

Calendar No. 504111TH CONGRESS
2^D SESSION**S. 3686****[Report No. 111-243]**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2010

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
2 September 30, 2011, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Workforce Investment
9 Act of 1998 (“WIA”), the Second Chance Act of 2007,
10 and the Women in Apprenticeship and Non-Traditional
11 Occupations Act of 1992, including the purchase and hire
12 of passenger motor vehicles, the construction, alteration,
13 and repair of buildings and other facilities, and the pur-
14 chase of real property for training centers as authorized
15 by the WIA; \$3,877,478,000, plus reimbursements, shall
16 be available. Of the amounts provided:

17 (1) for grants to States for adult employment
18 and training activities, youth activities, dislocated
19 worker employment and training activities, and for
20 workforce innovation activities, \$3,133,031,000 as
21 follows:

22 (A) \$896,884,000 for adult employment
23 and training activities, of which not more than
24 \$35,000,000, shall be available for workforce
25 innovation activities to carry out projects au-

1 thorized under section 171(b) of the WIA that
2 demonstrate innovative strategies or replicate
3 effective evidence-based strategies that align
4 and strengthen the workforce investment sys-
5 tem in order to improve program delivery and
6 education and employment outcomes for pro-
7 gram beneficiaries, and of which \$184,884,000
8 shall be available for the period July 1, 2011,
9 through June 30, 2012, and of which
10 \$712,000,000 shall be available for the period
11 October 1, 2011 through June 30, 2012;

12 (B) \$995,000,000 for youth activities,
13 which shall be available for the period April 1,
14 2011 through June 30, 2012; and of which not
15 more than \$95,000,000 shall be for workforce
16 innovation activities to carry out projects au-
17 thorized under section 171(b) of the WIA that
18 demonstrate innovative strategies or replicate
19 effective evidence-based strategies that align
20 and strengthen the workforce investment sys-
21 tem in order to improve program delivery and
22 education and employment outcomes for youth:
23 *Provided*, That for purposes of section 127(b)
24 of the WIA, funds available for youth activities
25 shall be used and allotted as if the total amount

1 available for youth activities in the fiscal year
2 does not exceed \$1,000,000,000: *Provided fur-*
3 *ther*, That notwithstanding section 128(a)(1) of
4 the WIA the amount available to the Governor
5 for statewide activities shall not exceed 10 per-
6 cent of the amount allotted to the State from
7 the appropriation under this subparagraph:
8 *Provided further*, That of the funds reserved in
9 this subparagraph for workforce innovation ac-
10 tivities not less than 30 percent shall be for
11 projects providing summer employment activi-
12 ties for youth; and

13 (C) \$1,241,147,000 for dislocated worker
14 employment and training activities, of which
15 not more than \$55,000,000 shall be for work-
16 force innovation activities to carry out projects
17 authorized under section 171(b) of the WIA
18 that demonstrate innovative strategies or rep-
19 licate effective evidence-based strategies that
20 align and strengthen the workforce investment
21 system in order to improve program delivery
22 and education and employment outcomes for
23 program beneficiaries, and of which
24 \$381,147,000 shall be available for the period
25 July 1, 2011 through June 30, 2012, and of

1 which \$860,000,000 shall be available for the
2 period October 1, 2011 through June 30, 2012:
3 *Provided*, That notwithstanding the transfer limita-
4 tion under section 133(b)(4) of the WIA, up to 30
5 percent of funds allocated to a local area from ap-
6 propriations under subparagraphs (A) and (C) may
7 be transferred by a local board if approved by the
8 Governor: *Provided further*, That a local board may
9 award a contract to an institution of higher edu-
10 cation or other eligible training provider if the local
11 board determines that it would facilitate the training
12 of multiple individuals in high-demand occupations,
13 if such contract does not limit customer choice: *Pro-*
14 *vided further*, That projects carried out with funds
15 available for workforce innovation activities shall not
16 be subject to the requirements of section
17 171(b)(2)(B) of the WIA and shall be administered
18 by the Secretary of Labor in cooperation with the
19 Secretary of Education and, as appropriate, other
20 heads of departments and agencies: *Provided further*,
21 That of the funds available for workforce innovation
22 activities, not more than 5 percent shall be for tech-
23 nical assistance and evaluations related to the
24 projects carried out with these funds;

1 (2) for federally administered programs,
2 \$482,538,000 as follows:

3 (A) \$229,160,000 for the dislocated work-
4 ers assistance national reserve, of which
5 \$29,160,000 shall be available for the period
6 July 1, 2011 through June 30, 2012, and of
7 which \$200,000,000 shall be available for the
8 period October 1, 2011 through June 30, 2012:
9 *Provided*, That funds provided to carry out sec-
10 tion 132(a)(2)(A) of the WIA may be used to
11 provide assistance to a State for State-wide or
12 local use in order to address cases where there
13 have been worker dislocations across multiple
14 sectors or across multiple local areas and such
15 workers remain dislocated; coordinate the State
16 workforce development plan with emerging eco-
17 nomic development needs; and train such eligi-
18 ble dislocated workers: *Provided further*, That
19 funds provided to carry out section 171(d) of
20 the WIA may be used for demonstration
21 projects that provide assistance to new entrants
22 in the workforce and incumbent workers: *Pro-*
23 *vided further*, That none of the funds shall be
24 obligated to carry out section 173(e) of the
25 WIA;

1 (B) \$55,000,000 for Native American pro-
2 grams, which shall be available for the period
3 July 1, 2011 through June 30, 2012;

4 (C) \$87,378,000 for migrant and seasonal
5 farmworker programs under section 167 of the
6 WIA, including \$80,868,000 for formula grants
7 (of which not less than 70 percent shall be for
8 employment and training services), \$6,000,000
9 for migrant and seasonal housing (of which not
10 less than 70 percent shall be for permanent
11 housing), and \$510,000 for other discretionary
12 purposes, which shall be available for the period
13 July 1, 2011 through June 30, 2012: *Provided,*
14 That notwithstanding any other provision of
15 law or related regulation, the Department of
16 Labor shall take no action limiting the number
17 or proportion of eligible participants receiving
18 related assistance services or discouraging
19 grantees from providing such services;

20 (D) \$1,000,000 for carrying out the
21 Women in Apprenticeship and Nontraditional
22 Occupations Act, which shall be available for
23 the period July 1, 2011 through June 30,
24 2012; and

1 (E) \$110,000,000 for YouthBuild activities
2 as described in section 173A of the WIA, which
3 shall be available for the period April 1, 2011
4 through June 30, 2012;

5 (3) for national activities, \$261,909,000 as fol-
6 lows:

7 (A) \$73,559,000 for Pilots, Demonstra-
8 tions, and Research, which shall be available for
9 the period April 1, 2011 through June 30,
10 2012, of which \$40,000,000 shall be for Transi-
11 tional Jobs activities, and shall not be subject
12 to the requirements of section 171(b)(2)(B) or
13 171(c)(4)(D) of the WIA, and that up to 10
14 percent of the amount available for Transitional
15 Jobs activities may be used for evaluation of
16 such projects or transferred to the Department
17 of Health and Human Services and/or the De-
18 partment of Justice for support of Transitional
19 Jobs activities; and of which \$27,003,000 shall
20 be used for the projects, and in the amounts,
21 specified under the heading “Training and Em-
22 ployment Services” in the committee report of
23 the Senate accompanying this Act: *Provided,*
24 That funding provided to carry out such
25 projects shall not be subject to the requirements

1 of sections 171(b)(2)(B) and 171(c)(4)(D) of
2 the WIA, the joint funding requirements of sec-
3 tions 171(b)(2)(A) and 171(c)(4)(A) of the
4 WIA, or any time limit requirements of sections
5 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

6 (B) \$65,000,000 for activities that prepare
7 workers for careers in energy efficiency and re-
8 newable energy as described in section
9 171(e)(1)(B) of the WIA, under the authority
10 of section 171 of the WIA, which shall be avail-
11 able for the period July 1, 2011 through June
12 30, 2012, and which shall not be subject to the
13 requirements of section 171(b)(2)(B) or
14 171(c)(4)(D);

15 (C) \$98,000,000 for ex-offender activities,
16 under the authority of section 171 of the WIA
17 and section 212 of the Second Chance Act of
18 2007, which shall be available for the period
19 April 1, 2011 through June 30, 2012, notwith-
20 standing the requirements of section
21 171(b)(2)(B) or 171(c)(4)(D) of the WIA;

22 (D) \$11,600,000 for Evaluation, which
23 shall be available for the period July 1, 2011
24 through June 30, 2012; and

1 (E) \$13,750,000 for the Workforce Data
2 Quality Initiative, under the authority of section
3 171(c)(2) of the WIA, which shall be available
4 for the period July 1, 2011 through June 30,
5 2012, and which shall not be subject to the re-
6 quirements of section 171(c)(4)(D).

7 OFFICE OF JOB CORPS

8 (INCLUDING TRANSFER OF FUNDS)

9 To carry out subtitle C of title I of the Workforce
10 Investment Act of 1998, including Federal administrative
11 expenses, the purchase and hire of passenger motor vehi-
12 cles, the construction, alteration and repairs of buildings
13 and other facilities, and the purchase of real property for
14 training centers as authorized by the Workforce Invest-
15 ment Act; \$1,712,205,000, plus reimbursements, as fol-
16 lows:

17 (1) \$1,577,095,000 for Job Corps Operations,
18 of which \$986,095,000 shall be available for obliga-
19 tion for the period July 1, 2011 through June 30,
20 2012 and of which \$591,000,000 shall be available
21 for obligation for the period October 1, 2011
22 through June 30, 2012;

23 (2) \$105,000,000 for construction, rehabilita-
24 tion and acquisition of Job Corps Centers, of which
25 \$5,000,000 shall be available for the period July 1,

1 2011 through June 30, 2014 and \$100,000,000
2 shall be available for the period October 1, 2011
3 through June 30, 2014: *Provided*, That the Sec-
4 retary of Labor may transfer up to 15 percent of
5 such funds to meet the operational needs of such
6 centers: *Provided further*, That any funds trans-
7 ferred pursuant to the preceding proviso shall not be
8 available for obligation after June 30, 2012; and
9 (3) \$30,110,000 for necessary expenses of the
10 Office of Job Corps shall be available for obligation
11 for the period October 1, 2010 through September
12 30, 2011:

13 *Provided*, That no funds from any other appropriation
14 shall be used to provide meal services at or for Job Corps
15 centers.

16 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
17 AMERICANS

18 To carry out title V of the Older Americans Act of
19 1965 (“OAA”), \$600,425,000, which shall be available for
20 the period July 1, 2011 through June 30, 2012: *Provided*,
21 That funds made available under this heading may, in ac-
22 cordance with section 517(c) of the OAA, be recaptured
23 and reobligated.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2011 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, including benefit pay-
10 ments, allowances, training, and related State administra-
11 tion provided pursuant to paragraphs (1) and (2) of sec-
12 tion 1891(b) of the Trade and Globalization Adjustment
13 Assistance Act of 2009, \$1,938,200,000, together with
14 such amounts as may be necessary to be charged to the
15 subsequent appropriation for payments for any period sub-
16 sequent to September 15, 2011.

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

18 SERVICE OPERATIONS

19 For authorized administrative expenses,
20 \$91,403,000, together with not to exceed \$4,348,924,000
21 which may be expended from the Employment Security
22 Administration Account in the Unemployment Trust Fund
23 (“the Trust Fund”), of which:

24 (1) \$3,570,079,000 from the Trust Fund is for
25 grants to States for the administration of State un-

1 employment insurance laws as authorized under title
2 III of the Social Security Act (including
3 \$65,000,000 to conduct in-person re-employment
4 and eligibility assessments and unemployment insur-
5 ance improper payment reviews), the administration
6 of unemployment insurance for Federal employees
7 and for ex-service members as authorized under 5
8 U.S.C. 8501–8523, and the administration of trade
9 readjustment allowances, re-employment trade ad-
10 justment assistance, and alternative trade adjust-
11 ment assistance under the Trade Act of 1974 and
12 under section 1891(b) of the Trade and
13 Globalization Adjustment Assistance Act of 2009,
14 and shall be available for obligation by the States
15 through December 31, 2011, except that funds used
16 for automation acquisitions shall be available for ob-
17 ligation by the States through September 30, 2013,
18 and funds used for unemployment insurance work-
19 loads experienced by the States through September
20 30, 2011, shall be available for Federal obligation
21 through December 31, 2011: *Provided*, That funds
22 awarded to States under the misclassification initia-
23 tive or to conduct re-employment and eligibility as-
24 sessment and improper payment reviews shall be

1 available for obligation by the States through Sep-
2 tember 30, 2013;

3 (2) \$11,310,000 from the Trust Fund is for na-
4 tional activities necessary to support the administra-
5 tion of the Federal-State unemployment insurance
6 system;

7 (3) \$680,893,000 from the Trust Fund, to-
8 gether with \$22,683,000 from the General Fund of
9 the Treasury, is for grants to States in accordance
10 with section 6 of the Wagner-Peyser Act, and shall
11 be available for Federal obligation for the period
12 July 1, 2011 through June 30, 2012;

13 (4) \$20,994,000 from the Trust Fund is for na-
14 tional activities of the Employment Service, includ-
15 ing administration of the work opportunity tax cred-
16 it under section 51 of the Internal Revenue Code of
17 1986, and the provision of technical assistance and
18 staff training under the Wagner-Peyser Act, includ-
19 ing not to exceed \$1,228,000 that may be used for
20 amortization payments to States which had inde-
21 pendent retirement plans in their State employment
22 service agencies prior to 1980;

23 (5) \$65,648,000 from the Trust Fund is for the
24 administration of foreign labor certifications and re-
25 lated activities under the Immigration and Nation-

1 ality Act and related laws, of which \$50,519,000
2 shall be available for the Federal administration of
3 such activities, and \$15,129,000 shall be available
4 for grants to States for the administration of such
5 activities; and

6 (6) \$68,720,000 from the General Fund is to
7 provide workforce information, national electronic
8 tools, and one-stop system building under the Wag-
9 ner-Peyser Act and section 171 (e)(2)(C) of the
10 Workforce Investment Act of 1998 and shall be
11 available for Federal obligation for the period July
12 1, 2011 through June 30, 2012:

13 *Provided*, That to the extent that the Average Weekly In-
14 sured Unemployment (“AWIU”) for fiscal year 2011 is
15 projected by the Department of Labor to exceed
16 6,051,000, an additional \$28,600,000 from the Trust
17 Fund shall be available for obligation for every 100,000
18 increase in the AWIU level (including a pro rata amount
19 for any increment less than 100,000) to carry out title
20 III of the Social Security Act: *Provided further*, That
21 funds appropriated in this Act that are allotted to a State
22 to carry out activities under title III of the Social Security
23 Act may be used by such State to assist other States in
24 carrying out activities under such title III if the other
25 States include areas that have suffered a major disaster

1 declared by the President under the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act: *Provided*
3 *further*, That the Secretary of Labor may use funds appro-
4 priated for grants to States under title III of the Social
5 Security Act to make payments on behalf of States for
6 the use of the National Directory of New Hires under sec-
7 tion 453(j)(8) of such Act: *Provided further*, That funds
8 appropriated in this Act which are used to establish a na-
9 tional one-stop career center system, or which are used
10 to support the national activities of the Federal-State un-
11 employment insurance or immigration programs, may be
12 obligated in contracts, grants, or agreements with non-
13 State entities: *Provided further*, That funds appropriated
14 under this Act for activities authorized under title III of
15 the Social Security Act and the Wagner-Peyser Act may
16 be used by States to fund integrated Unemployment In-
17 surance and Employment Service automation efforts, not-
18 withstanding cost allocation principles prescribed under
19 the Office of Management and Budget Circular A-87:
20 *Provided further*, That the Secretary, at the request of a
21 State participating in a consortium with other States, may
22 reallocate funds allotted to such State under title III of the
23 Social Security Act to other States participating in the
24 consortium in order to carry out activities that benefit the

1 administration of the unemployment compensation law of
2 the State making the request.

3 STATE PAID LEAVE FUND

4 For grants to assist in the start-up of paid leave pro-
5 grams in the States, \$10,000,000, shall be available for
6 obligation for the period of July 1, 2011 through June
7 30, 2013: *Provided*, That the Secretary of Labor may re-
8 serve not more than 1 percent for administration related
9 to such grants.

10 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
11 OTHER FUNDS

12 For repayable advances to the Unemployment Trust
13 Fund as authorized by sections 905(d) and 1203 of the
14 Social Security Act, and to the Black Lung Disability
15 Trust Fund as authorized by section 9501(c)(1) of the In-
16 ternal Revenue Code of 1986; and for nonrepayable ad-
17 vances to the Unemployment Trust Fund as authorized
18 by 5 U.S.C. 8509, and to the “Federal Unemployment
19 Benefits and Allowances” account, such sums as may be
20 necessary, which shall be available for obligation through
21 September 30, 2012.

22 PROGRAM ADMINISTRATION

23 For expenses of administering employment and train-
24 ing programs, \$104,904,000, together with not to exceed
25 \$57,138,000, which may be expended from the Employ-

1 ment Security Administration Account in the Unemploy-
2 ment Trust Fund.

3 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Employee Benefits
6 Security Administration, \$161,995,000.

7 PENSION BENEFIT GUARANTY CORPORATION

8 PENSION BENEFIT GUARANTY CORPORATION FUND

9 The Pension Benefit Guaranty Corporation (“Cor-
10 poration”) is authorized to make such expenditures, in-
11 cluding financial assistance authorized by subtitle E of
12 title IV of the Employee Retirement Income Security Act
13 of 1974, within limits of funds and borrowing authority
14 available to the Corporation, and in accord with law, and
15 to make such contracts and commitments without regard
16 to fiscal year limitations, as provided by 31 U.S.C. 9104,
17 as may be necessary in carrying out the program, includ-
18 ing associated administrative expenses, through Sep-
19 tember 30, 2011, for the Corporation: *Provided*, That
20 none of the funds available to the Corporation for fiscal
21 year 2011 shall be available for obligations for administra-
22 tive expenses in excess of \$466,301,000: *Provided further*,
23 That to the extent that the number of new plan partici-
24 pants in plans terminated by the Corporation exceeds
25 100,000 in fiscal year 2011, an amount not to exceed an

1 additional \$9,200,000 shall be available through Sep-
2 tember 30, 2012 for obligation for administrative expenses
3 for every 20,000 additional terminated participants: *Pro-*
4 *vided further*, That an additional \$50,000 shall be made
5 available through September 30, 2012, for obligation for
6 investment management fees for every \$25,000,000 in as-
7 sets received by the Corporation as a result of new plan
8 terminations or asset growth, after approval by the Office
9 of Management and Budget and notification of the Com-
10 mittees on Appropriations of the House of Representatives
11 and the Senate: *Provided further*, That obligations in ex-
12 cess of the amounts provided in this paragraph may be
13 incurred for unforeseen and extraordinary pretermination
14 expenses after approval by the Office of Management and
15 Budget and notification of the Committees on Appropria-
16 tions of the House of Representatives and the Senate.

17 WAGE AND HOUR DIVISION

18 SALARIES AND EXPENSES

19 For necessary expenses for the Wage and Hour Divi-
20 sion, including reimbursement to State, Federal, and local
21 agencies and their employees for inspection services ren-
22 dered, \$244,240,000.

1 OFFICE OF LABOR MANAGEMENT STANDARDS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Office of Labor Man-
4 agement Standards, \$45,181,000.

5 OFFICE OF FEDERAL CONTRACT COMPLIANCE

6 PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Federal Con-
9 tract Compliance Programs, \$112,433,000.

10 OFFICE OF WORKERS' COMPENSATION PROGRAMS

11 SALARIES AND EXPENSES

12 For necessary expenses for the Office of Workers'
13 Compensation Programs, \$124,165,000, together with
14 \$2,181,000 which may be expended from the Special Fund
15 in accordance with sections 39(e), 44(d), and 44(j) of the
16 Longshore and Harbor Workers' Compensation Act.

17 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

18 OCCUPATIONAL ILLNESS COMPENSATION FUND

19 For necessary expenses to administer the Energy
20 Employees Occupational Illness Compensation Program
21 Act, \$53,778,000, to remain available until expended: *Pro-*
22 *vided*, That the Secretary of Labor may require that any
23 person filing a claim for benefits under the Act provide
24 as part of such claim, such identifying information (in-

1 cluding Social Security account number) as may be pre-
2 scribed.

3 SPECIAL BENEFITS

4 (INCLUDING TRANSFER OF FUNDS)

5 For the payment of compensation, benefits, and ex-
6 penses (except administrative expenses) accruing during
7 the current or any prior fiscal year authorized by 5 U.S.C.
8 81; continuation of benefits as provided for under the
9 heading "Civilian War Benefits" in the Federal Security
10 Agency Appropriation Act, 1947; the Employees' Com-
11 pensation Commission Appropriation Act, 1944; sections
12 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
13 cent of the additional compensation and benefits required
14 by section 10(h) of the Longshore and Harbor Workers'
15 Compensation Act, \$183,000,000, together with such
16 amounts as may be necessary to be charged to the subse-
17 quent year appropriation for the payment of compensation
18 and other benefits for any period subsequent to August
19 15 of the current year: *Provided*, That amounts appro-
20 priated may be used under 5 U.S.C. 8104, by the Sec-
21 retary of Labor to reimburse an employer, who is not the
22 employer at the time of injury, for portions of the salary
23 of a re-employed, disabled beneficiary: *Provided further*,
24 That balances of reimbursements unobligated on Sep-
25 tember 30, 2010, shall remain available until expended for

1 the payment of compensation, benefits, and expenses: *Pro-*
2 *vided further*, That in addition there shall be transferred
3 to this appropriation from the Postal Service and from
4 any other corporation or instrumentality required under
5 5 U.S.C. 8147(c) to pay an amount for its fair share of
6 the cost of administration, such sums as the Secretary de-
7 termines to be the cost of administration for employees
8 of such fair share entities through September 30, 2011:
9 *Provided further*, That of those funds transferred to this
10 account from the fair share entities to pay the cost of ad-
11 ministration of the Federal Employees' Compensation Act,
12 \$58,364,000 shall be made available to the Secretary as
13 follows:

14 (1) For enhancement and maintenance of auto-
15 mated data processing systems and telecommuni-
16 cations systems, \$17,318,000;

17 (2) For automated workload processing oper-
18 ations, including document imaging, centralized mail
19 intake, and medical bill processing, \$25,973,000;

20 (3) For periodic roll management and medical
21 review, \$15,073,000; and

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

24 *Provided further*, That the Secretary may require that any
25 person filing a notice of injury or a claim for benefits

1 under 5 U.S.C. 81, or the Longshore and Harbor Work-
2 ers' Compensation Act, provide as part of such notice and
3 claim, such identifying information (including Social Secu-
4 rity account number) as such regulations may prescribe.

5 SPECIAL BENEFITS FOR DISABLED COAL MINERS

6 For carrying out title IV of the Federal Mine Safety
7 and Health Act of 1977, as amended by Public Law 107-
8 275, \$158,220,000, to remain available until expended.

9 For making after July 31 of the current fiscal year,
10 benefit payments to individuals under title IV of such Act,
11 for costs incurred in the current fiscal year, such amounts
12 as may be necessary.

13 For making benefit payments under title IV for the
14 first quarter of fiscal year 2012, \$41,000,000, to remain
15 available until expended.

16 BLACK LUNG DISABILITY TRUST FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 In fiscal year 2011, such sums as may be necessary
19 from the Black Lung Disability Trust Fund ("Fund"), to
20 remain available until expended, for payment of all bene-
21 fits authorized by section 9501(d)(1), (2), (6), and (7) of
22 the Internal Revenue Code of 1986; and repayment of,
23 and payment of interest on advances, as authorized by sec-
24 tion 9501(c)(2) of that Act. In addition, the following
25 amounts may be expended from the Fund for fiscal year

1 2010 for expenses of operation and administration of the
2 Black Lung Benefits program, as authorized by section
3 9501(d)(5): not to exceed \$33,075,000 for transfer to the
4 Office of Workers' Compensation Programs, "Salaries and
5 Expenses"; not to exceed \$25,394,000 for transfer to De-
6 partmental Management, "Salaries and Expenses"; not to
7 exceed \$327,000 for transfer to Departmental Manage-
8 ment, "Office of Inspector General"; and not to exceed
9 \$356,000 for payments into miscellaneous receipts for the
10 expenses of the Department of the Treasury.

11 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
12 SALARIES AND EXPENSES

13 For necessary expenses for the Occupational Safety
14 and Health Administration, \$574,096,000, including not
15 to exceed \$105,893,000 which shall be the maximum
16 amount available for grants to States under section 23(g)
17 of the Occupational Safety and Health Act ("Act"), which
18 grants shall be no less than 50 percent of the costs of
19 State occupational safety and health programs required to
20 be incurred under plans approved by the Secretary of
21 Labor under section 18 of the Act; and, in addition, not-
22 withstanding 31 U.S.C. 3302, the Occupational Safety
23 and Health Administration may retain up to \$200,000 per
24 fiscal year of training institute course tuition fees, other-
25 wise authorized by law to be collected, and may utilize

1 such sums for occupational safety and health training and
2 education: *Provided*, That notwithstanding 31 U.S.C.
3 3302, the Secretary is authorized, during the fiscal year
4 ending September 30, 2011, to collect and retain fees for
5 services provided to Nationally Recognized Testing Lab-
6 oratories, and may utilize such sums, in accordance with
7 the provisions of 29 U.S.C. 9a, to administer national and
8 international laboratory recognition programs that ensure
9 the safety of equipment and products used by workers in
10 the workplace: *Provided further*, That none of the funds
11 appropriated under this paragraph shall be obligated or
12 expended to prescribe, issue, administer, or enforce any
13 standard, rule, regulation, or order under the Act which
14 is applicable to any person who is engaged in a farming
15 operation which does not maintain a temporary labor
16 camp and employs 10 or fewer employees: *Provided fur-*
17 *ther*, That no funds appropriated under this paragraph
18 shall be obligated or expended to administer or enforce
19 any standard, rule, regulation, or order under the Act with
20 respect to any employer of 10 or fewer employees who is
21 included within a category having a Days Away, Re-
22 stricted, or Transferred (DART) occupational injury and
23 illness rate, at the most precise industrial classification
24 code for which such data are published, less than the na-
25 tional average rate as such rates are most recently pub-

1 lished by the Secretary, acting through the Bureau of
2 Labor Statistics, in accordance with section 24 of the Act,
3 except—

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

7 (2) to conduct an inspection or investigation in
8 response to an employee complaint, to issue a cita-
9 tion for violations found during such inspection, and
10 to assess a penalty for violations which are not cor-
11 rected within a reasonable abatement period and for
12 any willful violations found;

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

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

17 (5) to take any action authorized by the Act
18 with respect to a report of an employment accident
19 which is fatal to one or more employees or which re-
20 sults in hospitalization of two or more employees,
21 and to take any action pursuant to such investiga-
22 tion authorized by the Act; and

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

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That
5 \$11,000,000 shall be available for Susan Harwood train-
6 ing grants.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$377,000,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities, and \$1,500,000 to
15 continue the project with the United Mine Workers of
16 America, for classroom and simulated rescue training for
17 mine rescue teams; in addition, not to exceed \$750,000
18 may be collected by the National Mine Health and Safety
19 Academy for room, board, tuition, and the sale of training
20 materials, otherwise authorized by law to be collected, to
21 be available for mine safety and health education and
22 training activities, notwithstanding 31 U.S.C. 3302; and,
23 in addition, the Mine Safety and Health Administration
24 may retain up to \$1,000,000 from fees collected for the
25 approval and certification of equipment, materials, and ex-

1 plosives for use in mines, and may utilize such sums for
2 such activities; the Secretary of Labor is authorized to ac-
3 cept lands, buildings, equipment, and other contributions
4 from public and private sources and to prosecute projects
5 in cooperation with other agencies, Federal, State, or pri-
6 vate; the Mine Safety and Health Administration is au-
7 thorized to promote health and safety education and train-
8 ing in the mining community through cooperative pro-
9 grams with States, industry, and safety associations; the
10 Secretary is authorized to recognize the Joseph A. Holmes
11 Safety Association as a principal safety association and,
12 notwithstanding any other provision of law, may provide
13 funds and, with or without reimbursement, personnel, in-
14 cluding service of Mine Safety and Health Administration
15 officials as officers in local chapters or in the national or-
16 ganization; and any funds available to the Department of
17 Labor may be used, with the approval of the Secretary,
18 to provide for the costs of mine rescue and survival oper-
19 ations in the event of a major disaster.

20 BUREAU OF LABOR STATISTICS

21 SALARIES AND EXPENSES

22 For necessary expenses for the Bureau of Labor Sta-
23 tistics, including advances or reimbursements to State,
24 Federal, and local agencies and their employees for serv-
25 ices rendered, \$567,413,000, together with not to exceed

1 \$67,438,000, which may be expended from the Employ-
 2 ment Security Administration Account in the Unemploy-
 3 ment Trust Fund, of which \$1,500,000 may be used to
 4 fund the mass layoff statistics program under section 15
 5 of the Wagner-Peyser Act.

6 OFFICE OF DISABILITY EMPLOYMENT POLICY

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Disability
 9 Employment Policy to provide leadership, develop policy
 10 and initiatives, and award grants furthering the objective
 11 of eliminating barriers to the training and employment of
 12 people with disabilities, \$44,138,000.

13 DEPARTMENTAL MANAGEMENT

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses for Departmental Manage-
 17 ment, including the hire of three sedans, \$432,297,000,
 18 together with not to exceed \$327,000, which may be ex-
 19 pended from the Employment Security Administration Ac-
 20 count in the Unemployment Trust Fund: *Provided*, That
 21 the Secretary of Labor may transfer up to \$7,200,000 of
 22 the funds available under this heading for legal services
 23 to the “Mine Safety and Health Administration” for ac-
 24 tivities related to the Department of Labor’s caseload be-
 25 fore the Federal Mine Safety and Health Review Commis-

1 sion, which may include case management of civil pen-
2 alties, assignment of Pattern of Violations (“POV”) sta-
3 tus, and enhanced enforcement under the POV process:
4 *Provided further*, That \$66,500,000 for the Bureau of
5 International Labor Affairs shall be available for obliga-
6 tion through December 31, 2011: *Provided further*, That
7 funds available to the Bureau of International Labor Af-
8 fairs may be used to administer or operate international
9 labor activities, bilateral and multilateral technical assist-
10 ance, and microfinance programs, by or through contracts,
11 grants, subgrants and other arrangements: *Provided fur-*
12 *ther*, That \$40,000,000 shall be for the United States’
13 contribution to the International Labour Organization’s
14 International Program on the Elimination of Child Labor:
15 *Provided further*, That up to \$26,500,000 shall be used
16 to implement model programs that address worker rights
17 issues through technical assistance or other programs in
18 countries with which the United States has free trade
19 agreements or trade preference programs: *Provided fur-*
20 *ther*, That funds available for the acquisition of Depart-
21 mental information technology, architecture, infrastruc-
22 ture, equipment, software and related needs, may be allo-
23 cated to agencies of the Department by the Department’s
24 Chief Information Officer: *Provided further*, That
25 \$36,300,000 shall be used for program evaluation, of

1 which \$26,300,000 shall be available for obligation
2 through September 30, 2012: *Provided further*, That
3 funds available for program evaluation may be transferred
4 to any other appropriate account in the Department for
5 such purpose.

6 VETERANS EMPLOYMENT AND TRAINING

7 Not to exceed \$211,523,000 may be derived from the
8 Employment Security Administration Account in the Un-
9 employment Trust Fund to carry out the provisions of 38
10 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
11 Public Law 103–353, and which shall be available for obli-
12 gation by the States through December 31, 2011, of which
13 \$2,449,000 is for the National Veterans’ Employment and
14 Training Services Institute.

15 In addition, to carry out Department of Labor pro-
16 grams under section 5(a)(1) of the Homeless Veterans
17 Comprehensive Assistance Act of 2001 and the Veterans
18 Workforce Investment Programs under section 168 of the
19 Workforce Investment Act, \$50,971,000, of which
20 \$9,641,000 shall be available for obligation for the period
21 July 1, 2011 through June 30, 2012.

22 OFFICE OF INSPECTOR GENERAL

23 For salaries and expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, \$79,090,000, together with not to

1 exceed \$5,992,000, which may be expended from the Em-
2 ployment Security Administration Account in the Unem-
3 ployment Trust Fund.

4 GENERAL PROVISIONS

5 (TRANSFER OF FUNDS)

6 SEC. 101. Not to exceed 1 percent of any discre-
7 tionary funds (pursuant to the Balanced Budget and
8 Emergency Deficit Control Act of 1985) which are appro-
9 priated for the current fiscal year for the Department of
10 Labor in this Act may be transferred between a program,
11 project, or activity, but no such program, project, or activ-
12 ity shall be increased by more than 3 percent by any such
13 transfer: *Provided*, That the transfer authority granted by
14 this section shall be available only to meet emergency
15 needs and shall not be used to create any new program
16 or to fund any project or activity for which no funds are
17 provided in this Act: *Provided further*, That the Commit-
18 tees on Appropriations of the House of Representatives
19 and the Senate are notified at least 15 days in advance
20 of any transfer.

21 SEC. 102. In accordance with Executive Order No.
22 13126, none of the funds appropriated or otherwise made
23 available pursuant to this Act shall be obligated or ex-
24 pended for the procurement of goods mined, produced,
25 manufactured, or harvested or services rendered, whole or

1 in part, by forced or indentured child labor in industries
2 and host countries already identified by the United States
3 Department of Labor prior to enactment of this Act.

4 SEC. 103. None of the funds made available to the
5 Department of Labor for grants under section 414(c) of
6 the American Competitiveness and Workforce Improve-
7 ment Act of 1998 may be used for any purpose other than
8 training in the occupations and industries for which em-
9 ployers are using H-1B visas to hire foreign workers, and
10 the related activities necessary to support such training.

11 SEC. 104. None of the funds available in this Act or
12 available to the Secretary of Labor from other sources for
13 grants authorized under section 414(c) of the American
14 Competitiveness and Workforce Improvement Act of 1998
15 shall be obligated for a grant awarded on a noncompetitive
16 basis.

17 SEC. 105. (a) None of the funds appropriated in this
18 Act under the heading “Employment and Training Ad-
19 ministration” shall be used by a recipient or subrecipient
20 of such funds to pay the salary and bonuses of an indi-
21 vidual, either as direct costs or indirect costs, at a rate
22 in excess of Executive Level II. This limitation shall not
23 apply to vendors providing goods and services as defined
24 in Office of Management and Budget Circular A-133.
25 Where States are recipients of such funds, States may es-

1 tablish a lower limit for salaries and bonuses of those re-
2 ceiving salaries and bonuses from subrecipients of such
3 funds, taking into account factors including the relative
4 cost-of-living in the State, the compensation levels for
5 comparable State or local government employees, and the
6 size of the organizations that administer Federal pro-
7 grams involved including Employment and Training Ad-
8 ministration programs.

9 (b) Notwithstanding subsection (a), none of the funds
10 appropriated in this Act for the Job Corps shall be used
11 to pay the salary of an individual, either as direct costs
12 or any proration as an indirect cost, at a rate in excess
13 of Executive Level I.

14 SEC. 106. The Secretary of Labor shall take no ac-
15 tion to amend, through regulatory or administration ac-
16 tion, the definition established in section 667.220 of title
17 20 of the Code of Federal Regulations for functions and
18 activities under title I of the Workforce Investment Act
19 of 1998, or to modify, through regulatory or administra-
20 tive action, the procedure for redesignation of local areas
21 as specified in subtitle B of title I of that Act (including
22 applying the standards specified in section 116(a)(3)(B)
23 of that Act, but notwithstanding the time limits specified
24 in section 116(a)(3)(B) of that Act), until such time as
25 legislation reauthorizing the Act is enacted. Nothing in the

1 preceding sentence shall permit or require the Secretary
2 to withdraw approval for such redesignation from a State
3 that received the approval not later than October 12,
4 2005, or to revise action taken or modify the redesignation
5 procedure being used by the Secretary in order to complete
6 such redesignation for a State that initiated the process
7 of such redesignation by submitting any request for such
8 redesignation not later than October 26, 2005.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 107. Funds available to the Employment and
11 Training Administration, either directly or through a set-
12 aside, for technical assistance services to grantees may be
13 transferred to “Program Administration” when it is deter-
14 mined that those services will be more efficiently per-
15 formed by Federal staff.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 108. For an additional amount for the “Depart-
18 mental Management, Working Capital Fund” account,
19 \$4,536,900, to increase the Department’s acquisition
20 workforce capacity and capabilities: *Provided*, That such
21 funds may be transferred by the Secretary of Labor to
22 any other account in the Department to carry out the pur-
23 poses provided herein: *Provided further*, That such trans-
24 fer authority is in addition to any other transfer authority
25 provided in this Act: *Provided further*, That such funds

1 shall be available only to supplement and not to supplant
2 existing acquisition workforce activities: *Provided further*,
3 That such funds shall be available for training, recruit-
4 ment, retention, and hiring additional members of the ac-
5 quisition workforce as defined by the Office of Federal
6 Procurement Policy Act, as amended: *Provided further*,
7 That such funds shall be available for information tech-
8 nology in support of acquisition workforce effectiveness or
9 for management solutions to improve acquisition manage-
10 ment: *Provided further*, That the Committees on Appro-
11 priations of the Senate and the House of Representatives
12 shall be notified not later than 15 days prior to any such
13 transfer.

14 (RESCISSION OF FUNDS)

15 SEC. 109. The language under the “Working Capital
16 Fund” heading in Public Law 85–67, as amended, is fur-
17 ther amended by deleting the following: “: *Provided fur-*
18 *ther*, That within the Working Capital Fund, there is es-
19 tablished an Investment in Reinvention Fund (IRF),
20 which shall be available to invest in projects of the Depart-
21 ment designed to produce measurable improvements in
22 agency efficiency and significant taxpayer savings. Not-
23 withstanding any other provision of law, the Secretary of
24 Labor may retain up to \$3,900,000 of the unobligated bal-
25 ances in the Department’s annual Salaries and Expenses

1 accounts as of September 30, 1995, and transfer those
 2 amounts to the IRF to provide the initial capital for the
 3 IRF, to remain available until expended, to make loans
 4 to agencies of the Department for projects designed to en-
 5 hance productivity and generate cost savings. Such loans
 6 shall be repaid to the IRF no later than September 30
 7 of the fiscal year following the fiscal year in which the
 8 project is completed. Such repayments shall be deposited
 9 in the IRF, to be available without further appropriation
 10 action”: *Provided*, That \$3,900,000 in unobligated bal-
 11 ances for the IRF is rescinded: *Provided further*, That no
 12 amounts may be rescinded from amounts that were des-
 13 ignated by the Congress as an emergency requirement
 14 pursuant to the Concurrent Resolution on the Budget or
 15 the Balanced Budget and Emergency Deficit Control Act
 16 of 1985, as amended.

17 This title may be cited as the “Department of Labor
 18 Appropriations Act, 2011”.

19 TITLE II

20 DEPARTMENT OF HEALTH AND HUMAN

21 SERVICES

22 HEALTH RESOURCES AND SERVICES ADMINISTRATION

23 HEALTH RESOURCES AND SERVICES

24 For carrying out titles II, III, IV, VII, VIII, X, XI,
 25 XII, XIX, XX, XXVI, and XXVIII of the Public Health

1 Service Act (“PHS Act”), section 427(a) of the Federal
2 Coal Mine Health and Safety Act, title V and sections
3 711, 1128E, 1820, and 1886 of the Social Security Act,
4 the Health Care Quality Improvement Act of 1986, the
5 Native Hawaiian Health Care Act of 1988, the Cardiac
6 Arrest Survival Act of 2000, section 712 of the American
7 Jobs Creation Act of 2004, the Stem Cell Therapeutic and
8 Research Act of 2005, the Medicare Prescription Drug
9 Improvement and Modernization Act of 2003, and the Pa-
10 tient Protection and Affordable Care Act of 2010,
11 \$7,490,663,000, of which \$41,200,000 from general reve-
12 nues, notwithstanding section 1820(j) of the Social Secu-
13 rity Act, shall be available for carrying out the Medicare
14 rural hospital flexibility grants program under such sec-
15 tion: *Provided*, That of the funds made available under
16 this heading for Medicare rural hospital flexibility grants,
17 \$1,000,000 shall be to carry out section 1820(g)(6) of the
18 Social Security Act, with funds provided for such grants
19 available for the purchase and implementation of tele-
20 health services, including pilots and demonstrations on the
21 use of electronic health records to coordinate rural vet-
22 erans care between rural providers and the Department
23 of Veterans Affairs through the use of the VISTA-Elec-
24 tronic Health Record: *Provided further*, That of the funds
25 made available under this heading, \$129,000 shall be

1 available until expended for facilities renovations at the
2 Gillis W. Long Hansen’s Disease Center: *Provided further*,
3 That in addition to fees authorized by section 427(b) of
4 the Health Care Quality Improvement Act of 1986, fees
5 shall be collected for the full disclosure of information
6 under the Act sufficient to recover the full costs of oper-
7 ating the National Practitioner Data Bank, and shall re-
8 main available until expended to carry out that Act: *Pro-*
9 *vided further*, That fees collected for the full disclosure of
10 information under the “Health Care Fraud and Abuse
11 Data Collection Program”, authorized by section
12 1128E(d)(2) of the Social Security Act, shall be sufficient
13 to recover the full costs of operating the program, and
14 shall remain available until expended to carry out that
15 Act: *Provided further*, That no more than \$40,000 shall
16 be available until expended for carrying out the provisions
17 of section 224(o) of the PHS Act including associated ad-
18 ministrative expenses and relevant evaluations: *Provided*
19 *further*, That no more than \$100,000,000 shall be avail-
20 able until expended for carrying out the provisions of Pub-
21 lic Law 104–73 and for expenses incurred by the Depart-
22 ment of Health and Human Services (“HHS”) pertaining
23 to administrative claims made under such law: *Provided*
24 *further*, That of the funds made available under this head-
25 ing, \$327,356,000 shall be for the program under title X

1 of the PHS Act to provide for voluntary family planning
2 projects: *Provided further*, That amounts provided to said
3 projects under such title shall not be expended for abor-
4 tions, that all pregnancy counseling shall be nondirective,
5 and that such amounts shall not be expended for any ac-
6 tivity (including the publication or distribution of lit-
7 erature) that in any way tends to promote public support
8 or opposition to any legislative proposal or candidate for
9 public office: *Provided further*, That of the funds available
10 under this heading, \$1,982,865,000 shall remain available
11 to the Secretary of HHS through September 30, 2013,
12 for parts A and B of title XXVI of the PHS Act: *Provided*
13 *further*, That \$885,000,000 shall be for State AIDS Drug
14 Assistance Programs authorized by section 2616 of the
15 PHS Act: *Provided further*, That in addition to amounts
16 provided herein, \$25,000,000 shall be available from
17 amounts available under section 241 of the PHS Act to
18 carry out parts A, B, C, and D of title XXVI of the PHS
19 Act to fund section 2691 Special Projects of National Sig-
20 nificance: *Provided further*, That notwithstanding sections
21 502(a)(1) and 502(b)(1) of the Social Security Act, not
22 to exceed \$93,999,263 shall be available for carrying out
23 special projects of regional and national significance pur-
24 suant to section 501(a)(2) of such Act and \$11,810,915
25 shall be available for projects described in paragraphs (A)

1 through (F) of section 501(a)(3) of such Act: *Provided*
2 *further*, That of the funds provided, \$34,927,000 shall be
3 provided for the Delta Health Initiative as authorized in
4 section 219 of division G of Public Law 110–161 and asso-
5 ciated administrative expenses: *Provided further*, That,
6 notwithstanding section 747(c)(2) of the PHS Act, not
7 less than 15 percent of funds provided for section 747 of
8 such Act shall be for physician assistant programs: *Pro-*
9 *vided further*, That notwithstanding section 756(e) of the
10 PHS Act, \$8,672,000 shall be available for grants author-
11 ized in section 756 of such Act: *Provided further*, That
12 funds provided under section 846 and subpart 3 of part
13 D of title III of the PHS Act may be used to make prior-
14 year adjustments to awards made under these sections:
15 *Provided further*, That of the amount appropriated in this
16 paragraph, \$156,329,000 shall be used for the projects fi-
17 nancing the construction and renovation (including equip-
18 ment) of healthcare and other facilities and for other
19 health-related activities, and in the amounts, specified
20 under the heading “Health Resources and Services” in the
21 committee report of the Senate accompanying this Act,
22 and of which up to 1 percent of the amount for each
23 project may be used for related agency administrative ex-
24 penses: *Provided further*, That notwithstanding section
25 338J(k) of the PHS Act, \$10,075,000 shall be available

1 for State Offices of Rural Health: *Provided further*, That
 2 of the funds provided, \$15,000,000 shall be available for
 3 the Small Rural Hospital Improvement Grant Program:
 4 *Provided further*, That notwithstanding section 399BB(g)
 5 of the PHS Act, funds made available under this heading
 6 for section 399BB of the PHS Act are for carrying out
 7 the program as authorized under section 399BB(a)–(f) of
 8 such Act unless otherwise authorized subsequent to enact-
 9 ment of this Act.

10 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

11 For payments from the Vaccine Injury Compensation
 12 Program Trust Fund (“Trust Fund”), such sums as may
 13 be necessary for claims associated with vaccine-related in-
 14 jury or death with respect to vaccines administered after
 15 September 30, 1988, pursuant to subtitle 2 of title XXI
 16 of the Public Health Service Act, to remain available until
 17 expended: *Provided*, That for necessary administrative ex-
 18 penses, not to exceed \$6,502,000 shall be available from
 19 the Trust Fund to the Secretary of Health and Human
 20 Services.

21 COVERED COUNTERMEASURE PROCESS FUND

22 For carrying out section 319F–4 of the Public Health
 23 Service Act, \$2,500,000, to remain available until ex-
 24 pended: *Provided*, That amounts appropriated to this ac-
 25 count shall also be available for related administrative ex-

1 penses and costs under the Smallpox Emergency Personal
2 Protection Act of 2003.

3 CENTERS FOR DISEASE CONTROL AND PREVENTION

4 DISEASE CONTROL, RESEARCH, AND TRAINING

5 To carry out titles II, III, VII, XI, XV, XVII, XIX,
6 XXI, and XXVI of the Public Health Service Act (“PHS
7 Act”), sections 101, 102, 103, 201, 202, 203, 301, 501,
8 and 514 of the Federal Mine Safety and Health Act of
9 1977, section 13 of the Mine Improvement and New
10 Emergency Response Act of 2006, sections 20, 21, and
11 22 of the Occupational Safety and Health Act of 1970,
12 titles II and IV of the Immigration and Nationality Act,
13 section 501 of the Refugee Education Assistance Act of
14 1980, sections 4001, 4004, and 4201 of the Patient Pro-
15 tection and Affordable Care Act of 2010, section
16 103(a)(4)(H) of the Afghanistan Freedom Support Act of
17 2002, and for expenses necessary to support activities re-
18 lated to countering potential biological, nuclear, radio-
19 logical, and chemical threats to civilian populations; in-
20 cluding purchase and insurance of official motor vehicles
21 in foreign countries; and purchase, hire, maintenance, and
22 operation of aircraft, \$6,527,235,000, of which
23 \$12,000,000 shall remain available until expended for ac-
24 quisition of real property, equipment, construction and
25 renovation of facilities, including necessary repairs and

1 improvements to laboratories leased or operated by the
2 Centers for Disease Control and Prevention; of which
3 \$523,533,000 shall remain available until expended for
4 the Strategic National Stockpile under section 319F–2 of
5 the PHS Act; of which \$25,000,000 shall remain available
6 through September 30, 2012 for chronic disease grants;
7 of which \$4,700,000 shall be used for the projects, and
8 in the amounts, specified under the heading “Disease Con-
9 trol, Research, and Training” in the committee report of
10 the Senate accompanying this Act; of which \$118,092,000
11 for international HIV/AIDS shall remain available
12 through September 30, 2012; and of which \$150,137,000
13 shall be available until expended to provide screening and
14 treatment for first response emergency services personnel,
15 residents, students, and others related to the September
16 11, 2001 terrorist attacks on the World Trade Center:
17 *Provided*, That in addition, such sums as may be derived
18 from authorized user fees, which shall be credited to this
19 account: *Provided further*, That with respect to the pre-
20 vious proviso, authorized user fees from the Vessel Sanita-
21 tion Program shall be available through September 30,
22 2012: *Provided further*, That in addition to amounts pro-
23 vided herein, the following amounts shall be available from
24 amounts available under section 241 of the PHS Act: (1)
25 \$12,864,000 to carry out the National Immunization Sur-

1 veys; (2) \$8,683,000 to carry out the National Center for
2 Health Statistics surveys; (3) \$16,881,000 for Public
3 Health Informatics; (4) \$47,036,000 for Health Mar-
4 keting; (5) \$31,170,000 to carry out Public Health Re-
5 search; and (6) \$21,724,000 to carry out research activi-
6 ties within the National Occupational Research Agenda:
7 *Provided further*, That none of the funds made available
8 for injury prevention and control at the Centers for Dis-
9 ease Control and Prevention may be used, in whole or in
10 part, to advocate or promote gun control: *Provided further*,
11 That of the funds made available under this heading, up
12 to \$1,000 per eligible employee of the Centers for Disease
13 Control and Prevention shall be made available until ex-
14 pended for Individual Learning Accounts: *Provided fur-*
15 *ther*, That the Director may redirect the total amount
16 made available under authority of Public Law 101-502,
17 section 3, dated November 3, 1990, to activities the Direc-
18 tor may so designate: *Provided further*, That the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate are to be notified promptly of any such
21 redirection: *Provided further*, That not to exceed
22 \$20,787,000 may be available for making grants under
23 section 1509 of the PHS Act to not less than 21 States,
24 tribes, or tribal organizations: *Provided further*, That not-
25 withstanding any other provision of law, the Centers for

1 Disease Control and Prevention may award a single con-
2 tract or related contracts for development and construc-
3 tion of the next building or facility designated in the
4 Buildings and Facilities Master Plan that collectively in-
5 clude the full scope of the project: *Provided further*, That
6 the solicitation and contract shall contain the clause
7 “availability of funds” found at 48 CFR 52.232–18: *Pro-*
8 *vided further*, That of the funds appropriated, \$10,000
9 shall be for official reception and representation expenses
10 when specifically approved by the Director of the Centers
11 for Disease Control and Prevention: *Provided further*,
12 That employees of the Centers for Disease Control and
13 Prevention or the Public Health Service, both civilian and
14 Commissioned Officers, detailed to States, municipalities,
15 or other organizations under authority of section 214 of
16 the PHS Act, or in overseas assignments, shall be treated
17 as non-Federal employees for reporting purposes only and
18 shall not be included within any personnel ceiling applica-
19 ble to the Agency, Service, or the Department of Health
20 and Human Services during the period of detail or assign-
21 ment: *Provided further*, That notwithstanding section
22 399AA(e) of the PHS Act, funds made available under
23 this heading for section 399AA of the PHS Act are for
24 carrying out the program as authorized under section
25 399AA(a)–(d) of such Act unless otherwise authorized

1 subsequent to enactment of this Act: *Provided further,*
2 That, notwithstanding section 2821(b) of the PHS Act,
3 no funds made available under this heading shall be made
4 available for section 2821 of the PHS Act: *Provided fur-*
5 *ther,* That, notwithstanding section 516 of this Act, no ac-
6 tivity funded under this heading or funded through trans-
7 fers to “Disease Control, Research, and Training” that
8 has a funding amount specifically identified in the com-
9 mittee report of the Senate accompanying this Act may
10 be eliminated, increased by more than 3 percent or re-
11 duced by more than 1 percent through any administrative
12 action.

13 In addition, for necessary expenses to administer the
14 Energy Employees Occupational Illness Compensation
15 Program Act, \$55,358,000, to remain available until ex-
16 pended, of which \$4,500,000 shall be for use by or in sup-
17 port of the Advisory Board on Radiation and Worker
18 Health (“the Board”) to carry out its statutory respon-
19 sibilities, including obtaining audits, technical assistance,
20 and other support from the Board’s audit contractor with
21 regard to radiation dose estimation and reconstruction ef-
22 forts, site profiles, procedures, and review of Special Expo-
23 sure Cohort petitions and evaluation reports: *Provided,*
24 That this amount shall be available consistent with the

1 provision regarding administrative expenses in section
2 151(b) of division B, title I of Public Law 106–554.

3 NATIONAL INSTITUTES OF HEALTH

4 NATIONAL CANCER INSTITUTE

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act with respect to cancer,
7 \$5,256,409,000, of which up to \$8,000,000 may be used
8 for facilities repairs and improvements at the National
9 Cancer Institute-Frederick Federally Funded Research
10 and Development Center in Frederick, Maryland.

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to cardiovascular, lung,
14 and blood diseases, and blood and blood products,
15 \$3,182,524,000.

16 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

17 RESEARCH

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to dental disease,
20 \$422,845,000.

21 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND

22 KIDNEY DISEASES

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to diabetes and diges-
25 tive and kidney disease, \$1,854,674,000.

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, \$1,678,696,000.

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, \$4,969,301,000: *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.

16 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to general medical
19 sciences, \$2,121,783,000.

20 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
21 CHILD HEALTH AND HUMAN DEVELOPMENT

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to child health and
24 human development, \$1,366,750,000.

1 NATIONAL EYE INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to eye diseases and
4 visual disorders, \$723,220,000.

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
6 SCIENCES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to environmental
9 health sciences, \$706,227,000.

10 NATIONAL INSTITUTE ON AGING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to aging,
13 \$1,140,547,000.

14 NATIONAL INSTITUTE OF ARTHRITIS AND
15 MUSCULOSKELETAL AND SKIN DISEASES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to arthritis and mus-
18 culoskeletal and skin diseases, \$554,846,000.

19 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
20 COMMUNICATION DISORDERS

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to deafness and other
23 communication disorders, \$428,331,000.

1 NATIONAL INSTITUTE OF NURSING RESEARCH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to nursing research,
4 \$149,963,000.

5 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
6 ALCOHOLISM

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to alcohol abuse and
9 alcoholism, \$473,904,000.

10 NATIONAL INSTITUTE ON DRUG ABUSE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to drug abuse,
13 \$1,092,369,000.

14 NATIONAL INSTITUTE OF MENTAL HEALTH

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to mental health,
17 \$1,537,942,000.

18 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to human genome re-
21 search, \$533,127,000.

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, \$325,415,000.

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, \$1,306,695,000.

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, \$131,796,000.

15 NATIONAL INSTITUTE ON MINORITY HEALTH AND
16 HEALTH 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, \$218,705,000.

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), \$72,914,000.

1 NATIONAL LIBRARY OF MEDICINE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act (“PHS Act”) with respect to health
4 information communications, \$364,254,000, of which
5 \$4,000,000 shall be available until expended for improve-
6 ment of information systems: *Provided*, That in fiscal year
7 2011, the National Library of Medicine may enter into
8 personal services contracts for the provision of services in
9 facilities owned, operated, or constructed under the juris-
10 diction of the National Institutes of Health: *Provided fur-*
11 *ther*, That in addition to amounts provided herein,
12 \$8,200,000 shall be available from amounts available
13 under section 241 of the PHS Act to carry out the pur-
14 poses of the National Information Center on Health Serv-
15 ices Research and Health Care Technology established
16 under section 478A of the PHS Act and related health
17 services.

18 OFFICE OF THE DIRECTOR

19 For carrying out the responsibilities of the Office of
20 the Director, National Institutes of Health (“NIH”),
21 \$1,268,580,000, of which up to \$25,000,000 shall be used
22 to carry out section 213 of this Act: *Provided*, That fund-
23 ing shall be available for the purchase of not to exceed
24 29 passenger motor vehicles for replacement only: *Pro-*
25 *vided further*, That the NIH is authorized to collect third

1 party payments for the cost of clinical services that are
2 incurred in NIH research facilities and that such pay-
3 ments shall be credited to the NIH Management Fund:
4 *Provided further*, That all funds credited to such Fund
5 shall remain available for one fiscal year after the fiscal
6 year in which they are deposited: *Provided further*, That
7 up to \$194,400,000 shall be available for continuation of
8 the National Children’s Study: *Provided further*, That
9 \$561,629,000 shall be available for the Common Fund es-
10 tablished under section 402A(c)(1) of the Public Health
11 Service Act (“PHS Act”): *Provided further*, That of the
12 funds provided \$10,000 shall be for official reception and
13 representation expenses when specifically approved by the
14 Director of the NIH: *Provided further*, That the Office of
15 AIDS Research within the Office of the Director of the
16 NIH may spend up to \$8,000,000 to make grants for con-
17 struction or renovation of facilities as provided for in sec-
18 tion 2354(a)(5)(B) of the PHS Act: *Provided further*,
19 That \$50,000,000 shall be available to implement section
20 402c of the PHS Act, relating to the Cures Acceleration
21 Network.

22 BUILDINGS AND FACILITIES

23 For the study of, construction of, renovation of, and
24 acquisition of equipment for, facilities of or used by the
25 National Institutes of Health, including the acquisition of

1 real property, \$125,420,000, to remain available until ex-
2 pended.

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

4 ADMINISTRATION

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

6 For carrying out titles III, V, and XIX of the Public
7 Health Service Act (“PHS Act”) with respect to substance
8 abuse and mental health services and the Protection and
9 Advocacy for Individuals with Mental Illness Act,
10 \$3,536,184,000, of which \$3,400,000 shall be used for the
11 projects, and in the amounts, specified under the heading
12 “Substance Abuse and Mental Health Services” in the
13 committee report of the Senate accompanying this Act:
14 *Provided*, That notwithstanding section 520A(f)(2) of the
15 PHS Act, no funds appropriated for carrying out section
16 520A are available for carrying out section 1971 of the
17 PHS Act: *Provided further*, That in addition to amounts
18 provided herein, the following amounts shall be available
19 under section 241 of the PHS Act: (1) \$79,200,000 to
20 carry out subpart II of part B of title XIX of the PHS
21 Act to fund section 1935(b) technical assistance, national
22 data, data collection and evaluation activities, and further
23 that the total available under this Act for section 1935(b)
24 activities shall not exceed 5 percent of the amounts appro-
25 priated for subpart II of part B of title XIX; (2)

1 \$21,039,000 to carry out subpart I of part B of title XIX
2 of the PHS Act to fund section 1920(b) technical assist-
3 ance, national data, data collection and evaluation activi-
4 ties, and further that the total available under this Act
5 for section 1920(b) activities shall not exceed 5 percent
6 of the amounts appropriated for subpart I of part B of
7 title XIX; (3) \$23,399,000 to carry out national surveys
8 on drug abuse and mental health; and (4) \$8,596,000 to
9 collect and analyze data and evaluate substance abuse
10 treatment programs: *Provided further*, That section
11 520E(b)(2) of the PHS Act shall not apply to funds ap-
12 propriated under this Act for fiscal year 2011.

13 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

14 HEALTHCARE RESEARCH AND QUALITY

15 For carrying out titles III and IX of the Public
16 Health Service Act (“PHS Act”), part A of title XI of
17 the Social Security Act, and section 1013 of the Medicare
18 Prescription Drug, Improvement, and Modernization Act
19 of 2003, amounts received from Freedom of Information
20 Act fees, reimbursable and interagency agreements, and
21 the sale of data shall be credited to this appropriation and
22 shall remain available until expended: *Provided*, That the
23 amount made available pursuant to section 947(c) of the
24 PHS Act shall not exceed \$397,053,000.

1 ministrative expenses incurred pursuant to section 201(g)
2 of the Social Security Act, \$229,664,000,000.

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 (“PHS
11 Act”), the Clinical Laboratory Improvement Amendments
12 of 1988, the Patient Protection and Affordable Care Act
13 of 2010, and the Health Care and Education Reconcili-
14 ation Act of 2010, not to exceed \$3,574,527,000, to be
15 transferred from the Federal Hospital Insurance Trust
16 Fund and the Federal Supplementary Medical Insurance
17 Trust Fund, as authorized by section 201(g) of the Social
18 Security Act; together with all funds collected in accord-
19 ance with section 353 of the PHS Act and section
20 1857(e)(2) of the Social Security Act, funds retained by
21 the Secretary of Health and Human Services pursuant to
22 section 302 of the Tax Relief and Health Care Act of
23 2006; and such sums as may be collected from authorized
24 user fees and the sale of data, which shall be credited to
25 this account and remain available until expended: *Pro-*

1 *vided*, That all funds derived in accordance with 31 U.S.C.
2 9701 from organizations established under title XIII of
3 the PHS Act shall be credited to and available for carrying
4 out the purposes of this appropriation: *Provided further*,
5 That \$37,687,000, to remain available through September
6 30, 2012, shall be for contract costs for the Healthcare
7 Integrated General Ledger Accounting System: *Provided*
8 *further*, That \$9,120,000, to remain available through
9 September 30, 2012, shall be for the Centers for Medicare
10 and Medicaid Services (“CMS”) Medicare contracting re-
11 form activities: *Provided further*, That \$110,000,000, to
12 remain available through September 30, 2012, shall be for
13 the Centers for Medicare and Medicaid Service’s Health
14 Care Data Improvement Initiative: *Provided further*, That
15 the Secretary is directed to collect fees in fiscal year 2011
16 from Medicare Advantage organizations pursuant to sec-
17 tion 1857(e)(2) of the Social Security Act and from eligi-
18 ble organizations with risk-sharing contracts under section
19 1876 of that Act pursuant to section 1876(k)(4)(D) of
20 that Act: *Provided further*, That \$1,300,000 shall be used
21 for the projects, and in the amounts, specified under the
22 heading “Program Management” in the committee report
23 of the Senate accompanying this Act.

1 HEALTHCARE FRAUD AND ABUSE CONTROL ACCOUNT

2 In addition to amounts otherwise available for pro-
3 gram integrity and program management, \$561,000,000,
4 to remain available through September 30, 2012, to be
5 transferred from the Federal Hospital Insurance Trust
6 Fund and the Federal Supplementary Medical Insurance
7 Trust Fund, as authorized by section 201(g) of the Social
8 Security Act, of which \$376,167,000 shall be for the Cen-
9 ters for Medicare and Medicaid Services Program Integ-
10 rity Activities, including administrative costs, to conduct
11 oversight activities for Medicare Advantage and the Medi-
12 care Prescription Drug Program authorized in title XVIII
13 of the Social Security Act and for activities listed in sec-
14 tion 1893 of such Act and for Medicaid and Children's
15 Health Insurance Program ("CHIP") program integrity
16 activities; of which \$94,830,000 shall be for the Depart-
17 ment of Health and Human Services Office of Inspector
18 General to carry out fraud and abuse activities authorized
19 by section 1817(k)(3) of such Act; and of which
20 \$90,003,000 shall be for the Department of Justice to
21 carry out fraud and abuse activities authorized by section
22 1817(k)(3) of such Act: *Provided*, That the report re-
23 quired by section 1817(k)(5) of the Social Security Act
24 for fiscal year 2011 shall include measures of the oper-
25 ational efficiency and impact on fraud, waste, and abuse

1 in the Medicare, Medicaid, and CHIP programs for the
2 funds provided by this appropriation.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For making payments to States or other non-Federal
7 entities under titles I, IV–D, X, XI, XIV, and XVI of the
8 Social Security Act and the Act of July 5, 1960,
9 \$2,482,814,000, to remain available until expended; and
10 for such purposes for the first quarter of fiscal year 2012,
11 \$1,200,000,000, to remain available until expended.

12 For making payments to each State for carrying out
13 the program of Aid to Families with Dependent Children
14 under title IV–A of the Social Security Act before the ef-
15 fective date of the program of Temporary Assistance for
16 Needy Families with respect to such State, such sums as
17 may be necessary: *Provided*, That the sum of the amounts
18 available to a State with respect to expenditures under
19 such title IV–A in fiscal year 1997 under this appropria-
20 tion and under such title IV–A as amended by the Per-
21 sonal Responsibility and Work Opportunity Reconciliation
22 Act of 1996 shall not exceed the limitations under section
23 116(b) of such Act.

24 For making, after May 31 of the current fiscal year,
25 payments to States or other non-Federal entities under

1 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
2 Act and the Act of July 5, 1960, for the last 3 months
3 of the current fiscal year for unanticipated costs, incurred
4 for the current fiscal year, such sums as may be necessary.

5 LOW INCOME HOME ENERGY ASSISTANCE

6 For making payments under subsections (b), (d), and
7 (e) of section 2602 of the Low Income Home Energy As-
8 sistance Act of 1981, \$3,300,000,000, of which
9 \$2,709,672,000 shall be for payments under subsections
10 (b) and (d) of such section; and of which \$590,328,000
11 shall be for payments under subsection (e) of such section,
12 to be made notwithstanding the designation requirements
13 of such subsection: *Provided*, That all but \$504,596,000
14 of the amount provided in this Act for subsections (b) and
15 (d) shall be allocated as though the total appropriation
16 for such payments for fiscal year 2011 was less than
17 \$1,975,000,000: *Provided further*, That notwithstanding
18 section 2605(b)(2)(B)(ii) of such Act, a State may use any
19 amount of an allotment from prior appropriations Acts
20 that is available to that State for providing assistance in
21 fiscal year 2011, and any allotment from funds appro-
22 priated in this Act or any other appropriations Act for
23 fiscal year 2011, to provide assistance to households whose
24 income does not exceed 75 percent of the State median
25 income.

1 REFUGEE AND ENTRANT ASSISTANCE

2 For necessary expenses for refugee and entrant as-
3 sistance activities authorized by section 414 of the Immi-
4 gration and Nationality Act and section 501 of the Ref-
5 ugee Education Assistance Act of 1980, for carrying out
6 section 462 of the Homeland Security Act of 2002, section
7 235 of the William Wilberforce Trafficking Victims Pro-
8 tection Reauthorization Act of 2008, and the Trafficking
9 Victims Protection Act of 2000, for costs associated with
10 the care and placement of unaccompanied alien children,
11 and for carrying out the Torture Victims Relief Act of
12 1998, \$834,602,000, of which up to \$10,814,000 shall be
13 available to carry out the Trafficking Victims Protection
14 Act of 2000: *Provided*, That funds appropriated under this
15 heading pursuant to section 414(a) of the Immigration
16 and Nationality Act, section 462 of the Homeland Secu-
17 rity Act of 2002, section 235 of the William Wilberforce
18 Trafficking Victims Protection Reauthorization Act of
19 2008, and the Trafficking Victims Protection Act of 2000
20 for fiscal year 2011 shall be available for the costs of as-
21 sistance provided and other activities, to remain available
22 through September 30, 2013: *Provided further*, That
23 amounts available herein for refugee school impact grants
24 under title IV of the Immigration and Nationality Act
25 shall also be available for grants by the Secretary of

1 Health and Human Services to States for the purpose of
2 assisting school districts serving significant numbers of
3 children who entered the United States from Haiti during
4 the period January 12, 2010 through May 31, 2010 and
5 who are United States citizens or Haitian nationals, to
6 meet the educational and related needs of such children.

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, \$3,127,081,000 shall be used
11 to supplement, not supplant State general revenue funds
12 for child care assistance for low-income families: *Provided*,
13 That \$26,805,000 shall be available for child care resource
14 and referral and school-aged child care activities, of which
15 \$1,000,000 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 \$398,994,000 shall be reserved by the States for activities
19 authorized under section 658G, of which \$146,328,000
20 shall be for activities that improve the quality of infant
21 and toddler care: *Provided further*, That \$9,910,000 shall
22 be for use by the Secretary of Health and Human Services
23 for child care research, demonstration, and evaluation ac-
24 tivities.

1 SOCIAL SERVICES BLOCK GRANT

2 For making grants to States pursuant to section
3 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
4 *vided*, That notwithstanding subparagraph (B) of section
5 404(d)(2) of such Act, the applicable percent specified
6 under such subparagraph for a State to carry out State
7 programs pursuant to title XX of such Act shall be 10
8 percent.

9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 (INCLUDING TRANSFER OF FUNDS)

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

1 necessary administrative expenses to carry out such Acts
2 and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social
3 Security Act, the Act of July 5, 1960, the Low Income
4 Home Energy Assistance Act of 1981, title IV of the Im-
5 migration and Nationality Act, section 501 of the Refugee
6 Education Assistance Act of 1980, and section 505 of the
7 Family Support Act of 1988, \$10,359,727,000, of which
8 \$42,000,000, to remain available through September 30,
9 2012, shall be for grants to States for adoption incentive
10 payments, as authorized by section 473A of the Social Se-
11 curity Act and may be made for adoptions completed be-
12 fore September 30, 2011: *Provided*, That \$8,223,958,000
13 shall be for making payments under the Head Start Act:
14 *Provided further*, That for purposes of allocating funds de-
15 scribed by the immediately preceding proviso, the following
16 provisions shall apply: (1) the term “base grant” as used
17 in section 640(a)(7)(A) of such Act with respect to fund-
18 ing provided to a Head Start agency (including each Early
19 Head Start agency) for fiscal year 2010 shall be deemed
20 to include funds appropriated in the American Recovery
21 and Reinvestment Act of 2009 and provided to such agen-
22 cy for carrying out expansion of Head Start programs,
23 as that phrase is used in subsection (a)(4)(D) of such sec-
24 tion 640(a), and provided to such agency as the ongoing
25 funding level for operations in the 12-month budget period

1 beginning in fiscal year 2010; (2) the amount reserved
2 under subsection (a)(1)(C) of such section shall be less
3 than the amount that would be reserved under such sub-
4 paragraph absent this proviso by a sum of \$5,131,935;
5 and (3) the text of paragraph (4)(B)(i) of such section
6 shall be applied by substituting the following language:
7 “Under the circumstances described in clause (ii), from
8 the balance, the Secretary shall reserve remaining
9 amounts, to be allotted to each Head Start agency (includ-
10 ing each Early Head Start agency) in an amount that
11 bears the same ratio to such remaining amounts as the
12 funds appropriated in the American Recovery and Rein-
13 vestment Act of 2009 and provided to such agency for car-
14 rying out quality improvement of Head Start programs,
15 as that phrase is used in paragraph (5) of this section
16 (which funds shall be referred to in this proviso as such
17 agency’s ‘ARRA quality improvement funds’) bear to the
18 total of all such agencies’ ARRA quality improvement
19 funds, to carry out such quality improvement activities.”:
20 *Provided further*, That \$765,000,000 shall be for making
21 payments under the CSBG Act, of which \$55,000,000
22 shall be for section 680(a)(2) of the CSBG Act: *Provided*
23 *further*, That not less than \$10,000,000 shall be for sec-
24 tion 680(a)(3)(B) of the CSBG Act: *Provided further*,
25 That in addition to amounts provided herein, \$5,762,000

1 shall be available from amounts available under section
2 241 of the Public Health Service Act to carry out the pro-
3 visions of section 1110 of the Social Security Act: *Pro-*
4 *vided further*, That to the extent Community Services
5 Block Grant funds are distributed as grant funds by a
6 State to an eligible entity as provided under the CSBG
7 Act, and have not been expended by such entity, they shall
8 remain with such entity for carryover into the next fiscal
9 year for expenditure by such entity consistent with pro-
10 gram purposes: *Provided further*, That the Secretary of
11 Health and Human Services shall establish procedures re-
12 garding the disposition of intangible assets and program
13 income that permit such assets acquired with, and pro-
14 gram income derived from, grant funds authorized under
15 section 680 of the CSBG Act to become the sole property
16 of such grantees after a period of not more than 12 years
17 after the end of the grant period for any activity consistent
18 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
19 *ther*, That intangible assets in the form of loans, equity
20 investments and other debt instruments, and program in-
21 come may be used by grantees for any eligible purpose
22 consistent with section 680(a)(2)(A) of the CSBG Act:
23 *Provided further*, That these procedures shall apply to
24 such grant funds made available after November 29, 1999:
25 *Provided further*, That funds appropriated for section

1 680(a)(2) of the CSBG Act shall be available for financing
2 construction and rehabilitation and loans or investments
3 in private business enterprises owned by community devel-
4 opment corporations: *Provided further*, That \$17,410,000
5 shall be for activities authorized by the Help America Vote
6 Act of 2002, of which \$12,154,000 shall be for payments
7 to States to promote access for voters with disabilities, and
8 of which \$5,256,000 shall be for payments to States for
9 protection and advocacy systems for voters with disabil-
10 ities: *Provided further*, That \$2,000,000 shall be for a
11 human services case management system for federally de-
12 clared disasters, to include a comprehensive national case
13 management contract and Federal costs of administering
14 the system: *Provided further*, That up to \$2,000,000 shall
15 be for improving the Public Assistance Reporting Informa-
16 tion System, including grants to States to support data
17 collection for a study of the system’s effectiveness: *Pro-*
18 *vided further*, That of the funds appropriated under this
19 heading, \$1,500,000 shall be transferred to the National
20 Commission on Children and Disasters to carry out title
21 VI of division G of Public Law 110–161: *Provided further*,
22 That \$8,188,000 shall be used for the projects, and in
23 the amounts, specified under the heading “Children and
24 Families Services Programs” in the committee report of
25 the Senate accompanying this Act.

1 PROMOTING SAFE AND STABLE FAMILIES

2 For carrying out section 436 of the Social Security
3 Act, \$345,000,000 and section 437 of such Act,
4 \$63,311,000.

5 PAYMENTS FOR FOSTER CARE AND PERMANENCY

6 For making payments to States or other non-Federal
7 entities under title IV–E of the Social Security Act,
8 \$5,366,000,000.

9 For making payments to States or other non-Federal
10 entities under title IV–E of the Social Security Act, for
11 the first quarter of fiscal year 2012, \$1,850,000,000.

12 For making, after May 31 of the current fiscal year,
13 payments to States or other non-Federal entities under
14 section 474 of title IV–E of the Social Security Act, for
15 the last 3 months of the current fiscal year for unantici-
16 pated costs, incurred for the current fiscal year, such sums
17 as may be necessary.

18 ADMINISTRATION ON AGING

19 AGING SERVICES PROGRAMS

20 For carrying out, to the extent not otherwise pro-
21 vided, the Older Americans Act of 1965 (“OAA”), section
22 398 and title XXIX of the Public Health Service Act
23 (“PHS Act”), and section 119 of the Medicare Improve-
24 ments for Patients and Providers Act of 2008 and for nec-
25 essary administrative expenses to carry out title XVII of

1 the PHS Act, \$1,659,383,000: *Provided*, That \$1,650,000
2 shall be used for the projects, and in the amounts, speci-
3 fied under the heading “Aging Services Programs” in the
4 committee report of the Senate accompanying this Act:
5 *Provided further*, That amounts under this heading shall
6 be available for grants to States under section 361 of the
7 OAA only for disease prevention and health promotion
8 programs and activities which have been demonstrated to
9 the satisfaction of the Secretary of Health and Human
10 Services to be evidence-based and effective: *Provided fur-*
11 *ther*, That amounts otherwise available under this heading
12 to carry out activities relating to Aging and Disability Re-
13 source Centers, under subsections (a)(20)(B)(iii) and
14 (b)(8) of section 202 of the OAA, shall be reduced by any
15 amounts made available for fiscal year 2011 for such pur-
16 poses under section 2405 of the Patient Protection and
17 Affordable Care Act.

18 OFFICE OF THE SECRETARY

19 GENERAL DEPARTMENTAL MANAGEMENT

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses, not otherwise provided, for
22 general departmental management, including hire of six
23 sedans, and for carrying out titles III, IV, XVII, XX, and
24 XXI of the Public Health Service Act (“PHS Act”), the
25 United States-Mexico Border Health Commission Act, and

1 research studies under section 1110 of the Social Security
2 Act, \$514,697,000 and \$69,211,000 from the amounts
3 available under section 241 of the PHS Act to carry out
4 national health or human services research and evaluation
5 activities: *Provided*, That of this amount, \$53,891,000
6 shall be for minority AIDS prevention and treatment ac-
7 tivities; and \$1,000,000 shall be transferred, not later
8 than 30 days after enactment of this Act, to the National
9 Institute of Mental Health to administer the Interagency
10 Autism Coordinating Committee: *Provided further*, That
11 none of the funds made available under this heading shall
12 be available for carrying out activities specified under sec-
13 tion 2003(b)(2) or (3) of title XX of the PHS Act: *Pro-*
14 *vided further*, That of the funds made available under this
15 heading, \$110,000,000 shall be for making competitive
16 contracts and grants to public and private entities to fund
17 medically accurate and age appropriate programs that re-
18 duce teen pregnancy and for the Federal costs associated
19 with administering and evaluating such contracts and
20 grants, of which not less than \$75,000,000 shall be for
21 replicating programs that have been proven effective
22 through rigorous evaluation to reduce teenage pregnancy,
23 behavioral risk factors underlying teenage pregnancy, or
24 other associated risk factors, of which not less than
25 \$25,000,000 shall be available for research and dem-

1 onstration grants to develop, replicate, refine, and test ad-
2 ditional models and innovative strategies for preventing
3 teenage pregnancy, and of which any remaining amounts
4 shall be available for training and technical assistance,
5 evaluation, outreach, and additional program support ac-
6 tivities: *Provided further*, That of the amounts provided
7 under this heading from amounts available under section
8 241 of the PHS Act, \$8,455,000 shall be available to carry
9 out evaluations (including longitudinal evaluations) of
10 teenage pregnancy prevention approaches: *Provided fur-*
11 *ther*, That funds provided in this Act for embryo adoption
12 activities may be used to provide, to individuals adopting
13 embryos, through grants and other mechanisms, medical
14 and administrative services deemed necessary for such
15 adoptions: *Provided further*, That such services shall be
16 provided consistent with 42 CFR 59.5(a)(4): *Provided fur-*
17 *ther*, That \$1,150,000 shall be used for the projects, and
18 in the amounts, specified under the heading “General De-
19 partmental Management” in the committee report of the
20 Senate accompanying this Act: *Provided further*, That
21 \$10,000,000 of the funds made available under this head-
22 ing shall be available for health and wellness pilot initia-
23 tives for Federal employees, of which up to \$5,000,000
24 may be transferred to other agencies, with the approval
25 of the Director of the Office of Management and Budget,

1 to assist those agencies in the implementation of such ini-
2 tiatives.

3 OFFICE OF MEDICARE HEARINGS AND APPEALS

4 For expenses necessary for administrative law judges
5 responsible for hearing cases under title XVIII of the So-
6 cial Security Act (and related provisions of title XI of such
7 Act), \$77,798,000, to be transferred in appropriate part
8 from the Federal Hospital Insurance Trust Fund and the
9 Federal Supplementary Medical Insurance Trust Fund.

10 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
11 INFORMATION TECHNOLOGY

12 For expenses necessary for the Office of the National
13 Coordinator for Health Information Technology, including
14 grants, contracts, and cooperative agreements for the de-
15 velopment and advancement of interoperable health infor-
16 mation technology, \$59,323,000: *Provided*, That in addi-
17 tion to amounts provided herein, \$19,011,000 shall be
18 available from amounts available under section 241 of the
19 Public Health Service Act.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General, including the hire of passenger motor vehicles for
23 investigations, in carrying out the provisions of the Inspec-
24 tor General Act of 1978, \$54,754,000: *Provided*, That of
25 such amount, necessary sums shall be available for pro-

1 viding protective services to the Secretary of Health and
2 Human Services and investigating nonpayment of child
3 support cases for which nonpayment is a Federal offense
4 under 18 U.S.C. 228.

5 OFFICE FOR CIVIL RIGHTS

6 For expenses necessary for the Office for Civil
7 Rights, \$44,382,000.

8 RETIREMENT PAY AND MEDICAL BENEFITS FOR
9 COMMISSIONED OFFICERS

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

17 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
18 FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary to support activities related
21 to countering potential biological, nuclear, radiological,
22 chemical, and cybersecurity threats to civilian populations,
23 and for other public health emergencies, \$610,023,000; of
24 which \$38,059,000 shall be to support preparedness and
25 emergency operations, of which \$15,000,000, to support

1 expenses due to response efforts, shall remain available
2 until expended; and of which \$10,000,000, to remain
3 available through September 30, 2012, shall be to support
4 the delivery of medical countermeasures: *Provided*, That
5 of the amount made available herein for the delivery of
6 medical countermeasures, up to \$8,000,000 may be trans-
7 ferred to the U.S. Postal Service to support delivery of
8 medical countermeasures.

9 From funds transferred to this account pursuant to
10 the fourth paragraph under this heading in Public Law
11 111–117, up to \$476,194,000 shall be available for ex-
12 penses necessary to support advanced research and devel-
13 opment pursuant to section 319L of the Public Health
14 Service Act and other administrative expenses of Bio-
15 medical Advanced Research and Development Authority.

16 For expenses necessary to prepare for and respond
17 to an influenza pandemic, \$65,578,000.

18 For expenses necessary for fit-out and other costs re-
19 lated to a competitive lease procurement to renovate or
20 replace the existing headquarters building for Public
21 Health Service agencies and other components of the De-
22 partment of Health and Human Services, \$35,000,000, to
23 remain available until expended, and, in addition, for fit-
24 out and other costs related to the consolidation of office
25 space for the Office of the Assistant Secretary for Pre-

1 paredness and Response, \$10,000,000, to remain available
2 until expended.

3 GENERAL PROVISIONS

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

8 SEC. 202. The Secretary of Health and Human Serv-
9 ices shall make available through assignment not more
10 than 60 employees of the Public Health Service to assist
11 in child survival activities and to work in AIDS programs
12 through and with funds provided by the Agency for Inter-
13 national Development, the United Nations International
14 Children's Emergency Fund or the World Health Organi-
15 zation.

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

23 SEC. 204. None of the funds appropriated in this Act
24 may be expended pursuant to section 241 of the Public
25 Health Service Act, except for funds specifically provided

1 to create any new program or to fund any project or activ-
2 ity for which no funds are provided in this Act: *Provided*
3 *further*, That the Committees on Appropriations of the
4 House of Representatives and the Senate are notified at
5 least 15 days in advance of any transfer.

6 (TRANSFER OF FUNDS)

7 SEC. 207. The Director of the National Institutes of
8 Health, jointly with the Director of the Office of AIDS
9 Research, may transfer up to 3 percent among institutes
10 and centers from the total amounts identified by these two
11 Directors as funding for research pertaining to the human
12 immunodeficiency virus: *Provided*, That the Committees
13 on Appropriations of the House of Representatives and the
14 Senate are notified at least 15 days in advance of any
15 transfer.

16 (TRANSFER OF FUNDS)

17 SEC. 208. Of the amounts made available in this Act
18 for the National Institutes of Health, the amount for re-
19 search related to the human immunodeficiency virus, as
20 jointly determined by the Director of the National Insti-
21 tutes of Health and the Director of the Office of AIDS
22 Research, shall be made available to the “Office of AIDS
23 Research Office” account. The Director of the Office of
24 AIDS Research shall transfer from such account amounts

1 necessary to carry out section 2353(d)(3) of the Public
2 Health Service Act.

3 SEC. 209. None of the funds appropriated in this Act
4 may be made available to any entity under title X of the
5 Public Health Service Act unless the applicant for the
6 award certifies to the Secretary of Health and Human
7 Services that it encourages family participation in the de-
8 cision of minors to seek family planning services and that
9 it provides counseling to minors on how to resist attempts
10 to coerce minors into engaging in sexual activities.

11 SEC. 210. Notwithstanding any other provision of
12 law, no provider of services under title X of the Public
13 Health Service Act shall be exempt from any State law
14 requiring notification or the reporting of child abuse, child
15 molestation, sexual abuse, rape, or incest.

16 SEC. 211. None of the funds appropriated by this Act
17 (including funds appropriated to any trust fund) may be
18 used to carry out the Medicare Advantage program if the
19 Secretary of Health and Human Services denies participa-
20 tion in such program to an otherwise eligible entity (in-
21 cluding a Provider Sponsored Organization) because the
22 entity informs the Secretary that it will not provide, pay
23 for, provide coverage of, or provide referrals for abortions:
24 *Provided*, That the Secretary shall make appropriate pro-
25 spective adjustments to the capitation payment to such an

1 entity (based on an actuarially sound estimate of the ex-
2 pected costs of providing the service to such entity's enroll-
3 ees): *Provided further*, That nothing in this section shall
4 be construed to change the Medicare program's coverage
5 for such services and a Medicare Advantage organization
6 described in this section shall be responsible for informing
7 enrollees where to obtain information about all Medicare
8 covered services.

9 SEC. 212. In order for the Department of Health and
10 Human Services to carry out international health activi-
11 ties, including HIV/AIDS and other infectious disease,
12 chronic and environmental disease, and other health ac-
13 tivities abroad during fiscal year 2011:

14 (1) The Secretary of Health and Human Serv-
15 ices may exercise authority equivalent to that avail-
16 able to the Secretary of State in section 2(c) of the
17 State Department Basic Authorities Act of 1956.
18 The Secretary of Health and Human Services shall
19 consult with the Secretary of State and relevant
20 Chief of Mission to ensure that the authority pro-
21 vided in this section is exercised in a manner con-
22 sistent with section 207 of the Foreign Service Act
23 of 1980 and other applicable statutes administered
24 by the Department of State.

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

1 (3) The Secretary of Health and Human Serv-
2 ices is authorized to provide to personnel appointed
3 or assigned by the Secretary to serve abroad, allow-
4 ances and benefits similar to those provided under
5 chapter 9 of title I of the Foreign Service Act of
6 1980, and 22 U.S.C. 4081 through 4086 and sub-
7 ject to such regulations prescribed by the Secretary.
8 The Secretary is further authorized to provide local-
9 ity-based comparability payments (stated as a per-
10 centage) up to the amount of the locality-based com-
11 parability payment (stated as a percentage) that
12 would be payable to such personnel under section
13 5304 of title 5, United States Code if such person-
14 nel's official duty station were in the District of Co-
15 lumbia. Leaves of absence for personnel under this
16 subsection shall be on the same basis as that pro-
17 vided under subchapter I of chapter 63 of title 5,
18 United States Code, or section 903 of the Foreign
19 Service Act of 1980, to individuals serving in the
20 Foreign Service.

21 SEC. 213. (a) AUTHORITY.—Notwithstanding any
22 other provision of law, the Director of the National Insti-
23 tutes of Health (“Director”) may use funds available
24 under section 402(b)(7) or 402(b)(12) of the Public
25 Health Service Act (“PHS Act”) to enter into trans-

1 actions (other than contracts, cooperative agreements, or
2 grants) to carry out research identified pursuant to such
3 section 402(b)(7) (pertaining to the Common Fund) or re-
4 search and activities described in such section 402(b)(12).

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

15 SEC. 214. Funds which are available for Individual
16 Learning Accounts for employees of the Centers for Dis-
17 ease Control and Prevention (“CDC”) and the Agency for
18 Toxic Substances and Disease Registry (“ATSDR”) may
19 be transferred to “Disease Control, Research, and Train-
20 ing”, to be available only for Individual Learning Ac-
21 counts: *Provided*, That such funds may be used for any
22 individual full-time equivalent employee while such em-
23 ployee is employed either by CDC or ATSDR.

24 SEC. 215. Notwithstanding any other provisions of
25 law, funds made available in this Act may be used to con-

1 SEC. 219. Henceforth, no funds appropriated in an
2 appropriations Act for fiscal year 2011, or in any previous
3 or subsequent appropriations Act, shall be available for
4 transfer under section 274 of the Public Health Service
5 Act.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 220. For an additional amount for the “General
8 Departmental Management” account, \$7,000,000, to in-
9 crease the Department’s acquisition workforce capacity
10 and capabilities: *Provided*, That such funds may be trans-
11 ferred by the Secretary to any other account in the De-
12 partment to carry out the purposes provided herein: *Pro-*
13 *vided further*, That such transfer authority is in addition
14 to any other transfer authority provided in this Act: *Pro-*
15 *vided further*, That such funds shall be available only to
16 supplement and not to supplant existing acquisition work-
17 force activities: *Provided further*, That such funds shall be
18 available for training, recruitment, retention, and hiring
19 additional members of the acquisition workforce as defined
20 by the Office of Federal Procurement Policy Act, as
21 amended: *Provided further*, That such funds shall be avail-
22 able for information technology in support of acquisition
23 workforce effectiveness or for management solutions to
24 improve acquisition management.

1 become available on July 1, 2011, and shall remain avail-
2 able through September 30, 2012, and of which
3 \$10,841,176,000 shall become available on October 1,
4 2011, and shall remain available through September 30,
5 2012, for academic year 2011–2012: *Provided*, That
6 \$6,597,946,000 shall be for basic grants under section
7 1124 of the ESEA: *Provided further*, That up to
8 \$4,000,000 of these funds shall be available to the Sec-
9 retary of Education on October 1, 2010, to obtain annu-
10 ally updated local educational-agency-level census poverty
11 data from the Bureau of the Census: *Provided further*,
12 That \$1,365,031,000 shall be for concentration grants
13 under section 1124A of the ESEA: *Provided further*, That
14 \$3,489,712,000 shall be for targeted grants under section
15 1125 of the ESEA: *Provided further*, That
16 \$3,489,712,000 shall be for education finance incentive
17 grants under section 1125A of the ESEA: *Provided fur-*
18 *ther*, That \$300,000,000 shall be available to carry out
19 section 308 of this Act: *Provided further*, That \$8,167,000
20 shall be to carry out sections 1501 and 1503 of the ESEA:
21 *Provided further*, That \$625,000,000 shall be available for
22 school improvement grants under section 1003(g) of the
23 ESEA, which shall be allocated by the Secretary through
24 the formula described in section 1003(g)(2) and shall be
25 used consistent with the requirements of section 1003(g),

1 except that State and local educational agencies may use
2 such funds to serve any school eligible to receive assistance
3 under part A of title I that has not made adequate yearly
4 progress for at least 2 years or is in the State's lowest
5 quintile of performance based on proficiency rates: *Pro-*
6 *vided further*, That each State educational agency shall en-
7 sure that 40 percent of its allocation under such formula
8 is spent on improvement activities in middle and high
9 schools, unless the State educational agency determines
10 that all title I, part A-eligible middle and high schools that
11 have not made adequate yearly progress for at least 2
12 years or are in the State's lowest quintile of performance
13 based on proficiency rates can be served with a lesser
14 amount: *Provided further*, That notwithstanding section
15 1003(g)(5)(A), each State educational agency may estab-
16 lish a maximum subgrant size of not more than
17 \$2,000,000 for each participating school applicable to
18 such funds: *Provided further*, That \$250,000,000 shall be
19 available under section 1502 of the ESEA for a com-
20 prehensive literacy development and education program to
21 advance literacy skills, including pre-literacy skills, read-
22 ing, and writing, for students from birth through grade
23 12, including limited-English-proficient students and stu-
24 dents with disabilities, of which one-half of 1 percent shall
25 be reserved for the Secretary of the Interior for such a

1 program at schools funded by the Bureau of Indian Edu-
2 cation, one-half of 1 percent shall be reserved for grants
3 to the outlying areas for such a program, up to
4 \$21,000,000 may be used to continue the initiative on ad-
5 olescent literacy, \$10,000,000 shall be reserved for for-
6 mula grants to States based on each State's relative share
7 of funds under part A of title I of the ESEA for fiscal
8 year 2010, except that no State shall receive less than
9 \$150,000, to support a State Literacy Team with exper-
10 tise in literacy development and education for children
11 from birth through grade 12 to assist the State in devel-
12 oping a comprehensive literacy plan, up to 5 percent may
13 be reserved for national activities, and the remainder shall
14 be used to award competitive grants to State educational
15 agencies for such a program, of which a State educational
16 agency may reserve up to 5 percent for State leadership
17 activities, including technical assistance and training, data
18 collection, reporting, and administration, and shall
19 subgrant not less than 95 percent to local educational
20 agencies or, in the case of early literacy, to local edu-
21 cational agencies or other nonprofit providers of early
22 childhood education that partner with a public or private
23 nonprofit organization or agency with a demonstrated
24 record of effectiveness in improving the early literacy de-
25 velopment of children from birth through kindergarten

1 entry and in providing professional development in early
2 literacy, giving priority to such agencies or other entities
3 serving greater numbers or percentages of disadvantaged
4 children: *Provided further*, That the State educational
5 agency shall ensure that at least 15 percent of the sub-
6 granted funds are used to serve children from birth
7 through age 5, 40 percent are used to serve students in
8 kindergarten through grade 5, and 40 percent are used
9 to serve students in middle and high school including an
10 equitable distribution of funds between middle and high
11 schools: *Provided further*, That eligible entities receiving
12 subgrants from State educational agencies shall use such
13 funds for services and activities that have the characteris-
14 ties of effective literacy instruction through professional
15 development, screening and assessment, targeted interven-
16 tions for students reading below grade level and other re-
17 search-based methods of improving classroom instruction
18 and practice.

19 IMPACT AID

20 For carrying out programs of financial assistance to
21 federally affected schools authorized by title VIII of the
22 Elementary and Secondary Education Act of 1965,
23 \$1,296,183,000, of which \$1,153,000,000 shall be for
24 basic support payments under section 8003(b),
25 \$50,602,000 shall be for payments for children with dis-

1 abilities under section 8003(d), \$18,509,000 shall be for
2 construction under section 8007(b) and shall remain avail-
3 able through September 30, 2012, \$69,208,000 shall be
4 for Federal property payments under section 8002, and
5 \$4,864,000, to remain available until expended, shall be
6 for facilities maintenance under section 8008: *Provided*,
7 That for purposes of computing the amount of a payment
8 for an eligible local educational agency under section
9 8003(a) for school year 2010–2011, children enrolled in
10 a school of such agency that would otherwise be eligible
11 for payment under section 8003(a)(1)(B) of such Act, but
12 due to the deployment of both parents or legal guardians,
13 or a parent or legal guardian having sole custody of such
14 children, or due to the death of a military parent or legal
15 guardian while on active duty (so long as such children
16 reside on Federal property as described in section
17 8003(a)(1)(B)), are no longer eligible under such section,
18 shall be considered as eligible students under such section,
19 provided such students remain in average daily attendance
20 at a school in the same local educational agency they at-
21 tended prior to their change in eligibility status: *Provided*
22 *further*, That for the purpose of determining eligibility for
23 housing claimed under section 8003(a)(4) of such Act, the
24 Secretary of the applicable Federal agency shall for fiscal
25 years 2007, 2008, 2009, and 2010 deem eligible all unoc-

1 cupied housing identified to be demolished as certified by
2 the designated representative of the Secretary of the appli-
3 cable Federal agency, notwithstanding the availability of
4 funds designated for the project being demolished for a
5 period not to exceed 3 years: *Provided further*, That the
6 Secretary of Education shall deem each local educational
7 agency that received a fiscal year 2009 basic support pay-
8 ment for heavily impacted local educational agencies under
9 section 8003(b)(2) of such Act as eligible to receive fiscal
10 year 2010 and 2011 basic support payments for heavily
11 impacted local educational agencies under such section
12 and make a payment to such local educational agency
13 under such section for fiscal years 2010 and 2011.

14 SCHOOL IMPROVEMENT PROGRAMS

15 For carrying out school improvement activities au-
16 thorized by parts A, B, and D of title II, part B of title
17 IV, subpart 9 of part D of title V, parts A and B of title
18 VI, and parts B and C of title VII of the Elementary and
19 Secondary Education Act of 1965 (“ESEA”); the McKin-
20 ney-Vento Homeless Assistance Act; section 203 of the
21 Educational Technical Assistance Act of 2002; the Com-
22 pact of Free Association Amendments Act of 2003; part
23 Z of title VIII of the Higher Education Act (“HEA”); and
24 the Civil Rights Act of 1964, \$5,388,173,000, of which
25 \$7,000,000 shall become available on October 1, 2010 and

1 remain available through September 30, 2011,
2 \$3,518,185,000 shall become available on July 1, 2011,
3 and remain available through September 30, 2012, and
4 of which \$1,681,441,000 shall become available on Octo-
5 ber 1, 2011, and shall remain available through September
6 30, 2012, for academic year 2011–2012: *Provided*, That
7 funds made available to carry out part B of title VII of
8 the ESEA may be used for construction, renovation, and
9 modernization of any elementary school, secondary school,
10 or structure related to an elementary school or secondary
11 school, run by the Department of Education of the State
12 of Hawaii, that serves a predominantly Native Hawaiian
13 student body: *Provided further*, That from the funds re-
14 ferred to in the preceding proviso, not less than
15 \$1,500,000 shall be for a grant to the Department of Edu-
16 cation of the State of Hawaii for the activities described
17 in such proviso and \$1,500,000 shall be for a grant to
18 the University of Hawaii School of Law for a Center of
19 Excellence in Native Hawaiian law: *Provided further*, That
20 from the funds referred to in the second preceding proviso,
21 \$500,000 shall be for part Z of title VIII of the HEA:
22 *Provided further*, That funds made available to carry out
23 part C of title VII of the ESEA may be used for construc-
24 tion: *Provided further*, That up to 100 percent of the funds
25 available to a State educational agency under part D of

1 title II of the ESEA may be used for subgrants described
2 in section 2412(a)(2)(B) of such Act: *Provided further*,
3 That funds made available under this heading for section
4 2421 of the ESEA may be used for activities authorized
5 under section 802 of the Higher Education Opportunity
6 Act: *Provided further*, That State educational agencies
7 may subgrant funds available under part B of title IV of
8 the ESEA for expanded-learning-time programs that sig-
9 nificantly increase the number of hours in a regular school
10 schedule and comprehensively redesign the school schedule
11 for all students in the school: *Provided further*, That such
12 expanded-learning-time programs shall provide additional
13 time for instruction in the core academic and other sub-
14 jects, and for enrichment activities: *Provided further*, That
15 \$61,313,000 shall be available to carry out section 203
16 of the Educational Technical Assistance Act of 2002: *Pro-*
17 *vided further*, That \$26,928,000 shall be available to carry
18 out part D of title V of the ESEA: *Provided further*, That
19 no funds appropriated under this heading may be used
20 to carry out section 5494 under the ESEA: *Provided fur-*
21 *ther*, That \$17,687,000 shall be available to carry out the
22 Supplemental Education Grants program for the Fed-
23 erated States of Micronesia and the Republic of the Mar-
24 shall Islands: *Provided further*, That up to 5 percent of
25 these amounts may be reserved by the Federated States

1 of Micronesia and the Republic of the Marshall Islands
2 to administer the Supplemental Education Grants pro-
3 grams and to obtain technical assistance, oversight and
4 consultancy services in the administration of these grants
5 and to reimburse the United States Departments of
6 Labor, Health and Human Services, and Education for
7 such services: *Provided further*, That up to \$11,500,000
8 of the funds available for the Foreign Language Assist-
9 ance Program shall be available for 5-year grants to local
10 educational agencies that would work in partnership with
11 one or more institutions of higher education to establish
12 or expand articulated programs of study in languages crit-
13 ical to United States national security that will enable suc-
14 cessful students to advance from elementary school
15 through college to achieve a superior level of proficiency
16 in those languages: *Provided further*, That of the funds
17 available for section 2103(a) of the ESEA, not less than
18 \$5,000,000 shall be available to continue a national school
19 leadership partnership initiative and up to \$7,000,000
20 may be used to carry out a national teacher recruitment
21 campaign, as described in the committee report of the
22 Senate accompanying this Act.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, title VII, part A of the Elementary
4 and Secondary Education Act of 1965, \$129,282,000.

5 INNOVATION AND IMPROVEMENT

6 For carrying out activities authorized by part G of
7 title I, subpart 5 of part A and parts C and D of title
8 II, parts B, C, and D of title V, and section 1504 of the
9 Elementary and Secondary Education Act of 1965
10 (“ESEA”), sections 14006 and 14007 of division A of the
11 American Recovery and Reinvestment Act of 2009, and
12 by part F of title VIII of the Higher Education Act of
13 1965, \$2,224,843,000, of which \$675,000,000 shall be-
14 come available on July 1, 2011 and shall remain available
15 through September 30, 2012: *Provided*, That the Sec-
16 retary of Education may use funds available in this Act
17 for section 14006 of division A of the American Recovery
18 and Reinvestment Act of 2009 to make awards to States
19 or to local educational agencies, or both, in accordance
20 with the applicable requirements of that section, as deter-
21 mined by the Secretary: *Provided further*, That the Sec-
22 retary may use funds available in this Act for section
23 14007 of division A of the American Recovery and Rein-
24 vestment Act of 2009 to make awards in accordance with
25 applicable requirements of that section, as determined by

1 the Secretary: *Provided further*, That \$10,649,000 shall
2 be provided to the National Board for Professional Teach-
3 ing Standards to carry out section 2151(c) of the ESEA:
4 *Provided further*, That from funds for subpart 4, part C
5 of title II of the ESEA, up to 3 percent shall be available
6 to the Secretary for technical assistance and dissemination
7 of information: *Provided further*, That, in carrying out sec-
8 tion 2151(b) of the ESEA, the Secretary shall establish
9 priorities for eligible entities that prepare school leaders
10 to turn around low-performing schools, and for eligible en-
11 tities that prepare school leaders to serve in schools in
12 rural areas: *Provided further*, That \$578,987,000 shall be
13 available to carry out part D of title V of the ESEA: *Pro-*
14 *vided further*, That \$37,797,000 shall be used for the
15 projects, and in the amounts, specified in the committee
16 report of the Senate accompanying this Act: *Provided fur-*
17 *ther*, That \$400,000,000 of the funds for subpart 1 of part
18 D of title V of the ESEA shall be for competitive grants
19 to local educational agencies, including charter schools
20 that are local educational agencies, or States, or partner-
21 ships of: (1) a local educational agency, a State, or both;
22 and (2) at least one non-profit organization to develop and
23 implement performance-based compensation systems for
24 teachers, principals, and other personnel in high-need
25 schools: *Provided further*, That such performance-based

1 compensation systems must consider gains in student aca-
2 demic achievement as well as classroom evaluations con-
3 ducted multiple times during each school year among
4 other factors and provide educators with incentives to take
5 on additional responsibilities and leadership roles: *Pro-*
6 *vided further*, That recipients of such grants shall dem-
7 onstrate that such performance-based systems are devel-
8 oped with the input of teachers and school leaders in the
9 schools and local educational agencies to be served by the
10 grant: *Provided further*, That recipients of such grants
11 may use such funds to develop or improve systems and
12 tools (which may be developed and used for the entire local
13 educational agency or only for schools served under the
14 grant) that would enhance the quality and success of the
15 compensation system, such as high-quality teacher evalua-
16 tions and tools to measure growth in student achievement:
17 *Provided further*, That applications for such grants shall
18 include a plan to sustain financially the activities con-
19 ducted and systems developed under the grant once the
20 grant period has expired: *Provided further*, That up to 5
21 percent of such funds for competitive grants shall be avail-
22 able for technical assistance, training, peer review of appli-
23 cations, program outreach and evaluation activities: *Pro-*
24 *vided further*, That of the funds available for part B of
25 title V of the ESEA, the Secretary shall use up to

1 \$23,031,000 to carry out activities under section 5205(b)
2 and under subpart 2: *Provided further*, That of the funds
3 available for subpart 1 of part B of title V of the ESEA,
4 and notwithstanding section 5205(a), the Secretary may
5 reserve up to \$55,000,000 to make multiple awards to
6 non-profit charter management organizations and other
7 entities that are not for-profit entities for the replication
8 and expansion of successful charter school models and
9 may reserve up to \$10,000,000 to carry out the activities
10 described in section 5205(a), including by providing tech-
11 nical assistance to authorized public chartering agencies
12 in order to increase the number of high-performing char-
13 ter schools: *Provided further*, That each application sub-
14 mitted pursuant to section 5203(a) shall describe a plan
15 to monitor and hold accountable authorized public char-
16 tering agencies through such activities as providing tech-
17 nical assistance or establishing a professional development
18 program, which may include planning, training and sys-
19 tems development for staff of authorized public chartering
20 agencies to improve the capacity of such agencies in the
21 State to authorize, monitor, and hold accountable charter
22 schools: *Provided further*, That each application submitted
23 pursuant to section 5203(a) shall contain assurances that
24 State law, regulations, or other policies require that: (1)
25 each authorized charter school in the State operate under

1 a legally binding charter or performance contract between
2 itself and the school's authorized public chartering agency
3 that describes the obligations and responsibilities of the
4 school and the public chartering agency; conduct annual,
5 timely, and independent audits of the school's financial
6 statements that are filed with the school's authorized pub-
7 lic chartering agency; and demonstrate improved student
8 academic achievement; and (2) authorized public char-
9 tering agencies use increases in student academic achieve-
10 ment for all groups of students described in section
11 1111(b)(2)(C)(v) of the ESEA as the most important fac-
12 tor when determining to renew or revoke a school's char-
13 ter.

14 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

15 For carrying out activities authorized by subpart 3
16 of part C of title II, subpart 2 of part A of title IV, and
17 subparts 1, 2, and 10 of part D of title V of the Elemen-
18 tary and Secondary Education Act of 1965,
19 \$426,053,000: *Provided*, That \$229,053,000 shall be
20 available for subpart 2 of part A of title IV: *Provided fur-*
21 *ther*, That \$157,000,000 shall be available to carry out
22 part D of title V: *Provided further*, That funds available
23 to carry out subpart 3 of part C of title II, shall be allo-
24 cated, notwithstanding the distribution requirements of
25 section 2343(b)(1) and (2) of the ESEA, as follows:

1 \$17,660,000 shall be used for section 2344, \$13,383,000
2 shall be used for section 2345, \$6,000,000 shall be avail-
3 able to the Secretary of Education for competitive grants
4 to nonprofit organizations that have demonstrated effec-
5 tiveness in the development, implementation, or research
6 and evaluation of civic learning programs, and \$2,957,000
7 shall be used by the Center for Civic Education to imple-
8 ment a comprehensive program to improve public knowl-
9 edge, understanding, and support of the Congress and the
10 State legislatures: *Provided further*, That, in administering
11 the competition for grants to develop and implement civic
12 learning programs described in the preceding proviso, the
13 Secretary shall establish priorities for eligible entities that
14 demonstrate innovation, scalability, accountability, and a
15 focus on services to underserved populations.

16 ENGLISH LANGUAGE ACQUISITION

17 For carrying out part A of title III of the Elementary
18 and Secondary Education Act of 1965, \$800,000,000,
19 which shall become available on July 1, 2011, and shall
20 remain available through September 30, 2012, except that
21 6.5 percent of such amount shall be available on October
22 1, 2010, and shall remain available through September 30,
23 2012, to carry out activities under section 3111(e)(1)(C):
24 *Provided*, That the Secretary of Education may use esti-
25 mates of the American Community Survey child counts

1 for the most recent 3-year period available to calculate al-
2 locations under such part.

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (“IDEA”) and the Special Olympics Sport
6 and Empowerment Act of 2004, \$13,035,490,000, of
7 which \$4,166,354,000 shall become available on July 1,
8 2011, and shall remain available through September 30,
9 2012, and of which \$8,592,383,000 shall become available
10 on October 1, 2011, and shall remain available through
11 September 30, 2012, for academic year 2011–2012: *Pro-*
12 *vided*, That \$13,250,000 shall be for Recording for the
13 Blind and Dyslexic, Inc., to support the development, pro-
14 duction, and circulation of accessible educational mate-
15 rials: *Provided further*, That \$737,000 shall be for the re-
16 cipient of funds provided by Public Law 105–78 under
17 section 687(b)(2)(G) of the IDEA (as in effect prior to
18 the enactment of the Individuals with Disabilities Edu-
19 cation Improvement Act of 2004) to provide information
20 on diagnosis, intervention, and teaching strategies for chil-
21 dren with disabilities: *Provided further*, That the amount
22 for section 611(b)(2) of the IDEA shall be equal to the
23 lesser of the amount available for that activity during fis-
24 cal year 2010, increased by the amount of inflation as
25 specified in section 619(d)(2)(B) of the IDEA, or the per-

1 cent change in the funds appropriated under section
2 611(i) of the IDEA, but not less than the amount for that
3 activity during fiscal year 2010: *Provided further*, That
4 funds made available for the Special Olympics Sport and
5 Empowerment Act of 2004 may be used to support ex-
6 penses associated with the Special Olympics National and
7 World games.

8 REHABILITATION SERVICES AND DISABILITY RESEARCH

9 For carrying out, to the extent not otherwise pro-
10 vided, the Rehabilitation Act of 1973, the Assistive Tech-
11 nology Act of 1998, and the Helen Keller National Center
12 Act, \$3,542,510,000: *Provided*, That \$1,650,000 shall be
13 used for the projects, and in the amounts, specified under
14 the heading “Rehabilitation Services and Disability Re-
15 search” in the committee report of the Senate accom-
16 panying this Act: *Provided further*, That, of the amounts
17 provided under this heading, \$27,000,000 shall be avail-
18 able under title II of the Rehabilitation Act to the Sec-
19 retary of Education in cooperation with the Secretary of
20 Labor and, as appropriate, other heads of departments
21 and agencies, to identify and validate innovative strategies
22 or replicate effective evidence-based strategies, including
23 strategies that align and strengthen the workforce invest-
24 ment system in order to improve program delivery and em-

1 ployment and education outcomes for individuals with dis-
2 abilities.

3 SPECIAL INSTITUTIONS FOR PERSONS WITH
4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

6 For carrying out the Act of March 3, 1879,
7 \$24,600,000.

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

9 For the National Technical Institute for the Deaf
10 under titles I and II of the Education of the Deaf Act
11 of 1986, \$64,677,000, of which \$1,640,000 shall be for
12 construction and shall remain available until expended:
13 *Provided*, That from the total amount available, the Insti-
14 tute may at its discretion use funds for the endowment
15 program as authorized under section 207 of such Act.

16 GALLAUDET UNIVERSITY

17 For the Kendall Demonstration Elementary School,
18 the Model Secondary School for the Deaf, and the partial
19 support of Gallaudet University under titles I and II of
20 the Education of the Deaf Act of 1986, \$128,000,000, of
21 which \$10,000,000 shall be for construction and shall re-
22 main available until expended: *Provided*, That from the
23 total amount available, the University may at its discre-
24 tion use funds for the endowment program as authorized
25 under section 207 of such Act.

1 CAREER, TECHNICAL, AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, the Carl D. Perkins Career and Technical Edu-
4 cation Act of 2006, the Adult Education and Family Lit-
5 eracy Act (“AEFLA”), and title VIII–D of the Higher
6 Education Amendments of 1998, \$1,942,541,000, of
7 which \$1,151,541,000 shall become available on July 1,
8 2011, and shall remain available through September 30,
9 2012, and of which \$791,000,000 shall become available
10 on October 1, 2011, and shall remain available through
11 September 30, 2012: *Provided*, That of the amount pro-
12 vided for Adult Education State Grants, \$75,000,000
13 shall be made available for integrated English literacy and
14 civics education services to immigrants and other limited
15 English proficient populations: *Provided further*, That of
16 the amount reserved for integrated English literacy and
17 civics education, notwithstanding section 211 of the
18 AEFLA, 65 percent shall be allocated to States based on
19 a State’s absolute need as determined by calculating each
20 State’s share of a 10-year average of the United States
21 Citizenship and Immigration Services data for immigrants
22 admitted for legal permanent residence for the 10 most
23 recent years, and 35 percent allocated to States that expe-
24 rienced growth as measured by the average of the 3 most
25 recent years for which United States Citizenship and Im-

1 migration Services data for immigrants admitted for legal
2 permanent residence are available, except that no State
3 shall be allocated an amount less than \$60,000: *Provided*
4 *further*, That of the amounts made available for AEFLLA,
5 \$41,346,000 shall be for national leadership activities
6 under section 243 and, of that amount, \$30,000,000 shall
7 be available to the Secretary of Education in cooperation
8 with the Secretary of Labor and, as appropriate, other
9 heads of departments and agencies, to identify and vali-
10 date innovative strategies or replicate effective evidence-
11 based strategies, including strategies that align and
12 strengthen the workforce investment system, in order to
13 improve program delivery and education and employment
14 outcomes for program beneficiaries.

15 STUDENT FINANCIAL ASSISTANCE

16 (INCLUDING RESCISSION OF FUNDS)

17 For carrying out subparts 1, 3, and 4 of part A, and
18 part C of title IV of the Higher Education Act of 1965,
19 \$19,453,809,000, which shall remain available through
20 September 30, 2012: *Provided*, That, notwithstanding sec-
21 tion 406(b) of H. Con. Res. 95 (109th Congress), the
22 amount of new budget authority for the Federal Pell
23 Grant program for fiscal year 2011 counted against this
24 Act shall be equal to the appropriation provided under this
25 heading.

1 The maximum Pell Grant for which a student shall
2 be eligible during award year 2011–2012 shall be \$4,860.

3 Of the funds made available under section
4 401A(e)(1)(D) of the Higher Education Act of 1965,
5 \$617,000,000 is rescinded.

6 STUDENT AID ADMINISTRATION

7 For Federal administrative expenses to carry out part
8 D of title I, and subparts 1, 3, 4, 9, and 10 of part A,
9 and parts B, C, D, and E of title IV of the Higher Edu-
10 cation Act of 1965, \$1,048,078,000: *Provided*, That unob-
11 ligated balances of funds provided under this paragraph
12 at the end of fiscal year 2011 not needed for fiscal year
13 2011 shall remain available until expended to invest in
14 Federal Student Aid information technology hardware and
15 software infrastructure, including related equipment and
16 non-payroll administrative expenses associated with this
17 information technology infrastructure.

18 HIGHER EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, titles II, III, IV, V, VI, VII, and VIII of the Higher
21 Education Act of 1965 (“HEA”), the Mutual Educational
22 and Cultural Exchange Act of 1961, and section 117 of
23 the Carl D. Perkins Career and Technical Education Act
24 of 2006, \$2,243,895,000: *Provided*, That \$9,687,000, to
25 remain available through September 30, 2012, shall be

1 available to fund fellowships for academic year 2012–2013
2 under subpart 1 of part A of title VII of the HEA, under
3 the terms and conditions of such subpart 1: *Provided fur-*
4 *ther*, That \$609,000 shall be for data collection and eval-
5 uation activities for programs under the HEA, including
6 such activities needed to comply with the Government Per-
7 formance and Results Act of 1993: *Provided further*, That
8 notwithstanding any other provision of law, funds made
9 available in this Act to carry out title VI of the HEA and
10 section 102(b)(6) of the Mutual Educational and Cultural
11 Exchange Act of 1961 may be used to support visits and
12 study in foreign countries by individuals who are partici-
13 pating in advanced foreign language training and inter-
14 national studies in areas that are vital to United States
15 national security and who plan to apply their language
16 skills and knowledge of these countries in the fields of gov-
17 ernment, the professions, or international development:
18 *Provided further*, That of the funds referred to in the pre-
19 ceding proviso up to 1 percent may be used for program
20 evaluation, national outreach, and information dissemina-
21 tion activities: *Provided further*, That, of the funds appro-
22 priated under this heading, not less than \$2,000,000 shall
23 be made available for the Department of Education to ex-
24 pand study abroad, pursuant to section 604(b) of the
25 HEA and that the Secretary of Education may waive limi-

1 tations of grants to awardees under 604(c)(2) of that Act:
2 *Provided further*, That, of the funds referred to in the pre-
3 ceding proviso, notwithstanding section 635 of the HEA,
4 the Secretary may use up to 10 percent of available funds
5 for program administration including national outreach
6 and evaluation: *Provided further*, That notwithstanding
7 any other provision of law, a recipient of a multi-year
8 award under section 316 of the HEA, as that section was
9 in effect prior to the date of enactment of the Higher Edu-
10 cation Opportunity Act (“HEOA”), that would have oth-
11 erwise received a continuation award for fiscal year 2011
12 under that section, shall receive under section 316, as
13 amended by the HEOA, not less than the amount that
14 such recipient would have received under such a continu-
15 ation award: *Provided further*, That the portion of the
16 funds received under section 316 by a recipient described
17 in the preceding proviso that is equal to the amount of
18 such continuation award shall be used in accordance with
19 the terms of such continuation award: *Provided further*,
20 That \$40,561,000 shall be used for the projects, and in
21 the amounts, specified under the heading “Higher Edu-
22 cation” in the committee report of the Senate accom-
23 panying this Act: *Provided further*, That \$1,750,000 shall
24 be used for the programs specified under the “Fund for
25 the Improvement of Post Secondary Education” in the

1 1974: *Provided further*, That these funds are available to
2 subsidize total loan principal, any part of which is to be
3 guaranteed, not to exceed \$279,393,000.

4 In addition, for administrative expenses to carry out
5 the Historically Black College and University Capital Fi-
6 nancing Program entered into pursuant to part D of title
7 III of the HEA, \$354,000.

8 INSTITUTE OF EDUCATION SCIENCES

9 For carrying out activities authorized by the Edu-
10 cation Sciences Reform Act of 2002, the National Assess-
11 ment of Educational Progress Authorization Act, section
12 208 of the Educational Technical Assistance Act of 2002,
13 and section 664 of the Individuals with Disabilities Edu-
14 cation Act, \$722,756,000, to remain available through
15 September 30, 2012: *Provided*, That funds available to
16 carry out section 208 of the Educational Technical Assist-
17 ance Act may be used for Statewide data systems that
18 include postsecondary and workforce information and in-
19 formation on children of all ages: *Provided further*, That
20 up to \$10,000,000 of the funds available to carry out sec-
21 tion 208 of the Educational Technical Assistance Act may
22 be used for State data coordinators and for awards to pub-
23 lic or private organizations or agencies to improve data
24 coordination, quality, and use: *Provided further*, That not-
25 withstanding section 174(d) and (e) of the Education

1 Sciences Reform Act of 2002, \$72,650,000 may be used
2 to continue the contracts for the Regional Educational
3 Laboratories for one additional year.

4 DEPARTMENTAL MANAGEMENT

5 PROGRAM ADMINISTRATION

6 For carrying out, to the extent not otherwise pro-
7 vided, the Department of Education Organization Act, in-
8 cluding rental of conference rooms in the District of Co-
9 lumbia and hire of three passenger motor vehicles,
10 \$489,791,900, of which \$19,275,000, to remain available
11 until expended, shall be for relocation of, and renovation
12 of buildings occupied by, Department staff.

13 OFFICE FOR CIVIL RIGHTS

14 For expenses necessary for the Office for Civil
15 Rights, as authorized by section 203 of the Department
16 of Education Organization Act, \$105,700,000.

17 OFFICE OF THE INSPECTOR GENERAL

18 For expenses necessary for the Office of the Inspector
19 General, as authorized by section 212 of the Department
20 of Education Organization Act, \$65,238,000.

21 GENERAL PROVISIONS

22 SEC. 301. No funds appropriated in this Act may be
23 used for the transportation of students or teachers (or for
24 the purchase of equipment for such transportation) in
25 order to overcome racial imbalance in any school or school

1 priated for the Department of Education in this Act may
2 be transferred between appropriations, but no such appro-
3 priation shall be increased by more than 3 percent by any
4 such transfer: *Provided*, That the transfer authority
5 granted by this section shall be available only to meet
6 emergency needs and shall not be used to create any new
7 program or to fund any project or activity for which no
8 funds are provided in this Act: *Provided further*, That the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate are notified at least 15 days in ad-
11 vance of any transfer.

12 SEC. 305. The Outlying Areas may consolidate funds
13 received under this Act, pursuant to 48 U.S.C. 1469a,
14 under part A of title V of the Elementary and Secondary
15 Education Act.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 306. For an additional amount for the “Pro-
18 gram Administration” account, \$2,696,100, to increase
19 the Department’s acquisition workforce capacity and capa-
20 bilities: *Provided*, That such funds may be transferred by
21 the Secretary to any other account in the Department to
22 carry out the purposes provided herein: *Provided further*,
23 That such transfer authority is in addition to any other
24 transfer authority provided in this Act: *Provided further*,
25 That such funds shall be available only to supplement and

1 not to supplant existing acquisition workforce activities:
2 *Provided further*, That such funds shall be available for
3 training, recruitment, retention, and hiring additional
4 members of the acquisition workforce as defined by the
5 Office of Federal Procurement Policy Act, as amended:
6 *Provided further*, That such funds shall be available for
7 information technology in support of acquisition workforce
8 effectiveness or for management solutions to improve ac-
9 quisition management: *Provided further*, That the Com-
10 mittees on Appropriations of the Senate and the House
11 of Representatives are notified at least 15 days in advance
12 of any transfer.

13 SEC. 307. Notwithstanding any other provision of
14 law—

15 (1) IN GENERAL.—The Health Education As-
16 sistance Loan (HEAL) program under title VII,
17 part A, subpart I of the Public Health Service Act,
18 and the authority to administer such program, in-
19 cluding servicing, collecting, and enforcing any loans
20 that were made under such program that remain
21 outstanding, shall be transferred from the Secretary
22 of Health and Human Services to the Secretary of
23 Education;

24 (2) TRANSFER OF FUNCTIONS, ASSETS, AND LI-
25 ABILITIES.—The functions, assets, and liabilities of

1 the Secretary of Health and Human Services relat-
2 ing to such program shall be transferred to the Sec-
3 retary of Education;

4 (3) INTERDEPARTMENTAL COORDINATION OF
5 TRANSFER.—The Secretary of Health and Human
6 Services and the Secretary of Education shall carry
7 out the transfer of the HEAL program described in
8 paragraph (1), including the transfer of the func-
9 tions, assets, and liabilities specified in paragraph
10 (2), in the manner that they determine is most ap-
11 propriate; and

12 (4) USE OF AUTHORITIES UNDER HIGHER EDU-
13 CATION ACT OF 1965.—In servicing, collecting, and
14 enforcing the loans described in paragraph (1), the
15 Secretary of Education shall have available any and
16 all authorities available to such Secretary in serv-
17 icing, collecting, or enforcing a loan made, insured,
18 or guaranteed under part B of title IV of the Higher
19 Education Act of 1965.

20 SEC. 308. (a) IN GENERAL.—The Secretary, in con-
21 sultation with the Secretary of Health and Human Serv-
22 ices, shall establish an Early Learning Challenge Fund to
23 award competitive grants to States that propose to provide
24 an integrated system of high-quality early learning pro-
25 grams and services and to develop, implement or advance

1 a statewide quality rating and improvement system for
2 early learning programs.

3 (b) STATE APPLICATIONS.—In order to be considered
4 for a grant under this section, a State’s application shall
5 include a plan that includes the following—

6 (1) A description of the quantifiable goals and
7 benchmarks that the State will establish to dem-
8 onstrate that receiving a grant under this section
9 will lead to a greater number and percentage of low-
10 income and disadvantaged children in each age
11 group of infants, toddlers, and preschoolers enrolled
12 in high-quality early learning programs, and an in-
13 crease in the number of high-quality early learning
14 programs in low-income communities.

15 (2) A description of how the State will imple-
16 ment a governance structure and an integrated sys-
17 tem of high-quality early learning programs and
18 services that includes the following components—

19 (A) State early learning standards and
20 program quality standards;

21 (B) A tiered program quality rating and
22 improvement system;

23 (C) A comprehensive plan that promotes
24 nutrition and wellness for children in early
25 learning programs;

1 (D) A comprehensive plan for supporting
2 professional preparation and the ongoing pro-
3 fessional development of an effective, well-com-
4 pensated early learning workforce; and

5 (E) Strategies to ensure the active engage-
6 ment of parents and families in the learning
7 and development of their children including
8 their understanding of the State's quality rating
9 and improvement system.

10 (3) An assurance that the State will continue to
11 participate in section 619, of part B and part C of
12 the Individuals with Disabilities Education Act for
13 the duration of the grant.

14 (4) An assurance that grant funds received will
15 be used only to supplement, and not supplant, Fed-
16 eral, State, and local funds otherwise available to
17 support early learning programs and services.

18 (5) An assurance that for each fiscal year for
19 which a State receives funds under this section the
20 expenditures by the State on early learning pro-
21 grams for such fiscal year shall not be less than the
22 level of expenditures for such programs for fiscal
23 year 2011.

24 (c) CRITERIA USED IN AWARDING GRANTS.—In
25 awarding grants to States under this section, the Sec-

1 retary shall evaluate applications and award grants under
2 such section on a competitive basis based on—

3 (1) The quality of the application submitted;

4 (2) Evidence of significant progress in estab-
5 lishing and committing to maintain a high-quality
6 system of early learning for children that integrates
7 the components described in section (b)(2); and

8 (3) The State’s capacity to fully implement
9 such system.

10 (d) STATES USES OF FUNDS.—A State receiving a
11 grant under this section shall use the grant (and may
12 make subgrants) to develop and enhance the components
13 of the high-quality early learning system described in sub-
14 section (b)(2) to improve the quality of early learning pro-
15 grams and services serving disadvantaged children.

16 (e) RESERVATIONS OF FEDERAL FUNDS.—The Sec-
17 retary shall reserve not more than 2 percent to administer
18 this section jointly with the Secretary of Health and
19 Human Services for expenses of both agencies.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated, \$300,000,000 to carry out
22 this section in fiscal year 2011.

23 SEC. 309. (a) Section 206 of the Department of Edu-
24 cation Organization Act (20 U.S.C. 3416) is amended—

1 (1) by striking out the heading and inserting
2 “Office of Career, Technical, and Adult Education”;

3 (2) by striking out “Office of Vocational and
4 Adult Education” and inserting “Office of Career,
5 Technical, and Adult Education”;

6 (3) by striking out “Assistant Secretary for Vo-
7 cational and Adult Education” and inserting “As-
8 sistant Secretary for Career, Technical, and Adult
9 Education”; and

10 (4) by striking out “vocational and adult edu-
11 cation” each place it appears and inserting “career,
12 technical, and adult education”.

13 (b) Section 202 of the Department of Education Or-
14 ganization Act (20 U.S.C. 3412) is amended—

15 (1) in subsection (b)(1)(C), by striking out “As-
16 sistant Secretary for Vocational and Adult Edu-
17 cation” and inserting “Assistant Secretary for Ca-
18 reer, Technical, and Adult Education”; and

19 (2) in subsection (h), by striking out “Assistant
20 Secretary for Vocational and Adult Education” each
21 place it appears and inserting “Assistant Secretary
22 for Career, Technical, and Adult Education”.

23 (c) Section 1 of the Department of Education Organi-
24 zation Act (20 U.S.C. 3401 note) is amended by striking

1 out the entry for section 206 and inserting “Sec. 206. Of-
 2 fice of Career, Technical, and Adult Education.”.

3 (d) Section 114(b)(1) of the Carl D. Perkins Career
 4 and Technical Education Act of 2006 (20 U.S.C.
 5 2324(b)(1)) is amended by striking out “Office of Voca-
 6 tional and Adult Education” and inserting “Office of Ca-
 7 reer, Technical, and Adult Education”.

8 This title may be cited as the “Department of Edu-
 9 cation Appropriations Act, 2011”.

10 TITLE IV

11 RELATED AGENCIES

12 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

13 BLIND OR SEVERELY DISABLED

14 SALARIES AND EXPENSES

15 For expenses necessary for the Committee for Pur-
 16 chase From People Who Are Blind or Severely Disabled
 17 established by Public Law 92–28, \$5,771,000.

18 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

19 OPERATING EXPENSES

20 For necessary expenses for the Corporation for Na-
 21 tional and Community Service (“the Corporation”) to
 22 carry out the Domestic Volunteer Service Act of 1973
 23 (“1973 Act”) and the National and Community Service
 24 Act of 1990 (“1990 Act”), \$982,400,000, and notwith-
 25 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and

1 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
2 amounts provided under this heading: (1) up to 1 percent
3 of program grant funds may be used to defray the costs
4 of conducting grant application reviews, including the use
5 of outside peer reviewers and electronic management of
6 the grants cycle; (2) \$60,000,000 shall be available for
7 expenses authorized under section 501(a)(4)(E) of the
8 1990 Act; (3) \$11,000,000 shall be available for expenses
9 to carry out sections 112(e), 179A, and 198O and subtitle
10 J of title I of the 1990 Act, notwithstanding section
11 501(a)(6) of the 1990 Act; (4) \$6,000,000 shall be avail-
12 able for grants to public or private nonprofit institutions
13 to increase the participation of individuals with disabilities
14 in national service and for demonstration activities in fur-
15 therance of this purpose, notwithstanding section
16 129(k)(1) of the 1990 Act; (5) \$18,000,000 shall be avail-
17 able to provide assistance to State commissions on na-
18 tional and community service, under section 126(a) of the
19 1990 Act and notwithstanding section 501(a)(5)(B) of the
20 1990 Act; and (6) \$10,000,000 shall be available for ex-
21 penses authorized under section 501(a)(4)(F) of the 1990
22 Act.

1 NATIONAL SERVICE TRUST

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for the National Service
4 Trust established under subtitle D of title I of the Na-
5 tional and Community Service Act of 1990 (“1990 Act”),
6 \$271,186,000, to remain available until expended: *Pro-*
7 *vided*, That the Corporation for National and Community
8 Service may transfer additional funds from the amount
9 provided within “Operating Expenses” allocated to grants
10 under subtitle C of title I of the 1990 Act to the National
11 Service Trust upon determination that such transfer is
12 necessary to support the activities of national service par-
13 ticipants and after notice is transmitted to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate: *Provided further*, That amounts appropriated for
16 or transferred to the National Service Trust may be in-
17 vested under section 145(b) of the 1990 Act without re-
18 gard to the requirement to apportion funds under 31
19 U.S.C. 1513(b).

20 SALARIES AND EXPENSES

21 For necessary expenses of administration as provided
22 under section 501(a)(5) of the National and Community
23 Service Act of 1990 and under section 504(a) of the Do-
24 mestic Volunteer Service Act of 1973, including payment
25 of salaries, authorized travel, hire of passenger motor vehi-

1 cles, the rental of conference rooms in the District of Co-
2 lumbia, the employment of experts and consultants au-
3 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
4 for official reception and representation expenses,
5 \$103,000,000.

6 OFFICE OF INSPECTOR GENERAL

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

10 ADMINISTRATIVE PROVISIONS

11 SEC. 401. The Corporation for National and Commu-
12 nity Service (“the Corporation”) shall make any signifi-
13 cant changes to program requirements, service delivery or
14 policy only through public notice and comment rule-
15 making. For fiscal year 2011, during any grant selection
16 process, an officer or employee of the Corporation shall
17 not knowingly disclose any covered grant selection infor-
18 mation regarding such selection, directly or indirectly, to
19 any person other than an officer or employee of the Cor-
20 poration that is authorized by the Corporation to receive
21 such information.

22 SEC. 402. Donations made to the Corporation for Na-
23 tional and Community Service under section 196 of the
24 National and Community Service Act of 1990 (“1990
25 Act”) for the purposes of financing programs and oper-

1 ations under titles I and II of the 1973 Act or subtitle
2 B, C, D, or E of title I of the 1990 Act shall be used
3 to supplement and not supplant current programs and op-
4 erations.

5 SEC. 403. In addition to the requirements in section
6 146(a) of the 1990 Act, use of an educational award for
7 the purpose described in section 148(a)(4) shall be limited
8 to individuals who are veterans as defined under section
9 101 of the Act.

10 CORPORATION FOR PUBLIC BROADCASTING

11 For payment to the Corporation for Public Broad-
12 casting (“Corporation”), as authorized by the Commu-
13 nications Act of 1934, an amount which shall be available
14 within limitations specified by that Act, for the fiscal year
15 2013, \$460,000,000: *Provided*, That none of the funds
16 made available to the Corporation by this Act shall be used
17 to pay for receptions, parties, or similar forms of enter-
18 tainment for Government officials or employees: *Provided*
19 *further*, That none of the funds made available to the Cor-
20 poration by this Act shall be available or used to aid or
21 support any program or activity from which any person
22 is excluded, or is denied benefits, or is discriminated
23 against, on the basis of race, color, national origin, reli-
24 gion, or sex: *Provided further*, That none of the funds
25 made available to the Corporation by this Act shall be used

1 to apply any political test or qualification in selecting, ap-
2 pointing, promoting, or taking any other personnel action
3 with respect to officers, agents, and employees of the Cor-
4 poration: *Provided further*, That none of the funds made
5 available to the Corporation by this Act shall be used to
6 support the Television Future Fund or any similar pur-
7 pose: *Provided further*, That for fiscal year 2011, in addi-
8 tion to the amounts provided above, \$36,000,000 shall be
9 provided for costs related to digital program production,
10 development, and distribution, associated with the transi-
11 tion of public broadcasting to digital broadcasting, to be
12 awarded as determined by the Corporation in consultation
13 with public radio and television licensees or permittees, or
14 their designated representatives.

15 FEDERAL MEDIATION AND CONCILIATION SERVICE

16 SALARIES AND EXPENSES

17 For expenses necessary for the Federal Mediation
18 and Conciliation Service (“Service”) to carry out the func-
19 tions vested in it by the Labor Management Relations Act,
20 1947, including hire of passenger motor vehicles; for ex-
21 penses necessary for the Labor-Management Cooperation
22 Act of 1978; and for expenses necessary for the Service
23 to carry out the functions vested in it by the Civil Service
24 Reform Act, \$48,025,000, including \$750,000, to remain
25 available through September 30, 2012, for activities au-

1 thORIZED by the Labor-Management Cooperation Act of
 2 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
 3 fees charged, up to full-cost recovery, for special training
 4 activities and other conflict resolution services and tech-
 5 nical assistance, including those provided to foreign gov-
 6 ernments and international organizations, and for arbitra-
 7 tion services shall be credited to and merged with this ac-
 8 count, and shall remain available until expended: *Provided*
 9 *further*, That fees for arbitration services shall be available
 10 only for education, training, and professional development
 11 of the agency workforce: *Provided further*, That the Direc-
 12 tor of the Service is authorized to accept and use on behalf
 13 of the United States gifts of services and real, personal,
 14 or other property in the aid of any projects or functions
 15 within the Director's 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, \$15,755,000.

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, \$270,619,000, of which
2 \$4,750,000 shall be used for the projects, and in the
3 amounts, specified under the heading “Office of Museum
4 and Library Services: Grants and Administration” in the
5 committee report of the Senate accompanying this Act.

6 MEDICARE PAYMENT ADVISORY COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary to carry out section 1805 of
9 the Social Security Act, \$12,700,000, to be transferred to
10 this appropriation from the Federal Hospital Insurance
11 Trust Fund and the Federal Supplementary Medical In-
12 surance Trust Fund.

13 NATIONAL COUNCIL ON DISABILITY

14 SALARIES AND EXPENSES

15 For expenses necessary for the National Council on
16 Disability as authorized by title IV of the Rehabilitation
17 Act of 1973, \$3,337,000.

18 NATIONAL HEALTH CARE WORKFORCE COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary for the National Health Care
21 Workforce Commission as authorized by section 5101 of
22 the Patient Protection and Affordable Care Act, as
23 amended, \$3,000,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$287,100,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 NATIONAL MEDIATION BOARD

20 SALARIES AND EXPENSES

21 For expenses necessary to carry out the provisions
22 of the Railway Labor Act, including emergency boards ap-
23 pointed by the President, \$13,772,000.

1 OCCUPATIONAL SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Occupational Safety
5 and Health Review Commission, \$12,051,000.

6 RAILROAD RETIREMENT BOARD

7 DUAL BENEFITS PAYMENTS ACCOUNT

8 For payment to the Dual Benefits Payments Ac-
9 count, authorized under section 15(d) of the Railroad Re-
10 tirement Act of 1974, \$57,000,000, which shall include
11 amounts becoming available in fiscal year 2011 pursuant
12 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
13 tion, an amount, not to exceed 2 percent of the amount
14 provided herein, shall be available proportional to the
15 amount by which the product of recipients and the average
16 benefit received exceeds the amount available for payment
17 of vested dual benefits: *Provided*, That the total amount
18 provided herein shall be credited in 12 approximately
19 equal amounts on the first day of each month in the fiscal
20 year.

21 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

22 ACCOUNTS

23 For payment to the accounts established in the
24 Treasury for the payment of benefits under the Railroad
25 Retirement Act for interest earned on unnegotiated

1 228(g), and 1131(b)(2) of the Social Security Act,
2 \$21,404,000.

3 SUPPLEMENTAL SECURITY INCOME PROGRAM

4 For carrying out titles XI and XVI of the Social Se-
5 curity Act, section 401 of Public Law 92–603, section 212
6 of Public Law 93–66, as amended, and section 405 of
7 Public Law 95–216, including payment to the Social Secu-
8 rity trust funds for administrative expenses incurred pur-
9 suant to section 201(g)(1) of the Social Security Act,
10 \$40,513,000,000, to remain available until expended: *Pro-*
11 *vided*, That any portion of the funds provided to a State
12 in the current fiscal year and not obligated by the State
13 during that year shall be returned to the Treasury.

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

18 For making benefit payments under title XVI of the
19 Social Security Act for the first quarter of fiscal year
20 2012, \$13,400,000,000, to remain available until ex-
21 pended.

22 LIMITATION ON ADMINISTRATIVE EXPENSES

23 (INCLUDING RESCISSION OF FUNDS)

24 For necessary expenses, including the hire of two pas-
25 senger motor vehicles, and not to exceed \$20,000 for offi-

1 cial reception and representation expenses, not more than
2 \$12,191,000,000 may be expended, as authorized by sec-
3 tion 201(g)(1) of the Social Security Act, from any one
4 or all of the trust funds referred to therein: *Provided*, That
5 not less than \$2,300,000 shall be for the Social Security
6 Advisory Board: *Provided further*, That unobligated bal-
7 ances of funds provided under this paragraph at the end
8 of fiscal year 2011 not needed for fiscal year 2011 shall
9 remain available until expended to invest in the Social Se-
10 curity Administration information technology and tele-
11 communications hardware and software infrastructure, in-
12 cluding related equipment and non-payroll administrative
13 expenses associated solely with this information technology
14 and telecommunications infrastructure: *Provided further*,
15 That reimbursement to the trust funds under this heading
16 for expenditures for official time for employees of the So-
17 cial Security Administration pursuant to 5 U.S.C. 7131,
18 and for facilities or support services for labor organiza-
19 tions pursuant to policies, regulations, or procedures re-
20 ferred to in section 7135(b) of such title shall be made
21 by the Secretary of the Treasury, with interest, from
22 amounts in the general fund not otherwise appropriated,
23 as soon as possible after such expenditures are made.

24 From funds provided under the first paragraph, not
25 less than \$796,000,000 shall be available for the cost asso-

1 ciated with conducting continuing disability reviews under
2 titles II and XVI of the Social Security Act, for the cost
3 associated with conducting redeterminations of eligibility
4 under title XVI of the Social Security Act, and to complete
5 implementation of asset verification initiatives: *Provided*,
6 That the Commissioner shall provide to the Congress (at
7 the conclusion of the fiscal year) a report on the obligation
8 and expenditure of these amounts, similar to the reports
9 that were required by section 103(d)(2) of Public Law
10 104–121 for fiscal years 1996 through 2002.

11 In addition, \$185,000,000 to be derived from admin-
12 istration fees in excess of \$5.00 per supplementary pay-
13 ment collected pursuant to section 1616(d) of the Social
14 Security Act or section 212(b)(3) of Public Law 93–66,
15 which shall remain available until expended. To the extent
16 that the amounts collected pursuant to such sections in
17 fiscal year 2011 exceed \$185,000,000, the amounts shall
18 be available in fiscal year 2012 only to the extent provided
19 in advance in appropriations Acts.

20 In addition, up to \$1,000,000 to be derived from fees
21 collected pursuant to section 303(c) of the Social Security
22 Protection Act, which shall remain available until ex-
23 pended.

24 Upon enactment of this Act, \$250,000,000 of the un-
25 obligated balances of funds that were provided under this

1 heading in prior appropriation Acts (other than Public
2 Law 111–5) shall be made part of and merged with funds
3 available without fiscal year limitation for investment in
4 information technology and telecommunications hardware
5 and software infrastructure, and of such funds,
6 \$250,000,000 are rescinded.

7 OFFICE OF INSPECTOR GENERAL
8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$30,000,000, together with not to
12 exceed \$76,122,000, to be transferred and expended as
13 authorized by section 201(g)(1) of the Social Security Act
14 from the Federal Old-Age and Survivors Insurance Trust
15 Fund and the Federal Disability Insurance Trust Fund.

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

TITLE V

GENERAL PROVISIONS

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

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

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

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

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

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

17 SEC. 505. None of the funds contained in this Act
18 may be used to distribute any needle or syringe for the
19 purpose of preventing the spread of blood borne pathogens
20 in any location that has been determined by the local pub-
21 lic health or local law enforcement authorities to be inap-
22 propriate for such distribution.

23 SEC. 506. When issuing statements, press releases,
24 requests for proposals, bid solicitations and other docu-
25 ments describing projects or programs funded in whole or

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

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

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

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

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

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

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

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

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

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

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

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

23 (d)(1) None of the funds made available in this Act
24 may be made available to a Federal agency or program,
25 or to a State or local government, if such agency, program,

1 or government subjects any institutional or individual
2 healthcare entity to discrimination on the basis that the
3 healthcare entity does not provide, pay for, provide cov-
4 erage of, or refer for abortions.

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

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

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

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

21 (b) For purposes of this section, the term “human
22 embryo or embryos” includes any organism, not protected
23 as a human subject under 45 CFR 46 as of the date of
24 the enactment of this Act, that is derived by fertilization,

1 parthenogenesis, cloning, or any other means from one or
2 more human gametes or human diploid cells.

3 SEC. 510. (a) None of the funds made available in
4 this Act may be used for any activity that promotes the
5 legalization of any drug or other substance included in
6 schedule I of the schedules of controlled substances estab-
7 lished under section 202 of the Controlled Substances Act
8 except for normal and recognized executive-congressional
9 communications.

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

15 SEC. 511. None of the funds made available in this
16 Act may be used to promulgate or adopt any final stand-
17 ard under section 1173(b) of the Social Security Act pro-
18 viding for, or providing for the assignment of, a unique
19 health identifier for an individual (except in an individ-
20 ual's capacity as an employer or a healthcare provider),
21 until legislation is enacted specifically approving the
22 standard.

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

1 (1) such entity is otherwise a contractor with
2 the United States and is subject to the requirement
3 in 38 U.S.C. 4212(d) regarding submission of an
4 annual report to the Secretary of Labor concerning
5 employment of certain veterans; and

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

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

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

22 SEC. 515. None of the funds made available by this
23 Act to carry out part D of title II of the Elementary and
24 Secondary Education Act of 1965 may be made available
25 to any elementary or secondary school covered by para-

1 graph (1) of section 2441(a) of such Act, as amended by
2 the Children's Internet Protection Act and the No Child
3 Left Behind Act, unless the local educational agency with
4 responsibility for such covered school has made the certifi-
5 cations required by paragraph (2) of such section.

6 SEC. 516. (a) None of the funds provided under this
7 Act, or provided under previous appropriations Acts to the
8 agencies funded by this Act that remain available for obli-
9 gation or expenditure in fiscal year 2011, or provided from
10 any accounts in the Treasury of the United States derived
11 by the collection of fees available to the agencies funded
12 by this Act, shall be available for obligation or expenditure
13 through a reprogramming of funds that—

- 14 (1) creates new programs;
 - 15 (2) eliminates a program, project, or activity;
 - 16 (3) increases funds or personnel by any means
17 for any project or activity for which funds have been
18 denied or restricted;
 - 19 (4) relocates an office or employees;
 - 20 (5) reorganizes or renames offices;
 - 21 (6) reorganizes programs or activities; or
 - 22 (7) contracts out or privatizes any functions or
23 activities presently performed by Federal employees;
- 24 unless the Committees on Appropriations of the House of
25 Representatives and the Senate are notified 15 days in

1 advance of such reprogramming or of an announcement
2 of intent relating to such reprogramming, whichever oc-
3 curs earlier.

4 (b) None of the funds provided under this Act, or
5 provided under previous appropriations Acts to the agen-
6 cies funded by this Act that remain available for obligation
7 or expenditure in fiscal year 2011, or provided from any
8 accounts in the Treasury of the United States derived by
9 the collection of fees available to the agencies funded by
10 this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds in excess of \$500,000
12 or 10 percent, whichever is less, that—

13 (1) augments existing programs, projects (in-
14 cluding construction projects), or activities;

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

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

22 unless the Committees on Appropriations of the House of
23 Representatives and the Senate are notified 15 days in
24 advance of such reprogramming or of an announcement

1 of intent relating to such reprogramming, whichever oc-
2 curs earlier.

3 SEC. 517. (a) None of the funds made available in
4 this Act may be used to request that a candidate for ap-
5 pointment to a Federal scientific advisory committee dis-
6 close the political affiliation or voting history of the can-
7 didate or the position that the candidate holds with re-
8 spect to political issues not directly related to and nec-
9 essary for the work of the committee involved.

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

13 SEC. 518. The Secretaries of Labor, Health and
14 Human Services, and Education shall each prepare and
15 submit to the Committees on Appropriations of the House
16 of Representatives and the Senate a report on the number
17 and amount of contracts, grants, and cooperative agree-
18 ments exceeding \$500,000 in value and awarded by the
19 Department on a non-competitive basis during each quar-
20 ter of fiscal year 2011, but not to include grants awarded
21 on a formula basis or directed by law. Such report shall
22 include the name of the contractor or grantee, the amount
23 of funding, the governmental purpose, including a jus-
24 tification for issuing the award on a non-competitive basis.
25 Such report shall be transmitted to the Committees within

1 30 days after the end of the quarter for which the report
2 is submitted.

3 SEC. 519. None of the funds made available in this
4 Act may be used for first-class travel by the employees
5 of agencies funded by this Act in contravention of sections
6 301–10.124 of title 41, Code of Federal Regulations.

7 SEC. 520. None of the funds appropriated or other-
8 wise made available by this Act may be used to enter into
9 a contract in an amount greater than \$5,000,000 or to
10 award a grant in excess of such amount unless the pro-
11 spective contractor or grantee certifies in writing to the
12 agency awarding the contract or grant that, to the best
13 of its knowledge and belief, the contractor or grantee has
14 filed all Federal tax returns required during the 3 years
15 preceding the certification, has not been convicted of a
16 criminal offense under the Internal Revenue Code of 1986,
17 and has not, more than 90 days prior to certification, been
18 notified of any unpaid Federal tax assessment for which
19 the liability remains unsatisfied, unless the assessment is
20 the subject of an installment agreement or offer in com-
21 promise that has been approved by the Internal Revenue
22 Service and is not in default, or the assessment is the sub-
23 ject of a non-frivolous administrative or judicial pro-
24 ceeding.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 521. For an additional amount for the “Social
3 Security Administration Limitation on Administrative Ex-
4 penses” account, \$1,863,280, to increase the Social Secu-
5 rity Administration’s acquisition workforce capacity and
6 capabilities: *Provided*, That such funds may be transferred
7 by the Commissioner to any other account in the Social
8 Security Administration to carry out the purposes pro-
9 vided herein: *Provided further*, That such transfer author-
10 ity is in addition to any other transfer authority provided
11 in this Act: *Provided further*, That such funds shall be
12 available only to supplement and not to supplant existing
13 acquisition workforce activities: *Provided further*, That
14 such funds shall be available for training, recruitment, re-
15 tention, and hiring additional members of the acquisition
16 workforce as defined by the Office of Federal Procurement
17 Policy Act, as amended: *Provided further*, That such funds
18 shall be available for information technology in support
19 of acquisition workforce effectiveness or for management
20 solutions to improve acquisition management.

21 This Act may be cited as the “Departments of Labor,
22 Health and Human Services, and Education, and Related
23 Agencies Appropriations Act, 2011”

Calendar No. 504

111TH CONGRESS
2^D SESSION

S. 3686

[Report No. 111-243]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

AUGUST 2, 2010

Reported with an amendment