AN ACT

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

1  Be it enacted by the Senate and House of Representa-
2  tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

**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 ("the Act"), and the Women in Apprenticeship and Nontraditional 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 Act, $3,579,530,000, 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 is available for the period July 1, 2008, to June 30, 2009, and of which $712,000,000 is avail-
able 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.

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 is available for the period July 1, 2008, through June 30, 2009, and of which $848,000,000 is available for the period October 1, 2008, through June 30, 2009: Provided, That notwithstanding the transfer limitation under section 133(b)(4) of such Act (29 U.S.C. 2863(B)(4)), up to 30 percent of such funds may be transferred by a local board if approved by the Governor.

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

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $2,600,000 is available on October 1, 2007, of which $67,492,000 is available for the period July 1, 2008, through June 30, 2009, and of which $212,000,000 is available for the period October 1, 2008, through June 30, 2009: Pro-
vided, That up to $125,000,000 may be made available for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Act (29 U.S.C. 2862(A)(2)(a)) 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 Act (29 U.S.C. 2916(d)) 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.

(B) $56,381,000 for Native American programs, which shall be available for the period July 1, 2008, through June 30, 2009.
(C) $83,740,000 for migrant and seasonal farmworkers under section 167 of the Act (29 U.S.C. 2912), of which $78,740,000 is for formula grants (of which not less that 70 percent shall be for employment and training services) and $5,000,000 is for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), which shall be available for the period July 1, 2008, through June 30, 2009.

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

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

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

(A) $68,746,000 for ex-offender activities, under the authority of section 171 of the Act (29 U.S.C. 2916), notwithstanding the require-
ments of sections 171(b)(2)(B) or 171(c)(4)(D) of such section, of which not less than $48,000,000 shall be for youthful offender activities.

(B) $28,140,000 for Pilots, Demonstrations, and Research (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the Act (29 U.S.C. 2916(b)(2)(B) or (c)(4)(D)), of which $10,000,000 shall be for grants to address the employment and training needs of young parents.

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

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

Of the unexpended balances, including recaptures and carryover, remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2006 and prior years, $335,000,000 is rescinded.
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, $85,945,000, together with not to exceed $3,256,669,000 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 un-
employment 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 8501–8525 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) $23,203,000, together with $702,680,000 from the Trust Fund, is for grants to States in ac-
cordance 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 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) $9,757,000 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 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 pre-
scribed 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 fiscal year 2008, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of claimants 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 nonrepayable 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 $82,049,000, 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, includ-
ing associated administrative expenses, through Sep-
tember 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 administra-
tive expenses in excess of $411,151,000: Provided further,
That to the extent that the number of new plan partici-
pants 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 termi-
nated participants: Provided further, That an additional
$50,000 shall be made available for obligation for invest-
ment management fees for every $25,000,000 in assets
received by the Corporation as a result of new plan termi-
nations, after approval by the Office of Management and
Budget and notification of the Committees on Appropri-
tions 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, $434,397,000, 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 section 3302 of title 31, United States Code, 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 (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 is 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 (50 U.S.C. App. 2012); 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(e) 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 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 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 such 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 (EEOICPA), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health (the Board) to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n–q), 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(e)(2) of such 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) of such Act: $32,761,000 for transfer to the Employment Standards Administration “Salaries and Expenses”; $24,785,000 for transfer to Departmental Management, “Salaries and Expenses”; $335,000 for transfer to Departmental Management, “Office of Inspector General”; and $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, $503,516,000, 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 section 3302 of title 31, United States Code, 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: Provided, That, notwithstanding section 3302 of title 31, United States Code, 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 section 2 of the Act of April 13, 1934 (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 (29 U.S.C. 673), 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 no less 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 Regu-
latory 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 and 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, $313,478,000 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; 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 section
3302 of title 31, United States Code; 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 activi-
ties; the Secretary of Labor is authorized to accept lands,
buildings, equipment, and other contributions from public
and private sources and to prosecute projects in coopera-
tion 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 As-
association as a principal safety association and, notwith-
standing 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 organiza-
tion; 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, $497,854,000, together with not to exceed $78,264,000, 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 (29 U.S.C. 491–2): 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.
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, $292,943,000 (reduced by $2,500,000) (reduced by $2,000,000) (reduced by $500,000), of which $72,516,000 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 $18,000,000 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 (29 U.S.C. 2881 et seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,649,476,000, as follows:

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

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

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

Provided, That the Office of Job Corps shall have contracting authority: Provided further, That no funds from
any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds appropriated in this title 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: *Provided further*, That a total student training slot level of not less than 44,791 shall be achieved by the end of 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 (38 U.S.C. 2021) and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act (29 U.S.C. 2913), $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

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided further, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.
SEC. 102. 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. 103. 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. 104. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) 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. 105. The Secretary of Labor shall award the following grants on a competitive basis: (1) Community-Based Job Training Grants awarded from amounts provided for such purpose under this title; and (2) grants during fiscal or program year 2008 under section 414(e) of

SEC. 106. 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 (29 U.S.C. 2916 note) 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. 107. Out of funds available to the Department of Labor under section 414(c) the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916 note), as amended by section 428 of the Consolidated Appropriations Act, 2005 (Public Law 108–447), up to $20,000,000 is available (in addition to dislocated worker assistance national reserve funds) for the purposes of grants to States to address the gap in health care coverage faced by trade adjustment assistance (“TAA”) par-
participants and dislocated workers awaiting TAA certification, to assure that these dislocated workers can benefit from the tax credit for health insurance costs authorized in section 35 of the Internal Revenue Code of 1986.

Sec. 108. 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 the Act (including applying the standards specified in section 116(a)(3)(B) of such Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of such Act (29 U.S.C. 2831), until such time as legislation reauthorizing such Act is enacted.

Sec. 109. 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. 110. (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 (29 U.S.C. 655), 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. 111. None of the funds appropriated in this title may be used to carry out a public-private competition or direct conversion under OMB 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.
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, XVI, 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, 711, and 1820 of the Social Security Act (42 U.S.C. 1320a–7e, 912, and 1395i–4), the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, construction and renovation (including equipment) of health care and other facilities, and section 712(e) of the American Jobs Creation Act of 2004 (42 U.S.C. 300b–1 note), $7,055,709,000 (increased by $2,500,000) (increased by $3,500,000), of which $63,538,000 from general revenues, notwithstanding subsection (j) of section 1820 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, $100,000 shall be available until expended for facilities renovations at the National Hansen’s Disease
Programs Center (as described in section 320 of the Public Health Service Act (42 U.S.C. 247e)): Provided further, That in addition to fees authorized by section 427(b)(4) of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137(b)(4)), 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 authorized under such Act, and shall remain available until expended to carry out such Act: Provided further, That fees authorized under subsection (d)(2) of section 1128E of the Social Security Act (42 U.S.C. 1320a–7e) to be collected for the full disclosure of information under the national health care fraud and abuse data collection program established under such section, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that program: Provided further, That $35,000,000 of the funding provided for community health centers shall be used for base grant adjustments for existing centers: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of section 224(o)(6) of the Public Health Service Act (42 U.S.C. 233(o)(6)) including associated administrative expenses: Provided further, That $3,963,000 (increased by $11,037,000) is available until expended for
the National Cord Blood Stem Cell Program: Provided further, That no more than $45,000,000 is available until expended for carrying out the amendments to section 224 of the Public Health Service Act (42 U.S.C. 233) made by the Federally Supported Health Centers Assistance Act of 1995 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made pursuant to such amendments: 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 such 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, $1,865,800,000 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 (42 U.S.C.
300ff–11 et seq.), funds are included to ensure that the amount of any funding provided under such part to a metropolitan area for the program year beginning in 2007 is not reduced by an amount that is more than 8.4 percent, and the amount of any funding provided under subpart II of such part to a transitional area is not reduced by an amount that is more than 13.4 percent, relative to the amount of the total funding provided under such part to the metropolitan area or transitional area, respectively, for the program year beginning in fiscal year 2006: Provided further, That $830,593,000 shall be for State AIDS Drug Assistance Programs authorized under section 2616 of such Act (42 U.S.C. 300ff–26): 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 (42 U.S.C. 238j) to carry out parts A, B, C, and D of title XXVI of such Act to fund the special projects of national significance under section 2691 of the Public Health Service Act (42 U.S.C. 300ff–101): Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act (42 U.S.C. 702(a)(1)), not to exceed $170,991,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act (42 U.S.C. 701(a)(2)).
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
ACCOUNT

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

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation 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 $3,528,000 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

669, 670, and 671), title IV of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), 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, $6,141,753,000 (reduced by $3,500,000), of which $10,500,000 shall remain available until expended for equipment, construction, and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act (42 U.S.C. 247d–6b); of which $50,000,000 shall be available until expended to provide screening and treatment for first response emergency services personnel related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009: Provided, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided further, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act
(42 U.S.C. 238j): (1) $12,794,000 to carry out the National Immunization Surveys; (2) $120,000,000 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) $39,173,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $88,361,000 (increased by $3,500,000) 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 section 3 of the Vaccine and Immunization Amendments of 1990 (Public Law 101–502) 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 $12,500,000 may be available for mak-
ing grants under section 1509 of the PHS Act (42 U.S.C. 300n–4a) to not more than 15 States, tribes, or tribal organizations: 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 none of the funds appropriated may be used to implement section 2625 of the PHS Act (42 U.S.C. 300ff–33): 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 PHS Act (42 U.S.C. 215), 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.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to cancer, $4,870,382,000, of which up to $8,000,000 may be used for facilities repairs and improve-
ments 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 (42 U.S.C. 241, 281 et seq.) with
respect to cardiovascular, lung, and blood diseases, and
blood and blood products, $2,965,775,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
RESEARCH

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

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
KIDNEY DISEASES

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

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
AND STROKE

For carrying out section 301 and title IV of the Public
Health Service Act (42 U.S.C. 241, 281 et seq.) with
respect to neurological disorders and stroke,
$1,559,106,000.
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 (42 U.S.C. 241, 281 et seq.) with respect to allergy and infectious diseases, $4,632,019,000:

Provided, That $300,000,000 (reduced by $175,000) 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 (42 U.S.C. 241, 281 et seq.) with respect to general medical sciences, $1,966,019,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to child health and human development, $1,273,863,000.
NATIONAL EYE INSTITUTE

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

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

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

NATIONAL INSTITUTE ON AGING

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

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

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

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

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

NATIONAL INSTITUTE OF NURSING RESEARCH

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

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

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

NATIONAL INSTITUTE ON DRUG ABUSE

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

NATIONAL INSTITUTE OF MENTAL HEALTH

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

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to human genome research, $493,996,000.
NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to biomedical imaging and bioengineering research, $303,318,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

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

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to complementary and alternative medicine, $123,380,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

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

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 (42 U.S.C. 287b)), $67,599,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (42 U.S.C. 241, 281 et seq.) with respect to health information communications, $325,484,000, 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 (42 U.S.C. 238j) 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 (42 U.S.C. 286d) and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,114,422,000, of which up to $14,000,000 shall be used to carry out section 214 of this Act, of which $110,900,000 shall be for continuation of the National
Children's Study, and of which $495,153,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (42 U.S.C. 282a): 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 (42 U.S.C. 290b): Provided further, That amounts appropriated to the Common Fund shall be in addition to any amounts allocated to activities related to the Common Fund through the normal research priority-setting process of individual institutes and centers: 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 (42 U.S.C. 300cc–41(a)(5)(B)).

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, $121,081,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For carrying out titles V and XIX of the Public Health Service Act (42 U.S.C. 290aa et seq., 300w et seq.) (“PHS Act”) with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), and section 301 of the PHS Act (42 U.S.C. 241) with respect to program management, $3,272,928,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act (42 U.S.C. 290bb–32(f)(2)), no funds appropriated for carrying out section 520A are available for carrying out section 1971 of such Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS...
Act (42 U.S.C. 238j): (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.) to fund section 1935(b) of such Act (42 U.S.C. 300x–35(b)) relating to technical assistance, national data, data collection, and evaluation activities, and further that the total available under this Act for activities under such section 1935(b) shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX of such Act; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act (42 U.S.C. 300x–1 et seq.) to fund section 1920(b) of such Act (42 U.S.C. 300x–9(b)) relating to technical assistance, national data, data collection, and evaluation activities, and further that the total available under this Act for activities under such section 1920(b) shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX of such Act; (3) $16,000,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act (42 U.S.C. 241 et seq., 299 et seq.), and part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), $329,564,000; and in addition,
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 $47,064,000.

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, $141,630,056,000, 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 of the Social Security Act (42 U.S.C. 1396s) 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 sections 1844 and 1860D–16 of the Social Security Act (42 U.S.C. 1395w, 1395w–116), sections 103(c) and 111(d) of the Social Security Amendments of 1965 (42 U.S.C. 426a(c), 1395i–1), section 278(d) of the Tax Equity and Fiscal Responsibility Act of 1982 (42 U.S.C. 426 note), and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act (42 U.S.C. 401(g)), $188,828,000,000.

In addition, for making matching payments under section 1844 of the Social Security Act (42 U.S.C. 1395w), and benefit payments under 1860D–16 of such Act (42 U.S.C. 1395w–116), 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 $3,230,163,000, 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 (42 U.S.C. 401(g)); together with all funds collected in accordance
with section 353 of the Public Health Service Act (42 U.S.C. 263a) and section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w–27(e)(2)), funds retained by the Secretary pursuant to section 1893(h)(1)(C) of the Social Security Act (42 U.S.C. 1395ddd(h)(1)(C)), 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 section 9701 of title 31, United States Code, 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 $163,800,000, to remain available until September 30, 2009, is for Medicare contracting reform activities of the Centers for Medicare and Medicaid Services: 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 shall collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395s–27(e)(2)) and from eligible organizations with risk-sharing contracts under section 1876 of such Act (42 U.S.C. 1395mm) pursuant to section 1876(k)(4)(D) of such Act (42 U.S.C. 1395mm(k)(4)(D)).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, 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 (42 U.S.C. 401(g)), of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in titles I and II of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), with oversight activities including those activities listed in section 1893(b) of the Social Security Act (42 U.S.C. 1395www(b)); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the
Medicaid program integrity activities; and of which $36,690,000 is for the Department of Justice: Provided, That the report required by section 1817(k)(5) of the Social Security Act (42 U.S.C. 1395i(k)(5)) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for 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 as in effect 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 three 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)), $682,000,000, 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 (8 U.S.C. 1521–1524) and section 501 of the Refugee Edu-
cation Assistance Act of 1980 (8 U.S.C. 1522 note), for
carrying out section 462 of the Homeland Security Act
of 2002 (6 U.S.C. 279), and for carrying out the Torture
Victims Relief Act of 1998 (22 U.S.C. 2152 note)
$650,630,000, of which up to $9,814,000 shall be avail-
able to carry out the Trafficking Victims Protection Act
of 2000 (22 U.S.C. 7101 et seq.): Provided, That funds
appropriated under this heading pursuant to section
414(a) of the Immigration and Nationality Act and sec-
tion 462 of the Homeland Security Act of 2002 for fiscal
year 2008 shall be available for the costs of assistance pro-
vided and other activities to remain available through Sep-
tember 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 (42 U.S.C. 9858 et seq.),
$2,137,081,000 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 sec-
tion 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

B of title IV and sections 413, 1110, and 1115 of the Social Security Act, for making payments under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), sections 439, 473B, and 477 of the Social Security Act, and the Assets for Independence Act (42 U.S.C. 604 note), 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 (42 U.S.C. 9926), $9,125,940,000 (increased by $21,000,000), of which $9,500,000, 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 (42 U.S.C. 673b) and may be made for adoptions completed before September 30, 2008: Provided, That $6,963,571,000 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 $701,125,000 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 carry-over 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
$64,350,000 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 $15,720,000 (increased by $21,000,000) shall be for activities authorized by the Help America Vote Act of 2002, of which $10,890,000 (increased by $15,000,000) shall be for payments to States to promote access for voters with disabilities, and of which $4,830,000 (increased by $6,000,000) 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 (42 U.S.C. 629f), $345,000,000 and for section 437 of such Act (42 U.S.C. 629g), $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, $5,082,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security 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 of the Social Security Act, for the last three 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 (42 U.S.C. 3011 et seq.) and section 398 of the Public Health Service Act (42 U.S.C. 280c–3), $1,417,189,000.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

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 United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $363,224,000 (reduced by $21,000,000) (reduced by $10,000,000) (increased by $10,000,000), together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal
Supplementary 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 without application of the limitation of section 2010(e) of such 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.

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), $65,000,000, 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, $13,302,000: Provided, That in addition to amounts provided herein, $48,000,000 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 the Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $44,687,000: 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 section 228 of title 18, United States Code.

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 expended as authorized
by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary 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, $757,291,000, 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(e)(7)(B) of the Public Health Service Act (42 U.S.C. 247d–6b(e)(7)(B)).

For expenses necessary to prepare for and respond to an influenza pandemic, $948,091,000, of which $870,000,000 shall be available until expended, for activi-
ties 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 of Health and Human Services, 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 vaccine 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.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $5,000,000, to remain available until expended.
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 of Health and Human Services 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 United States 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. (INCLUDING 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 (2 U.S.C. 900 et seq.)) which are appropriated for the current fiscal year for the Department of Health and Human Services 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 an appropria-
tion may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(INCLUDING 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 promptly notified of the transfer.

(INCLUDING 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 (42 U.S.C. 300cc–40b(d)(3)).

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 (42 U.S.C. 1001 et seq.) unless the applicant for the award certifies to the Secretary of Health and Human Services 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 (42 U.S.C. 1001 et seq.) 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 (in-
cluding a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity’s enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program’s coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

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

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such
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 nonprofit 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), 284a(a)(3)(A), 289a, and 289e).

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

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

by $46,500,000) 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 of ESEA (20 U.S.C. 6333): 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 of ESEA (20 U.S.C. 6334): Provided further, That $3,094,562,000 shall be for targeted grants under section 1125 of ESEA (20 U.S.C. 6335): Provided further, That $3,094,260,000 shall be for education finance incentive grants under section 1125A of ESEA (20 U.S.C. 6337): Provided further, That $9,330,000 shall be to carry out sections 1501 and 1503 of ESEA (20 U.S.C. 6491, 6493): 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 (20 U.S.C. 7701 et seq.), $1,278,453,000, of which $1,140,517,000 shall be for basic support payments under section 8003(b) of such Act (20 U.S.C. 7703(b)), $49,466,000 shall be for payments for children with disabilities under section 8003(d) of such Act (20 U.S.C. 7703(d)), $17,820,000 shall be for construction under section 8007(a) of such Act (20 U.S.C. 7707(a)), $65,700,000 shall be for Federal property payments under section 8002 of such Act (20 U.S.C. 7702), and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008 of such Act (20 U.S.C. 7708): Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of such Act (20 U.S.C. 7703(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) of such Act), 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**

2008–2009: Provided, That $411,630,000 shall be for
State assessments and related activities authorized under
sections 6111 and 6112 of ESEA (20 U.S.C. 7301, 7301a): 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 (20 U.S.C. 6751 et seq.) may
be used for subgrants described in section 2412(a)(2)(B)
of such Act (20 U.S.C. 6762(a)(2)(B)): Provided further,
That $56,257,000 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 ESEA: Provided further,
That no funds appropriated under this heading may be
used to carry out section 5494 under ESEA (20 U.S.C.
7259e): Provided further, That $18,001,000 shall be avail-
able to carry out the Supplemental Education Grants pro-
gram for the Federated States of Micronesia and for 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 Edu-
cation Grants programs and to obtain technical assistance,
oversight, and consultancy services in the administration
of these grants and to reimburse the United States De-
partments 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, part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), $124,000,000.

INNOVATION AND IMPROVEMENT

shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of ESEA (20 U.S.C. 6651(c)). Provided further, That from funds for subpart 4 of part C of title II (20 U.S.C. 6721 et seq.), up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $258,988,000 shall be available to carry out part D of title V of ESEA (20 U.S.C. 7241 et seq.), of which $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 nonprofit 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.
For carrying out activities authorized by subpart 3 of part C of title II (20 U.S.C. 6711 et seq.), part A of title IV (20 U.S.C. 7101 et seq.), subpart 2 of part D of title V (20 U.S.C. 7245), subpart 3 of part D of title V (20 U.S.C. 7247), and subpart 10 of part D of title V (20 U.S.C. 7261 et seq.) of the Elementary and Secondary Education Act of 1965 ("ESEA"), $714,075,000 (increased by $46,500,000), of which $300,000,000 (increased by $46,500,000) shall become available on July 1, 2008, and remain available through September 30, 2009: Provided, That $300,000,000 (increased by $46,500,000) shall be available for subpart 1 of part A of title IV of ESEA (20 U.S.C. 7111 et seq.) and $222,335,000 shall be available for subpart 2 of part A of title IV of ESEA (20 U.S.C. 7131 et seq.), of which $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies, and institutions of higher education, in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $158,422,000 shall be available to carry out part D of title V of ESEA (20 U.S.C. 7241 et seq.): Provided further, That of the funds available to carry out subpart 3
of part C of title II of ESEA (20 U.S.C. 6711 et seq.),
up to $12,072,000 may be used to carry out section 2345
(20 U.S.C. 6715) 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 (20 U.S.C. 6811
et seq.), $774,614,000, which shall become available on
July 1, 2008, and shall remain available through Sep-
tember 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 activi-
ties under section 3111(c)(1)(C) of such Act (20 U.S.C.
6821(c)(1)(C)).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities
Education Act (20 U.S.C. 1400 et seq.), $12,310,831,000
(increased by $2,000,000) (increased by $50,000,000) of
which $5,467,594,000 (increased by $2,000,000) shall be-
come available on July 1, 2008, and shall remain available
through September 30, 2009, and of which
$6,641,982,000 shall become available on October 1,
2008, and shall remain available through September 30,
2009, for academic year 2008–2009: Provided, That $11,880,000 shall be for the activities authorized by section 674(c)(1)(D) of such Act: Provided further, That the amount for section 611(b)(2) of such Act (20 U.S.C. 1411(b)(2)) 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 such Act (20 U.S.C. 1419(d)(2)(B)) or the percentage increase in the funds appropriated under section 611(i) of such Act (20 U.S.C. 1411(i)).

Rehabilitation Services and Disability Research


Special Institutions for Persons With Disabilities

American Printing House for the Blind

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

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 (20 U.S.C. 4301 et seq.), $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 (20 U.S.C. 4357).

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
et seq.), $109,952,000: Provided, That from the total
amount available, the University may at its discretion use
funds for the endowment program as authorized under
section 207 of such Act (20 U.S.C. 4357).

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise pro-
vided, the Carl D. Perkins Career and Technical Edu-
cation Act of 2006 (20 U.S.C. 2301 et seq.), the Adult
Education and Family Literacy Act (20 U.S.C. 9201 et
seq.), and subpart 4 of part D of title V of the Elementary
and Secondary Education Act of 1965 ("ESEA") (20
U.S.C. 7249), $2,046,220,000, of which $1,247,220,000
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 amounts made available for the Carl D. Perkins Career and Technical Education Act of 2006, $8,000,000 is for the postsecondary career and technical institutions under section 117 of such Act (20 U.S.C. 2327): Provided further, That of the amounts provided for Adult Education State Grants, $71,622,000 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 (20 U.S.C. 9211), 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 Edu-
education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 of such Act (20 U.S.C. 9253) and $6,638,000 shall be for the National Institute for Literacy under section 242 of such Act (20 U.S.C. 9252): Provided further, That $93,531,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA (20 U.S.C. 7249), 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

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, $17,464,883,000, which shall remain available through September 30, 2009: Provided, That, in addition,
any amount made available for Academic Competitiveness
Grants and National SMART Grants under section 401A
1) for fiscal year 2007 (in an appropriation for such fiscal
year or a preceding fiscal year) that is unobligated at the
end of fiscal year 2007 shall be available for Pell Grants
for the 2008–2009 award year.

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

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, to remain available until ex-
pended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise pro-
vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
cation Act of 1965 (“HEA”), section 1543 of the Higher
Education Amendments of 1992, and the Mutual Edu-
cational and Cultural Exchange Act of 1961,
$2,051,533,000 (increased by $100,000,000) (increased
by $25,000,000): 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.

Howard University

For partial support of Howard University (20 U.S.C. 121 et seq.), $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 (20 U.S.C. 130aa et seq.) 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**

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act (20 U.S.C. 3401 et seq.), including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $394,487,000 (reduced by $125,000,000) (reduced by $50,000,000), 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, D.C.

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 (20 U.S.C. 3413), $93,771,000.

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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 trans-
portation 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 (42 U.S.C. 2000d et seq.). 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 de-
scribed 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 vol-
untary prayer and meditation in the public schools.

Sec. 304. Not to exceed 1 percent of any discre-
tionary funds (pursuant to the Balanced Budget and
Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) which are appropriated for the current fiscal year for the Department of 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 an appropriation may be increased by up to an additional 2 percent subject to approval by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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.

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”) (42 U.S.C. 4950 et seq.) and the National and Community Service
Act of 1990 ("1990 Act") (42 U.S.C. 12501 et seq.), $768,905,000, of which $313,054,000 is to carry out the 1973 Act and $455,851,000 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 (42 U.S.C. 5028 et seq.) of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: Provided further, That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12653 et seq.), 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) $122,521,000, 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 Na-
tional Service Trust authorized under subtitle D of title
I of the 1990 Act (42 U.S.C. 12601 et seq.), upon deter-
mination 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 Na-
tional Service Trust program authorized under subtitle C
of title I of the 1990 Act may be used to administer, reim-
burse, or support any national service program authorized
under section 121(d)(2) of such Act (42 U.S.C.
12571(d)(2)); (3) $37,125,000, to remain available until
September 30, 2009, shall be for service-learning pro-
grams authorized under subtitle B of title I of the 1990
Act (42 U.S.C. 12521 et seq.); and (4) $12,000,000 shall
be to provide assistance to State commissions on national
and community service, under 126(a) of the 1990 Act (42
U.S.C. 12576(a)) and notwithstanding 501(a)(4) of the
1990 Act (42 U.S.C. 12681(a)(4)).

SALARIES AND EXPENSES

For necessary expenses of administration as provided
under section 501(a)(4) of the National and Community
Service Act of 1990 (42 U.S.C. 12681 (a)(4)) and under
section 504(a) of the Domestic Volunteer Service Act of
1973 (42 U.S.C. 5084(a)), 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 section 3109 of title 5, United States Code, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.

OFFICE OF INSPECTOR GENERAL


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 of 1990 (42 U.S.C. 12604 (b)(7)).

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 (42 U.S.C. 12581(d)(5)(B)) 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 (42 U.S.C. 12571).

SEC. 403. The Inspector General of the Corporation
for National and Community Service shall conduct ran-
dom audits of the grantees that administer activities under
the AmeriCorps programs and shall levy sanctions in ac-
cordance with standard Inspector General audit resolution
procedures which include, but are not limited to, debar-
ment 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 substanc-
tial violation of the requirements of the AmeriCorps pro-
grams, 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 Commu-
nity Service shall make any significant changes to pro-
gram requirements 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 (42 U.S.C. 12572(a)(8)) may apply to the
Corporation for a waiver of application of section
140(c)(2) (42 U.S.C. 12594(c)(2)).

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

SEC. 407. Organizations operating projects under the
AmeriCorps Education Awards Program shall do so with-
out regard to the requirements of sections 121(d) and (e)
(42 U.S.C. 12571(d) and (e)), 131(e) (42 U.S.C.
12583(e)), 132 (42 U.S.C. 12584), and 140(a), (d), and
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) (42 U.S.C. 12571(e)) or the member support Federal share limitations in section 140 (42 U.S.C. 12594) 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 for 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 of 1947 (29 U.S.C. et seq.), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act (5 U.S.C. chapter 71), $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding section 3302 of title 31, United States Code, 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**


**Institute of Museum and Library Services**

**Office of Museum and Library Services: Grants and Administration**


**Medicare Payment Advisory Commission**

**Salaries and Expenses**

For expenses necessary to carry out section 1805 of the Social Security Act (42 U.S.C. 1395b–6),
$10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

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 of 1947 (29 U.S.C. 141–167 et seq.), Equal Access to Justice Act, Fair Labor Standards Act, Government in the Sunshine Act, Postal Service Reorganization Act, Freedom of Information Act, and the Privacy Act, $256,988,000 (increased by $500,000): Provided, That none of the funds available under this Act 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 (29 U.S.C. 152(3)), and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act
of June 25, 1938 (29 U.S.C. 203(f)), and including in such 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 (45 U.S.C. 151 et seq.), 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 (29 U.S.C. 661), $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 (45 U.S.C. 231n (d)), $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 (45 U.S.C. 231n note); 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 (45 U.S.C. 231n note).

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act (45 U.S.C. 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.), $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 (5 U.S.C. appendix), not more than $7,606,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

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 (42 U.S.C. 401(m), 417(g), 428(g), and 1320b–1(b)(2)), $28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act (42 U.S.C. 1301 et seq., 1381 et seq.), 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 (42 U.S.C. 401(g)(1)), $26,948,525,000, to remain available until ex-
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 (42 U.S.C. 1381 et seq.), 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 (42 U.S.C. 1381 et seq.) 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 $9,347,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act (42 U.S.C. 401(g)(1)), 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 title II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) and for conducting redeterminations of eligibility under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

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 (42 U.S.C. 1382e(d)) 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 (5 U.S.C. App.), $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 (42 U.S.C. 401(g)(1)) 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 legis-
lature, 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 docu-
ments 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 re-
search grants, shall clearly state—

(1) the percentage of the total costs of the pro-
gram 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 ben-
efits coverage that includes coverage of abortion.
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 abortion 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 section 46.204(b) of title 45, Code of Federal Regula-
tions, 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 part 46 of title 45, Code of Federal Regulations, 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 as-
signment 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 specifi-
cally 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 Sec-
cretary 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 enti-

ity.

Sec. 513. None of the funds made available in this
Act may be transferred to any department, agency, or in-
strumentality of the United States Government, except
pursuant to a transfer made by, or transfer authority pro-
vided 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 para-
graph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), 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 (20 U.S.C. 2401 et seq.) may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), 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 pro-
gram, 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. The Department of Labor and the Department of Health and Human Services shall provide congressional budget justifications for their fiscal year 2009 budget requests in the format and level of detail used by the Department of Education in its fiscal year 2008 congressional budget justifications.

SEC. 520. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to develop guidelines, policies, or procedures, or 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 any foreign country establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of such foreign country, which would be inconsistent with existing statutory law.

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

SEC. 522. None of the funds made available in this Act may be used to pay the basic pay of any individual serving as Deputy Commissioner of Social Security, Social Security Administration, whose appointment to such position has not been confirmed by a vote of the Senate pursuant to section 702(b)(1) of the Social Security Act.

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

SEC. 524. The amounts otherwise provided by this Act are revised by reducing the amount made available for “DEPARTMENT OF LABOR—Departmental Management—Salaries and Expenses”, and increasing the amount made available for “DEPARTMENT OF EDUCATION—School Improvement Programs” (for activities authorized by part B of title II of the Elementary and Secondary Education Act of 1965), by $15,665,760.

SEC. 525. None of the funds made available in this Act may be used by the Centers for Medicare & Medicaid Services to implement the final rule published on March
30, 2007, on page 15275 of volume 72, Federal Register (relating to section 482.82(b) of title 42, Code of Federal Regulations).

SEC. 526. 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. 527. The amount otherwise provided in this Act for “DEPARTMENT OF EDUCATION—DEPARTMENTAL MANAGEMENT—Office of Civil Rights” is hereby decreased by $2,000,000 and increased by $2,000,000.

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

SEC. 529. (a) None of the funds made available in this Act may be used to carry out the Entertainment Education Program of the Centers for Disease Control and Prevention.
(b) None of the funds made available in this Act may be used for the Ombudsman Program of the Centers for Disease Control and Prevention.

(c) None of the funds made available in this Act may be used 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. 530. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the “ENERGY STAR” designation.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. 532. The amounts otherwise provided by this Act are revised by reducing the amount made available for the “Department of Labor, Employment and Training Administration, Training and Employment Services”, by increasing the amount made available for the “National Institutes of Health, National Cancer Institute”, and by increasing the amount made available for the “National Institutes of Health, National Institute of Neurological Disorders and Stroke” by $49,000,000, $10,000,000, and $10,000,000, respectively.
SEC. 533. 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 (8 U.S.C. 1324a(h)(3)).

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

SEC. 535. 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. 536. None of the funds made available in this Act may be used to take any action to finalize (or otherwise implement) provisions contained in the proposed rule published on May 3, 2007, on pages 24680 through 25135 of volume 72, Federal Register, insofar as such provisions propose—

(1) to alter payments for services under the hospital inpatient prospective payment system under
section 1886(d) of the Social Security Act (42 U.S.C 1395ww(d)) based on use of a Medicare severity diagnosis related group (MS-DRG) system; or

(2) to implement a prospective behavioral offset in response to the implementation of such a Medicare Severity Diagnosis Related Group (MS-DRG) system for purposes of such hospital inpatient prospective payment system.

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


Attest:

Clerk.
AN ACT

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