

Calendar No. 238110TH CONGRESS
1ST SESSION**S. 1710****[Report No. 110-107]**

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.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2007

Mr. HARKIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 (INCLUDING RESCISSION)

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

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

21 (A) \$864,199,000 for adult employment
22 and training activities, of which \$152,199,000
23 shall be available for the period July 1, 2008 to
24 June 30, 2009, and of which \$712,000,000
25 shall be available for the period October 1,
26 2008 through 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; and

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

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

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

16 (A) \$282,092,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$3,700,000 shall be available on October 1,
19 2007, of which \$66,392,000 shall be available
20 for the period July 1, 2008 through June 30,
21 2009, and of which \$212,000,000 shall be
22 available for the period October 1, 2008
23 through June 30, 2009: *Provided*, That up to
24 \$125,000,000 may be made available for Com-
25 munity-Based Job Training Grants from funds

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

1 after the date of enactment of this Act: *Pro-*
2 *vided further*, That \$2,200,000 shall be for a
3 non-competitive grant to the AFL–CIO Appa-
4 lachian Council, Incorporated, for Job Corps
5 career transition services, which shall be award-
6 ed not later than 30 days after the date of en-
7 actment of this Act;

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

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

1 (D) \$1,000,000 for carrying out the
2 Women in Apprenticeship and Nontraditional
3 Occupations Act, which shall be available for
4 the period July 1, 2008 through June 30,
5 2009; and

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

10 (3) for national activities, \$111,088,000, which
11 shall be available for the period July 1, 2008
12 through July 30, 2009 as follows:

13 (A) \$30,650,000 for Pilots, Demonstra-
14 tions, and Research, of which \$27,650,000 shall
15 be available for noncompetitive grants, with the
16 terms, conditions and amounts specified in the
17 committee report of the Senate accompanying
18 this Act: *Provided*, That funding provided to
19 carry out projects under section 171 of the
20 WIA that are identified in the committee report
21 accompanying this Act, shall not be subject to
22 the requirements of section 171(b)(2)(B) and
23 171(c)(4)(D) of the WIA, the joint funding re-
24 quirements of sections 171(b)(2)(A) and
25 171(c)(4)(A) of the WIA, or any time limit re-

1 requirements of sections 171(b)(2)(C) and
2 171(c)(4)(B) of the WIA;

3 (B) \$13,642,000 for ex-offender activities,
4 under the authority of section 171 of the Act,
5 notwithstanding the requirements of sections
6 171(b)(2)(B) or 171(c)(4)(D);

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

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

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

16 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
17 AMERICANS

18 To carry out title V of the Older Americans Act of
19 1965, as amended, \$483,611,000, which shall be available
20 for the period July 1, 2008 through June 30, 2009.

21 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

22 For payments during fiscal year 2008 of trade ad-
23 justment benefit payments and allowances under part I
24 of subchapter B of chapter II of the Trade Act of 1974
25 and section 246 of that Act; and for training, allowances
26 for job search and relocation, and related State adminis-

1 trative expenses under part II of subchapter B of chapter
2 2, title II of the Trade Act of 1974 (including the benefits
3 and services described under sections 123(c)(2) and
4 151(b) and (c) of the Trade Adjustment Assistance Re-
5 form Act of 2002, Public Law 107–210), \$888,700,000,
6 together with such amounts as may be necessary to be
7 charged to the subsequent appropriation for payments for
8 any period subsequent to September 15, 2008.

9 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
10 SERVICE OPERATIONS

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

16 (1) \$2,510,723,000 from the Trust Fund is for
17 grants to States for the administration of State un-
18 employment insurance laws as authorized under title
19 III of the Social Security Act (including
20 \$10,000,000 to conduct in-person reemployment and
21 eligibility assessments in one-stop career centers of
22 claimants of unemployment insurance), the adminis-
23 tration of unemployment insurance for Federal em-
24 ployees and for ex-service members as authorized
25 under sections 8501–8523 of title 5, United States
26 Code, and the administration of trade readjustment

1 allowances and alternative trade adjustment assist-
2 ance under the Trade Act of 1974, and shall be
3 available for obligation by the States through De-
4 cember 31, 2008, except that funds used for auto-
5 mation acquisitions shall be available for obligation
6 by the States through September 30, 2010, and
7 funds used for unemployment insurance workloads
8 experienced by the States through September 30,
9 2008 shall be available for Federal obligation
10 through December 31, 2008;

11 (2) \$10,500,000 from the Trust Fund is for na-
12 tional activities necessary to support the administra-
13 tion of the Federal-State unemployment insurance
14 system;

15 (3) \$693,000,000 from the Trust Fund, to-
16 gether with \$22,883,000 from the General Fund of
17 the Treasury, is for grants to States in accordance
18 with section 6 of the Wagner-Peyser Act, and shall
19 be available for Federal obligation for the period
20 July 1, 2008 through June 30, 2009;

21 (4) \$34,000,000 from the Trust Fund is for na-
22 tional activities of the Employment Service, includ-
23 ing administration of the work opportunity tax cred-
24 it under section 51 of the Internal Revenue Code of
25 1986, the administration of activities, including for-

1 eign labor certifications, under the Immigration and
2 Nationality Act, and the provision of technical as-
3 sistance and staff training under the Wagner-Peyser
4 Act, including not to exceed \$1,228,000 that may be
5 used for amortization payments to States which had
6 independent retirement plans in their State employ-
7 ment service agencies prior to 1980;

8 (5) \$55,985,000 from the General Fund is to
9 provide workforce information, national electronic
10 tools, and one-stop system building under the Wag-
11 ner-Peyser Act and shall be available for Federal ob-
12 ligation for the period July 1, 2008 through June
13 30, 2009; and

14 (6) \$19,541,000 is to provide for work incentive
15 grants to the States and shall be available for the
16 period July 1, 2008 through June 30, 2009:

17 *Provided*, That to the extent that the Average Weekly In-
18 sured Unemployment (AWIU) for fiscal year 2008 is pro-
19 jected by the Department of Labor to exceed 2,786,000,
20 an additional \$28,600,000 from the Trust Fund shall be
21 available for obligation for every 100,000 increase in the
22 AWIU level (including a pro rata amount for any incre-
23 ment less than 100,000) to carry out title III of the Social
24 Security Act: *Provided further*, That funds appropriated
25 in this Act that are allotted to a State to carry out activi-

1 ties under title III of the Social Security Act may be used
2 by such State to assist other States in carrying out activi-
3 ties under such title III if the other States include areas
4 that have suffered a major disaster declared by the Presi-
5 dent under the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act: *Provided further*, That funds
7 appropriated in this Act which are used to establish a na-
8 tional one-stop career center system, or which are used
9 to support the national activities of the Federal-State un-
10 employment insurance or immigration programs, may be
11 obligated in contracts, grants, or agreements with non-
12 State entities: *Provided further*, That funds appropriated
13 under this Act for activities authorized under title III of
14 the Social Security Act and the Wagner-Peyser Act may
15 be used by States to fund integrated Unemployment In-
16 surance and Employment Service automation efforts, not-
17 withstanding cost allocation principles prescribed under
18 the Office of Management and Budget Circular A-87.

19 In addition, \$40,000,000 from the Employment Se-
20 curity Administration Account of the Unemployment
21 Trust Fund shall be available to conduct in-person reem-
22 ployment and eligibility assessments in one-stop career
23 centers of claimants of unemployment insurance: *Pro-*
24 *vided*, That not later than 180 days following the end of
25 the current fiscal year, the Secretary shall submit an in-

1 terim report to the Congress that includes available infor-
2 mation on expenditures, number of individuals assessed,
3 and outcomes from the assessments: *Provided further,*
4 That not later than 18 months following the end of the
5 fiscal year, the Secretary of Labor shall submit to the
6 Congress a final report containing comprehensive informa-
7 tion on the estimated savings that result from the assess-
8 ments of claimants and identification of best practices.

9 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
10 OTHER FUNDS

11 For repayable advances to the Unemployment Trust
12 Fund as authorized by sections 905(d) and 1203 of the
13 Social Security Act, as amended, and to the Black Lung
14 Disability Trust Fund as authorized by section 9501(e)(1)
15 of the Internal Revenue Code of 1954, as amended; and
16 for nonrepayable advances to the Unemployment Trust
17 Fund as authorized by section 8509 of title 5, United
18 States Code, and to the “Federal unemployment benefits
19 and allowances” account, to remain available until Sep-
20 tember 30, 2009, \$437,000,000.

21 In addition, for making repayable advances to the
22 Black Lung Disability Trust Fund in the current fiscal
23 year after September 15, 2008, for costs incurred by the
24 Black Lung Disability Trust Fund in the current fiscal
25 year, such sums as may be necessary.

1 PROGRAM ADMINISTRATION

2 For expenses of administering employment and train-
3 ing programs, \$91,133,000, together with not to exceed
4 \$94,372,000, which may be expended from the Employ-
5 ment Security Administration Account in the Unemploy-
6 ment Trust Fund.

7 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Employee Benefits
10 Security Administration, \$143,262,000.

11 PENSION BENEFIT GUARANTY CORPORATION

12 PENSION BENEFIT GUARANTY CORPORATION FUND

13 The Pension Benefit Guaranty Corporation is author-
14 ized to make such expenditures, including financial assist-
15 ance authorized by section 104 of Public Law 96-364,
16 within limits of funds and borrowing authority available
17 to such Corporation, and in accord with law, and to make
18 such contracts and commitments without regard to fiscal
19 year limitations as provided by section 104 of the Govern-
20 ment Corporation Control Act, as amended (31 U.S.C.
21 9104), as may be necessary in carrying out the program,
22 including associated administrative expenses, through
23 September 30, 2008, for such Corporation: *Provided*, That
24 none of the funds available to the Corporation for fiscal
25 year 2008 shall be available for obligations for administra-

1 tive expenses in excess of \$411,151,000: *Provided further,*
2 That obligations in excess of such amount may be incurred
3 after approval by the Office of Management and Budget
4 and the Committees on Appropriations of the House and
5 Senate: *Provided further,* That to the extent that the num-
6 ber of new plan participants in plans terminated by the
7 Corporation exceeds 100,000 in fiscal year 2008, an
8 amount not to exceed an additional \$9,200,000 shall be
9 available for obligation for administrative expenses for
10 every 20,000 additional terminated participants: *Provided*
11 *further,* That an additional \$50,000 shall be made avail-
12 able for obligation for investment management fees for
13 every \$25,000,000 in assets received by the Corporation
14 as a result of new plan terminations, after approval by
15 the Office of Management and Budget and notification of
16 the Committees on Appropriations of the House of Rep-
17 resentatives and the Senate.

18 EMPLOYMENT STANDARDS ADMINISTRATION

19 SALARIES AND EXPENSES

20 (INCLUDING RESCISSION)

21 For necessary expenses for the Employment Stand-
22 ards Administration, including reimbursement to State,
23 Federal, and local agencies and their employees for inspec-
24 tion services rendered, \$436,397,000, together with
25 \$2,111,000 which may be expended from the Special Fund
26 in accordance with sections 39(c), 44(d), and 44(j) of the

1 Longshore and Harbor Workers' Compensation Act: *Pro-*
2 *vided*, That the Secretary of Labor is authorized to estab-
3 lish and, in accordance with 31 U.S.C. 3302, collect and
4 deposit in the Treasury fees for processing applications
5 and issuing certificates under sections 11(d) and 14 of the
6 Fair Labor Standards Act of 1938, as amended (29
7 U.S.C. 211(d) and 214) and for processing applications
8 and issuing registrations under title I of the Migrant and
9 Seasonal Agricultural Worker Protection Act (29 U.S.C.
10 1801 et seq.).

11 Of the unobligated funds collected pursuant to sec-
12 tion 286(v) of the Immigration and Nationality Act,
13 \$70,000,000 are hereby rescinded.

14 SPECIAL BENEFITS

15 (INCLUDING TRANSFER OF FUNDS)

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

1 Compensation Act, as amended, \$203,000,000, together
2 with such amounts as may be necessary to be charged to
3 the subsequent year appropriation for the payment of
4 compensation and other benefits for any period subse-
5 quent to August 15 of the current year: *Provided*, That
6 amounts appropriated may be used under section 8104 of
7 title 5, United States Code, by the Secretary of Labor to
8 reimburse an employer, who is not the employer at the
9 time of injury, for portions of the salary of a reemployed,
10 disabled beneficiary: *Provided further*, That balances of re-
11 imbursements unobligated on September 30, 2007, shall
12 remain available until expended for the payment of com-
13 pensation, benefits, and expenses: *Provided further*, That
14 in addition there shall be transferred to this appropriation
15 from the Postal Service and from any other corporation
16 or instrumentality required under section 8147(c) of title
17 5, United States Code, to pay an amount for its fair share
18 of the cost of administration, such sums as the Secretary
19 determines to be the cost of administration for employees
20 of such fair share entities through September 30, 2008:
21 *Provided further*, That of those funds transferred to this
22 account from the fair share entities to pay the cost of ad-
23 ministration of the Federal Employees' Compensation Act,
24 \$52,280,000 shall be made available to the Secretary as
25 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 33
14 U.S.C. 901 et seq., provide as part of such notice and
15 claim, such identifying information (including Social Secu-
16 rity account number) as such regulations may prescribe.

17 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

22 For making after July 31 of the current fiscal year,
23 benefit payments to individuals under title IV of the 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 Program
9 Act, \$104,745,000, to remain available until expended:
10 *Provided*, That the Secretary of Labor is authorized to
11 transfer to any executive agency with authority under the
12 Energy Employees Occupational Illness Compensation
13 Program Act, including within the Department of Labor,
14 such sums as may be necessary in fiscal year 2008 to
15 carry out those authorities: *Provided further*, That the
16 Secretary may require that any person filing a claim for
17 benefits under the Act provide as part of such claim, such
18 identifying information (including Social Security account
19 number) as may be prescribed: *Provided further*, That not
20 later than 30 days after enactment, in addition to other
21 sums transferred by the Secretary of Labor to the Na-
22 tional Institute for Occupational Safety and Health
23 (“NIOSH”) for the administration of the Energy Employ-
24 ees Occupational Illness Compensation Program
25 (“EEOICP”), the Secretary of Labor shall transfer
26 \$4,500,000 to NIOSH from the funds appropriated to the

1 Energy Employees Occupational Illness Compensation
2 Fund (42 U.S.C. 7384e), for use by or in support of the
3 Advisory Board on Radiation and Worker Health (“the
4 Board”) to carry out its statutory responsibilities under
5 the EEOICP (42 U.S.C. 7384n–q), including obtaining
6 audits, technical assistance and other support from the
7 Board’s audit contractor with regard to radiation dose es-
8 timation and reconstruction efforts, site profiles, proce-
9 dures, and review of Special Exposure Cohort petitions
10 and evaluation reports.

11 BLACK LUNG DISABILITY TRUST FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 In fiscal year 2008 and thereafter, such sums as may
14 be necessary from the Black Lung Disability Trust Fund,
15 to remain available until expended, for payment of all ben-
16 efits authorized by section 9501(d)(1), (2), (4), and (7)
17 of the Internal Revenue Code of 1954, as amended; and
18 interest on advances, as authorized by section 9501(e)(2)
19 of that Act. In addition, the following amounts shall be
20 available from the Fund for fiscal year 2008 for expenses
21 of operation and administration of the Black Lung Bene-
22 fits program, as authorized by section 9501(d)(5): not to
23 exceed \$32,761,000 for transfer to the Employment
24 Standards Administration “Salaries and Expenses”; not
25 to exceed \$24,785,000 for transfer to Departmental Man-
26 agement, “Salaries and Expenses”; not to exceed

1 \$335,000 for transfer to Departmental Management “Of-
2 fice of Inspector General”; and not to exceed \$356,000
3 for payments into miscellaneous receipts for the expenses
4 of the Department of the Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety
8 and Health Administration, \$498,445,000, including not
9 to exceed \$91,093,000 which shall be the maximum
10 amount available for grants to States under section 23(g)
11 of the Occupational Safety and Health Act (the “Act”),
12 which grants shall be no less than 50 percent of the costs
13 of State occupational safety and health programs required
14 to be incurred under plans approved by the Secretary
15 under section 18 of the Act; and, in addition, notwith-
16 standing 31 U.S.C. 3302, the Occupational Safety and
17 Health Administration may retain up to \$750,000 per fis-
18 cal year of training institute course tuition fees, otherwise
19 authorized by law to be collected, and may utilize such
20 sums for occupational safety and health training and edu-
21 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
22 3302, the Secretary of Labor is authorized, during the fis-
23 cal year ending September 30, 2008, to collect and retain
24 fees for services provided to Nationally Recognized Test-
25 ing Laboratories, and may utilize such sums, in accord-

1 ance with the provisions of 29 U.S.C. 9a, to administer
2 national and international laboratory recognition pro-
3 grams that ensure the safety of equipment and products
4 used by workers in the workplace: *Provided further*, That
5 none of the funds appropriated under this paragraph shall
6 be obligated or expended to prescribe, issue, administer,
7 or enforce any standard, rule, regulation, or order under
8 the Act which is applicable to any person who is engaged
9 in a farming operation which does not maintain a tem-
10 porary labor camp and employs 10 or fewer employees:
11 *Provided further*, That no funds appropriated under this
12 paragraph shall be obligated or expended to administer or
13 enforce any standard, rule, regulation, or order under the
14 Act with respect to any employer of 10 or fewer employees
15 who is included within a category having a Days Away,
16 Restricted, or Transferred (DART) occupational injury
17 and illness rate, at the most precise industrial classifica-
18 tion code for which such data are published, less than the
19 national average rate as such rates are most recently pub-
20 lished by the Secretary, acting through the Bureau of
21 Labor Statistics, in accordance with section 24 of that Act
22 (29 U.S.C. 673), except—

23 (1) to provide, as authorized by such 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 such Act
8 with respect to imminent dangers;

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

11 (5) to take any action authorized by such 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 such Act; and

17 (6) to take any action authorized by such Act
18 with respect to complaints of discrimination against
19 employees for exercising rights under such 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 not later than 30 days after the date of enact-
7 ment of this Act.

8 MINE SAFETY AND HEALTH ADMINISTRATION
9 SALARIES AND EXPENSES

10 For necessary expenses for the Mine Safety and
11 Health Administration, \$330,028,000, including purchase
12 and bestowal of certificates and trophies in connection
13 with mine rescue and first-aid work, and the hire of pas-
14 senger motor vehicles, including up to \$2,000,000 for
15 mine rescue and recovery activities, \$2,200,000 for an
16 award to the United Mine Workers Association, for class-
17 room and simulated rescue training for mine rescue teams,
18 and \$1,350,000 for an award to the Wheeling Jesuit Uni-
19 versity, for the National Technology Transfer Center for
20 a coal slurry impoundment project; in addition, not to ex-
21 ceed \$750,000 may be collected by the National Mine
22 Health and Safety Academy for room, board, tuition, and
23 the sale of training materials, otherwise authorized by law
24 to be collected, to be available for mine safety and health
25 education and training activities, notwithstanding 31

1 U.S.C. 3302; and, in addition, the Mine Safety and Health
2 Administration may retain up to \$1,000,000 from fees col-
3 lected for the approval and certification of equipment, ma-
4 terials, and explosives for use in mines, and may utilize
5 such sums for such activities; the Secretary is authorized
6 to accept lands, buildings, equipment, and other contribu-
7 tions from public and private sources and to prosecute
8 projects in cooperation with other agencies, Federal,
9 State, or private; the Mine Safety and Health Administra-
10 tion is authorized to promote health and safety education
11 and training in the mining community through cooperative
12 programs with States, industry, and safety associations;
13 the Secretary is authorized to recognize the Joseph A.
14 Holmes Safety Association as a principal safety associa-
15 tion and, notwithstanding any other provision of law, may
16 provide funds and, with or without reimbursement, per-
17 sonnel, including service of Mine Safety and Health Ad-
18 ministration officials as officers in local chapters or in the
19 national organization; and any funds available to the de-
20 partment may be used, with the approval of the Secretary,
21 to provide for the costs of mine rescue and survival oper-
22 ations in the event of a major disaster.

1 BUREAU OF LABOR STATISTICS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Bureau of Labor Sta-
4 tistics, including advances or reimbursements to State,
5 Federal, and local agencies and their employees for serv-
6 ices rendered, \$482,000,000, together with not to exceed
7 \$78,000,000, which may be expended from the Employ-
8 ment Security Administration Account in the Unemploy-
9 ment Trust Fund, of which \$5,000,000 may be used to
10 fund the mass layoff statistics program under section 15
11 of the Wagner-Peyser Act (29 U.S.C. 491-2): *Provided,*
12 That the Current Employment Survey shall maintain the
13 content of the survey issued prior to June 2005 with re-
14 spect to the collection of data for the women worker series.

15 OFFICE OF DISABILITY EMPLOYMENT POLICY

16 SALARIES AND EXPENSES

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

22 DEPARTMENTAL MANAGEMENT

23 SALARIES AND EXPENSES

24 For necessary expenses for Departmental Manage-
25 ment, including the hire of three sedans, and including

1 the management or operation, through contracts, grants
2 or other arrangements of Departmental activities con-
3 ducted by or through the Bureau of International Labor
4 Affairs, including bilateral and multilateral technical as-
5 sistance and other international labor activities,
6 \$313,400,000, of which \$82,516,000 is for the Bureau of
7 International Labor Affairs, and of which \$22,000,000 is
8 for the acquisition of Departmental information tech-
9 nology, architecture, infrastructure, equipment, software
10 and related needs, which will be allocated by the Depart-
11 ment's Chief Information Officer in accordance with the
12 Department's capital investment management process to
13 assure a sound investment strategy; together with not to
14 exceed \$318,000, which may be expended from the Em-
15 ployment Security Administration Account in the Unem-
16 ployment Trust Fund.

17 **OFFICE OF JOB CORPS**

18 To carry out subtitle C of title I of the Workforce
19 Investment Act of 1998 (29 U.S.C. 2881 et. seq.), includ-
20 ing Federal administrative expenses, the purchase and
21 hire of passenger motor vehicles, the construction, alter-
22 ation and repairs of buildings and other facilities, and the
23 purchase of real property for training centers as author-
24 ized by the Workforce Investment Act; \$1,659,872,000,
25 plus reimbursements, as follows:

1 (1) \$1,516,000,000 for Job Corps Operations,
2 of which \$925,000,000 is available for obligation for
3 the period July 1, 2008 through June 30, 2009 and
4 of which \$591,000,000 is available for obligation for
5 the period October 1, 2008 through June 30, 2009;

6 (2) \$115,000,000 for construction, rehabilita-
7 tion and acquisition of Job Corps Centers, of which
8 \$15,000,000 is available for the period July 1, 2008
9 through June 30, 2009 and \$100,000,000 is avail-
10 able for the period October 1, 2008 through June
11 30, 2011; and

12 (3) \$28,872,000 for necessary expenses of the
13 Office of Job Corps is available for obligation for the
14 period October 1, 2007 through September 30,
15 2008:

16 *Provided*, That the Office of Job Corps shall have con-
17 tracting authority: *Provided further*, That no funds from
18 any other appropriation shall be used to provide meal serv-
19 ices at or for Job Corps centers: *Provided further*, That
20 none of the funds made available in this Act shall be used
21 to reduce Job Corps total student training slots below
22 44,791 in program year 2008.

23 VETERANS EMPLOYMENT AND TRAINING

24 Not to exceed \$197,143,000 may be derived from the
25 Employment Security Administration Account in the Un-
26 employment Trust Fund to carry out the provisions of 38

1 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
2 Public Law 103–353, and which shall be available for obli-
3 gation by the States through December 31, 2008, of which
4 \$1,967,000 is for the National Veterans’ Employment and
5 Training Services Institute. To carry out the Homeless
6 Veterans Reintegration Programs (38 U.S.C. 2021) and
7 the Veterans Workforce Investment Programs (29 U.S.C.
8 2913), \$31,055,000, of which \$7,435,000 shall be avail-
9 able for obligation for the period July 1, 2008, through
10 June 30, 2009.

11 OFFICE OF INSPECTOR GENERAL

12 For salaries and expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, as amended, \$73,929,000, together
15 with not to exceed \$5,729,000, which may be expended
16 from the Employment Security Administration Account in
17 the Unemployment Trust Fund.

18 GENERAL PROVISIONS

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

23 (TRANSFER OF FUNDS)

24 SEC. 102. Not to exceed 1 percent of any discre-
25 tionary funds (pursuant to the Balanced Budget and
26 Emergency Deficit Control Act of 1985, as amended)

1 which are appropriated for the current fiscal year for the
2 Department of Labor in this Act may be transferred be-
3 tween a program, project, or activity, but no such pro-
4 gram, project, or activity shall be increased by more than
5 3 percent by any such transfer: *Provided*, That a program,
6 project, or activity may be increased by up to an additional
7 2 percent subject to approval by the House and Senate
8 Committees on Appropriations: *Provided further*, That the
9 transfer authority granted by this section shall be avail-
10 able only to meet emergency needs and shall not be used
11 to create any new program or to fund any project or activ-
12 ity for which no funds are provided in this Act: *Provided*
13 *further*, That the Appropriations Committees of both
14 Houses of Congress are notified at least 15 days in ad-
15 vance of any transfer.

16 SEC. 103. In accordance with Executive Order No.
17 13126, none of the funds appropriated or otherwise made
18 available pursuant to this Act shall be obligated or ex-
19 pended for the procurement of goods mined, produced,
20 manufactured, or harvested or services rendered, whole or
21 in part, by forced or indentured child labor in industries
22 and host countries already identified by the United States
23 Department of Labor prior to enactment of this Act.

24 SEC. 104. There is authorized to be appropriated
25 such sums as may be necessary to the Denali Commission

1 through the Department of Labor to conduct job training
2 of the local workforce where Denali Commission projects
3 will be constructed.

4 SEC. 105. The Secretary shall prepare and submit
5 not later than July 1, 2008, to the Committees on Appro-
6 priations of the Senate and of the House an operating
7 plan that outlines the planned allocation by major project
8 and activity of fiscal year 2008 funds made available for
9 section 171 of the Workforce Investment Act.

10 SEC. 106. None of the funds available in this Act or
11 available to the Secretary of Labor from other sources for
12 Community College Initiative Grants, Community-Based
13 Job Training Grants, and grants authorized under section
14 414(c) of the American Competitiveness and Workforce
15 Improvement Act of 1998 shall be obligated for a grant
16 awarded on a non-competitive basis.

17 SEC. 107. None of the funds made available in this
18 or any other Act shall be available to finalize or implement
19 any proposed regulation under the Workforce Investment
20 Act of 1998, Wagner-Peyser Act of 1933, or the Trade
21 Adjustment Assistance Reform Act of 2002 until such
22 time as legislation reauthorizing the Workforce Invest-
23 ment Act of 1998 and the Trade Adjustment Assistance
24 Reform Act of 2002 is enacted.

1 SEC. 108. The Secretary of Labor shall take no ac-
2 tion to amend, through regulatory or administration ac-
3 tion, the definition established in 20 CFR 667.220 for
4 functions and activities under title I of the Workforce In-
5 vestment Act of 1998, or to modify, through regulatory
6 or administrative action, the procedure for redesignation
7 of local areas as specified in subtitle B of title I of that
8 Act (including applying the standards specified in section
9 116(a)(3)(B) of that Act, but notwithstanding the time
10 limits specified in section 116(a)(3)(B) of that Act), until
11 such time as legislation reauthorizing the Act is enacted.
12 Nothing in the preceding sentence shall permit or require
13 the Secretary of Labor to withdraw approval for such re-
14 designation from a State that received the approval not
15 later than October 12, 2005, or to revise action taken or
16 modify the redesignation procedure being used by the Sec-
17 retary in order to complete such redesignation for a State
18 that initiated the process of such redesignation by submit-
19 ting any request for such redesignation not later than Oc-
20 tober 26, 2005.

21 SEC. 109. None of the funds available in this Act may
22 be used to carry out a public-private competition or direct
23 conversion under Office of Management and Budget Cir-
24 cular A-76 or any successor administrative regulation, di-
25 rective or policy until 60 days after the Government Ac-

1 countability Office provides a report to the Committees on
2 Appropriations of the House of Representatives and the
3 Senate on the use of competitive sourcing at the Depart-
4 ment of Labor.

5 SEC. 110. (a) Not later than June 20, 2008, the Sec-
6 retary of Labor shall revise regulations prescribed pursu-
7 ant to section 303(y) of the Federal Mine Safety and
8 Health Act of 1977 (30 U.S.C. 863(y)) to require, in any
9 coal mine, regardless of the date on which it was opened,
10 that belt haulage entries not be used to ventilate active
11 working places without prior approval from the Assistant
12 Secretary of Labor.

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

19 SEC. 111. None of the funds appropriated in this Act
20 under the heading “Employment and Training Adminis-
21 tration” shall be used by a recipient or subrecipient of
22 such funds to pay the salary and bonuses of an individual,
23 either as direct costs or indirect costs, at a rate in excess
24 of Executive Level II. This limitation shall not apply to
25 vendors providing goods and services as defined in OMB

1 Circular A-133. Where States are recipients of such
 2 funds, States may establish a lower limit for salaries and
 3 bonuses of those receiving salaries and bonuses from sub-
 4 recipients of such funds, taking into account factors in-
 5 cluding the relative cost-of-living in the State, the com-
 6 pensation levels for comparable State or local government
 7 employees, and the size of the organizations that admin-
 8 ister Federal programs involved including Employment
 9 and Training Administration programs.

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

12 TITLE II

13 DEPARTMENT OF HEALTH AND HUMAN

14 SERVICES

15 HEALTH RESOURCES AND SERVICES ADMINISTRATION

16 HEALTH RESOURCES AND SERVICES

17 For carrying out titles II, III, IV, VII, VIII, X, XII,
 18 XIX, and XXVI of the Public Health Service Act, section
 19 427(a) of the Federal Coal Mine Health and Safety Act,
 20 title V and sections 1128E, and 711, and 1820 of the So-
 21 cial Security Act, the Health Care Quality Improvement
 22 Act of 1986, as amended, the Native Hawaiian Health
 23 Care Act of 1988, as amended, the Cardiac Arrest Sur-
 24 vival Act of 2000, and section 712 of the American Jobs
 25 Creation Act of 2004, \$6,843,673,000, of which

1 \$191,235,000 shall be available for construction and ren-
2 ovation (including equipment) of health care and other fa-
3 cilities and other health-related activities as specified in
4 the committee report of the Senate accompanying this Act,
5 and of which \$38,538,000 from general revenues, notwith-
6 standing section 1820(j) of the Social Security Act, shall
7 be available for carrying out the Medicare rural hospital
8 flexibility grants program under section 1820 of such Act:
9 *Provided*, That of the funds made available under this
10 heading, \$220,000 shall be available until expended for
11 facilities renovations at the Gillis W. Long Hansen’s Dis-
12 ease Center: *Provided further*, That \$40,000,000 of the
13 funding provided for community health centers shall be
14 for base grant adjustments for existing health centers:
15 *Provided further*, That in addition to fees authorized by
16 section 427(b) of the Health Care Quality Improvement
17 Act of 1986, fees shall be collected for the full disclosure
18 of information under the Act sufficient to recover the full
19 costs of operating the National Practitioner Data Bank,
20 and shall remain available until expended to carry out that
21 Act: *Provided further*, That fees collected for the full dis-
22 closure of information under the “Health Care Fraud and
23 Abuse Data Collection Program”, authorized by section
24 1128E(d)(2) of the Social Security Act, shall be sufficient
25 to recover the full costs of operating the program, and

1 shall remain available until expended to carry out that
2 Act: *Provided further*, That no more than \$40,000 is avail-
3 able until expended for carrying out the provisions of 42
4 U.S.C. 233(o) including associated administrative ex-
5 penses and relevant evaluations: *Provided further*, That no
6 more than \$44,055,000 is available until expended for car-
7 rying out the provisions of Public Law 104–73 and for
8 expenses incurred by the Department of Health and
9 Human Services pertaining to administrative claims made
10 under such law: *Provided further*, That of the funds made
11 available under this heading, \$300,000,000 shall be for
12 the program under title X of the Public Health Service
13 Act to provide for voluntary family planning projects: *Pro-*
14 *vided further*, That amounts provided to said projects
15 under such title shall not be expended for abortions, that
16 all pregnancy counseling shall be nondirective, and that
17 such amounts shall not be expended for any activity (in-
18 cluding the publication or distribution of literature) that
19 in any way tends to promote public support or opposition
20 to any legislative proposal or candidate for public office:
21 *Provided further*, That \$814,546,000 shall be for State
22 AIDS Drug Assistance Programs authorized by section
23 2616 of the Public Health Service Act: *Provided further*,
24 That in addition to amounts provided herein, \$25,000,000
25 shall be available from amounts available under section

1 241 of the Public Health Service Act to carry out Parts
2 A, B, C, and D of title XXVI of the Public Health Service
3 Act to fund section 2691 Special Projects of National Sig-
4 nificance: *Provided further*, That, notwithstanding section
5 502(a)(1) and 502(b)(1) of the Social Security Act, not
6 to exceed \$95,936,920 is available for carrying out special
7 projects of regional and national significance pursuant to
8 section 501(a)(2) of such Act and \$10,586,238 is available
9 for projects described in paragraphs (A) through (F) of
10 section 501(a)(3) of such Act: *Provided further*, That of
11 the funds provided, \$39,283,000 shall be provided to the
12 Denali Commission as a direct lump payment pursuant
13 to Public Law 106–113: *Provided further*, That of the
14 funds available under this heading, \$1,829,511,000 shall
15 remain available to the Secretary until September 30,
16 2010, for parts A and B of title XXVI of the Public
17 Health Service Act (42 U.S.C. 300ff–11 et seq.; relating
18 to Ryan White Emergency Relief Grants and CARE
19 Grants): *Provided further*, That of the funds provided,
20 \$25,000,000 shall be provided for the Delta Health Initia-
21 tive as authorized in section 222 of this Act and associated
22 administrative expenses: *Provided further*, That notwith-
23 standing section 747(e)(2) of the PHS Act, and not less
24 than \$5,000,000 shall be for general dentistry programs
25 and not less than \$5,000,000 shall be for pediatric den-

1 tistry programs and not less than \$24,614,000 shall be
2 for family medicine programs: *Provided further*, That
3 where prior year funds were disbursed under this appro-
4 priation account as Health Care and Other Facilities
5 grants (and were used for the purchase, construction, or
6 major alteration of property; or the purchase of equip-
7 ment), the Federal interest in such property or equipment
8 shall last for a period of 5 years following the completion
9 of the project and terminate at that time: *Provided further*,
10 That if the property use changes (or the property is trans-
11 ferred or sold) and the Government is compensated for
12 its proportionate interest in the property, the Federal in-
13 terest in such property shall be terminated: *Provided fur-*
14 *ther*, That for projects where 5 years has already elapsed
15 since completion, the Federal interest shall be terminated
16 immediately.

17 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
18 ACCOUNT

19 Such sums as may be necessary to carry out the pur-
20 pose of the program, as authorized by title VII of the Pub-
21 lic Health Service Act, as amended. For administrative ex-
22 penses to carry out the guaranteed loan program, includ-
23 ing section 709 of the Public Health Service Act,
24 \$2,906,000.

1 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

2 For payments from the Vaccine Injury Compensation
3 Program Trust Fund, such sums as may be necessary for
4 claims associated with vaccine-related injury or death with
5 respect to vaccines administered after September 30,
6 1988, pursuant to subtitle 2 of title XXI of the Public
7 Health Service Act, to remain available until expended:
8 *Provided*, That for necessary administrative expenses, not
9 to exceed \$3,528,000 shall be available from the Trust
10 Fund to the Secretary of Health and Human Services.

11 CENTERS FOR DISEASE CONTROL AND PREVENTION

12 DISEASE CONTROL, RESEARCH, AND TRAINING

13 To carry out titles II, III, VII, XI, XV, XVII, XIX,
14 XXI, and XXVI of the Public Health Service Act, sections
15 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
16 Mine Safety and Health Act of 1977, and the Mine Im-
17 provement and New Emergency Response Act of 2006,
18 sections 20, 21, and 22 of the Occupational Safety and
19 Health Act of 1970, title IV of the Immigration and Na-
20 tionality Act, section 501 of the Refugee Education Assist-
21 ance Act of 1980, and for expenses necessary to support
22 activities related to countering potential biological, dis-
23 ease, nuclear, radiological, and chemical threats to civilian
24 populations; including purchase and insurance of official
25 motor vehicles in foreign countries; and purchase, hire,

1 maintenance, and operation of aircraft, \$6,157,169,000,
2 of which \$220,000,000 shall remain available until ex-
3 pended for equipment, construction and renovation of fa-
4 cilities; of which \$581,335,000 shall remain available until
5 expended for the Strategic National Stockpile; and of
6 which \$122,769,000 for international HIV/AIDS shall re-
7 main available until September 30, 2009. In addition,
8 such sums as may be derived from authorized user fees,
9 which shall be credited to this account: *Provided*, That in
10 addition to amounts provided herein, the following
11 amounts shall be available from amounts available under
12 section 241 of the Public Health Service Act: (1)
13 \$12,794,000 to carry out the National Immunization Sur-
14 veys; (2) \$108,585,000 to carry out the National Center
15 for Health Statistics surveys; (3) \$24,751,000 to carry out
16 information systems standards development and architec-
17 ture and applications-based research used at local public
18 health levels; (4) \$463,000 for Health Marketing evalua-
19 tions; (5) \$31,000,000 to carry out Public Health Re-
20 search; and (6) \$92,071,000 to carry out research activi-
21 ties within the National Occupational Research Agenda:
22 *Provided further*, That none of the funds made available
23 for injury prevention and control at the Centers for Dis-
24 ease Control and Prevention may be used, in whole or in
25 part, to advocate or promote gun control: *Provided further*,

1 That up to \$31,800,000 shall be made available until ex-
2 pended for Individual Learning Accounts for full-time
3 equivalent employees of the Centers for Disease Control
4 and Prevention: *Provided further*, That the Director may
5 redirect the total amount made available under authority
6 of Public Law 101–502, section 3, dated November 3,
7 1990, to activities the Director may so designate: *Provided*
8 *further*, That the Congress is to be notified promptly of
9 any such transfer: *Provided further*, That not to exceed
10 \$19,035,000 may be available for making grants under
11 section 1509 of the Public Health Service Act to not less
12 than 15 States, tribes, or tribal organizations: *Provided*
13 *further*, That notwithstanding any other provision of law,
14 a single contract or related contracts for development and
15 construction of facilities may be employed which collec-
16 tively include the full scope of the project: *Provided fur-*
17 *ther*, That the solicitation and contract shall contain the
18 clause “availability of funds” found at 48 CFR 52.232–
19 18: *Provided further*, That of the funds appropriated,
20 \$10,000 is for official reception and representation ex-
21 penses when specifically approved by the Director of the
22 Centers for Disease Control and Prevention: *Provided fur-*
23 *ther*, That employees of the Centers for Disease Control
24 and Prevention or the Public Health Service, both civilian
25 and Commissioned Officers, detailed to States, municipali-

1 ties, or other organizations under authority of section 214
 2 of the Public Health Service Act, or in overseas assign-
 3 ments, shall be treated as non-Federal employees for re-
 4 porting purposes only and shall not be included within any
 5 personnel ceiling applicable to the Agency, Service, or the
 6 Department of Health and Human Services during the pe-
 7 riod of detail or assignment: *Provided further*, That if
 8 States are eligible, up to \$30,000,000 shall be used to im-
 9 plement section 2625 of the Public Health Service Act (42
 10 U.S.C. 300ff-33; relating to the Ryan White early diag-
 11 nosis grant program): *Provided further*, That \$16,890,000
 12 shall be available for the projects and in the amounts spec-
 13 ified in the committee report of the Senate accompanying
 14 this Act.

15 NATIONAL INSTITUTES OF HEALTH

16 NATIONAL CANCER INSTITUTE

17 For carrying out section 301 and title IV of the Pub-
 18 lic Health Service Act with respect to cancer,
 19 \$4,910,160,000, of which up to \$8,000,000 may be used
 20 for facilities repairs and improvements at the NCI-Fred-
 21 erick Federally Funded Research and Development Center
 22 in Frederick, Maryland.

23 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

24 For carrying out section 301 and title IV of the Pub-
 25 lic Health Service Act with respect to cardiovascular, lung,

1 and blood diseases, and blood and blood products,
 2 \$2,992,197,000.

3 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
 4 RESEARCH

5 For carrying out section 301 and title IV of the Pub-
 6 lic Health Service Act with respect to dental disease,
 7 \$398,602,000.

8 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
 9 KIDNEY DISEASES

10 For carrying out section 301 and title IV of the Pub-
 11 lic Health Service Act with respect to diabetes and diges-
 12 tive and kidney disease, \$1,747,784,000.

13 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
 14 AND STROKE

15 For carrying out section 301 and title IV of the Pub-
 16 lic Health Service Act with respect to neurological dis-
 17 orders and stroke, \$1,573,268,000.

18 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
 19 DISEASES

20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out section 301 and title IV of the Pub-
 22 lic Health Service Act with respect to allergy and infec-
 23 tious diseases, \$4,668,472,000: *Provided*, That
 24 \$300,000,000 may be made available to International As-
 25 sistance Programs “Global Fund to Fight HIV/AIDS, Ma-
 26 laria, and Tuberculosis”, to remain available until ex-

1 pended: *Provided further*, That such sums obligated in fis-
2 cal years 2003 through 2007 for extramural facilities con-
3 struction projects are to remain available until expended
4 for disbursement, with prior notification of such projects
5 to the Committees on Appropriations of the House of Rep-
6 resentatives and the Senate.

7 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to general medical
10 sciences, \$1,978,601,000.

11 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
12 DEVELOPMENT

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to child health and
15 human development, \$1,282,231,000.

16 NATIONAL EYE INSTITUTE

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to eye diseases and
19 visual disorders, \$681,962,000.

20 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
21 SCIENCES

22 For carrying out sections 301 and 311 and title IV
23 of the Public Health Service Act with respect to environ-
24 mental health sciences, \$656,176,000.

1 NATIONAL INSTITUTE ON AGING

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to aging,
4 \$1,073,048,000.

5 NATIONAL INSTITUTE OF ARTHRITIS AND
6 MUSCULOSKELETAL AND SKIN DISEASES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to arthritis and mus-
9 culoskeletal and skin diseases, \$519,810,000.

10 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
11 COMMUNICATION DISORDERS

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to deafness and other
14 communication disorders, \$402,680,000.

15 NATIONAL INSTITUTE OF NURSING RESEARCH

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to nursing research,
18 \$140,456,000.

19 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
20 ALCOHOLISM

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to alcohol abuse and
23 alcoholism, \$445,702,000.

1 NATIONAL INSTITUTE ON DRUG ABUSE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to drug abuse,
4 \$1,022,594,000.

5 NATIONAL INSTITUTE OF MENTAL HEALTH

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to mental health,
8 \$1,436,001,000.

9 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to human genome re-
12 search, \$497,031,000.

13 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
14 BIOENGINEERING

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to biomedical imaging
17 and bioengineering research, \$304,319,000.

18 NATIONAL CENTER FOR RESEARCH RESOURCES

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to research resources
21 and general research support grants, \$1,177,997,000:
22 *Provided*, That none of these funds shall be used to pay
23 recipients of the general research support grants program
24 any amount for indirect expenses in connection with such
25 grants.

1 NATIONAL CENTER FOR COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to complementary and
5 alternative medicine, \$124,213,000.

6 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
7 DISPARITIES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to minority health and
10 health disparities research, \$203,895,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities at the John E.
13 Fogarty International Center, \$68,000,000.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to health information
17 communications, \$327,817,000, of which \$4,000,000 shall
18 be available until expended for improvement of informa-
19 tion systems: *Provided*, That in fiscal year 2008, the Li-
20 brary may enter into personal services contracts for the
21 provision of services in facilities owned, operated, or con-
22 structed under the jurisdiction of the National Institutes
23 of Health: *Provided further*, That in addition to amounts
24 provided herein, \$8,200,000 shall be available from
25 amounts available under section 241 of the Public Health
26 Service Act to carry out National Information Center on

1 Health Services Research and Health Care Technology
2 and related health services.

3 OFFICE OF THE DIRECTOR

4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out the responsibilities of the Office of
6 the Director, National Institutes of Health,
7 \$1,145,790,000, of which up to \$25,000,000 shall be used
8 to carry out section 217 of this Act: *Provided*, That fund-
9 ing shall be available for the purchase of not to exceed
10 29 passenger motor vehicles for replacement only: *Pro-*
11 *vided further*, That the National Institutes of Health is
12 authorized to collect third party payments for the cost of
13 clinical services that are incurred in National Institutes
14 of Health research facilities and that such payments shall
15 be credited to the National Institutes of Health Manage-
16 ment Fund: *Provided further*, That all funds credited to
17 the National Institutes of Health Management Fund shall
18 remain available for one fiscal year after the fiscal year
19 in which they are deposited: *Provided further*, That up to
20 \$500,000 shall be available to carry out section 499 of
21 the Public Health Service Act: *Provided further*, That
22 \$110,900,000 shall be available to carry out the National
23 Children's Study: *Provided further*, That \$531,300,000
24 shall be available for the Common Fund established under
25 section 402A(e)(1) of the Public Health Service Act: *Pro-*
26 *vided further*, That of the funds provided \$10,000 shall

1 be for official reception and representation expenses when
 2 specifically approved by the Director of NIH: *Provided*
 3 *further*, That the Office of AIDS Research within the Of-
 4 fice of the Director, NIH may spend up to \$4,000,000
 5 to make grants for construction or renovation of facilities
 6 as provided for in section 2354(a)(5)(B) of the Public
 7 Health Service Act.

8 BUILDINGS AND FACILITIES

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

14 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

15 ADMINISTRATION

16 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

17 For carrying out titles V and XIX of the Public
 18 Health Service Act (“PHS Act”) with respect to substance
 19 abuse and mental health services, the Protection and Ad-
 20 vocacy for Individuals with Mental Illness Act, and section
 21 301 of the PHS Act with respect to program management,
 22 \$3,278,135,000, of which \$10,335,000 shall be available
 23 for projects and in the amounts specified in the committee
 24 report accompanying this Act: *Provided*, That notwith-
 25 standing section 520A(f)(2) of the PHS Act, no funds ap-
 26 propriated for carrying out section 520A are available for

1 carrying out section 1971 of the PHS Act: *Provided fur-*
2 *ther*, That in addition to amounts provided herein, the fol-
3 lowing amounts shall be available under section 241 of the
4 PHS Act: (1) \$79,200,000 to carry out subpart II of part
5 B of title XIX of the PHS Act to fund section 1935(b)
6 technical assistance, national data, data collection and
7 evaluation activities, and further that the total available
8 under this Act for section 1935(b) activities shall not ex-
9 ceed 5 percent of the amounts appropriated for subpart
10 II of part B of title XIX; (2) \$21,413,000 to carry out
11 subpart I of part B of title XIX of the PHS Act to fund
12 section 1920(b) technical assistance, national data, data
13 collection and evaluation activities, and further that the
14 total available under this Act for section 1920(b) activities
15 shall not exceed 5 percent of the amounts appropriated
16 for subpart I of part B of title XIX; (3) \$21,750,000 to
17 carry out national surveys on drug abuse; and (4)
18 \$4,300,000 to evaluate substance abuse treatment pro-
19 grams.

20 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

21 HEALTHCARE RESEARCH AND QUALITY

22 For carrying out titles III and IX of the Public
23 Health Service Act, and part A of title XI of the Social
24 Security Act, \$329,564,000; and in addition, amounts re-
25 ceived from Freedom of Information Act fees, reimburs-

1 able and interagency agreements, and the sale of data
2 shall be credited to this appropriation and shall remain
3 available until expended: *Provided*, That no amount shall
4 be made available pursuant to section 927(c) of the Public
5 Health Service Act for fiscal year 2008.

6 CENTERS FOR MEDICARE AND MEDICAID SERVICES

7 GRANTS TO STATES FOR MEDICAID

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

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

16 For making payments to States or in the case of sec-
17 tion 1928 on behalf of States under title XIX of the Social
18 Security Act for the first quarter of fiscal year 2009,
19 \$67,292,669,000, to remain available until expended.

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

24 PAYMENTS TO HEALTH CARE TRUST FUNDS

25 For payment to the Federal Hospital Insurance and
26 the Federal Supplementary Medical Insurance Trust

1 Funds, as provided under section 1844 and 1860D–16 of
2 the Social Security Act, sections 103(c) and 111(d) of the
3 Social Security Amendments of 1965, section 278(d) of
4 Public Law 97–248, and for administrative expenses in-
5 curred pursuant to section 201(g) of the Social Security
6 Act, \$188,828,000,000.

7 In addition, for making matching payments under
8 section 1844, and benefit payments under section 1860D–
9 16 of the Social Security Act, not anticipated in budget
10 estimates, such sums as may be necessary.

11 PROGRAM MANAGEMENT

12 For carrying out, except as otherwise provided, titles
13 XI, XVIII, XIX, and XXI of the Social Security Act, titles
14 XIII and XXVII of the Public Health Service Act, and
15 the Clinical Laboratory Improvement Amendments of
16 1988, not to exceed \$3,248,088,000, to be transferred
17 from the Federal Hospital Insurance and the Federal Sup-
18 plementary Medical Insurance Trust Funds, as authorized
19 by section 201(g) of the Social Security Act; together with
20 all funds collected in accordance with section 353 of the
21 Public Health Service Act and section 1857(e)(2) of the
22 Social Security Act, funds retained by the Secretary pur-
23 suant to section 302 of the Tax Relief and Health Care
24 Act of 2006; and such sums as may be collected from au-
25 thorized user fees and the sale of data, which shall remain
26 available until expended: *Provided*, That all funds derived

1 in accordance with 31 U.S.C. 9701 from organizations es-
2 tablished under title XIII of the Public Health Service Act
3 shall be credited to and available for carrying out the pur-
4 poses of this appropriation: *Provided further*, That
5 \$49,869,000, to remain available until September 30,
6 2009, is for contract costs for the Healthcare Integrated
7 General Ledger Accounting System: *Provided further*,
8 That \$253,775,000, to remain available until September
9 30, 2009, is for CMS Medicare contracting reform activi-
10 ties: *Provided further*, That funds appropriated under this
11 heading are available for the Healthy Start, Grow Smart
12 program under which the Centers for Medicare and Med-
13 icaid Services may, directly or through grants, contracts,
14 or cooperative agreements, produce and distribute infor-
15 mational materials including, but not limited to, pam-
16 phlets and brochures on infant and toddler health care to
17 expectant parents enrolled in the Medicaid program and
18 to parents and guardians enrolled in such program with
19 infants and children: *Provided further*, That the Secretary
20 of Health and Human Services is directed to collect fees
21 in fiscal year 2008 from Medicare Advantage organiza-
22 tions pursuant to section 1857(e)(2) of the Social Security
23 Act and from eligible organizations with risk-sharing con-
24 tracts under section 1876 of that Act pursuant to section
25 1876(k)(4)(D) of that Act: *Provided further*, That in addi-

1 tion, the Secretary may charge a fee for conducting revisit
2 surveys on health care facilities cited for deficiencies dur-
3 ing initial certification, recertification, or substantiated
4 complaints surveys: *Provided further*, That such fees, in
5 an amount not to exceed \$35,000,000, shall be credited
6 to this account as offsetting collections, to remain avail-
7 able until expended for the purpose of conducting such
8 revisit surveys: *Provided further*, That amounts trans-
9 ferred to this account from the Federal Health Insurance
10 and Federal Supplementary Medical Insurance Trust
11 Funds for fiscal year 2008 shall be reduced by the amount
12 credited to this account under this paragraph: *Provided*
13 *further*, That \$1,625,000 shall be available for the projects
14 and in the amounts specified in the committee report of
15 the Senate accompanying this Act.

16 HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

17 In addition to amounts otherwise available for pro-
18 gram integrity and program management, \$383,000,000,
19 to be available until expended, to be transferred from the
20 Federal Hospital Insurance and the Federal Supple-
21 mentary Medical Insurance Trust Funds, as authorized by
22 section 201(g) of the Social Security Act, of which
23 \$288,480,000 is for the Medicare Integrity Program at
24 the Centers for Medicare and Medicaid Services to conduct
25 oversight of activities authorized in title 18 of the Social
26 Security Act, with oversight activities including those ac-

1 tivities listed in 18 U.S.C. 1893(b); of which \$36,690,000
2 is for the Department of Health and Human Services Of-
3 fice of Inspector General; of which \$21,140,000 is for the
4 Department of Health and Human Services for program
5 integrity activities in title 18, title 19 and title 21 of the
6 Social Security Act; and of which \$36,690,000 is for the
7 Department of Justice: *Provided*, That the report required
8 by 18 U.S.C. 1817(k)(5) for fiscal year 2008 shall include
9 measures of the operational efficiency and impact on
10 fraud, waste and abuse in the Medicare and Medicaid pro-
11 grams for the funds provided by this appropriation.

12 ADMINISTRATION FOR CHILDREN AND FAMILIES

13 PAYMENTS TO STATES FOR CHILD SUPPORT

14 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

22 For making payments to each State for carrying out
23 the program of Aid to Families with Dependent Children
24 under title IV–A of the Social Security Act before the ef-
25 fective date of the program of Temporary Assistance for

1 Needy Families (TANF) with respect to such State, such
2 sums as may be necessary: *Provided*, That the sum of the
3 amounts available to a State with respect to expenditures
4 under such title IV–A in fiscal year 1997 under this ap-
5 propriation and under such title IV–A as amended by the
6 Personal Responsibility and Work Opportunity Reconcili-
7 ation Act of 1996 shall not exceed the limitations under
8 section 116(b) of such Act.

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

16 LOW-INCOME HOME ENERGY ASSISTANCE

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

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

24 REFUGEE AND ENTRANT ASSISTANCE

25 For necessary expenses for refugee and entrant as-
26 sistance activities and for costs associated with the care

1 and placement of unaccompanied alien children authorized
2 by title IV of the Immigration and Nationality Act and
3 section 501 of the Refugee Education Assistance Act of
4 1980, for carrying out section 462 of the Homeland Security
5 Act of 2002, and for carrying out the Torture Victims
6 Relief Act of 1998, \$654,166,000, of which up to
7 \$9,823,000 shall be available to carry out the Trafficking
8 Victims Protection Act of 2000: *Provided*, That funds ap-
9 propriated under this heading pursuant to section 414(a)
10 of the Immigration and Nationality Act and section 462
11 of the Homeland Security Act of 2002 for fiscal year 2008
12 shall be available for the costs of assistance provided and
13 other activities to remain available through September 30,
14 2010.

15 PAYMENTS TO STATES FOR THE CHILD CARE AND

16 DEVELOPMENT BLOCK GRANT

17 For carrying out the Child Care and Development
18 Block Grant Act of 1990, \$2,062,081,000 shall be used
19 to supplement, not supplant State general revenue funds
20 for child care assistance for low-income families: *Provided*,
21 That \$18,777,370 shall be available for child care resource
22 and referral and school-aged child care activities, of which
23 \$982,080 shall be available to the Secretary for discre-
24 tionary activities to support comprehensive consumer edu-
25 cation or parental choice: *Provided further*, That, in addi-
26 tion to the amounts required to be reserved by the States

1 under section 658G, \$267,785,718 shall be reserved by
2 the States for activities authorized under section 658G,
3 of which \$98,208,000 shall be for activities that improve
4 the quality of infant and toddler care: *Provided further,*
5 That \$9,821,000 shall be for use by the Secretary for child
6 care research, demonstration, and evaluation activities.

7 SOCIAL SERVICES BLOCK GRANT

8 For making grants to States pursuant to section
9 2002 of the Social Security Act, \$1,700,000,000.

10 CHILDREN AND FAMILIES SERVICES PROGRAMS

11 For carrying out, except as otherwise provided, the
12 Runaway and Homeless Youth Act, the Developmental
13 Disabilities Assistance and Bill of Rights Act, the Head
14 Start Act, the Child Abuse Prevention and Treatment Act,
15 sections 310 and 316 of the Family Violence Prevention
16 and Services Act, the Native American Programs Act of
17 1974, title II of the Child Abuse Prevention and Treat-
18 ment and Adoption Reform Act of 1978 (adoption oppor-
19 tunities), sections 330F and 330G of the Public Health
20 Service Act, the Abandoned Infants Assistance Act of
21 1988, sections 261 and 291 of the Help America Vote Act
22 of 2002, part B(1) of title IV and sections 413, 1110,
23 and 1115 of the Social Security Act; for making payments
24 under the Community Services Block Grant Act, sections
25 439(i), 473B, and 477(i) of the Social Security Act, and
26 the Assets for Independence Act, and for necessary admin-

1 istrative expenses to carry out such Acts and titles I, IV,
2 V, X, XI, XIV, XVI, and XX of the Social Security Act,
3 the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income
4 Home Energy Assistance Act of 1981, title IV of the Im-
5 migration and Nationality Act, section 501 of the Refugee
6 Education Assistance Act of 1980, and section 505 of the
7 Family Support Act of 1988, \$9,213,332,000, of which
8 \$9,500,000, to remain available until September 30, 2009,
9 shall be for grants to States for adoption incentive pay-
10 ments, as authorized by section 473A of the Social Secu-
11 rity Act and may be made for adoptions completed before
12 September 30, 2008: *Provided*, That \$7,088,571,000 shall
13 be for making payments under the Head Start Act, of
14 which \$1,388,800,000 shall become available October 1,
15 2008, and remain available through September 30, 2009:
16 *Provided further*, That \$735,281,000 shall be for making
17 payments under the Community Services Block Grant Act:
18 *Provided further*, That not less than \$8,000,000 shall be
19 for section 680(3)(B) of the Community Services Block
20 Grant Act: *Provided further*, That in addition to amounts
21 provided herein, \$6,000,000 shall be available from
22 amounts available under section 241 of the Public Health
23 Service Act to carry out the provisions of section 1110
24 of the Social Security Act: *Provided further*, That to the
25 extent Community Services Block Grant funds are distrib-

1 uted as grant funds by a State to an eligible entity as
2 provided under the Act, and have not been expended by
3 such entity, they shall remain with such entity for carry-
4 over into the next fiscal year for expenditure by such enti-
5 ty consistent with program purposes: *Provided further,*
6 That the Secretary shall establish procedures regarding
7 the disposition of intangible property which permits grant
8 funds, or intangible assets acquired with funds authorized
9 under section 680 of the Community Services Block Grant
10 Act, as amended, to become the sole property of such
11 grantees after a period of not more than 12 years after
12 the end of the grant for purposes and uses consistent with
13 the original grant: *Provided further,* That funds appro-
14 priated for section 680(a)(2) of the Community Services
15 Block Grant Act, as amended, shall be available for fi-
16 nancing construction and rehabilitation and loans or in-
17 vestments in private business enterprises owned by com-
18 munity development corporations: *Provided further,* That
19 \$53,625,000 is for a compassion capital fund to provide
20 grants to charitable organizations to emulate model social
21 service programs and to encourage research on the best
22 practices of social service organizations: *Provided further,*
23 That \$16,720,000 shall be for activities authorized by the
24 Help America Vote Act of 2002, of which \$11,390,000
25 shall be for payments to States to promote access for vot-

1 ers with disabilities, and of which \$5,330,000 shall be for
2 payments to States for protection and advocacy systems
3 for voters with disabilities: *Provided further*, That
4 \$80,416,000 shall be for making competitive grants to
5 provide abstinence education to adolescents, and for Fed-
6 eral costs of administering the grant: *Provided further*,
7 That information provided through grants under the im-
8 mediately preceding proviso shall be scientifically accurate
9 and shall comply with section 317P(c)(2) of the Public
10 Health Service Act: *Provided further*, That in addition to
11 amounts provided herein for abstinence education for ado-
12 lescents, \$4,500,000 shall be available from amounts
13 available under section 241 of the Public Health Service
14 Act to carry out evaluations (including longitudinal eval-
15 uations) of adolescent pregnancy prevention approaches:
16 *Provided further*, That up to \$2,000,000 shall be for im-
17 proving the Public Assistance Reporting Information Sys-
18 tem, including grants to States to support data collection
19 for a study of the system's effectiveness: *Provided further*,
20 That \$7,425,000 shall be available for the projects and
21 in the amounts specified in the committee report of the
22 Senate accompanying this Act.

23 PROMOTING SAFE AND STABLE FAMILIES

24 For carrying out section 436 of the Social Security
25 Act, \$345,000,000 and section 437, \$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 \$5,067,000,000.

6 For making payments to States or other non-Federal
7 entities under title IV–E of the Act, for the first quarter
8 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, for the last 3 months of the
12 current fiscal year for unanticipated costs, incurred for the
13 current fiscal year, such sums as may be necessary.

14 ADMINISTRATION ON AGING

15 AGING SERVICES PROGRAMS

16 For carrying out, to the extent not otherwise pro-
17 vided, the Older Americans Act of 1965, as amended, and
18 section 398 of the Public Health Service Act,
19 \$1,441,585,000, of which \$5,500,000 shall be available for
20 activities regarding medication management, screening,
21 and education to prevent incorrect medication and adverse
22 drug reactions: *Provided*, That \$2,935,000 shall be avail-
23 able for the projects and in the amounts specified in the
24 committee report of the Senate accompanying this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

1 For necessary expenses, not otherwise provided, for
2 general departmental management, including hire of six
3 sedans, and for carrying out titles III, XVII, XX, and XXI
4 of the Public Health Service Act, the United States-Mex-
5 ico Border Health Commission Act, and research studies
6 under section 1110 of the Social Security Act,
7 \$399,386,000, together with \$5,851,000 to be transferred
8 and expended as authorized by section 201(g)(1) of the
9 Social Security Act from the Hospital Insurance Trust
10 Fund and the Supplemental Medical Insurance Trust
11 Fund, and \$46,756,000 from the amounts available under
12 section 241 of the Public Health Service Act to carry out
13 national health or human services research and evaluation
14 activities: *Provided*, That of the funds made available
15 under this heading for carrying out title XX of the Public
16 Health Service Act, \$13,120,000 shall be for activities
17 specified under section 2003(b)(2), all of which shall be
18 for prevention service demonstration grants under section
19 510(b)(2) of title V of the Social Security Act, as amend-
20 ed, without application of the limitation of section 2010(c)
21 of said title XX: *Provided further*, That of this amount,
22 \$51,891,000 shall be for minority AIDS prevention and
23 treatment activities; and \$5,941,000 shall be to assist Af-

1 ghanistan in the development of maternal and child health
2 clinics, consistent with section 103(a)(4)(H) of the Af-
3 ghanistan Freedom Support Act of 2002; up to
4 \$4,000,000 shall be for the Secretary's discretionary fund
5 and may be used to carry out activities authorized under
6 the Department's statutory authorities; and \$9,500,000
7 shall be for a Health Diplomacy Initiative and may be
8 used to carry out health diplomacy activities such as
9 health training, services, education, and program evalua-
10 tion, provided directly, through grants, or through con-
11 tracts: *Provided further*, That specific information re-
12 quests from the chairmen and ranking members of the
13 Subcommittees on Labor, Health and Human Services,
14 and Education, and Related Agencies, on scientific re-
15 search or any other matter, shall be transmitted to the
16 Committees on Appropriations in a prompt professional
17 manner and within the time frame specified in the request:
18 *Provided further*, That scientific information requested by
19 the Committees on Appropriations and prepared by gov-
20 ernment researchers and scientists shall be transmitted to
21 the Committees on Appropriations, uncensored and with-
22 out delay: *Provided further*, That funds provided in this
23 Act for embryo adoption activities may be used to provide,
24 to individuals adopting embryos, through grants and other
25 mechanisms, medical and administrative services deemed

1 necessary for such adoptions: *Provided further*, That such
2 services shall be provided consistent with 42 CFR
3 59.5(a)(4): *Provided further*, That \$2,100,000 shall be
4 available for the projects and in the amounts specified in
5 the committee report of the Senate accompanying this Act.

6 OFFICE OF MEDICARE HEARINGS AND APPEALS

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

13 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
14 INFORMATION TECHNOLOGY

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

1 OFFICE OF INSPECTOR GENERAL

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

10 OFFICE FOR CIVIL RIGHTS

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

17 RETIREMENT PAY AND MEDICAL BENEFITS FOR
18 COMMISSIONED OFFICERS

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

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

4 For expenses necessary to support activities related
5 to countering potential biological, disease, nuclear, radio-
6 logical and chemical threats to civilian populations, and
7 for other public health emergencies, \$756,556,000, of
8 which not to exceed \$22,338,000, to remain available until
9 September 30, 2009, is to pay the costs described in sec-
10 tion 319F-2(c)(7)(B) of the Public Health Service Act.

11 For expenses necessary to prepare for and respond
12 to an influenza pandemic, \$888,000,000, of which
13 \$652,000,000 shall be available until expended, for activi-
14 ties including the development and purchase of vaccine,
15 antivirals, necessary medical supplies, diagnostics, and
16 other surveillance tools: *Provided*, That products pur-
17 chased with these funds may, at the discretion of the Sec-
18 retary, be deposited in the Strategic National Stockpile:
19 *Provided further*, That notwithstanding section 496(b) of
20 the Public Health Service Act, funds may be used for the
21 construction or renovation of privately owned facilities for
22 the production of pandemic influenza vaccines and other
23 biologicals, where the Secretary finds such a contract nec-
24 essary to secure sufficient supplies of such vaccines or
25 biologicals: *Provided further*, That \$158,000,000 shall be
26 transferred within 30 days of enactment to the Centers

1 SEC. 203. None of the funds appropriated in this Act
2 may be used to implement section 1503 of the National
3 Institutes of Health Revitalization Act of 1993, Public
4 Law 103-43.

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

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

17 SEC. 206. None of the funds appropriated in this Act
18 may be expended pursuant to section 241 of the Public
19 Health Service Act, except for funds specifically provided
20 for in this Act, or for other taps and assessments made
21 by any office located in the Department of Health and
22 Human Services, prior to the Secretary's preparation and
23 submission of a report to the Committee on Appropria-
24 tions of the Senate and of the House detailing the planned
25 uses of such funds.

(TRANSFER OF FUNDS)

1
2 SEC. 209. The Director of the National Institutes of
3 Health, jointly with the Director of the Office of AIDS
4 Research, may transfer up to 3 percent among institutes
5 and centers from the total amounts identified by these two
6 Directors as funding for research pertaining to the human
7 immunodeficiency virus: *Provided*, That the Appropria-
8 tions Committees of both Houses of Congress are prompt-
9 ly notified of the transfer.

(TRANSFER OF FUNDS)

10
11 SEC. 210. Of the amounts made available in this Act
12 for the National Institutes of Health, the amount for re-
13 search related to the human immunodeficiency virus, as
14 jointly determined by the Director of the National Insti-
15 tutes of Health and the Director of the Office of AIDS
16 Research, shall be made available to the “Office of AIDS
17 Research” account. The Director of the Office of AIDS
18 Research shall transfer from such account amounts nec-
19 essary to carry out section 2353(d)(3) of the Public
20 Health Service Act.

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

1 how to resist attempts to coerce minors into engaging in
2 sexual activities.

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 denies participation in such program to an oth-
7 erwise eligible entity (including a Provider Sponsored Or-
8 ganization) because the entity informs the Secretary that
9 it will not provide, pay for, provide coverage of, or provide
10 referrals for abortions: *Provided*, That the Secretary shall
11 make appropriate prospective adjustments to the capita-
12 tion payment to such an entity (based on an actuarially
13 sound estimate of the expected costs of providing the serv-
14 ice to such entity's enrollees): *Provided further*, That noth-
15 ing in this section shall be construed to change the Medi-
16 care program's coverage for such services and a Medicare
17 Advantage organization described in this section shall be
18 responsible for informing enrollees where to obtain infor-
19 mation about all Medicare covered services.

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

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

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

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

1 fiscal year 2008 obligations for tobacco prevention and
2 compliance activities by program activity by July 31,
3 2008.

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

8 (e) None of the funds appropriated by this Act may
9 be used to withhold substance abuse funding pursuant to
10 section 1926 from a territory that receives less than
11 \$1,000,000.

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

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

1 Service Act of 1980 (22 U.S.C. 3927) and other ap-
2 plicable statutes administered by the Department of
3 State; and

4 (2) is authorized to provide such funds by ad-
5 vance or reimbursement to the Secretary of State as
6 may be necessary to pay the costs of acquisition,
7 lease, alteration, renovation, and management of fa-
8 cilities outside of the United States for the use of
9 the Department of Health and Human Services. The
10 Department of State shall cooperate fully with the
11 Secretary of Health and Human Services to ensure
12 that the Department of Health and Human Services
13 has secure, safe, functional facilities that comply
14 with applicable regulation governing location, set-
15 back, and other facilities requirements and serve the
16 purposes established by this Act. The Secretary of
17 Health and Human Services is authorized, in con-
18 sultation with the Secretary of State, through grant
19 or cooperative agreement, to make available to pub-
20 lic or nonprofit private institutions or agencies in
21 participating foreign countries, funds to acquire,
22 lease, alter, or renovate facilities in those countries
23 as necessary to conduct programs of assistance for
24 international health activities, including activities re-
25 lating to HIV/AIDS and other infectious diseases,

1 chronic and environmental diseases, and other health
2 activities abroad.

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

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

14 (b) PEER REVIEW.—In entering into transactions
15 under subsection (a), the Director of the National Insti-
16 tutes of Health may utilize such peer review procedures
17 (including consultation with appropriate scientific experts)
18 as the Director determines to be appropriate to obtain as-
19 sessments of scientific and technical merit. Such proce-
20 dures shall apply to such transactions in lieu of the peer
21 review and advisory council review procedures that would
22 otherwise be required under sections 301(a)(3),
23 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of
24 the Public Health Service Act (42 U.S.C. 241,
25 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

1 SEC. 218. Funds which are available for Individual
2 Learning Accounts for employees of the Centers for Dis-
3 ease Control and Prevention and the Agency for Toxic
4 Substances and Disease Registry may be transferred to
5 “Disease Control, Research, and Training”, to be avail-
6 able only for Individual Learning Accounts: *Provided*,
7 That such funds may be used for any individual full-time
8 equivalent employee while such employee is employed ei-
9 ther by CDC or ATSDR.

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

14 SEC. 220. In addition to any other amounts available
15 for such travel, and notwithstanding any other provision
16 of law, amounts available from this or any other appro-
17 priation for the purchase, hire, maintenance, or operation
18 of aircraft by the Centers for Disease Control and Preven-
19 tion shall be available for travel by the Secretary of Health
20 and Human Services, the Director of the Centers for Dis-
21 ease Control and Prevention, and employees of the De-
22 partment of Health and Human Services accompanying
23 the Secretary or the Director during such travel.

24 SEC. 221. The Director of the National Institutes of
25 Health shall require that all investigators funded by the

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

8 SEC. 222. (a) The Secretary of Health and Human
9 Services is authorized to award a grant to the Delta
10 Health Alliance, a nonprofit alliance of academic institu-
11 tions in the Mississippi Delta region that has as its pri-
12 mary purposes addressing longstanding, unmet health
13 needs and catalyzing economic development in the Mis-
14 sissippi Delta.

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

23 (c) With respect to the use of grant funds under this
24 section for construction or major alteration of property,
25 the Federal interest in the property involved shall last for

1 a period of 1 year following the completion of the project
2 or until such time that the Federal Government is com-
3 pensated for its proportionate interest in the property if
4 the property use changes or the property is transferred
5 or sold, whichever time period is less. At the conclusion
6 of such period, the Notice of Federal Interest in such
7 property shall be removed.

8 (d) There are authorized to be appropriated such
9 sums as may be necessary to carry out this section in fis-
10 cal year 2008 and in each of the five succeeding fiscal
11 years.

12 SEC. 223. 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 (TRANSFER OF FUNDS)

19 SEC. 224. Of the amounts made available in this Act
20 for the National Institutes of Health, 1 percent of the
21 amount made available for National Research Service
22 Awards (NRSA) shall be made available to the Adminis-
23 trator of the Health Resources and Services Administra-
24 tion to make NRSA awards for research in primary med-
25 ical care to individuals affiliated with entities who have
26 received grants or contracts under section 747 of the Pub-

1 lic Health Service Act, and 1 percent of the amount made
2 available for NRSA shall be made available to the Director
3 of the Agency for Healthcare Research and Quality to
4 make NRSA awards for health service research.

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

7 TITLE III

8 DEPARTMENT OF EDUCATION

9 EDUCATION FOR THE DISADVANTAGED

10 For carrying out title I of the Elementary and Sec-
11 ondary Education Act of 1965 (“ESEA”) and section
12 418A of the Higher Education Act of 1965,
13 \$15,867,778,000, of which \$6,812,554,000 shall become
14 available on July 1, 2008, and shall remain available
15 through September 30, 2009, and of which
16 \$8,867,301,000 shall become available on October 1,
17 2008, and shall remain available through September 30,
18 2009, for academic year 2008–2009: *Provided*, That
19 \$6,808,407,000 shall be for basic grants under section
20 1124: *Provided further*, That up to \$4,000,000 of these
21 funds shall be available to the Secretary of Education on
22 October 1, 2007, to obtain annually updated educational-
23 agency-level census poverty data from the Bureau of the
24 Census: *Provided further*, That \$1,365,031,000 shall be
25 for concentration grants under section 1124A: *Provided*

1 *further*, That \$2,868,231,000 shall be for targeted grants
2 under section 1125: *Provided further*, That
3 \$2,868,231,000 shall be for education finance incentive
4 grants under section 1125A: *Provided further*, That
5 \$500,000,000 shall be for school improvement grants au-
6 thorized under section 1003(g) of the ESEA: *Provided*
7 *further*, That \$9,330,000 shall be to carry out part E of
8 title I: *Provided further*, That \$1,634,000 shall be avail-
9 able for a comprehensive school reform clearinghouse.

10 IMPACT AID

11 For carrying out programs of financial assistance to
12 federally affected schools authorized by title VIII of the
13 Elementary and Secondary Education Act of 1965,
14 \$1,248,453,000, of which \$1,111,867,000 shall be for
15 basic support payments under section 8003(b),
16 \$49,466,000 shall be for payments for children with dis-
17 abilities under section 8003(d), \$17,820,000 shall be for
18 construction under section 8007(b) and shall remain avail-
19 able through September 30, 2009, \$64,350,000 shall be
20 for Federal property payments under section 8002, and
21 \$4,950,000, to remain available until expended, shall be
22 for facilities maintenance under section 8008: *Provided*,
23 That for purposes of computing the amount of a payment
24 for an eligible local educational agency under section
25 8003(a) of the Elementary and Secondary Education Act

1 (20 U.S.C. 7703(a)) for school year 2007–2008, children
2 enrolled in a school of such agency that would otherwise
3 be eligible for payment under section 8003(a)(1)(B) of
4 such Act, but due to the deployment of both parents or
5 legal guardians, or a parent or legal guardian having sole
6 custody of such children, or due to the death of a military
7 parent or legal guardian while on active duty (so long as
8 such children reside on Federal property as described in
9 section 8003(a)(1)(B)), are no longer eligible under such
10 section, shall be considered as eligible students under such
11 section, provided such students remain in average daily
12 attendance at a school in the same local educational agen-
13 cy they attended prior to their change in eligibility status.

14 SCHOOL IMPROVEMENT PROGRAMS

15 For carrying out school improvement activities au-
16 thorized by title II, part B of title IV, subparts 6 and
17 9 of part D of title V, parts A and B of title VI, and
18 parts B and C of title VII of the Elementary and Sec-
19 ondary Education Act of 1965 (“ESEA”); the McKinney-
20 Vento Homeless Assistance Act; section 203 of the Edu-
21 cational Technical Assistance Act of 2002; the Compact
22 of Free Association Amendments Act of 2003; and the
23 Civil Rights Act of 1964, \$5,198,525,000, of which
24 \$3,560,485,000 shall become available on July 1, 2008,
25 and remain available through September 30, 2009, and

1 of which \$1,435,000,000 shall become available on Octo-
2 ber 1, 2008, and shall remain available through September
3 30, 2009, for academic year 2008–2009: *Provided*, That
4 funds made available to carry out part B of title VII of
5 the ESEA may be used for construction, renovation and
6 modernization of any elementary school, secondary school,
7 or structure related to an elementary school or secondary
8 school, run by the Department of Education of the State
9 of Hawaii, that serves a predominantly Native Hawaiian
10 student body: *Provided further*, That from the funds re-
11 ferred to in the preceding proviso, not less than
12 \$1,250,000 shall be for a grant to the Department of Edu-
13 cation of the State of Hawaii for the activities described
14 in such proviso, and \$1,250,000 shall be for a grant to
15 the University of Hawaii School of Law for a Center of
16 Excellence in Native Hawaiian law: *Provided further*, That
17 funds made available to carry out part C of title VII of
18 the ESEA may be used for construction: *Provided further*,
19 That up to 100 percent of the funds available to a State
20 educational agency under part D of title II of the ESEA
21 may be used for subgrants described in section
22 2412(a)(2)(B) of such Act: *Provided further*, That
23 \$60,000,000 shall be available to carry out section 203
24 of the Educational Technical Assistance Act of 2002: *Pro-*
25 *vided further*, That \$34,376,000 shall be available to carry

1 out part D of title V of the ESEA: *Provided further*, That
2 no funds appropriated under this heading may be used
3 to carry out section 5494 under the ESEA: *Provided fur-*
4 *ther*, That \$18,001,000 shall be available to carry out the
5 Supplemental Education Grants program for the Fed-
6 erated States of Micronesia and the Republic of the Mar-
7 shall Islands: *Provided further*, That up to 5 percent of
8 these amounts may be reserved by the Federated States
9 of Micronesia and the Republic of the Marshall Islands
10 to administer the Supplemental Education Grants pro-
11 grams and to obtain technical assistance, oversight and
12 consultancy services in the administration of these grants
13 and to reimburse the United States Departments of
14 Labor, Health and Human Services, and Education for
15 such services.

16 INDIAN EDUCATION

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

20 INNOVATION AND IMPROVEMENT

21 For carrying out activities authorized by parts G and
22 H of title I, subpart 5 of part A and parts C and D of
23 title II, parts B, C, and D of title V, and section 1504
24 of the Elementary and Secondary Education Act of 1965
25 (“ESEA”), \$962,889,000: *Provided*, That \$9,821,000

1 shall be provided to the National Board for Professional
2 Teaching Standards to carry out section 2151(c) of the
3 ESEA: *Provided further*, That from funds for subpart 4,
4 part C of title II, up to 3 percent shall be available to
5 the Secretary for technical assistance and dissemination
6 of information: *Provided further*, That \$317,699,000 shall
7 be available to carry out part D of title V of the ESEA:
8 *Provided further*, That \$64,504,000 of the funds for sub-
9 part 1, part D of title V of the ESEA shall be available
10 for the projects and in the amounts specified in the com-
11 mittee report of the Senate accompanying this Act: *Pro-*
12 *vided further*, That \$99,000,000 of the funds for subpart
13 1 shall be for competitive grants to local educational agen-
14 cies, including charter schools that are local educational
15 agencies, or States, or partnerships of: (1) a local edu-
16 cational agency, a State, or both; and (2) at least one non-
17 profit organization to develop and implement performance-
18 based teacher and principal compensation systems in high-
19 need schools: *Provided further*, That such performance-
20 based compensation systems must consider gains in stu-
21 dent academic achievement as well as classroom evalua-
22 tions conducted multiple times during each school year
23 among other factors and provide educators with incentives
24 to take on additional responsibilities and leadership roles:
25 *Provided further*, That five percent of such funds for com-

1 petitive grants shall be available for technical assistance,
2 training, peer review of applications, program outreach
3 and evaluation activities.

4 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

5 For carrying out activities authorized by subpart 3
6 of part C of title II, part A of title IV, and subparts 2,
7 3, and 10 of part D of title V of the Elementary and Sec-
8 ondary Education Act of 1965 (“ESEA”), \$697,112,000,
9 of which \$300,000,000 shall become available on July 1,
10 2008, and remain available through September 30, 2009:
11 *Provided*, That of the amount available for subpart 2 of
12 part A of title IV of the ESEA, \$850,000 shall be used
13 to continue the National Recognition Awards program
14 under the same guidelines outlined by section 120(f) of
15 Public Law 105–244: *Provided further*, That
16 \$300,000,000 shall be available for subpart 1 of part A
17 of title IV and \$222,112,000 shall be available for subpart
18 2 of part A of title IV, of which not less than \$1,000,000,
19 to remain available until expended, shall be for the Project
20 School Emergency Response to Violence program to pro-
21 vide education-related services to local educational agen-
22 cies in which the learning environment has been disrupted
23 due to a violent or traumatic crisis: *Provided further*, That
24 \$145,000,000 shall be available to carry out part D of
25 title V of the ESEA: *Provided further*, That of the funds

1 available to carry out subpart 3 of part C of title II, up
2 to \$12,000,000 may be used to carry out section 2345
3 and \$3,000,000 shall be used to implement a comprehen-
4 sive program to improve public knowledge, understanding
5 and support of the Congress and the State legislatures.

6 ENGLISH LANGUAGE ACQUISITION

7 For carrying out part A of title III of the ESEA,
8 \$670,819,000, which shall become available on July 1,
9 2008, and shall remain available through September 30,
10 2009, except that 6.5 percent of such amount shall be
11 available on October 1, 2007, and shall remain available
12 through September 30, 2009, to carry out activities under
13 section 3111(c)(1)(C).

14 SPECIAL EDUCATION

15 For carrying out the Individuals with Disabilities
16 Education Act (IDEA) and the Special Olympics Sport
17 and Empowerment Act of 2004, \$12,330,374,000, of
18 which \$6,192,551,000 shall become available on July 1,
19 2008, and shall remain available through September 30,
20 2009, and of which \$5,924,200,000 shall become available
21 on October 1, 2008, and shall remain available through
22 September 30, 2009, for academic year 2008–2009: *Pro-*
23 *vided*, That \$13,000,000 shall be for Recording for the
24 Blind and Dyslexic, Inc., to support activities under sec-
25 tion 674(e)(1)(D) of the IDEA: *Provided further*, That

1 \$1,500,000 shall be for the recipient of funds provided by
2 Public Law 105–78 under section 687(b)(2)(G) of the
3 IDEA (as in effect prior to the enactment of the Individ-
4 uals with Disabilities Education Improvement Act of
5 2004) to provide information on diagnosis, intervention,
6 and teaching strategies for children with disabilities: *Pro-*
7 *vided further*, That the amount for section 611(b)(2) of
8 the IDEA shall be equal to the lesser of the amount avail-
9 able for that activity during fiscal year 2007, increased
10 by the amount of inflation as specified in section
11 619(d)(2)(B) of the IDEA, or the percentage increase in
12 the funds appropriated under section 611(i) of the IDEA:
13 *Provided further*, That nothing in section 674(e) of the
14 IDEA shall be construed to establish a private right of
15 action against the National Instructional Materials Access
16 Center for failure to perform the duties of such center or
17 otherwise authorize a private right of action related to the
18 performance of such center: *Provided further*, That
19 \$3,000,000 shall be available to support the Special Olym-
20 pics Winter World Games.

21 REHABILITATION SERVICES AND DISABILITY RESEARCH

22 For carrying out, to the extent not otherwise pro-
23 vided, the Rehabilitation Act of 1973, the Assistive Tech-
24 nology Act of 1998 (“the AT Act”), and the Helen Keller
25 National Center Act, \$3,286,942,000, of which

1 \$1,000,000 shall be awarded to the American Academy
 2 of Orthotists and Prosthetists for activities that further
 3 the purposes of the grant received by the Academy for the
 4 period beginning October 1, 2003, including activities to
 5 meet the demand for orthotic and prosthetic provider serv-
 6 ices and improve patient care: *Provided, That*
 7 \$32,000,000 shall be used for carrying out the AT Act,
 8 including \$26,377,000 for State grant activities author-
 9 ized under section 4 of the AT Act, \$4,570,000 for State
 10 grants for protection and advocacy under section 5 of the
 11 AT Act and \$1,053,000 shall be for technical assistance
 12 activities under section 6 of the AT Act: *Provided further,*
 13 That \$2,650,000 of the funds for section 303 of the Reha-
 14 bilitation Act of 1973 shall be available for the projects
 15 and in the amounts specified in the committee report of
 16 the Senate accompanying this Act.

17 SPECIAL INSTITUTIONS FOR PERSONS WITH
 18 DISABILITIES

19 AMERICAN PRINTING HOUSE FOR THE BLIND

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

22 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

23 For the National Technical Institute for the Deaf
 24 under titles I and II of the Education of the Deaf Act
 25 of 1986 (20 U.S.C. 4301 et seq.), \$59,000,000, of which
 26 \$1,705,000 shall be for construction and shall remain

1 available until expended: *Provided*, That from the total
2 amount available, the Institute may at its discretion use
3 funds for the endowment program as authorized under
4 section 207.

5 GALLAUDET UNIVERSITY

6 For the Kendall Demonstration Elementary School,
7 the Model Secondary School for the Deaf, and the partial
8 support of Gallaudet University under titles I and II of
9 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
10 et seq.), \$111,000,000, of which \$600,000 shall be for the
11 Secretary of Education to carry out section 205 of the
12 Act: *Provided*, That from the total amount available, the
13 University may at its discretion use funds for the endow-
14 ment program as authorized under section 207.

15 CAREER, TECHNICAL, AND ADULT EDUCATION

16 For carrying out, to the extent not otherwise pro-
17 vided, the Carl D. Perkins Career and Technical Edu-
18 cation Act of 2006, the Adult Education and Family Lit-
19 eracy Act, and title VIII–D of the Higher Education
20 Amendments of 1998, \$1,894,788,000, of which
21 \$1,103,788,000 shall become available on July 1, 2008,
22 and shall remain available through September 30, 2009,
23 and of which \$791,000,000 shall become available on Oc-
24 tober 1, 2008, and shall remain available through Sep-
25 tember 30, 2009: *Provided*, That of the amount provided
26 for Adult Education State Grants, \$67,896,000 shall be

1 made available for integrated English literacy and civics
2 education services to immigrants and other limited
3 English proficient populations: *Provided further*, That of
4 the amount reserved for integrated English literacy and
5 civics education, notwithstanding section 211 of the Adult
6 Education and Family Literacy Act, 65 percent shall be
7 allocated to States based on a State's absolute need as
8 determined by calculating each State's share of a 10-year
9 average of the Immigration and Naturalization Service
10 data for immigrants admitted for legal permanent resi-
11 dence for the 10 most recent years, and 35 percent allo-
12 cated to States that experienced growth as measured by
13 the average of the 3 most recent years for which Immigra-
14 tion and Naturalization Service data for immigrants ad-
15 mitted for legal permanent residence are available, except
16 that no State shall be allocated an amount less than
17 \$60,000: *Provided further*, That of the amounts made
18 available for the Adult Education and Family Literacy
19 Act, \$7,000,000 shall be for national leadership activities
20 under section 243 and \$6,638,000 shall be for the Na-
21 tional Institute for Literacy under section 242: *Provided*
22 *further*, That \$22,770,000 shall be for Youth Offender
23 Grants.

1 STUDENT FINANCIAL ASSISTANCE

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

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

8 STUDENT AID ADMINISTRATION

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

14 HIGHER EDUCATION

15 For carrying out, to the extent not otherwise pro-
16 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
17 cation Act of 1965 (“HEA”), as amended, the Mutual
18 Educational and Cultural Exchange Act of 1961, and sec-
19 tion 117 of the Carl D. Perkins Career and Technical
20 Education Act of 2006, \$2,028,302,000: *Provided*, That
21 \$9,699,000, to remain available through September 30,
22 2009, shall be available to fund fellowships for academic
23 year 2009–2010 under part A, subpart 1 of title VII of
24 said Act, under the terms and conditions of part A, sub-
25 part 1: *Provided further*, That \$970,000 is for data collec-

1 tion and evaluation activities for programs under the
2 HEA, including such activities needed to comply with the
3 Government Performance and Results Act of 1993: *Pro-*
4 *vided further*, That notwithstanding any other provision of
5 law, funds made available in this Act to carry out title
6 VI of the HEA and section 102(b)(6) of the Mutual Edu-
7 cational and Cultural Exchange Act of 1961 may be used
8 to support visits and study in foreign countries by individ-
9 uals who are participating in advanced foreign language
10 training and international studies in areas that are vital
11 to United States national security and who plan to apply
12 their language skills and knowledge of these countries in
13 the fields of government, the professions, or international
14 development: *Provided further*, That of the funds referred
15 to in the preceding proviso up to 1 percent may be used
16 for program evaluation, national outreach, and informa-
17 tion dissemination activities: *Provided further*, That the
18 funds provided for title II of the HEA shall be allocated
19 notwithstanding section 210 of such Act: *Provided further*,
20 That \$12,000,000 shall be for grants to institutions of
21 higher education, in partnership with local educational
22 agencies, to establish instructional programs at all edu-
23 cational levels in languages critical to U.S. national secu-
24 rity: *Provided further*, That \$59,855,000 of the funds for
25 part B of title VII of the Higher Education Act of 1965

1 shall be available for the projects and in the amounts spec-
 2 ified in the committee report of the Senate accompanying
 3 this Act.

4 HOWARD UNIVERSITY

5 For partial support of Howard University (20 U.S.C.
 6 121 et seq.), \$237,392,000, of which not less than
 7 \$3,526,000 shall be for a matching endowment grant pur-
 8 suant to the Howard University Endowment Act (Public
 9 Law 98–480) and shall remain available until expended.

10 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

11 PROGRAM

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

16 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

17 CAPITAL FINANCING PROGRAM ACCOUNT

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

22 INSTITUTE OF EDUCATION SCIENCES

23 For carrying out activities authorized by the Edu-
 24 cation Sciences Reform Act of 2002, as amended, the Na-
 25 tional Assessment of Educational Progress Authorization

1 Act, section 208 of the Educational Technical Assistance
2 Act of 2002, and section 664 of the Individuals with Dis-
3 abilities Education Act, \$589,826,000, of which
4 \$322,020,000 shall be available until September 30, 2009.

5 DEPARTMENTAL MANAGEMENT

6 PROGRAM ADMINISTRATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Department of Education Organization Act, in-
9 cluding rental of conference rooms in the District of Co-
10 lumbia and hire of three passenger motor vehicles,
11 \$432,631,000, of which \$3,000,000, to remain available
12 until expended, shall be for building alterations and re-
13 lated expenses for the move of Department staff to the
14 Mary E. Switzer building in Washington, DC.

15 OFFICE FOR CIVIL RIGHTS

16 For expenses necessary for the Office for Civil
17 Rights, as authorized by section 203 of the Department
18 of Education Organization Act, \$93,771,000.

19 OFFICE OF THE INSPECTOR GENERAL

20 For expenses necessary for the Office of the Inspector
21 General, as authorized by section 212 of the Department
22 of Education Organization Act, \$54,239,000.

23 GENERAL PROVISIONS

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

1 which are appropriated for the Department of Education
2 in this Act may be transferred between appropriations, but
3 no such appropriation shall be increased by more than 3
4 percent by any such transfer: *Provided*, That the Appro-
5 priations Committees of both Houses of Congress are noti-
6 fied at least 15 days in advance of any transfer.

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

12 SEC. 306. (a) Notwithstanding section 8013(9)(B) of
13 the Elementary and Secondary Education Act of 1965 (20
14 U.S.C. 7713(9)(B)), North Chicago Community Unit
15 School District 187, North Shore District 112, and Town-
16 ship High School District 113 in Lake County, Illinois,
17 and Glenview Public School District 34 and Glenbrook
18 High School District 225 in Cook County, Illinois, shall
19 be considered local educational agencies as such term is
20 used in and for purposes of title VIII of such Act.

21 (b) Notwithstanding any other provision of law, fed-
22 erally connected children (as determined under section
23 8003(a) of the Elementary and Secondary Education Act
24 of 1965 (20 U.S.C. 7703(a))) who are in attendance in
25 the North Shore District 112, Township High School Dis-

1 trict 113, Glenview Public School District 34, and
2 Glenbrook High School District 225 described in sub-
3 section (a), shall be considered to be in attendance in the
4 North Chicago Community Unit School District 187 de-
5 scribed in subsection (a) for purposes of computing the
6 amount that the North Chicago Community Unit School
7 District 187 is eligible to receive under subsection (b) or
8 (d) of such section if—

9 (1) such school districts have entered into an
10 agreement for such students to be so considered and
11 for the equitable apportionment among all such
12 school districts of any amount received by the North
13 Chicago Community Unit School District 187 under
14 such section; and

15 (2) any amount apportioned among all such
16 school districts pursuant to paragraph (1) is used by
17 such school districts only for the direct provision of
18 educational services.

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

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

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

9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 NATIONAL AND COMMUNITY SERVICE PROGRAMS,
11 OPERATING EXPENSES
12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for the Corporation for Na-
14 tional and Community Service to carry out the programs,
15 activities, and initiatives under provisions of the Domestic
16 Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.)
17 (the 1973 Act) and the National and Community Service
18 Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act),
19 \$804,489,000: *Provided*, That all prior year unobligated
20 balances from the “Domestic Volunteer Service Programs,
21 Operating Expenses” account shall be transferred to and
22 merged with this appropriation: *Provided further*, That up
23 to one percent of program grant funds may be used to
24 defray costs of conducting grant application reviews, in-
25 cluding the use of outside peer reviewers: *Provided further*,
26 That none of the funds made available to the Corporation

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

1 to amounts otherwise provided to the National Service
2 Trust under the fifth proviso, the Corporation may trans-
3 fer funds from the amount provided under the fourth pro-
4 viso, to the National Service Trust authorized under sub-
5 title D of title I of the 1990 Act (42 U.S.C. 12601) upon
6 determination that such transfer is necessary to support
7 the activities of national service participants and after no-
8 tice is transmitted to Congress: *Provided further*, That of
9 the amount provided under this heading for grants under
10 the National Service Trust program authorized under sub-
11 title C of title I of the Act, not more than \$65,000,000
12 may be used to administer, reimburse, or support any na-
13 tional service program authorized under section 121(d)(2)
14 of such Act (42 U.S.C. 12581(d)(2)): *Provided further*,
15 That notwithstanding section 501(a)(4) of the Act, of the
16 funds provided under this heading, not more than
17 \$12,516,000 shall be made available to provide assistance
18 to State commissions on national and community service
19 under section 126(a) of the 1990 Act: *Provided further*,
20 That not more than \$10,466,000 shall be available for
21 quality and innovation activities authorized under subtitle
22 H of title I of the 1990 Act (42 U.S.C. 12853 et seq.):
23 *Provided further*, That notwithstanding subtitle H of title
24 I of the 1990 Act (42 U.S.C. 12853), none of the funds
25 provided under the previous proviso shall be used to sup-

1 port salaries and related expenses (including travel) attrib-
2 utable to Corporation employees: *Provided further*, That
3 \$31,789,000 of the funds made available under this head-
4 ing shall be available for the Civilian Community Corps
5 authorized under subtitle E of title I of the 1990 Act (42
6 U.S.C. 12611 et seq.), of which not less than \$5,000,000
7 shall be for the acquisition, renovation, equipping and
8 startup costs for a campus located in Vinton, Iowa and
9 a campus in Vicksburg, Mississippi.

10 SALARIES AND EXPENSES

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

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General in carrying out the Inspector General Act of 1978,
24 as amended, \$6,900,000.

1 ADMINISTRATIVE PROVISIONS
2 (INCLUDING TRANSFER OF FUNDS)

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

11 Notwithstanding any other provision of law, funds
12 made available under section 129(d)(5)(B) of the National
13 and Community Service Act to assist entities in placing
14 applicants who are individuals with disabilities may be
15 provided to any entity that receives a grant under section
16 121 of the Act.

17 The Inspector General of the Corporation for Na-
18 tional and Community Service shall conduct random au-
19 dits of the grantees that administer activities under the
20 AmeriCorps programs and shall levy sanctions in accord-
21 ance with standard Inspector General audit resolution pro-
22 cedures which include, but are not limited to, debarment
23 of any grantee (or successor in interest or any entity with
24 substantially the same person or persons in control) that
25 has been determined to have committed any substantial
26 violations of the requirements of the AmeriCorps pro-

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

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

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

1 Appropriations Committees of both Houses of Congress
2 are notified at least 15 days in advance of any transfer.

3 CORPORATION FOR PUBLIC BROADCASTING

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

1 \$26,750,000 shall be for the costs associated with replace-
2 ment and upgrade of the public radio interconnection sys-
3 tem: *Provided further*, That none of the funds made avail-
4 able to the Corporation for Public Broadcasting by this
5 Act, Public Law 108–199 or Public Law 108–7, shall be
6 used to support the Television Future Fund or any similar
7 purpose.

8 FEDERAL MEDIATION AND CONCILIATION SERVICE
9 SALARIES AND EXPENSES

10 For expenses necessary for the Federal Mediation
11 and Conciliation Service to carry out the functions vested
12 in it by the Labor Management Relations Act, 1947 (29
13 U.S.C. 171–180, 182–183), including hire of passenger
14 motor vehicles; for expenses necessary for the Labor-Man-
15 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
16 for expenses necessary for the Service to carry out the
17 functions vested in it by the Civil Service Reform Act,
18 Public Law 95–454 (5 U.S.C. chapter 71), \$44,450,000,
19 including \$400,000, to remain available through Sep-
20 tember 30, 2009, for activities authorized by the Labor-
21 Management Cooperation Act of 1978 (29 U.S.C. 175a):
22 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
23 charged, up to full-cost recovery, for special training ac-
24 tivities and other conflict resolution services and technical
25 assistance, including those provided to foreign govern-

1 ments and international organizations, and for arbitration
2 services shall be credited to and merged with this account,
3 and shall remain available until expended: *Provided fur-*
4 *ther*, That fees for arbitration services shall be available
5 only for education, training, and professional development
6 of the agency workforce: *Provided further*, That the Direc-
7 tor of the Service is authorized to accept and use on behalf
8 of the United States gifts of services and real, personal,
9 or other property in the aid of any projects or functions
10 within the Director's jurisdiction.

11 FEDERAL MINE SAFETY AND HEALTH REVIEW

12 COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mine Safety
15 and Health Review Commission (30 U.S.C. 801 et seq.),
16 \$8,096,000.

17 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

18 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

19 AND ADMINISTRATION

20 For carrying out the Museum and Library Services
21 Act of 1996, \$267,600,000: *Provided*, That \$9,600,000
22 shall be available for the projects and in the amounts spec-
23 ified in the committee report of the Senate accompanying
24 this Act.

1 MEDICARE PAYMENT ADVISORY COMMISSION

2 SALARIES AND EXPENSES

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

8 NATIONAL COMMISSION ON LIBRARIES AND

9 INFORMATION SCIENCE

10 SALARIES AND EXPENSES

11 For close out activities of the National Commission
12 on Libraries and Information Science, established by the
13 Act of July 20, 1970 (Public Law 91-345, as amended),
14 \$400,000.

15 NATIONAL COUNCIL ON DISABILITY

16 SALARIES AND EXPENSES

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

20 NATIONAL LABOR RELATIONS BOARD

21 SALARIES AND EXPENSES

22 For expenses necessary for the National Labor Rela-
23 tions Board to carry out the functions vested in it by the
24 Labor-Management Relations Act, 1947, as amended (29
25 U.S.C. 141-167), and other laws, \$256,988,000: *Pro-*

1 *vided*, That no part of this appropriation shall be available
2 to organize or assist in organizing agricultural laborers or
3 used in connection with investigations, hearings, direc-
4 tives, or orders concerning bargaining units composed of
5 agricultural laborers as referred to in section 2(3) of the
6 Act of July 5, 1935 (29 U.S.C. 152), and as amended
7 by the Labor-Management Relations Act, 1947, as amend-
8 ed, and as defined in section 3(f) of the Act of June 25,
9 1938 (29 U.S.C. 203), and including in said definition em-
10 ployees engaged in the maintenance and operation of
11 ditches, canals, reservoirs, and waterways when main-
12 tained or operated on a mutual, nonprofit basis and at
13 least 95 percent of the water stored or supplied thereby
14 is used for farming purposes.

15 NATIONAL MEDIATION BOARD

16 SALARIES AND EXPENSES

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

1 OCCUPATIONAL SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Occupational Safety
5 and Health Review Commission (29 U.S.C. 661),
6 \$10,696,000.

7 RAILROAD RETIREMENT BOARD

8 DUAL BENEFITS PAYMENTS ACCOUNT

9 For payment to the Dual Benefits Payments Ac-
10 count, authorized under section 15(d) of the Railroad Re-
11 tirement Act of 1974, \$79,000,000, which shall include
12 amounts becoming available in fiscal year 2008 pursuant
13 to section 224(e)(1)(B) of Public Law 98-76; and in addi-
14 tion, an amount, not to exceed 2 percent of the amount
15 provided herein, shall be available proportional to the
16 amount by which the product of recipients and the average
17 benefit received exceeds \$97,000,000: *Provided*, That the
18 total amount provided herein shall be credited in 12 ap-
19 proximately equal amounts on the first day of each month
20 in the fiscal year.

21 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

22 ACCOUNTS

23 For payment to the accounts established in the
24 Treasury for the payment of benefits under the Railroad
25 Retirement Act for interest earned on unnegotiated
26 checks, \$150,000, to remain available through September

1 30, 2009, which shall be the maximum amount available
2 for payment pursuant to section 417 of Public Law 98–
3 76.

4 LIMITATION ON ADMINISTRATION

5 For necessary expenses for the Railroad Retirement
6 Board for administration of the Railroad Retirement Act
7 and the Railroad Unemployment Insurance Act,
8 \$103,694,000, to be derived in such amounts as deter-
9 mined by the Board from the railroad retirement accounts
10 and from moneys credited to the railroad unemployment
11 insurance administration fund.

12 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

13 For expenses necessary for the Office of Inspector
14 General for audit, investigatory and review activities, as
15 authorized by the Inspector General Act of 1978, as
16 amended, not more than \$8,000,000, to be derived from
17 the railroad retirement accounts and railroad unemploy-
18 ment insurance account: *Provided*, That none of the funds
19 made available in any other paragraph of this Act may
20 be transferred to the Office; used to carry out any such
21 transfer; used to provide any office space, equipment, of-
22 fice supplies, communications facilities or services, mainte-
23 nance services, or administrative services for the Office;
24 used to pay any salary, benefit, or award for any personnel
25 of the Office; used to pay any other operating expense of
26 the Office; or used to reimburse the Office for any service

1 provided, or expense incurred, by the Office: *Provided fur-*
 2 *ther*, That funds made available under the heading in this
 3 Act, or subsequent Departments of Labor, Health and
 4 Human Services, and Education, and Related Agencies
 5 Appropriations Acts, may be used for any audit, investiga-
 6 tion, or review of the Medicare Program.

7 SOCIAL SECURITY ADMINISTRATION

8 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

9 For payment to the Federal Old-Age and Survivors
 10 Insurance and the Federal Disability Insurance trust
 11 funds, as provided under sections 201(m), 228(g), and
 12 1131(b)(2) of the Social Security Act, \$28,140,000.

13 SUPPLEMENTAL SECURITY INCOME PROGRAM

14 For carrying out titles XI and XVI of the Social Se-
 15 curity Act, section 401 of Public Law 92–603, section 212
 16 of Public Law 93–66, as amended, and section 405 of
 17 Public Law 95–216, including payment to the Social Secu-
 18 rity trust funds for administrative expenses incurred pur-
 19 suant to section 201(g)(1) of the Social Security Act,
 20 \$26,959,000,000, to remain available until expended: *Pro-*
 21 *vided*, That any portion of the funds provided to a State
 22 in the current fiscal year and not obligated by the State
 23 during that year shall be returned to the Treasury.

24 For making, after June 15 of the current fiscal year,
 25 benefit payments to individuals under title XVI of the So-

1 cial Security Act, for unanticipated costs incurred for the
2 current fiscal year, such sums as may be necessary.

3 For making benefit payments under title XVI of the
4 Social Security Act for the first quarter of fiscal year
5 2009, \$14,800,000,000, to remain available until ex-
6 pended.

7 LIMITATION ON ADMINISTRATIVE EXPENSES

8 For necessary expenses, including the hire of two pas-
9 senger motor vehicles, and not to exceed \$15,000 for offi-
10 cial reception and representation expenses, not more than
11 \$9,372,953,000 may be expended, as authorized by sec-
12 tion 201(g)(1) of the Social Security Act, from any one
13 or all of the trust funds referred to therein: *Provided*, That
14 not less than \$2,000,000 shall be for the Social Security
15 Advisory Board: *Provided further*, That unobligated bal-
16 ances of funds provided under this paragraph at the end
17 of fiscal year 2008 not needed for fiscal year 2008 shall
18 remain available until expended to invest in the Social Se-
19 curity Administration information technology and tele-
20 communications hardware and software infrastructure, in-
21 cluding related equipment and non-payroll administrative
22 expenses associated solely with this information technology
23 and telecommunications infrastructure: *Provided further*,
24 That reimbursement to the trust funds under this heading
25 for expenditures for official time for employees of the So-
26 cial Security Administration pursuant to section 7131 of

1 title 5, United States Code, and for facilities or support
2 services for labor organizations pursuant to policies, regu-
3 lations, or procedures referred to in section 7135(b) of
4 such title shall be made by the Secretary of the Treasury,
5 with interest, from amounts in the general fund not other-
6 wise appropriated, as soon as possible after such expendi-
7 tures are made.

8 From funds provided under the first paragraph, not
9 less than \$263,970,000 shall be available for conducting
10 continuing disability reviews under titles II and XVI of
11 the Social Security Act and for conducting redetermina-
12 tions of eligibility under title XVI of the Social Security
13 Act.

14 In addition to amounts made available above, and
15 subject to the same terms and conditions, \$213,000,000
16 shall be available for additional continuing disability re-
17 views and redeterminations of eligibility.

18 In addition, \$135,000,000 to be derived from admin-
19 istration fees in excess of \$5.00 per supplementary pay-
20 ment collected pursuant to section 1616(d) of the Social
21 Security Act or section 212(b)(3) of Public Law 93-66,
22 which shall remain available until expended. To the extent
23 that the amounts collected pursuant to such section
24 1616(d) or 212(b)(3) in fiscal year 2008 exceed
25 \$135,000,000, the amounts shall be available in fiscal year

1 2009 only to the extent provided in advance in appropria-
2 tions Acts.

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

7 OFFICE OF INSPECTOR GENERAL

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, as amended, \$28,000,000, together
12 with not to exceed \$68,047,000, to be transferred and ex-
13 pended as authorized by section 201(g)(1) of the Social
14 Security Act from the Federal Old-Age and Survivors In-
15 surance Trust Fund and the Federal Disability Insurance
16 Trust Fund.

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

TITLE V

GENERAL PROVISIONS

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

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

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

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

1 or appropriations pending before the Congress or any
2 State legislature.

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

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

22 SEC. 506. When issuing statements, press releases,
23 requests for proposals, bid solicitations and other docu-
24 ments describing projects or programs funded in whole or
25 in part with Federal money, all grantees receiving Federal

1 funds included in this Act, including but not limited to
2 State and local governments and recipients of Federal re-
3 search grants, shall clearly state—

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

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

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

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

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

20 (c) The term “health benefits coverage” means the
21 package of services covered by a managed care provider
22 or organization pursuant to a contract or other arrange-
23 ment.

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

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

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

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

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

21 (d)(1) None of the funds made available in this Act
22 may be made available to a Federal agency or program,
23 or to a State or local government, if such agency, program,
24 or government subjects any institutional or individual
25 health care entity to discrimination on the basis that the

1 health care entity does not provide, pay for, provide cov-
2 erage of, or refer for abortions.

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

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

11 (1) the creation of a human embryo or embryos
12 for research purposes; or

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

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

1 SEC. 510. (a) None of the funds made available in
2 this Act may be used for any activity that promotes the
3 legalization of any drug or other substance included in
4 schedule I of the schedules of controlled substances estab-
5 lished by section 202 of the Controlled Substances Act (21
6 U.S.C. 812).

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

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

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

23 (1) such entity is otherwise a contractor with
24 the United States and is subject to the requirement
25 in section 4212(d) of title 38, United States Code,

1 regarding submission of an annual report to the Sec-
2 retary of Labor concerning employment of certain
3 veterans; and

4 (2) such entity has not submitted a report as
5 required by that section for the most recent year for
6 which such requirement was applicable to such enti-
7 ty.

8 SEC. 513. None of the funds made available in this
9 Act may be transferred to any department, agency, or in-
10 strumentality of the United States Government, except
11 pursuant to a transfer made by, or transfer authority pro-
12 vided in, this Act or any other appropriation Act.

13 SEC. 514. None of the funds made available by this
14 Act to carry out the Library Services and Technology Act
15 may be made available to any library covered by para-
16 graph (1) of section 224(f) of such Act (20 U.S.C.
17 9134(f)), as amended by the Children's Internet Protec-
18 tions Act, unless such library has made the certifications
19 required by paragraph (4) of such section.

20 SEC. 515. None of the funds made available by this
21 Act to carry out part D of title II of the Elementary and
22 Secondary Education Act of 1965 may be made available
23 to any elementary or secondary school covered by para-
24 graph (1) of section 2441(a) of such Act (20 U.S.C.
25 6777(a)), as amended by the Children's Internet Protec-

1 tions Act and the No Child Left Behind Act, unless the
2 local educational agency with responsibility for such cov-
3 ered school has made the certifications required by para-
4 graph (2) of such section.

5 SEC. 516. None of the funds appropriated in this Act
6 may be used to enter into an arrangement under section
7 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C.
8 231f(b)(4)) with a nongovernmental financial institution
9 to serve as disbursing agent for benefits payable under
10 the Railroad Retirement Act of 1974.

11 SEC. 517. (a) None of the funds provided under this
12 Act, or provided under previous appropriations Acts to the
13 agencies funded by this Act that remain available for obli-
14 gation or expenditure in fiscal year 2008, or provided from
15 any accounts in the Treasury of the United States derived
16 by the collection of fees available to the agencies funded
17 by this Act, shall be available for obligation or expenditure
18 through a reprogramming of funds that—

- 19 (1) creates new programs;
- 20 (2) eliminates a program, project, or activity;
- 21 (3) increases funds or personnel by any means
22 for any project or activity for which funds have been
23 denied or restricted;
- 24 (4) relocates an office or employees;
- 25 (5) reorganizes or renames offices;

1 (6) reorganizes programs or activities; or

2 (7) contracts out or privatizes any functions or
3 activities presently performed by Federal employees;
4 unless the Appropriations Committees of both Houses of
5 Congress are notified 15 days in advance of such re-
6 programming or of an announcement of intent relating to
7 such reprogramming, whichever occurs earlier.

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

17 (1) augments existing programs, projects (in-
18 cluding construction projects), or activities;

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

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

1 unless the Appropriations Committees of both Houses of
2 Congress are notified 15 days in advance of such re-
3 programming or of an announcement of intent relating to
4 such reprogramming, whichever occurs earlier.

5 SEC. 518. (a) None of the funds made available in
6 this Act may be used to request that a candidate for ap-
7 pointment to a Federal scientific advisory committee dis-
8 close the political affiliation or voting history of the can-
9 didate or the position that the candidate holds with re-
10 spect to political issues not directly related to and nec-
11 essary for the work of the committee involved.

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

15 SEC. 519. The Secretaries of Labor, Health and
16 Human Services, and Education shall each prepare and
17 submit to the Committees on Appropriations of the Senate
18 and of the House of Representatives a report on the num-
19 ber and amount of contracts, grants, and cooperative
20 agreements exceeding \$100,000 in value and awarded by
21 the Department on a non-competitive basis during each
22 quarter of fiscal year 2008, but not to include grants
23 awarded on a formula basis. Such report shall include the
24 name of the contractor or grantee, the amount of funding,
25 and the governmental purpose. Such report shall be trans-

1 mitted to the Committees within 30 days after the end
2 of the quarter for which the report is submitted.

3 SEC. 520. (a) IN GENERAL.—Notwithstanding any
4 other provision of law (including any regulation or guid-
5 ance), amounts appropriated in this Act may be used to
6 conduct research using human embryonic stem cells as
7 long as the cells were derived prior to June 15, 2007, and
8 the criteria described in subsection (c) are met.

9 (b) APPLICATION OF SECTION.—The provisions of
10 this section shall supercede the guidelines with respect to
11 existing human embryonic stem cells that were developed
12 based on the President’s announcement of August 9,
13 2001.

14 (c) ETHICAL REQUIREMENTS.—Human embryonic
15 stem cells shall be eligible for use in any research con-
16 ducted or supported by the Secretary of Health and
17 Human Services with amounts appropriated under this
18 Act if the cells meet each of the following:

19 (1) The stem cells were derived from human
20 embryos that have been donated from in vitro fer-
21 tilization clinics, were created for the purposes of
22 fertility treatment, and were in excess of the clinical
23 need of the individuals seeking such treatment.

24 (2) Prior to the consideration of embryo dona-
25 tion and through consultation with the individuals

1 seeking fertility treatment, it was determined that
2 the embryos would never be implanted in a woman
3 and would otherwise be discarded.

4 (3) The individuals seeking fertility treatment
5 donated the embryos with written informed consent
6 and without receiving any financial or other induce-
7 ments to make the donation.

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

Calendar No. 238

110TH CONGRESS
1ST Session

S. 1710

[Report No. 110-1071]

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.

JUNE 27, 2007

Read twice and placed on the calendar