H. R. 3070

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2011

Mr. REHBERG introduced the following bill; which was referred to the
Committee on Appropriations

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, 2012, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for the
Departments of Labor, Health and Human Services, and
Education, and related agencies for the fiscal year ending
September 30, 2012, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment
Act of 1998 (referred to in this Act as the “WIA”), the
Second Chance Act of 2007, and the Women in Appren-
ticeship and Non-Traditional Occupations Act of 1992, in-
cluding the purchase and hire of passenger motor vehicles,
the construction, alteration, and repair of buildings and
other facilities, and the purchase of real property for train-
ing centers as authorized by the WIA, $962,205,000, plus
reimbursements, shall be available. Of the amounts pro-
vided:

(1) for grants to States for adult employment
and training activities, youth activities, and dis-
located worker employment and training activities,
$723,020,000 as follows:
(A) $207,520,000 for adult employment and training activities which shall be available for the period July 1, 2012 through December 31, 2012;

(B) $413,784,000 for youth activities, which shall be available for the period April 1, 2012 through December 31, 2012;

(C) $101,716,000 for dislocated worker employment and training activities which shall be available for the period July 1, 2012 through December 31, 2012; and

(D) No funds shall be available for the Workforce Innovation Fund as established by section 1801(a)(3) of division B of Public Law 112-10;

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: Provided further, That notwith-
standing section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 10 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs: Provided further, That of the unobligated balances made available for the Workforce Innovation Fund by section 1801(a)(3) of division B of Public Law 112-10, $125,000,000 is rescinded;

(2) for federally administered programs, $175,969,000 as follows:

(A) $64,580,000 for the dislocated workers assistance national reserve which shall be available for the period July 1, 2012 through December 31, 2012: Provided, That funds described in section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for state-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out sec-
tion 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers; Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $27,079,000 for Native American programs, which shall be available for the period July 1, 2012 through December 31, 2012;

(C) $43,310,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $38,110,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $2,700,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $2,500,000 for other discretionary purposes, which shall be available for the period July 1, 2012 through December 31, 2012: Provided, That notwithstanding any other provision of law or related regulation, the Secretary of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or
discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2012 through September 30, 2013; and

(E) $40,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2012 through December 31, 2012;

(3) for national activities, $63,216,000, as follows:

(A) $6,616,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2012 through September 31, 2013: Provided, That funds made available by Public Law 112-10 for program year 2011 that were designated for grants to address the employment and training needs of young parents may be used for other pilots, demonstration, and research activities;

(B) $45,000,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of
2007, which shall be available for the period
April 1, 2012 through December 31, 2012, and
which shall not be subject to the requirements
of section 171(b)(2)(B) or 171(c)(4)(D) of the
WIA: Provided, That not less than $10,000,000
shall be for competitive grants to national and
regional intermediaries for activities that pre-
pare young ex-offenders and school dropouts for
employment, with a priority for projects serving
high-crime, high-poverty areas;
(C) $11,600,000 for Evaluation, which
shall be available for the period July 1, 2012
through September 30, 2013;
(D) No funds shall be available for the
Green Jobs Innovation Fund; and
(E) No funds shall be available for the
Workforce Data Quality Initiative.
OFFICE OF JOB CORPS
To carry out subtitle C of title I of the WIA, includ-
ing Federal administrative expenses, the purchase and
hire of passenger motor vehicles, the construction, alter-
ation, and repairs of buildings and other facilities, and the
purchase of real property for training centers as author-
ized by the WIA, $2,223,930,000, plus reimbursements,
as follows:
(1) $2,089,000,000 for Job Corps Operations, which shall be available for obligation for the period July 1, 2012 through September 30, 2013;

(2) $103,500,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2012 through September 30, 2015: Provided, That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of such centers: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after September 30, 2013; and

(3) $31,430,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2011 through September 30, 2012; Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That no funds shall be available to initiate a competition for any new Job Corps center not previously approved through a competitive selection process by the Secretary of Labor.
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $450,000,000, which shall be available for the period July 1, 2012 through September 30, 2013.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2012 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, $1,100,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2012.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $43,139,000, together with not to exceed $3,629,167,000,
which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:

(1) $3,190,899,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501-8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2012, except that funds used for automation acquisitions or incentive grants for improved operations shall be available for obligation by the States through September 30, 2014, and funds used for unemployment insurance workloads experienced by the States through September 30, 2012 shall be
available for Federal obligation through December 31, 2012;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $340,447,000 from the Trust Fund, together with $11,342,000 from the general fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2012 through December 31, 2012;

(4) $20,994,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $65,517,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nation-
ality Act and related laws, of which $50,418,000 shall be available for the Federal administration of such activities, and $15,099,000 shall be available for grants to States for the administration of such activities; and

(6) $31,797,000 from the general fund of the Treasury is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171(e)(2)(C) of the WIA and shall be available for Federal obligation for the period July 1, 2012 through December 31, 2012:

Provided, That to the extent that the Average Weekly Insured Unemployment (“AWIU”) for fiscal year 2012 is projected by the Secretary of Labor to exceed 4,832,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the Presi-
dent under the Robert T. Stafford Disaster Relief and
Emergency Act: Provided further, That the Secretary of
Labor may use funds appropriated for grants to States
under title III of the Social Security Act to make pay-
ments on behalf of States for the use of the National Di-
rectory of New Hires under section 453(j)(8) of such Act:
Provided further, That funds appropriated in this Act
which are used to establish a national one-stop career cen-
ter system, or which are used to support the national ac-
tivities of the Federal-State unemployment insurance or
immigration programs, may be obligated in contracts,
grants, or agreements with non-State entities: Provided
further, That funds appropriated under this Act for activi-
ties authorized under title III of the Social Security Act
and the Wagner-Peyser Act may be used by States to fund
integrated Unemployment Insurance and Employment
Service automation efforts, notwithstanding cost allocation
principles prescribed under the Office of Management and
Budget Circular A-87: Provided further, That the Sec-
retary of Labor, at the request of a State participating
in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security
Act to other States participating in the consortium in
order to carry out activities that benefit the administration
of the unemployment compensation law of the State making the request.

In addition, $60,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2013.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $91,320,000, together with not to exceed $50,040,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.
SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $159,363,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2012, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2012 shall be available for obligations for administrative expenses in excess of $476,901,000: Provided further, that to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2012, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2013, for obligation for administrative ex-
expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available through September 30, 2013 for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pre-termination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $214,805,000.
Office of Labor-Management Standards
Salaries and Expenses
For necessary expenses for the Office of Labor-Management Standards, $41,367,000.

Office of Federal Contract Compliance Programs
Salaries and Expenses
For necessary expenses for the Office of Federal Contract Compliance Programs, $105,386,000.

Office of Workers’ Compensation Programs
Salaries and Expenses
For necessary expenses for the Office of Workers’ Compensation Programs, $115,939,000, together with $2,124,000, which may be expended from the Special Fund in accordance with sections 39(e), 44(d), and 44(j) of the Longshore and Harbor Workers’ Compensation Act.

SPECIAL BENEFITS
(INCLUDING TRANSFER OF FUNDS)
For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections
4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, $350,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2011 shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2012: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees’ Compensation Act,
$59,488,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $17,253,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $26,769,000;

(3) For periodic roll management and medical review, $15,466,000; and

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

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

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $141,227,000, to remain available until expended.

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

For making benefit payments under title IV for the
first quarter of fiscal year 2013, $40,000,000, to remain
available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy
Employees Occupational Illness Compensation Program
Act, $52,147,000, to remain available until expended: Pro-
vided, That the Secretary of Labor may require that any
person filing a claim for benefits under the Act provide
as part of such claim such identifying information (includ-
ing Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung
Disability Trust Fund (‘‘Fund’’), to remain available until
expended, for payment of all benefits authorized by section
9501(d)(1), (2), (6), and (7) of the Internal Revenue Code
of 1986; and repayment of, and payment of interest on
advances, as authorized by section 9501(d)(4) of that Act.
In addition, the following amounts may be expended from
the Fund for fiscal year 2012 for expenses of operation
and administration of the Black Lung Benefits program,
as authorized by section 9501(d)(5): not to exceed $32,906,000 for transfer to the Office of Workers’ Compensation Programs, “Salaries and Expenses”; not to exceed $25,217,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed $327,000 for transfer to Departmental Management, “Office of Inspector General”; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $565,712,000, including not to exceed $104,184,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (“Act”), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and
education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2012, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of the Act of April 13, 1934 (29 U.S.C. 9a), to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting
through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

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

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

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

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

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

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:
Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees; Provided further, That no funds shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $379,854,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; and, in addition, the Secretary of Labor may transfer from amounts provided
under this heading up to $15,000,000 to “Departmental Management” for activities related to the Office of the Solicitor’s caseload before the Federal Mine Safety and Health Review Commission; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**BUREAU OF LABOR STATISTICS**

**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State,
Federal, and local agencies and their employees for services rendered, $552,921,000, together with not to exceed $67,303,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act.

Office of Disability Employment Policy

Salaries and Expenses

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $39,031,000.

Departmental Management

Salaries and Expenses (Including Transfer of Funds)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $268,407,000, together with not to exceed $326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That $26,332,000 is for the Bureau of International Labor Affairs and shall be available for obligation through December 31, 2012: Provided further,
That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants, or other arrangements: Provided further, That $8,500,000 shall be used for program evaluation: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department of Labor for such purpose: Provided further, That not more than $87,213,000 of the funds made available for Legal Services may be obligated until the Secretary of Labor provides to the Committees on Appropriations of the House of Representatives and the Senate a copy of the operating plan issued by the Solicitor of Labor on September 22, 2010, as well as a copy of the plan as it exists on the date of enactment of this Act: Provided further, That from amounts provided herein, the Women’s Bureau is authorized to award grants to serve and promote the interests of women in the workforce.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $212,065,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103–353, and which shall be available for obliga-
tion by the States through December 31, 2012, of which $2,449,000 is for the National Veterans’ Employment and Training Services Institute. In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the WIA, $58,971,000, of which $19,641,000 shall be available for obligation for the period July 1, 2012, through September 30, 2013.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $25,000,000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $78,453,000 together with not to exceed $5,992,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

Sec. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any prora-
tion as an indirect cost, at a rate in excess of Executive
Level III.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discre-

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

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

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act or available to the Secretary of Labor from other sources for Career Pathways Innovation Fund grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a noncompetitive basis.

SEC. 106. None of the funds made available by this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level III. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may es-
establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved, including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

SEC. 107. Notwithstanding section 102, the Secretary of Labor may transfer funds made available to the Employment and Training Administration by this Act or by Public Law 112-10, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal staff.

SEC. 108. Notwithstanding section 128(a)(1) of the WIA, for funds provided for State allotments under such Act in Public Law 112-10, the amount available to the Governor for statewide workforce investment activities shall not exceed 5 percent.

SEC. 109. None of the funds made available by this Act may be used to promulgate or implement a final rule

SEC. 110. Section 3142(b) of title 40, United States Code, is amended—

(1) by inserting “(acting through the Bureau of Labor Statistics of the Department of Labor)” after “Secretary of Labor”; and

(2) by inserting before the period at the end, “, using surveys carried out by the Bureau of Labor Statistics that use proper random statistical sampling techniques”.

SEC. 111. None of the funds made available by this title may be used to implement, administer, or enforce the final regulations on “Federal Acquisition Regulation; FAR Case 2009-005, Use of Project Labor Agreements for Federal Construction Projects” published by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration on April 13, 2010 (75 Fed. Reg. 19168).
SEC. 112. None of the funds made available by this Act may be used to administer, implement, or promote the Department of Labor program known as “Bridge to Justice” or any similar attorney referral program that refers individuals with complaints relating to employment violations to private attorneys.

SEC. 113. None of the funds made available by this Act may be used to continue the development of or to promulgate the Right to Know Under the Fair Labor Standards Act regulation (Regulatory Identification Number 1235-AA04) being developed by the Wage and Hour Division of the Department of Labor.

SEC. 114. None of the funds made available by this Act may be used to promulgate or implement a final rule amending parts 405 and 406 of title 29, Code of Federal Regulations (relating to employer and labor relations consultant reporting under the Labor-Management Reporting and Disclosure Act), including the proposed rulemaking published by the Office of Labor-Management Standards of the Department of Labor on June 21, 2011 (76 Fed. Reg. 26178 et seq.).

SEC. 115. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Labor to require an H-2A
employer to reimburse the cost of an H-2A worker’s trans-
portation and subsistence from—

(1) the place from which the H–2A worker was
approved to enter the United States to the location
at which the work for the employer is performed; or

(2) if the H–2A worker traveled from a place
in the United States at which the H–2A worker was
last employed, from such place of last employment
to the location at which the work for the employer
is performed, prior to the pay period following the
week during which such worker completes 50 per-
cent of the period of employment of the job for
which the worker was hired.

SEC. 116. None of the funds made available by this
Act may be used to pay the salaries and expenses of per-
sonnel of the Department of Labor to require an H-2A
employer to hire any qualified U.S. worker who applies
for work until such time as one-half the H-2A contract
period has ended.

SEC. 117. None of the funds made available by this
Act may be used to pay the salaries and expenses of per-
sonnel of the Department of Labor to require an H-2A
employer to pay an H-2A worker a wage that is not the
prevailing hourly wage in the occupation for which the em-
ployer has petitioned for workers.
SEC. 118. None of the funds made available by this Act may be used to—

(1) continue the development of or to promulgate, administer, enforce, or otherwise implement the Wage Methodology for the Temporary Non-agricultural Employment H-2B Program regulation (Regulatory Identification Number 1205-AB61) published by the Employment and Training Administration of the Department of Labor on January 19, 2011 (76 Fed. Reg. 3452 et seq.); or

(2) continue the development of or to promulgate, administer, enforce, amend, issue a final rule, or otherwise implement the Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers) regulation (Regulatory Identification Number 1205-AB58) published by the Employment and Training Administration and the Wage and Hour Division of the Department of Labor on March 18, 2011 (76 Fed. Reg. 15130 et seq.).

SEC. 119. None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Occupational Injury and Illness Recording and Reporting
Requirements—Musculoskeletal Disorders (MSD) Column

regulation (Regulatory Identification Number 1218-AC45) being developed by the Occupational Safety and Health Administration of the Department of Labor.

SEC. 120. None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Injury and Illness Prevention Program regulation (Regulatory Identification Number 1218-AC48) being developed by the Occupational Safety and Health Administration of the Department of Labor.

SEC. 121. None of the funds made available by this Act may be used to enforce the cancellation of compliance directive STD 03-00-001 (Plain Language Revision of OSHA Instruction STD 3-1, Interim Fall Protection Compliance Guidance for Residential Construction) as it relates to residential reroofing and roof-repair activities.

SEC. 122. None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Lowering Miners’ Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors regulation (Regulatory Identification Number 1219-AB64) being developed by the Mine Safety and Health Administration of the Department of Labor.
SEC. 123. None of the funds made available by this Act for the Department of Labor may be used to initiate, administer, promulgate, or enforce any “significant regulatory action” as defined by Executive Order 12866 unless the Committees on Appropriations of the House of Representatives and Senate have been notified at least 30 days prior to the issuance of such action.

SEC. 124. None of the funds made available by this Act for the Department of Labor may be used to develop new courses, modules, learning materials, or projects in carrying out education or career job training grant programs unless the Secretary of Labor certifies, after a comprehensive market-based analysis, that such courses, modules, learning materials, or projects are not otherwise available for purchase or licensing in the marketplace or under development for students who require them to participate in such education or career job training grant programs.

SEC. 125. None of the funds made available by this Act for the Department of Labor may be used to pay the salaries and expenses of personnel of the Office of Recovery for Auto Communities and Workers of the Department of Labor.
SEC. 126. None of the funds made available by this Act may be used by the Secretary of Labor to administer or enforce 29 CFR 779.372(c)(4).

SEC. 127. None of the funds made available by this Act may be used for the purpose of compensating employees for official time, as such term is defined in subsections (a), (e), and (d) of section 7131 of title 5, United States Code, except in the case in which an employee uses official time for the purpose of:

(a) the negotiation of a collective bargaining agreement, including attendance at an impasse proceeding, that has commenced before the date of enactment of this Act;

(b) any proceeding before the Federal Labor Relations Authority that has commenced before the date of enactment of this Act; or

(c) any other matter with respect to which an agreement has been made prior to the date of enactment of this Act that official time may be used or granted.

This title may be cited as the “Department of Labor Appropriations Act, 2012”.

•HR 3070 IH
TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act”) with respect to primary health care, $2,594,230,000, of which $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center: Provided, That funds provided under this heading shall be used to continue the same number of health center service delivery sites supported in the previous fiscal year: Provided further, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act, including associated administrative expenses and relevant evaluations: Provided further, That no more than $95,073,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, and the Health Care Quality
Improvement Act of 1986, $601,841,000: Provided, That the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: Provided further, That no funds shall be available for section 340G–1 of the PHS Act: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out such Act: Provided further, That fees collected for the full disclosure of information under the “Health Care Fraud and Abuse Data Collection Program”, authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That dentistry faculty loan repayments shall be made using the same terms and conditions as the Nursing Faculty Loan Repayment program authorized under section 738 of the PHS Act unless otherwise authorized: Provided further, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under
these provisions: *Provided further,* That in addition to amounts provided herein, $2,815,000 shall be available from amounts available under section 241 of the PHS Act to carry out titles VII and VIII and section 340G of the PHS Act.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $850,408,000: *Provided,* That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $90,216,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,379,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,311,665,000, of which $1,980,670,000 shall remain available to the Secretary of Health and Human Services through September 30, 2014, for parts A and B of title XXVI of the PHS Act, of which not less than $885,000,000 shall be for State AIDS Drug Assistance
Programs under the authority of section 2616 or 311(c) of such Act: Provided, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $63,896,000.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, and sections 711 and 1820 of the Social Security Act, $139,853,000, of which $41,118,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: Provided, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and $1,000,000 shall be to carry out section
1820(g)(6) of the Social Security Act, with funds provided for such grants available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: Provided further, That notwithstanding section 338J(k) of the PHS Act, $10,055,000 shall be available for State Offices of Rural Health.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $147,052,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,841,000.
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,489,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, VII, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $686,765,000: Provided, That in addition to amounts provided herein, $12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, VII, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral
hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,043,291,000.

EMERGING AND ZOONOTIC INFECTIONOUS DISEASES

For carrying out titles II, III, VII, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $242,070,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, VII, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $701,680,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for up to 21 States, tribes, or tribal organizations.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, VII, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $121,809,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to environmental health, $115,106,000.
INJURY PREVENTION AND CONTROL

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to injury prevention and control, $141,388,000.

OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $162,000,000: Provided, that in addition to amounts provided herein, $87,663,000 shall be available from amounts available under section 241 of the PHS Act.

EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000 to remain available until expended: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.
GLOBAL HEALTH

For carrying out titles II, III, VII and XVII of the PHS Act with respect to global health, $324,246,000, of which $118,023,000 for international HIV/AIDS shall remain available through September 30, 2013: Provided, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, and related to the purchase, hire, maintenance, and operation of aircraft for use and support of the activities of the Centers for Disease Control and Prevention, $1,340,104,000, of which $522,486,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act.

BUILDINGS AND FACILITIES

For acquisition of real property, equipment, construction and renovation of facilities, $30,000,000, which shall remain available until September 30, 2016.
HEALTH STATISTICS

For carrying out titles II and III of the PHS Act with respect to health statistics, $136,683,000 shall be available from amounts available under section 241 of the PHS Act.

CROSS-CUTTING ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, VII, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support that supplement activities funded under the headings “Immunization and Respiratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention”, “Emerging and Zoonotic Infectious Diseases”, “Chronic Disease Prevention and Health Promotion”, “Birth Defects, Developmental Disabilities, Disabilities and Health”, “Environmental Health”, “Injury Prevention and Control”, “Occupational Safety and Health”, “Employees Occupational Illness Compensation Program Act”, “Global Health”, “Public Health Preparedness and Response”, “Buildings and Facilities”, and “Health Statistics”, $688,940,000, of which $100,000,000 shall be for the Preventive Health and Health Services Block Grant Program: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all
other accounts of the Centers for Disease Control and Prevention: Provided further, That in addition to amounts provided herein, $109,086,000 shall be available from amounts available under section 241 of the PHS Act to carry out Public Health Scientific Services: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: Provided further, That the Centers for Disease Control and Prevention may use up to $10,000 from amounts appropriated to the Centers for Disease Control and Prevention in this Act for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention:

Provided further, That funds made available under “Immunization and Respiratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention”, “Emerging and Zoonotic Infectious Diseases”, “Chronic Disease Prevention and Health Pro-
“Birth Defects, Developmental Disabilities, Disabilities and Health”, “Environmental Health”, and “Injury Prevention and Control” may be used for international public health activities only after an operating plan for these activities has been submitted to the Committees on Appropriations of the House of Representatives and the Senate, and such Committees issue an approval, or absent a response, a period of 45 days has elapsed:

Provided further, That such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2013.

National Institutes of Health

National Cancer Institute

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $5,196,136,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.
NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,147,992,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental disease, $420,369,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney diseases, $1,837,957,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $1,664,253,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,915,970,000.
NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,102,300,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,352,189,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $719,059,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $700,537,000, of which none of the funds may be used for travel by the Office of the Director.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,129,987,000.
NATIONAL INSTITUTE OF ARTHRITIS AND
MUSCULOSKELETAL AND SKIN DISEASES
For carrying out section 301 and title IV of the PHS
Act with respect to arthritis and musculoskeletal and skin
diseases, $547,891,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER
COMMUNICATION DISORDERS
For carrying out section 301 and title IV of the PHS
Act with respect to deafness and other communication dis-
orders, $426,043,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the PHS
Act with respect to nursing research, $148,114,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
ALCOHOLISM
For carrying out section 301 and title IV of the PHS
Act with respect to alcohol abuse and alcoholism,
$469,197,000.

NATIONAL INSTITUTE ON DRUG ABUSE
For carrying out section 301 and title IV of the PHS
Act with respect to drug abuse, $1,080,018,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the PHS
Act with respect to mental health, $1,517,006,000.
NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $524,807,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $322,106,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the PHS Act with respect to research resources and general research support grants, $1,397,900,000: Provided, That not less than $330,598,000 is provided for the Institutional Development Awards program.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, $131,002,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $214,608,000.
JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $71,328,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $387,153,000: Provided, That in fiscal year 2012, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health (“NIH”), $1,198,412,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: Provided, That funding shall be available for the purchase of not to exceed
29 passenger motor vehicles for replacement only: Provided further, That the NIH shall collect third-party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $193,880,000 shall be available for continuation of the National Children’s Study: Provided further, That $556,890,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That none of the funds provided for the Common Fund may be used to fund any Common Fund-supported initiatives for a period of more than 10 fiscal years: Provided further, That up to $10,000,000 shall be available for the Director’s Discretionary Fund, of which up to $2,000,000 may be used to establish the Cures Acceleration Board within the Office of the Director’s Division of Program Coordination, Planning, and Strategic Initiatives to develop a plan with prioritized recommendations related to the Cures Acceleration Network for consideration in future appropriations: Provided further, That up to $10,000 shall be for official reception and representation expenses when specifically approved by the Director.
of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: Provided further, That the Director of the NIH shall ensure that at least 9,150 new and competing research project grants are awarded in fiscal year 2012 from all Institute, Center, and Office of the Director accounts within the “Department of Health and Human Services, National Institutes of Health”: Provided further, That the Director of the NIH shall, with respect to the aggregate amount of funds appropriated to the NIH by this Act, maintain an allocation of 90 percent to extramural activities and 10 percent for intramural activities: Provided further, That the Director of the NIH shall ensure that, of all funds made available to Institute, Center, and Office of the Director accounts within “Department of Health and Human Services, National Institutes of Health”, at least $487,767,000 is provided to the Clinical & Translational Sciences Awards program: Provided further, That the Director of the NIH may request to direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriations shall be decreased by more
than 1 percent by any such transfer and that the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer and approve such transfer.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for facilities of or used by the National Institutes of Health, including the acquisition of real property, $125,581,000, to remain available until September 30, 2016.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $765,438,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, $20,997,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the
1 total available under this Act for section 1920(b) activities
2 shall not exceed 5 percent of the amounts appropriated
3 for subpart I of part B of title XIX: Provided further, That
4 section 520E(b)(2) of the PHS Act shall not apply to
5 funds appropriated under this Act for fiscal year 2012.

SUBSTANCE ABUSE

For carrying out titles III, V, and XIX of the PHS
Act with respect to substance abuse, $2,199,360,000:
Provided, That in addition to amounts provided herein,
the following amounts shall be available under section 241
of the PHS Act: (1) $79,200,000 to carry out subpart
II of part B of title XIX of the PHS Act to fund section
1935(b) technical assistance, national data, data collection
and evaluation activities under section 1935(b) of such
Act, and further that the total available under this Act
for section 1935(b) activities shall not exceed 5 percent
of the amounts appropriated for subpart II of part B of
title XIX; and (2) $2,000,000 to evaluate substance abuse
treatment programs: Provided further, That no funds shall
be available for the National All Schedules Prescription
Reporting system.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support in the Substance Abuse and
Mental Health Services Administration, $122,116,000:
Provided, That in addition to amounts provided herein,
$29,346,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That funds made available under this heading may be used to supplement program support funding provided under the headings “Substance Abuse”, “Mental Health”, and “Cross-Cutting Activities”.

CROSS-CUTTING ACTIVITIES

For cross-cutting activities that supplement activities funded under the headings “Substance Abuse” and “Mental Health” in carrying out title V of the PHS Act, $10,000,000.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and inter-agency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2013: Provided, That the amount made avail-
able pursuant to section 937(c) of the PHS Act shall not exceed $324,294,000.

Centers for Medicare and Medicaid Services

Grants to States for Medicaid

Except as otherwise provided, for carrying out titles XI and XIX of the Social Security Act, $184,623,203,000, to remain available until expended.

For making, after May 31, 2012, payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act (or in the case of section 1928 of such title, on behalf of states) for the last quarter of fiscal year 2012 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act (or in the case of section 1928 of such title, on behalf of states) of Section for the first quarter of fiscal year 2013, $90,614,082,000, to remain available until expended.

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

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $231,012,000,000.

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

PROGRAM MANAGEMENT

Except as otherwise provided, for carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,173,005,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and

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Human Services pursuant to section 302 of the Tax Relief
and Health Care Act of 2006; and such sums as may be
collected from authorized user fees and the sale of data,
which shall be credited to this account and remain avail-
able until September 30, 2013: Provided, That no funds
shall be provided to the Research, Demonstration, and
Evaluation program: Provided further, That the level for
Medical Operations shall be $2,103,266,000: Provided fur-
ther, That the level for the Federal Administration Pro-
gram shall be $675,263,000: Provided further, That all
funds derived in accordance with section 9701 of Title 31,
United States Code from organizations established under
title XIII of the PHS Act shall be credited to and available
for carrying out the purposes of this appropriation: Pro-
vided further, That $34,000,000, to remain available
through September 30, 2013, shall be for contract costs
for the Healthcare Integrated General Ledger Accounting
System: Provided further, That none of the funds provided
shall be used to support the Center for Consumer Infor-
mation and Insurance Oversight or activities developed,
administered, or implemented by this Center: Provided
further, That the Secretary is directed to collect fees in
fiscal year 2012 from Medicare Advantage organizations
pursuant to section 1857(e)(2) of the Social Security Act
and from eligible organizations with risk-sharing contracts
under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That $44,000,000 shall be available for the State high-risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $581,000,000, to remain available through September 30, 2013, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $332,301,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act; of which $97,556,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which $58,058,000 shall be for the Medicaid and Children’s Health Insurance Program (“CHIP”) program integrity activities; and of which
$93,085,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2012 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs from the funds provided by this appropriation: Provided further, That the Secretary of Health and Human Services shall support the full cost of the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

Administration for Children and Families
Payments to States for Child Support
Enforcement and Family Support Programs

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,305,035,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2013, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for

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Needy Families with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

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

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,391,973,000: Provided, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,000,000 of such amounts may be reserved by the Secretary of Health and Human Services for monitoring program activities for compliance with internal controls, policies, and procedures.
REFUGEE AND ENTRANT ASSISTANCE

PAYMENTS TO STATES FOR THE CHILD CARE AND
DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development
Block Grant Act of 1990, $2,222,628,000 shall be used
to supplement, not supplant, State general revenue funds
for child care assistance for low-income families: Provided,
That $18,922,000 shall be available for child care resource
and referral and school-aged child care activities. Provided
further, That, in addition to the amounts required to be
reserved by the States under section 658G, $283,592,000
shall be reserved by the States for activities authorized
under section 658G, of which $104,005,000 shall be for
activities that improve the quality of infant and toddler
care: Provided further, That $9,890,000 shall be for use
by the Secretary of Health and Human Services for child
care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

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

(INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $9,989,073,000, of which $39,421,000, to remain available through September 30, 2013, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the
Social Security Act and may be made for adoptions completed before September 30, 2012: Provided, That $8,099,783,000 shall be for making payments under the Head Start Act: Provided further, That for purposes of allocating funds described by the immediately preceding proviso, the term “base grant” as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2011 shall be calculated as described in such subsection and to such amount shall be added 50 percent of the amount of funds appropriated under the heading “Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs” in Public Law 111–5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12-month period beginning in fiscal year 2011: Provided further, That of the amounts available for payments under the Head Start Act under this heading, notwithstanding subsections (a)(2)(C)(i) and (a)(3)(A)(ii)(II) of such section 640, not to exceed $20,000,000 shall be available for carrying out expansion of the Head Start programs described in subsection (a)(3)(A)(ii)(II)(bb) of such
section 640: Provided further, That $703,630,000 shall be for making payments under the CSBG Act, of which $25,340,000 shall be for sections 680 and 678E(b)(2), of which not less than $20,000,000 shall be for section 680(a)(2), and of which $4,990,000 shall be for section 680(a)(3)(B) of such Act: Provided further, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity, as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That in-
tangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to grant funds provided under the CSBG Act made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $1,996,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system’s effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $365,000,000 and section 437 of such Act, $63,184,000.
PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,153,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2013, $2,100,000,000.

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

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 and title XXIX of the PHS Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,471,324,000, of which up to $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $819,353,000 shall be for grants to States for nutrition program activities: Provided further, That $410,434,000
shall be for grants to States for home and community
based services, preventive health, and protection of older
Americans activities: Provided further, That $160,288,000
shall be for grants to States for caregivers program activi-
ties: Provided further, That none of the funds provided
shall be used to carry out sections 1701 and 1703 of the
PHS Act (with respect to chronic disease self-management
activity grants), except that such funds may be used for
necessary expenses associated with administering any such
grants awarded prior to the date of the enactment of this
Act: Provided further, That none of the funds provided
may be used to support Program Innovation activities.

Office of the Secretary

General Departmental Management

For necessary expenses, not otherwise provided, for
general departmental management, including hire of six
passenger motor vehicles, and for carrying out titles III,
XVII, and XXI of the PHS Act, the United States-Mexico
Border Health Commission Act, and research studies
under section 1110 of the Social Security Act,
$343,280,000, and $55,394,000 from the amounts avail-
able under section 241 of the PHS Act to carry out na-
tional health or human services research and evaluation
activities: Provided, That of the amounts available under
section 241 of the PHS Act, $53,891,000 shall be for mi-
nority AIDS prevention and treatment activities: Provided

further, That of the funds made available under this heading, $40,000,000 shall be for making competitive contracts and grants to public and private entities to fund age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which $20,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2)(A)-(H) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants made under the authority of section 510(b)(2)(A)-(H) of the Social Security Act shall be made only to public and private entities that agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through
grants and other mechanisms, medical and administrative
services deemed necessary for such adoptions: *Provided
further*, That such services shall be provided consistent
with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges
responsible for hearing cases under title XVIII of the So-
cial Security Act (and related provisions of title XI of such
Act), $71,147,000, to be transferred in appropriate part
from the Federal Hospital Insurance Trust Fund and the
Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National
Coordinator for Health Information Technology, including
grants, contracts, and cooperative agreements for the de-
development and advancement of interoperable health infor-
mation technology, $28,051,000, which shall be available
from amounts available under section 241 of the Public
Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector
General, including the hire of passenger motor vehicles for
investigations, in carrying out the provisions of the Inspec-
tor General Act of 1978, $50,178,000: *Provided*, That of
such amount, necessary sums shall be available for pro-
viding protective services to the Secretary of Health and
Human Services and investigating non-payment of child
support cases for which non-payment is a Federal offense
under 18 U.S.C. 228: Provided further, That at least 40
percent of the funds provided in this Act for the Office
of Inspector General shall be used only for investigations,
audits, and evaluations pertaining to the discretionary
programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil
Rights, $37,709,000, together with not to exceed
$3,307,000 to be transferred and expended as authorized
by section 201(g)(1) of the Social Security Act from the
Federal Hospital Insurance Trust Fund and the Federal
Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR
COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public
Health Service Commissioned Officers as authorized by
law, for payments under the Retired Serviceman’s Family
Protection Plan and Survivor Benefit Plan, and for med-
ical care of dependents and retired personnel under the
Dependents’ Medical Care Act, such amounts as may be
required during the current fiscal year.
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies and to pay the costs described in section 319F–2(e)(7)(B) of the PHS Act, $543,114,000, of which $29,647,000 shall be to support preparedness and emergency operations.

From funds transferred to this account pursuant to the fourth paragraph under this heading in Public Law 111–117, up to $415,000,000 shall be available for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority to support additional advanced research and development.

GENERAL PROVISIONS

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

Sec. 202. The Secretary of Health and Human Services shall make available through assignment not more
than 60 employees of the Public Health Service to assist
in child survival activities and to work in AIDS programs
through and with funds provided by the Agency for Inter-
national Development, the United Nations International
Children’s Emergency Fund, or the World Health Organi-
zation.

Sec. 203. None of the funds appropriated in this title
shall be used to pay the salary of an individual, through
a grant or other extramural mechanism, at a rate in excess
of Executive Level III.

Sec. 204. None of the funds appropriated in this Act
may be expended pursuant to section 241 of the PHS Act,
except for funds specifically provided for in this Act, or
for other taps and assessments made by any office located
in the Department of Health and Human Services, prior
to the preparation and submission of a report by the Sec-
retary of Health and Human Services to the Committees
on Appropriations of the House of Representatives and the
Senate detailing the planned uses of such funds.

Sec. 205. Notwithstanding section 241(a) of the
PHS Act, such portion as the Secretary of Health and
Human Services shall determine, but not more than 2.4
percent, of any amounts appropriated for programs au-
thorized under such Act shall be made available for the
evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

Sec. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer and approve such transfer.

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

Sec. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

Sec. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

Sec. 210. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification
or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

**SEC. 211.** None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity’s enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program’s coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

**SEC. 212.** In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS, other infectious diseases, and chronic and environmental diseases, and other health activities abroad during fiscal year 2012:
(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

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

(3) The Secretary of Health and Human Services is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code, if such personnel’s official duty station were in the District of Columbia. Leaves of absence for personnel under
this subsection shall be on the same basis as that
provided under subchapter I of chapter 63 of title 5,
United States Code, or section 903 of the Foreign
Service Act of 1980, to individuals serving in the
Foreign Service.

SEC. 213. (a) Authority.—Notwithstanding any
other provision of law, the Director of the National Insti-
tutes of Health ("Director") may use funds available
under section 402(b)(7) or 402(b)(12) of the PHS Act to
enter into transactions (other than contracts, cooperative
agreements, or grants) to carry out research identified
pursuant to such section 402(b)(7) (pertaining to the
Common Fund) or research and activities described in
such section 402(b)(12).

(b) Peer Review.—In entering into transactions
under subsection (a), the Director may utilize such peer
review procedures (including consultation with appropriate
scientific experts) as the Director determines to be appro-
priate to obtain assessments of scientific and technical
merit. Such procedures shall apply to such transactions
in lieu of the peer review and advisory council review pro-
cedures that would otherwise be required under sections
301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
and 494 of the PHS Act.
SEC. 214. Notwithstanding any other provision of law, discretionary funds made available under this Act may be used to operate the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 215. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

SEC. 216. None of the funds appropriated by this Act may be made available for sections 4001, 4004, and 4201 of Public Law 111–148.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for
Healthcare Research and Quality to make NRSA awards for health service research.

Sec. 218. Notwithstanding any other provision of law, none of the discretionary funds appropriated by this Act may be used to support any patient-centered outcomes research.

Sec. 219. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

Sec. 220. Notwithstanding any other provision of law, not more than one percent of all title 42 employees may receive a salary that exceeds Executive Level III.

Sec. 221. None of the funds appropriated or otherwise made available in this Act may be expended to further creation of a Federally Funded Research and Development Center (“FFRDC”) at the Centers for Medicare and Medicaid Services or create an FFRDC within the Department of Health and Human Services, prior to submission of a specific request by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of the proposed FFRDC and the Committees provide written approval.

Sec. 222. None of the funds appropriated in this Act may be used to carry-out title X of the PHS Act.
SEC. 223. None of the funds appropriated in this Act may be used for the Healthy Foods Financing Initiative.

SEC. 224. None of the funds made available in this Act may be used to promulgate, implement, or enforce any expansion of liability or fines under the Emergency Medical Treatment and Labor Act (Sections 1866(a)(1)(I), 1866(a)(1)(N), and 1867 of the Social Security Act).

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2012”.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as the “ESEA”) and section 418A of the Higher Education Act of 1965, $15,949,319,000, of which $2,624,555,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $13,279,177,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That $6,584,750,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2011, to obtain annually updated local educational-agency-level census poverty
data from the Bureau of the Census: Provided further,
That $1,362,301,000 shall be for concentration grants
under section 1124A of the ESEA: Provided further, That
$3,758,183,000 shall be for targeted grants under section
1125 of the ESEA: Provided further, That
$3,758,183,000 shall be for education finance incentive
grants under section 1125A of the ESEA: Provided fur-
ther, That $5,000,000 shall be to carry out sections 1501
and 1503 of the ESEA: Provided further, That the ESEA
title I, part A funds awarded to local educational agencies
under the American Recovery and Reinvestment Act of
2009 for fiscal year 2009 shall not be considered for the
purpose of calculating hold-harmless amounts under sec-
tions 1122(c) and 1125A(g)(3) in making allocations
under title I, part A for fiscal year 2012 and succeeding
years.

IMPACT AID

For carrying out programs of financial assistance to
federally affected schools authorized by title VIII of the
Elementary and Secondary Education Act of 1965,
$1,308,631,000, of which $1,170,724,000 shall be for
basic support payments under section 8003(b),
$48,505,000 shall be for payments for children with dis-
abilities under section 8003(d), $17,474,000 shall be for
construction under section 8007(a) and shall remain avail-
able through September 30, 2012, $67,074,000 shall be
for Federal property payments under section 8002, and
$4,854,000, to remain available until expended, shall be
for facilities maintenance under section 8008: Provided,
That for purposes of computing the amount of a payment
for an eligible local educational agency under section
8003(a) for school year 2011–2012, children enrolled in
a school of such agency that would otherwise be eligible
for payment under section 8003(a)(1)(B) of such Act, but
due to the deployment of both parents or legal guardians,
or a parent or legal guardian having sole custody of such
children, or due to the death of a military parent or legal
guardian while on active duty (so long as such children
reside on Federal property as described in section
8003(a)(1)(B)), are no longer eligible under such section,
shall be considered as eligible students under such section,
provided such students remain in average daily attendance
at a school in the same local educational agency they at-
tended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities au-
thorized by part A of title II, part B of title IV, parts
A and B of title VI, and parts B and C of title VII of
the ESEA; the McKinney-Vento Homeless Assistance Act;
section 203 of the Educational Technical Assistance Act
of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $4,332,102,000, of which $2,571,034,000 shall become available on July 1, 2012, and remain available through September 30, 2013, and of which $1,681,441,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That $379,951,000 shall be for State assessments authorized under section 6111 of the ESEA and $10,000,000 shall be for enhanced assessment instruments authorized under section 6112 of the ESEA: Provided further, That the Secretary shall implement part C of title VII of the ESEA without regard to the requirements of section 7304(d)(2): Provided further, That $8,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $17,652,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants.
and to reimburse the Departments of Labor, Health and Human Services, and Education for such services.

**INDIAN EDUCATION**

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, $132,027,000.

**INNOVATION AND IMPROVEMENT**

For carrying out activities authorized by part C of title II, and parts B, C, and D of title V of the ESEA, $821,411,000: Provided, That $399,200,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $399,200,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles:
Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities and that 95 percent shall become available on July 1, 2012, and remain available through September 30, 2013, for competitive grants: Provided further, That of the funds available for part B of title V of the ESEA the Secretary may use up to $125,000,000 to carry out activities under section 5205(b), under subpart 2, and to make multiple awards for grants and subgrants to not-for-profit charter management organizations and other not-for-profit entities for the replication and expansion of successful charter school models and may reserve up to $10,000,000 to carry out the activities described in section 5205(a), including by providing technical assistance and grants to authorized public chartering agencies to increase the number of high-performing charter schools and to improve the quality of such schools: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff of authorized pub-
lic chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV of the ESEA, $65,000,000.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $733,531,000, which shall become available on July 1,
2012, and shall remain available through September 30, 2013, except that 6.5 percent of such amount shall be available on October 1, 2011, and shall remain available through September 30, 2013, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (referred to in this Act as the “IDEA”), $13,757,844,000, of which $4,924,727,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $8,592,383,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012-2013: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2011, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2011.
Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,522,686,000: Provided, That not less than 25 percent of the State grants awarded under section 4 of the Assistive Technology Act of 1998 shall be for alternative financing programs that meet the requirements under sections 301(b), 303(b)(3), and 304(a), as such sections were in effect on the day before the date of enactment of the Assistive Technology Act of 2004.

Special Institutions for Persons With Disabilities

American Printing House for the Blind

For carrying out the Act of March 3, 1879, $24,551,000.

National Technical Institute for the Deaf

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $65,546,000, of which $240,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.
For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $122,754,000, of which $4,754,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act (referred to in this Act as the “AEFLA”), $1,738,946,000, of which $947,946,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $791,000,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013: Provided, That of the amount provided for Adult Education State Grants, $75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English proficient populations: Provided further, That of the amount reserved for inte-
grated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State’s absolute need as determined by calculating each State’s share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for AEFLA, $11,323,000 shall be for national leadership activities under section 243.

**STUDENT FINANCIAL ASSISTANCE**

For carrying out subparts 1 and 3 of part A, and part C of title IV of the Higher Education Act of 1965, $22,367,521,000, which shall remain available through September 30, 2013.

The maximum Pell Grant for which a student shall be eligible during award year 2012–2013 shall be $4,860: Provided, That if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount appropriated or otherwise made available by
this Act or any other Act for Pell Grant awards in such award year, and any funds available from the fiscal year 2011 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Higher Education Act of 1965, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

Student Aid Administration

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9 and 10 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $992,012,000: Provided, That not less than $370,314,000 shall be used to carry out loan servicing activities.

Higher Education

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (referred to in this Act as the “HEA”) and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $1,628,052,000: Provided, That $600,000 shall be for data collection and evaluation activities for programs under the HEA, including such ac-
activities needed to comply with the Government Performance and Results Act of 1993.

HOWARD UNIVERSITY

For partial support of Howard University, $234,507,000, of which not less than $3,593,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $460,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,188,000, as authorized pursuant to part D of title III of the HEA: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $279,393,000.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Fi-
nancing Program entered into pursuant to part D of title III of the HEA, $353,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $620,903,000, of which $551,253,000 shall be available through September 30, 2013: Provided, That up to $10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $449,815,000, of which $2,711,000 to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.
OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $102,818,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $59,933,000.

GENERAL PROVISIONS

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

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

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

(TRANSFER OF FUNDS)

Sec. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Represent-atives and the Senate are notified at least 15 days in ad-vance of any transfer and approve such transfer.
SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.


SEC. 307. None of the funds made available by this Act may be used to—

(1) implement, administer, or enforce the final regulations on “Program Integrity: Gainful Employment-New Programs” published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66665 et seq.);

(2) implement, administer, or enforce the final regulations on “Program Integrity: Gainful Employment” published by the Department of Education on June 13, 2011 (76 Fed. Reg. 34386 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.); or
(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term “gainful employment” under the Higher Education Act of 1965 on or after the date of enactment of this Act.

SEC. 308. None of the funds made available by this Act may be used to—

(1) implement, administer, or enforce section 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or 668.43(b) of title 34, Code of Federal Regulations (relating to State authorization), as added or amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.); or

(2) implement, administer, or enforce the definition of the term “credit hour” in section 600.2 of title 34, Code of Federal Regulations, as added by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66946), or subsection (k)(2)(ii) of section 668.8 of such title, as amended by such final regulations (75 Fed. Reg. 66949 et seq.).

SEC. 309. (a) FEDERAL PELL GRANT ELIGIBILITY. —
(1) No less than half-time.—Section 401(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(B)) is amended by striking “basis (including a student who attends an institution of higher education on less than a half-time basis)” and inserting “basis, but at least a half-time basis,”.

(2) Minimum level.—Section 401(b)(4) of such Act (20 U.S.C. 1070a(b)(4)) is amended by striking “, except that” and all that follows and inserting a period.

(3) Duration of award period.—Section 401(c)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070a(c)(5)) is amended—

(A) by striking “18” each place it appears and inserting “12”; and

(B) by striking the last sentence.

(b) Income protection allowance.—

(1) Dependent students.—Subparagraph (D) of section 475(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as follows:

“(D) an income protection allowance of $3,290 (or a successor amount prescribed by the Secretary under section 478);”.

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(2) **Independent Students without Dependents other than a Spouse.**—Clause (iv) of section 476(b)(1)(A) of such Act (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

“(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

“(I) $6,620 for single students;

“(II) $6,620 for married students where both are enrolled pursuant to subsection (a)(2); and

“(III) $10,620 for married students where one is enrolled pursuant to subsection (a)(2).”.

(3) **Independent Students with Dependents other than a Spouse.**—Paragraph (4) of section 477(b) of such Act (20 U.S.C. 1087qq(b)) is amended to read as follows:

“(4) **Income Protection Allowance.**—The income protection allowance is determined by the following table (or a successor table prescribed by the Secretary under section 478):
"Income Protection Allowance

<table>
<thead>
<tr>
<th>Family Size (including student)</th>
<th>Number in College</th>
<th>For each additional subtract:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>$16,780  $13,910</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>20,880  18,030 $15,170</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>25,800  22,930  20,070 $17,200</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>30,440  27,560  24,710  21,850 $18,990</td>
</tr>
<tr>
<td>5</td>
<td>6</td>
<td>35,600  32,730  29,880  27,000  24,160</td>
</tr>
</tbody>
</table>

For each additional add: 4,020  4,020  4,020  4,020  4,020

(4) Updated Tables.—Section 478(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) Income Protection Allowance.—

"(1) Revised Tables.—For each academic year after academic year 2012-2013, the Secretary shall develop a revised table or list, as appropriate, of income protection allowances under sections 475(g)(2)(D), 476(b)(1)(A)(iv), and 477(b)(4) by increasing each of the dollar amounts contained in each such table or list by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.

"(2) Table for Parents.—For each academic year after academic year 2008-2009, the Secretary shall develop the revised table of income protection allowances under section 475(e)(4) by increasing
each of the dollar amounts contained in the table by
a percentage equal to the estimated percentage in-
crease in the Consumer Price Index (as determined
by the Secretary) between December 1992 and the
December next preceding the beginning of such aca-
demic year, and rounding the result to the nearest
$10”.

(c) ZERO EXPECTED FAMILY CONTRIBUTION.—Sec-

tion 479(c) of the Higher Education Act of 1965 (20
U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking “$30,000”
and inserting “$15,000”; and

(2) in paragraph (2)(B), by striking “$30,000”
and inserting “$15,000”.

(d) DEFINITION OF UNTAXED INCOME.—Section
480(b) of the Higher Education Act of 1965 (20 U.S.C.
1087vv) is amended to read as follows:

“(b) UNTAXED INCOME AND BENEFITS.—The term
‘untaxed income and benefits’ means—

“(1) child support received;

“(2) workman’s compensation;

“(3) veteran’s benefits such as death pension,
dependency, and indemnity compensation, but ex-
cluding veterans’ education benefits as defined in
subsection (c);
“(4) interest on tax-free bonds;

“(5) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits), except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student’s spouse, in the case of an independent student, shall be excluded;

“(6) cash support or any money paid on the student’s behalf, except, for dependent students, funds provided by the student’s parents;

“(7) untaxed portion of pensions;

“(8) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes;

“(9) the amount of additional child tax credit claimed for Federal income tax purposes;

“(10) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;
“(11) the amount of earned income credit claimed for Federal income tax purposes; “
“(12) the amount of credit for Federal tax on special fuels claimed for Federal income tax pur-
poses; “
“(13) the amount of foreign income excluded for purposes of Federal income taxes; “
“(14) untaxed social security benefits; and “
“(15) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, or railroad retirement benefits, or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).”.

(e) STUDENTS WHO ARE NOT HIGH SCHOOL GRAD-
UATES.—

(1) AMENDMENT.—Section 484(d) of the High-
er Education Act of 1965 (20 U.S.C. 1091(d)) is amended—

(A) in the matter preceding paragraph (1), by striking “meet one of the following stand-
ards:”; “

(B) by striking paragraphs (1), (2), and (4); and
(C) in paragraph (3), by striking “(3) The student has” and inserting “have”.

(2) CONFORMING CHANGE.—Section 101(a)(1) of such Act (20 U.S.C. 1001(a)(1)) is amended by striking “section 484(d)(3)” and inserting “section 484(d)”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2012.

(g) INAPPLICABILITY OF NEGOTIATED RULE-MAKING.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section, or to any regulations promulgated under those amendments.

This title may be cited as the “Department of Education Appropriations Act, 2012”.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,396,000.
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service ("the Corporation") to carry out title II of the Domestic Volunteer Service Act of 1973, $207,833,000.

SALARIES AND EXPENSES

For close out activities of the Corporation for National and Community Service, as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, $65,868,000.

OFFICE OF INSPECTOR GENERAL

For close out activities of the Office of Inspector General, as established by the Inspector General Act of 1978, $5,763,000.

ADMINISTRATIVE PROVISIONS

Sec. 401. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member
support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

CORPORATION FOR PUBLIC BROADCASTING

Of the funds provided to the “Corporation for Public Broadcasting” in title IV of division D of Public Law 111–117 for fiscal year 2012, $6,000,000 shall support the digitization program: Provided, That none of the funds made available to the Corporation for Public Broadcasting in title IV of division D of Public Law 111–117 for fiscal year 2012 may be used to pay dues to, acquire programs from, or otherwise support National Public Radio.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,250,000: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution
services and technical assistance, including those provided
to foreign governments and international organizations,
and for arbitration services shall be credited to and
merged with this account, and shall remain available until
expended: Provided further, That fees for arbitration serv-
ices shall be available only for education, training, and
professional development of the agency workforce: Pro-
vided further, That the Director of the Service is author-
ized to accept and use on behalf of the United States gifts
of services and real, personal, or other property in the aid
of any projects or functions within the Director’s jurisdic-
tion.

Federal Mine Safety and Health Review
Commission
Salaries and Expenses
For expenses necessary for the Federal Mine Safety
and Health Review Commission, $22,417,000.

Institute of Museum and Library Services
Office of Museum and Library Services: Grants
And Administration
For carrying out the Museum and Library Services
Act of 1996 and the National Museum of African Amer-
ican History and Culture Act, $226,362,000: Provided,
That none of the funds made available in this account be
used to pay indirect cost rates on a contract, grant, or
cooperative agreement (or similar arrangement) entered
into by the Institute of Museum and Library Services in
excess of 25 percent of the total direct cost of the contract,
grant, or agreement (or similar arrangement).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of
the Social Security Act, $11,472,000, to be transferred to
this appropriation from the Federal Hospital Insurance
Trust Fund and the Federal Supplementary Medical Ins-
surance Trust Fund.

MEDICAID AND CHIP PAYMENT AND ACCESS

COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of
the Social Security Act, $4,500,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on
Disability as authorized by title IV of the Rehabilitation

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Rela-
tions Board to carry out the functions vested in it by the
Labor-Management Relations Act, 1947, and other laws, $233,700,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

Sec. 402. None of the funds made available by this Act may be used to implement, create, apply, or enforce through prosecution, adjudication, rulemaking, or the issuing of any interpretation, opinion, certification, decision, or policy, any standard for initial bargaining unit determinations that conflicts with the standard articulated in the majority opinion in Wheeling Island Gaming Inc. and United Food and Commercial Workers International Union, Local 23, 355 NLRB 127 (August 27, 2010) (including the majority opinion in footnote 2), except for unit
determinations currently governed by NLRB Rule Sec. 103.30 for employers currently covered by such rules.

SEC. 403. None of the funds made available by this Act may be used to implement, create, apply, or enforce through prosecution, adjudication, rulemaking, or the issuing of any interpretation, opinion, certification, decision, or policy, any standard for secret-ballot elections that conflicts with the standard articulated in the majority opinion in Dana Corp., 351 NLRB 434 (2007).

SEC. 404. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means that enables off-site, remote, or otherwise absentee voting in an election to determine a representative for the purposes of collective bargaining.

SEC. 405. None of the funds made available by this Act may be used to promulgate or implement a final rule amending parts 101, 102, and 103 of title 29, Code of Federal Regulations, (relating to the filing and processing of petitions related to the representation of employees for the purposes of collective bargaining with their employer), including the proposed rulemaking published by the Na-
Sec. 406. None of the funds made available by this Act may be used to implement or enforce the final rule governing the notification of employee rights under the National Labor Relations Act (Regulatory Identification Number 3142-AA07) published by the National Labor Relations Board in the Federal Register on August 30, 2011 (76 Fed. Reg. 54006 et seq.).

Sec. 407. None of the funds made available by this Act may be used for the exercise of jurisdiction by the National Labor Relations Board over any entity that meets the definition of a small business concern under part 121 of title 13, Code of Federal Regulations.

National Mediation Board

Salaries and Expenses

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,436,000.

Occupational Safety and Health Review Commission

Salaries and Expenses

For expenses necessary for the Occupational Safety and Health Review Commission, $11,689,000.
RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $51,000,000, which shall include amounts becoming available in fiscal year 2012 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2013, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.
LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (“Board”) for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $110,573,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General (“Office”) for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,170,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That, except as authorized pursuant to the last proviso under this heading in title IV of division G of the Consolidated Appropriations Act (2008) (Public Law 110–161; 121 statute 2205), none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating
expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $38,062,428,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than $17,428,000 shall be available for research and demonstrations under sections 1110 and 1114 of the Social Security Act and remain available until the end of fiscal year 2013: Provided further, That from the funds provided for research and dem-
onstration of section 1110 of the Social Security Act, up
to $10,000,000 shall be available to provide incentives
payments and to conduct a rigorous evaluation of a dem-
onstration project designed to improve the outcomes for
SSI child recipients and their families: Provided further,
That for the previous proviso the Commissioner is author-
ized to waive any of the requirements, conditions, or limi-
tations of title XVI of the Social Security Act, and is au-
thorized to waive any requirements related to the conduct
of research or demonstration projects, where appropriate.

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

For making benefit payments under title XVI of the
Social Security Act for the first quarter of fiscal year
2013, $18,200,000,000, to remain available until ex-
pended.

LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, including the hire of two pas-
senger motor vehicles, and not to exceed $20,000 for offi-
cial reception and representation expenses, not more than
$10,981,494,000 may be expended, as authorized by sec-
tion 201(g)(1) of the Social Security Act, from any one
or all of the trust funds referred to in such section: Provided, That not less than $2,150,000 shall be for the Social Security Advisory Board: Provided further, That up to two percent of these funds may be used to support Program Integrity activity: Provided further, That funds made available in this paragraph and remaining unobligated at the end of fiscal year 2012 may be placed, not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, in an IT and Telecommunications Investment Fund (“ITT Fund”) to be established within this account where such funds shall remain available until expended for investments in Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses: Provided further, That unobligated balances of appropriations made to this account in prior fiscal years that remain available for the purposes specified in the preceding proviso may also be placed in the ITT Fund not later than the end of the fifth fiscal year after the last fiscal year for which such funds were appropriated: Provided further, That hereafter the Commissioner of the Social Security Administration shall provide information to the Committees on Appropria-
tions of the House of Representatives and the Senate each year, at the same time the President’s budget is submitted to Congress, regarding actual or estimated amounts placed in, and obligated and expended from, the ITT Fund during the preceding, current, and succeeding fiscal years, including the nature and purposes of all such obligations and expenditures, and regarding the balances remaining (or expected to remain) in the ITT Fund as of the close of each such fiscal year: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund of the Treasury not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $163,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in
fiscal year 2012 exceed $163,000,000, the amounts shall be available in fiscal year 2013 only to the extent provided in advance in appropriations Acts.

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

PROGRAM INTEGRITY

For necessary expenses, not more than $896,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That such funds may only be used for the costs associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the costs associated with conducting redeterminations of eligibility under title XVI of the Social Security Act: Provided further, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.
OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,000,000, together with not to exceed $77,113,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer and approve such transfer.

TITLE V—GENERAL PROVISIONS

(TRANSFER OF FUNDS)

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

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

SEC. 503. (a) No part of any appropriation contained in this or any other Act shall be used, other than for normal and recognized executive legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the Executive Branch of any State or local government;

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or executive order proposed or pending before
the Congress or any State government, State legislature or local legislature or legislative body;

(c) The prohibitions in paragraphs (a) and (b) shall include any activity to advocate or promote any pending or future Federal, state or local tax increase or any pending or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the study, advocacy and promotion of gun control;

(d) None of the funds made available to the Department of Health and Human Services under Section 4002 of Public Law 111-148 shall be used in whole or in part to fund any projects or activities not subject to reporting requirements equivalent to those specified in Section 1512 of Public Law 111-5.

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

Sec. 505. When issuing statements, press releases,
requests for proposals, bid solicitations and other docu-
ments describing projects or programs funded in whole or
in part with Federal money, all grantees receiving Federal
funds included in this Act, including but not limited to
State and local governments and recipients of Federal re-
search grants, shall clearly state—

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

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

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

Sec. 506. (a) None of the funds appropriated in this
Act, none of the funds in any trust fund to which funds
are appropriated in this Act, and none of the funds made
available by Public Law 111-148 or title I or subtitle B
of title II of Public Law 111-152 shall be expended for
any abortion.
(b) None of the funds appropriated in this Act, none of the funds in any trust fund to which funds are appropriated in this Act, and none of the funds made available by Public Law 111-148 or title I or subtitle B of title II of Public Law 111-152 shall be expended for health benefits coverage that includes coverage of abortion.

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

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

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

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

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).
(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

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

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

Sec. 508. (a) None of the funds made available in this Act may be used for—

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

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

Sec. 509. (a) None of the funds made available in
this Act may be used for any activity that promotes the
legalization of any drug or other substance included in
schedule I of the schedules of controlled substances estab-
lished under section 202 of the Controlled Substances Act
except for normal and recognized executive-congressional
communications.

(b) The limitation in subsection (a) shall not apply
when there is significant medical evidence of a therapeutic
advantage to the use of such drug or other substance or
that Federally sponsored clinical trials are being con-
ducted to determine therapeutic advantage.
SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual’s capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

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

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

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.
Sec. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children’s Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

Sec. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children’s Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

Sec. 515. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;
(2) eliminates a program, project, or activity;

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless approved by the Committees on Appropriations of the House of Representatives and the Senate 15 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;
(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

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

unless approved by the Committees on Appropriations of the House of Representatives and the Senate 15 days in advance of such reprogramming.

SEC. 516. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

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

SEC. 517. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2012 that are different than those specified
in this Act, the accompanying detailed table in the committee report, or the fiscal year 2012 budget request.

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2012, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three
years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 520. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant’s number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 521. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any
agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 522. None of the funds made available in this Act may be used in contravention of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

SEC. 523. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 524. None of the funds made available by this Act may be made available for any purpose to Planned Parenthood Federation of America, Inc. or any affiliate or clinic of Planned Parenthood Federation of America, Inc. unless such entities certify that Planned Parenthood Federation of America affiliates and clinics will not perform, and will not provide any funds to any other entity that performs, an abortion.

(1) This limitation shall not apply to an abortion:
(A) if the pregnancy is the result of an act of rape or incest; or

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

(2) The Secretary of Health and Human Services shall seek repayment of any Federal assistance received by Planned Parenthood Federation of America, Inc., or any affiliate or clinic of Planned Parenthood Federation of America, Inc., if it violates the terms of the certification required by this section.

Sec. 525. None of the funds made available in this Act may be used to implement, administer, enforce, or further the provisions of Public Law 111-148 and title I and subtitle B of title II of Public Law 111-152 (and the amendments made by such provisions) until 90 days after the date on which all legal challenges to any of such provisions are complete: Provided, That funds in this Act may be used to implement, administer, enforce, or further the final rules for regulations CMS-1524-P, CMS-1325-P,
CMS-1353-P, CMS-1577-P, CMS-1346-F, CMS-1349-F, CMS-1351-F, and CMS-1518-F insofar as each respective rule relates to calendar year 2012 or fiscal year 2012: Provided further, That if as a result of this provision cost share weights for calculating payment rates under the physician fee schedule under section 1848 of the Social Security Act and calculating productivity adjustments to payment rates for 2012 under title XVIII of such Act are not available, the Secretary of Health and Human Services shall use such cost share weights used in the final rule for the applicable regulation specified in the preceding proviso for calendar year 2012 or fiscal year 2012 for calculating such payment rates and productivity adjustments and shall implement such adjustments: Provided further, That funds in this Act may be used to implement, administer, enforce, or further the final rules for the provisions of (and amendments made by) sections 2501(c), 2501(d), and 2503 of Public Law 111-148, as amended by sections 1206(a) and 1101(c) of Public Law 111-152, insofar as each respective rule relates to calendar year 2012.

Sec. 526. Of the funds made available for fiscal year 2012 [for Aging and Disability Resources Centers ] under section 2405 of Public Law 111-148, $10,000,000 is rescinded.
Sec. 527. Of the funds made available [for the Consumer Operated and Oriented Plan] under section 1322 of Public Law 111-148, $3,800,000,000 is rescinded.

Sec. 528. Of the funds made available [for the Center for Medicare & Medicaid Innovation] under section 3021(a) of Public Law 111-148, $1,862,000,000 is rescinded.

Sec. 529. Of the funds made available for fiscal year 2012 [for the Independent Payment Advisory Board] under section 3403 of Public Law 111-148, $15,000,000 is rescinded.

Sec. 530. Of the funds made available for fiscal year 2012 [for the Community Health Centers Fund] under sections 10503(b)(1) and 10503(b)(2) of Public Law 111-148, $1,495,000,000 is rescinded.

Sec. 531. Of the funds made available for fiscal year 2012 [for the Health workforce demonstration grants] under section 5507(a) of Public Law 111-148, $85,000,000 is rescinded.

Sec. 532. Of the funds made available for fiscal year 2012 [for the Prevention and Public Health Fund] under section 4002 of Public Law 111-148, $1,000,000,000 is rescinded.

Sec. 533. Of the funds made available for fiscal year 2012 [for the Maternal, Infant, and Early Childhood
1 Home Visitation] under section 2951 of Public Law 111-148, $350,000,000 is rescinded.

SEC. 534. Of the funds made available for fiscal year 2012 [for the Pregnancy Assistance Fund] under section 10214 of Public Law 111-148, $25,000,000 is rescinded.

ABORTION NON-DISCRIMINATION

SEC. 535. Section 245 of the Public Health Service Act (42 U.S.C. 238n) is amended—

(1) in the section heading, by striking “AND LICENSING OF PHYSICIANS AND INSERTING''and inserting“, LICENSING, AND PRACTICE OF PHYSICIANS AND OTHER HEALTH CARE ENTITIES’’;

(2) in subsection (a), by amending paragraph (1) to read as follows:

“(1) the entity refuses—

“(A) to undergo training in the performance of induced abortions;

“(B) to require or provide such training;

“(C) to perform, participate in, provide coverage of, or pay for induced abortions;

“(D) to provide referrals for such training or such abortions;”.

(3) in subsection (b), by striking an “accreditation standards that requires” and inserting “an accreditation standard that requires”;

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(4) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

“(1) The term ‘financial assistance’, with respect to a government program, means governmental payments to cover the cost of health care services or benefits, or other Federal payments, grants, or loans to promote or otherwise facilitate health-related activities.

“(2) The term ‘health care entity’ includes an individual physician or other health professional, a postgraduate physician training program, a participant in a program of training in the health professions, a hospital, a provider sponsored organization, a health maintenance organization, an accountable care organization, a health insurance plan, or any other kind of health care facility, organization, or plan.”.

(5) in subsection (c), by adding a new graph (4) as follows:

“(4) The term ‘State or local government that receives Federal financial assistance’ includes any agency or other governmental unit of a State or local government if such government receives Federal financial assistance.”.
(6) by redesignating subsection (c) as subsection (e); and

(7) by inserting after subsection (b) the following:

“(c) Remedies.—

“(1) In general.—The courts of the United States shall have jurisdiction to prevent and redress actual or threatened violations of this section by issuing any form of legal or equitable relief, including—

“(A) injunctions prohibiting conduct that violates this section; and

“(B) orders preventing the disbursement of all or a portion of Federal financial assistance to a State or local government, or to a specific offending agency or program of a State or local government, until such time as the conduct prohibited by this section has ceased.

“(2) Commencement of action.—An action under this section may be instituted by—

“(A) any health care entity that has standing to complain of an actual or threatened violation of this section; or

“(B) the Attorney General of the United States.
“(3) Relation to Administrative Remedies.—A party may commence or continue an action and obtain relief under this subsection without regard to whether a complaint under subsection (d) has been filed or is pending.

“(d) Administration.—The Secretary shall designate the Director of the Office for Civil Rights of the Department of Health and Human Services—

“(1) to receive complaints alleging a violation of this section; and

“(2) to pursue the investigation of such complaints, in coordination with the Attorney General.”.

Sec. 536. The Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which balances were derived: Provided further, That initial reports shall be submitted to the Committees on Appropriations within 30 days of the end of the first quarter of fiscal year 2012: Provided further, That subsequent
reports shall be submitted within 30 days of the end of each quarter thereafter.

Sec. 537. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0. This title may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012".