

# Union Calendar No. 142

110TH CONGRESS  
1ST SESSION

# H. R. 3043

[Report No. 110-231]

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2007

Mr. OBEY, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

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,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending  
2 September 30, 2008, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR  
4 EMPLOYMENT AND TRAINING ADMINISTRATION  
5 TRAINING AND EMPLOYMENT SERVICES  
6 (INCLUDING RESCISSIONS)

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

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

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

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

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

15 (2) For federally administered programs,  
16 \$483,213,000 as follows:

17 (A) \$282,092,000 for the dislocated work-  
18 ers assistance national reserve, of which  
19 \$2,600,000 is available on October 1, 2007, of  
20 which \$67,492,000 is available for the period  
21 July 1, 2008, through June 30, 2009, and of  
22 which \$212,000,000 is available for the period  
23 October 1, 2008, through June 30, 2009: *Pro-*  
24 *vided,* That up to \$125,000,000 may be made  
25 available for Community-Based Job Training

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

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

24 (C) \$83,740,000 for migrant and seasonal  
25 farmworkers under section 167 of the Act (29

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

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

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

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

21 (A) \$68,746,000 for ex-offender activities,  
22 under the authority of section 171 of the Act  
23 (29 U.S.C. 2916), notwithstanding the require-  
24 ments of sections 171(b)(2)(B) or 171(c)(4)(D)  
25 of such section, of which not less than

1           \$48,000,000 shall be for youthful offender ac-  
2           tivities.

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

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

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

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

21                 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

22                                 AMERICANS

23          To carry out title V of the Older Americans Act of  
24          1965, \$530,900,000, which shall be available for the pe-  
25          riod July 1, 2008, through June 30, 2009.

## 1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

13 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
14 SERVICE OPERATIONS

15 For authorized administrative expenses,  
16 \$85,945,000, together with not to exceed \$3,256,669,000  
17 which may be expended from the employment security ad-  
18 ministration account in the Unemployment Trust Fund  
19 (“the Trust Fund”), of which—

20 (1) \$2,510,723,000 from the Trust Fund is for  
21 grants to States for the administration of State un-  
22 employment insurance laws as authorized under title  
23 III of the Social Security Act (including  
24 \$10,000,000 to conduct in-person reemployment and  
25 eligibility assessments in one-stop career centers of  
26 claimants of unemployment insurance), the adminis-

1       tration of unemployment insurance for Federal em-  
2       ployees and for ex-service members as authorized  
3       under sections 8501–8525 of title 5, United States  
4       Code, and the administration of trade readjustment  
5       allowances and alternative trade adjustment assist-  
6       ance under the Trade Act of 1974, and shall be  
7       available for obligation by the States through De-  
8       cember 31, 2008, except that funds used for auto-  
9       mation acquisitions shall be available for obligation  
10      by the States through September 30, 2010, and  
11      funds used for unemployment insurance workloads  
12      experienced by the States through September 30,  
13      2008, shall be available for Federal obligation  
14      through December 31, 2008;

15           (2) \$10,500,000 from the Trust Fund is for na-  
16      tional activities necessary to support the administra-  
17      tion of the Federal-State unemployment insurance  
18      system;

19           (3) \$23,203,000, together with \$702,680,000  
20      from the Trust Fund, is for grants to States in ac-  
21      cordance with section 6 of the Wagner-Peyser Act,  
22      and shall be available for Federal obligation for the  
23      period July 1, 2008, through June 30, 2009;

24           (4) \$32,766,000 from the Trust Fund is for na-  
25      tional activities of the Employment Service, includ-



1       ing administration of the work opportunity tax cred-  
2       it under section 51 of the Internal Revenue Code of  
3       1986, the administration of activities, including for-  
4       eign labor certifications, under the Immigration and  
5       Nationality Act, and the provision of technical as-  
6       sistance and staff training under the Wagner-Peyser  
7       Act, including not to exceed \$1,228,000 that may be  
8       used for amortization payments to States which had  
9       independent retirement plans in their State employ-  
10      ment service agencies prior to 1980;

11           (5) \$52,985,000 is to provide workforce infor-  
12      mation, national electronic tools, and one-stop sys-  
13      tem building under the Wagner-Peyser Act and shall  
14      be available for Federal obligation for the period  
15      July 1, 2008, through June 30, 2009; and

16           (6) \$9,757,000 is to provide for work incentive  
17      grants to the States and shall be available for the  
18      period July 1, 2008, through June 30, 2009:

19      *Provided*, That to the extent that the Average Weekly In-  
20      sured Unemployment (“AWIU”) for fiscal year 2008 is  
21      projected by the Department of Labor to exceed  
22      2,786,000, an additional \$28,600,000 from the Trust  
23      Fund shall be available for obligation for every 100,000  
24      increase in the AWIU level (including a pro rata amount  
25      for any increment less than 100,000) to carry out title

1 III of the Social Security Act: *Provided further*, That  
2 funds appropriated in this Act that are allotted to a State  
3 to carry out activities under title III of the Social Security  
4 Act may be used by such State to assist other States in  
5 carrying out activities under such title III if the other  
6 States include areas that have suffered a major disaster  
7 declared by the President under the Robert T. Stafford  
8 Disaster Relief and Emergency Assistance Act: *Provided*  
9 *further*, That funds appropriated in this Act which are  
10 used to establish a national one-stop career center system,  
11 or which are used to support the national activities of the  
12 Federal-State unemployment insurance or immigration  
13 programs, may be obligated in contracts, grants, or agree-  
14 ments with non-State entities: *Provided further*, That  
15 funds appropriated under this Act for activities authorized  
16 under title III of the Social Security Act and the Wagner-  
17 Peyser Act may be used by States to fund integrated un-  
18 employment insurance and Employment Service automa-  
19 tion efforts, notwithstanding cost allocation principles pre-  
20 scribed under the Office of Management and Budget Cir-  
21 cular A-87.

22       In addition, \$40,000,000 from the employment secu-  
23 rity administration account of the Unemployment Trust  
24 Fund shall be available to conduct in-person reemploy-  
25 ment and eligibility assessments in one-stop career centers

1 of claimants of unemployment insurance: *Provided*, That  
2 not later than 180 days following the end of the fiscal year  
3 2008, the Secretary shall submit an interim report to the  
4 Congress that includes available information on expendi-  
5 tures, number of claimants assessed, and outcomes from  
6 the assessments: *Provided further*, That not later than 18  
7 months following the end of the fiscal year, the Secretary  
8 of Labor shall submit to the Congress a final report con-  
9 taining comprehensive information on the estimated sav-  
10 ings that result from the assessments of claimants and  
11 identification of best practices.

12     ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
13                                     OTHER FUNDS

14     For repayable advances to the Unemployment Trust  
15 Fund as authorized by sections 905(d) and 1203 of the  
16 Social Security Act, and to the Black Lung Disability  
17 Trust Fund as authorized by section 9501(c)(1) of the In-  
18 ternal Revenue Code of 1954; and for nonrepayable ad-  
19 vances to the Unemployment Trust Fund as authorized  
20 by section 8509 of title 5, United States Code, and to the  
21 “Federal unemployment benefits and allowances” account,  
22 to remain available until September 30, 2009,  
23 \$437,000,000.

24     In addition, for making repayable advances to the  
25 Black Lung Disability Trust Fund in the current fiscal  
26 year after September 15, 2008, for costs incurred by the

1 Black Lung Disability Trust Fund in the current fiscal  
2 year, such sums as may be necessary.

3 PROGRAM ADMINISTRATION

4 For expenses of administering employment and train-  
5 ing programs, \$88,451,000, together with not to exceed  
6 \$82,049,000, which may be expended from the employ-  
7 ment security administration account in the Unemploy-  
8 ment Trust Fund.

9 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

10 SALARIES AND EXPENSES

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

13 PENSION BENEFIT GUARANTY CORPORATION

14 PENSION BENEFIT GUARANTY CORPORATION FUND

15 The Pension Benefit Guaranty Corporation is author-  
16 ized to make such expenditures, including financial assist-  
17 ance authorized by subtitle E of title IV of the Employee  
18 Retirement Income Security Act of 1974 (29 U.S.C. 4201  
19 et seq.), within limits of funds and borrowing authority  
20 available to such Corporation, and in accord with law, and  
21 to make such contracts and commitments without regard  
22 to fiscal year limitations as provided by section 104 of the  
23 Government Corporation Control Act (31 U.S.C. 9104),  
24 as may be necessary in carrying out the program, includ-  
25 ing associated administrative expenses, through Sep-

1 tember 30, 2008, for such Corporation: *Provided*, That  
2 none of the funds available to the Corporation for fiscal  
3 year 2008 shall be available for obligations for administra-  
4 tive expenses in excess of \$411,151,000: *Provided further*,  
5 That to the extent that the number of new plan partici-  
6 pants in plans terminated by the Corporation exceeds  
7 100,000 in fiscal year 2008, an amount not to exceed an  
8 additional \$9,200,000 shall be available for obligation for  
9 administrative expenses for every 20,000 additional termi-  
10 nated participants: *Provided further*, That an additional  
11 \$50,000 shall be made available for obligation for invest-  
12 ment management fees for every \$25,000,000 in assets  
13 received by the Corporation as a result of new plan termi-  
14 nations, after approval by the Office of Management and  
15 Budget and notification of the Committees on Appropria-  
16 tions of the House of Representatives and the Senate.

17 EMPLOYMENT STANDARDS ADMINISTRATION

18 SALARIES AND EXPENSES

19 (INCLUDING RESCISSION)

20 For necessary expenses for the Employment Stand-  
21 ards Administration, including reimbursement to State,  
22 Federal, and local agencies and their employees for inspec-  
23 tion services rendered, \$434,397,000, together with  
24 \$2,111,000 which may be expended from the Special Fund  
25 in accordance with sections 39(c), 44(d) and 44(j) of the  
26 Longshore and Harbor Workers' Compensation Act: *Pro-*

1 *vided*, That the Secretary of Labor is authorized to estab-  
2 lish and, in accordance with section 3302 of title 31,  
3 United States Code, collect and deposit in the Treasury  
4 fees for processing applications and issuing certificates  
5 under sections 11(d) and 14 of the Fair Labor Standards  
6 Act of 1938 (29 U.S.C. 211(d) and 214) and for proc-  
7 essing applications and issuing registrations under title I  
8 of the Migrant and Seasonal Agricultural Worker Protec-  
9 tion Act (29 U.S.C. 1801 et seq.).

10 Of the unobligated funds collected pursuant to sec-  
11 tion 286(v) of the Immigration and Nationality Act,  
12 \$70,000,000 is rescinded.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-  
16 penses (except administrative expenses) accruing during  
17 the current or any prior fiscal year authorized by chapter  
18 81 of title 5, United States Code; continuation of benefits  
19 as provided for under the heading “Civilian War Benefits”  
20 in the Federal Security Agency Appropriation Act, 1947;  
21 the Employees’ Compensation Commission Appropriation  
22 Act, 1944; sections 4(c) and 5(f) of the War Claims Act  
23 of 1948 (50 U.S.C. App. 2012); and 50 percent of the  
24 additional compensation and benefits required by section  
25 10(h) of the Longshore and Harbor Workers’ Compensa-

1 tion Act, \$203,000,000, together with such amounts as  
2 may be necessary to be charged to the subsequent year  
3 appropriation for the payment of compensation and other  
4 benefits for any period subsequent to August 15 of the  
5 current year: *Provided*, That amounts appropriated may  
6 be used under section 8104 of title 5, United States Code,  
7 by the Secretary of Labor to reimburse an employer, who  
8 is not the employer at the time of injury, for portions of  
9 the salary of a reemployed, disabled beneficiary: *Provided*  
10 *further*, That balances of reimbursements unobligated on  
11 September 30, 2007, shall remain available until expended  
12 for the payment of compensation, benefits, and expenses:  
13 *Provided further*, That in addition there shall be trans-  
14 ferred to this appropriation from the Postal Service and  
15 from any other corporation or instrumentality required  
16 under section 8147(c) of title 5, United States Code, to  
17 pay an amount for its fair share of the cost of administra-  
18 tion, such sums as the Secretary determines to be the cost  
19 of administration for employees of such fair share entities  
20 through September 30, 2008: *Provided further*, That of  
21 those funds transferred to this account from the fair share  
22 entities to pay the cost of administration of the Federal  
23 Employees' Compensation Act, \$52,280,000 shall be made  
24 available to the Secretary as follows:

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

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

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

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

11 *Provided further*, That the Secretary may require that any  
12 person filing a notice of injury or a claim for benefits  
13 under chapter 81 of title 5, United States Code, or the  
14 Longshore and Harbor Workers' Compensation Act, pro-  
15 vide as part of such notice and claim, such identifying in-  
16 formation (including Social Security account number) as  
17 such regulations may prescribe.

18           SPECIAL BENEFITS FOR DISABLED COAL MINERS

19           For carrying out title IV of the Federal Mine Safety  
20 and Health Act of 1977, as amended by Public Law 107-  
21 275, \$208,221,000, to remain available until expended.

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



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

4 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES  
5 OCCUPATIONAL ILLNESS COMPENSATION FUND  
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to administer the Energy  
8 Employees Occupational Illness Compensation Act,  
9 \$104,745,000, to remain available until expended: *Pro-*  
10 *vided*, That the Secretary of Labor is authorized to trans-  
11 fer to any executive agency with authority under the En-  
12 ergy Employees Occupational Illness Compensation Act,  
13 including within the Department of Labor, such sums as  
14 may be necessary in fiscal year 2008 to carry out those  
15 authorities: *Provided further*, That the Secretary may re-  
16 quire that any person filing a claim for benefits under  
17 such Act provide as part of such claim, such identifying  
18 information (including Social Security account number) as  
19 may be prescribed. *Provided further*, That not later than  
20 30 days after enactment of this Act, in addition to other  
21 sums transferred by the Secretary to the National Insti-  
22 tute for Occupational Safety and Health (NIOSH) for the  
23 administration of the Energy Employees Occupational Ill-  
24 ness Compensation Program (EEOICPA), the Secretary  
25 shall transfer \$4,500,000 to NIOSH from the funds ap-  
26 propriated to the Energy Employees Occupational Illness

1 Compensation Fund (42 U.S.C. 7384e), for use by or in  
2 support of the Advisory Board on Radiation and Worker  
3 Health (the Board) to carry out its statutory responsibil-  
4 ities under EEOICPA (42 U.S.C. 7384n–q), including ob-  
5 taining audits, technical assistance and other support  
6 from the Board’s audit contractor with regard to radiation  
7 dose estimation and reconstruction efforts, site profiles,  
8 procedures, and review of Special Exposure Cohort peti-  
9 tions and evaluation reports.

10           BLACK LUNG DISABILITY TRUST FUND

11                   (INCLUDING TRANSFER OF FUNDS)

12           In fiscal year 2008 and thereafter, such sums as may  
13 be necessary from the Black Lung Disability Trust Fund,  
14 to remain available until expended, for payment of all ben-  
15 efits authorized by section 9501(d) (1), (2), (4), and (7)  
16 of the Internal Revenue Code of 1954 and interest on ad-  
17 vances, as authorized by section 9501(e)(2) of such Act.  
18 In addition, the following amounts shall be available from  
19 the Fund for fiscal year 2008 for expenses of operation  
20 and administration of the Black Lung Benefits program,  
21 as authorized by section 9501(d)(5) of such Act:  
22 \$32,761,000 for transfer to the Employment Standards  
23 Administration “Salaries and Expenses”; \$24,785,000 for  
24 transfer to Departmental Management, “Salaries and Ex-  
25 penses”; \$335,000 for transfer to Departmental Manage-

1 ment, “Office of Inspector General”; and \$356,000 for  
2 payments into miscellaneous receipts for the expenses of  
3 the Department of the Treasury.

4 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
5 SALARIES AND EXPENSES

6 For necessary expenses for the Occupational Safety  
7 and Health Administration, \$503,516,000, including not  
8 to exceed \$91,093,000 which shall be the maximum  
9 amount available for grants to States under section 23(g)  
10 of the Occupational Safety and Health Act (“the Act”),  
11 which grants shall be no less than 50 percent of the costs  
12 of State occupational safety and health programs required  
13 to be incurred under plans approved by the Secretary of  
14 Labor under section 18 of the Act; and, in addition, not-  
15 withstanding section 3302 of title 31, United States Code,  
16 the Occupational Safety and Health Administration may  
17 retain up to \$750,000 per fiscal year of training institute  
18 course tuition fees, otherwise authorized by law to be col-  
19 lected, and may utilize such sums for occupational safety  
20 and health training and education: *Provided*, That, not-  
21 withstanding section 3302 of title 31, United States Code,  
22 the Secretary is authorized, during the fiscal year ending  
23 September 30, 2008, to collect and retain fees for services  
24 provided to Nationally Recognized Testing Laboratories,  
25 and may utilize such sums, in accordance with the provi-

1 sions of section 2 of the Act of April 13, 1934 (29 U.S.C.  
2 9a), to administer national and international laboratory  
3 recognition programs that ensure the safety of equipment  
4 and products used by workers in the workplace: *Provided*  
5 *further*, That none of the funds appropriated under this  
6 paragraph shall be obligated or expended to prescribe,  
7 issue, administer, or enforce any standard, rule, regula-  
8 tion, or order under the Act which is applicable to any  
9 person who is engaged in a farming operation which does  
10 not maintain a temporary labor camp and employs 10 or  
11 fewer employees: *Provided further*, That no funds appro-  
12 priated under this paragraph shall be obligated or ex-  
13 pended to administer or enforce any standard, rule, regu-  
14 lation, or order under the Act with respect to any employer  
15 of 10 or fewer employees who is included within a category  
16 having a Days Away, Restricted, or Transferred (DART)  
17 occupational injury and illness rate, at the most precise  
18 industrial classification code for which such data are pub-  
19 lished, less than the national average rate as such rates  
20 are most recently published by the Secretary, acting  
21 through the Bureau of Labor Statistics, in accordance  
22 with section 24 of the Act (29 U.S.C. 673), except—  
23           (1) to provide, as authorized by the Act, con-  
24           sultation, technical assistance, educational and train-  
25           ing services, and to conduct surveys and studies;

1           (2) to conduct an inspection or investigation in  
2           response to an employee complaint, to issue a cita-  
3           tion for violations found during such inspection, and  
4           to assess a penalty for violations which are not cor-  
5           rected within a reasonable abatement period and for  
6           any willful violations found;

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

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

11          (5) to take any action authorized by the Act  
12          with respect to a report of an employment accident  
13          which is fatal to one or more employees or which re-  
14          sults in hospitalization of two or more employees,  
15          and to take any action pursuant to such investiga-  
16          tion authorized by the Act; and

17          (6) to take any action authorized by the Act  
18          with respect to complaints of discrimination against  
19          employees for exercising rights under the Act:

20 *Provided further*, That the foregoing proviso shall not  
21 apply to any person who is engaged in a farming operation  
22 which does not maintain a temporary labor camp and em-  
23 ploys 10 or fewer employees: *Provided further*, That  
24 \$10,116,000 shall be available for Susan Harwood train-  
25 ing grants, of which \$3,200,000 shall be used for the In-

1 stitutional Competency Building training grants which  
2 commenced in September 2000, for program activities for  
3 the period of October 1, 2007, to September 30, 2008,  
4 provided that a grantee has demonstrated satisfactory per-  
5 formance: *Provided further*, That such grants shall be  
6 awarded no less than 30 days after the date of enactment  
7 of this Act: *Provided further*, That the Secretary shall pro-  
8 vide a report to the Committees on Appropriations of the  
9 House of Representatives and the Senate with timetables  
10 for the development and issuance of occupational safety  
11 and health standards on beryllium, silica, cranes and der-  
12 ricks, confined space entry in construction, and hazard  
13 communication global harmonization; such timetables  
14 shall include actual or estimated dates for: the publication  
15 of an advance notice of proposed rulemaking, the com-  
16 mencement and completion of a Small Business Regu-  
17 latory Enforcement Fairness Act review (if required), the  
18 completion of any peer review (if required), the submission  
19 of the draft proposed rule to the Office of Management  
20 and Budget for review under Executive Order 12866 (if  
21 required), the publication of a proposed rule, the conduct  
22 of public hearings, the submission of a draft final rule to  
23 the Office and Management and Budget for review under  
24 Executive Order 12866 (if required), and the issuance of  
25 a final rule; and such report shall be submitted to the

1 Committees on Appropriations of the House of Represent-  
2 atives and the Senate within 90 days of the enactment  
3 of this Act, with updates provided every 90 days thereafter  
4 that shall include an explanation of the reasons for any  
5 delays in meeting the projected timetables for action.

6 MINE SAFETY AND HEALTH ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Mine Safety and  
9 Health Administration, \$313,478,000 including purchase  
10 and bestowal of certificates and trophies in connection  
11 with mine rescue and first-aid work, and the hire of pas-  
12 senger motor vehicles, including up to \$2,000,000 for  
13 mine rescue and recovery activities; in addition, not to ex-  
14 ceed \$750,000 may be collected by the National Mine  
15 Health and Safety Academy for room, board, tuition, and  
16 the sale of training materials, otherwise authorized by law  
17 to be collected, to be available for mine safety and health  
18 education and training activities, notwithstanding section  
19 3302 of title 31, United States Code; and, in addition,  
20 the Mine Safety and Health Administration may retain  
21 up to \$1,000,000 from fees collected for the approval and  
22 certification of equipment, materials, and explosives for  
23 use in mines, and may utilize such sums for such activi-  
24 ties; the Secretary of Labor is authorized to accept lands,  
25 buildings, equipment, and other contributions from public

1 and private sources and to prosecute projects in coopera-  
2 tion with other agencies, Federal, State, or private; the  
3 Mine Safety and Health Administration is authorized to  
4 promote health and safety education and training in the  
5 mining community through cooperative programs with  
6 States, industry, and safety associations; the Secretary is  
7 authorized to recognize the Joseph A. Holmes Safety As-  
8 sociation as a principal safety association and, notwith-  
9 standing any other provision of law, may provide funds  
10 and, with or without reimbursement, personnel, including  
11 service of Mine Safety and Health Administration officials  
12 as officers in local chapters or in the national organiza-  
13 tion; and any funds available to the Department may be  
14 used, with the approval of the Secretary, to provide for  
15 the costs of mine rescue and survival operations in the  
16 event of a major disaster.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-  
20 tistics, including advances or reimbursements to State,  
21 Federal, and local agencies and their employees for serv-  
22 ices rendered, \$497,854,000, together with not to exceed  
23 \$78,264,000, which may be expended from the employ-  
24 ment security administration account in the Unemploy-  
25 ment Trust Fund, of which \$5,000,000 may be used to



1 fund the mass layoff statistics program under section 15  
2 of the Wagner-Peyser Act (29 U.S.C. 491-2): *Provided*,  
3 That the Current Employment Survey shall maintain the  
4 content of the survey issued prior to June 2005 with re-  
5 spect to the collection of data for the women worker series.

6 OFFICE OF DISABILITY EMPLOYMENT POLICY

7 SALARIES AND EXPENSES

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

13 DEPARTMENTAL MANAGEMENT

14 SALARIES AND EXPENSES

15 For necessary expenses for Departmental Manage-  
16 ment, including the hire of three sedans, and including  
17 the management or operation, through contracts, grants  
18 or other arrangements of Departmental activities con-  
19 ducted by or through the Bureau of International Labor  
20 Affairs, including bilateral and multilateral technical as-  
21 sistance and other international labor activities,  
22 \$292,943,000, of which \$72,516,000 is for the Bureau of  
23 International Labor Affairs (including \$5,000,000 to im-  
24 plement model programs to address worker rights issues  
25 through technical assistance in countries with which the

1 United States has trade preference programs), and of  
2 which \$18,000,000 is for the acquisition of Departmental  
3 information technology, architecture, infrastructure,  
4 equipment, software and related needs, which will be allo-  
5 cated by the Department's Chief Information Officer in  
6 accordance with the Department's capital investment  
7 management process to assure a sound investment strat-  
8 egy; together with not to exceed \$318,000, which may be  
9 expended from the employment security administration ac-  
10 count in the Unemployment Trust Fund.

11 OFFICE OF JOB CORPS

12 To carry out subtitle C of title I of the Workforce  
13 Investment Act of 1998 (29 U.S.C. 2881 et seq.), includ-  
14 ing Federal administrative expenses, the purchase and  
15 hire of passenger motor vehicles, the construction, alter-  
16 ation and repairs of buildings and other facilities, and the  
17 purchase of real property for training centers as author-  
18 ized by the Workforce Investment Act; \$1,649,476,000,  
19 as follows:

20 (1) \$1,507,684,000 for Job Corps operations,  
21 of which \$916,684,000 is available for the period  
22 July 1, 2008, through June 30, 2009, and of which  
23 \$591,000,000 is available for the period October 1,  
24 2008, through June 30, 2009;

25 (2) \$112,920,000 for construction, rehabilita-  
26 tion, and acquisition of Job Corps centers, of which

1 \$12,920,000 is available from July 1, 2008, through  
2 June 30, 2011; and \$100,000,000 is available for  
3 the period October 1, 2008, through June 30, 2011;  
4 and

5 (3) \$28,872,000 for necessary expenses of the  
6 Office of Job Corps, which shall be available for the  
7 period October 1, 2007, through September 30,  
8 2008:

9 *Provided*, That the Office of Job Corps shall have con-  
10 tracting authority: *Provided further*, That no funds from  
11 any other appropriation shall be used to provide meal serv-  
12 ices at or for Job Corps centers: *Provided further*, That  
13 none of the funds appropriated in this title for the Job  
14 Corps shall be used to pay the salary of an individual,  
15 either as direct costs or any proration as an indirect cost,  
16 at a rate in excess of Executive Level I: *Provided further*,  
17 That a total student training slot level of not less than  
18 44,791 shall be achieved by the end of program year 2008.

19 VETERANS EMPLOYMENT AND TRAINING

20 Not to exceed \$197,143,000 may be derived from the  
21 employment security administration account in the Unem-  
22 ployment Trust Fund to carry out the provisions of sec-  
23 tions 4100–4113, 4211–4215, and 4321–4327 of title 38,  
24 United States Code, and Public Law 103–353, and which  
25 shall be available for obligation by the States through De-  
26 cember 31, 2008, of which \$1,967,000 is for the National

1 Veterans' Employment and Training Services Institute.  
2 To carry out the Homeless Veterans Reintegration Pro-  
3 grams under section 5(a)(1) of the Homeless Veterans  
4 Comprehensive Assistance Act of 2001 (38 U.S.C. 2021)  
5 and the Veterans Workforce Investment Programs under  
6 section 168 of the Workforce Investment Act (29 U.S.C.  
7 2913), \$31,055,000, of which \$7,435,000 shall be avail-  
8 able for obligation for the period July 1, 2008, through  
9 June 30, 2009.

10 OFFICE OF INSPECTOR GENERAL

11 For salaries and expenses of the Office of Inspector  
12 General in carrying out the provisions of the Inspector  
13 General Act of 1978, \$72,929,000, together with not to  
14 exceed \$5,729,000, which may be expended from the em-  
15 ployment security administration account in the Unem-  
16 ployment Trust Fund.

17 GENERAL PROVISIONS

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 101. 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 Labor in this Act may be trans-  
24 ferred between a program, project, or activity, but no such  
25 program, project, or activity shall be increased by more

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

9       SEC. 102. In accordance with Executive Order No.  
10 13126, none of the funds appropriated or otherwise made  
11 available pursuant to this Act shall be obligated or ex-  
12 pended for the procurement of goods mined, produced,  
13 manufactured, or harvested or services rendered, whole or  
14 in part, by forced or indentured child labor in industries  
15 and host countries already identified by the United States  
16 Department of Labor prior to enactment of this Act.

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

22       SEC. 104. None of the funds appropriated in this title  
23 for grants under section 171 of the Workforce Investment  
24 Act of 1998 (29 U.S.C. 2916) may be obligated prior to  
25 the preparation and submission of a report by the Sec-

1   retary of Labor to the Committees on Appropriations of  
2   the House of Representatives and the Senate detailing the  
3   planned uses of such funds.

4       SEC. 105. The Secretary of Labor shall award the  
5   following grants on a competitive basis: (1) Community-  
6   Based Job Training Grants awarded from amounts pro-  
7   vided for such purpose under this title; and (2) grants dur-  
8   ing fiscal or program year 2008 under section 414(e) of  
9   the American Competitiveness and Workforce Improve-  
10  ment Act of 1998 (29 U.S.C. 2916 note), as amended by  
11  section 428 of the Consolidated Appropriations Act, 2005  
12  (Public Law 108–447).

13       SEC. 106. None of the funds made available to the  
14  Department of Labor for grants under section 414(e) of  
15  the American Competitiveness and Workforce Improve-  
16  ment Act of 1998 (29 U.S.C. 2916 note) may be used  
17  for any purpose other than training in the occupations and  
18  industries for which employers are using H–1B visas to  
19  hire foreign workers, and the related activities necessary  
20  to support such training: *Provided*, That the preceding  
21  limitation shall not apply to grants awarded under section  
22  107 of this title and to multi-year grants awarded in re-  
23  sponse to competitive solicitations issued prior to April 15,  
24  2007.

1        SEC. 107. Out of funds available to the Department  
2 of Labor under section 414(c) the American Competitive-  
3 ness and Workforce Improvement Act of 1998 (29 U.S.C.  
4 2916 note), as amended by section 428 of the Consoli-  
5 dated Appropriations Act, 2005 (Public Law 108–447),  
6 up to \$20,000,000 is available (in addition to dislocated  
7 worker assistance national reserve funds) for the purposes  
8 of grants to States to address the gap in health care cov-  
9 erage faced by trade adjustment assistance (“TAA”) par-  
10 ticipants and dislocated workers awaiting TAA certifi-  
11 cation, to assure that these dislocated workers can benefit  
12 from the tax credit for health insurance costs authorized  
13 in section 35 of the Internal Revenue Code of 1986.

14        SEC. 108. The Secretary of Labor shall take no ac-  
15 tion to amend, through regulatory or administration ac-  
16 tion, the definition established in 20 CFR 667.220 for  
17 functions and activities under title I of the Workforce In-  
18 vestment Act of 1998, or to modify, through regulatory  
19 or administrative action, the procedure for redesignation  
20 of local areas as specified in subtitle B of title I of the  
21 Act (including applying the standards specified in section  
22 116(a)(3)(B) of such Act, but notwithstanding the time  
23 limits specified in section 116(a)(3)(B) of such Act (29  
24 U.S.C. 2831), until such time as legislation reauthorizing  
25 such Act is enacted.

1        SEC. 109. None of the funds made available in this  
2 or any other Act shall be available to finalize or implement  
3 any proposed regulation under the Workforce Investment  
4 Act of 1998, Wagner-Peyser Act of 1933, or the Trade  
5 Adjustment Assistance Reform Act of 2002 until such  
6 time as legislation reauthorizing the Workforce Invest-  
7 ment Act of 1998 and the Trade Adjustment Assistance  
8 Reform Act of 2002 is enacted.

9        SEC. 110. (a) On or before November 30, 2007, the  
10 Secretary of Labor shall, pursuant to section 6 of the Oc-  
11 cupational Safety and Health Act of 1970 (29 U.S.C.  
12 655), promulgate a final occupational safety and health  
13 standard concerning employer payment for personal pro-  
14 tective equipment. The final standard shall provide no less  
15 protection to employees and shall have no further excep-  
16 tions from the employer payment requirement than the  
17 proposed rule published in the Federal Register on March  
18 31, 1999 (64 FR 15402).

19        (b) In the event that such standard is not promul-  
20 gated by the date required, the proposed standard on em-  
21 ployer payment for personal protective equipment pub-  
22 lished in the Federal Register on March 31, 1999 (64 FR  
23 15402) shall become effective as if such standard had been  
24 promulgated as a final standard by the Secretary of  
25 Labor.



1 SEC. 111. None of the funds appropriated in this title  
 2 may be used to carry out a public-private competition or  
 3 direct conversion under OMB Circular A-76 or any suc-  
 4 cessor administrative regulation, directive, or policy until  
 5 60 days after the Government Accountability Office pro-  
 6 vides a report to the Committees on Appropriations of the  
 7 House of Representatives and the Senate on the use of  
 8 competitive sourcing at the Department of Labor.

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

11 TITLE II—DEPARTMENT OF HEALTH AND

12 HUMAN SERVICES

13 HEALTH RESOURCES AND SERVICES ADMINISTRATION

14 HEALTH RESOURCES AND SERVICES

15 For carrying out titles II, III, IV, VII, VIII, X, XII,  
 16 XVI, XIX, and XXVI of the Public Health Service Act,  
 17 section 427(a) of the Federal Coal Mine Health and Safe-  
 18 ty Act, title V and sections 1128E, 711, and 1820 of the  
 19 Social Security Act (42 U.S.C. 1320a-7e, 912, and 1395i-  
 20 4), the Health Care Quality Improvement Act of 1986,  
 21 the Native Hawaiian Health Care Act of 1988, the Car-  
 22 diac Arrest Survival Act of 2000, construction and renova-  
 23 tion (including equipment) of health care and other facili-  
 24 ties, and section 712(c) of the American Jobs Creation  
 25 Act of 2004 (42 U.S.C. 300b-1 note), \$7,055,709,000,

1 of which \$63,538,000 from general revenues, notwith-  
2 standing subsection (j) of section 1820 of the Social Secu-  
3 rity Act, shall be available for carrying out the Medicare  
4 rural hospital flexibility grants program under such sec-  
5 tion: *Provided*, That of the funds made available under  
6 this heading, \$100,000 shall be available until expended  
7 for facilities renovations at the National Hansen’s Disease  
8 Programs Center (as described in section 320 of the Pub-  
9 lic Health Service Act (42 U.S.C. 247e)): *Provided further*,  
10 That in addition to fees authorized by section 427(b)(4)  
11 of the Health Care Quality Improvement Act of 1986 (42  
12 U.S.C. 11137(b)(4)), fees shall be collected for the full  
13 disclosure of information under the Act sufficient to re-  
14 cover the full costs of operating the National Practitioner  
15 Data Bank authorized under such Act, and shall remain  
16 available until expended to carry out such Act: *Provided*  
17 *further*, That fees authorized under subsection (d)(2) of  
18 section 1128E of the Social Security Act (42 U.S.C.  
19 1320a–7e) to be collected for the full disclosure of infor-  
20 mation under the national health care fraud and abuse  
21 data collection program established under such section,  
22 shall be sufficient to recover the full costs of operating  
23 the program, and shall remain available until expended to  
24 carry out that program: *Provided further*, That  
25 \$35,000,000 of the funding provided for community

1 health centers shall be used for base grant adjustments  
2 for existing centers: *Provided further*, That no more than  
3 \$40,000 is available until expended for carrying out the  
4 provisions of section 224(o)(6) of the Public Health Serv-  
5 ice Act (42 U.S.C. 233(o)(6)) including associated admin-  
6 istrative expenses: *Provided further*, That \$3,963,000 is  
7 available until expended for the National Cord Blood Stem  
8 Cell Program: *Provided further*, That no more than  
9 \$45,000,000 is available until expended for carrying out  
10 the amendments to section 224 of the Public Health Serv-  
11 ice Act (42 U.S.C. 233) made by the Federally Supported  
12 Health Centers Assistance Act of 1995 and for expenses  
13 incurred by the Department of Health and Human Serv-  
14 ices pertaining to administrative claims made pursuant to  
15 such amendments: *Provided further*, That of the funds  
16 made available under this heading, \$310,910,000 shall be  
17 for the program under title X of the Public Health Service  
18 Act to provide for voluntary family planning projects: *Pro-*  
19 *vided further*, That amounts provided to such projects  
20 under such title shall not be expended for abortions, that  
21 all pregnancy counseling shall be nondirective, and that  
22 such amounts shall not be expended for any activity (in-  
23 cluding the publication or distribution of literature) that  
24 in any way tends to promote public support or opposition  
25 to any legislative proposal or candidate for public office:

1 *Provided further*, That of the funds available under this  
2 heading, \$1,865,800,000 shall remain available to the Sec-  
3 retary of Health and Human Services through September  
4 30, 2010, for parts A and B of title XXVI of the Public  
5 Health Service Act: *Provided further*, That within the  
6 amounts provided for part A of title XXVI of the Public  
7 Health Service Act (42 U.S.C. 300ff–11 et seq.), funds  
8 are included to ensure that the amount of any funding  
9 provided under such part to a metropolitan area for the  
10 program year beginning in 2007 is not reduced by an  
11 amount that is more than 8.4 percent, and the amount  
12 of any funding provided under subpart II of such part to  
13 a transitional area is not reduced by an amount that is  
14 more than 13.4 percent, relative to the amount of the total  
15 funding provided under such part to the metropolitan area  
16 or transitional area, respectively, for the program year be-  
17 ginning in fiscal year 2006: *Provided further*, That  
18 \$830,593,000 shall be for State AIDS Drug Assistance  
19 Programs authorized under section 2616 of such Act (42  
20 U.S.C. 300ff–26): *Provided further*, That in addition to  
21 amounts provided herein, \$25,000,000 shall be available  
22 from amounts available under section 241 of the Public  
23 Health Service Act (42 U.S.C. 238j) to carry out parts  
24 A, B, C, and D of title XXVI of such Act to fund the  
25 special projects of national significance under section 2691

1 of the Public Health Service Act (42 U.S.C. 300ff-101):  
2 *Provided further*, That, notwithstanding section 502(a)(1)  
3 of the Social Security Act (42 U.S.C. 702(a)(1)), not to  
4 exceed \$170,991,000 is available for carrying out special  
5 projects of regional and national significance pursuant to  
6 section 501(a)(2) of such Act (42 U.S.C. 701(a)(2)).

7 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM  
8 ACCOUNT

9 Such sums as may be necessary to carry out subpart  
10 1 of part A of title VII of the Public Health Service Act.  
11 For administrative expenses to carry out the guaranteed  
12 loan program under such subpart, including section 709  
13 of such Act, \$2,906,000.

14 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

1       CENTERS FOR DISEASE CONTROL AND PREVENTION

2             DISEASE CONTROL, RESEARCH, AND TRAINING

3       To carry out titles II, III, VII, XI, XV, XVII, XIX,  
4 XXI, and XXVI of the Public Health Service Act (42  
5 U.S.C. 201 et seq.) (“PHS Act”), sections 101, 102, 103,  
6 201, 202, 203, 301, and 501 of the Federal Mine Safety  
7 and Health Act of 1977 (30 U.S.C. 811, 812, 813, 841,  
8 842, 843, 861, and 951), sections 20, 21, and 22 of the  
9 Occupational Safety and Health Act of 1970 (29 U.S.C.  
10 669, 670, and 671), title IV of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1101 et seq.), section 501 of the  
12 Refugee Education Assistance Act of 1980 (8 U.S.C. 1522  
13 note), and for expenses necessary to support activities re-  
14 lated to countering potential biological, disease, nuclear,  
15 radiological, and chemical threats to civilian populations;  
16 including purchase and insurance of official motor vehicles  
17 in foreign countries; and purchase, hire, maintenance, and  
18 operation of aircraft, \$6,141,753,000, of which  
19 \$10,500,000 shall remain available until expended for  
20 equipment, construction, and renovation of facilities; of  
21 which \$581,335,000 shall remain available until expended  
22 for the Strategic National Stockpile under section 319F-  
23 2 of the PHS Act (42 U.S.C. 247d-6b); of which  
24 \$50,000,000 shall be available until expended to provide  
25 screening and treatment for first response emergency serv-

1 ices personnel related to the September 11, 2001 terrorist  
2 attacks on the World Trade Center; and of which  
3 \$122,769,000 for international HIV/AIDS shall remain  
4 available until September 30, 2009: *Provided*, That in ad-  
5 dition, such sums as may be derived from authorized user  
6 fees, which shall be credited to this account: *Provided fur-*  
7 *ther*, That in addition to amounts provided herein, the fol-  
8 lowing amounts shall be available from amounts available  
9 under section 241 of the PHS Act (42 U.S.C. 238j): (1)  
10 \$12,794,000 to carry out the National Immunization Sur-  
11 veys; (2) \$120,000,000 to carry out the National Center  
12 for Health Statistics surveys; (3) \$24,751,000 to carry out  
13 information systems standards development and architec-  
14 ture and applications-based research used at local public  
15 health levels; (4) \$39,173,000 for Health Marketing; (5)  
16 \$31,000,000 to carry out Public Health Research; and (6)  
17 \$88,361,000 to carry out research activities within the  
18 National Occupational Research Agenda: *Provided further*,  
19 That none of the funds made available for injury preven-  
20 tion and control at the Centers for Disease Control and  
21 Prevention may be used, in whole or in part, to advocate  
22 or promote gun control: *Provided further*, That up to  
23 \$31,800,000 shall be made available until expended for  
24 Individual Learning Accounts for full-time equivalent em-  
25 ployees of the Centers for Disease Control and Prevention:

1 *Provided further*, That the Director may redirect the total  
2 amount made available under authority of section 3 of the  
3 Vaccine and Immunization Amendments of 1990 (Public  
4 Law 101–502) to activities the Director may so designate:  
5 *Provided further*, That the Committees on Appropriations  
6 of the House of Representatives and the Senate are to be  
7 notified promptly of any such transfer: *Provided further*,  
8 That not to exceed \$12,500,000 may be available for mak-  
9 ing grants under section 1509 of the PHS Act (42 U.S.C.  
10 300n–4a) to not more than 15 States, tribes, or tribal or-  
11 ganizations: *Provided further*, That of the funds appro-  
12 priated, \$10,000 is for official reception and representa-  
13 tion expenses when specifically approved by the Director  
14 of the Centers for Disease Control and Prevention: *Pro-*  
15 *vided further*, That none of the funds appropriated may  
16 be used to implement section 2625 of the PHS Act (42  
17 U.S.C. 300ff–33): *Provided further*, That employees of the  
18 Centers for Disease Control and Prevention or the Public  
19 Health Service, both civilian and Commissioned Officers,  
20 detailed to States, municipalities, or other organizations  
21 under authority of section 214 of the PHS Act (42 U.S.C.  
22 215), shall be treated as non-Federal employees for re-  
23 porting purposes only and shall not be included within any  
24 personnel ceiling applicable to the Agency, Service, or the



1 Department of Health and Human Services during the pe-  
2 riod of detail or assignment.

3 NATIONAL INSTITUTES OF HEALTH

4 NATIONAL CANCER INSTITUTE

5 For carrying out section 301 and title IV of the Pub-  
6 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with  
7 respect to cancer, \$4,870,382,000, of which up to  
8 \$8,000,000 may be used for facilities repairs and improve-  
9 ments at the NCI–Frederick Federally Funded Research  
10 and Development Center in Frederick, Maryland.

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

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

16 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL  
17 RESEARCH

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 dental disease, \$395,753,000.

21 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND  
22 KIDNEY DISEASES

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 diabetes and digestive and kidney disease,  
26 \$1,731,893,000.

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
2 AND STROKE

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 neurological disorders and stroke,  
6 \$1,559,106,000.

7 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
8 DISEASES  
9 (INCLUDING TRANSFER OF FUNDS)

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 allergy and infectious diseases, \$4,632,019,000:  
13 *Provided*, That \$300,000,000 may be made available to  
14 International Assistance Programs “Global Fund to Fight  
15 HIV/AIDS, Malaria, and Tuberculosis”, to remain avail-  
16 able until expended: *Provided further*, That such sums ob-  
17 ligated in fiscal years 2003 through 2007 for extramural  
18 facilities construction projects are to remain available until  
19 expended for disbursement, with prior notification of such  
20 projects to the Committees on Appropriations of the  
21 House of Representatives and the Senate.

22 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

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

1 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
2 DEVELOPMENT

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 child health and human development,  
6 \$1,273,863,000.

7 NATIONAL EYE INSTITUTE

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 eye diseases and visual disorders,  
11 \$677,039,000.

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
13 SCIENCES

14 For carrying out sections 301 and 311 and title IV  
15 of the Public Health Service Act (42 U.S.C. 241, 243, 281  
16 et seq.) with respect to environmental health sciences,  
17 \$652,303,000.

18 NATIONAL INSTITUTE ON AGING

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

22 NATIONAL INSTITUTE OF ARTHRITIS AND  
23 MUSCULOSKELETAL AND SKIN DISEASES

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 arthritis and musculoskeletal and skin diseases,  
2 \$516,044,000.

3 NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
4 COMMUNICATION DISORDERS

5 For carrying out section 301 and title IV of the Pub-  
6 lic Health Service Act (42 U.S.C. 241, 281 et seq.) with  
7 respect to deafness and other communication disorders,  
8 \$400,305,000.

9 NATIONAL INSTITUTE OF NURSING 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 nursing research, \$139,527,000.

13 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
14 ALCOHOLISM

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 alcohol abuse and alcoholism, \$442,870,000.

18 NATIONAL INSTITUTE ON DRUG ABUSE

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

22 NATIONAL INSTITUTE OF MENTAL HEALTH

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 mental health, \$1,425,531,000.

1 NATIONAL HUMAN GENOME RESEARCH 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 human genome research, \$493,996,000.

5 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND  
6 BIOENGINEERING

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

11 NATIONAL CENTER FOR RESEARCH RESOURCES

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

16 NATIONAL CENTER FOR COMPLEMENTARY AND  
17 ALTERNATIVE MEDICINE

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 complementary and alternative medicine,  
21 \$123,380,000.

22 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
23 DISPARITIES

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 minority health and health disparities research,  
2 \$202,691,000.

3 JOHN E. FOGARTY INTERNATIONAL CENTER

4 For carrying out the activities of the John E. Fogarty  
5 International Center (described in subpart 2 of part E of  
6 title IV of the Public Health Service Act (42 U.S.C.  
7 287b)), \$67,599,000.

8 NATIONAL LIBRARY OF MEDICINE

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 health information communications,  
12 \$325,484,000, of which \$4,000,000 shall be available until  
13 expended for improvement of information systems: *Pro-*  
14 *vided*, That in fiscal year 2008, the National Library of  
15 Medicine may enter into personal services contracts for the  
16 provision of services in facilities owned, operated, or con-  
17 structed under the jurisdiction of the National Institutes  
18 of Health: *Provided further*, That in addition to amounts  
19 provided herein, \$8,200,000 shall be available from  
20 amounts available under section 241 of the Public Health  
21 Service Act (42 U.S.C. 238j) to carry out the purposes  
22 of the National Information Center on Health Services Re-  
23 search and Health Care Technology established under sec-  
24 tion 478A of the Public Health Service Act (42 U.S.C.  
25 286d) and related health services.

## 1 OFFICE OF THE DIRECTOR

2 For carrying out the responsibilities of the Office of  
3 the Director, National Institutes of Health,  
4 \$1,114,422,000, of which up to \$14,000,000 shall be used  
5 to carry out section 214 of this Act, of which  
6 \$110,900,000 shall be for continuation of the National  
7 Children's Study, and of which \$495,153,000 shall be  
8 available for the Common Fund established under section  
9 402A(c)(1) of the Public Health Service Act (42 U.S.C.  
10 282a): *Provided*, That funding shall be available for the  
11 purchase of not to exceed 29 passenger motor vehicles for  
12 replacement only: *Provided further*, That the National In-  
13 stitutes of Health is authorized to collect third party pay-  
14 ments for the cost of clinical services that are incurred  
15 in National Institutes of Health research facilities and  
16 that such payments shall be credited to the National Insti-  
17 tutes of Health Management Fund: *Provided further*, That  
18 all funds credited to such Fund shall remain available for  
19 one fiscal year after the fiscal year in which they are de-  
20 posited: *Provided further*, That no more than \$500,000  
21 shall be available to carry out section 499 of the Public  
22 Health Service Act(42 U.S.C. 290b): *Provided further*,  
23 That amounts appropriated to the Common Fund shall  
24 be in addition to any amounts allocated to activities re-  
25 lated to the Common Fund through the normal research

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

11 BUILDINGS AND FACILITIES

12 For the study of, construction of, renovation of, and  
13 acquisition of equipment for, facilities of or used by the  
14 National Institutes of Health, including the acquisition of  
15 real property, \$121,081,000, to remain available until ex-  
16 pended.

17 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

18 ADMINISTRATION

19 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

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



1 *Provided*, That notwithstanding section 520A(f)(2) of the  
2 PHS Act (42 U.S.C. 290bb–32(f)(2)), no funds appro-  
3 priated for carrying out section 520A are available for car-  
4 rying out section 1971 of such Act: *Provided further*, That  
5 in addition to amounts provided herein, the following  
6 amounts shall be available under section 241 of the PHS  
7 Act (42 U.S.C. 238j): (1) \$79,200,000 to carry out sub-  
8 part II of part B of title XIX of the PHS Act (42 U.S.C.  
9 300x–21 et seq.) to fund section 1935(b) of such Act (42  
10 U.S.C. 300x–35(b)) relating to technical assistance, na-  
11 tional data, data collection, and evaluation activities, and  
12 further that the total available under this Act for activities  
13 under such section 1935(b) shall not exceed 5 percent of  
14 the amounts appropriated for subpart II of part B of title  
15 XIX of such Act; (2) \$21,413,000 to carry out subpart  
16 I of part B of title XIX of the PHS Act (42 U.S.C. 300x–  
17 1 et seq.) to fund section 1920(b) of such Act (42 U.S.C.  
18 300x–9(b)) relating to technical assistance, national data,  
19 data collection, and evaluation activities, and further that  
20 the total available under this Act for activities under such  
21 section 1920(b) shall not exceed 5 percent of the amounts  
22 appropriated for subpart I of part B of title XIX of such  
23 Act; (3) \$16,000,000 to carry out national surveys on  
24 drug abuse; and (4) \$4,300,000 to evaluate substance  
25 abuse treatment programs.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

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

13 CENTERS FOR MEDICARE AND MEDICAID SERVICES

14 GRANTS TO STATES FOR MEDICAID

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

18 For making, after May 31, 2008, payments to States  
19 under title XIX of the Social Security Act for the last  
20 quarter of fiscal year 2008, for unanticipated costs, in-  
21 curred for the current fiscal year, such sums as may be  
22 necessary.

23 For making payments to States or in the case of sec-  
24 tion 1928 of the Social Security Act (42 U.S.C. 1396s)  
25 on behalf of States under title XIX of the Social Security

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

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

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance and  
9 the Federal Supplementary Medical Insurance Trust  
10 Funds, as provided under sections 1844 and 1860D–16  
11 of the Social Security Act (42 U.S.C. 1395w, 1395w–116),  
12 sections 103(c) and 111(d) of the Social Security Amend-  
13 ments of 1965 (42 U.S.C. 426a(c), 1395i–1), section  
14 278(d) of the Tax Equity and Fiscal Responsibility Act  
15 of 1982 (42 U.S.C. 426 note), and for administrative ex-  
16 penses incurred pursuant to section 201(g) of the Social  
17 Security Act (42 U.S.C. 401(g)), \$188,828,000,000.

18 In addition, for making matching payments under  
19 section 1844 of the Social Security Act (42 U.S.C.  
20 1395w), and benefit payments under 1860D–16 of such  
21 Act (42 U.S.C. 1395w–116), not anticipated in budget es-  
22 timates, such sums as may be necessary.

23 PROGRAM MANAGEMENT

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

1 the Clinical Laboratory Improvement Amendments of  
2 1988, not to exceed \$3,230,163,000, to be transferred  
3 from the Federal Hospital Insurance and the Federal Sup-  
4 plementary Medical Insurance Trust Funds, as authorized  
5 by section 201(g) of the Social Security Act (42 U.S.C.  
6 401(g)); together with all funds collected in accordance  
7 with section 353 of the Public Health Service Act (42  
8 U.S.C. 263a) and section 1857(e)(2) of the Social Security  
9 Act (42 U.S.C. 1395w-27(e)(2)), funds retained by the  
10 Secretary pursuant to section 1893(h)(1)(C) of the Social  
11 Security Act (42 U.S.C. 1395ddd(h)(1)(C)), and such  
12 sums as may be collected from authorized user fees and  
13 the sale of data, which shall remain available until ex-  
14 pended: *Provided*, That all funds derived in accordance  
15 with section 9701 of title 31, United States Code, from  
16 organizations established under title XIII of the Public  
17 Health Service Act shall be credited to and available for  
18 carrying out the purposes of this appropriation: *Provided*  
19 *further*, That \$49,869,000, to remain available until Sep-  
20 tember 30, 2009, is for contract costs for the Healthcare  
21 Integrated General Ledger Accounting System: *Provided*  
22 *further*, That \$163,800,000, to remain available until Sep-  
23 tember 30, 2009, is for Medicare contracting reform ac-  
24 tivities of the Centers for Medicare and Medicaid Services:  
25 *Provided further*, That funds appropriated under this

1 heading are available for the Healthy Start, Grow Smart  
2 program under which the Centers for Medicare and Med-  
3 icaid Services may, directly or through grants, contracts,  
4 or cooperative agreements, produce and distribute infor-  
5 mational materials including, but not limited to, pam-  
6 phlets and brochures on infant and toddler health care to  
7 expectant parents enrolled in the Medicaid program and  
8 to parents and guardians enrolled in such program with  
9 infants and children: *Provided further*, That the Secretary  
10 of Health and Human Services shall collect fees in fiscal  
11 year 2008 from Medicare Advantage organizations pursu-  
12 ant to section 1857(e)(2) of the Social Security Act (42  
13 U.S.C. 1395s-27(e)(2)) and from eligible organizations  
14 with risk-sharing contracts under section 1876 of such Act  
15 (42 U.S.C. 1395mm) pursuant to section 1876(k)(4)(D)  
16 of such Act (42 U.S.C. 1395mm(k)(4)(D)).

17 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

18 In addition to amounts otherwise available for pro-  
19 gram integrity and program management, \$383,000,000,  
20 to be transferred from the Federal Hospital Insurance and  
21 the Federal Supplementary Medical Insurance Trust  
22 Funds, as authorized by section 201(g) of the Social Secu-  
23 rity Act (42 U.S.C. 401(g)), of which \$288,480,000 is for  
24 the Medicare Integrity Program at the Centers for Medi-  
25 care and Medicaid Services to conduct oversight of activi-  
26 ties authorized in titles I and II of the Medicare Prescrip-

1 tion Drug, Improvement, and Modernization Act of 2003  
2 (Public Law 108–173), with oversight activities including  
3 those activities listed in section 1893(b) of the Social Se-  
4 curity Act (42 U.S.C. 1395www(b)); of which \$36,690,000  
5 is for the Department of Health and Human Services Of-  
6 fice of Inspector General; of which \$21,140,000 is for the  
7 Medicaid program integrity activities; and of which  
8 \$36,690,000 is for the Department of Justice: *Provided*,  
9 That the report required by section 1817(k)(5) of the So-  
10 cial Security Act (42 U.S.C. 1395i(k)(5)) for fiscal year  
11 2008 shall include measures of the operational efficiency  
12 and impact on fraud, waste and abuse in the Medicare  
13 and Medicaid programs for the funds provided by this ap-  
14 propriation.

15 ADMINISTRATION FOR CHILDREN AND FAMILIES

16 PAYMENTS TO STATES FOR CHILD SUPPORT

17 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

1 For making payments to each State for carrying out  
2 the program of Aid to Families with Dependent Children  
3 under title IV–A of the Social Security Act as in effect  
4 before the effective date of the program of Temporary As-  
5 sistance for Needy Families (TANF) with respect to such  
6 State, such sums as may be necessary: *Provided*, That the  
7 sum of the amounts available to a State with respect to  
8 expenditures under such title IV–A in fiscal year 1997  
9 under this appropriation and under such title IV–A as  
10 amended by the Personal Responsibility and Work Oppor-  
11 tunity Reconciliation Act of 1996 shall not exceed the limi-  
12 tations under section 116(b) of such Act.

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

20 LOW-INCOME HOME ENERGY ASSISTANCE

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

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

1 U.S.C. 8623(e)), \$682,000,000, notwithstanding the des-  
2 ignation requirement of section 2602(e) of such Act.

3 REFUGEE AND ENTRANT ASSISTANCE

4 For necessary expenses for refugee and entrant as-  
5 sistance activities and for costs associated with the care  
6 and placement of unaccompanied alien children authorized  
7 by title IV of the Immigration and Nationality Act (8  
8 U.S.C. 1521–1524) and section 501 of the Refugee Edu-  
9 cation Assistance Act of 1980 (8 U.S.C. 1522 note), for  
10 carrying out section 462 of the Homeland Security Act  
11 of 2002 (6 U.S.C. 279), and for carrying out the Torture  
12 Victims Relief Act of 1998 (22 U.S.C. 2152 note)  
13 \$650,630,000, of which up to \$9,814,000 shall be avail-  
14 able to carry out the Trafficking Victims Protection Act  
15 of 2000 (22 U.S.C. 7101 et seq.): *Provided*, That funds  
16 appropriated under this heading pursuant to section  
17 414(a) of the Immigration and Nationality Act and sec-  
18 tion 462 of the Homeland Security Act of 2002 for fiscal  
19 year 2008 shall be available for the costs of assistance pro-  
20 vided and other activities to remain available through Sep-  
21 tember 30, 2010.

22 PAYMENTS TO STATES FOR THE CHILD CARE AND

23 DEVELOPMENT BLOCK GRANT

24 For carrying out the Child Care and Development  
25 Block Grant Act of 1990 (42 U.S.C. 9858 et seq.),  
26 \$2,137,081,000 shall be used to supplement, not supplant,



1 State general revenue funds for child care assistance for  
2 low-income families: *Provided*, That \$18,777,370 shall be  
3 available for child care resource and referral and school-  
4 aged child care activities, of which \$982,080 shall be for  
5 the Child Care Aware toll-free hotline: *Provided further*,  
6 That, in addition to the amounts required to be reserved  
7 by the States under section 658G, \$267,785,718 shall be  
8 reserved by the States for activities authorized under sec-  
9 tion 658G, of which \$98,208,000 shall be for activities  
10 that improve the quality of infant and toddler care: *Pro-*  
11 *vided further*, That \$9,821,000 shall be for use by the Sec-  
12 retary for child care research, demonstration, and evalua-  
13 tion activities.

14 SOCIAL SERVICES BLOCK GRANT

15 For making grants to States pursuant to section  
16 2002 of the Social Security Act (42 U.S.C. 1397a),  
17 \$1,700,000,000.

18 CHILDREN AND FAMILIES SERVICES PROGRAMS

19 For carrying out, except as otherwise provided, the  
20 Runaway and Homeless Youth Act (42 U.S.C. 5711 et  
21 seq.), the Developmental Disabilities Assistance and Bill  
22 of Rights Act of 2000 (42 U.S.C. 15001 et seq.), the Head  
23 Start Act (42 U.S.C. 9831 et seq.), the Child Abuse Pre-  
24 vention and Treatment Act (42 U.S.C. 5101 et seq.), sec-  
25 tions 310 and 316 of the Family Violence Prevention and  
26 Services Act (42 U.S.C. 10409, 10416), the Native Amer-

1 ican Programs Act of 1974 (42 U.S.C. 2991a et seq.),  
2 title II of the Child Abuse Prevention and Treatment and  
3 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)  
4 (adoption opportunities), sections 330F and 330G of the  
5 Public Health Service Act (42 U.S.C. 254c-6, 254c-7),  
6 the Abandoned Infants Assistance Act of 1988 (42 U.S.C.  
7 670 note), sections 261 and 291 of the Help America Vote  
8 Act of 2002 (42 U.S.C. 15421, 15461), subpart 1 of part  
9 B of title IV and sections 413, 1110, and 1115 of the  
10 Social Security Act, for making payments under the Com-  
11 munity Services Block Grant Act (42 U.S.C. 9901 et  
12 seq.), sections 439, 473B, and 477 of the Social Security  
13 Act, and the Assets for Independence Act (42 U.S.C. 604  
14 note), and for necessary administrative expenses to carry  
15 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and  
16 XX of the Social Security Act, the Act of July 5, 1960  
17 (24 U.S.C. ch. 9), the Low-Income Home Energy Assist-  
18 ance Act of 1981, title IV of the Immigration and Nation-  
19 ality Act, section 501 of the Refugee Education Assistance  
20 Act of 1980, and section 505 of the Family Support Act  
21 of 1988 (42 U.S.C. 9926), \$9,125,940,000, of which  
22 \$9,500,000, to remain available until September 30, 2009,  
23 shall be for grants to States for adoption incentive pay-  
24 ments, as authorized by section 473A of the Social Secu-  
25 rity Act (42 U.S.C. 673b) and may be made for adoptions

1 completed before September 30, 2008: *Provided*, That  
2 \$6,963,571,000 shall be for making payments under the  
3 Head Start Act, of which \$1,388,800,000 shall become  
4 available October 1, 2008, and remain available through  
5 September 30, 2009: *Provided further*, That \$701,125,000  
6 shall be for making payments under the Community Serv-  
7 ices Block Grant Act: *Provided further*, That not less than  
8 \$8,000,000 shall be for section 680(3)(B) of the Commu-  
9 nity Services Block Grant Act: *Provided further*, That in  
10 addition to amounts provided herein, \$6,000,000 shall be  
11 available from amounts available under section 241 of the  
12 Public Health Service Act to carry out the provisions of  
13 section 1110 of the Social Security Act: *Provided further*,  
14 That to the extent Community Services Block Grant funds  
15 are distributed as grant funds by a State to an eligible  
16 entity as provided under the Act, and have not been ex-  
17 pended by such entity, they shall remain with such entity  
18 for carryover into the next fiscal year for expenditure by  
19 such entity consistent with program purposes: *Provided*  
20 *further*, That the Secretary of Health and Human Services  
21 shall establish procedures regarding the disposition of in-  
22 tangible property which permits grant funds, or intangible  
23 assets acquired with funds authorized under section 680  
24 of the Community Services Block Grant Act, to become  
25 the sole property of such grantees after a period of not

1 more than 12 years after the end of the grant for purposes  
2 and uses consistent with the original grant: *Provided fur-*  
3 *ther*, That funds appropriated for section 680(a)(2) of the  
4 Community Services Block Grant Act shall be available  
5 for financing construction and rehabilitation and loans or  
6 investments in private business enterprises owned by com-  
7 munity development corporations: *Provided further*, That  
8 \$64,350,000 is for a compassion capital fund to provide  
9 grants to charitable organizations to emulate model social  
10 service programs and to encourage research on the best  
11 practices of social service organizations: *Provided further*,  
12 That \$15,720,000 shall be for activities authorized by the  
13 Help America Vote Act of 2002, of which \$10,890,000  
14 shall be for payments to States to promote access for vot-  
15 ers with disabilities, and of which \$4,830,000 shall be for  
16 payments to States for protection and advocacy systems  
17 for voters with disabilities: *Provided further*, That  
18 \$136,664,000 shall be for making competitive grants to  
19 provide abstinence education (as defined by section  
20 510(b)(2) of the Social Security Act) to adolescents, and  
21 for Federal costs of administering the grant: *Provided fur-*  
22 *ther*, That grants under the immediately preceding proviso  
23 shall be made only to public and private entities which  
24 agree that, with respect to an adolescent to whom the enti-  
25 ties provide abstinence education under such grant, the

1 entities will not provide to that adolescent any other edu-  
2 cation regarding sexual conduct, except that, in the case  
3 of an entity expressly required by law to provide health  
4 information or services the adolescent shall not be pre-  
5 cluded from seeking health information or services from  
6 the entity in a different setting than the setting in which  
7 abstinence education was provided: *Provided further*, That  
8 within amounts provided herein for abstinence education  
9 for adolescents, up to \$10,000,000 may be available for  
10 a national abstinence education campaign: *Provided fur-*  
11 *ther*, That in addition to amounts provided herein for ab-  
12 stinence education for adolescents, \$4,500,000 shall be  
13 available from amounts available under section 241 of the  
14 Public Health Service Act to carry out evaluations (includ-  
15 ing longitudinal evaluations) of adolescent pregnancy pre-  
16 vention approaches: *Provided further*, That up to  
17 \$2,000,000 shall be for improving the Public Assistance  
18 Reporting Information System, including grants to States  
19 to support data collection for a study of the system's effec-  
20 tiveness.

21 PROMOTING SAFE AND STABLE FAMILIES

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

1 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION  
2 ASSISTANCE

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

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

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

15 ADMINISTRATION ON AGING

16 AGING SERVICES PROGRAMS

17 For carrying out, to the extent not otherwise pro-  
18 vided, the Older Americans Act of 1965 (42 U.S.C. 3011  
19 et seq.) and section 398 of the Public Health Service Act  
20 (42 U.S.C. 280c–3), \$1,417,189,000.

21 DEPARTMENTAL MANAGEMENT

22 OFFICE OF THE SECRETARY

23 GENERAL DEPARTMENTAL MANAGEMENT

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

1 of the Public Health Service Act, the United States-Mex-  
2 ico Border Health Commission Act, and research studies  
3 under section 1110 of the Social Security Act,  
4 \$363,224,000, together with \$5,851,000 to be transferred  
5 and expended as authorized by section 201(g)(1) of the  
6 Social Security Act from the Federal Hospital Insurance  
7 Trust Fund and the Federal Supplementary Medical In-  
8 surance Trust Fund, and \$46,756,000 from the amounts  
9 available under section 241 of the Public Health Service  
10 Act to carry out national health or human services re-  
11 search and evaluation activities: *Provided*, That of the  
12 funds made available under this heading for carrying out  
13 title XX of the Public Health Service Act, \$13,120,000  
14 shall be for activities specified under section 2003(b)(2),  
15 all of which shall be for prevention service demonstration  
16 grants under section 510(b)(2) of title V of the Social Se-  
17 curity Act without application of the limitation of section  
18 2010(c) of such title XX: *Provided further*, That of this  
19 amount, \$51,891,000 shall be for minority AIDS preven-  
20 tion and treatment activities; and \$5,941,000 shall be to  
21 assist Afghanistan in the development of maternal and  
22 child health clinics, consistent with section 103(a)(4)(H)  
23 of the Afghanistan Freedom Support Act of 2002.

24 OFFICE OF MEDICARE HEARINGS AND APPEALS

25 For expenses necessary for administrative law judges  
26 responsible for hearing cases under title XVIII of the So-

1 cial Security Act (and related provisions of title XI of such  
2 Act), \$65,000,000, to be transferred in appropriate part  
3 from the Federal Hospital Insurance and the Federal Sup-  
4 plementary Medical Insurance Trust Funds.

5 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH  
6 INFORMATION TECHNOLOGY

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

17 OFFICE OF INSPECTOR GENERAL

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



## 1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil  
3 Rights, \$33,748,000, together with not to exceed  
4 \$3,314,000 to be transferred and expended as authorized  
5 by section 201(g)(1) of the Social Security Act from the  
6 Federal Hospital Insurance Trust Fund and the Federal  
7 Supplementary Medical Insurance Trust Fund.

## 8 RETIREMENT PAY AND MEDICAL BENEFITS FOR

## 9 COMMISSIONED OFFICERS

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

## 17 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

## 18 FUND

## 19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary to support activities related  
21 to countering potential biological, disease, nuclear, radio-  
22 logical and chemical threats to civilian populations, and  
23 for other public health emergencies, \$757,291,000, of  
24 which not to exceed \$22,363,000, to remain available until  
25 September 30, 2009, is to pay the costs described in sec-

1 tion 319F–2(c)(7)(B) of the Public Health Service Act (42  
2 U.S.C. 247d–6b(c)(7)(B)).

3 For expenses necessary to prepare for and respond  
4 to an influenza pandemic, \$948,091,000, of which  
5 \$870,000,000 shall be available until expended, for activi-  
6 ties including the development and purchase of vaccine,  
7 antivirals, necessary medical supplies, diagnostics, and  
8 other surveillance tools: *Provided*, That products pur-  
9 chased with these funds may, at the discretion of the Sec-  
10 retary of Health and Human Services, be deposited in the  
11 Strategic National Stockpile: *Provided further*, That not-  
12 withstanding section 496(b) of the Public Health Service  
13 Act, funds may be used for the construction or renovation  
14 of privately owned facilities for the production of pandemic  
15 vaccine and other biologicals, where the Secretary finds  
16 such a contract necessary to secure sufficient supplies of  
17 such vaccines or biologicals: *Provided further*, That funds  
18 appropriated herein may be transferred to other appro-  
19 priation accounts of the Department of Health and  
20 Human Services, as determined by the Secretary to be ap-  
21 propriate, to be used for the purposes specified in this sen-  
22 tence.

23 COVERED COUNTERMEASURE PROCESS FUND

24 For carrying out section 319F–4 of the Public Health  
25 Service Act (42 U.S.C. 247d–6e) to compensate individ-  
26 uals for injuries caused by H5N1 vaccine, in accordance



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

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

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

23                                   (INCLUDING TRANSFER OF FUNDS)

24       SEC. 207. Not to exceed 1 percent of any discre-  
25 tionary funds (pursuant to the Balanced Budget and  
26 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et

1 seq.)) which are appropriated for the current fiscal year  
2 for the Department of Health and Human Services in this  
3 Act may be transferred between appropriations, but no  
4 such appropriation shall be increased by more than 3 per-  
5 cent by any such transfer: *Provided*, That an appropria-  
6 tion may be increased by up to an additional 2 percent  
7 subject to approval by the Committees on Appropriations  
8 of the House of Representatives and the Senate: *Provided*  
9 *further*, That the transfer authority granted by this section  
10 shall be available only to meet unanticipated needs and  
11 shall not be used to create any new program or to fund  
12 any project or activity for which no funds are provided  
13 in this Act: *Provided further*, That the Committees on Ap-  
14 propriations of the House of Representatives and the Sen-  
15 ate are notified at least 15 days in advance of any trans-  
16 fer.

17 (INCLUDING TRANSFER OF FUNDS)

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 209. Of the amounts made available in this Act  
3 for the National Institutes of Health, the amount for re-  
4 search related to the human immunodeficiency virus, as  
5 jointly determined by the Director of the National Insti-  
6 tutes of Health and the Director of the Office of AIDS  
7 Research, shall be made available to the “Office of AIDS  
8 Research” account. The Director of the Office of AIDS  
9 Research shall transfer from such account amounts nec-  
10 essary to carry out section 2353(d)(3) of the Public  
11 Health Service Act (42 U.S.C. 300cc–40b(d)(3)).

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

21 SEC. 211. Notwithstanding any other provision of  
22 law, no provider of services under title X of the Public  
23 Health Service Act (42 U.S.C. 1001 et seq.) shall be ex-  
24 empt from any State law requiring notification or the re-

1 porting of child abuse, child molestation, sexual abuse,  
2 rape, or incest.

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

21       SEC. 213. (a) Except as provided by subsection (e)  
22 none of the funds appropriated by this Act may be used  
23 to withhold substance abuse funding from a State pursu-  
24 ant to section 1926 of the Public Health Service Act (42  
25 U.S.C. 300x-26) if such State certifies to the Secretary

1 of Health and Human Services by May 1, 2008, that the  
2 State will commit additional State funds, in accordance  
3 with subsection (b), to ensure compliance with State laws  
4 prohibiting the sale of tobacco products to individuals  
5 under 18 years of age.

6 (b) The amount of funds to be committed by a State  
7 under subsection (a) shall be equal to 1 percent of such  
8 State's substance abuse block grant allocation for each  
9 percentage point by which the State misses the retailer  
10 compliance rate goal established by the Secretary of  
11 Health and Human Services under section 1926 of such  
12 Act.

13 (c) The State is to maintain State expenditures in  
14 fiscal year 2008 for tobacco prevention programs and for  
15 compliance activities at a level that is not less than the  
16 level of such expenditures maintained by the State for fis-  
17 cal year 2007, and adding to that level the additional  
18 funds for tobacco compliance activities required under  
19 subsection (a). The State is to submit a report to the Sec-  
20 retary on all fiscal year 2007 State expenditures and all  
21 fiscal year 2008 obligations for tobacco prevention and  
22 compliance activities by program activity by July 31,  
23 2008.

24 (d) The Secretary shall exercise discretion in enforce-  
25 ing the timing of the State obligation of the additional



1 funds required by the certification described in subsection  
2 (a) as late as July 31, 2008.

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

7 SEC. 214. In order for the Centers for Disease Con-  
8 trol and Prevention to carry out international health ac-  
9 tivities, including HIV/AIDS and other infectious disease,  
10 chronic and environmental disease, and other health ac-  
11 tivities abroad during fiscal year 2008:

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

24 (2) The Secretary of HHS is authorized to pro-  
25 vide such funds by advance or reimbursement to the

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

22 SEC. 215. (a) AUTHORITY.—Notwithstanding any  
23 other provision of law, the Director of the National Insti-  
24 tutes of Health (in this section referred to as the “Direc-  
25 tor of NIH”) may use funds available under section

1 402(b)(7) or 402(b)(12) of the Public Health Service Act  
2 (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into trans-  
3 actions (other than contracts, cooperative agreements, or  
4 grants) to carry out research identified pursuant to such  
5 section 402(b)(7) (pertaining to the Common Fund) or re-  
6 search and activities described in such section 402(b)(12).

7 (b) PEER REVIEW.—In entering into transactions  
8 under subsection (a), the Director of the NIH may utilize  
9 such peer review procedures (including consultation with  
10 appropriate scientific experts) as the Director determines  
11 to be appropriate to obtain assessments of scientific and  
12 technical merit. Such procedures shall apply to such trans-  
13 actions in lieu of the peer review and advisory council re-  
14 view procedures that would otherwise be required under  
15 sections 301(a)(3), 405(b)(1)(B), 405(b)(2),  
16 406(a)(3)(A), 492, and 494 of the Public Health Service  
17 Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2),  
18 284a(a)(3)(A), 289a, and 289e).

19 SEC. 216. Funds which are available for Individual  
20 Learning Accounts for employees of the Centers for Dis-  
21 ease Control and Prevention (“CDC”) and the Agency for  
22 Toxic Substances and Disease Registry (“ATSDR”) may  
23 be transferred to “Disease Control, Research, and Train-  
24 ing”, to be available only for Individual Learning Ac-  
25 counts: *Provided*, That such funds may be used for any

1 individual full-time equivalent employee while such em-  
2 ployee is employed either by CDC or ATSDR.

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

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

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

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

## 1 TITLE III—DEPARTMENT OF EDUCATION

## 2 EDUCATION FOR THE DISADVANTAGED

3 For carrying out title I of the Elementary and Sec-  
4 ondary Education Act of 1965 (“ESEA”) (20 U.S.C.  
5 6301 et seq.) and section 418A of the Higher Education  
6 Act of 1965 (20 U.S.C. 1070d–2), \$16,016,318,000, of  
7 which \$7,698,807,000 shall become available on July 1,  
8 2008, and shall remain available through September 30,  
9 2009, and of which \$8,136,218,000 shall become available  
10 on October 1, 2008, and shall remain available through  
11 September 30, 2009 for academic year 2008–2009: *Pro-*  
12 *vided*, That \$6,808,971,000 shall be for basic grants  
13 under section 1124 of ESEA (20 U.S.C. 6333): *Provided*  
14 *further*, That up to \$4,000,000 of these funds shall be  
15 available to the Secretary of Education on October 1,  
16 2007, to obtain annually updated local educational-agen-  
17 cy-level census poverty data from the Bureau of the Cen-  
18 sus: *Provided further*, That \$1,365,031,000 shall be for  
19 concentration grants under section 1124A of ESEA (20  
20 U.S.C. 6334): *Provided further*, That \$3,094,562,000  
21 shall be for targeted grants under section 1125 of ESEA  
22 (20 U.S.C. 6335): *Provided further*, That \$3,094,260,000  
23 shall be for education finance incentive grants under sec-  
24 tion 1125A of ESEA (20 U.S.C. 6337): *Provided further*,  
25 That \$9,330,000 shall be to carry out sections 1501 and

1 1503 of ESEA (20 U.S.C. 6491, 6493): *Provided further*,  
2 That \$1,634,000 shall be available for a comprehensive  
3 school reform clearinghouse.

#### 4 IMPACT AID

5 For carrying out programs of financial assistance to  
6 federally affected schools authorized by title VIII of the  
7 Elementary and Secondary Education Act of 1965 (20  
8 U.S.C. 7701 et seq.), \$1,278,453,000, of which  
9 \$1,140,517,000 shall be for basic support payments under  
10 section 8003(b) of such Act (20 U.S.C. 7703(b)),  
11 \$49,466,000 shall be for payments for children with dis-  
12 abilities under section 8003(d) of such Act (20 U.S.C.  
13 7703(d)), \$17,820,000 shall be for construction under sec-  
14 tion 8007(a) of such Act (20 U.S.C. 7707(a)),  
15 \$65,700,000 shall be for Federal property payments under  
16 section 8002 of such Act (20 U.S.C. 7702), and  
17 \$4,950,000, to remain available until expended, shall be  
18 for facilities maintenance under section 8008 of such Act  
19 (20 U.S.C. 7708): *Provided*, That for purposes of com-  
20 puting the amount of a payment for an eligible local edu-  
21 cational agency under section 8003(a) of such Act (20  
22 U.S.C. 7703(a)) for school year 2007–2008, children en-  
23 rolled in a school of such agency that would otherwise be  
24 eligible for payment under section 8003(a)(1)(B) of such  
25 Act, but due to the deployment of both parents or legal

1 guardians, or a parent or legal guardian having sole cus-  
2 tody of such children, or due to the death of a military  
3 parent or legal guardian while on active duty (so long as  
4 such children reside on Federal property as described in  
5 section 8003(a)(1)(B) of such Act), are no longer eligible  
6 under such section, shall be considered as eligible students  
7 under such section, provided such students remain in aver-  
8 age daily attendance at a school in the same local edu-  
9 cational agency they attended prior to their change in eli-  
10 gibility status.

11                   SCHOOL IMPROVEMENT PROGRAMS

12       For carrying out school improvement activities au-  
13 thorized by title II (20 U.S.C. 6601 et seq.), part B of  
14 title IV (20 U.S.C. 7171 et seq.), part A of title V (20  
15 U.S.C. 7201 et seq.) and subparts 6 and 9 of part D of  
16 title V (20 U.S.C. 7253 et seq., 20 U.S.C. 7259 et seq.),  
17 part A of title VI (20 U.S.C. 7301 et seq.) and part B  
18 of title VI (20 U.S.C. 7341 et seq.), and part B of title  
19 VII (20 U.S.C. 7511 et seq.) and part C of title VII (20  
20 U.S.C. 7541 et seq.) of the Elementary and Secondary  
21 Education Act of 1965 (“ESEA”); the McKinney-Vento  
22 Homeless Assistance Act (42 U.S.C. 11301 et seq.); sec-  
23 tion 203 of the Educational Technical Assistance Act of  
24 2002 (20 U.S.C. 9602); the Compact of Free Association  
25 Amendments Act of 2003 (48 U.S.C. 1921 et seq.); and

1 the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.),  
2 \$5,678,002,000, of which \$4,059,441,000 shall become  
3 available on July 1, 2008, and remain available through  
4 September 30, 2009, and of which \$1,435,000,000 shall  
5 become available on October 1, 2008, and shall remain  
6 available through September 30, 2009, for academic year  
7 2008–2009: *Provided*, That \$411,630,000 shall be for  
8 State assessments and related activities authorized under  
9 sections 6111 and 6112 of ESEA (20 U.S.C. 7301,  
10 7301a): *Provided further*, That up to 100 percent of the  
11 funds available to a State educational agency under part  
12 D of title II of the ESEA (20 U.S.C. 6751 et seq.) may  
13 be used for subgrants described in section 2412(a)(2)(B)  
14 of such Act (20 U.S.C. 6762(a)(2)(B)): *Provided further*,  
15 That \$56,257,000 shall be available to carry out section  
16 203 of the Educational Technical Assistance Act of 2002:  
17 *Provided further*, That \$34,376,000 shall be available to  
18 carry out part D of title V of ESEA: *Provided further*,  
19 That no funds appropriated under this heading may be  
20 used to carry out section 5494 under ESEA (20 U.S.C.  
21 7259c): *Provided further*, That \$18,001,000 shall be avail-  
22 able to carry out the Supplemental Education Grants pro-  
23 gram for the Federated States of Micronesia and for the  
24 Republic of the Marshall Islands: *Provided further*, That  
25 up to 5 percent of these amounts may be reserved by the



1 Federated States of Micronesia and the Republic of the  
2 Marshall Islands to administer the Supplemental Edu-  
3 cation Grants programs and to obtain technical assistance,  
4 oversight, and consultancy services in the administration  
5 of these grants and to reimburse the United States De-  
6 partments of Labor, Health and Human Services, and  
7 Education for such services: *Provided further*, That  
8 \$3,000,000 of the funds available for the Foreign Lan-  
9 guage Assistance Program shall be available for 5-year  
10 grants to local educational agencies that would work in  
11 partnership with one or more institutions of higher edu-  
12 cation to establish or expand articulated programs of  
13 study in languages critical to United States national secu-  
14 rity that will enable successful students to advance from  
15 elementary school through college to achieve a superior  
16 level of proficiency in those languages.

17 INDIAN EDUCATION

18 For expenses necessary to carry out, to the extent  
19 not otherwise provided, part A of title VII of the Elemen-  
20 tary and Secondary Education Act of 1965 (20 U.S.C.  
21 7401 et seq.), \$124,000,000.

22 INNOVATION AND IMPROVEMENT

23 For carrying out activities authorized by section 1504  
24 (20 U.S.C. 6494), part G of title I (20 U.S.C. 6531 et  
25 seq.), subpart 5 of part A of title II (20 U.S.C. 6651)

1 and part C and part D of title II (20 U.S.C. 6671 et seq.,  
2 20 U.S.C. 6751 et seq.), and part B (including subpart  
3 2), part C, and part D of title V (20 U.S.C. 7221 et seq.,  
4 20 U.S.C. 7231 et seq., and 20 U.S.C. 7241) of the Ele-  
5 mentary and Secondary Education Act of 1965  
6 (“ESEA”), \$992,354,000: *Provided*, That \$10,695,000  
7 shall be provided to the National Board for Professional  
8 Teaching Standards to carry out section 2151(c) of ESEA  
9 (20 U.S.C. 6651(c)): *Provided further*, That from funds  
10 for subpart 4 of part C of title II (20 U.S.C. 6721 et  
11 seq.), up to 3 percent shall be available to the Secretary  
12 for technical assistance and dissemination of information:  
13 *Provided further*, That \$258,988,000 shall be available to  
14 carry out part D of title V of ESEA (20 U.S.C. 7241  
15 et seq.), of which \$99,000,000 of the funds for subpart  
16 1 shall be for competitive grants to local educational agen-  
17 cies, including charter schools that are local educational  
18 agencies, or States, or partnerships of (1) a local edu-  
19 cational agency, a State, or both and (2) at least one non-  
20 profit organization to develop and implement performance-  
21 based teacher and principal compensation systems in high-  
22 need schools: *Provided further*, That such performance-  
23 based compensation systems must consider gains in stu-  
24 dent academic achievement as well as classroom evalua-  
25 tions conducted multiple times during each school year

1 among other factors and provide educators with incentives  
2 to take on additional responsibilities and leadership roles:  
3 *Provided further*, That up to 5 percent of such funds for  
4 competitive grants shall be available for technical assist-  
5 ance, training, peer review of applications, program out-  
6 reach, and evaluation activities.

7       SAFE SCHOOLS AND CITIZENSHIP EDUCATION

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

1 rupted due to a violent or traumatic crisis: *Provided fur-*  
2 *ther*, That \$158,422,000 shall be available to carry out  
3 part D of title V of ESEA (20 U.S.C. 7241 et seq.): *Pro-*  
4 *vided further*, That of the funds available to carry out sub-  
5 part 3 of part C of title II of ESEA (20 U.S.C. 6711  
6 et seq.), up to \$12,072,000 may be used to carry out sec-  
7 tion 2345 (20 U.S.C. 6715) and \$3,025,000 shall be used  
8 by the Center for Civic Education to implement a com-  
9 prehensive program to improve public knowledge, under-  
10 standing, and support of the Congress and the State legis-  
11 latures.

12                                   ENGLISH LANGUAGE ACQUISITION

13           For carrying out part A of title III of the Elementary  
14 and Secondary Education Act of 1965 (20 U.S.C. 6811  
15 et seq.), \$774,614,000, which shall become available on  
16 July 1, 2008, and shall remain available through Sep-  
17 tember 30, 2009, except that 6.5 percent of such amount  
18 shall be available on October 1, 2007, and shall remain  
19 available through September 30, 2009, to carry out activi-  
20 ties under section 3111(c)(1)(C) of such Act (20 U.S.C.  
21 6821(c)(1)(C)).

22                                   SPECIAL EDUCATION

23           For carrying out the Individuals with Disabilities  
24 Education Act (20 U.S.C. 1400 et seq.), \$12,310,831,000,  
25 of which \$5,467,594,000 shall become available on July

1 1, 2008, and shall remain available through September 30,  
2 2009, and of which \$6,641,982,000 shall become available  
3 on October 1, 2008, and shall remain available through  
4 September 30, 2009, for academic year 2008–2009: *Pro-*  
5 *vided*, That \$11,880,000 shall be for the activities author-  
6 ized by section 674(c)(1)(D) of such Act: *Provided further*,  
7 That the amount for section 611(b)(2) of such Act (20  
8 U.S.C. 1411(b)(2)) shall be equal to the lesser of the  
9 amount available for that activity during fiscal year 2007,  
10 increased by the amount of inflation as specified in section  
11 619(d)(2)(B) of such Act (20 U.S.C. 1419(d)(2)(B)) or  
12 the percentage increase in the funds appropriated under  
13 section 611(i) of such Act (20 U.S.C. 1411(i)).

14 REHABILITATION SERVICES AND DISABILITY RESEARCH

15 For carrying out, to the extent not otherwise pro-  
16 vided, the Rehabilitation Act of 1973 (29 U.S.C. 701 et  
17 seq.), the Assistive Technology Act of 1998 (29 U.S.C.  
18 3001 et seq.), and the Helen Keller National Center Act  
19 (29 U.S.C. 1901 et seq.), \$3,279,743,000: *Provided*, That  
20 \$30,452,000 shall be used for carrying out the Assistive  
21 Technology Act of 1998.

1 SPECIAL INSTITUTIONS FOR PERSONS WITH  
2 DISABILITIES

3 AMERICAN PRINTING HOUSE FOR THE BLIND

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

6 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7 For the National Technical Institute for the Deaf  
8 under titles I and II of the Education of the Deaf Act  
9 of 1986 (20 U.S.C. 4301 et seq.), \$60,757,000, of which  
10 \$1,705,000 shall be for construction and shall remain  
11 available until expended: *Provided*, That from the total  
12 amount available, the Institute may at its discretion use  
13 funds for the endowment program as authorized under  
14 section 207 of such Act (20 U.S.C. 4357).

15 GALLAUDET UNIVERSITY

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

24 CAREER, TECHNICAL, AND ADULT EDUCATION

25 For carrying out, to the extent not otherwise pro-  
26 vided, the Carl D. Perkins Career and Technical Edu-

1 cation Act of 2006 (20 U.S.C. 2301 et seq.), the Adult  
2 Education and Family Literacy Act (20 U.S.C. 9201 et  
3 seq.), and subpart 4 of part D of title V of the Elementary  
4 and Secondary Education Act of 1965 (“ESEA”) (20  
5 U.S.C. 7249), \$2,046,220,000, of which \$1,247,220,000  
6 shall become available on July 1, 2008, and shall remain  
7 available through September 30, 2009, and of which  
8 \$791,000,000 shall become available on October 1, 2008,  
9 and shall remain available through September 30, 2009:  
10 *Provided*, That of the amounts made available for the Carl  
11 D. Perkins Career and Technical Education Act of 2006,  
12 \$8,000,000 is for the postsecondary career and technical  
13 institutions under section 117 of such Act (20 U.S.C.  
14 2327): *Provided further*, That of the amounts provided for  
15 Adult Education State Grants, \$71,622,000 shall be made  
16 available for integrated English literacy and civics edu-  
17 cation services to immigrants and other limited English  
18 proficient populations: *Provided further*, That of the  
19 amount reserved for integrated English literacy and civics  
20 education, notwithstanding section 211 of the Adult Edu-  
21 cation and Family Literacy Act (20 U.S.C. 9211), 65 per-  
22 cent shall be allocated to States based on a State’s abso-  
23 lute need as determined by calculating each State’s share  
24 of a 10-year average of the United States Citizenship and  
25 Immigration Services data for immigrants admitted for

1 legal permanent residence for the 10 most recent years,  
2 and 35 percent allocated to States that experienced growth  
3 as measured by the average of the 3 most recent years  
4 for which United States Citizenship and Immigration  
5 Services data for immigrants admitted for legal permanent  
6 residence are available, except that no State shall be allo-  
7 cated an amount less than \$60,000: *Provided further,*  
8 That of the amounts made available for the Adult Edu-  
9 cation and Family Literacy Act, \$7,000,000 shall be for  
10 national leadership activities under section 243 of such  
11 Act (20 U.S.C. 9253) and \$6,638,000 shall be for the Na-  
12 tional Institute for Literacy under section 242 of such Act  
13 (20 U.S.C. 9252): *Provided further,* That \$93,531,000  
14 shall be available to support the activities authorized  
15 under subpart 4 of part D of title V of the ESEA (20  
16 U.S.C. 7249), of which up to 5 percent shall become avail-  
17 able October 1, 2007, and shall remain available through  
18 September 30, 2009, for evaluation, technical assistance,  
19 school networks, peer review of applications, and program  
20 outreach activities, and of which not less than 95 percent  
21 shall become available on July 1, 2008, and remain avail-  
22 able through September 30, 2009, for grants to local edu-  
23 cational agencies: *Provided further,* That funds made  
24 available to local educational agencies under this subpart  
25 shall be used only for activities related to establishing



1 smaller learning communities within large high schools or  
2 small high schools that provide alternatives for students  
3 enrolled in large high schools.

4                   STUDENT FINANCIAL ASSISTANCE

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

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

18                   STUDENT AID ADMINISTRATION

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

## HIGHER EDUCATION

1  
2 For carrying out, to the extent not otherwise pro-  
3 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-  
4 cation Act of 1965 (“HEA”), section 1543 of the Higher  
5 Education Amendments of 1992, and the Mutual Edu-  
6 cational and Cultural Exchange Act of 1961,  
7 \$2,051,533,000: *Provided*, That \$9,699,000, to remain  
8 available through September 30, 2009, shall be available  
9 to fund fellowships for academic year 2009–2010 under  
10 subpart 1 of part A of title VII of the HEA, under the  
11 terms and conditions of such subpart 1: *Provided further*,  
12 That \$620,000 is for data collection and evaluation activi-  
13 ties for programs under the HEA, including such activities  
14 needed to comply with the Government Performance and  
15 Results Act of 1993: *Provided further*, That notwith-  
16 standing any other provision of law, funds made available  
17 in this Act to carry out title VI of the HEA and section  
18 102(b)(6) of the Mutual Educational and Cultural Ex-  
19 change Act of 1961 may be used to support visits and  
20 study in foreign countries by individuals who are partici-  
21 pating in advanced foreign language training and inter-  
22 national studies in areas that are vital to United States  
23 national security and who plan to apply their language  
24 skills and knowledge of these countries in the fields of gov-  
25 ernment, the professions, or international development:



## 1 INSTITUTE OF EDUCATION SCIENCES

2 For carrying out activities authorized by the Edu-  
3 cation Sciences Reform Act of 2002 (20 U.S.C. 9501 et  
4 seq.) the National Assessment of Educational Progress  
5 Authorization Act (20 U.S.C. 9621 et seq.), section 208  
6 of the Educational Technical Assistance Act of 2002 (20  
7 U.S.C. 9607), and section 664 of the Individuals with Dis-  
8 abilities Education Act (20 U.S.C. 1464), \$535,103,000,  
9 of which \$293,144,000 shall remain available until Sep-  
10 tember 30, 2009.

## 11 DEPARTMENTAL MANAGEMENT

## 12 PROGRAM ADMINISTRATION

13 For carrying out, to the extent not otherwise pro-  
14 vided, the Department of Education Organization Act (20  
15 U.S.C. 3401 et seq.), including rental of conference rooms  
16 in the District of Columbia and hire of three passenger  
17 motor vehicles, \$394,487,000, of which \$3,000,000, to re-  
18 main available until expended, shall be for building alter-  
19 ations and related expenses for the move of Department  
20 staff to the Mary E. Switzer building in Washington, D.C.

## 21 OFFICE FOR CIVIL RIGHTS

22 For expenses necessary for the Office for Civil  
23 Rights, as authorized by section 203 of the Department  
24 of Education Organization Act (20 U.S.C. 3413),  
25 \$93,771,000.

1 OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector  
3 General, as authorized by section 212 of the Department  
4 of Education Organization Act (20 U.S.C. 3422),  
5 \$53,239,000.

6 GENERAL PROVISIONS

7 (INCLUDING TRANSFER OF FUNDS)

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

16 SEC. 302. None of the funds contained in this Act  
17 shall be used to require, directly or indirectly, the trans-  
18 portation of any student to a school other than the school  
19 which is nearest the student's home, except for a student  
20 requiring special education, to the school offering such  
21 special education, in order to comply with title VI of the  
22 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). For  
23 the purpose of this section an indirect requirement of  
24 transportation of students includes the transportation of  
25 students to carry out a plan involving the reorganization

1 of the grade structure of schools; the pairing of schools;  
2 or the clustering of schools; or any combination of grade  
3 restructuring, pairing, or clustering. The prohibition de-  
4 scribed in this section does not include the establishment  
5 of magnet schools.

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

9       SEC. 304. Not to exceed 1 percent of any discre-  
10 tionary funds (pursuant to the Balanced Budget and  
11 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
12 seq.)) which are appropriated for the current fiscal year  
13 for the Department of Education in this Act may be trans-  
14 ferred between appropriations, but no such appropriation  
15 shall be increased by more than 3 percent by any such  
16 transfer: *Provided*, That an appropriation may be in-  
17 creased by up to an additional 2 percent subject to ap-  
18 proval by the Committees on Appropriations of the House  
19 of Representatives and the Senate: *Provided further*, That  
20 the transfer authority granted by this section shall be  
21 available only to meet unanticipated needs and shall not  
22 be used to create any new program or to fund any project  
23 or activity for which no funds are provided in this Act:  
24 *Provided further*, That the Committees on Appropriations

1 of the House of Representatives and the Senate are noti-  
2 fied at least 15 days in advance of any transfer.

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

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

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

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

20 (b) REVIEW BY INSPECTOR GENERAL.—

21 (1) Within 30 days after the implementation of  
22 the procedures described in subsection (a), the In-  
23 spector General of the Department of Education  
24 shall report to the Committees on Appropriations of

1 the House of Representatives and the Senate on the  
2 adequacy of such procedures.

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

8 (3) The Inspector General shall report to such  
9 Committees any recommendations for modifications  
10 to such procedures that the Inspector General deter-  
11 mines are necessary to uncover and disclose the ex-  
12 istence of such potential financial interests or bias.

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

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

17 (2) a contractor or subcontractor of the Depart-  
18 ment, or an individual hired by the contracted enti-  
19 ty;

20 (3) a member of a peer review panel of the De-  
21 partment; or

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

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



1 TITLE IV—RELATED AGENCIES  
2 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE  
3 BLIND OR SEVERELY DISABLED  
4 SALARIES AND EXPENSES

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

8 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
9 OPERATING EXPENSES  
10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses for the Corporation for Na-  
12 tional and Community Service to carry out the Domestic  
13 Volunteer Service Act of 1973 (“1973 Act”) (42 U.S.C.  
14 4950 et seq.) and the National and Community Service  
15 Act of 1990 (“1990 Act”) (42 U.S.C. 12501 et seq.),  
16 \$768,905,000, of which \$313,054,000 is to carry out the  
17 1973 Act and \$455,851,000 is to carry out the 1990 Act:  
18 *Provided*, That up to 1 percent of program grant funds  
19 may be used to defray the costs of conducting grant appli-  
20 cation reviews, including the use of outside peer reviewers  
21 and electronic management of the grants cycle: *Provided*  
22 *further*, That none of the funds made available under this  
23 heading for activities authorized by section 122 and part  
24 E (42 U.S.C. 5028 et seq.) of title II of the 1973 Act  
25 shall be used to provide stipends or other monetary incen-  
26 tives to volunteers or volunteer leaders whose incomes ex-

1 ceed 125 percent of the national poverty level: *Provided*  
2 *further*, That notwithstanding subtitle H of title I of the  
3 1990 Act (42 U.S.C. 12653 et seq.), none of the funds  
4 provided for quality and innovation activities shall be used  
5 to support salaries and related expenses (including travel)  
6 attributable to Corporation for National and Community  
7 Service employees: *Provided further*, That of the amounts  
8 provided under this heading: (1) \$122,521,000, to remain  
9 available until expended, to be transferred to the National  
10 Service Trust for educational awards authorized under  
11 subtitle D of title I of the 1990 Act: *Provided further*, That  
12 in addition to these funds, the Corporation may transfer  
13 funds from the amount provided for AmeriCorps grants  
14 under the National Service Trust Program, to the Na-  
15 tional Service Trust authorized under subtitle D of title  
16 I of the 1990 Act (42 U.S.C. 12601 et seq.), upon deter-  
17 mination that such transfer is necessary to support the  
18 activities of national service participants and after notice  
19 is transmitted to the Congress; (2) not more than  
20 \$55,000,000 of funding provided for grants under the Na-  
21 tional Service Trust program authorized under subtitle C  
22 of title I of the 1990 Act may be used to administer, reim-  
23 burse, or support any national service program authorized  
24 under section 121(d)(2) of such Act (42 U.S.C.  
25 12571(d)(2)); (3) \$37,125,000, to remain available until

1 September 30, 2009, shall be for service-learning pro-  
2 grams authorized under subtitle B of title I of the 1990  
3 Act (42 U.S.C. 12521 et seq.); and (4) \$12,000,000 shall  
4 be to provide assistance to State commissions on national  
5 and community service, under 126(a) of the 1990 Act (42  
6 U.S.C. 12576(a)) and notwithstanding 501(a)(4) of the  
7 1990 Act (42 U.S.C. 12681(a)(4)).

8 SALARIES AND EXPENSES

9 For necessary expenses of administration as provided  
10 under section 501(a)(4) of the National and Community  
11 Service Act of 1990 (42 U.S.C. 12681 (a)(4)) and under  
12 section 504(a) of the Domestic Volunteer Service Act of  
13 1973 (42 U.S.C. 5084(a)), including payment of salaries,  
14 authorized travel, hire of passenger motor vehicles, the  
15 rental of conference rooms in the District of Columbia,  
16 the employment of experts and consultants authorized  
17 under section 3109 of title 5, United States Code, and  
18 not to exceed \$2,500 for official reception and representa-  
19 tion expenses, \$68,964,000.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector  
22 General in carrying out the Inspector General Act of 1978  
23 (5 U.S.C. App.), \$5,512,000, to remain available until  
24 September 30, 2008.

## 1 ADMINISTRATIVE PROVISIONS

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

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

18 SEC. 403. The Inspector General of the Corporation  
19 for National and Community Service shall conduct ran-  
20 dom audits of the grantees that administer activities under  
21 the AmeriCorps programs and shall levy sanctions in ac-  
22 cordance with standard Inspector General audit resolution  
23 procedures which include, but are not limited to, debar-  
24 ment of any grantee (or successor in interest or any entity  
25 with substantially the same person or persons in control)

1 that has been determined to have committed any substan-  
2 tial violation of the requirements of the AmeriCorps pro-  
3 grams, including any grantee that has been determined  
4 to have violated the prohibition of using Federal funds to  
5 lobby the Congress: *Provided*, That the Inspector General  
6 shall obtain reimbursements in the amount of any misused  
7 funds from any grantee that has been determined to have  
8 committed any substantial violation of the requirements  
9 of the AmeriCorps programs.

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

20 SEC. 405. Professional Corps programs described in  
21 section 122(a)(8) of the National and Community Service  
22 Act of 1990 (42 U.S.C. 12572(a)(8)) may apply to the  
23 Corporation for a waiver of application of section  
24 140(c)(2) (42 U.S.C. 12594(c)(2)).

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

11        SEC. 407. Organizations operating projects under the  
12 AmeriCorps Education Awards Program shall do so with-  
13 out regard to the requirements of sections 121(d) and (e)  
14 (42 U.S.C. 12571(d) and (e)), 131(e) (42 U.S.C.  
15 12583(e)), 132 (42 U.S.C. 12584), and 140(a), (d), and  
16 (e)(42 U.S.C. 12594(a), (d), and (e)) of the National and  
17 Community Service Act of 1990.

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

1 12571(e)) or the member support Federal share limita-  
2 tions in section 140 (42 U.S.C. 12594) of the National  
3 and Community Service Act of 1990, and subject to par-  
4 tial waiver consistent with section 2521.70 of title 45,  
5 Code of Federal Regulations.

6 CORPORATION FOR PUBLIC BROADCASTING

7 For payment to the Corporation for Public Broad-  
8 casting, as authorized by the Communications Act of  
9 1934, an amount which shall be available within limita-  
10 tions specified by that Act, for the fiscal year 2010,  
11 \$420,000,000: *Provided*, That no funds made available to  
12 the Corporation for Public Broadcasting by this Act shall  
13 be used to pay for receptions, parties, or similar forms  
14 of entertainment for Government officials or employees:  
15 *Provided further*, That none of the funds contained in this  
16 paragraph shall be available or used to aid or support any  
17 program or activity from which any person is excluded,  
18 or is denied benefits, or is discriminated against, on the  
19 basis of race, color, national origin, religion, or sex: *Pro-*  
20 *vided further*, That no funds made available to the Cor-  
21 poration for Public Broadcasting by this Act shall be used  
22 to apply any political test or qualification in selecting, ap-  
23 pointing, promoting, or taking any other personnel action  
24 with respect to officers, agents, and employees of the Cor-  
25 poration: *Provided further*, That for fiscal year 2008, in

1 addition to the amounts provided above, \$29,700,000 shall  
2 be for costs related to digital program production, develop-  
3 ment, and distribution, associated with the transition of  
4 public broadcasting to digital broadcasting, to be awarded  
5 as determined by the Corporation in consultation with  
6 public radio and television licensees or permittees, or their  
7 designated representatives: *Provided further*, That for fis-  
8 cal year 2008, in addition to the amounts provided above,  
9 \$26,750,000 is available pursuant to section 396(k)(10)  
10 of the Communications Act of 1934 for replacement and  
11 upgrade of the public radio interconnection system: *Pro-*  
12 *vided further*, That none of the funds made available to  
13 the Corporation for Public Broadcasting by this Act, the  
14 Continuing Appropriations Resolution, 2007 (Public Law  
15 110–5), or the Departments of Labor, Health and Human  
16 Services, and Education, and Related Agencies Appropria-  
17 tions Act, 2006 (Public Law 109–149), shall be used to  
18 support the Television Future Fund or any similar pur-  
19 pose.

20 FEDERAL MEDIATION AND CONCILIATION SERVICE

21 SALARIES AND EXPENSES

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



1 for expenses necessary for the Labor-Management Co-  
2 operation Act of 1978 (29 U.S.C. 175a); and for expenses  
3 necessary for the Service to carry out the functions vested  
4 in it by the Civil Service Reform Act (5 U.S.C. chapter  
5 71), \$44,450,000, including \$650,000 to remain available  
6 through September 30, 2009, for activities authorized by  
7 the Labor-Management Cooperation Act of 1978 (29  
8 U.S.C. 175a): *Provided*, That notwithstanding section  
9 3302 of title 31, United States Code, fees charged, up to  
10 full-cost recovery, for special training activities and other  
11 conflict resolution services and technical assistance, in-  
12 cluding those provided to foreign governments and inter-  
13 national organizations, and for arbitration services shall  
14 be credited to and merged with this account, and shall  
15 remain available until expended: *Provided further*, That  
16 fees for arbitration services shall be available only for edu-  
17 cation, training, and professional development of the agen-  
18 cy workforce: *Provided further*, That the Director of the  
19 Service is authorized to accept and use on behalf of the  
20 United States gifts of services and real, personal, or other  
21 property in the aid of any projects or functions within the  
22 Director's jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety  
5 and Health Review Commission (30 U.S.C. 801 et seq.),  
6 \$8,096,000.

7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

9 AND ADMINISTRATION

10 For carrying out the Museum and Library Services  
11 Act (20 U.S.C. 9101 et seq.), and the National Museum  
12 of African American History and Culture Act (20 U.S.C.  
13 80 et seq.), \$264,812,000, to remain available until Sep-  
14 tember 30, 2008.

15 MEDICARE PAYMENT ADVISORY COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary to carry out section 1805 of  
18 the Social Security Act (42 U.S.C. 1395b-6),  
19 \$10,748,000, to be transferred to this appropriation from  
20 the Federal Hospital Insurance and the Federal Supple-  
21 mentary Medical Insurance Trust Funds.

## 1 NATIONAL COUNCIL ON DISABILITY

## 2 SALARIES AND EXPENSES

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

## 6 NATIONAL LABOR RELATIONS BOARD

## 7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-  
9 tions Board to carry out the functions vested in it by the  
10 Labor-Management Relations Act of 1947 (29 U.S.C.  
11 141–167 et seq.), Equal Access to Justice Act, Fair Labor  
12 Standards Act, Government in the Sunshine Act, Postal  
13 Service Reorganization Act, Freedom of Information Act,  
14 and the Privacy Act, \$256,988,000: *Provided*, That none  
15 of the funds available under this Act available to organize  
16 or assist in organizing agricultural laborers or used in con-  
17 nection with investigations, hearings, directives, or orders  
18 concerning bargaining units composed of agricultural la-  
19 borers as referred to in section 2(3) of the Act of July  
20 5, 1935 (29 U.S.C. 152 (3)), and as amended by the  
21 Labor-Management Relations Act, 1947, and as defined  
22 in section 3(f) of the Act of June 25, 1938 (29 U.S.C.  
23 203(f)), and including in such definition employees en-  
24 gaged in the maintenance and operation of ditches, canals,  
25 reservoirs, and waterways when maintained or operated on

1 a mutual, nonprofit basis and at least 95 percent of the  
2 water stored or supplied thereby is used for farming pur-  
3 poses.

4 NATIONAL MEDIATION BOARD

5 SALARIES AND EXPENSES

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

11 OCCUPATIONAL SAFETY AND HEALTH REVIEW

12 COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary for the Occupational Safety  
15 and Health Review Commission (29 U.S.C. 661),  
16 \$10,696,000.

17 RAILROAD RETIREMENT BOARD

18 DUAL BENEFITS PAYMENTS ACCOUNT

19 For payment to the Dual Benefits Payments Ac-  
20 count, authorized under section 15(d) of the Railroad Re-  
21 tirement Act of 1974 (45 U.S.C. 231n (d)), \$79,000,000,  
22 which shall include amounts becoming available in fiscal  
23 year 2008 pursuant to section 224(c)(1)(B) of Public Law  
24 98-76 (45 U.S.C. 231n note); and in addition, an amount,  
25 not to exceed 2 percent of the amount provided herein,

1 shall be available proportional to the amount by which the  
2 product of recipients and the average benefit received ex-  
3 ceeds the amount available for payment of vested dual  
4 benefits: *Provided*, That the total amount provided herein  
5 shall be credited in 12 approximately equal amounts on  
6 the first day of each month in the fiscal year.

7 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

8 ACCOUNTS

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

16 LIMITATION ON ADMINISTRATION

17 For necessary expenses for the Railroad Retirement  
18 Board for administration of the Railroad Retirement Act  
19 (45 U.S.C. 231 et seq.) and the Railroad Unemployment  
20 Insurance Act (45 U.S.C. 351 et seq.), \$103,694,000, to  
21 be derived in such amounts as determined by the Board  
22 from the railroad retirement accounts and from moneys  
23 credited to the railroad unemployment insurance adminis-  
24 tration fund.

## 1       LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

## 8                       SOCIAL SECURITY ADMINISTRATION

## 9                       PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

## 16                       SUPPLEMENTAL SECURITY INCOME PROGRAM

17          For carrying out titles XI and XVI of the Social Se-  
18 curity Act (42 U.S.C. 1301 et seq., 1381 et seq.), section  
19 401 of Public Law 92-603, section 212 of Public Law  
20 93-66, as amended, and section 405 of Public Law 95-  
21 216, including payment to the Social Security trust funds  
22 for administrative expenses incurred pursuant to section  
23 201(g)(1) of the Social Security Act (42 U.S.C.  
24 401(g)(1)), \$26,948,525,000, to remain available until ex-  
25 pended: *Provided*, That any portion of the funds provided  
26 to a State in the current fiscal year and not obligated by

1 the State during that year shall be returned to the Treas-  
2 ury.

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

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

12 LIMITATION ON ADMINISTRATIVE EXPENSES

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

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

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

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

24       In addition, \$135,000,000 to be derived from admin-  
25 istration fees in excess of \$5.00 per supplementary pay-



1 ment collected pursuant to section 1616(d) of the Social  
2 Security Act (42 U.S.C. 1382e(d)) or section 212(b)(3)  
3 of Public Law 93–66, which shall remain available until  
4 expended. To the extent that the amounts collected pursu-  
5 ant to such sections in fiscal year 2008 exceed  
6 \$135,000,000, the amounts shall be available in fiscal year  
7 2009 only to the extent provided in advance in appropria-  
8 tions Acts.

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

13 OFFICE OF INSPECTOR GENERAL

14 (INCLUDING TRANSFER OF FUNDS)

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

23 In addition, an amount not to exceed 3 percent of  
24 the total provided in this appropriation may be transferred  
25 from the “Limitation on Administrative Expenses”, Social  
26 Security Administration, to be merged with this account,

1 to be available for the time and purposes for which this  
2 account is available: *Provided*, That notice of such trans-  
3 fers shall be transmitted promptly to the Committees on  
4 Appropriations of the House of Representatives and the  
5 Senate.

6 TITLE V—GENERAL PROVISIONS

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

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

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

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

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

21 SEC. 505. Notwithstanding any other provision of  
22 this Act, no funds appropriated in this Act shall be used  
23 to carry out any program of distributing sterile needles  
24 or syringes for the hypodermic injection of any illegal  
25 drug.

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

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

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

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

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

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

24       (c) The term “health benefits coverage” means the  
25 package of services covered by a managed care provider

1 or organization pursuant to a contract or other arrange-  
2 ment.

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

5 (1) if the pregnancy is the result of an act of  
6 rape or incest; or

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

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

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

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

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

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

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

18 (2) research in which a human embryo or em-  
19 bryos are destroyed, discarded, or knowingly sub-  
20 jected to risk of injury or death greater than that  
21 allowed for research on fetuses in utero under sec-  
22 tion 46.204(b) of title 45, Code of Federal Regula-  
23 tions, and section 498(b) of the Public Health Serv-  
24 ice Act (42 U.S.C. 289g(b)).

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

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

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

20 SEC. 511. None of the funds made available in this  
21 Act may be used to promulgate or adopt any final stand-  
22 ard under section 1173(b) of the Social Security Act (42  
23 U.S.C. 1320d–2(b)) providing for, or providing for the as-  
24 signment of, a unique health identifier for an individual  
25 (except in an individual’s capacity as an employer or a

1 health care provider), until legislation is enacted specifi-  
2 cally approving the standard.

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

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

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

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

21 SEC. 514. None of the funds made available by this  
22 Act to carry out the Library Services and Technology Act  
23 may be made available to any library covered by para-  
24 graph (1) of section 224(f) of such Act (20 U.S.C.  
25 9134(f)), as amended by the Children's Internet Protec-



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

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

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

- 21           (1) creates new programs;
- 22           (2) eliminates a program, project, or activity;
- 23           (3) increases funds or personnel by any means  
24 for any project or activity for which funds have been  
25 denied or restricted;

1           (4) relocates an office or employees;  
2           (5) reorganizes or renames offices;  
3           (6) reorganizes programs or activities; or  
4           (7) contracts out or privatizes any functions or  
5           activities presently performed by Federal employees;  
6 unless the Committees on Appropriations of the House of  
7 Representatives and the Senate are notified 15 days in  
8 advance of such reprogramming or of an announcement  
9 of intent relating to such reprogramming, whichever oc-  
10 curs earlier.

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

20           (1) augments existing programs, projects (in-  
21 cluding construction projects), or activities;

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

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

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

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

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

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

1 in this Act, the accompanying detailed table in the com-  
2 mittee report, or the fiscal year 2008 budget request.

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

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

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

1 form and Immigrant Responsibility Act of 1996 (8 U.S.C.  
2 1324a note).

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

Union Calendar No. 142

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

**H. R. 3043**

[Report No. 110-231]

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## **A BILL**

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.

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JULY 13, 2007

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed