

Filing

1 DIVISION G—DEPARTMENTS OF LABOR,
2 HEALTH AND HUMAN SERVICES, AND EDU-
3 CATION, AND RELATED AGENCIES APPRO-
4 PRIATIONS ACT, 2008

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 (INCLUDING RESCISSIONS)

10 For necessary expenses of the Workforce Investment
11 Act of 1998 (“WIA”), the Denali Commission Act of
12 1998, and the Women in Apprenticeship and Non-Tradi-
13 tional Occupations Act of 1992, including the purchase
14 and hire of passenger motor vehicles, the construction, al-
15 teration, and repair of buildings and other facilities, and
16 the purchase of real property for training centers as au-
17 thorized by the WIA; \$3,608,349,000, plus reimburse-
18 ments, is available. Of the amounts provided:

19 (1) for grants to States for adult employment
20 and training activities, youth activities, and dis-
21 located worker employment and training activities,
22 \$2,994,510,000 as follows:

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

1 shall be available for the period October 1,
2 2008 through June 30, 2009;

3 (B) \$940,500,000 for youth activities,
4 which shall be available for the period April 1,
5 2008 through June 30, 2009; and

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

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

16 (2) for federally administered programs,
17 \$477,873,000 as follows:

18 (A) \$282,092,000 for the dislocated work-
19 ers assistance national reserve, of which
20 \$6,300,000 shall be available on October 1,
21 2007, of which \$63,792,000 shall be available
22 for the period July 1, 2008 through June 30,
23 2009, and of which \$212,000,000 shall be
24 available for the period October 1, 2008
25 through June 30, 2009: *Provided*, That up to

1 \$125,000,000 may be made available for Com-
2 munity-Based Job Training grants from funds
3 reserved under section 132(a)(2)(A) of the WIA
4 and shall be used to carry out such grants
5 under section 171(d) of such Act, except that
6 the 10 percent limitation otherwise applicable to
7 the amount of funds that may be used to carry
8 out section 171(d) shall not be applicable to
9 funds used for Community-Based Job Training
10 grants: *Provided further*, That funds provided to
11 carry out section 132(a)(2)(A) of the WIA may
12 be used to provide assistance to a State for
13 State-wide or local use in order to address cases
14 where there have been worker dislocations
15 across multiple sectors or across multiple local
16 areas and such workers remain dislocated; co-
17 ordinate the State workforce development plan
18 with emerging economic development needs; and
19 train such eligible dislocated workers: *Provided*
20 *further*, That funds provided to carry out sec-
21 tion 171(d) of the WIA may be used for dem-
22 onstration projects that provide assistance to
23 new entrants in the workforce and incumbent
24 workers: *Provided further*, That \$2,600,000
25 shall be for a noncompetitive grant to the Na-

1 tional Center on Education and the Economy,
2 which shall be awarded not later than 30 days
3 after the date of enactment of this Act: *Pro-*
4 *vided further*, That \$1,500,000 shall be for a
5 non-competitive grant to the AFL-CIO Work-
6 ing for America Institute, which shall be award-
7 ed not later than 30 days after the date of en-
8 actment of this Act: *Provided further*, That
9 \$2,200,000 shall be for a non-competitive grant
10 to the AFL-CIO Appalachian Council, Incor-
11 porated, for Job Corps career transition serv-
12 ices, which shall be awarded not later than 30
13 days after the date of enactment of this Act;

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

17 (C) \$81,085,000 for migrant and seasonal
18 farmworker programs under section 167 of the
19 WIA, including \$75,610,000 for formula grants
20 (of which not less than 70 percent shall be for
21 employment and training services), \$4,975,000
22 for migrant and seasonal housing (of which not
23 less than 70 percent shall be for permanent
24 housing), and \$500,000 for other discretionary
25 purposes, which shall be available for the period

1 July 1, 2008 through June 30, 2009: *Provided*,
2 That, notwithstanding any other provision of
3 law or related regulation, the Department shall
4 take no action limiting the number or propor-
5 tion of eligible participants receiving related as-
6 sistance services or discouraging grantees from
7 providing such services;

8 (D) \$1,000,000 for carrying out the
9 Women in Apprenticeship and Nontraditional
10 Occupations Act, which shall be available for
11 the period July 1, 2008 through June 30,
12 2009; and

13 (E) \$60,000,000 for YouthBuild activities
14 as described in section 173A of the WIA, which
15 shall be available for the period April 1, 2008
16 through June 30, 2009;

17 (3) for national activities, \$135,966,000, which
18 shall be available for the period July 1, 2008
19 through July 30, 2009 as follows:

20 (A) \$49,370,000 for Pilots, Demonstra-
21 tions, and Research, of which \$5,000,000 shall
22 be for grants to address the employment and
23 training needs of young parents (notwith-
24 standing the requirements of sections
25 171(b)(2)(B) or 171(c)(4)(D) of the WIA): *Pro-*

1 *vided*, That funding provided to carry out
2 projects under section 171 of the WIA that are
3 identified in the explanatory statement de-
4 scribed in section 4 (in the matter preceding di-
5 vision A of this consolidated Act), shall not be
6 subject to the requirements of section
7 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the
8 joint funding requirements of sections
9 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or
10 any time limit requirements of sections
11 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

12 (B) \$74,800,000 for ex-offender activities,
13 under the authority of section 171 of the Act,
14 notwithstanding the requirements of sections
15 171(b)(2)(B) or 171(c)(4)(D), of which not less
16 than \$55,000,000 shall be for youthful offender
17 activities: *Provided*, That \$50,000,000 shall be
18 available from program year 2007 and program
19 year 2008 funds for competitive grants to local
20 educational agencies or community-based orga-
21 nizations to develop and implement mentoring
22 strategies that integrate educational and em-
23 ployment interventions designed to prevent
24 youth violence in schools identified as persist-

1 ently dangerous under section 9532 of the Ele-
2 mentary and Secondary Education Act;

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

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

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

11 Of the unexpended balances remaining from funds
12 appropriated to the Department of Labor under this head-
13 ing for fiscal years 2005 and 2006 to carry out the Youth,
14 Adult and Dislocated Worker formula programs under the
15 Workforce Investment Act, \$250,000,000 are rescinded:
16 *Provided*, That the Secretary of Labor may, upon the re-
17 quest of a State, apply any portion of the State's share
18 of this rescission to funds otherwise available to the State
19 for such programs during program year 2007: *Provided*
20 *further*, That notwithstanding any provision of such Act,
21 the Secretary may waive such requirements as may be nec-
22 essary to carry out the instructions relating to this rescis-
23 sion in House Report 110–424.

1 employment insurance laws as authorized under title
2 III of the Social Security Act, the administration of
3 unemployment insurance for Federal employees and
4 for ex-service members as authorized under sections
5 8501–8523 of title 5, United States Code, and the
6 administration of trade readjustment allowances and
7 alternative trade adjustment assistance under the
8 Trade Act of 1974, and shall be available for obliga-
9 tion by the States through December 31, 2008, ex-
10 cept that funds used for automation acquisitions
11 shall be available for obligation by the States
12 through September 30, 2010, and funds used for
13 unemployment insurance workloads experienced by
14 the States through September 30, 2008 shall be
15 available for Federal obligation through December
16 31, 2008;

17 (2) \$9,900,000 from the Trust Fund is for na-
18 tional activities necessary to support the administra-
19 tion of the Federal-State unemployment insurance
20 system;

21 (3) \$693,000,000 from the Trust Fund, to-
22 gether with \$22,883,000 from the General Fund of
23 the Treasury, is for grants to States in accordance
24 with section 6 of the Wagner-Peyser Act, and shall

1 be available for Federal obligation for the period
2 July 1, 2008 through June 30, 2009;

3 (4) \$32,766,000 from the Trust Fund is for na-
4 tional activities of the Employment Service, includ-
5 ing administration of the work opportunity tax cred-
6 it under section 51 of the Internal Revenue Code of
7 1986, the administration of activities, including for-
8 eign labor certifications, under the Immigration and
9 Nationality Act, and the provision of technical as-
10 sistance and staff training under the Wagner-Peyser
11 Act, including not to exceed \$1,228,000 that may be
12 used for amortization payments to States which had
13 independent retirement plans in their State employ-
14 ment service agencies prior to 1980;

15 (5) \$52,985,000 from the General Fund is to
16 provide workforce information, national electronic
17 tools, and one-stop system building under the Wag-
18 ner-Peyser Act and shall be available for Federal ob-
19 ligation for the period July 1, 2008 through June
20 30, 2009; and

21 (6) \$14,649,000 from the General Fund is to
22 provide for work incentive grants to the States and
23 shall be available for the period July 1, 2008
24 through June 30, 2009:

1 *Provided*, That to the extent that the Average Weekly In-
2 sured Unemployment (“AWIU”) for fiscal year 2008 is
3 projected by the Department of Labor to exceed
4 2,786,000, an additional \$28,600,000 from the Trust
5 Fund shall be available for obligation for every 100,000
6 increase in the AWIU level (including a pro rata amount
7 for any increment less than 100,000) to carry out title
8 III of the Social Security Act: *Provided further*, That
9 funds appropriated in this Act that are allotted to a State
10 to carry out activities under title III of the Social Security
11 Act may be used by such State to assist other States in
12 carrying out activities under such title III if the other
13 States include areas that have suffered a major disaster
14 declared by the President under the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act: *Provided*
16 *further*, That the Secretary of Labor may use funds appro-
17 priated for grants to States under title III of the Social
18 Security Act to make payments on behalf of States for
19 the use of the National Directory of New Hires under sec-
20 tion 453(j)(8) of such Act: *Provided further*, That funds
21 appropriated in this Act which are used to establish a na-
22 tional one-stop career center system, or which are used
23 to support the national activities of the Federal-State un-
24 employment insurance or immigration programs, may be
25 obligated in contracts, grants, or agreements with non-

1 State entities: *Provided further*, That funds appropriated
2 under this Act for activities authorized under title III of
3 the Social Security Act and the Wagner-Peyser Act may
4 be used by States to fund integrated Unemployment In-
5 surance and Employment Service automation efforts, not-
6 withstanding cost allocation principles prescribed under
7 the Office of Management and Budget Circular A-87.

8 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
9 OTHER FUNDS

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

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

1 PROGRAM ADMINISTRATION

2 For expenses of administering employment and train-
3 ing programs, \$88,451,000, together with not to exceed
4 \$86,936,000, which may be expended from the Employ-
5 ment Security Administration Account in the Unemploy-
6 ment Trust Fund.

7 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Employee Benefits
10 Security Administration, \$141,790,000.

11 PENSION BENEFIT GUARANTY CORPORATION

12 PENSION BENEFIT GUARANTY CORPORATION FUND

13 The Pension Benefit Guaranty Corporation is author-
14 ized to make such expenditures, including financial assist-
15 ance authorized by subtitle E of title IV of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C. 4201
17 et seq.), within limits of funds and borrowing authority
18 available to such Corporation, and in accord with law, and
19 to make such contracts and commitments without regard
20 to fiscal year limitations as provided by section 104 of the
21 Government Corporation Control Act (31 U.S.C. 9104),
22 as may be necessary in carrying out the program, includ-
23 ing associated administrative expenses, through Sep-
24 tember 30, 2008, for such Corporation: *Provided*, That
25 none of the funds available to the Corporation for fiscal

1 year 2008 shall be available for obligations for administra-
2 tive expenses in excess of \$411,151,000: *Provided further,*
3 That to the extent that the number of new plan partici-
4 pants in plans terminated by the Corporation exceeds
5 100,000 in fiscal year 2008, an amount not to exceed an
6 additional \$9,200,000 shall be available for obligation for
7 administrative expenses for every 20,000 additional termi-
8 nated participants: *Provided further,* That an additional
9 \$50,000 shall be made available for obligation for invest-
10 ment management fees for every \$25,000,000 in assets
11 received by the Corporation as a result of new plan termi-
12 nations, after approval by the Office of Management and
13 Budget and notification of the Committees on Appropria-
14 tions of the House of Representatives and the Senate.

15 EMPLOYMENT STANDARDS ADMINISTRATION

16 SALARIES AND EXPENSES

17 (INCLUDING RESCISSION)

18 For necessary expenses for the Employment Stand-
19 ards Administration, including reimbursement to State,
20 Federal, and local agencies and their employees for inspec-
21 tion services rendered, \$426,351,000, together with
22 \$2,058,000 which may be expended from the Special Fund
23 in accordance with sections 39(c), 44(d), and 44(j) of the
24 Longshore and Harbor Workers' Compensation Act: *Pro-*
25 *vided,* That the Secretary of Labor is authorized to estab-
26 lish and, in accordance with 31 U.S.C. 3302, collect and

1 deposit in the Treasury fees for processing applications
2 and issuing certificates under sections 11(d) and 14 of the
3 Fair Labor Standards Act of 1938 and for processing ap-
4 plications and issuing registrations under title I of the Mi-
5 grant and Seasonal Agricultural Worker Protection Act.

6 Of the unobligated funds collected pursuant to sec-
7 tion 286(v) of the Immigration and Nationality Act,
8 \$102,000,000 are rescinded.

9 SPECIAL BENEFITS

10 (INCLUDING TRANSFER OF FUNDS)

11 For the payment of compensation, benefits, and ex-
12 penses (except administrative expenses) accruing during
13 the current or any prior fiscal year authorized by chapter
14 81 of title 5, United States Code; continuation of benefits
15 as provided for under the heading "Civilian War Benefits"
16 in the Federal Security Agency Appropriation Act, 1947;
17 the Employees' Compensation Commission Appropriation
18 Act, 1944; sections 4(c) and 5(f) of the War Claims Act
19 of 1948; and 50 percent of the additional compensation
20 and benefits required by section 10(h) of the Longshore
21 and Harbor Workers' Compensation Act, \$203,000,000,
22 together with such amounts as may be necessary to be
23 charged to the subsequent year appropriation for the pay-
24 ment of compensation and other benefits for any period
25 subsequent to August 15 of the current year: *Provided,*

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

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

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

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

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

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

15 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
2 OCCUPATIONAL ILLNESS COMPENSATION FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to administer the Energy
5 Employees Occupational Illness Compensation Program
6 Act, \$104,745,000, to remain available until expended:
7 *Provided*, That the Secretary of Labor is authorized to
8 transfer to any executive agency with authority under the
9 Energy Employees Occupational Illness Compensation
10 Program Act, including within the Department of Labor,
11 such sums as may be necessary in fiscal year 2008 to
12 carry out those authorities: *Provided further*, That the
13 Secretary may require that any person filing a claim for
14 benefits under the Act provide as part of such claim, such
15 identifying information (including Social Security account
16 number) as may be prescribed: *Provided further*, That not
17 later than 30 days after enactment of this Act, in addition
18 to other sums transferred by the Secretary to the National
19 Institute for Occupational Safety and Health (“NIOSH”)
20 for the administration of the Energy Employees Occupa-
21 tional Illness Compensation Program (“EEOICP”), the
22 Secretary shall transfer \$4,500,000 to NIOSH from the
23 funds appropriated to the Energy Employees Occupational
24 Illness Compensation Fund, for use by or in support of
25 the Advisory Board on Radiation and Worker Health
26 (“the Board”) to carry out its statutory responsibilities

1 under the EEOICP, including obtaining audits, technical
2 assistance and other support from the Board's audit con-
3 tractor with regard to radiation dose estimation and re-
4 construction efforts, site profiles, procedures, and review
5 of Special Exposure Cohort petitions and evaluation re-
6 ports.

7 BLACK LUNG DISABILITY TRUST FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 In fiscal year 2008 and thereafter, such sums as may
10 be necessary from the Black Lung Disability Trust Fund,
11 to remain available until expended, for payment of all ben-
12 efits authorized by section 9501(d)(1), (2), (4), and (7)
13 of the Internal Revenue Code of 1954; and interest on ad-
14 vances, as authorized by section 9501(c)(2) of that Act.
15 In addition, the following amounts shall be available from
16 the Fund for fiscal year 2008 for expenses of operation
17 and administration of the Black Lung Benefits program,
18 as authorized by section 9501(d)(5): not to exceed
19 \$32,761,000 for transfer to the Employment Standards
20 Administration "Salaries and Expenses"; not to exceed
21 \$24,785,000 for transfer to Departmental Management,
22 "Salaries and Expenses"; not to exceed \$335,000 for
23 transfer to Departmental Management, "Office of Inspec-
24 tor General"; and not to exceed \$356,000 for payments
25 into miscellaneous receipts for the expenses of the Depart-
26 ment of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$494,641,000, including not
5 to exceed \$91,093,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the "Act"),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary of
11 Labor under section 18 of the Act; and, in addition, not-
12 withstanding 31 U.S.C. 3302, the Occupational Safety
13 and Health Administration may retain up to \$750,000 per
14 fiscal year of training institute course tuition fees, other-
15 wise authorized by law to be collected, and may utilize
16 such sums for occupational safety and health training and
17 education grants: *Provided*, That, notwithstanding 31
18 U.S.C. 3302, the Secretary is authorized, during the fiscal
19 year ending September 30, 2008, to collect and retain fees
20 for services provided to Nationally Recognized Testing
21 Laboratories, and may utilize such sums, in accordance
22 with the provisions of 29 U.S.C. 9a, to administer national
23 and international laboratory recognition programs that en-
24 sure the safety of equipment and products used by workers
25 in the workplace: *Provided further*, That none of the funds

1 appropriated under this paragraph shall be obligated or
2 expended to prescribe, issue, administer, or enforce any
3 standard, rule, regulation, or order under the Act which
4 is applicable to any person who is engaged in a farming
5 operation which does not maintain a temporary labor
6 camp and employs 10 or fewer employees: *Provided fur-*
7 *ther,* That no funds appropriated under this paragraph
8 shall be obligated or expended to administer or enforce
9 any standard, rule, regulation, or order under the Act with
10 respect to any employer of 10 or fewer employees who is
11 included within a category having a Days Away, Re-
12 stricted, or Transferred (DART) occupational injury and
13 illness rate, at the most precise industrial classification
14 code for which such data are published, less than the na-
15 tional average rate as such rates are most recently pub-
16 lished by the Secretary, acting through the Bureau of
17 Labor Statistics, in accordance with section 24 of the Act,
18 except—

19 (1) to provide, as authorized by the Act, con-
20 sultation, technical assistance, educational and train-
21 ing services, and to conduct surveys and studies;

22 (2) to conduct an inspection or investigation in
23 response to an employee complaint, to issue a cita-
24 tion for violations found during such inspection, and
25 to assess a penalty for violations which are not cor-

1 rected within a reasonable abatement period and for
2 any willful violations found;

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

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

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

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

16 *Provided further,* That the foregoing proviso shall not
17 apply to any person who is engaged in a farming operation
18 which does not maintain a temporary labor camp and em-
19 ploys 10 or fewer employees: *Provided further,* That
20 \$10,116,000 shall be available for Susan Harwood train-
21 ing grants, of which \$3,200,000 shall be used for the In-
22 stitutional Competency Building training grants which
23 commenced in September 2000, for program activities for
24 the period of October 1, 2007 to September 30, 2008, pro-
25 vided that a grantee has demonstrated satisfactory per-

1 formance: *Provided further*, That such grants shall be
2 awarded not later than 30 days after the date of enact-
3 ment of this Act: *Provided further*, That the Secretary
4 shall provide a report to the Committees on Appropria-
5 tions of the House of Representatives and the Senate with
6 timetables for the development and issuance of occupa-
7 tional safety and health standards on beryllium, silica,
8 cranes and derricks, confined space entry in construction,
9 and hazard communication global harmonization; such
10 timetables shall include actual or estimated dates for: the
11 publication of an advance notice of proposed rulemaking,
12 the commencement and completion of a Small Business
13 Regulatory Enforcement Fairness Act review (if required),
14 the completion of any peer review (if required), the sub-
15 mission of the draft proposed rule to the Office of Manage-
16 ment and Budget for review under Executive Order No.
17 12866 (if required), the publication of a proposed rule,
18 the conduct of public hearings, the submission of a draft
19 final rule to the Office and Management and Budget for
20 review under Executive Order No. 12866 (if required),
21 and the issuance of a final rule; and such report shall be
22 submitted to the Committees on Appropriations of the
23 House of Representatives and the Senate within 90 days
24 of the enactment of this Act, with updates provided every
25 90 days thereafter that shall include an explanation of the

1 reasons for any delays in meeting the projected timetables
2 for action.

3 MINE SAFETY AND HEALTH ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Mine Safety and
6 Health Administration, \$339,862,000, including purchase
7 and bestowal of certificates and trophies in connection
8 with mine rescue and first-aid work, and the hire of pas-
9 senger motor vehicles, including up to \$2,000,000 for
10 mine rescue and recovery activities, \$2,200,000 for an
11 award to the United Mine Workers of America, for class-
12 room and simulated rescue training for mine rescue teams,
13 and \$1,184,000 for an award to the Wheeling Jesuit Uni-
14 versity, for the National Technology Transfer Center for
15 a coal slurry impoundment project; in addition, not to ex-
16 ceed \$750,000 may be collected by the National Mine
17 Health and Safety Academy for room, board, tuition, and
18 the sale of training materials, otherwise authorized by law
19 to be collected, to be available for mine safety and health
20 education and training activities, notwithstanding 31
21 U.S.C. 3302; and, in addition, the Mine Safety and Health
22 Administration may retain up to \$1,000,000 from fees col-
23 lected for the approval and certification of equipment, ma-
24 terials, and explosives for use in mines, and may utilize
25 such sums for such activities; the Secretary of Labor is

1 authorized to accept lands, buildings, equipment, and
2 other contributions from public and private sources and
3 to prosecute projects in cooperation with other agencies,
4 Federal, State, or private; the Mine Safety and Health Ad-
5 ministration is authorized to promote health and safety
6 education and training in the mining community through
7 cooperative programs with States, industry, and safety as-
8 sociations; the Secretary is authorized to recognize the Jo-
9 seph A. Holmes Safety Association as a principal safety
10 association and, notwithstanding any other provision of
11 law, may provide funds and, with or without reimburse-
12 ment, personnel, including service of Mine Safety and
13 Health Administration officials as officers in local chap-
14 ters or in the national organization; and any funds avail-
15 able to the Department may be used, with the approval
16 of the Secretary, to provide for the costs of mine rescue
17 and survival operations in the event of a major disaster.

18 BUREAU OF LABOR STATISTICS

19 SALARIES AND EXPENSES

20 For necessary expenses for the Bureau of Labor Sta-
21 tistics, including advances or reimbursements to State,
22 Federal, and local agencies and their employees for serv-
23 ices rendered, \$476,861,000, together with not to exceed
24 \$77,067,000, which may be expended from the Employ-
25 ment Security Administration Account in the Unemploy-

1 ment Trust Fund, of which \$5,000,000 may be used to
2 fund the mass layoff statistics program under section 15
3 of the Wagner-Peyser Act: *Provided*, That the Current
4 Employment Survey shall maintain the content of the sur-
5 vey issued prior to June 2005 with respect to the collection
6 of data for the women worker series.

7 OFFICE OF DISABILITY EMPLOYMENT POLICY

8 SALARIES AND EXPENSES

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

14 DEPARTMENTAL MANAGEMENT

15 SALARIES AND EXPENSES

16 For necessary expenses for Departmental Manage-
17 ment, including the hire of three sedans, and including
18 the management or operation, through contracts, grants
19 or other arrangements of Departmental activities con-
20 ducted by or through the Bureau of International Labor
21 Affairs, including bilateral and multilateral technical as-
22 sistance and other international labor activities,
23 \$296,756,000, of which \$82,516,000 is for the Bureau of
24 International Labor Affairs (including \$5,000,000 to im-
25 plement model programs to address worker rights issues

1 through technical assistance in countries with which the
2 United States has trade preference programs), and of
3 which \$20,000,000 is for the acquisition of Departmental
4 information technology, architecture, infrastructure,
5 equipment, software and related needs, which will be allo-
6 cated by the Department's Chief Information Officer in
7 accordance with the Department's capital investment
8 management process to assure a sound investment strat-
9 egy; together with not to exceed \$308,000, which may be
10 expended from the Employment Security Administration
11 Account in the Unemployment Trust Fund.

12 OFFICE OF JOB CORPS

13 To carry out subtitle C of title I of the Workforce
14 Investment Act of 1998, including Federal administrative
15 expenses, the purchase and hire of passenger motor vehi-
16 cles, the construction, alteration and repairs of buildings
17 and other facilities, and the purchase of real property for
18 training centers as authorized by the Workforce Invest-
19 ment Act; \$1,626,855,000, plus reimbursements, as fol-
20 lows:

21 (1) \$1,485,357,000 for Job Corps Operations,
22 of which \$894,357,000 is available for obligation for
23 the period July 1, 2008 through June 30, 2009 and
24 of which \$591,000,000 is available for obligation for
25 the period October 1, 2008 through June 30, 2009;

1 (2) \$112,920,000 for construction, rehabilita-
2 tion and acquisition of Job Corps Centers, of which
3 \$12,920,000 is available for the period July 1, 2008
4 through June 30, 2011 and \$100,000,000 is avail-
5 able for the period October 1, 2008 through June
6 30, 2011; and

7 (3) \$28,578,000 for necessary expenses of the
8 Office of Job Corps is available for obligation for the
9 period October 1, 2007 through September 30,
10 2008:

11 *Provided*, That the Office of Job Corps shall have con-
12 tracting authority: *Provided further*, That no funds from
13 any other appropriation shall be used to provide meal serv-
14 ices at or for Job Corps centers: *Provided further*, That
15 none of the funds made available in this Act shall be used
16 to reduce Job Corps total student training slots below the
17 current level of 44,491 in program year 2008.

18 VETERANS EMPLOYMENT AND TRAINING

19 Not to exceed \$200,631,000 may be derived from the
20 Employment Security Administration Account in the Un-
21 employment Trust Fund to carry out the provisions of sec-
22 tions 4100–4113, 4211–4215, and 4321–4327 of title 38,
23 United States Code, and Public Law 103–353, and which
24 shall be available for obligation by the States through De-
25 cember 31, 2008, of which \$1,984,000 is for the National
26 Veterans' Employment and Training Services Institute.

1 To carry out the Homeless Veterans Reintegration Pro-
2 grams under section 5(a)(1) of the Homeless Veterans
3 Comprehensive Assistance Act of 2001 and the Veterans
4 Workforce Investment Programs under section 168 of the
5 Workforce Investment Act, \$31,522,000, of which
6 \$7,482,000 shall be available for obligation for the period
7 July 1, 2008, through June 30, 2009.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$70,072,000, together with not to
12 exceed \$5,641,000, which may be expended from the Em-
13 ployment Security Administration Account in the Unem-
14 ployment Trust Fund.

15 GENERAL PROVISIONS

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

20 (TRANSFER OF FUNDS)

21 SEC. 102. Not to exceed 1 percent of any discre-
22 tionary funds (pursuant to the Balanced Budget and
23 Emergency Deficit Control Act of 1985) which are appro-
24 priated for the current fiscal year for the Department of
25 Labor in this Act may be transferred between a program,
26 project, or activity, but no such program, project, or activ-

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

10 SEC. 103. In accordance with Executive Order No.
11 13126, none of the funds appropriated or otherwise made
12 available pursuant to this Act shall be obligated or ex-
13 pended for the procurement of goods mined, produced,
14 manufactured, or harvested or services rendered, whole or
15 in part, by forced or indentured child labor in industries
16 and host countries already identified by the United States
17 Department of Labor prior to enactment of this Act.

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

23 SEC. 105. None of the funds appropriated in this title
24 for grants under section 171 of the Workforce Investment
25 Act of 1998 may be obligated prior to the preparation and

1 submission of a report by the Secretary of Labor to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate detailing the planned uses of such
4 funds.

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

10 SEC. 107. None of the funds made available to the
11 Department of Labor for grants under section 414(c) of
12 the American Competitiveness and Workforce Improve-
13 ment Act of 1998 may be used for any purpose other than
14 training in the occupations and industries for which em-
15 ployers are using H-1B visas to hire foreign workers, and
16 the related activities necessary to support such training:
17 *Provided*, That the preceding limitation shall not apply to
18 multi-year grants awarded prior to June 30, 2007.

19 SEC. 108. None of the funds available in this Act or
20 available to the Secretary of Labor from other sources for
21 Community-Based Job Training grants and grants au-
22 thorized under section 414(c) of the American Competi-
23 tiveness and Workforce Improvement Act of 1998 shall
24 be obligated for a grant awarded on a non-competitive
25 basis.

1 SEC. 109. The Secretary of Labor shall take no ac-
2 tion to amend, through regulatory or administration ac-
3 tion, the definition established in 20 CFR 667.220 for
4 functions and activities under title I of the Workforce In-
5 vestment Act of 1998, or to modify, through regulatory
6 or administrative action, the procedure for redesignation
7 of local areas as specified in subtitle B of title I of that
8 Act (including applying the standards specified in section
9 116(a)(3)(B) of that Act, but notwithstanding the time
10 limits specified in section 116(a)(3)(B) of that Act), until
11 such time as legislation reauthorizing the Act is enacted.
12 Nothing in the preceding sentence shall permit or require
13 the Secretary of Labor to withdraw approval for such re-
14 designation from a State that received the approval not
15 later than October 12, 2005, or to revise action taken or
16 modify the redesignation procedure being used by the Sec-
17 retary in order to complete such redesignation for a State
18 that initiated the process of such redesignation by submit-
19 ting any request for such redesignation not later than Oc-
20 tober 26, 2005.

21 SEC. 110. None of the funds made available in this
22 or any other Act shall be available to finalize or implement
23 any proposed regulation under the Workforce Investment
24 Act of 1998, Wagner-Peyser Act of 1933, or the Trade
25 Adjustment Assistance Reform Act of 2002 until such

1 time as legislation reauthorizing the Workforce Invest-
2 ment Act of 1998 and the Trade Adjustment Assistance
3 Reform Act of 2002 is enacted.

4 SEC. 111. None of the funds available in this Act may
5 be used to carry out a public-private competition or direct
6 conversion under Office of Management and Budget Cir-
7 cular A-76 or any successor administrative regulation, di-
8 rective or policy until 60 days after the Government Ac-
9 countability Office provides a report to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate on the use of competitive sourcing at the Depart-
12 ment of Labor.

13 SEC. 112. (a) Not later than June 20, 2008, the Sec-
14 retary of Labor shall propose regulations pursuant to sec-
15 tion 303(y) of the Federal Mine Safety and Health Act
16 of 1977, consistent with the recommendations of the Tech-
17 nical Study Panel established pursuant to section 11 of
18 the Mine Improvement and New Emergency Response
19 (MINER) Act (Public Law 109-236), to require that in
20 any coal mine, regardless of the date on which it was
21 opened, belt haulage entries not be used to ventilate active
22 working places without prior approval from the Assistant
23 Secretary. Further, a mine ventilation plan incorporating
24 the use of air coursed through belt haulage entries to ven-
25 tilate active working places shall not be approved until the

1 Assistant Secretary has reviewed the elements of the plan
2 related to the use of belt air and determined that the plan
3 at all times affords at least the same measure of protection
4 where belt haulage entries are not used to ventilate work-
5 ing places. The Secretary shall finalize the regulations not
6 later than December 31, 2008.

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

17 SEC. 113. None of the funds appropriated in this Act
18 under the heading "Employment and Training Adminis-
19 tration" shall be used by a recipient or subrecipient of
20 such funds to pay the salary and bonuses of an individual,
21 either as direct costs or indirect costs, at a rate in excess
22 of Executive Level II. This limitation shall not apply to
23 vendors providing goods and services as defined in OMB
24 Circular A-133. Where States are recipients of such
25 funds, States may establish a lower limit for salaries and

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

8 SEC. 114. (a) In this section:

9 (1) The term “covered funds” means funds pro-
10 vided under section 173 of the Workforce Invest-
11 ment Act of 1998 (29 U.S.C. 2918) to a State that
12 submits an application under that section not earlier
13 than May 4, 2007, for a national emergency grant
14 to address the effects of the May 4, 2007, Greens-
15 burg, Kansas tornado.

16 (2) The term “professional municipal services”
17 means services that are necessary to facilitate the
18 recovery of Greensburg, Kansas from that tornado,
19 and necessary to plan for or provide basic manage-
20 ment and administrative services, which may in-
21 clude—

22 (A) the overall coordination of disaster re-
23 covery and humanitarian efforts, oversight, and
24 enforcement of building code compliance, and

1 coordination of health and safety response
2 units; or

3 (B) the delivery of humanitarian assistance
4 to individuals affected by that tornado.

5 (b) Covered funds may be used to provide temporary
6 public sector employment and services authorized under
7 section 173 of such Act to individuals affected by such
8 tornado, including individuals who were unemployed on
9 the date of the tornado, or who are without employment
10 history, in addition to individuals who are eligible for dis-
11 aster relief employment under section 173(d)(2) of such
12 Act.

13 (c) Covered funds may be used to provide professional
14 municipal services for a period of not more than 24
15 months, by hiring or contracting with individuals or orga-
16 nizations (including individuals employed by contractors)
17 that the State involved determines are necessary to pro-
18 vide professional municipal services.

19 (d) Covered funds expended under this section may
20 be spent on costs incurred not earlier than May 4, 2007.

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

3 **TITLE II**
4 **DEPARTMENT OF HEALTH AND HUMAN**
5 **SERVICES**

6 **HEALTH RESOURCES AND SERVICES ADMINISTRATION**
7 **HEALTH RESOURCES AND SERVICES**

8 For carrying out titles II, III, IV, VII, VIII, X, XII,
9 XIX, and XXVI of the Public Health Service Act, section
10 427(a) of the Federal Coal Mine Health and Safety Act,
11 title V and sections 1128E, and 711, and 1820 of the So-
12 cial Security Act, the Health Care Quality Improvement
13 Act of 1986, the Native Hawaiian Health Care Act of

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1 1988, the Cardiac Arrest Survival Act of 2000, and sec-
2 tion 712 of the American Jobs Creation Act of 2004,
3 \$6,976,099,000, of which \$309,889,000 shall be available
4 for construction and renovation (including equipment) of
5 health care and other facilities and other health-related
6 activities specified in the explanatory statement described
7 in section 4 (in the matter preceding division A of this
8 consolidated Act), and of which \$38,538,000 from general
9 revenues, notwithstanding section 1820(j) of the Social
10 Security Act, shall be available for carrying out the Medi-
11 care rural hospital flexibility grants program under such
12 section: *Provided*, That of the funds made available under
13 this heading, \$160,000 shall be available until expended
14 for facilities renovations at the Gillis W. Long Hansen's
15 Disease Center: *Provided further*, That \$40,000,000 of the
16 funding provided for community health centers shall be
17 for base grant adjustments for existing health centers:
18 *Provided further*, That in addition to fees authorized by
19 section 427(b) of the Health Care Quality Improvement
20 Act of 1986, fees shall be collected for the full disclosure
21 of information under the Act sufficient to recover the full
22 costs of operating the National Practitioner Data Bank,
23 and shall remain available until expended to carry out that
24 Act: *Provided further*, That fees collected for the full dis-
25 closure of information under the "Health Care Fraud and

1 Abuse Data Collection Program”, authorized by section
2 1128E(d)(2) of the Social Security Act, shall be sufficient
3 to recover the full costs of operating the program, and
4 shall remain available until expended to carry out that
5 Act: *Provided further*, That no more than \$40,000 is avail-
6 able until expended for carrying out the provisions of 42
7 U.S.C. 233(o) including associated administrative ex-
8 penses and relevant evaluations: *Provided further*, That no
9 more than \$44,055,000 is available until expended for car-
10 rying out the provisions of Public Law 104-73 and for
11 expenses incurred by the Department of Health and
12 Human Services pertaining to administrative claims made
13 under such law: *Provided further*, That of the funds made
14 available under this heading, \$305,315,000 shall be for
15 the program under title X of the Public Health Service
16 Act to provide for voluntary family planning projects: *Pro-*
17 *vided further*, That amounts provided to said projects
18 under such title shall not be expended for abortions, that
19 all pregnancy counseling shall be nondirective, and that
20 such amounts shall not be expended for any activity (in-
21 cluding the publication or distribution of literature) that
22 in any way tends to promote public support or opposition
23 to any legislative proposal or candidate for public office:
24 *Provided further*, That of the funds available under this
25 heading, \$1,852,800,000 shall remain available to the Sec-

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1 retary of Health and Human Services through September
 2 30, 2010, for parts A and B of title XXVI of the Public
 3 Health Service Act: *Provided further*, That within the
 4 amounts provided for part A of title XXVI of the Public
 5 Health Service Act, ~~\$9,377,000~~ is available to the Sec- funds
 6 ~~retary of Health and Human Services through September~~ e
 7 ~~30, 2010, and~~ shall be made available to qualifying juris-

8 ditions within 45 days of enactment, for increasing sup-
 9 plemental grants for fiscal year 2008 to metropolitan
 10 areas that received grant funding in fiscal year 2007

11 under subpart I of part A of title XXVI of the Public
 12 Health Service Act to ensure that an area's total funding
 13 under ~~subpart I~~ of part A for fiscal year 2007, together
 14 with the amount of this additional funding, is not less than
 15 ~~91.6~~ percent of the amount of such area's total funding

and II
 2

16 under part A for fiscal year 2006, and to transitional

86.6

17 areas that received grant funding in fiscal year 2007
 18 under subpart II of part A of title XXVI of the Public
 19 Health Service Act to ensure that an area's total funding
 20 under subpart II of part A for fiscal year 2007, together
 21 with the amount of this additional funding, is not less than
 22 86.6 percent of the amount of such area's total funding

23 ~~under part A for fiscal year 2006: *Provided further*, That,~~
 24 notwithstanding section 2603(c)(1) of the Public Health
 25 Service Act, the additional funding to areas under the im-

1 mediatey preceding proviso, which may be used for costs
2 incurred during fiscal year 2007, shall be available to the
3 area for obligation from the date of the award through
4 the end of the grant year for the award: *Provided further,*
5 That \$808,500,000 shall be for State AIDS Drug Assist-
6 ance Programs authorized by section 2616 of the Public
7 Health Service Act: *Provided further,* That in addition to
8 amounts provided herein, \$25,000,000 shall be available
9 from amounts available under section 241 of the Public
10 Health Service Act to carry out Parts A, B, C, and D
11 of title XXVI of the Public Health Service Act to fund
12 section 2691 Special Projects of National Significance:
13 *Provided further,* That, notwithstanding section 502(a)(1)
14 and 502(b)(1) of the Social Security Act, not to exceed
15 \$100,937,000 is available for carrying out special projects
16 of regional and national significance pursuant to section
17 501(a)(2) of such Act and \$10,586,000 is available for
18 projects described in paragraphs (A) through (F) of sec-
19 tion 501(a)(3) of such Act: *Provided further,* That of the
20 funds provided, \$39,283,000 shall be provided to the
21 Denali Commission as a direct lump payment pursuant
22 to Public Law 106-113: *Provided further,* That of the
23 funds provided, \$25,000,000 shall be provided for the
24 Delta Health Initiative as authorized in section 219 of this
25 Act and associated administrative expenses: *Provided fur-*

1 *ther*, That notwithstanding section 747(e)(2) of the PHS
2 Act, not less than \$5,000,000 shall be for general den-
3 tistry programs, not less than \$5,000,000 shall be for pe-
4 diatric dentistry programs and not less than \$24,614,000
5 shall be for family medicine programs: *Provided further*,
6 That of the funds available under this heading,
7 \$9,000,000 shall be provided for the National Cord Blood
8 Inventory pursuant to the Stem Cell Therapeutic and Re-
9 search Act of 2005.

10 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

11 ACCOUNT

12 Such sums as may be necessary to carry out the pur-
13 pose of the program, as authorized by title VII of the Pub-
14 lic Health Service Act. For administrative expenses to
15 carry out the guaranteed loan program, including section
16 709 of the Public Health Service Act, \$2,898,000.

17 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

18 For payments from the Vaccine Injury Compensation
19 Program Trust Fund, such sums as may be necessary for
20 claims associated with vaccine-related injury or death with
21 respect to vaccines administered after September 30,
22 1988, pursuant to subtitle 2 of title XXI of the Public
23 Health Service Act, to remain available until expended:
24 *Provided*, That for necessary administrative expenses, not
25 to exceed \$5,500,000 shall be available from the Trust
26 Fund to the Secretary of Health and Human Services.

1 CENTERS FOR DISEASE CONTROL AND PREVENTION

2 DISEASE CONTROL, RESEARCH, AND TRAINING

3 To carry out titles II, III, VII, XI, XV, XVII, XIX,
4 XXI, and XXVI of the Public Health Service Act, sections
5 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the
6 Federal Mine Safety and Health Act of 1977, section 13
7 of the Mine Improvement and New Emergency Response
8 Act of 2006, sections 20, 21, and 22 of the Occupational
9 Safety and Health Act of 1970, title IV of the Immigra-
10 tion and Nationality Act, section 501 of the Refugee Edu-
11 cation Assistance Act of 1980, and for expenses necessary
12 to support activities related to countering potential biologi-
13 cal, disease, nuclear, radiological, and chemical threats to
14 civilian populations; including purchase and insurance of
15 official motor vehicles in foreign countries; and purchase,
16 hire, maintenance, and operation of aircraft,
17 \$6,158,541,000, of which \$56,000,000 shall remain avail-
18 able until expended for equipment, construction and ren-
19 ovation of facilities; of which \$568,803,000 shall remain
20 available until expended for the Strategic National Stock-
21 pile; of which \$27,215,000 shall be available for public
22 health improvement activities specified in the explanatory
23 statement described in section 4 (in the matter preceding
24 division A of this consolidated Act); of which
25 \$121,541,000 for international HIV/AIDS shall remain

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1 available until September 30, 2009; and of which
2 \$109,000,000 shall be available until expended to provide
3 screening and treatment for first response emergency serv-
4 ices personnel, residents, students, and others related to
5 the September 11, 2001 terrorist attacks on the World
6 Trade Center: *Provided*, That of this amount,
7 \$56,500,000 is designated as described in section 5 (in
8 the matter preceding division A of this consolidated Act).
9 In addition, such sums as may be derived from authorized
10 user fees, which shall be credited to this account: *Provided*,
11 That in addition to amounts provided herein, the following
12 amounts shall be available from amounts available under
13 section 241 of the Public Health Service Act: (1)
14 \$12,794,000 to carry out the National Immunization Sur-
15 veys; (2) \$113,636,000 to carry out the National Center
16 for Health Statistics surveys; (3) \$24,751,000 to carry out
17 information systems standards development and architec-
18 ture and applications-based research used at local public
19 health levels; (4) \$48,523,000 for Health Marketing; (5)
20 \$31,000,000 to carry out Public Health Research; and (6)
21 \$94,969,000 to carry out research activities within the
22 National Occupational Research Agenda: *Provided further*,
23 That none of the funds made available for injury preven-
24 tion and control at the Centers for Disease Control and
25 Prevention may be used, in whole or in part, to advocate

1 or promote gun control: *Provided further*, That up to
2 \$31,800,000 shall be made available until expended for
3 Individual Learning Accounts for full-time equivalent em-
4 ployees of the Centers for Disease Control and Prevention:
5 *Provided further*, That the Director may redirect the total
6 amount made available under authority of Public Law
7 101-502, section 3, dated November 3, 1990, to activities
8 the Director may so designate: *Provided further*, That the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate are to be notified promptly of any
11 such transfer: *Provided further*, That not to exceed
12 \$18,929,000 may be available for making grants under
13 section 1509 of the Public Health Service Act to not less
14 than 15 States, tribes, or tribal organizations: *Provided*
15 *further*, That notwithstanding any other provision of law,
16 the Centers for Disease Control and Prevention shall
17 award a single contract or related contracts for develop-
18 ment and construction of the next building or facility des-
19 igned in the Buildings and Facilities Master Plan that
20 collectively include the full scope of the project: *Provided*
21 *further*, That the solicitation and contract shall contain the
22 clause "availability of funds" found at 48 CFR 52.232-
23 18: *Provided further*, That of the funds appropriated,
24 \$10,000 is for official reception and representation ex-
25 penses when specifically approved by the Director of the

1 Centers for Disease Control and Prevention: *Provided fur-*
2 *ther*, That employees of the Centers for Disease Control
3 and Prevention or the Public Health Service, both civilian
4 and Commissioned Officers, detailed to States, municipali-
5 ties, or other organizations under authority of section 214
6 of the Public Health Service Act, or in overseas assign-
7 ments, shall be treated as non-Federal employees for re-
8 porting purposes only and shall not be included within any
9 personnel ceiling applicable to the Agency, Service, or the
10 Department of Health and Human Services during the pe-
11 riod of detail or assignment: *Provided further*, That out
12 of funds made available under this heading for domestic
13 HIV/AIDS testing, up to \$30,000,000 shall be for States
14 eligible under section 2625 of the Public Health Service
15 Act as of December 31, 2007 and shall be distributed by
16 May 31, 2008 based on standard criteria relating to a
17 State's epidemiological profile, and of which not more than
18 \$1,000,000 may be made available to any one State, and
19 any amounts that have not been obligated by May 31,
20 2008 shall be used to make grants authorized by other
21 provisions of the Public Health Service Act to States and
22 local public health departments for HIV prevention activi-
23 ties.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to cancer,
5 \$4,890,525,000, of which up to \$8,000,000 may be used
6 for facilities repairs and improvements at the NCI-Fred-
7 erick Federally Funded Research and Development Center
8 in Frederick, Maryland.

9 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to cardiovascular, lung,
12 and blood diseases, and blood and blood products,
13 \$2,974,900,000.

14 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
15 RESEARCH

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to dental disease,
18 \$396,632,000.

19 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
20 KIDNEY DISEASES

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to diabetes and diges-
23 tive and kidney disease, \$1,736,199,000.

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
2 AND STROKE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to neurological dis-
5 orders and stroke, \$1,571,353,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

8 (INCLUDING TRANSFER OF FUNDS)

9 For carrying out section 301 and title IV of the Pub-
10 lic Health Service Act with respect to allergy and infec-
11 tious diseases, \$4,641,746,000: *Provided*, That
12 \$300,000,000 may be made available to International As-
13 sistance Programs "Global Fund to Fight HIV/AIDS, Ma-
14 laria, and Tuberculosis", to remain available until ex-
15 pended: *Provided further*, That such sums obligated in fis-
16 cal years 2003 through 2007 for extramural facilities con-
17 struction projects are to remain available until expended
18 for disbursement, with prior notification of such projects
19 to the Committees on Appropriations of the House of Rep-
20 resentatives and the Senate.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to general medical
24 sciences, \$1,970,228,000.

1 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
2 DEVELOPMENT

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to child health and
5 human development, \$1,277,017,000.

6 NATIONAL EYE INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to eye diseases and
9 visual disorders, \$678,978,000.

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
11 SCIENCES

12 For carrying out sections 301 and 311 and title IV
13 of the Public Health Service Act with respect to environ-
14 mental health sciences, \$653,673,000.

15 NATIONAL INSTITUTE ON AGING

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to aging,
18 \$1,065,881,000.

19 NATIONAL INSTITUTE OF ARTHRITIS AND
20 MUSCULOSKELETAL AND SKIN DISEASES

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to arthritis and mus-
23 culoskeletal and skin diseases, \$517,629,000.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to deafness and other
5 communication disorders, \$401,146,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to nursing research,
9 \$139,920,000.

10 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
11 ALCOHOLISM

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to alcohol abuse and
14 alcoholism, \$444,016,000.

15 NATIONAL INSTITUTE ON DRUG ABUSE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to drug abuse,
18 \$1,018,493,000.

19 NATIONAL INSTITUTE OF MENTAL HEALTH

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to mental health,
22 \$1,429,466,000.

23 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act with respect to human genome re-
26 search, \$495,434,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to biomedical imaging
5 and bioengineering research, \$303,955,000.

6 NATIONAL CENTER FOR RESEARCH RESOURCES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to research resources
9 and general research support grants, \$1,169,884,000.

10 NATIONAL CENTER FOR COMPLEMENTARY AND
11 ALTERNATIVE MEDICINE

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to complementary and
14 alternative medicine, \$123,739,000.

15 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
16 DISPARITIES

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to minority health and
19 health disparities research, \$203,117,000.

20 JOHN E. FOGARTY INTERNATIONAL CENTER

21 For carrying out the activities of the John E. Fogarty
22 International Center (described in subpart 2 of part E of
23 title IV of the Public Health Service Act), \$67,741,000.

24 NATIONAL LIBRARY OF MEDICINE

25 For carrying out section 301 and title IV of the Pub-
26 lic Health Service Act with respect to health information

1 communications, \$326,669,000, of which \$4,000,000 shall
2 be available until expended for improvement of informa-
3 tion systems: *Provided*, That in fiscal year 2008, the Na-
4 tional Library of Medicine may enter into personal serv-
5 ices contracts for the provision of services in facilities
6 owned, operated, or constructed under the jurisdiction of
7 the National Institutes of Health: *Provided further*, That
8 in addition to amounts provided herein, \$8,200,000 shall
9 be available from amounts available under section 241 of
10 the Public Health Service Act to carry out the purposes
11 of the National Information Center on Health Services Re-
12 search and Health Care Technology established under sec-
13 tion 478A of the Public Health Service Act and related
14 health services.

15 OFFICE OF THE DIRECTOR

16 For carrying out the responsibilities of the Office of
17 the Director, National Institutes of Health,
18 \$1,128,819,000, of which up to \$25,000,000 shall be used
19 to carry out section 215 of this Act: *Provided*, That fund-
20 ing shall be available for the purchase of not to exceed
21 29 passenger motor vehicles for replacement only: *Pro-*
22 *vided further*, That the National Institutes of Health is
23 authorized to collect third party payments for the cost of
24 clinical services that are incurred in National Institutes
25 of Health research facilities and that such payments shall
26 be credited to the National Institutes of Health Manage-

1 ment Fund: *Provided further*, That all funds credited to
2 such Fund shall remain available for one fiscal year after
3 the fiscal year in which they are deposited: *Provided fur-*
4 *ther*, That \$112,872,000 shall be available for continu-
5 ation of the National Children's Study: *Provided further*,
6 That \$504,420,000 shall be available for the Common
7 Fund established under section 402A(c)(1) of the Public
8 Health Service Act: *Provided further*, That of the funds
9 provided \$10,000 shall be for official reception and rep-
10 resentation expenses when specifically approved by the Di-
11 rector of the National Institutes of Health: *Provided fur-*
12 *ther*, That the Office of AIDS Research within the Office
13 of the Director of the National Institutes of Health may
14 spend up to \$4,000,000 to make grants for construction
15 or renovation of facilities as provided for in section
16 2354(a)(5)(B) of the Public Health Service Act.

17 BUILDINGS AND FACILITIES

18 For the study of, construction of, renovation of, and
19 acquisition of equipment for, facilities of or used by the
20 National Institutes of Health, including the acquisition of
21 real property, \$121,081,000, to remain available until ex-
22 pended.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

4 For carrying out titles V and XIX of the Public
5 Health Service Act ("PHS Act") with respect to substance
6 abuse and mental health services, the Protection and Ad-
7 vocacy for Individuals with Mental Illness Act, and section
8 301 of the PHS Act with respect to program management,
9 \$3,291,543,000, of which \$19,120,000 shall be available
10 for the projects and in the amounts specified in the ex-
11 planatory statement described in section 4 (in the matter
12 preceding division A of this consolidated Act): *Provided*,
13 That notwithstanding section 520A(f)(2) of the PHS Act,
14 no funds appropriated for carrying out section 520A are
15 available for carrying out section 1971 of the PHS Act:
16 *Provided further*, That in addition to amounts provided
17 herein, the following amounts shall be available under sec-
18 tion 241 of the PHS Act: (1) \$79,200,000 to carry out
19 subpart II of part B of title XIX of the PHS Act to fund
20 section 1935(b) technical assistance, national data, data
21 collection and evaluation activities, and further that the
22 total available under this Act for section 1935(b) activities
23 shall not exceed 5 percent of the amounts appropriated
24 for subpart II of part B of title XIX; (2) \$21,413,000
25 to carry out subpart I of part B of title XIX of the PHS

1 Act to fund section 1920(b) technical assistance, national
2 data, data collection and evaluation activities, and further
3 that the total available under this Act for section 1920(b)
4 activities shall not exceed 5 percent of the amounts appro-
5 priated for subpart I of part B of title XIX; (3)
6 \$17,750,000 to carry out national surveys on drug abuse;
7 and (4) \$4,300,000 to evaluate substance abuse treatment
8 programs: *Provided further*, That section 520E(b)(2) of
9 the Public Health Service Act shall not apply to funds ap-
10 propriated under this Act for fiscal year 2008.

11 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

12 HEALTHCARE RESEARCH AND QUALITY

13 For carrying out titles III and IX of the Public
14 Health Service Act, and part A of title XI of the Social
15 Security Act, amounts received from Freedom of Informa-
16 tion Act fees, reimbursable and interagency agreements,
17 and the sale of data shall be credited to this appropriation
18 and shall remain available until expended: *Provided*, That
19 the amount made available pursuant to section 937(c) of
20 the Public Health Service Act shall not exceed
21 \$334,564,000.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

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

6 For making, after May 31, 2008, payments to States
7 under title XIX of the Social Security Act for the last
8 quarter of fiscal year 2008 for unanticipated costs, in-
9 curred for the current fiscal year, such sums as may be
10 necessary.

11 For making payments to States or in the case of sec-
12 tion 1928 on behalf of States under title XIX of the Social
13 Security Act for the first quarter of fiscal year 2009,
14 \$67,292,669,000, to remain available until expended.

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

19 PAYMENTS TO HEALTH CARE TRUST FUNDS

20 For payment to the Federal Hospital Insurance and
21 the Federal Supplementary Medical Insurance Trust
22 Funds, as provided under section 1844 and 1860D-16 of
23 the Social Security Act, sections 103(c) and 111(d) of the
24 Social Security Amendments of 1965, section 278(d) of
25 Public Law 97-248, and for administrative expenses in-

1 curred pursuant to section 201(g) of the Social Security
2 Act, \$188,445,000,000.

3 In addition, for making matching payments under
4 section 1844, and benefit payments under section 1860D-
5 16 of the Social Security Act, not anticipated in budget
6 estimates, such sums as may be necessary.

7 PROGRAM MANAGEMENT

8 For carrying out, except as otherwise provided, titles
9 XI, XVIII, XIX, and XXI of the Social Security Act, titles
10 XIII and XXVII of the Public Health Service Act, and
11 the Clinical Laboratory Improvement Amendments of
12 1988, not to exceed \$3,207,690,000, to be transferred
13 from the Federal Hospital Insurance and the Federal Sup-
14 plementary Medical Insurance Trust Funds, as authorized
15 by section 201(g) of the Social Security Act; together with
16 all funds collected in accordance with section 353 of the
17 Public Health Service Act and section 1857(e)(2) of the
18 Social Security Act, funds retained by the Secretary pur-
19 suant to section 302 of the Tax Relief and Health Care
20 Act of 2006; and such sums as may be collected from au-
21 thorized user fees and the sale of data, which shall remain
22 available until expended: *Provided*, That all funds derived
23 in accordance with 31 U.S.C. 9701 from organizations es-
24 tablished under title XIII of the Public Health Service Act
25 shall be credited to and available for carrying out the pur-
26 poses of this appropriation: *Provided further*, That

1 \$45,000,000, to remain available until September 30,
2 2009, is for contract costs for the Healthcare Integrated
3 General Ledger Accounting System: *Provided further,*
4 That \$193,000,000, to remain available until September
5 30, 2009, is for CMS Medicare contracting reform activi-
6 ties: *Provided further,* That funds appropriated under this
7 heading are available for the Healthy Start, Grow Smart
8 program under which the Centers for Medicare and Med-
9 icaid Services may, directly or through grants, contracts,
10 or cooperative agreements, produce and distribute infor-
11 mational materials including, but not limited to, pam-
12 phlets and brochures on infant and toddler health care to
13 expectant parents enrolled in the Medicaid program and
14 to parents and guardians enrolled in such program with
15 infants and children: *Provided further,* That the Secretary
16 of Health and Human Services is directed to collect fees
17 in fiscal year 2008 from Medicare Advantage organiza-
18 tions pursuant to section 1857(e)(2) of the Social Security
19 Act and from eligible organizations with risk-sharing con-
20 tracts under section 1876 of that Act pursuant to section
21 1876(k)(4)(D) of that Act: *Provided further,* That
22 \$5,007,000 shall be available for the projects and in the
23 amounts specified in the explanatory statement described
24 in section 4 (in the matter preceding division A of this
25 consolidated Act).

1 ADMINISTRATION FOR CHILDREN AND FAMILIES
2 PAYMENTS TO STATES FOR CHILD SUPPORT
3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

11 For making payments to each State for carrying out
12 the program of Aid to Families with Dependent Children
13 under title IV-A of the Social Security Act before the ef-
14 fective date of the program of Temporary Assistance for
15 Needy Families (TANF) with respect to such State, such
16 sums as may be necessary: *Provided*, That the sum of the
17 amounts available to a State with respect to expenditures
18 under such title IV-A in fiscal year 1997 under this ap-
19 propriation and under such title IV-A as amended by the
20 Personal Responsibility and Work Opportunity Reconcili-
21 ation Act of 1996 shall not exceed the limitations under
22 section 116(b) of such Act.

23 For making, after May 31 of the current fiscal year,
24 payments to States or other non-Federal entities under
25 titles I, IV-D, X, XI, XIV, and XVI of the Social Security

1 Act and the Act of July 5, 1960 (24 U.S.C. chapter 9),
2 for the last 3 months of the current fiscal year for unan-
3 ticipated costs, incurred for the current fiscal year, such
4 sums as may be necessary.

5 LOW-INCOME HOME ENERGY ASSISTANCE

6 For making payments under section 2604(a)–(d) of
7 the Low-Income Home Energy Assistance Act of 1981 (42
8 U.S.C. 8623(a)–(d)), \$2,015,206,000.

9 For making payments under section 2604(e) of the
10 Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8623(e)), \$596,379,000, notwithstanding the des-
12 ignation requirement of section 2602(e) of such Act: *Pro-*
13 *vided*, That of the amount provided by this paragraph,
14 \$250,000,000 is designated as described in section 5 (in
15 the matter preceding division A of this consolidated Act).

16 REFUGEE AND ENTRANT ASSISTANCE

17 For necessary expenses for refugee and entrant as-
18 sistance activities and for costs associated with the care
19 and placement of unaccompanied alien children authorized
20 by title IV of the Immigration and Nationality Act and
21 section 501 of the Refugee Education Assistance Act of
22 1980, for carrying out section 462 of the Homeland Secu-
23 rity Act of 2002, and for carrying out the Torture Victims
24 Relief Act of 1998, \$667,288,000, of which up to
25 \$9,988,000 shall be available to carry out the Trafficking
26 Victims Protection Act of 2000: *Provided*, That funds ap-

1 propriated under this heading pursuant to section 414(a)
2 of the Immigration and Nationality Act and section 462
3 of the Homeland Security Act of 2002 for fiscal year 2008
4 shall be available for the costs of assistance provided and
5 other activities to remain available through September 30,
6 2010.

7 PAYMENTS TO STATES FOR THE CHILD CARE AND
8 DEVELOPMENT BLOCK GRANT

9 For carrying out the Child Care and Development
10 Block Grant Act of 1990, \$2,098,746,000 shall be used
11 to supplement, not supplant State general revenue funds
12 for child care assistance for low-income families: *Provided,*
13 That \$18,777,370 shall be available for child care resource
14 and referral and school-aged child care activities, of which
15 \$982,080 shall be for the Child Care Aware toll-free hot-
16 line: *Provided further,* That, in addition to the amounts
17 required to be reserved by the States under section 658G,
18 \$267,785,718 shall be reserved by the States for activities
19 authorized under section 658G, of which \$98,208,000
20 shall be for activities that improve the quality of infant
21 and toddler care: *Provided further,* That \$9,821,000 shall
22 be for use by the Secretary for child care research, dem-
23 onstration, and evaluation activities.

24 SOCIAL SERVICES BLOCK GRANT

25 For making grants to States pursuant to section
26 2002 of the Social Security Act, \$1,700,000,000: *Pro-*

1 *vided*, That notwithstanding subparagraph (B) of section
2 404(d)(2) of such Act, the applicable percent specified
3 under such subparagraph for a State to carry out State
4 programs pursuant to title XX of such Act shall be 10
5 percent.

6 CHILDREN AND FAMILIES SERVICES PROGRAMS

7 For carrying out, except as otherwise provided, the
8 Runaway and Homeless Youth Act, the Developmental
9 Disabilities Assistance and Bill of Rights Act, the Head
10 Start Act, the Child Abuse Prevention and Treatment Act,
11 sections 310 and 316 of the Family Violence Prevention
12 and Services Act, the Native American Programs Act of
13 1974, title II of the Child Abuse Prevention and Treat-
14 ment and Adoption Reform Act of 1978 (adoption oppor-
15 tunities), sections 330F and 330G of the Public Health
16 Service Act, the Abandoned Infants Assistance Act of
17 1988, sections 261 and 291 of the Help America Vote Act
18 of 2002, part B(1) of title IV and sections 413, 1110,
19 and 1115 of the Social Security Act; for making payments
20 under the Community Services Block Grant Act, sections
21 439(i), 473B, and 477(i) of the Social Security Act, and
22 the Assets for Independence Act, and for necessary admin-
23 istrative expenses to carry out such Acts and titles I, IV,
24 V, X, XI, XIV, XVI, and XX of the Social Security Act,
25 the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-
26 Income Home Energy Assistance Act of 1981, title IV of

1 the Immigration and Nationality Act, section 501 of the
2 Refugee Education Assistance Act of 1980, and section
3 505 of the Family Support Act of 1988, \$9,129,990,000,
4 of which \$4,400,000, to remain available until September
5 30, 2009, shall be for grants to States for adoption incen-
6 tive payments, as authorized by section 473A of the Social
7 Security Act and may be made for adoptions completed
8 before September 30, 2008: *Provided*, That
9 \$7,000,270,000 shall be for making payments under the
10 Head Start Act, of which \$1,388,800,000 shall become
11 available October 1, 2008, and remain available through
12 September 30, 2009: *Provided further*, That \$705,451,000
13 shall be for making payments under the Community Serv-
14 ices Block Grant Act: *Provided further*, That not less than
15 \$8,000,000 shall be for section 680(3)(B) of the Commu-
16 nity Services Block Grant Act: *Provided further*, That in
17 addition to amounts provided herein, \$6,000,000 shall be
18 available from amounts available under section 241 of the
19 Public Health Service Act to carry out the provisions of
20 section 1110 of the Social Security Act: *Provided further*,
21 That to the extent Community Services Block Grant funds
22 are distributed as grant funds by a State to an eligible
23 entity as provided under the Act, and have not been ex-
24 pended by such entity, they shall remain with such entity
25 for carryover into the next fiscal year for expenditure by

1 such entity consistent with program purposes: *Provided*
2 *further*, That the Secretary of Health and Human Services
3 shall establish procedures regarding the disposition of in-
4 tangible property which permits grant funds, or intangible
5 assets acquired with funds authorized under section 680
6 of the Community Services Block Grant Act to become
7 the sole property of such grantees after a period of not
8 more than 12 years after the end of the grant for purposes
9 and uses consistent with the original grant: *Provided fur-*
10 *ther*, That funds appropriated for section 680(a)(2) of the
11 Community Services Block Grant Act shall be available
12 for financing construction and rehabilitation and loans or
13 investments in private business enterprises owned by com-
14 munity development corporations: *Provided further*, That
15 \$53,625,000 is for a compassion capital fund to provide
16 grants to charitable organizations to emulate model social
17 service programs and to encourage research on the best
18 practices of social service organizations: *Provided further*,
19 That \$17,720,000 shall be for activities authorized by the
20 Help America Vote Act of 2002, of which \$12,370,000
21 shall be for payments to States to promote access for vot-
22 ers with disabilities, and of which \$5,350,000 shall be for
23 payments to States for protection and advocacy systems
24 for voters with disabilities: *Provided further*, That
25 \$110,836,000 shall be for making competitive grants to

1 provide abstinence education (as defined by section
2 510(b)(2) of the Social Security Act) to adolescents, and
3 for Federal costs of administering the grant: *Provided fur-*
4 *ther*, That grants under the immediately preceding proviso
5 shall be made only to public and private entities which
6 agree that, with respect to an adolescent to whom the enti-
7 ties provide abstinence education under such grant, the
8 entities will not provide to that adolescent any other edu-
9 cation regarding sexual conduct, except that, in the case
10 of an entity expressly required by law to provide health
11 information or services the adolescent shall not be pre-
12 cluded from seeking health information or services from
13 the entity in a different setting than the setting in which
14 abstinence education was provided: *Provided further*, That
15 within amounts provided herein for abstinence education
16 for adolescents, up to \$10,000,000 may be available for
17 a national abstinence education campaign: *Provided fur-*
18 *ther*, That in addition to amounts provided herein for ab-
19 stinence education for adolescents, \$4,500,000 shall be
20 available from amounts available under section 241 of the
21 Public Health Service Act to carry out evaluations (includ-
22 ing longitudinal evaluations) of adolescent pregnancy pre-
23 vention approaches: *Provided further*, That up to
24 \$2,000,000 shall be for improving the Public Assistance
25 Reporting Information System, including grants to States

1 to support data collection for a study of the system's effec-
2 tiveness: *Provided further*, That \$17,301,000 shall be
3 available for the projects and in the amounts specified in
4 the explanatory statement described in section 4 (in the
5 matter preceding division A of this consolidated Act).

6 PROMOTING SAFE AND STABLE FAMILIES

7 For carrying out section 436 of the Social Security
8 Act, \$345,000,000 and section 437, \$64,437,000.

9 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
10 ASSISTANCE

11 For making payments to States or other non-Federal
12 entities under title IV-E of the Social Security Act,
13 \$5,067,000,000.

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

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

22 ADMINISTRATION ON AGING

23 AGING SERVICES PROGRAMS

24 For carrying out, to the extent not otherwise pro-
25 vided, the Older Americans Act of 1965 and section 398
26 of the Public Health Service Act, \$1,438,567,000, of

1 which \$5,500,000 shall be available for activities regard-
2 ing medication management, screening, and education to
3 prevent incorrect medication and adverse drug reactions:
4 *Provided*, That \$6,431,000 shall be available for the
5 projects and in the amounts specified in the explanatory
6 statement described in section 4 (in the matter preceding
7 division A of this consolidated Act).

8 OFFICE OF THE SECRETARY
9 GENERAL DEPARTMENTAL MANAGEMENT
10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses, not otherwise provided, for
12 general departmental management, including hire of six
13 sedans, and for carrying out titles III, XVII, XX, and XXI
14 of the Public Health Service Act, the United States-Mex-
15 ico Border Health Commission Act, and research studies
16 under section 1110 of the Social Security Act,
17 \$355,518,000, together with \$5,792,000 to be transferred
18 and expended as authorized by section 201(g)(1) of the
19 Social Security Act from the Hospital Insurance Trust
20 Fund and the Supplemental Medical Insurance Trust
21 Fund, and \$46,756,000 from the amounts available under
22 section 241 of the Public Health Service Act to carry out
23 national health or human services research and evaluation
24 activities: *Provided*, That of the funds made available
25 under this heading for carrying out title XX of the Public
26 Health Service Act, \$13,120,000 shall be for activities

1 specified under section 2003(b)(2), all of which shall be
2 for prevention service demonstration grants under section
3 510(b)(2) of title V of the Social Security Act, as amend-
4 ed, without application of the limitation of section 2010(c)
5 of said title XX: *Provided further*, That of this amount,
6 \$51,891,000 shall be for minority AIDS prevention and
7 treatment activities; and \$5,892,000 shall be to assist Af-
8 ghanistan in the development of maternal and child health
9 clinics, consistent with section 103(a)(4)(H) of the Af-
10 ghanistan Freedom Support Act of 2002; and \$1,000,000
11 shall be transferred, not later than 30 days after enact-
12 ment of this Act, to the National Institute of Mental
13 Health to administer the Interagency Autism Coordi-
14 nating Committee: *Provided further*, That specific infor-
15 mation requests from the chairmen and ranking members
16 of the Subcommittees on Labor, Health and Human Serv-
17 ices, and Education, and Related Agencies, on scientific
18 research or any other matter, shall be transmitted to the
19 Committees on Appropriations in a prompt, professional
20 manner and within the time frame specified in the request:
21 *Provided further*, That scientific information, including
22 such information provided in congressional testimony, re-
23 quested by the Committees on Appropriations and pre-
24 pared by government researchers and scientists shall be
25 transmitted to the Committees on Appropriations, uncen-

1 sored and without delay: *Provided further*, That funds pro-
2 vided in this Act for embryo adoption activities may be
3 used to provide, to individuals adopting embryos, through
4 grants and other mechanisms, medical and administrative
5 services deemed necessary for such adoptions: *Provided*
6 *further*, That such services shall be provided consistent
7 with 42 CFR 59.5(a)(4): *Provided further*, That
8 \$4,138,000 shall be available for the projects and in the
9 amounts specified in the explanatory statement described
10 in section 4 (in the matter preceding division A of this
11 consolidated Act).

12 OFFICE OF MEDICARE HEARINGS AND APPEALS

13 For expenses necessary for administrative law judges
14 responsible for hearing cases under title XVIII of the So-
15 cial Security Act (and related provisions of title XI of such
16 Act), \$65,000,000, to be transferred in appropriate part
17 from the Federal Hospital Insurance and the Federal Sup-
18 plementary Medical Insurance Trust Funds.

19 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

20 INFORMATION TECHNOLOGY

21 For expenses necessary for the Office of the National
22 Coordinator for Health Information Technology, including
23 grants, contracts and cooperative agreements for the de-
24 velopment and advancement of an interoperable national
25 health information technology infrastructure,
26 \$42,402,000: *Provided*, That in addition to amounts pro-

1 vided herein, \$18,900,000 shall be available from amounts
2 available under section 241 of the Public Health Service
3 Act to carry out health information technology network
4 development.

5 OFFICE OF INSPECTOR GENERAL

6 For expenses necessary for the Office of Inspector
7 General, including the hire of passenger motor vehicles for
8 investigations, in carrying out the provisions of the Inspec-
9 tor General Act of 1978, \$44,000,000: *Provided*, That of
10 such amount, necessary sums are available for providing
11 protective services to the Secretary and investigating non-
12 payment of child support cases for which non-payment is
13 a Federal offense under 18 U.S.C. 228.

14 OFFICE FOR CIVIL RIGHTS

15 For expenses necessary for the Office for Civil
16 Rights, \$31,628,000, together with not to exceed
17 \$3,281,000 to be transferred and expended as authorized
18 by section 201(g)(1) of the Social Security Act from the
19 Hospital Insurance Trust Fund and the Supplemental
20 Medical Insurance Trust Fund.

21 RETIREMENT PAY AND MEDICAL BENEFITS FOR

22 COMMISSIONED OFFICERS

23 For retirement pay and medical benefits of Public
24 Health Service Commissioned Officers as authorized by
25 law, for payments under the Retired Serviceman's Family
26 Protection Plan and Survivor Benefit Plan, for medical

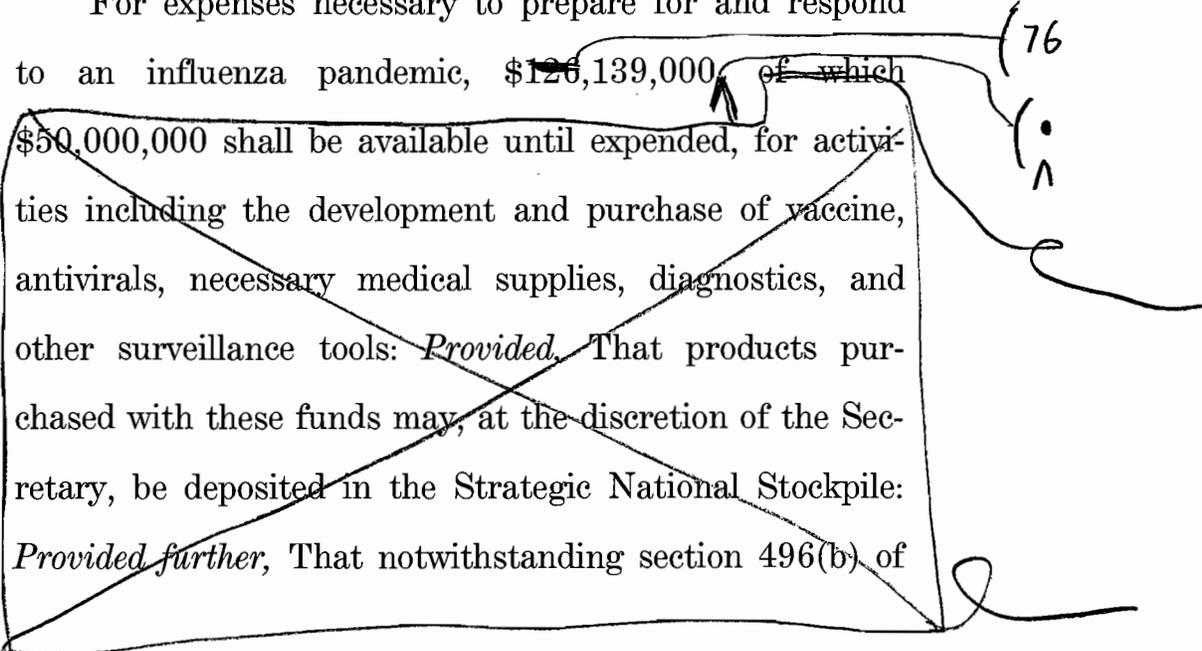
1 care of dependents and retired personnel under the De-
2 pendants' Medical Care Act (10 U.S.C. chapter 55), such
3 amounts as may be required during the current fiscal year.

4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND

6 ~~(INCLUDING TRANSFER OF FUNDS)~~

7 For expenses necessary to support activities related
8 to countering potential biological, disease, nuclear, radio-
9 logical and chemical threats to civilian populations, and
10 for other public health emergencies, \$666,087,000, of
11 which not to exceed \$21,804,000, to remain available until
12 September 30, 2009, is to pay the costs described in sec-
13 tion 319F-2(c)(7)(B) of the Public Health Service Act,
14 and of which \$103,921,000 shall be used to support ad-
15 vanced research and development of medical counter-
16 measures, consistent with section 319L of the Public
17 Health Service Act.

18 For expenses necessary to prepare for and respond
19 to an influenza pandemic, ~~\$126,139,000~~, of which
20 ~~\$50,000,000~~ shall be available until expended, for activi-
21 ties including the development and purchase of vaccine,
22 antivirals, necessary medical supplies, diagnostics, and
23 other surveillance tools: *Provided*, That products pur-
24 chased with these funds may, at the discretion of the Sec-
25 retary, be deposited in the Strategic National Stockpile:
26 *Provided further*, That notwithstanding section 496(b) of



1 the Public Health Service Act, funds may be used for the
2 construction or renovation of privately owned facilities for
3 the production of pandemic influenza vaccines and other
4 biologicals, where the Secretary finds such a contract nec-
5 essary to secure sufficient supplies of such vaccines or
6 biologicals: *Provided further*, That funds appropriated
7 herein may be transferred to other appropriation accounts
8 of the Department of Health and Human Services, as de-
9 termined by the Secretary to be appropriate, to be used
10 for the purposes specified in this sentence.

11 GENERAL PROVISIONS

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

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

23 SEC. 203. None of the funds appropriated in this Act
24 for the National Institutes of Health, the Agency for
25 Healthcare Research and Quality, and the Substance

1 Abuse and Mental Health Services Administration shall
2 be used to pay the salary of an individual, through a grant
3 or other extramural mechanism, at a rate in excess of Ex-
4 ecutive Level I.

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

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

20 SEC. 206. Notwithstanding section 241(a) of the
21 Public Health Service Act, such portion as the Secretary
22 of Health and Human Services shall determine, but not
23 more than 2.4 percent, of any amounts appropriated for
24 programs authorized under such Act shall be made avail-

1 able for the evaluation (directly, or by grants or contracts)
2 of the implementation and effectiveness of such programs.

3 (TRANSFER OF FUNDS)

4 SEC. 207. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985) which are appro-
7 priated for the current fiscal year for the Department of
8 Health and Human Services in this Act may be trans-
9 ferred between a program, project, or activity, but no such
10 program, project, or activity shall be increased by more
11 than 3 percent by any such transfer: *Provided*, That the
12 transfer authority granted by this section shall be avail-
13 able only to meet emergency needs and shall not be used
14 to create any new program or to fund any project or activ-
15 ity for which no funds are provided in this Act: *Provided*
16 *further*, That the Committees on Appropriations of the
17 House of Representatives and the Senate are notified at
18 least 15 days in advance of any transfer.

19 (TRANSFER OF FUNDS)

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

1 Senate are notified at least 15 days in advance of any
2 transfer.

3 (TRANSFER OF FUNDS)

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

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

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

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

19 SEC. 213. (a) Except as provided by subsection (e)
20 none of the funds appropriated by this Act may be used
21 to withhold substance abuse funding from a State pursu-
22 ant to section 1926 of the Public Health Service Act (42
23 U.S.C. 300x-26) if such State certifies to the Secretary
24 of Health and Human Services by May 1, 2008, that the
25 State will commit additional State funds, in accordance

1 with subsection (b), to ensure compliance with State laws
2 prohibiting the sale of tobacco products to individuals
3 under 18 years of age.

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

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

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

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

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

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

22 (2) The Secretary of HHS is authorized to pro-
23 vide such funds by advance or reimbursement to the
24 Secretary of State as may be necessary to pay the
25 costs of acquisition, lease, alteration, renovation, and

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

20 SEC. 215. (a) AUTHORITY.—Notwithstanding any
21 other provision of law, the Director of the National Insti-
22 tutes of Health (in this section referred to as the “Direc-
23 tor of NIH”) may use funds available under section
24 402(b)(7) or 402(b)(12) of the Public Health Service Act
25 to enter into transactions (other than contracts, coopera-

1 tive agreements, or grants) to carry out research identified
2 pursuant to such section 402(b)(7) (pertaining to the
3 Common Fund) or research and activities described in
4 such section 402(b)(12).

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

16 SEC. 216. Funds which are available for Individual
17 Learning Accounts for employees of the Centers for Dis-
18 ease Control and Prevention (“CDC”) and the Agency for
19 Toxic Substances and Disease Registry (“ATSDR”) may
20 be transferred to “Disease Control, Research, and Train-
21 ing”, to be available only for Individual Learning Ac-
22 counts: *Provided*, That such funds may be used for any
23 individual full-time equivalent employee while such em-
24 ployee is employed either by CDC or ATSDR.

1 SEC. 217. Notwithstanding any other provisions of
2 law, funds made available in this Act may be used to con-
3 tinue operating the Council on Graduate Medical Edu-
4 cation established by section 301 of Public Law 102-408.

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

14 SEC. 219. (a) The Secretary of Health and Human
15 Services is authorized to award a grant to the Delta
16 Health Alliance, a nonprofit alliance of academic institu-
17 tions in the Mississippi Delta region that has as its pri-
18 mary purposes addressing longstanding, unmet health
19 needs and catalyzing economic development in the Mis-
20 sissippi Delta.

21 (b) To be eligible to receive a grant under subsection
22 (a), the Delta Health Alliance shall solicit and fund pro-
23 posals from local governments, hospitals, health care clin-
24 ics, academic institutions, and rural public health-related
25 entities and organizations for research development, edu-

1 cational programs, health care services, job training, and
2 planning, construction, and equipment of public health-re-
3 lated facilities in the Mississippi Delta region.

4 (c) With respect to the use of grant funds under this
5 section for construction or major alteration of property,
6 the Federal interest in the property involved shall last for
7 a period of 1 year following the completion of the project
8 or until such time that the Federal Government is com-
9 pensated for its proportionate interest in the property if
10 the property use changes or the property is transferred
11 or sold, whichever time period is less. At the conclusion
12 of such period, the Notice of Federal Interest in such
13 property shall be removed.

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

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

24 (TRANSFER OF FUNDS)

25 SEC. 221. Of the amounts made available in this Act
26 for the National Institutes of Health, 1 percent of the

1 amount made available for National Research Service
2 Awards (NRSA) shall be made available to the Adminis-
3 trator of the Health Resources and Services Administra-
4 tion to make NRSA awards for research in primary med-
5 ical care to individuals affiliated with entities who have
6 received grants or contracts under section 747 of the Pub-
7 lic Health Service Act, and 1 percent of the amount made
8 available for NRSA shall be made available to the Director
9 of the Agency for Healthcare Research and Quality to
10 make NRSA awards for health service research.

11 SEC. 222. None of the funds made available in this
12 Act may be used—

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

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

19 SEC. 223. There is hereby established in the Treasury
20 of the United States a fund to be known as the “Non-
21 recurring expenses fund” (the Fund): *Provided*, That un-
22 obligated balances of expired discretionary funds appro-
23 priated for this or any succeeding fiscal year from the
24 General Fund of the Treasury to the Department of
25 Health and Human Services by this or any other Act may

1 be transferred (not later than the end of the fifth fiscal
2 year after the last fiscal year for which such funds are
3 available for the purposes for which appropriated) into the
4 Fund: *Provided further*, That amounts deposited in the
5 Fund shall be available until expended, and in addition
6 to such other funds as may be available for such purposes,
7 for capital acquisition necessary for the operation of the
8 Department, including facilities infrastructure and infor-
9 mation technology infrastructure, subject to approval by
10 the Office of Management and Budget: *Provided further*,
11 That amounts in the Fund may be obligated only after
12 the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate are notified at least 15 days
14 in advance of the planned use of funds.

15 (RESCISSION OF FUNDS)

16 SEC. 224. Of the funds available within the Health
17 Professions Student Loan program authorized in subpart
18 II, Federally-Supported Student Loan Funds, of title VII
19 of the Public Health Service Act, \$15,000,000 are re-
20 scinded.

21 SEC. 225. (a) CONTINUATION OF AVAILABILITY OF
22 PERMITTED NUMBER OF MEDICAL RESIDENCY POSI-
23 TIONS UNDER THE MEDICARE PROGRAM.—Section
24 1886(h)(4)(H) of the Social Security Act (42 U.S.C. Sec-
25 tion 1395ww(h)(4)(H)) is amended by adding at the end
26 the following:

1 “(v) SPECIAL PROVIDER AGREE-
2 MENT.—If an entity enters into a provider
3 agreement pursuant to section 1866(a) to
4 provide hospital services on the same phys-
5 ical site previously used by Medicare Pro-
6 vider No. 05–0578—

7 “(I) the limitation on the number
8 of total full time equivalent residents
9 under subparagraph (F) and clauses
10 (v) and (vi)(I) of subsection (d)(5)(B)
11 applicable to such provider shall be
12 equal to the limitation applicable
13 under such provisions to Provider No.
14 05–0578 for its cost reporting period
15 ending on June 30, 2006; and

16 “(II) the provisions of subpara-
17 graph (G) and subsection
18 (d)(5)(B)(vi)(II) shall not be applica-
19 ble to such provider for the first three
20 cost reporting years in which such
21 provider trains residents under any
22 approved medical residency training
23 program.”.

24 (b) TECHNICAL CORRECTION OF SECTION 422 OF
25 MMA.—

1 (1) IN GENERAL.—Section 1886(h)(7) of the
2 Social Security Act (42 U.S.C. 1395ww(h)(7)) is
3 amended—

4 (A) by redesignating subparagraph (D) as
5 subparagraph (E); and

6 (B) by inserting after subparagraph (C)
7 the following new subparagraph:

8 “(D) ADJUSTMENT BASED ON SETTLED
9 COST REPORT.—In the case of a hospital with
10 a dual accredited osteopathic and allopathic
11 family practice program for which—

12 “(i) the otherwise applicable resident
13 limit was reduced under subparagraph
14 (A)(i)(I); and

15 “(ii) such reduction was based on a
16 reference resident level that was deter-
17 mined using a cost report and where a re-
18 vised or corrected notice of program reim-
19 bursement was issued for such cost report
20 between September 1, 2006 and September
21 15, 2006, whether as a result of an appeal
22 or otherwise, and the reference resident
23 level under such settled cost report is high-
24 er than the level used for the reduction
25 under subparagraph (A)(i)(I);

1 the Secretary shall apply subparagraph
2 (A)(i)(I) using the higher resident reference
3 level and make any necessary adjustments to
4 such reduction. Any such necessary adjustments
5 shall be effective for portions of cost reporting
6 periods occurring on or after July 1, 2005.”.

7 (2) EFFECTIVE DATE.—Subject to paragraph
8 (3), the amendments made by paragraph (1) shall
9 take effect as if included in the enactment of section
10 422 of the Medicare Prescription Drug, Improve-
11 ment, and Modernization Act of 2003 (Public Law
12 108–173).

13 (c) OFFSETTING COSTS.—

14 (1) IN GENERAL.—The amount of funds avail-
15 able to the Physician Assistance and Quality Initia-
16 tive Fund for expenditures—

17 (A) under the first sentence of section
18 1848(l)(2)(A) of the Social Security Act (42
19 U.S.C. 1395w–4(l)(2)(A)) is reduced by
20 \$500,000; and

21 (B) under the first amount in the second
22 sentence of such section is reduced by
23 \$24,500,000.

1 (2) CONFORMING AMENDMENTS.—Section
 2 1848(l)(2)(A) of the Social Security Act (42 U.S.C.
 3 1395w-4(l)(2)(A)) is amended—

4 (A) in the first sentence, by inserting after
 5 “\$1,350,000,000” the following: “, as reduced
 6 by section ~~528~~ and section 225(e)(1)(A) of the
 7 Departments of Labor, Health and Human
 8 Services, and Education, and Related Agencies
 9 Appropriations Act, 2008 (division G of the
 10 Consolidated Appropriations Act, 2008)”; and

(524)

11 (B) in the second sentence, by inserting
 12 after “\$325,000,000” the following: “, as re-
 13 duced by section 225(e)(1)(B) of such Act,”.

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

16 TITLE III

17 DEPARTMENT OF EDUCATION

18 EDUCATION FOR THE DISADVANTAGED

19 For carrying out title I of the Elementary and Sec-
 20 ondary Education Act of 1965 (“ESEA”) and section
 21 418A of the Higher Education Act of 1965,
 22 \$15,755,083,000, of which \$7,639,035,000 shall become
 23 available on July 1, 2008, and shall remain available
 24 through September 30, 2009, and of which
 25 \$7,934,756,000 shall become available on October 1,

1 2008, and shall remain available through September 30,
2 2009, for academic year 2008–2009: *Provided*, That
3 \$6,835,271,000 shall be for basic grants under section
4 1124: *Provided further*, That up to \$4,000,000 of these
5 funds shall be available to the Secretary of Education on
6 October 1, 2007, to obtain annually updated local edu-
7 cational-agency-level census poverty data from the Bureau
8 of the Census: *Provided further*, That \$1,365,031,000
9 shall be for concentration grants under section 1124A:
10 *Provided further*, That \$2,967,949,000 shall be for tar-
11 geted grants under section 1125: *Provided further*, That
12 \$2,967,949,000 shall be for education finance incentive
13 grants under section 1125A: *Provided further*, That
14 \$9,330,000 shall be to carry out sections 1501 and 1503:
15 *Provided further*, That \$1,634,000 shall be available for
16 a comprehensive school reform clearinghouse.

17 **IMPACT AID**

18 For carrying out programs of financial assistance to
19 federally affected schools authorized by title VIII of the
20 Elementary and Secondary Education Act of 1965,
21 \$1,262,778,000, of which \$1,125,192,000 shall be for
22 basic support payments under section 8003(b),
23 \$49,466,000 shall be for payments for children with dis-
24 abilities under section 8003(d), \$17,820,000 shall be for
25 construction under section 8007(b) and shall remain avail-

1 able through September 30, 2009, \$65,350,000 shall be
2 for Federal property payments under section 8002, and
3 \$4,950,000, to remain available until expended, shall be
4 for facilities maintenance under section 8008: *Provided,*
5 That for purposes of computing the amount of a payment
6 for an eligible local educational agency under section
7 8003(a) for school year 2007–2008, children enrolled in
8 a school of such agency that would otherwise be eligible
9 for payment under section 8003(a)(1)(B) of such Act, but
10 due to the deployment of both parents or legal guardians,
11 or a parent or legal guardian having sole custody of such
12 children, or due to the death of a military parent or legal
13 guardian while on active duty (so long as such children
14 reside on Federal property as described in section
15 8003(a)(1)(B)), are no longer eligible under such section,
16 shall be considered as eligible students under such section,
17 provided such students remain in average daily attendance
18 at a school in the same local educational agency they at-
19 tended prior to their change in eligibility status.

20 SCHOOL IMPROVEMENT PROGRAMS

21 For carrying out school improvement activities au-
22 thorized by title II, part B of title IV, subparts 6 and
23 9 of part D of title V, parts A and B of title VI, and
24 parts B and C of title VII of the Elementary and Sec-
25 ondary Education Act of 1965 (“ESEA”); the McKinney-

1 Vento Homeless Assistance Act; section 203 of the Edu-
2 cational Technical Assistance Act of 2002; the Compact
3 of Free Association Amendments Act of 2003; and the
4 Civil Rights Act of 1964, \$5,383,119,000, of which
5 \$3,763,355,000 shall become available on July 1, 2008,
6 and remain available through September 30, 2009, and
7 of which \$1,435,000,000 shall become available on Octo-
8 ber 1, 2008, and shall remain available through September
9 30, 2009, for academic year 2008–2009: *Provided*, That
10 funds made available to carry out part B of title VII of
11 the ESEA may be used for construction, renovation and
12 modernization of any elementary school, secondary school,
13 or structure related to an elementary school or secondary
14 school, run by the Department of Education of the State
15 of Hawaii, that serves a predominantly Native Hawaiian
16 student body: *Provided further*, That from the funds re-
17 ferred to in the preceding proviso, not less than
18 \$1,250,000 shall be for a grant to the Department of Edu-
19 cation of the State of Hawaii for the activities described
20 in such proviso, and \$1,250,000 shall be for a grant to
21 the University of Hawaii School of Law for a Center of
22 Excellence in Native Hawaiian law: *Provided further*, That
23 funds made available to carry out part C of title VII of
24 the ESEA may be used for construction: *Provided further*,
25 That up to 100 percent of the funds available to a State

1 educational agency under part D of title II of the ESEA
2 may be used for subgrants described in section
3 2412(a)(2)(B) of such Act: *Provided further*, That
4 \$58,129,000 shall be available to carry out section 203
5 of the Educational Technical Assistance Act of 2002: *Pro-*
6 *vided further*, That \$33,707,000 shall be available to carry
7 out part D of title V of the ESEA: *Provided further*, That
8 no funds appropriated under this heading may be used
9 to carry out section 5494 under the ESEA: *Provided fur-*
10 *ther*, That \$18,001,000 shall be available to carry out the
11 Supplemental Education Grants program for the Fed-
12 erated States of Micronesia and the Republic of the Mar-
13 shall Islands: *Provided further*, That up to 5 percent of
14 these amounts may be reserved by the Federated States
15 of Micronesia and the Republic of the Marshall Islands
16 to administer the Supplemental Education Grants pro-
17 grams and to obtain technical assistance, oversight and
18 consultancy services in the administration of these grants
19 and to reimburse the United States Departments of
20 Labor, Health and Human Services, and Education for
21 such services: *Provided further*, That \$2,400,000 of the
22 funds available for the Foreign Language Assistance Pro-
23 gram shall be available for 5-year grants to local edu-
24 cational agencies that would work in partnership with one
25 or more institutions of higher education to establish or ex-

1 pand articulated programs of study in languages critical
2 to United States national security that will enable success-
3 ful students to advance from elementary school through
4 college to achieve a superior level of proficiency in those
5 languages.

6 INDIAN EDUCATION

7 For expenses necessary to carry out, to the extent
8 not otherwise provided, title VII, part A of the Elementary
9 and Secondary Education Act of 1965, \$121,690,000.

10 INNOVATION AND IMPROVEMENT

11 For carrying out activities authorized by part G of
12 title I, subpart 5 of part A and parts C and D of title
13 II, parts B, C, and D of title V, and section 1504 of the
14 Elementary and Secondary Education Act of 1965
15 (“ESEA”), \$1,003,040,000: *Provided*, That \$9,821,000
16 shall be provided to the National Board for Professional
17 Teaching Standards to carry out section 2151(c) of the
18 ESEA: *Provided further*, That from funds for subpart 4,
19 part C of title II, up to 3 percent shall be available to
20 the Secretary for technical assistance and dissemination
21 of information: *Provided further*, That \$357,059,000 shall
22 be available to carry out part D of title V of the ESEA:
23 *Provided further*, That \$100,573,000 of the funds for sub-
24 part 1, part D of title V of the ESEA shall be available
25 for the projects and in the amounts specified in the ex-

1 planatory statement described in section 4 (in the matter
2 preceding division A of this consolidated Act): *Provided*
3 *further*, That \$99,000,000 of the funds for subpart 1 shall
4 be for competitive grants to local educational agencies, in-
5 cluding charter schools that are local educational agencies,
6 or States, or partnerships of: (1) a local educational agen-
7 cy, a State, or both; and (2) at least one non-profit organi-
8 zation to develop and implement performance-based teach-
9 er and principal compensation systems in high-need
10 schools: *Provided further*, That such performance-based
11 compensation systems must consider gains in student aca-
12 demic achievement as well as classroom evaluations con-
13 ducted multiple times during each school year among
14 other factors and provide educators with incentives to take
15 on additional responsibilities and leadership roles: *Pro-*
16 *vided further*, That up to 5 percent of such funds for com-
17 petitive grants shall be available for technical assistance,
18 training, peer review of applications, program outreach
19 and evaluation activities: *Provided further*, That of the
20 funds available for part B of title V, the Secretary shall
21 use up to \$24,783,000 to carry out activities under section
22 5205(b) and under subpart 2, and shall use not less than
23 \$190,000,000 to carry out other activities authorized
24 under subpart 1.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subpart 3
3 of part C of title II, part A of title IV, and subparts 2,
4 3, and 10 of part D of title V of the Elementary and Sec-
5 ondary Education Act of 1965 (“ESEA”), \$705,733,000,
6 of which \$300,000,000 shall become available on July 1,
7 2008, and remain available through September 30, 2009:
8 *Provided*, That \$300,000,000 shall be available for sub-
9 part 1 of part A of title IV and \$222,519,000 shall be
10 available for subpart 2 of part A of title IV, of which not
11 less than \$1,500,000, to remain available until expended,
12 shall be for the Project School Emergency Response to
13 Violence (“Project SERV”) program to provide education-
14 related services to local educational agencies and to insti-
15 tutions of higher education in which the learning environ-
16 ment has been disrupted due to a violent or traumatic cri-
17 sis: *Provided further*, That Project SERV funds appro-
18 priated in previous fiscal years may be used to provide
19 services to local educational agencies and to institutions
20 of higher education in which the learning environment has
21 been disrupted due to a violent or traumatic crisis: *Pro-*
22 *vided further*, That \$150,729,000 shall be available to
23 carry out part D of title V of the ESEA: *Provided further*,
24 That of the funds available to carry out subpart 3 of part
25 C of title II, up to \$12,072,000 may be used to carry out

1 section 2345 and \$2,950,000 shall be used by the Center
2 for Civic Education to implement a comprehensive pro-
3 gram to improve public knowledge, understanding, and
4 support of the Congress and the State legislatures.

5 ENGLISH LANGUAGE ACQUISITION

6 For carrying out part A of title III of the Elementary
7 and Secondary Education Act of 1965, \$712,848,000,
8 which shall become available on July 1, 2008, and shall
9 remain available through September 30, 2009, except that
10 6.5 percent of such amount shall be available on October
11 1, 2007, and shall remain available through September 30,
12 2009, to carry out activities under section 3111(c)(1)(C).

13 SPECIAL EDUCATION

14 For carrying out the Individuals with Disabilities
15 Education Act (“IDEA”) and the Special Olympics Sport
16 and Empowerment Act of 2004, \$12,181,473,000, of
17 which \$5,084,406,000 shall become available on July 1,
18 2008, and shall remain available through September 30,
19 2009, and of which \$6,856,444,000 shall become available
20 on October 1, 2008, and shall remain available through
21 September 30, 2009, for academic year 2008–2009: *Pro-*
22 *vided*, That \$13,000,000 shall be for Recording for the
23 Blind and Dyslexic, Inc., to support activities under sec-
24 tion 674(c)(1)(D) of the IDEA: *Provided further*, That
25 \$1,500,000 shall be for the recipient of funds provided by

1 Public Law 105–78 under section 687(b)(2)(G) of the
2 IDEA (as in effect prior to the enactment of the Individ-
3 uals with Disabilities Education Improvement Act of
4 2004) to provide information on diagnosis, intervention,
5 and teaching strategies for children with disabilities: *Pro-*
6 *vided further*, That the amount for section 611(b)(2) of
7 the IDEA shall be equal to the lesser of the amount avail-
8 able for that activity during fiscal year 2007, increased
9 by the amount of inflation as specified in section
10 619(d)(2)(B) of the IDEA, or the percentage increase in
11 the funds appropriated under section 611(i) of the IDEA:
12 *Provided further*, That nothing in section 674(e) of the
13 IDEA shall be construed to establish a private right of
14 action against the National Instructional Materials Access
15 Center for failure to perform the duties of such center or
16 otherwise authorize a private right of action related to the
17 performance of such center: *Provided further*, That
18 \$7,500,000 shall be available to support the 2009 Special
19 Olympics World Winter Games.

20 REHABILITATION SERVICES AND DISABILITY RESEARCH

21 For carrying out, to the extent not otherwise pro-
22 vided, the Rehabilitation Act of 1973, the Assistive Tech-
23 nology Act of 1998, and the Helen Keller National Center
24 Act, \$3,283,929,000, of which \$1,000,000 shall be award-
25 ed to the American Academy of Orthotists and

1 Prosthetists for activities that further the purposes of the
2 grant received by the Academy for the period beginning
3 October 1, 2003, including activities to meet the demand
4 for orthotic and prosthetic provider services and improve
5 patient care: *Provided*, That \$3,155,000 of the funds for
6 section 303 of the Rehabilitation Act of 1973 shall be
7 available for the projects and in the amounts specified in
8 the explanatory statement described in section 4 (in the
9 matter preceding division A of this consolidated Act).

10 SPECIAL INSTITUTIONS FOR PERSONS WITH
11 DISABILITIES

12 AMERICAN PRINTING HOUSE FOR THE BLIND

13 For carrying out the Act of March 3, 1879,
14 \$22,000,000.

15 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

23 GALLAUDET UNIVERSITY

24 For the Kendall Demonstration Elementary School,
25 the Model Secondary School for the Deaf, and the partial
26 support of Gallaudet University under titles I and II of

1 the Education of the Deaf Act of 1986, \$115,400,000:
2 *Provided*, That from the total amount available, the Uni-
3 versity may at its discretion use funds for the endowment
4 program as authorized under section 207.

5 CAREER, TECHNICAL, AND ADULT EDUCATION

6 For carrying out, to the extent not otherwise pro-
7 vided, the Carl D. Perkins Career and Technical Edu-
8 cation Act of 2006, the Adult Education and Family Lit-
9 eracy Act, subpart 4 of part D of title V of the Elementary
10 and Secondary Education Act of 1965 (“ESEA”) and title
11 VIII–D of the Higher Education Amendments of 1998,
12 \$1,976,166,000, of which \$4,077,000 shall become avail-
13 able on October 1, 2007 and remain available until Sep-
14 tember 30, 2009, of which \$1,181,089,000 shall become
15 available on July 1, 2008, and shall remain available
16 through September 30, 2009, and of which \$791,000,000
17 shall become available on October 1, 2008, and shall re-
18 main available through September 30, 2009: *Provided*,
19 That of the amount provided for Adult Education State
20 Grants, \$67,896,000 shall be made available for inte-
21 grated English literacy and civics education services to im-
22 migrants and other limited English proficient populations:
23 *Provided further*, That of the amount reserved for inte-
24 grated English literacy and civics education, notwith-
25 standing section 211 of the Adult Education and Family

1 Literacy Act, 65 percent shall be allocated to States based
2 on a State's absolute need as determined by calculating
3 each State's share of a 10-year average of the United
4 States Citizenship and Immigration Services data for im-
5 migrants admitted for legal permanent residence for the
6 10 most recent years, and 35 percent allocated to States
7 that experienced growth as measured by the average of
8 the 3 most recent years for which United States Citizen-
9 ship and Immigration Services data for immigrants admit-
10 ted for legal permanent residence are available, except
11 that no State shall be allocated an amount less than
12 \$60,000: *Provided further*, That of the amounts made
13 available for the Adult Education and Family Literacy
14 Act, \$7,000,000 shall be for national leadership activities
15 under section 243 and \$6,583,000 shall be for the Na-
16 tional Institute for Literacy under section 242: *Provided*
17 *further*, That \$81,532,000 shall be available to support the
18 activities authorized under subpart 4 of part D of title
19 V of the ESEA, of which up to 5 percent shall become
20 available October 1, 2007, and shall remain available
21 through September 30, 2009, for evaluation, technical as-
22 sistance, school networks, peer review of applications, and
23 program outreach activities, and of which not less than
24 95 percent shall become available on July 1, 2008, and
25 remain available through September 30, 2009, for grants

1 to local educational agencies: *Provided further*, That funds
2 made available to local educational agencies under this
3 subpart shall be used only for activities related to estab-
4 lishing smaller learning communities within large high
5 schools or small high schools that provide alternatives for
6 students enrolled in large high schools.

7 STUDENT FINANCIAL ASSISTANCE

8 (INCLUDING RESCISSION)

9 For carrying out subparts 1, 3, and 4 of part A, part
10 C and part E of title IV of the Higher Education Act of
11 1965, \$16,114,317,000, which shall remain available
12 through September 30, 2009.

13 The maximum Pell Grant for which a student shall
14 be eligible during award year 2008–2009 shall be \$4,241.

15 Of the unobligated funds available under section
16 401A(e)(1)(C) of the Higher Education Act of 1965,
17 \$525,000,000 are rescinded.

18 STUDENT AID ADMINISTRATION

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

1 HIGHER EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
4 cation Act of 1965 (“HEA”), section 1543 of the Higher
5 Education Amendments of 1992, the Mutual Educational
6 and Cultural Exchange Act of 1961, title VIII of the
7 Higher Education Amendments of 1998, part I of subtitle
8 A of title VI of the America COMPETES Act, and section
9 117 of the Carl D. Perkins Career and Technical Edu-
10 cation Act of 2006, \$2,057,801,000: *Provided*, That
11 \$9,699,000, to remain available through September 30,
12 2009, shall be available to fund fellowships for academic
13 year 2009–2010 under subpart 1 of part A of title VII
14 of the HEA, under the terms and conditions of such sub-
15 part 1: *Provided further*, That \$620,000 is for data collec-
16 tion and evaluation activities for programs under the
17 HEA, including such activities needed to comply with the
18 Government Performance and Results Act of 1993: *Pro-*
19 *vided further*, That notwithstanding any other provision of
20 law, funds made available in this Act to carry out title
21 VI of the HEA and section 102(b)(6) of the Mutual Edu-
22 cational and Cultural Exchange Act of 1961 may be used
23 to support visits and study in foreign countries by individ-
24 uals who are participating in advanced foreign language
25 training and international studies in areas that are vital

1 to United States national security and who plan to apply
2 their language skills and knowledge of these countries in
3 the fields of government, the professions, or international
4 development: *Provided further*, That of the funds referred
5 to in the preceding proviso up to 1 percent may be used
6 for program evaluation, national outreach, and informa-
7 tion dissemination activities: *Provided further*, That the
8 funds provided for title II of the HEA shall be allocated
9 notwithstanding section 210 of such Act: *Provided further*,
10 That \$100,668,000 of the funds for part B of title VII
11 of the Higher Education Act of 1965 shall be available
12 for the projects and in the amounts specified in the ex-
13 planatory statement described in section 4 (in the matter
14 preceding division A of this consolidated Act).

15 HOWARD UNIVERSITY

16 For partial support of Howard University,
17 \$237,392,000, of which not less than \$3,526,000 shall be
18 for a matching endowment grant pursuant to the Howard
19 University Endowment Act (Public Law 98-480) and
20 shall remain available until expended.

21 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
22 PROGRAM

23 For Federal administrative expenses to carry out ac-
24 tivities related to existing facility loans pursuant to section
25 121 of the Higher Education Act of 1965, \$481,000.

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For administrative expenses to carry out the Histori-
4 cally Black College and University Capital Financing Pro-
5 gram entered into pursuant to part D of title III of the
6 Higher Education Act of 1965, \$188,000.

7 INSTITUTE OF EDUCATION SCIENCES

8 For carrying out activities authorized by the Edu-
9 cation Sciences Reform Act of 2002, the National Assess-
10 ment of Educational Progress Authorization Act, section
11 208 of the Educational Technical Assistance Act of 2002,
12 and section 664 of the Individuals with Disabilities Edu-
13 cation Act, \$555,815,000, of which \$293,155,000 shall be
14 available until September 30, 2009: *Provided*, That of the
15 amount available to carry out section 208 of the Edu-
16 cational Technical Assistance Act, up to \$5,000,000 may
17 be used for State data coordinators and for awards to enti-
18 ties, including entities other than States, to improve data
19 coordination.

20 DEPARTMENTAL MANAGEMENT

21 PROGRAM ADMINISTRATION

22 For carrying out, to the extent not otherwise pro-
23 vided, the Department of Education Organization Act, in-
24 cluding rental of conference rooms in the District of Co-
25 lumbia and hire of three passenger motor vehicles,

1 \$418,587,000, of which \$2,100,000, to remain available
2 until expended, shall be for building alterations and re-
3 lated expenses for the move of Department staff to the
4 Mary E. Switzer building in Washington, DC.

5 OFFICE FOR CIVIL RIGHTS

6 For expenses necessary for the Office for Civil
7 Rights, as authorized by section 203 of the Department
8 of Education Organization Act, \$91,205,000.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses necessary for the Office of the Inspector
11 General, as authorized by section 212 of the Department
12 of Education Organization Act, \$51,753,000.

13 GENERAL PROVISIONS

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

22 SEC. 302. None of the funds contained in this Act
23 shall be used to require, directly or indirectly, the trans-
24 portation of any student to a school other than the school
25 which is nearest the student's home, except for a student
26 requiring special education, to the school offering such

1 and the Senate are notified at least 15 days in advance
2 of any transfer.

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

8 SEC. 306. (a) MAINTENANCE OF INTEGRITY AND
9 ETHICAL VALUES WITHIN DEPARTMENT OF EDU-
10 CATION.—Within 60 days after the enactment of this Act,
11 the Secretary of Education shall implement procedures—

12 (1) to assess whether a covered individual or
13 entity has a potential financial interest in, or im-
14 paired objectivity towards, a product or service pur-
15 chased with, or guaranteed or insured by, funds ad-
16 ministered by the Department of Education or a
17 contracted entity of the Department; and

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

20 (b) REVIEW BY INSPECTOR GENERAL.—

21 (1) Within 60 days after the implementation of
22 the procedures described in subsection (a), the In-
23 spector General of the Department of Education
24 shall report to the Committees on Appropriations of

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

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

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

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

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

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

22 (3) a member of a peer review panel of the De-
23 partment; or

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

1 SEC. 307. (a) Notwithstanding section 8013(9)(B) of
2 the Elementary and Secondary Education Act of 1965,
3 North Chicago Community Unit School District 187,
4 North Shore District 112, and Township High School Dis-
5 trict 113 in Lake County, Illinois, and Glenview Public
6 School District 34 and Glenbrook High School District
7 225 in Cook County, Illinois, shall be considered local edu-
8 cational agencies as such term is used in and for purposes
9 of title VIII of such Act for fiscal years 2008 and 2009.

10 (b) Notwithstanding any other provision of law, fed-
11 erally connected children (as determined under section
12 8003(a) of the Elementary and Secondary Education Act
13 of 1965) who are in attendance in the North Shore Dis-
14 trict 112, Township High School District 113, Glenview
15 Public School District 34, and Glenbrook High School
16 District 225 described in subsection (a), shall be consid-
17 ered to be in attendance in the North Chicago Community
18 Unit School District 187 described in subsection (a) for
19 purposes of computing the amount that the North Chicago
20 Community Unit School District 187 is eligible to receive
21 under subsection (b) or (d) of such section for fiscal years
22 2008 and 2009 if—

23 (1) such school districts have entered into an
24 agreement for such students to be so considered and
25 for the equitable apportionment among all such

1 school districts of any amount received by the North
2 Chicago Community Unit School District 187 under
3 such section; and

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

8 SEC. 308. Prior to January 1, 2008, the Secretary
9 of Education may not terminate any voluntary flexible
10 agreement under section 428A of the Higher Education
11 Act of 1965 that existed on October 1, 2007. With respect
12 to an entity with which the Secretary of Education had
13 a voluntary flexible agreement under section 428A of the
14 Higher Education Act of 1965 on October 1, 2007 that
15 is not cost neutral, if the Secretary terminates such agree-
16 ment on or after January 1, 2008, the Secretary of Edu-
17 cation shall, not later than March 31, 2008, negotiate to
18 enter, and enter, into a new voluntary flexible agreement
19 with such entity so that the agreement is cost neutral, un-
20 less such entity does not want to enter into such agree-
21 ment.

22 SEC. 309. Notwithstanding section 102(a)(4)(A) of
23 the Higher Education Act of 1965, the Secretary of Edu-
24 cation shall not take into account a bankruptcy petition
25 filed in the United States Bankruptcy Court for the

1 Northern District of New York on February 21, 2001, in
2 determining whether a nonprofit educational institution
3 that is a subsidiary of an entity that filed such petition
4 meets the definition of an “institution of higher edu-
5 cation” under section 102 of that Act.

6 (RESCISSION OF FUNDS)

7 SEC. 310. Of the unobligated balances available
8 under the Federal Direct Student Loan Program Adminis-
9 tration authorized by section 458 of the Higher Education
10 Act and the Higher Education Reconciliation Act of 2005,
11 \$25,000,000 are rescinded.

12 SEC. 311. ~~HEAVILY IMPACTED LOCAL EDUCATIONAL~~

~~13 AGENCIES:~~ The Secretary of Education shall—

14 (1) deem each local educational agency that re-
15 ceived a fiscal year 2007 basic support payment for
16 heavily impacted local educational agencies under
17 section 8003(b)(2) of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 7703(b)(2)) as el-
19 igible to receive a fiscal year 2008 basic support
20 payment for heavily impacted local educational agen-
21 cies under such section; and

22 (2) make a payment to such local educational
23 agency under such section for fiscal year 2008.

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

112

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

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

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

12 For necessary expenses for the Corporation for Na-
13 tional and Community Service to carry out the Domestic
14 Volunteer Service Act of 1973 (“1973 Act”) and the Na-
15 tional and Community Service Act of 1990 (“1990 Act”),
16 \$796,662,000, of which \$313,054,000 is to carry out the
17 1973 Act and \$483,608,000 is to carry out the 1990 Act:
18 *Provided*, That \$24,205,000 of the amount provided under
19 this heading shall remain available until September 30,
20 2009 to carry out subtitle E of the 1990 Act: *Provided*
21 *further*, That up to 1 percent of program grant funds may
22 be used to defray the costs of conducting grant application
23 reviews, including the use of outside peer reviewers and
24 electronic management of the grants cycle: *Provided fur-*
25 *ther*, That none of the funds made available under this
26 heading for activities authorized by section 122 and part

1 E of title II of the 1973 Act shall be used to provide sti-
2 pends or other monetary incentives to program partici-
3 pants or volunteer leaders whose incomes exceed the in-
4 come guidelines in subsections 211(e) and 213(b) of the
5 1973 Act: *Provided further*, That notwithstanding subtitle
6 H of title I of the 1990 Act, none of the funds provided
7 for quality and innovation activities shall be used to sup-
8 port salaries and related expenses (including travel) attrib-
9 utable to Corporation for National and Community Serv-
10 ice employees: *Provided further*, That, for fiscal year 2008
11 and thereafter, in addition to amounts otherwise provided
12 to the National Service Trust under this heading, at no
13 later than the end of the fifth fiscal year after the fiscal
14 year for which funds are appropriated or otherwise made
15 available, unobligated balances of appropriations available
16 for grants under the National Service Trust Program
17 under subtitle C of title I of the 1990 Act during such
18 fiscal year may be transferred to the National Service
19 Trust after notice is transmitted to Congress, if such
20 funds are initially obligated before the expiration of their
21 period of availability as provided in this Act: *Provided fur-*
22 *ther*, That of the amounts provided under this heading:
23 (1) not less than \$124,718,000, to remain available until
24 expended, to be transferred to the National Service Trust
25 for educational awards authorized under subtitle D of title

1 I of the 1990 Act: *Provided further*, That in addition to
2 these funds, the Corporation may transfer funds from the
3 amount provided for AmeriCorps grants under the Na-
4 tional Service Trust Program, to the National Service
5 Trust authorized under subtitle D of title I of the 1990
6 Act, upon determination that such transfer is necessary
7 to support the activities of national service participants
8 and after notice is transmitted to the Congress; (2) not
9 more than \$55,000,000 of funding provided for grants
10 under the National Service Trust program authorized
11 under subtitle C of title I of the 1990 Act may be used
12 to administer, reimburse, or support any national service
13 program authorized under section 129(d)(2) of such Act;
14 (3) \$12,000,000 shall be to provide assistance to State
15 commissions on national and community service, under
16 section 126(a) of the 1990 Act and notwithstanding sec-
17 tion 501(a)(4) of the 1990 Act; and (4) not less than
18 \$5,000,000 shall be for the acquisition, renovation, equip-
19 ping and startup costs for a campus located in Vinton,
20 Iowa and a campus in Vicksburg, Mississippi to carry out
21 subtitle E of title I of the 1990 Act.

22

SALARIES AND EXPENSES

23 For necessary expenses of administration as provided
24 under section 501(a)(4) of the National and Community
25 Service Act of 1990 and under section 504(a) of the Do-
26 mestic Volunteer Service Act of 1973, including payment

1 of salaries, authorized travel, hire of passenger motor vehi-
2 cles, the rental of conference rooms in the District of Co-
3 lumbia, the employment of experts and consultants au-
4 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
5 for official reception and representation expenses,
6 \$68,964,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the Inspector General Act of 1978,
10 \$5,932,000.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. Notwithstanding any other provision of
13 law, the term “qualified student loan” with respect to na-
14 tional service education awards shall mean any loan deter-
15 mined by an institution of higher education to be nec-
16 essary to cover a student’s cost of attendance at such in-
17 stitution and made, insured, or guaranteed directly to a
18 student by a State agency, in addition to other meanings
19 under section 148(b)(7) of the National and Community
20 Service Act.

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

1 SEC. 403. The Corporation for National and Commu-
2 nity Service shall make any significant changes to pro-
3 gram requirements, service delivery or policy only through
4 public notice and comment rulemaking. For fiscal year
5 2008, during any grant selection process, an officer or em-
6 ployee of the Corporation shall not knowingly disclose any
7 covered grant selection information regarding such selec-
8 tion, directly or indirectly, to any person other than an
9 officer or employee of the Corporation that is authorized
10 by the Corporation to receive such information.

11 SEC. 404. Professional Corps programs described in
12 section 122(a)(8) of the National and Community Service
13 Act of 1990 may apply to the Corporation for a waiver
14 of application of section 140(c)(2).

15 SEC. 405. Notwithstanding section 1342 of title 31,
16 United States Code, the Corporation may solicit and ac-
17 cept the services of organizations and individuals (other
18 than participants) to assist the Corporation in carrying
19 out the duties of the Corporation under the national serv-
20 ice laws: *Provided*, That an individual who provides serv-
21 ices under this section shall be subject to the same protec-
22 tions and limitations as volunteers under section 196(a)
23 of the National and Community Service Act of 1990.

24 SEC. 406. Organizations operating projects under the
25 AmeriCorps Education Awards Program shall do so with-

1 out regard to the requirements of sections 121(d) and (e),
2 131(e), 132, and 140(a), (d), and (e) of the National and
3 Community Service Act of 1990.

4 SEC. 407. AmeriCorps programs receiving grants
5 under the National Service Trust program shall meet an
6 overall minimum share requirement of 24 percent for the
7 first three years that they receive AmeriCorps funding,
8 and thereafter shall meet the overall minimum share re-
9 quirement as provided in section 2521.60 of title 45, Code
10 of Federal Regulations, without regard to the operating
11 costs match requirement in section 121(e) or the member
12 support Federal share limitations in section 140 of the
13 National and Community Service Act of 1990, and subject
14 to partial waiver consistent with section 2521.70 of title
15 45, Code of Federal Regulations.

16 SEC. 408. Notwithstanding any other provision of
17 law, formula-based grants to States and territories under
18 section 129(a)(1)–(2) of the 1990 Act to operate
19 AmeriCorps programs may be made if the application de-
20 scribes proposed positions into which participants will be
21 placed, the proposed minimum qualifications of such par-
22 ticipants, and an assurance that the State will select na-
23 tional service programs for subgrants on a competitive
24 basis, and an assurance that the aforementioned informa-

1 tion will be provided for each subgrant awarded prior to
2 the execution of such subgrants.

3 CORPORATION FOR PUBLIC BROADCASTING

4 For payment to the Corporation for Public Broad-
5 casting, as authorized by the Communications Act of
6 1934, an amount which shall be available within limita-
7 tions specified by that Act, for the fiscal year 2010,
8 \$420,000,000: *Provided*, That no funds made available to
9 the Corporation for Public Broadcasting by this Act shall
10 be used to pay for receptions, parties, or similar forms
11 of entertainment for Government officials or employees:
12 *Provided further*, That none of the funds contained in this
13 paragraph shall be available or used to aid or support any
14 program or activity from which any person is excluded,
15 or is denied benefits, or is discriminated against, on the
16 basis of race, color, national origin, religion, or sex: *Pro-*
17 *vided further*, That no funds made available to the Cor-
18 poration for Public Broadcasting by this Act shall be used
19 to apply any political test or qualification in selecting, ap-
20 pointing, promoting, or taking any other personnel action
21 with respect to officers, agents, and employees of the Cor-
22 poration: *Provided further*, That for fiscal year 2008, in
23 addition to the amounts provided above, \$29,700,000 shall
24 be for costs related to digital program production, develop-
25 ment, and distribution, associated with the transition of

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

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service to carry out the functions vested
21 in it by the Labor Management Relations Act, 1947, in-
22 cluding hire of passenger motor vehicles; for expenses nec-
23 essary for the Labor-Management Cooperation Act of
24 1978; and for expenses necessary for the Service to carry
25 out the functions vested in it by the Civil Service Reform

1 Act, Public Law 95-454, \$43,800,000: *Provided*, That
2 notwithstanding 31 U.S.C. 3302, fees charged, up to full-
3 cost recovery, for special training activities and other con-
4 flict resolution services and technical assistance, including
5 those provided to foreign governments and international
6 organizations, and for arbitration services shall be credited
7 to and merged with this account, and shall remain avail-
8 able until expended: *Provided further*, That fees for arbi-
9 tration services shall be available only for education, train-
10 ing, and professional development of the agency workforce:
11 *Provided further*, That the Director of the Service is au-
12 thorized to accept and use on behalf of the United States
13 gifts of services and real, personal, or other property in
14 the aid of any projects or functions within the Director's
15 jurisdiction.

16 FEDERAL MINE SAFETY AND HEALTH REVIEW

17 COMMISSION

18 SALARIES AND EXPENSES

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

21 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

22 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

23 AND ADMINISTRATION

24 For carrying out the Museum and Library Services
25 Act of 1996 and the National Museum of African Amer-

1 ican History and Culture Act, \$268,193,000, of which
2 \$18,610,000 shall be available for library, museum and
3 related projects and in the amounts specified in the ex-
4 planatory statement described in section 4 (in the matter
5 preceding division A of this consolidated Act): *Provided,*
6 That funds may be made available for support through
7 inter-agency agreement or grant to commemorative Fed-
8 eral commissions that support museum and library activi-
9 ties, in partnership with libraries and museums that are
10 eligible for funding under programs carried out by the In-
11 stitute of Museum and Library Services.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

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

19 NATIONAL COMMISSION ON LIBRARIES AND

20 INFORMATION SCIENCE

21 SALARIES AND EXPENSES

22 For close out activities of the National Commission
23 on Libraries and Information Science, established by the
24 Act of July 20, 1970 (Public Law 91-345, as amended),
25 \$400,000.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

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

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, and other laws,
11 \$256,238,000: *Provided*, That no part of this appropria-
12 tion shall be available to organize or assist in organizing
13 agricultural laborers or used in connection with investiga-
14 tions, hearings, directives, or orders concerning bargaining
15 units composed of agricultural laborers as referred to in
16 section 2(3) of the Act of July 5, 1935, and as amended
17 by the Labor-Management Relations Act, 1947, and as de-
18 fined in section 3(f) of the Act of June 25, 1938, and
19 including in said definition employees engaged in the
20 maintenance and operation of ditches, canals, reservoirs,
21 and waterways when maintained or operated on a mutual,
22 nonprofit basis and at least 95 percent of the water stored
23 or supplied thereby is used for farming purposes.

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1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, including emergency boards ap-
5 pointed by the President, \$12,911,000.

6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

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

11 RAILROAD RETIREMENT BOARD

12 DUAL BENEFITS PAYMENTS ACCOUNT

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

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

2 ACCOUNTS

3 For payment to the accounts established in the
4 Treasury for the payment of benefits under the Railroad
5 Retirement Act for interest earned on unnegotiated
6 checks, \$150,000, to remain available through September
7 30, 2009, which shall be the maximum amount available
8 for payment pursuant to section 417 of Public Law 98-
9 76.

10 LIMITATION ON ADMINISTRATION

11 For necessary expenses for the Railroad Retirement
12 Board for administration of the Railroad Retirement Act
13 and the Railroad Unemployment Insurance Act,
14 \$103,694,000, to be derived in such amounts as deter-
15 mined by the Board from the railroad retirement accounts
16 and from moneys credited to the railroad unemployment
17 insurance administration fund.

18 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General for audit, investigatory and review activities, as
21 authorized by the Inspector General Act of 1978, not more
22 than \$7,173,000, to be derived from the railroad retire-
23 ment accounts and railroad unemployment insurance ac-
24 count: *Provided*, That none of the funds made available
25 in any other paragraph of this Act may be transferred to
26 the Office; used to carry out any such transfer; used to

1 provide any office space, equipment, office supplies, com-
2 munications facilities or services, maintenance services, or
3 administrative services for the Office; used to pay any sal-
4 ary, benefit, or award for any personnel of the Office; used
5 to pay any other operating expense of the Office; or used
6 to reimburse the Office for any service provided, or ex-
7 pense incurred, by the Office: *Provided further*, That funds
8 made available under the heading in this Act, or subse-
9 quent Departments of Labor, Health and Human Serv-
10 ices, and Education, and Related Agencies Appropriations
11 Acts, may be used for any audit, investigation, or review
12 of the Medicare Program.

13 SOCIAL SECURITY ADMINISTRATION

14 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

15 For payment to the Federal Old-Age and Survivors
16 Insurance Trust Fund and the Federal Disability Insur-
17 ance Trust Fund, as provided under sections 201(m),
18 217(g), 228(g), and 1131(b)(2) of the Social Security Act,
19 \$28,140,000.

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-
22 curity Act, section 401 of Public Law 92-603, section 212
23 of Public Law 93-66, as amended, and section 405 of
24 Public Law 95-216, including payment to the Social Secu-
25 rity trust funds for administrative expenses incurred pur-
26 suant to section 201(g)(1) of the Social Security Act,

1 \$27,000,191,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury.

5 For making, after June 15 of the current fiscal year,
6 benefit payments to individuals under title XVI of the So-
7 cial Security Act, for unanticipated costs incurred for the
8 current fiscal year, such sums as may be necessary.

9 For making benefit payments under title XVI of the
10 Social Security Act for the first quarter of fiscal year
11 2009, \$14,800,000,000, to remain available until ex-
12 pended.

13 LIMITATION ON ADMINISTRATIVE EXPENSES

14 For necessary expenses, including the hire of two pas-
15 senger motor vehicles, and not to exceed \$15,000 for offi-
16 cial reception and representation expenses, not more than
17 \$9,781,842,000 may be expended, as authorized by sec-
18 tion 201(g)(1) of the Social Security Act, from any one
19 or all of the trust funds referred to therein: *Provided*, That
20 not less than \$2,000,000 shall be for the Social Security
21 Advisory Board: *Provided further*, That unobligated bal-
22 ances of funds provided under this paragraph at the end
23 of fiscal year 2008 not needed for fiscal year 2008 shall
24 remain available until expended to invest in the Social Se-
25 curity Administration information technology and tele-
26 communications hardware and software infrastructure, in-

1 cluding related equipment and non-payroll administrative
2 expenses associated solely with this information technology
3 and telecommunications infrastructure: *Provided further,*
4 That reimbursement to the trust funds under this heading
5 for expenditures for official time for employees of the So-
6 cial Security Administration pursuant to section 7131 of
7 title 5, United States Code, and for facilities or support
8 services for labor organizations pursuant to policies, regu-
9 lations, or procedures referred to in section 7135(b) of
10 such title shall be made by the Secretary of the Treasury,
11 with interest, from amounts in the general fund not other-
12 wise appropriated, as soon as possible after such expendi-
13 tures are made.

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

23 In addition, up to \$1,000,000 to be derived from fees
24 collected pursuant to section 303(e) of the Social Security

1 Protection Act (Public Law 108–203), which shall remain
2 available until expended.

3 OFFICE OF INSPECTOR GENERAL
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, \$26,451,000, together with not to
8 exceed \$67,098,000, to be transferred and expended as
9 authorized by section 201(g)(1) of the Social Security Act
10 from the Federal Old-Age and Survivors Insurance Trust
11 Fund and the Federal Disability Insurance Trust Fund.

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

21 TITLE V
22 GENERAL PROVISIONS

23 SEC. 501. The Secretaries of Labor, Health and
24 Human Services, and Education are authorized to transfer
25 unexpended balances of prior appropriations to accounts
26 corresponding to current appropriations provided in this

1 Act. Such transferred balances shall be used for the same
2 purpose, and for the same periods of time, for which they
3 were originally appropriated.

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

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

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

22 SEC. 504. The Secretaries of Labor and Education
23 are authorized to make available not to exceed \$28,000
24 and \$20,000, respectively, from funds available for sala-
25 ries and expenses under titles I and III, respectively, for

1 official reception and representation expenses; the Direc-
2 tor of the Federal Mediation and Conciliation Service is
3 authorized to make available for official reception and rep-
4 resentation expenses not to exceed \$5,000 from the funds
5 available for "Federal Mediation and Conciliation Service,
6 Salaries and expenses"; and the Chairman of the National
7 Mediation Board is authorized to make available for offi-
8 cial reception and representation expenses not to exceed
9 \$5,000 from funds available for "National Mediation
10 Board, Salaries and expenses".

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

16 SEC. 506. When issuing statements, press releases,
17 requests for proposals, bid solicitations and other docu-
18 ments describing projects or programs funded in whole or
19 in part with Federal money, all grantees receiving Federal
20 funds included in this Act, including but not limited to
21 State and local governments and recipients of Federal re-
22 search grants, shall clearly state—

23 (1) the percentage of the total costs of the pro-
24 gram or project which will be financed with Federal
25 money;

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

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

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

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

14 (c) The term "health benefits coverage" means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

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

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

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

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

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

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

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

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

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

19 SEC. 510. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 (21 U.S.C. 812) except for normal and recognized execu-
25 tive-congressional communications.

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

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

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

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in section 4212(d) of title 38, United States Code,
20 regarding submission of an annual report to the Sec-
21 retary of Labor concerning employment of certain
22 veterans; and

23 (2) such entity has not submitted a report as
24 required by that section for the most recent year for

1 which such requirement was applicable to such enti-
2 ty.

3 SEC. 513. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government, except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriation Act.

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

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

24 SEC. 516. (a) None of the funds provided under this
25 Act, or provided under previous appropriations Acts to the

1 agencies funded by this Act that remain available for obli-
2 gation or expenditure in fiscal year 2008, or provided from
3 any accounts in the Treasury of the United States derived
4 by the collection of fees available to the agencies funded
5 by this Act, shall be available for obligation or expenditure
6 through a reprogramming of funds that—

7 (1) creates new programs;

8 (2) eliminates a program, project, or activity;

9 (3) increases funds or personnel by any means
10 for any project or activity for which funds have been
11 denied or restricted;

12 (4) relocates an office or employees;

13 (5) reorganizes or renames offices;

14 (6) reorganizes programs or activities; or

15 (7) contracts out or privatizes any functions or
16 activities presently performed by Federal employees;

17 unless the Committees on Appropriations of the House of
18 Representatives and the Senate are notified 15 days in
19 advance of such reprogramming or of an announcement
20 of intent relating to such reprogramming, whichever oc-
21 curs earlier.

22 (b) None of the funds provided under this Act, or
23 provided under previous appropriations Acts to the agen-
24 cies funded by this Act that remain available for obligation
25 or expenditure in fiscal year 2008, or provided from any

1 accounts in the Treasury of the United States derived by
2 the collection of fees available to the agencies funded by
3 this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds in excess of \$500,000
5 or 10 percent, whichever is less, that—

6 (1) augments existing programs, projects (in-
7 cluding construction projects), or activities;

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

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

15 unless the Committees on Appropriations of the House of
16 Representatives and the Senate are notified 15 days in
17 advance of such reprogramming or of an announcement
18 of intent relating to such reprogramming, whichever oc-
19 curs earlier.

20 SEC. 517. (a) None of the funds made available in
21 this Act may be used to request that a candidate for ap-
22 pointment to a Federal scientific advisory committee dis-
23 close the political affiliation or voting history of the can-
24 didate or the position that the candidate holds with re-

1 spect to political issues not directly related to and nec-
2 essary for the work of the committee involved.

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

6 SEC. 518. Within 45 days of enactment of this Act,
7 each department and related agency funded through this
8 Act shall submit an operating plan that details at the pro-
9 gram, project, and activity level any funding allocations
10 for fiscal year 2008 that are different than those specified
11 in this Act, the accompanying detailed table in the explan-
12 atory statement described in section 4 (in the matter pre-
13 ceding division A of this consolidated Act), or the fiscal
14 year 2008 budget request.

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

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

1 SEC. 521. The Secretaries of Labor, Health and
2 Human Services, and Education shall each prepare and
3 submit to the Committees on Appropriations of the House
4 of Representatives and the Senate a report on the number
5 and amount of contracts, grants, and cooperative agree-
6 ments exceeding \$100,000 in value and awarded by the
7 Department on a non-competitive basis during each quar-
8 ter of fiscal year 2008, but not to include grants awarded
9 on a formula basis. Such report shall include the name
10 of the contractor or grantee, the amount of funding, and
11 the governmental purpose. Such report shall be trans-
12 mitted to the Committees within 30 days after the end
13 of the quarter for which the report is submitted.

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

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

20 (2) a mechanism on the Offices of Inspectors
21 General website by which individuals may anony-
22 mously report cases of waste, fraud, or abuse with
23 respect to those Departments, agencies, and commis-
24 sions.

1 SEC. 523. None of the funds appropriated or other-
2 wise made available by this Act may be used to enter into
3 a contract in an amount greater than \$5,000,000 or to
4 award a grant in excess of such amount unless the pro-
5 spective contractor or grantee certifies in writing to the
6 agency awarding the contract or grant that, to the best
7 of its knowledge and belief, the contractor or grantee has
8 filed all Federal tax returns required during the three
9 years preceding the certification, has not been convicted
10 of a criminal offense under the Internal Revenue Code of
11 1986, and has not, more than 90 days prior to certifi-
12 cation, been notified of any unpaid Federal tax assessment
13 for which the liability remains unsatisfied, unless the as-
14 sessment is the subject of an installment agreement or
15 offer in compromise that has been approved by the Inter-
16 nal Revenue Service and is not in default, or the assess-
17 ment is the subject of a non-frivolous administrative or
18 judicial proceeding.

19 SEC. 524. Section 1848(l)(2)(A) of the Social Secu-
20 rity Act, as amended by section 6 of the TMA, Abstinence
21 Education, and QI Programs Extension Act of 2007 (Pub-
22 lic Law 110-90), is amended by reducing the dollar
23 amount in the first sentence by \$150,000,000.

24 SEC. 525. Iraqi and Afghan aliens granted special im-
25 migrant status under section 101(a)(27) of the Immigra-

1 tion and Nationality Act shall be eligible for resettlement
2 assistance, entitlement programs, and other benefits avail-
3 able to refugees admitted under section 207 of such Act
4 for a period not to exceed 6 months.

5 SEC. 526. None of the funds appropriated by this Act
6 may be used by the Commissioner of Social Security or
7 the Social Security Administration to pay the compensa-
8 tion of employees of the Social Security Administration
9 to administer Social Security benefit payments, under any
10 agreement between the United States and Mexico estab-
11 lishing totalization arrangements between the social secu-
12 rity system established by title II of the Social Security
13 Act and the social security system of Mexico, which would
14 not otherwise be payable but for such agreement.

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

23 SEC. 528. (a) ACROSS-THE-BOARD RESCISSIONS.—
24 There is hereby rescinded an amount equal to 1.747 per-
25 cent of the fiscal year 2008 budget authority—

1 (1) provided for any discretionary account of
2 this Act; and

3 (2) provided in any advance appropriation for
4 fiscal year 2008 for any discretionary account of this
5 Act made available by any prior fiscal year appro-
6 priation Act.

7 (b) PROPORTIONATE APPLICATION.—Any rescission
8 made by subsection (a) shall be applied proportionately—

9 (1) to each discretionary account and each item
10 of budget authority described in such subsection;
11 and

12 (2) within each such account and item, to each
13 program, project, and activity (with programs,
14 projects, and activities as delineated in the appro-
15 priation Act, or accompanying reports for fiscal year
16 2008 covering such account or item, or for accounts
17 and items not included in appropriation Acts, as de-
18 lined in the most recently submitted President's
19 budget).

) (or explanatory statement

20 (c) EXCEPTIONS.—This section shall not apply—

21 (1) to discretionary budget authority that has
22 been designated as described in section 5 (in the
23 matter preceding division A of this consolidated
24 Act); or

1 (2) CHILD; CHILDREN.—The terms “child” and
2 “children” mean an individual or individuals, respec-
3 tively, who have not attained 18 years of age.

4 (3) EMERGENCY.—The term “emergency” has
5 the meaning given such term under section 102(1)
6 of the Robert T. Stafford Disaster Relief and Assist-
7 ance Act (42 U.S.C. 5122(1)).

8 (4) MAJOR DISASTER.—The term “major dis-
9 aster” has the meaning given such term under sec-
10 tion 102(2) of the Robert T. Stafford Disaster Re-
11 lief and Assistance Act (42 U.S.C. 5122(2)).

12 **SEC. 603. ESTABLISHMENT OF COMMISSION.**

13 There is established a commission to be known as the
14 “National Commission on Children and Disasters” (re-
15 ferred to in this title as the “Commission”).

16 **SEC. 604. PURPOSES OF COMMISSION.**

17 The purposes of the Commission are to—

18 (1) conduct a comprehensive study to examine
19 and assess the needs of children as they relate to
20 preparation for, response to, and recovery from all
21 hazards, including major disasters and emergencies;

22 (2) build upon the evaluations of other entities
23 and avoid unnecessary duplication, by reviewing the
24 findings, conclusions, and recommendations of other
25 commissions, Federal, State, and local governments,

1 or nongovernmental entities, relating to the needs of
2 children as they relate to preparation for, response
3 to, and recovery from all hazards, including major
4 disasters and emergencies; and

5 (3) submit a report to the President and Con-
6 gress on specific findings, conclusions, and rec-
7 ommendations to address the needs of children as
8 they relate to preparation for, response to, and re-
9 covery from all hazards, including major disasters
10 and emergencies.

11 **SEC. 605. COMPOSITION OF COMMISSION.**

12 (a) MEMBERS.—The Commission shall be composed
13 of 10 members, of whom—

14 (1) 1 member shall be appointed by the Presi-
15 dent;

16 (2) 1 member, who is of a different political
17 party than that of the member appointed under
18 paragraph (1), shall be appointed by the President;

19 (3) 2 members shall be appointed by the major-
20 ity leader of the Senate;

21 (4) 2 members shall be appointed by the minor-
22 ity leader of the Senate;

23 (5) 2 members shall be appointed by the Speak-
24 er of the House of Representatives; and

1 (6) 2 members shall be appointed by the minor-
2 ity leader of the House of Representatives.

3 (b) CHAIRPERSON, VICE-CHAIRPERSON, AND MEET-
4 INGS.—Not later than 30 days after the date on which
5 all members of the Commission are appointed under sub-
6 section (a), such members shall meet to elect a Chair-
7 person and Vice Chairperson from among such members
8 and shall determine a schedule of Commission meetings.

9 (c) GOVERNMENTAL APPOINTEES.—An individual
10 appointed to the Commission may not be an official or
11 employee of the Federal Government.

12 (d) COMMISSION REPRESENTATION.—The Commis-
13 sion shall include at least one—

14 (1) representative from private nonprofit enti-
15 ties with demonstrated expertise in addressing the
16 needs of children as they relate to preparation for,
17 response to, and recovery from all hazards, including
18 major disasters and emergencies; and

19 (2) State emergency manager or local emer-
20 gency manager.

21 (e) QUALIFICATIONS.—Members appointed under
22 subsection (a) may include—

23 (1) individuals involved with providing services
24 to children, including health, education, housing, and
25 other social services;

1 (2) individuals with experience in emergency
2 management, including coordination of resources
3 and services among State and local governments, the
4 Federal Government, and nongovernmental entities;

5 (3) individuals with philanthropic experience fo-
6 cused on the needs of children in all hazards, includ-
7 ing major disasters and emergencies;

8 (4) individuals with experience in providing do-
9 nated goods and services, including personnel serv-
10 ices, to meet the needs of children and families as
11 they relate to preparation for, response to, and re-
12 covery from all hazards, including major disasters
13 and emergencies; and

14 (5) individuals who have conducted academic
15 research related to addressing the needs of children
16 in all hazards, including major disasters and emer-
17 gencies.

18 (f) INITIAL MEETING.—The Commission shall meet
19 and begin the operations of the Commission not later than
20 120 days after the appointment of members of the Com-
21 mission.

22 (g) QUORUM AND VACANCY.—

23 (1) QUORUM.—A majority of the members of
24 the Commission shall constitute a quorum, but a
25 lesser number of members may hold hearings.

1 (2) VACANCY.—Any vacancy in the Commission
2 shall not affect its powers and shall be filled in the
3 same manner in which the original appointment was
4 made.

5 **SEC. 606. DUTIES OF COMMISSION.**

6 The Commission shall—

7 (1) conduct pursuant to section ~~4~~(2) a com- (604
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8 prehensive study that examines and assesses the
9 needs of children as they relate to preparation for,
10 response to, and recovery from all hazards, including
11 major disasters and emergencies, including specific
12 findings relating to—

13 (A) child physical health, mental health,
14 and trauma;

15 (B) child care in all settings;

16 (C) child welfare;

17 (D) elementary and secondary education;

18 (E) sheltering, temporary housing, and af-
19 fordable housing;

20 (F) transportation;

21 (G) juvenile justice;

22 (H) evacuation; and

23 (I) relevant activities in emergency man-
24 agement;

1 (2) identify, review, and evaluate existing laws,
2 regulations, policies, and programs relevant to the
3 needs of children as they relate to preparation for,
4 response to, and recovery from all hazards, including
5 major disasters and emergencies;

6 (3) identify, review, and evaluate the lessons
7 learned from past disasters and emergencies relative
8 to addressing the needs of children; and

9 (4) submit a report to the President and Con-
10 gress on the Commission's specific findings, conclu-
11 sions, and recommendations to address the needs of
12 children as they relate to preparation for, response
13 to, and recovery from all hazards, including major
14 disasters and emergencies, including specific rec-
15 ommendations on the need for planning and estab-
16 lishing a national resource center on children and
17 disasters, coordination of resources and services, ad-
18 ministrative actions, policies, regulations, and legis-
19 lative changes as the Commission considers appro-
20 priate.

21 **SEC. 607. POWERS OF COMMISSION.**

22 (a) **HEARINGS.**—The Commission may hold such
23 hearings, meet and act at such times and places, and re-
24 ceive such evidence as may be necessary to carry out the
25 functions of the Commission.

1 (b) INFORMATION FROM FEDERAL AGENCIES.—

2 (1) IN GENERAL.—The Commission may ac-
3 cess, to the extent authorized by law, from any exec-
4 utive department, bureau, agency, board, commis-
5 sion, office, independent establishment, or instru-
6 mentality of the Federal Government such informa-
7 tion, suggestions, estimates, and statistics as the
8 Commission considers necessary to carry out this
9 title.

10 (2) PROVISION OF INFORMATION.—On written
11 request of the Chairperson of the Commission, each
12 department, bureau, agency, board, commission, of-
13 fice, independent establishment, or instrumentality
14 shall, to the extent authorized by law, provide the re-
15 quested information to the Commission.

16 (3) RECEIPT, HANDLING, STORAGE, AND DIS-
17 SEMINATION.—Information shall only be received,
18 handled, stored, and disseminated by members of
19 the Commission and its staff consistent with all ap-
20 plicable statutes, regulations, and Executive orders.

21 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (1) GENERAL SERVICES ADMINISTRATION.—On
23 request of the Chairperson of the Commission, the
24 Administrator of General Services shall provide to
25 the Commission, on a reimbursable basis, adminis-

1 trative support and other assistance necessary for
2 the Commission to carry out its duties.

3 (2) OTHER DEPARTMENTS AND AGENCIES.—In
4 addition to the assistance provided for under para-
5 graph (1), departments and agencies of the United
6 States may provide to the Commission such assist-
7 ance as they may determine advisable and as author-
8 ized by law.

9 (d) CONTRACTING.—The Commission may enter into
10 contracts to enable the Commission to discharge its duties
11 under this title.

12 (e) DONATIONS.—The Commission may accept, use,
13 and dispose of donations of services or property.

14 (f) POSTAL SERVICES.—The Commission may use
15 the United States mails in the same manner and under
16 the same conditions as a department or agency of the
17 United States.

18 **SEC. 608. STAFF OF COMMISSION.**

19 (a) IN GENERAL.—The Chairperson of the Commis-
20 sion, in consultation with the Vice Chairperson, in accord-
21 ance with rules agreed upon by the Commission, may ap-
22 point and fix the compensation of a staff director and such
23 other personnel as may be necessary to enable the Com-
24 mission to carry out its functions, in accordance with the
25 provisions of title 5, United States Code, except that no

1 rate of pay fixed under this subsection may exceed the
2 equivalent of that payable for a position at level V of the
3 Executive Schedule under section 5316 of title 5, United
4 States Code.

5 (b) STAFF OF FEDERAL AGENCIES.—Upon request
6 of the Chairperson of the Commission, the head of any
7 executive department, bureau, agency, board, commission,
8 office, independent establishment, or instrumentality of
9 the Federal Government may detail, without reimburse-
10 ment, any of its personnel to the Commission to assist
11 it in carrying out its duties under this title. Any detail
12 of an employee shall be without interruption or loss of civil
13 service status or privilege.

14 (c) CONSULTANT SERVICES.—The Commission is au-
15 thorized to procure the services of experts and consultants
16 in accordance with section 3109 of title 5, United States
17 Code, but at rates not to exceed the daily rate paid a per-
18 son occupying a position at level IV of the Executive
19 Schedule under section 5315 of title 5, United States
20 Code.

21 **SEC. 609. TRAVEL EXPENSES.**

22 Each member of the Commission shall serve without
23 compensation, but shall receive travel expenses, including
24 per diem in lieu of subsistence, in accordance with applica-
25 ble provisions in the same manner as persons employed

1 intermittently in the Government service are allowed ex-
2 penses under section 5703 of title 5, United States Code.

3 **SEC. 610. FEDERAL ADVISORY COMMITTEE ACT APPLICA-**
4 **BILITY.**

5 The provisions of the Federal Advisory Committee
6 Act shall apply to the Commission, including the staff of
7 the Commission.

8 **SEC. 611. REPORTS OF COMMISSION; TERMINATION.**

9 (a) INTERIM REPORT.—The Commission shall, not
10 later than 1 year after the date of its first meeting, submit
11 to the President and Congress an interim report con-
12 taining specific findings, conclusions, and recommenda-
13 tions required under this title as have been agreed to by
14 a majority of Commission members.

15 (b) OTHER REPORTS AND INFORMATION.—

16 (1) REPORTS.—The Commission may issue ad-
17 ditional reports as the Commission determines nec-
18 essary.

19 (2) INFORMATION.—The Commission may hold
20 public hearings to collect information and shall make
21 such information available for use by the public.

22 (c) FINAL REPORT.—The Commission shall, not later
23 than 2 years after the date of its first meeting, submit
24 to the President and Congress a final report containing
25 specific findings, conclusions, and recommendations re-

1 quired under this title as have been agreed to by a major-
2 ity of Commission members.

3 (d) TERMINATION.—

4 (1) IN GENERAL.—The Commission, and all the
5 authorities of this title, shall terminate 180 days
6 after the date on which the final report is submitted
7 under subsection (b).

8 (2) RECORDS.—Not later than the date of ter-
9 mination of the Commission under paragraph (1),
10 all records and papers of the Commission shall be
11 delivered to the Archivist of the United States for
12 deposit in the National Archives.

13 **SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to carry out
15 this title, \$1,500,000 for each of fiscal years 2008 and
16 2009.

17 **SEC. 613. RULE OF CONSTRUCTION.**

18 Nothing in this title shall be construed to confer on
19 the Commission purposes and duties that are the responsi-
20 bility of the Congress.

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