

communication services for the benefit of consumers. Congress inadvertently overlooked some important changes that were required to complete this transformation and, as a result, had to make technical changes to correct these oversights.

One technical correction still needs to be made, however: the International Center Act, ICA, must be amended to ensure that Intelsat's lease of the land on which its headquarters is located comports with the law. The U.S. Government owns this land. The State Department and Intelsat entered into a long-term lease for the land on which Intelsat built its headquarters many years ago. Intelsat constructed and fully owns the building. The lease was originally entered into pursuant to the ICA and has been amended several times over the years, most recently in 2006. The ICA, however, limits leases of this property to foreign governments and international organizations. At the time Intelsat leased the property and built its headquarters building, it was an international organization.

When Congress mandated in the ORBIT Act that Intelsat privatize, it created a problem regarding Intelsat's land lease. Once Intelsat was no longer an international organization, it technically no longer satisfied the requirements of the ICA. In other words, Congress' action requiring Intelsat to privatize has left the company's right to continue to lease the land in question. But it was never the intent of the ORBIT Act to create this uncertainty with respect to the legality of Intelsat's land lease.

The bill I am introducing amends the ICA to eliminate this uncertainty that the ORBIT Act created regarding the lease. It is necessary to ensure that the now privatized Intelsat can continue to lease the land. My bill would in no way alter the rights or obligations of the parties or any of the lease terms or conditions. It in no way expands any of Intelsat's rights under the existing lease. Nor does it change in any way the rights or powers that the State Department currently has under the lease. The Secretary of State will continue to have the same right to prohibit any use, development, occupancy, lease, or sublease as is currently authorized under the existing lease. My bill makes no substantive change in the relationship between the State Department and Intelsat. It merely eliminates the inconsistency between the lease and the ICA that was caused by Intelsat's privatization—which Congress required when it passed the ORBIT Act.

The State Department has approved this legislation to amend the ICA. I hope my colleagues will support the bill, too, and act on it expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENT TO THE INTERNATIONAL CENTER ACT.**

The first section of the International Center Act (Public Law 90-553; 82 Stat. 958) is amended by adding at the end the following new sentence: "Notwithstanding the foregoing limitations, the property identified by the District of Columbia as tax lots 803, 804, 805, and 806 within the area described in this section may be leased or subleased to an entity other than a foreign government or international organization, so long as the Secretary maintains the right to approve the occupant and the intended use of the property."

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3544. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3545. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3546. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3547. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3548. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3549. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3550. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3551. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3552. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3553. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3554. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3555. Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3556. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3557. Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, 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.

SA 3558. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3559. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3560. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3561. Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3562. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3563. Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3564. Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, *supra*; which was ordered to lie on the table.

SA 3565. Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 3544.** Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1492, after line 23, add the following:

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

“The term ‘renewable diesel’ also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.”.

**SA 3545.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 9001(B) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) is amended by striking clause (iii) and inserting the following:

“(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste;

**SA 3546.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 10101 (relating to definitions) and insert the following:

**SEC. 10101. DEFINITIONS.**

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking “When used in this Act—” and inserting “In this Act:”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking “clause (1), (2), or (3) of this paragraph” and inserting “clause (i), (ii), or (iii);”

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking “The term ‘association of producers’ means” and inserting the following:

“(2) ASSOCIATION OF PRODUCERS.—

“(A) IN GENERAL.—The term ‘association of producers’ means”; and

(B) by adding at the end the following:

“(B) INCLUSION.—The term ‘association of producers’ includes an organization of agricultural producers dedicated to promoting the common interest and general welfare of producers of agricultural products.”;

(7) in paragraph (3) (as so redesignated)—

(A) by striking “The term” and inserting the following:

“(3) HANDLER.—

“(A) IN GENERAL.—The term”; and  
(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

“(B) EXCLUSION.—The term ‘handler’ does not include—

“(i) a producer; or

“(ii) a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.”; and

(8) by adding at the end the following:

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”.

**SA 3547.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 10103 and 10104 and insert the following:

**SEC. 10103. ENFORCEMENT.**

The Agricultural Fair Practices Act of 1967 is amended—

(1) by striking section 6 (7 U.S.C. 2305);

(2) by redesignating sections 5 and 7 (7 U.S.C. 2304, 2306) as sections 7 and 8, respectively; and

(3) by inserting after section 4 the following:

**SEC. 5. ENFORCEMENT.**

“(a) CIVIL ACTIONS BY THE SECRETARY AGAINST HANDLERS.—In any case in which the Secretary has reasonable cause to believe that a handler or group of handlers has engaged in any act or practice that violates this Act, the Secretary may bring a civil action in United States district court by filing a complaint requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the handler.

“(b) CIVIL ACTIONS AGAINST HANDLERS.—

“(1) PREVENTIVE RELIEF.—

“(A) IN GENERAL.—In any case in which any handler has engaged, or there are reasonable grounds to believe that any handler is about to engage, in any act or practice prohibited by this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved in United States district court.

“(B) SECURITY.—The court may provide that no restraining order or preliminary injunction shall issue unless security is provided by the applicant, in such sum as the court determines to be appropriate, for the payment of such costs and damages as may be incurred or suffered by any party that is found to have been wrongfully enjoined or restrained.

“(2) DAMAGES.—

“(A) IN GENERAL.—Any person injured in the business or property of the person by reason of any violation of, or combination or conspiracy to violate, this Act may bring a civil action in United States district court to recover—

“(i) damages sustained by the person as a result of the violation; and

“(ii) any additional penalty that the court may allow, but not more than \$1,000 per violation.

“(B) LIMITATION ON ACTIONS.—A civil action under subparagraph (A) shall be barred unless commenced within 4 years after the cause of action accrues.

“(3) ATTORNEYS’ FEES.—In any action commenced under paragraph (1) or (2), any person that has violated this Act shall be liable to any person injured as a result of the violation for the full amount of the damages sustained as a result of the violation, including costs of the litigation and reasonable attorneys’ fees.

“(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States shall—

“(1) have jurisdiction of proceedings instituted pursuant to this section; and

“(2) exercise that jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

“(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be considered to be the act, omission, or failure of the other person.

“(e) RELATIONSHIP TO STATE LAW.—Nothing in this Act—

“(1) changes or modifies State law in effect on the date of enactment of this subsection; or

“(2) deprives a State court of jurisdiction.”.

**SEC. 10104. RULES AND REGULATIONS.**

The Agricultural Fair Practices Act of 1967 is amended by inserting after section 5 (as amended by section 10103) the following:

**“SEC. 6. RULES AND REGULATIONS.**

“The Secretary may promulgate such rules and regulations as are necessary to carry out this Act, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers.”.

**SA 3548.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike subparagraph (A) of section 2(a)(14) of the Packers and Stockyards Act, 1921 (as amended by section 10203), and insert the following:

“(A) IN GENERAL.—The term ‘production contract’ means a written agreement that—

“(i)(I) provides for the production of livestock or poultry by a contract producer; or

“(II) provides for the provision of a management service relating to the production of livestock or poultry by a contract producer; and

“(ii) contains an investment requirement.”.

**SA 3549.** Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 10208 (relating to regulations) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

**SA 3550.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

“(j) SENSE OF CONGRESS.—It is the sense of Congress that, in developing and deploying broadband technology, Federal, State, and local officials should, to the maximum extent practicable, minimize any negative impact on the scenic beauty of the United States, including through the use of technology that camouflages, collocates, or conceals broadband towers.

“(k) FUNDING.—

On page 865, line 12, strike “(k)” and insert “(l)”.

**SA 3551.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 401(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (as amended by section 7201(a)), redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and insert before subparagraph (B) (as so redesignated) the following:

“(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Account—

“(i) \$24,000,000 for fiscal year 2010; and  
“(ii) \$25,000,000 for each of fiscals year 2011 and 2012.

Strike section 12302.

**SA 3552.** Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1471, strike lines 10 through 22.

**SA 3553.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

#### SEC. 12301. CREDIT FOR BUSINESS WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking “or” at the end of clause (iii), by adding “or” at the end of clause (iv), and by inserting after clause (iv) the following new clause:

“(v) qualified small wind energy property.”

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking “and” at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

“(IV) qualified small wind energy property, and”.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(1) by inserting “; QUALIFIED SMALL WIND ENERGY PROPERTY” after “QUALIFIED MICROTURBINE PROPERTY” in the heading,

(2) by striking “For purposes of this subsection” and inserting “For purposes of this section”,

(3) by striking “paragraph (1)” in paragraphs (1)(B) and (2)(B) and inserting “subsection (a)(1)”, and

(4) by adding at the end the following new paragraph:

“(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified small wind energy property’ means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property which is—

“(i) a farm (within the meaning of section 2032A(e)(4), or

“(ii) a small business (within the meaning of section 44(b)(1) located in a rural area (within the meaning of clause (i) or (ii) of section 1400E(a)(2)(B)).

“(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed \$4,000 with respect to any taxpayer.

“(C) QUALIFYING SMALL WIND TURBINE.—The term ‘qualifying small wind turbine’ means a wind turbine which—

“(i) has a nameplate capacity of not more than 100 kilowatts, and

“(ii) meets the performance standards of the American Wind Energy Association.

“(D) TERMINATION.—The term ‘qualified small wind energy property’ shall not include any property for any period after December 31, 2008.”

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraphs (1)(B), (2)(B), and (3)(B)”.

(e) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

**SA 3554.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

#### SEC. 12301. CREDIT FOR RESIDENTIAL AND BUSINESS WIND PROPERTY.

(a) RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by adding at the end the following new paragraph:

“(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.”

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) \$4,000 with respect to any qualified small wind energy property expenditures.”

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

“(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term ‘qualified small wind energy property expenditure’ means an expenditure for qualified small wind energy property (as defined in section 48(c)(3)(A)) installed on or in connection with a dwelling unit and related real property of greater than 100 acres that is located in the United States and used as a residence by the taxpayer.”

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: “Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.”

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking “and” at the end of clause (ii), by inserting “; and” at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) \$1,667 in the case of wind turbines for which qualified small wind energy property expenditures are made.”

(b) BUSINESS WIND PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking “or” at the end of clause (iii), by adding “or” at the end of clause (iv), and by inserting after clause (iv) the following new clause:

“(v) qualified small wind energy property.”

(2) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking “and” at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

“(IV) qualified small wind energy property, and”.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(A) by inserting “; QUALIFIED SMALL WIND ENERGY PROPERTY” after “QUALIFIED MICROTURBINE PROPERTY” in the heading,

(B) by striking “For purposes of this subsection” and inserting “For purposes of this section”,

(C) by striking “paragraph (1)” in paragraphs (1)(B) and (2)(B) and inserting “subsection (a)(1)”, and

(D) by adding at the end the following new paragraph:

“(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified small wind energy property’ means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property the area of which is greater than 100 acres.

“(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed \$4,000 with respect to any taxpayer.

“(C) QUALIFYING SMALL WIND TURBINE.—The term ‘qualifying small wind turbine’ means a wind turbine which—

“(i) has a nameplate capacity of not more than 100 kilowatts, and

“(ii) meets the performance standards of the American Wind Energy Association.

“(D) TERMINATION.—The term ‘qualified small wind energy property’ shall not include any property for any period after December 31, 2008.”

(4) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking “paragraphs

(1)(B) and (2)(B)" and inserting "paragraphs (1)(B), (2)(B), and (3)(B)".

(c) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

**SA 3555.** Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**TITLE XIII—HOUSING ASSISTANCE COUNCIL**

**SEC. 13001. SHORT TITLE.**

This title may be cited as the "Housing Assistance Council Authorization Act of 2007".

**SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.**

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) \$10,000,000 for fiscal year 2008; and  
(2) \$15,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

**SA 3556.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, line 9, insert "(after taking into consideration recommendations made by the National Academy of Sciences)" after "President".

**SA 3557.** Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, 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; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. Statement of Appropriations.

**LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2008**

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**SEC. 2. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

**TITLE I**

**DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION**

**TRAINING AND EMPLOYMENT SERVICES**

**(INCLUDING RESCISSIONS)**

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,618,940,000, plus reimbursements, is available. Of the amounts provided:

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

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

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

(C) \$1,189,811,000 for dislocated worker employment and training activities, of which \$341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which \$848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, \$483,371,000 as follows:

(A) \$282,092,000 for the dislocated workers assistance national reserve, of which \$6,300,000 shall be available on October 1, 2007, of which \$63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which \$212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to \$125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such

eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That \$2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That \$1,500,000 shall be for a non-competitive grant to the AFL-CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That \$2,200,000 shall be for a non-competitive grant to the AFL-CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) \$55,039,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) \$82,740,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including \$77,265,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

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

(E) \$62,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, \$141,059,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) \$50,569,000 for Pilots, Demonstrations, and Research, of which \$5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the statement of the managers on the conference report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) \$78,694,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D), of which not less than \$59,000,000 shall be for youthful offender activities: *Provided*, That \$50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

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

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

Of the amounts made available under this heading in Public Law 107-116 to carry out the activities of the National Skills Standards Board, \$44,000 are rescinded.

Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, \$245,000,000 are rescinded: *Provided*, That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: *Provided further*, That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in the statement of the managers on the conference report accompanying this Act.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

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

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, \$888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$90,517,000, together with not to exceed \$3,337,506,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including \$10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501-8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) \$10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$693,000,000 from the Trust Fund, together with \$22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-

Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) \$32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) \$14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

*Provided*, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87.

In addition, \$40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for non-repayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2009, \$437,000,000.

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

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$88,451,000, together with not to exceed \$88,211,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

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

#### PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of \$411,151,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional \$9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional \$50,000 shall be made available for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

#### EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$435,397,000, together with \$2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31

U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, \$102,000,000 are rescinded.

#### SPECIAL BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, \$21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$16,109,000.

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

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

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

#### SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred

in the current fiscal year, such amounts as may be necessary.

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

#### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICP"), the Secretary shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

#### BLACK LUNG DISABILITY TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,761,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed \$24,785,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$335,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

#### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$500,568,000, including not to exceed \$91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans

approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

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

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

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

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

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,116,000 shall be available for Susan Harwood training grants, of which \$3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the

House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

**MINE SAFETY AND HEALTH ADMINISTRATION**  
**SALARIES AND EXPENSES**

For necessary expenses for the Mine Safety and Health Administration, \$339,893,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities, \$2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and \$1,215,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**BUREAU OF LABOR STATISTICS**  
**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local

agencies and their employees for services rendered, \$488,804,000, together with not to exceed \$78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

**OFFICE OF DISABILITY EMPLOYMENT POLICY**  
**SALARIES AND EXPENSES**

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

**DEPARTMENTAL MANAGEMENT**  
**SALARIES AND EXPENSES**

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$304,856,000, of which \$82,516,000 is for the Bureau of International Labor Affairs (including \$5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which \$20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

**OFFICE OF JOB CORPS**

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$1,650,516,000, plus reimbursements, as follows:

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

(2) \$113,960,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which \$13,960,000 is available for the period July 1, 2008 through June 30, 2011 and \$100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

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

*Provided*, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

**VETERANS EMPLOYMENT AND TRAINING**

Not to exceed \$197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100-4113, 4211-4215, and 4321-4327 of title 38, United States Code, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2008, of which \$1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, \$31,055,000, of which \$7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

**OFFICE OF INSPECTOR GENERAL**

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

**GENERAL PROVISIONS**

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

**(TRANSFER OF FUNDS)**

**SEC. 102.** Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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

**SEC. 104.** After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than \$110) that each of its employees of the National Capital Region is eligible to receive.

**SEC. 105.** None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

**SEC. 106.** There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

**SEC. 107.** None of the funds made available to the Department of Labor for grants under

section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administrative action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).

(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.

SEC. 112. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A-76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 113. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regula-

tions pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109-236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.

(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109-236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.

SEC. 114. None of the funds appropriated in this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved in including Employment and Training Administration programs.

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

## TITLE II

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### HEALTH RESOURCES AND SERVICES ADMINISTRATION

##### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, \$7,235,468,000, of which \$317,684,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which \$38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, \$160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That \$40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the “Health Care Fraud and Abuse Data Collection Program”, authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than \$44,055,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, \$310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, \$1,868,809,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: *Provided further*, That within the amounts provided for part A of title XXVI of the Public Health Service Act, \$9,377,000 is available to the Secretary of Health and Human Services through September 30, 2010, and shall be made available to qualifying jurisdictions within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subpart I of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart I of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 91.6 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2007 under subpart II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart II of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for

the award: *Provided further*, That \$822,570,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed \$103,666,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,586,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, \$39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113: *Provided further*, That of the funds provided, \$25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than \$5,000,000 shall be for general dentistry programs, not less than \$5,000,000 shall be for pediatric dentistry programs and not less than \$24,614,000 shall be for family medicine programs: *Provided further*, That of the funds available under this heading, \$12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.

**HEALTH EDUCATION ASSISTANCE LOANS  
PROGRAM ACCOUNT**

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,906,000.

**VACCINE INJURY COMPENSATION PROGRAM  
TRUST FUND**

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

**CENTERS FOR DISEASE CONTROL AND  
PREVENTION**

**DISEASE CONTROL, RESEARCH, AND TRAINING**

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$6,288,289,000, of which \$147,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which \$568,803,000 shall remain avail-

able until expended for the Strategic National Stockpile; of which \$52,500,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which \$121,541,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$116,550,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$44,523,000 for Health Marketing; (5) \$31,000,000 to carry out Public Health Research; and (6) \$97,404,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to \$31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: *Provided further*, That not to exceed \$19,414,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: *Provided further*, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to \$30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by March 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than \$1,000,000 may be made available to any one State, and any amounts that have not been obligated by March 31, 2008 shall be used to make grants authorized by

other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.

**NATIONAL INSTITUTES OF HEALTH**

**NATIONAL CANCER INSTITUTE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,925,740,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

**NATIONAL HEART, LUNG, AND BLOOD INSTITUTE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,001,691,000.

**NATIONAL INSTITUTE OF DENTAL AND  
CRANIOFACIAL RESEARCH**

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$399,867,000.

**NATIONAL INSTITUTE OF DIABETES AND  
DIGESTIVE AND KIDNEY DISEASES**

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,753,037,000.

**NATIONAL INSTITUTE OF NEUROLOGICAL  
DISORDERS AND STROKE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,578,210,000.

**NATIONAL INSTITUTE OF ALLERGY AND  
INFECTIOUS DISEASES**

**(INCLUDING TRANSFER OF FUNDS)**

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,682,585,000: *Provided*, That \$300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

**NATIONAL INSTITUTE OF GENERAL MEDICAL  
SCIENCES**

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,984,879,000.

**NATIONAL INSTITUTE OF CHILD HEALTH AND  
HUMAN DEVELOPMENT**

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,286,379,000.

**NATIONAL EYE INSTITUTE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$684,126,000.

**NATIONAL INSTITUTE OF ENVIRONMENTAL  
HEALTH SCIENCES**

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$658,258,000.

**NATIONAL INSTITUTE ON AGING**

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,076,389,000.

**NATIONAL INSTITUTE OF ARTHRITIS AND  
MUSCULOSKELETAL AND SKIN DISEASES**

For carrying out section 301 and title IV of the Public Health Service Act with respect

to arthritis and musculoskeletal and skin diseases, \$521,459,000.

**NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS**

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$403,958,000.

**NATIONAL INSTITUTE OF NURSING RESEARCH**

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$140,900,000.

**NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM**

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$447,245,000.

**NATIONAL INSTITUTE ON DRUG ABUSE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,025,839,000.

**NATIONAL INSTITUTE OF MENTAL HEALTH**

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,440,557,000.

**NATIONAL HUMAN GENOME RESEARCH INSTITUTE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$498,748,000.

**NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING**

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$305,884,000.

**NATIONAL CENTER FOR RESEARCH RESOURCES**

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,182,015,000.

**NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$124,647,000.

**NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES**

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$204,542,000.

**JOHN E. FOGARTY INTERNATIONAL CENTER**

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), \$68,216,000.

**NATIONAL LIBRARY OF MEDICINE**

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$329,039,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.

**OFFICE OF THE DIRECTOR**

For carrying out the responsibilities of the Office of the Director, National Institutes of

Health, \$1,145,790,000, of which up to \$25,000,000 shall be used to carry out section 215 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That no more than \$500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That \$110,900,000 shall be available for continuation of the National Children's Study: *Provided further*, That \$531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: *Provided further*, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to \$4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

**BUILDINGS AND FACILITIES**

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$130,000,000, to remain available until expended.

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION**

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES**

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,290,848,000, of which \$19,644,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$19,750,000 to carry out national surveys on drug abuse; and (4) \$4,300,000 to evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.

**AGENCY FOR HEALTHCARE RESEARCH AND QUALITY**

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed \$334,564,000.

**CENTERS FOR MEDICARE AND MEDICAID SERVICES**

**GRANTS TO STATES FOR MEDICAID**

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

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

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

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

**PAYMENTS TO HEALTH CARE TRUST FUNDS**

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$188,828,000,000.

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

**PROGRAM MANAGEMENT**

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,276,502,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That \$193,000,000, to remain available

until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That \$5,140,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

#### HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which \$249,620,000 is for the Centers for Medicare and Medicaid Services for carrying out program integrity activities with respect to title XVIII of such Act, including activities authorized under the Medicare Integrity Program under section 1893 of such Act; of which \$35,000,000 is for the Centers for Medicare and Medicaid Services for carrying out Medicaid IPIA Compliance with respect to titles XIX and XXI of such Act; and of which, for carrying out fraud and abuse control activities authorized by section 1817(k)(3) of such Act, \$36,690,000 is for the Department of Justice; \$36,690,000 is for the Department of Health and Human Services Office of the Inspector General; and \$25,000,000 is for the Department of Health and Human Services: *Provided*, That the report required by section 1817(k)(5) of such Act for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs of the funds provided by this appropriation.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

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

#### LOW-INCOME HOME ENERGY ASSISTANCE

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

For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), \$431,585,000, notwithstanding the designation requirement of section 2602(e) of such Act.

#### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, \$652,394,000, of which up to \$9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

#### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, \$2,094,581,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which \$982,080 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$267,785,718 shall be reserved by the States for activities authorized under section 658G, of which \$98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

In addition, \$5,000,000, to remain available until September 30, 2009, shall be for carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

#### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

#### CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the

Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Lifespan Respite Care Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, \$9,220,695,000, of which \$4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided*, That \$7,042,196,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That \$706,125,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than \$8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That \$18,820,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$12,920,000 shall be for payments to States to promote access for voters with disabilities, and of which \$5,900,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That \$136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That

grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

#### PROMOTING SAFE AND STABLE FAMILIES

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

#### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

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

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

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

#### ADMINISTRATION ON AGING AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, \$1,446,651,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

#### OFFICE OF THE SECRETARY GENERAL DEPARTMENTAL MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the Lifespan Respite Care Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$387,070,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities

specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, \$51,891,000 shall be for minority AIDS prevention and treatment activities; and \$5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and \$1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee; and \$5,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

#### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$67,500,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

#### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$27,651,000: *Provided*, That in addition to amounts provided herein, \$38,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$45,187,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$33,748,000, together with not to exceed \$3,314,000 to be transferred and ex-

pended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

#### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

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

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

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, \$741,586,000, of which not to exceed \$22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F-2(c)(7)(B) of the Public Health Service Act, and of which \$149,250,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, \$763,923,000, of which \$685,832,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

#### GENERAL PROVISIONS

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

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

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

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

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

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

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the

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

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

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

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

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

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

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:

(1) The Secretary of Health and Human Services (in this section referred to as the "Secretary of HHS") may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition,

lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or non-profit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the "Director of NIH") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

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

SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a non-profit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

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

SEC. 220. Not to exceed \$35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$2,500,000 per project.

SEC. 221. (a) PROHIBITION.—With respect to the 2010–2011 influenza season, the Secretary of Health and Human Services (the Secretary) shall not use or make available any funds for the administration of any influenza vaccine containing thimerosal as a preservative (thimerosal-free) to any child under 3 years of age, unless the Secretary:

(1) finds that there is inadequate supply of thimerosal-free influenza vaccine for the covered population and for the respective influenza season; or

(2) finds that an actual or potential public health situation justifies the use of other influenza vaccine for children under 3 years of age; and

(3) gives written notice of such findings (and an explanation of the basis for the findings) to the Congress and of actions the Secretary is taking to ensure adequate supply of pediatric thimerosal-free influenza vaccine for the following influenza season.

(b) REPORT TO CONGRESS.—To improve public confidence in the safety of vaccines, the Secretary shall submit to the Congress a plan no later than April 1, 2008—

(1) to work proactively with manufacturers of influenza vaccine to facilitate the approval of thimerosal-free influenza vaccine for administration to children under 3 years of age;

(2) to increase the Federal Government's purchases of thimerosal-free influenza vaccine; and

(3) to take any other actions determined appropriate by the Secretary to increase the supply of thimerosal-free influenza vaccine.

#### (TRANSFER OF FUNDS)

SEC. 222. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Di-

rector of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 223. None of the funds made available in this Act may be used—

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

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

SEC. 224. There is hereby established in the Treasury of the United States a fund to be known as the “Nonrecurring expenses fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

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

### TITLE III

#### DEPARTMENT OF EDUCATION EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”) and section 418A of the Higher Education Act of 1965, \$15,930,691,000, of which \$7,611,423,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which \$8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That \$6,808,971,000 shall be for basic grants under section 1124: *Provided further*, That up to \$4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be for concentration grants under section 1124A: *Provided further*, That \$3,068,680,000 shall be for targeted grants under section 1125: *Provided further*, That \$3,068,680,000 shall be for education finance incentive grants under section 1125A: *Provided further*, That \$9,330,000 shall be to carry out sections 1501 and 1503: *Provided further*, That \$1,634,000 shall be available for a comprehensive school reform clearinghouse.

#### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,262,778,000, of which \$1,126,192,000 shall be for basic support payments under section 8003(b), \$49,466,000 shall be for payments for children with disabilities under section 8003(d), \$17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, \$64,350,000 shall be for Federal property payments under sec-

tion 8002, and \$4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

#### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,411,758,000, of which \$3,790,731,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which \$1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than \$1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That \$58,129,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That \$18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*,

That \$3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

#### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$124,000,000.

#### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$1,010,084,000: *Provided*, That \$9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That \$361,917,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That \$103,293,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That \$99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to \$24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than \$190,000,000 to carry out other activities authorized under subpart 1.

#### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$708,835,000, of which \$300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided*, That \$300,000,000 shall be available for subpart 1 of part A of title IV and \$222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than \$1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (“Project SERV”) program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been

disrupted due to a violent or traumatic crisis: *Provided further*, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That \$152,998,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,072,000 may be used to carry out section 2345 and \$3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

#### ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$722,717,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

#### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (“IDEA”) and the Special Olympics Sport and Empowerment Act of 2004, \$12,357,999,000, of which \$5,461,394,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which \$6,654,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That \$13,000,000 shall be for Record for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That \$8,000,000 shall be available to support the 2009 Special Olympics World Winter Games.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (“the AT Act”), and the Helen Keller National Center Act, \$3,285,985,000, of which \$1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That \$3,242,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the

managers on the conference report accompanying this Act.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$22,000.

##### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$60,757,000, of which \$1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

##### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$115,400,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

#### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”) and title VIII–D of the Higher Education Amendments of 1998, \$2,013,329,000, of which \$1,218,252,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which \$791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, \$69,759,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State’s absolute need as determined by calculating each State’s share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$7,000,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: *Provided further*, That funds made available to local educational

agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

STUDENT FINANCIAL ASSISTANCE  
(INCLUDING RESCISSION)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, \$16,379,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008-2009 shall be \$4,435.

Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, \$525,000,000 are rescinded.

For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, \$525,000,000, which shall remain available through September 30, 2009.

STUDENT AID ADMINISTRATION

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

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$2,095,608,000: *Provided*, That \$9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009-2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That \$620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That \$104,399,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University, \$237,392,000, of which not less than \$3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, \$481,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, \$188,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$561,315,000, of which \$293,155,000 shall be available until September 30, 2009.

DEPARTMENTAL MANAGEMENT  
PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$420,698,000, of which \$3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

OFFICE FOR CIVIL RIGHTS

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

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$53,239,000.

GENERAL PROVISIONS

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

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the De-

partment of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—

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

(2) to disclose the existence of any such potential financial interest or bias.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.

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

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

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community

Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

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

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

SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an “institution of higher education” under section 102 of that Act.

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

#### TITLE IV RELATED AGENCIES

##### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

###### SALARIES AND EXPENSES

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

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

###### OPERATING EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 (“1973 Act”) and the National and Community Service Act of 1990 (“1990 Act”), \$798,065,000, of which \$313,054,000 is to carry out the 1973 Act and \$485,011,000 is to carry out the 1990 Act: *Provided*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to

support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not less than \$126,121,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: *Provided further*, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than \$55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) \$12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than \$5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle G of title I of the 1990 Act.

###### SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$68,964,000.

###### OFFICE OF INSPECTOR GENERAL

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

###### ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term “qualified student loan” with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student’s cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been

determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.

SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).

SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 407. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

###### CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, \$420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, \$29,700,000 shall be for costs related to digital program production, development, and distribution, associated with

the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, \$26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 (replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110-5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109-149), shall be used to support the Television Future Fund or any similar purpose.

**FEDERAL MEDIATION AND CONCILIATION SERVICE**

**SALARIES AND EXPENSES**

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454, \$44,450,000, including \$650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**SALARIES AND EXPENSES**

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$8,096,000.

**INSTITUTE OF MUSEUM AND LIBRARY SERVICES**  
**OFFICE OF MUSEUM AND LIBRARY SERVICES:**

**GRANTS AND ADMINISTRATION**

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$277,131,000: *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

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

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

**NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE**  
**SALARIES AND EXPENSES**

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

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

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

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

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

**NATIONAL MEDIATION BOARD**

**SALARIES AND EXPENSES**

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$12,992,000, of which \$750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**SALARIES AND EXPENSES**

For expenses necessary for the Occupational Safety and Health Review Commission, \$10,696,000.

**RAILROAD RETIREMENT BOARD**

**DUAL BENEFITS PAYMENTS ACCOUNT**

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

**FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS**

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

**LIMITATION ON ADMINISTRATION**

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad

Unemployment Insurance Act, \$103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

**LIMITATION ON THE OFFICE OF INSPECTOR GENERAL**

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$7,803,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

**SOCIAL SECURITY ADMINISTRATION**

**PAYMENTS TO SOCIAL SECURITY TRUST FUNDS**

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, \$28,140,000.

**SUPPLEMENTAL SECURITY INCOME PROGRAM**

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$27,014,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

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

**LIMITATION ON ADMINISTRATIVE EXPENSES**

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$9,522,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this

information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

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

In addition to amounts made available above, and subject to the same terms and conditions, \$213,000,000, for additional continuing disability reviews and redeterminations of eligibility.

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

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

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$27,000,000, together with not to exceed \$68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V  
GENERAL PROVISIONS

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

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

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or

video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

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

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and expenses".

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

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

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

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

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

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

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

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

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

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abor-

tion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

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

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

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

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

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

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

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

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

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

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

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

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

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes or renames offices;
- (6) reorganizes programs or activities; or
- (7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

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

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.

SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepage of their Internet websites—

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

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 524. Section 1848(l)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90), is amended by striking "\$1,350,000,000" and inserting "\$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed \$650,000,000" in the first sentence.

SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section

101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.

SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008".

**SA 3558.** Mr. INOUE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1192, strike line 13 and insert the following:

**"SEC. 9023. SUGAR ETHANOL LOAN GUARANTEE PROGRAM.**

"(a) IN GENERAL.—The Secretary shall guarantee the timely payment of 100 percent of the principal and interest due on loans made to finance each of 2 projects under this section to demonstrate the feasibility and viability of the commercial production of ethanol derived from sugarcane, sugarcane bagasse, and other sugarcane byproducts as feed stocks.

"(b) REQUIREMENT.—To receive a loan guarantee under this section, an applicant shall provide to the Secretary assurances satisfactory to the Secretary that—

"(1) the project design has been validated through the operation of a continuous production facility;

"(2) the project has been subject to a full technical review;

"(3) the project, with the loan guarantee, will be economically viable;

"(4) the project includes an operating cane mill the production of which, as of the date of the enactment of this Act, is subject to allotment under section 359c(e)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ccc(e)(2)); and

"(5) there is reasonable assurance of repayment of the loan.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a loan guarantee under this section—

"(A) may be issued for up to 80 percent of the estimated cost of the project; but

"(B) shall not exceed \$100,000,000 for any 1 project.

“(2) ADDITIONAL GUARANTEES.—The Secretary may issue an additional loan guarantee under this section to cover the lesser of—

“(A) 80 percent of the excess of the actual project cost over the estimated project cost; or

“(B) 10 percent of the amount guaranteed under paragraph (1).

“(3) MAXIMUM TERM OF LOAN GUARANTEE.—The Secretary shall determine the maximum term of a loan guarantee provided under this section.

“(d) GRANTS.—To carry out this section, not later than 5 years after the date of enactment of this Act, the Secretary shall make 2 grants, each of which shall be in the amount of \$10,000,000, for 2 demonstration projects, consistent with the requirements of subsection (b)(4).

“(e) ADMINISTRATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

**“SEC. 9024. FUTURE FARMSTEADS PROGRAM.**

**SA 3559.** Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, strike lines 6 and 7 and insert the following:

“(3) EXCEPTION.—Paragraph (1) does not apply to a payment described in paragraph (2)(B) if the payment is made to an individual or entity in connection with any farming, ranching, or forestry operation carried out in the State of Hawaii.

“(4) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

**SA 3560.** Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 778, between lines 2 and 3, insert the following:

**SEC. 60. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.**

(a) IN GENERAL.—The Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1992) the following:

**“SEC. 345. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.**

“(a) DEFINITIONS.—In this section:

“(1) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

“(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘geographically disadvantaged farmer or rancher’ has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

“(b) AUTHORIZATION.—

“(1) IN GENERAL.—Subject to paragraph (2) and the availability of funds under sub-

section (d), for each fiscal year, the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

“(2) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed \$15,000,000 for each fiscal year.

“(c) TRANSPORTATION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

“(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), farmer or rancher shall provide to the Secretary proof (as determined by the Secretary) that transportation or the agricultural commodity or inputs occurred over a distance of more than 30 miles.

“(3) AMOUNT.—The amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under a subsection for a fiscal year shall equal the product obtained by multiplying—

“(A) the amount of costs incurred by the farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

“(B) the percentage of the allowance for that fiscal year made under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

**SA 3561.** Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_\_. TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.**

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed \$250,000.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retire-

ment plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be includable in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract, and

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)s.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includable in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term “eligible retirement plan” has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term “qualified taxpayer” means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term “qualified settlement income” means any interest and punitive damage awards which are—

(1) includable in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post judgment and whether related to a settlement or judgment).

**SA 3562.** Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1115, strike line 8 and insert the following:  
improvements and renewable energy systems (including small hydroelectric systems, as determined by the Secretary); and

**SA 3563.** Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

**SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.**

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is amended by striking subsection (c) and inserting the following:

**“(c) FUNDING.**—

“(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use \$60,000,000 for each of fiscal years 2008 through 2012.

“(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

“(A) \$3,000,000; or

“(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.”.

**SA 3564.** Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 462, line 2, strike “may” and insert “shall”.

On page 474, strike lines 9 through 25 and insert the following:

**“(7) FUNDING.**—

**“(A) SET ASIDE.—**

“(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

“(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

“(B) UNUSED FUNDS.—Any funds reserved for a fiscal year under subparagraph (A) that are not obligated by April 1 of that fiscal year may be used to carry out any other activity under a conservation program under subtitle D during the remainder of that fiscal year.

“(C) OVERHEAD AND ADMINISTRATIVE COSTS INELIGIBLE.—No overhead or administrative cost of a partner shall be covered by funds provided pursuant to this paragraph.

**“(D) EASTERN SNAKE PLAIN AQUIFER PILOT PROJECT.—**

“(i) IN GENERAL.—Notwithstanding subparagraph (B), of amounts available under subparagraph (A), the Secretary shall reserve not less than \$2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

“(ii) APPROVAL.—The Secretary may approve regional water conservation activities under this subparagraph that address, in whole or in part, water quality issues.”.

**SA 3565.** Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Accountability in Government Contracting Act of 2007”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

**TITLE I—ACQUISITION WORKFORCE**

Sec. 101. Federal acquisition workforce.

**TITLE II—COMPETITION AND ACCOUNTABILITY**

Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.

Sec. 202. Statement of work requirements for certain task or delivery orders.

Sec. 203. Protests of task and delivery orders.

Sec. 204. Publication of justification and approval documents.

Sec. 205. Limitation on length of certain noncompetitive contracts.

Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.

Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.

Sec. 208. Guidance on use of cost-reimbursement contracts.

Sec. 209. Preventing conflicts of interest.

Sec. 210. Linking of award and incentive fees to acquisition outcomes.

**TITLE III—ACCOUNTABILITY AND ADMINISTRATION**

Sec. 301. Definitzing of letter contracts.

Sec. 302. Preventing abuse of interagency contracts and assisted acquisition services.

Sec. 303. Purchase card waste elimination.

Sec. 304. Lead systems integrators.

Sec. 305. Limitations on tiering of subcontractors.

Sec. 306. Responsibility of contractors that are serious threats to national security.

Sec. 307. Required certification of program managers for Department of Homeland Security level one programs.

Sec. 308. Elimination of one-year limitation on interest due on late payments to contractors.

Sec. 309. Ensuring that Federal employees perform inherently governmental work.

Sec. 310. Report on Acquisition Advisory Panel report implementation.

Sec. 311. Report by the Government Accountability Office.

Sec. 312. Mapping and surveying services.

Sec. 313. Timely and accurate transmission of information included in Federal Procurement Data System.

Sec. 314. Use of existing funds for regulations and reports.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) Except as otherwise provided, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “assisted acquisition” means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410).

(3) The term “micro-purchase” means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(4) The term “multi-agency contract” means any contract available for use by more than 1 executive agency.

**TITLE I—ACQUISITION WORKFORCE**

**SEC. 101. FEDERAL ACQUISITION WORKFORCE.**

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:

“(1) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—

“(1) supervising the acquisition workforce training fund established under section 37(h)(3);

“(2) administering the government-wide acquisition intern program established under section 43;

“(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;

“(4) reviewing and providing input to individual agency acquisition workforce succession plans;”

“(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

“(6) carrying out such other functions as the Administrator may assign.”

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

**“SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.**

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

“(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(l) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.

“(c) TERMS OF ACQUISITION INTERN PROGRAM.—

“(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

“(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

“(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

“(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

“(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

“(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.”.

(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

**“SEC. 44. CONTINGENCY CONTRACTING CORPS.**

“(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the ‘Corps’). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

“(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

“(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

“(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.

“(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

“(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator’s designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

“(g) ANNUAL REPORT.—

“(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

“(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.”.

(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(2) be developed and applied according to rigorous standards; and

(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.

(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.

(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.

(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).

(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency’s strategic human capital plan for the recruitment, development, and retention of the agency’s acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) CONTENT OF PLAN.—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency’s acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(i) AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.—

(1) AUTHORIZATION.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.

(2) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—

(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;

(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;

(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and

(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.

(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(j) ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(k) TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(l) EXTENSION OF DIRECT HIRING AUTHORITY.—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136) is amended by striking “September 30, 2007” and inserting “September 30, 2010”.

(m) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414)

is amended by adding at the end the following new paragraph:

“(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.”.

(n) UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

## TITLE II—COMPETITION AND ACCOUNTABILITY

### SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

#### (b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

#### (3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—

(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(d) DEFINITIONS.—In this section:

(1) The term “individual purchase” means a task order, delivery order, or other purchase.

(2) The term “multiple award contract” means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

### SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.

(a) CIVILIAN CONTRACTS.—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:

“(c) STATEMENT OF WORK AND SELECTION BASIS.—

(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

(A) include a clear statement of the executive agency’s requirements;

(B) permit a reasonable response period;

(C) disclose the significant factors and sub-factors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and

the relative importance of those and other factors;

(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e).”.

(b) DEFENSE CONTRACTS.—Section 2304c(c) of title 10, United States Code, is amended to read as follows:

“(c) STATEMENT OF WORK AND SELECTION BASIS.—

(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

(A) include a clear statement of the agency’s requirements;

(B) permit a reasonable response period;

(C) disclose the significant factors and sub-factors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.”.

### SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

“(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.”.

(b) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code is amended to read as follows:

“(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.”.

(c) ESTABLISHMENT OF THRESHOLD.—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and

section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be \$5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed \$25,000,000. The threshold shall be \$5,000,000 until a final rule is promulgated in accordance with such determination.

**SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.**

(a) CIVILIAN CONTRACTS.—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) is amended—

(1) in subparagraph (B)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.”.

(b) DEFENSE CONTRACTS.—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.”.

**SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(II) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).”.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).”.

**SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.**

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

“(4)(A) No task or delivery order contract for services in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

“(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.”.

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) No task or delivery order contract for services in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

“(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.”.

**SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.**

(a) GUIDANCE REQUIRED.—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2305).

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting offi-

cer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

**SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

**SEC. 209. PREVENTING CONFLICTS OF INTEREST.**

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) PERSONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;

(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.

**SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be “excellent” or “superior” and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be “acceptable”, “average”, “expected”, “good”, or “satisfactory”;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

**TITLE III—ACCOUNTABILITY AND ADMINISTRATION**

**SEC. 301. DEFINITIZING OF LETTER CONTRACTS.**

(a) **CIVILIAN CONTRACTS.**—The Federal Property and Administrative Services Act of

1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

**“SEC. 318. DEFINITIZING OF LETTER CONTRACTS.**

“The head of an executive agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.”.

(b) **DEFENSE CONTRACTS.**—

(1) **DEFINITIZING OF LETTER CONTRACTS.**—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:

**“§ 2334. Definitzing of letter contracts**

“The head of an agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2334. Definitzing of letter contracts.”.

**SEC. 302. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.**

(a) **OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.**—

(1) **REPORT AND GUIDELINES.**—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) **MATTERS COVERED BY GUIDELINES.**—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) **REGULATIONS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an assisted acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) **AGENCY REPORTING REQUIREMENT.**—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) **REPORT ON INTERAGENCY CONTRACTING.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.

(2) **CONTENT.**—The report under paragraph (1) shall include the following information:

(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.

(C) The number of enterprise-wide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(3) **PUBLICATION.**—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.

(e) **REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.

(f) **REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.**—

(1) **REGULATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.

(2) **REVIEW.**—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.

(3) **APPROVAL REQUIRED.**—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.

(4) **EVALUATION OF COSTS.**—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A-76.

(g) **REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.**—

(1) **REVIEW.**—Not later than 270 days after the date of the enactment of this Act, the

head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.

(2) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A-76.

(h) IMPROVED TRANSPARENCY OF INTER-AGENCY CONTRACTING DATA.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" includes the Department of Defense, but does not include the military departments and defense agencies.

#### SEC. 303. PURCHASE CARD WASTE ELIMINATION.

##### (a) REQUIREMENT FOR GUIDANCE.—

(1) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:

(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.

(B) Negotiation of discount agreements with major vendors accepting the purchase card.

(C) Establishment of communication programs to ensure that purchase cardholders receive information pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.

(D) Assessment of cardholder purchasing practices, including use of discount agreements.

(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.

(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(B) actively pursue point-of-sale discounts with major vendors accepting the purchase

card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(3) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).

(4) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—

(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and

(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.

(b) PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

(c) REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.—

(1) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(2) CONTENT.—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—

(A) the names of each traveler;

(B) the date of travel;

(C) the points of origination and destination;

(D) the cost of the first class or business class travel; and

(E) the cost difference between such travel and travel by coach class.

#### SEC. 304. LEAD SYSTEMS INTEGRATORS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.

(b) GUIDANCE.—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

#### SEC. 305. LIMITATIONS ON TIERING OF SUB-CONTRACTORS.

(a) REGULATIONS.—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors

or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

#### SEC. 306. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.

(a) RESPONSIBILITY OF CONTRACTOR.—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing whether a contractor is responsible enough to be awarded a Federal contract.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.

#### SEC. 307. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than \$100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.

#### SEC. 308. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.

Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2)."

#### SEC. 309. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.

The Administrator for Federal Procurement Policy shall—

(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A-76);

(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and

(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.

#### SEC. 310. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the "Panel") established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 41 U.S.C. 405 note).

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the implementation of the recommendations of the Panel; and

(2) with respect to any recommendations of the Panel not implemented, a justification

and discussion of the reasons for not implementing such recommendations.

**SEC. 311. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) REPORT.—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.

(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.

(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108-136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.

**SEC. 312. MAPPING AND SURVEYING SERVICES.**

The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.

**SEC. 313. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.**

Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

“(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.”

**SEC. 314. USE OF EXISTING FUNDS FOR REGULATIONS AND REPORTS.**

Provisions and amendments of this Act requiring the promulgation of regulations or the production of reports shall be carried out using existing funds.

**NOTICE OF HEARING**

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee

on Rules and Administration will meet on Wednesday, December 12, 2007, at 10 a.m., in order to hear testimony on the recently released GAO report regarding funding challenges and facilities maintenance at the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, November 7, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will discuss research and development efforts to safely and efficiently sequester carbon dioxide. Carbon dioxide capture and sequestration is a widely discussed solution to decreasing atmospheric concentrations of carbon dioxide.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled “Examining U.S. Government Enforcement of Intellectual Property Rights” on Wednesday, November 7, 2007. The hearing will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a markup of S. 2300, the Small Business Contracting Revitalization Act of 2007. The meeting will commence on Wednesday, November 7, 2007, at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, November 7, 2007, in order to conduct an oversight hearing on performance and structure of the U.S. Court of Appeals for Veterans Claims. The Committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**NAMING OF THE OSCAR G. JOHNSON VETERANS MEDICAL FACILITY**

Mr. DURBIN. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from the further consideration of H.R. 2602, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2602) to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the “Oscar G. Johnson Department of Veterans Affairs Medical Facility”.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid on the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2602) was ordered to a third reading, was read the third time, and passed.

**ACCOUNTABILITY IN GOVERNMENT CONTRACTING ACT OF 2007**

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 420, S. 680.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 680) to ensure proper oversight and accountability in Federal contracting, and for other purposes.

Without objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Accountability in Government Contracting Act of 2007”.*

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. Definitions.*

**TITLE I—ACQUISITION WORKFORCE**

**Sec. 101. Federal acquisition workforce.**

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