  
25 670 note), sections 261 and 291 of the Help America Vote  
26 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. 280e–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.



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-

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

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

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

1 State's substance abuse block grant allocation for each  
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 \$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           spector 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(e)(2) (42 U.S.C. 12594(e)(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.



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.*



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

**H. R. 3043**

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**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.