

Calendar No. 178112TH CONGRESS
1ST SESSION**S. 1599****[Report No. 112-84]**

Making appropriations for 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 SENATE OF THE UNITED STATES

SEPTEMBER 22, 2011

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

A BILL

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

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

1 Education, and related agencies for the fiscal year ending
2 September 30, 2012, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Workforce Investment
9 Act of 1998 (referred to in this Act as “WIA”), the Sec-
10 ond Chance Act of 2007, and the Women in Apprentice-
11 ship and Non-Traditional Occupations Act of 1992
12 (“WANTO”), including the purchase and hire of pas-
13 senger motor vehicles, the construction, alteration, and re-
14 pair of buildings and other facilities, and the purchase of
15 real property for training centers as authorized by the
16 WIA, \$3,310,247,000, plus reimbursements, shall be
17 available. Of the amounts provided:

18 (1) for grants to States for adult employment
19 and training activities, youth activities, and dis-
20 located worker employment and training activities,
21 \$2,660,268,000 as follows:

22 (A) \$770,922,000 for adult employment
23 and training activities, of which \$58,922,000
24 shall be available for the period July 1, 2012,
25 through June 30, 2013, and of which

1 \$712,000,000 shall be available for the period
2 October 1, 2012 through June 30, 2013;

3 (B) \$825,914,000 for youth activities,
4 which shall be available for the period April 1,
5 2012 through June 30, 2013; and

6 (C) \$1,063,432,000 for dislocated worker
7 employment and training activities, of which
8 \$203,432,000 shall be available for the period
9 July 1, 2012 through June 30, 2013, and of
10 which \$860,000,000 shall be available for the
11 period October 1, 2012 through June 30, 2013:

12 *Provided*, That notwithstanding the transfer limita-
13 tion under section 133(b)(4) of the WIA, up to 30
14 percent of such funds may be transferred by a local
15 board if approved by the Governor: *Provided further*,
16 That a local board may award a contract to an insti-
17 tution of higher education or other eligible training
18 provider if the local board determines that it would
19 facilitate the training of multiple individuals in high-
20 demand occupations, if such contract does not limit
21 customer choice: *Provided further*, That notwith-
22 standing section 128(a)(1) of the WIA, the amount
23 available to the Governor for statewide workforce in-
24 vestment activities shall not exceed 5 percent of the

1 amount allotted to the State from each of the appro-
2 priations under the preceding subparagraphs;

3 (2) for federally administered programs,
4 \$542,053,000 as follows:

5 (A) \$224,112,000 for the dislocated work-
6 ers assistance national reserve, of which
7 \$24,112,000 shall be available for the period
8 July 1, 2012 through June 30, 2013, and of
9 which \$200,000,000 shall be available for the
10 period October 1, 2012 through June 30, 2013:
11 *Provided*, That funds provided to carry out sec-
12 tion 132(a)(2)(A) of the WIA may be used to
13 provide assistance to a State for statewide or
14 local use in order to address cases where there
15 have been worker dislocations across multiple
16 sectors or across multiple local areas and such
17 workers remain dislocated; coordinate the State
18 workforce development plan with emerging eco-
19 nomic development needs; and train such eligi-
20 ble dislocated workers: *Provided further*, That
21 funds provided to carry out section 171(d) of
22 the WIA may be used for demonstration
23 projects that provide assistance to new entrants
24 in the workforce and incumbent workers: *Pro-*
25 *vided further*, That none of the funds shall be

1 obligated to carry out section 173(e) of the
2 WIA;

3 (B) \$52,652,000 for Native American pro-
4 grams, which shall be available for the period
5 July 1, 2012 through June 30, 2013;

6 (C) \$84,451,000 for migrant and seasonal
7 farmworker programs under section 167 of the
8 WIA, including \$78,253,000 for formula grants
9 (of which not less than 70 percent shall be for
10 employment and training services), \$5,689,000
11 for migrant and seasonal housing (of which not
12 less than 70 percent shall be for permanent
13 housing), and \$509,000 for other discretionary
14 purposes, which shall be available for the period
15 July 1, 2012 through June 30, 2013: *Provided,*
16 That notwithstanding any other provision of
17 law or related regulation, the Department of
18 Labor shall take no action limiting the number
19 or proportion of eligible participants receiving
20 related assistance services or discouraging
21 grantees from providing such services;

22 (D) \$998,000 for carrying out the
23 WANTO, which shall be available for the period
24 July 1, 2012 through June 30, 2013; and

1 (E) \$79,840,000 for YouthBuild activities
2 as described in section 173A of the WIA, which
3 shall be available for the period April 1, 2012
4 through June 30, 2013; and

5 (F) \$100,000,000 to be available to the
6 Secretary of Labor (referred to in this title as
7 “Secretary”) for the Workforce Innovation
8 Fund to carry out projects that demonstrate in-
9 novative strategies or replicate effective evi-
10 dence-based strategies that align and strength-
11 en the workforce investment system in order to
12 improve program delivery and education and
13 employment outcomes for beneficiaries, which
14 shall be for the period July 1, 2012, through
15 September 30, 2013: *Provided*, That amounts
16 shall be available for awards to States or State
17 agencies that are eligible for assistance under
18 any program authorized under the WIA, con-
19 sortia of States, or partnerships, including re-
20 gional partnerships: *Provided further*, That not
21 more than 5 percent of the funds available for
22 workforce innovation activities shall be for tech-
23 nical assistance and evaluations related to the
24 projects carried out with these funds;

1 (3) for national activities, \$107,926,000, as fol-
2 lows:

3 (A) \$10,480,000, in addition to any
4 amounts available under paragraph (2), for Pi-
5 lots, Demonstrations, and Research, which shall
6 be available for the period April 1, 2012
7 through June 30, 2013: *Provided*, That funds
8 for program year 2011 that were designated for
9 grants to address the employment and training
10 needs of young parents may be used for other
11 pilots, demonstration and research activities;

12 (B) \$75,390,000 for ex-offender activities,
13 under the authority of section 171 of the WIA
14 and section 212 of the Second Chance Act of
15 2007, which shall be available for the period
16 April 1, 2012 through June 30, 2013, notwith-
17 standing the requirements of section
18 171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Pro-*
19 *vided*, That of this amount, \$20,000,000 shall
20 be for competitive grants to national and re-
21 gional intermediaries for activities that prepare
22 young ex-offenders and school dropouts for em-
23 ployment, with a priority for projects serving
24 high-crime, high-poverty areas;

1 (C) \$9,581,000 for Evaluation, which shall
2 be available for the period July 1, 2012 through
3 June 30, 2013; and

4 (D) \$12,475,000 for the Workforce Data
5 Quality Initiative, under the authority of section
6 171(c)(2) of the WIA, which shall be available
7 for the period July 1, 2012 through June 30,
8 2013, and which shall not be subject to the re-
9 quirements of section 171(c)(4)(D).

10 OFFICE OF JOBS CORPS

11 To carry out subtitle C of title I of the WIA, includ-
12 ing Federal administrative expenses, the purchase and
13 hire of passenger motor vehicles, the construction, alter-
14 ation and repairs of buildings and other facilities, and the
15 purchase of real property for training centers as author-
16 ized by the WIA, \$1,706,171,000, plus reimbursements,
17 as follows:

18 (1) \$1,572,049,000 for Job Corps Operations,
19 of which \$981,049,000 shall be available for obliga-
20 tion for the period July 1, 2012 through June 30,
21 2013 and of which \$591,000,000 shall be available
22 for obligation for the period October 1, 2012
23 through June 30, 2013;

24 (2) \$104,990,000 for construction, rehabilita-
25 tion and acquisition of Job Corps Centers, of which

1 \$4,990,000 shall be available for the period July 1,
2 2012 through June 30, 2015 and \$100,000,000
3 shall be available for the period October 1, 2012
4 through June 30, 2015: *Provided*, That the Sec-
5 retary may transfer up to 15 percent of such funds
6 to meet the operational needs of such centers or to
7 achieve administrative efficiencies: *Provided further*,
8 That any funds transferred pursuant to the pre-
9 ceding proviso shall not be available for obligation
10 after June 30, 2013; and

11 (3) \$29,132,000 for necessary expenses of the
12 Office of Job Corps, which shall be available for obli-
13 gation for the period October 1, 2011 through Sep-
14 tember 30, 2012:

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

18 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

19 AMERICANS

20 To carry out title V of the Older Americans Act of
21 1965 (“OAA”), \$449,100,000, which shall be available for
22 the period July 1, 2012 through June 30, 2013, and may
23 be recaptured and reobligated in accordance with section
24 517(e) of the OAA.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2012 of trade ad-
 3 justment benefit payments and allowances under part I
 4 of subchapter B of chapter 2 of title II of the Trade Act
 5 of 1974, and section 246 of that Act; and for training,
 6 employment and case management services, allowances for
 7 job search and relocation, and related State administrative
 8 expenses under part II of subchapter B of chapter 2 of
 9 title II of the Trade Act of 1974, including benefit pay-
 10 ments, allowances, training, and related State administra-
 11 tion provided pursuant to paragraphs (1) and (2) of sec-
 12 tion 1891(b) of the Trade and Globalization Adjustment
 13 Assistance Act of 2009, \$1,100,100,000, together with
 14 such amounts as may be necessary to be charged to the
 15 subsequent appropriation for payments for any period sub-
 16 sequent to September 15, 2012.

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

18 SERVICE OPERATIONS

19 For authorized administrative expenses,
 20 \$86,231,000, together with not to exceed \$4,008,441,000
 21 which may be expended from the Employment Security
 22 Administration Account in the Unemployment Trust Fund
 23 (“the Trust Fund”), of which:

24 (1) \$3,231,154,000 from the Trust Fund is for
 25 grants to States for the administration of State un-

1 employment insurance laws as authorized under title
2 III of the Social Security Act (which includes all
3 amounts available to conduct in-person re-employ-
4 ment and eligibility assessments and unemployment
5 insurance improper payment reviews), the adminis-
6 tration of unemployment insurance for Federal em-
7 ployees and for ex-service members as authorized
8 under 5 U.S.C. 8501–8523, and the administration
9 of trade readjustment allowances, re-employment
10 trade adjustment assistance, and alternative trade
11 adjustment assistance under the Trade Act of 1974
12 and under section 1891(b) of the Trade and
13 Globalization Adjustment Assistance Act of 2009,
14 and shall be available for obligation by the States
15 through December 31, 2012, except that funds used
16 for automation acquisitions or for competitive grants
17 to be awarded to States to address worker
18 misclassification, system improvements or improper
19 payments shall be available for obligation by the
20 States through September 30, 2014, and funds used
21 for unemployment insurance workloads experienced
22 by the States through September 30, 2012, shall be
23 available for Federal obligation through December
24 31, 2012;

1 (2) \$11,287,000 from the Trust Fund is for na-
2 tional activities necessary to support the administra-
3 tion of the Federal-State unemployment insurance
4 system;

5 (3) \$679,531,000 from the Trust Fund, to-
6 gether with \$22,638,000 from the General Fund of
7 the Treasury, is for grants to States in accordance
8 with section 6 of the Wagner-Peyser Act, and shall
9 be available for Federal obligation for the period
10 July 1, 2012 through June 30, 2013;

11 (4) \$20,952,000 from the Trust Fund is for na-
12 tional activities of the Employment Service, includ-
13 ing administration of the work opportunity tax cred-
14 it under section 51 of the Internal Revenue Code of
15 1986, and the provision of technical assistance and
16 staff training under the Wagner-Peyser Act, includ-
17 ing not to exceed \$1,228,000 that may be used for
18 amortization payments to States which had inde-
19 pendent retirement plans in their State employment
20 service agencies prior to 1980;

21 (5) \$65,517,000 from the Trust Fund is for the
22 administration of foreign labor certifications and re-
23 lated activities under the Immigration and Nation-
24 ality Act and related laws, of which \$50,418,000
25 shall be available for the Federal administration of

1 such activities, and \$15,099,000 shall be available
2 for grants to States for the administration of such
3 activities; and

4 (6) \$63,593,000 from the General Fund is to
5 provide workforce information, national electronic
6 tools, and one-stop system building under the Wag-
7 ner-Peyser Act and section 171 (e)(2)(C) of the
8 WIA and shall be available for Federal obligation for
9 the period July 1, 2012 through June 30, 2013:

10 *Provided*, That to the extent that the Average Weekly In-
11 sured Unemployment (“AWIU”) for fiscal year 2012 is
12 projected by the Department of Labor to exceed
13 4,832,000, an additional \$28,600,000 from the Trust
14 Fund shall be available for obligation for every 100,000
15 increase in the AWIU level (including a pro rata amount
16 for any increment less than 100,000) to carry out title
17 III of the Social Security Act: *Provided further*, That
18 funds appropriated in this Act that are allotted to a State
19 to carry out activities under title III of the Social Security
20 Act may be used by such State to assist other States in
21 carrying out activities under such title III if the other
22 States include areas that have suffered a major disaster
23 declared by the President under the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act: *Provided*
25 *further*, That the Secretary may use funds appropriated

1 for grants to States under title III of the Social Security
2 Act to make payments on behalf of States for the use of
3 the National Directory of New Hires under section
4 453(j)(8) of such Act: *Provided further*, That funds appro-
5 priated in this Act which are used to establish a national
6 one-stop career center system, or which are used to sup-
7 port the national activities of the Federal-State unemploy-
8 ment insurance or immigration programs, may be obli-
9 gated in contracts, grants, or agreements with non-State
10 entities: *Provided further*, That funds appropriated under
11 this Act for activities authorized under title III of the So-
12 cial Security Act and the Wagner-Peyser Act may be used
13 by States to fund integrated Unemployment Insurance
14 and Employment Service automation efforts, notwith-
15 standing cost allocation principles prescribed under the
16 Office of Management and Budget Circular A-87: *Pro-*
17 *vided further*, That the Secretary, at the request of a State
18 participating in a consortium with other States, may
19 reallocate funds allotted to such State under title III of the
20 Social Security Act to other States participating in the
21 consortium in order to carry out activities that benefit the
22 administration of the unemployment compensation law of
23 the State making the request.

1 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
2 OTHER FUNDS

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

13 PROGRAM ADMINISTRATION

14 For expenses of administering employment and train-
15 ing programs, \$97,320,000, together with not to exceed
16 \$50,040,000 which may be expended from the Employ-
17 ment Security Administration Account in the Unemploy-
18 ment Trust Fund.

19 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

20 SALARIES AND EXPENSES

21 For necessary expenses for the Employee Benefits
22 Security Administration, \$195,528,000.

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation (“Cor-
4 poration”) is authorized to make such expenditures, in-
5 cluding financial assistance authorized by subtitle E of
6 title IV of the Employee Retirement Income Security Act
7 of 1974, within limits of funds and borrowing authority
8 available to the Corporation, and in accord with law, and
9 to make such contracts and commitments without regard
10 to fiscal year limitations, as provided by 31 U.S.C. 9104,
11 as may be necessary in carrying out the program, includ-
12 ing associated administrative expenses, through Sep-
13 tember 30, 2012, for the Corporation: *Provided*, That
14 none of the funds available to the Corporation for fiscal
15 year 2012 shall be available for obligations for administra-
16 tive expenses in excess of \$476,901,000: *Provided further*,
17 That to the extent that the number of new plan partici-
18 pants in plans terminated by the Corporation exceeds
19 100,000 in fiscal year 2012, an amount not to exceed an
20 additional \$9,200,000 shall be available through Sep-
21 tember 30, 2013 for obligation for administrative expenses
22 for every 20,000 additional terminated participants: *Pro-*
23 *vided further*, That an additional \$50,000 shall be made
24 available through September 30, 2013, for obligation for
25 investment management fees for every \$25,000,000 in as-

1 sets received by the Corporation as a result of new plan
2 terminations or asset growth, after approval by the Office
3 of Management and Budget and notification of the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate: *Provided further*, That obligations in ex-
6 cess of the amounts provided in this paragraph may be
7 incurred for unforeseen and extraordinary pretermination
8 expenses or extraordinary multiemployer program related
9 expenses after approval by the Office of Management and
10 Budget and notification of the Committees on Appropria-
11 tions of the House of Representatives and the Senate.

12 WAGE AND HOUR DIVISION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Wage and Hour Divi-
15 sion, including reimbursement to State, Federal, and local
16 agencies and their employees for inspection services ren-
17 dered, \$227,491,000.

18 OFFICE OF LABOR MANAGEMENT STANDARDS

19 SALARIES AND EXPENSES

20 For necessary expenses for the Office of Labor Man-
21 agement Standards, \$41,367,000.

1 OFFICE OF FEDERAL CONTRACT COMPLIANCE
2 PROGRAMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the Office of Federal Con-
5 tract Compliance Programs, \$105,386,000.

6 OFFICE OF WORKERS' COMPENSATION PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Workers'
9 Compensation Programs, \$115,939,000, together with
10 \$2,124,000 which may be expended from the Special Fund
11 in accordance with sections 39(c), 44(d), and 44(j) of the
12 Longshore and Harbor Worker's Compensation Act.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses) accruing during
17 the current or any prior fiscal year authorized by 5 U.S.C.
18 81; continuation of benefits as provided for under the
19 heading "Civilian War Benefits" in the Federal Security
20 Agency Appropriation Act, 1947; the Employees' Com-
21 pensation Commission Appropriation Act, 1944; sections
22 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
23 cent of the additional compensation and benefits required
24 by section 10(h) of the Longshore and Harbor Workers'
25 Compensation Act, \$350,000,000, together with such

1 amounts as may be necessary to be charged to the subse-
2 quent year appropriation for the payment of compensation
3 and other benefits for any period subsequent to August
4 15 of the current year: *Provided*, That amounts appro-
5 priated may be used under 5 U.S.C. 8104 by the Secretary
6 to reimburse an employer, who is not the employer at the
7 time of injury, for portions of the salary of a re-employed,
8 disabled beneficiary: *Provided further*, That balances of re-
9 imbursements unobligated on September 30, 2011, shall
10 remain available until expended for the payment of com-
11 pensation, benefits, and expenses: *Provided further*, That
12 in addition there shall be transferred to this appropriation
13 from the Postal Service and from any other corporation
14 or instrumentality required under 5 U.S.C. 8147(c) to pay
15 an amount for its fair share of the cost of administration,
16 such sums as the Secretary determines to be the cost of
17 administration for employees of such fair share entities
18 through September 30, 2012: *Provided further*, That of
19 those funds transferred to this account from the fair share
20 entities to pay the cost of administration of the Federal
21 Employees' Compensation Act, \$59,488,000 shall be made
22 available to the Secretary as follows:

- 23 (1) For enhancement and maintenance of auto-
24 mated data processing systems and telecommuni-
25 cations systems, \$17,253,000;

1 (2) For automated workload processing oper-
2 ations, including document imaging, centralized mail
3 intake, and medical bill processing, \$26,769,000;

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

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

8 *Provided further*, That the Secretary may require that any
9 person filing a notice of injury or a claim for benefits
10 under 5 U.S.C. 81, or the Longshore and Harbor Work-
11 ers' Compensation Act, provide as part of such notice and
12 claim, such identifying information (including Social Secu-
13 rity account number) as such regulations may prescribe.

14 SPECIAL BENEFITS FOR DISABLED COAL MINERS

15 For carrying out title IV of the Federal Mine Safety
16 and Health Act of 1977, as amended by Public Law 107-
17 275, \$141,227,000, to remain available until expended.

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

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

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

2 OCCUPATIONAL ILLNESS COMPENSATION FUND

3 For necessary expenses to administer the Energy
4 Employees Occupational Illness Compensation Program
5 Act, \$52,147,000, to remain available until expended: *Pro-*
6 *vided*, That the Secretary may require that any person fil-
7 ing a claim for benefits under the Act provide as part of
8 such claim, such identifying information (including Social
9 Security account number) as may be prescribed.

10 BLACK LUNG DISABILITY TRUST FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 Such sums as may be necessary from the Black Lung
13 Disability Trust Fund (“Fund”), to remain available until
14 expended, for payment of all benefits authorized by section
15 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code
16 of 1986; and repayment of, and payment of interest on
17 advances, as authorized by section 9501(d)(4) of that Act.
18 In addition, the following amounts may be expended from
19 the Fund for fiscal year 2012 for expenses of operation
20 and administration of the Black Lung Benefits program,
21 as authorized by section 9501(d)(5): not to exceed
22 \$32,906,000 for transfer to the Office of Workers’ Com-
23 pensation Programs “Salaries and Expenses”; not to ex-
24 ceed \$25,217,000 for transfer to Departmental Manage-
25 ment, “Salaries and Expenses”; not to exceed \$327,000

1 for transfer to Departmental Management, “Office of In-
2 spector General”; and not to exceed \$356,000 for pay-
3 ments into miscellaneous receipts for the expenses of the
4 Department of the Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety
8 and Health Administration, \$561,119,000, including not
9 to exceed \$104,393,000 which shall be the maximum
10 amount available for grants to States under section 23(g)
11 of the Occupational Safety and Health Act (“Act”), which
12 grants shall be no less than 50 percent of the costs of
13 State occupational safety and health programs required to
14 be incurred under plans approved by the Secretary under
15 section 18 of the Act; and, in addition, notwithstanding
16 31 U.S.C. 3302, the Occupational Safety and Health Ad-
17 ministration may retain up to \$200,000 per fiscal year
18 of training institute course tuition fees, otherwise author-
19 ized by law to be collected, and may utilize such sums for
20 occupational safety and health training and education:
21 *Provided*, That notwithstanding 31 U.S.C. 3302, the Sec-
22 retary is authorized, during the fiscal year ending Sep-
23 tember 30, 2012, to collect and retain fees for services
24 provided to Nationally Recognized Testing Laboratories,
25 and may utilize such sums, in accordance with the provi-

1 sions of 29 U.S.C. 9a, to administer national and inter-
2 national laboratory recognition programs that ensure the
3 safety of equipment and products used by workers in the
4 workplace: *Provided further*, That none of the funds ap-
5 propriated under this paragraph shall be obligated or ex-
6 pended to prescribe, issue, administer, or enforce any
7 standard, rule, regulation, or order under the Act which
8 is applicable to any person who is engaged in a farming
9 operation which does not maintain a temporary labor
10 camp and employs 10 or fewer employees: *Provided fur-*
11 *ther*, That no funds appropriated under this paragraph
12 shall be obligated or expended to administer or enforce
13 any standard, rule, regulation, or order under the Act with
14 respect to any employer of 10 or fewer employees who is
15 included within a category having a Days Away, Re-
16 stricted, or Transferred (DART) occupational injury and
17 illness rate, at the most precise industrial classification
18 code for which such data are published, less than the na-
19 tional average rate as such rates are most recently pub-
20 lished by the Secretary, acting through the Bureau of
21 Labor Statistics, in accordance with section 24 of the Act,
22 except—

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

1 (2) to conduct an inspection or investigation in
2 response to an employee complaint, to issue a cita-
3 tion for violations found during such inspection, and
4 to assess a penalty for violations which are not cor-
5 rected within a reasonable abatement period and for
6 any willful violations found;

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

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

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

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

20 *Provided further*, That the foregoing proviso shall not
21 apply to any person who is engaged in a farming operation
22 which does not maintain a temporary labor camp and em-
23 ploys 10 or fewer employees: *Provided further*, That
24 \$10,729,000 shall be available for Susan Harwood train-
25 ing grants.

1 MINE SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for the Mine Safety and
5 Health Administration, \$371,500,000, including purchase
6 and bestowal of certificates and trophies in connection
7 with mine rescue and first-aid work, and the hire of pas-
8 senger motor vehicles, including up to \$2,000,000 for
9 mine rescue and recovery activities; in addition, not to ex-
10 ceed \$750,000 may be collected by the National Mine
11 Health and Safety Academy for room, board, tuition, and
12 the sale of training materials, otherwise authorized by law
13 to be collected, to be available for mine safety and health
14 education and training activities, notwithstanding 31
15 U.S.C. 3302; and, in addition, the Mine Safety and Health
16 Administration may retain up to \$1,475,000 from fees col-
17 lected for the approval and certification of equipment, ma-
18 terials, and explosives for use in mines, and may utilize
19 such sums for such activities; and, in addition, the Sec-
20 retary may transfer from amounts provided under this
21 heading up to \$2,000,000 to “Departmental Manage-
22 ment” for activities related to the Office of the Solicitor’s
23 caseload before the Federal Mine Safety and Health Re-
24 view Commission; the Secretary is authorized to accept
25 lands, buildings, equipment, and other contributions from

1 public and private sources and to prosecute projects in co-
2 operation with other agencies, Federal, State, or private;
3 the Mine Safety and Health Administration is authorized
4 to promote health and safety education and training in
5 the mining community through cooperative programs with
6 States, industry, and safety associations; the Secretary is
7 authorized to recognize the Joseph A. Holmes Safety As-
8 sociation as a principal safety association and, notwith-
9 standing any other provision of law, may provide funds
10 and, with or without reimbursement, personnel, including
11 service of Mine Safety and Health Administration officials
12 as officers in local chapters or in the national organiza-
13 tion; and any funds available to the Department of Labor
14 may be used, with the approval of the Secretary, to pro-
15 vide for the costs of mine rescue and survival operations
16 in the event of a major disaster.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$542,921,000, together with not to exceed
23 \$68,303,000 which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund, of which \$1,500,000 may be used to

1 fund the mass layoff statistics program under section 15
2 of the Wagner-Peyser Act.

3 OFFICE OF DISABILITY EMPLOYMENT POLICY

4 SALARIES AND EXPENSES

5 For necessary expenses for the Office of Disability
6 Employment Policy to provide leadership, develop policy
7 and initiatives, and award grants furthering the objective
8 of eliminating barriers to the training and employment of
9 people with disabilities, \$38,953,000.

10 DEPARTMENTAL MANAGEMENT

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for Departmental Manage-
14 ment, including the hire of three sedans, \$366,535,000,
15 together with not to exceed \$326,000, which may be ex-
16 pended from the Employment Security Administration Ac-
17 count in the Unemployment Trust Fund: *Provided*, That
18 \$66,500,000 for the Bureau of International Labor Af-
19 fairs shall be available for obligation through December
20 31, 2012: *Provided further*, That funds available to the
21 Bureau of International Labor Affairs may be used to ad-
22 minister or operate international labor activities, bilateral
23 and multilateral technical assistance, and microfinance
24 programs, by or through contracts, grants, subgrants and
25 other arrangements: *Provided further*, That \$40,000,000

1 shall be for programs to combat exploitative child labor
2 internationally: *Provided further*, That not less than
3 \$6,500,000 shall be used to implement model programs
4 that address worker rights issues through technical assist-
5 ance in countries with which the United States has free
6 trade agreements or trade preference programs: *Provided*
7 *further*, That funds available for the acquisition of Depart-
8 mental information technology, architecture, infrastruc-
9 ture, equipment, software and related needs may be allo-
10 cated to agencies of the Department by the Department's
11 Chief Information Officer: *Provided further*, That
12 \$8,500,000 shall be used for program evaluation and shall
13 be available for obligation through September 30, 2013:
14 *Provided further*, That funds available for program evalua-
15 tion may be transferred to any other appropriate account
16 in the Department for such purpose: *Provided further*,
17 That the funds available to the Women's Bureau may be
18 used for grants to serve and promote the interests of
19 women in the workforce.

20 VETERANS EMPLOYMENT AND TRAINING

21 Not to exceed \$210,735,000 may be derived from the
22 Employment Security Administration Account in the Un-
23 employment Trust Fund to carry out the provisions of 38
24 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
25 Public Law 103–353, and which shall be available for obli-

1 gation by the States through December 31, 2012, of which
2 \$2,444,000 is for the National Veterans' Employment and
3 Training Services Institute.

4 In addition, to carry out Department of Labor pro-
5 grams under section 5(a)(1) of the Homeless Veterans
6 Comprehensive Assistance Act of 2001 and the Veterans
7 Workforce Investment Programs under section 168 of the
8 Workforce Investment Act, \$47,879,000, of which
9 \$9,622,000 shall be available for obligation for the period
10 July 1, 2012 through June 30, 2013.

11 OFFICE OF INSPECTOR GENERAL

12 For salaries and expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, \$77,937,000, together with not to
15 exceed \$5,909,000 which may be expended from the Em-
16 ployment Security Administration Account in the Unem-
17 ployment Trust Fund.

18 GENERAL PROVISIONS

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

23 (TRANSFER OF FUNDS)

24 SEC. 102. Not to exceed 1 percent of any discre-
25 tionary funds (pursuant to the Balanced Budget and

1 Emergency Deficit Control Act of 1985) which are appro-
2 priated for the current fiscal year for the Department of
3 Labor in this Act may be transferred between a program,
4 project, or activity, but no such program, project, or activ-
5 ity shall be increased by more than 3 percent by any such
6 transfer: *Provided*, That the transfer authority granted by
7 this section shall not be used to create any new program
8 or to fund any project or activity for which no funds are
9 provided in this Act: *Provided further*, That the Commit-
10 tees on Appropriations of the House of Representatives
11 and the Senate are notified at least 15 days in advance
12 of any transfer.

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

21 SEC. 104. None of the funds made available to the
22 Department of Labor for grants under section 414(c) of
23 the American Competitiveness and Workforce Improve-
24 ment Act of 1998 may be used for any purpose other than
25 training in the occupations and industries for which em-

1 ployers are using H-1B visas to hire foreign workers, and
2 the related activities necessary to support such training.

3 SEC. 105. None of the funds appropriated in this Act
4 under the heading “Employment and Training Adminis-
5 tration” shall be used by a recipient or subrecipient of
6 such funds to pay the salary and bonuses of an individual,
7 either as direct costs or indirect costs, at a rate in excess
8 of Executive Level II. This limitation shall not apply to
9 vendors providing goods and services as defined in Office
10 of Management and Budget Circular A-133. Where
11 States are recipients of such funds, States may establish
12 a lower limit for salaries and bonuses of those receiving
13 salaries and bonuses from subrecipients of such funds,
14 taking into account factors including the relative cost-of-
15 living in the State, the compensation levels for comparable
16 State or local government employees, and the size of the
17 organizations that administer Federal programs involved
18 including Employment and Training Administration pro-
19 grams. Notwithstanding this section, the limitation on sal-
20 aries for the Job Corps shall continue to be governed by
21 section 101 of this Act.

22 SEC. 106. The Secretary shall take no action to
23 amend, through regulatory or administration action, the
24 definition established in section 667.220 of title 20 of the
25 Code of Federal Regulations for functions and activities

1 under title I of WIA, or to modify, through regulatory or
2 administrative action, the procedure for redesignation of
3 local areas as specified in subtitle B of title I of that Act
4 (including applying the standards specified in section
5 116(a)(3)(B) of that Act, but notwithstanding the time
6 limits specified in section 116(a)(3)(B) of that Act), until
7 such time as legislation reauthorizing the Act is enacted.
8 Nothing in the preceding sentence shall permit or require
9 the Secretary to withdraw approval for such redesignation
10 from a State that received the approval not later than Oc-
11 tober 12, 2005, or to revise action taken or modify the
12 redesignation procedure being used by the Secretary in
13 order to complete such redesignation for a State that initi-
14 ated the process of such redesignation by submitting any
15 request for such redesignation not later than October 26,
16 2005.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 107. Funds available to the Employment and
19 Training Administration under this Act under Public Law
20 112–10, either directly or through a set-aside, for tech-
21 nical assistance services to grantees may be transferred
22 to “Program Administration” when it is determined that
23 those services will be more efficiently performed by Fed-
24 eral employees.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 108. (a) The Secretary may reserve not more
3 than 0.5 percent from each appropriation made available
4 in this Act identified in subsection (b) in order to carry
5 out evaluations of any of the programs or activities that
6 are funded under such accounts. Any funds reserved under
7 this section shall be transferred to “Departmental Man-
8 agement” for use by the Office of the Chief Evaluation
9 Officer within the Department of Labor, and shall be
10 available for obligation through September 30, 2013: *Pro-*
11 *vided*, That such funds shall only be available if the Chief
12 Evaluation Officer of the Department of Labor submits
13 a plan to the Committees on Appropriations of the House
14 of Representatives and the Senate describing the evalua-
15 tions to be carried out 15 days in advance of any transfer.

16 (b) The accounts referred to in subsection (a) are:
17 “Office of Job Corps”, “State Unemployment Insurance
18 and Employment Service Operations”, “Employee Bene-
19 fits Security Administration”, “Office of Workers’ Com-
20 pensation Programs”, “Wage and Hour Division”, “Office
21 of Federal Contract Compliance Programs”, “Office of
22 Labor Management Standards”, “Occupational Safety
23 and Health Administration”, “Mine Safety and Health
24 Administration”, and “Veterans Employment and Train-
25 ing”.

1 SEC. 109. None of the amounts made available under
 2 this Act may be used to enforce the rule entitled “Wage
 3 Methodology for the Temporary Non-Agricultural Em-
 4 ployment H-2B Program” (76 Fed. Reg. 3452 (January
 5 19, 2011)).

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

8 TITLE II

9 DEPARTMENT OF HEALTH AND HUMAN

10 SERVICES

11 HEALTH RESOURCES AND SERVICES ADMINISTRATION

12 HEALTH RESOURCES AND SERVICES

13 For carrying out titles II, III, IV, VII, VIII, X, XI,
 14 XII, XIX, and XXVI of the Public Health Service Act (re-
 15 ferred to in this Act as “PHS Act”), section 427(a) of
 16 the Federal Coal Mine Health and Safety Act, title V and
 17 sections 711, 1128E, and 1820 of the Social Security Act,
 18 the Health Care Quality Improvement Act of 1986, the
 19 Native Hawaiian Health Care Act of 1988, the Cardiac
 20 Arrest Survival Act of 2000, section 712 of the American
 21 Jobs Creation Act of 2004, and the Stem Cell Therapeutic
 22 and Research Act of 2005, \$6,204,517,000, of which
 23 \$41,118,000 from general revenues, notwithstanding sec-
 24 tion 1820(j) of the Social Security Act, shall be available
 25 for carrying out the Medicare rural hospital flexibility

1 grants program under such section: *Provided*, That of the
2 funds made available under this heading for carrying out
3 the Medicare rural hospital flexibility grant program,
4 \$1,000,000 shall be to carry out section 1820(g)(6) of the
5 Social Security Act: *Provided further*, That amounts pro-
6 vided for such grants shall be available for the purchase
7 and implementation of telehealth services, including pilots
8 and demonstrations on the use of electronic health records
9 to coordinate rural veterans care between rural providers
10 and the Department of Veterans Affairs through the use
11 of the VISTA-Electronic Health Record: *Provided further*,
12 That sections 747(c)(2), 751(j)(2), and the proportional
13 funding amounts in paragraphs (1) through (4) of section
14 756(e) of the PHS Act shall not apply to funds made
15 available in this paragraph: *Provided further*, That of the
16 funds made available under this heading, \$129,000 shall
17 be available until expended for facilities renovations at the
18 Gillis W. Long Hansen's Disease Center: *Provided further*,
19 That in addition to fees authorized by section 427(b) of
20 the Health Care Quality Improvement Act of 1986, fees
21 shall be collected for the full disclosure of information
22 under the Act sufficient to recover the full costs of oper-
23 ating the National Practitioner Data Bank, and shall re-
24 main available until expended to carry out that Act: *Pro-*
25 *vided further*, That fees collected for the full disclosure of

1 information under the “Health Care Fraud and Abuse
2 Data Collection Program”, authorized by section
3 1128E(d)(2) of the Social Security Act, shall be sufficient
4 to recover the full costs of operating the program, and
5 shall remain available until expended to carry out that
6 Act: *Provided further*, That no more than \$40,000 shall
7 be available until expended for carrying out the provisions
8 of section 224(o) of the PHS Act including associated ad-
9 ministrative expenses and relevant evaluations: *Provided*
10 *further*, That no more than \$100,000,000 shall be avail-
11 able until expended for carrying out the provisions of Pub-
12 lic Law 104–73 and for expenses incurred by the Depart-
13 ment of Health and Human Services (referred to in this
14 title as “HHS”) pertaining to administrative claims made
15 under such law: *Provided further*, That of the funds made
16 available under this heading, \$299,400,000 shall be for
17 the program under title X of the PHS Act to provide for
18 voluntary family planning projects: *Provided further*, That
19 amounts provided to said projects under such title shall
20 not be expended for abortions, that all pregnancy coun-
21 seling shall be nondirective, and that such amounts shall
22 not be expended for any activity (including the publication
23 or distribution of literature) that in any way tends to pro-
24 mote public support or opposition to any legislative pro-
25 posal or candidate for public office: *Provided further*, That

1 of the funds available under this heading, \$1,995,670,000
2 shall remain available to the Secretary of HHS (referred
3 to in this title as “Secretary”) through September 30,
4 2014, for parts A and B of title XXVI of the PHS Act:
5 *Provided further*, That within the amounts provided for
6 part A of title XXVI of the PHS Act, \$6,021,000 shall
7 be available to the Secretary through September 30, 2014,
8 and shall be available to qualifying jurisdictions, within
9 30 days of enactment, for increasing supplemental grants
10 for fiscal year 2012 to metropolitan and transitional areas
11 that received grant funding in fiscal year 2011 under sub-
12 parts I and II of part A of title XXVI of the PHS Act
13 to ensure that an area’s total funding under subparts I
14 and II of part A for fiscal year 2012, together with the
15 amount of this additional funding, is not less than 92.4
16 percent of the amount of such area’s total funding under
17 part A for fiscal year 2006: *Provided further*, That not-
18 withstanding section 2603(c)(1) of the PHS Act, the addi-
19 tional funding to areas under the immediately preceding
20 proviso, which may be used for costs incurred during fiscal
21 year 2011, shall be available to the area for obligation
22 from the date of the award through the end of the grant
23 year for the award: *Provided further*, That within amounts
24 provided for part B of title XXVI of the PHS Act,
25 \$900,000,000 shall be for State AIDS Drug Assistance

1 Programs authorized by section 311(c) or section 2616 of
2 the PHS Act: *Provided further*, That in addition to
3 amounts provided herein, \$25,000,000 shall be available
4 from amounts available under section 241 of the PHS Act
5 to carry out parts A, B, C, and D of title XXVI of the
6 PHS Act to fund section 2691 Special Projects of Na-
7 tional Significance: *Provided further*, That notwith-
8 standing sections 502(a)(1) and 502(b)(1) of the Social
9 Security Act, not to exceed \$60,171,000 shall be available
10 for carrying out special projects of regional and national
11 significance pursuant to section 501(a)(2) of such Act and
12 up to \$10,400,000 shall be available for projects described
13 in paragraphs (A) through (F) of section 501(a)(3) of
14 such Act: *Provided further*, That funds available to carry
15 out section 846 of the PHS Act and the National Health
16 Service Corps may be used to make prior year adjustments
17 to prior year awards made under these sections: *Provided*
18 *further*, That notwithstanding section 338J(k) of the PHS
19 Act, \$10,055,000 shall be available for State Offices of
20 Rural Health: *Provided further*, That, for any program op-
21 erating under section 751 of the PHS Act on or before
22 January 1, 2009, the Secretary may waive any of the re-
23 quirements contained in sections 751(d)(2)(A) and
24 751(d)(2)(B) of such Act: *Provided further*, That notwith-
25 standing section 399BB(g) of the PHS Act, funds made

1 available under this heading for section 399BB of the
 2 PHS Act are for carrying out the program as authorized
 3 under section 399BB(a)–(f) of such Act: *Provided further*,
 4 That the Secretary may collect a fee of 0.1 percent of each
 5 purchase of 340B drugs from entities participating in the
 6 Drug Pricing Program pursuant to section 340B of the
 7 PHS Act to pay for the operating costs of such program:
 8 *Provided further*, That fees pursuant to the 340B Drug
 9 Pricing Program shall be collected by manufacturers at
 10 the time of sale, and shall be credited to this account, to
 11 remain available until expended.

12 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

13 ACCOUNT

14 Such sums as may be necessary to carry out the pur-
 15 pose of the program, as authorized by title VII of the PHS
 16 Act. For administrative expenses to carry out the guaran-
 17 teed loan program, including section 709 of the PHS Act,
 18 \$2,841,000.

19 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

20 For payments from the Vaccine Injury Compensation
 21 Program Trust Fund (“Trust Fund”), such sums as may
 22 be necessary for claims associated with vaccine-related in-
 23 jury or death with respect to vaccines administered after
 24 September 30, 1988, pursuant to subtitle 2 of title XXI
 25 of the PHS Act, to remain available until expended: *Pro-*

1 *vided*, That for necessary administrative expenses, not to
2 exceed \$6,489,000 shall be available from the Trust Fund
3 to the Secretary.

4 CENTERS FOR DISEASE CONTROL AND PREVENTION
5 DISEASE CONTROL, RESEARCH, AND TRAINING

6 To carry out titles II, III, VII, XI, XV, XVII, XIX,
7 XXI, XXIII, and XXVI of the PHS Act, sections 101,
8 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal
9 Mine Safety and Health Act of 1977, section 13 of the
10 Mine Improvement and New Emergency Response Act of
11 2006, sections 20, 21, and 22 of the Occupational Safety
12 and Health Act of 1970, titles II and IV of the Immigra-
13 tion and Nationality Act, section 501 of the Refugee Edu-
14 cation Assistance Act of 1980, and for expenses necessary
15 to support activities related to countering potential biologi-
16 cal, nuclear, radiological, and chemical threats to civilian
17 populations; including purchase and insurance of official
18 motor vehicles in foreign countries; and purchase, hire,
19 maintenance, and operation of aircraft, \$5,765,735,000,
20 of which \$30,000,000 shall remain available until ex-
21 pended for business services, equipment, construction and
22 renovation of facilities; of which \$561,001,000 shall re-
23 main available until expended for the Strategic National
24 Stockpile under section 319F-2 of the PHS Act; of which
25 \$118,741,000 for international HIV/AIDS shall remain

1 available through September 30, 2013; of which
2 \$10,000,000 shall remain available through September
3 30, 2013 for incentive grants related to tobacco policies:
4 *Provided*, That in addition, such sums as may be derived
5 from authorized user fees, which shall be credited to this
6 account and shall be available until expended: *Provided*
7 *further*, That in addition to amounts provided herein, the
8 following amounts shall be available from amounts avail-
9 able under section 241 of the PHS Act: (1) \$12,864,000
10 to carry out the National Immunization Surveys; (2)
11 \$138,683,000 to carry out the National Center for Health
12 Statistics surveys; (3) \$109,086,000 to carry out Public
13 Health Scientific Services; and (4) \$106,724,000 to carry
14 out research activities within the National Occupational
15 Research Agenda: *Provided further*, That none of the
16 funds made available for injury prevention and control at
17 the Centers for Disease Control and Prevention (referred
18 to in this title as “CDC”) may be used, in whole or in
19 part, to advocate or promote gun control: *Provided further*,
20 That of the funds made available under this heading, up
21 to \$1,000 per eligible employee of the CDC shall be made
22 available until expended for Individual Learning Accounts:
23 *Provided further*, That the Director of CDC may redirect
24 the total amount made available under authority of Public
25 Law 101–502, section 3, dated November 3, 1990, to ac-

1 tivities the Director of CDC may so designate: *Provided*
2 *further*, That the Committees on Appropriations of the
3 House of Representatives and the Senate are to be notified
4 promptly of any such redirection: *Provided further*, That
5 funds available under this heading shall be available for
6 making grants under section 1509 of the PHS Act to not
7 less than 21 States, tribes, or tribal organizations: *Pro-*
8 *vided further*, That of the funds appropriated, \$10,000
9 shall be for official reception and representation expenses
10 when specifically approved by the Director of CDC: *Pro-*
11 *vided further*, That employees of the CDC or the Public
12 Health Service, both civilian and Commissioned Officers,
13 detailed to States, municipalities, or other organizations
14 under authority of section 214 of the PHS Act, or in over-
15 seas assignments, shall be treated as non-Federal employ-
16 ees for reporting purposes only and shall not be included
17 within any personnel ceiling applicable to the Agency,
18 Service, or the Department of HHS during the period of
19 detail or assignment: *Provided further*, That the CDC may
20 establish a Working Capital Fund, with the authorities
21 equivalent to those provided in 42 U.S.C. 231, to improve
22 the provision of supplies and service: *Provided further*,
23 That unobligated amounts provided for Business Services
24 Support in fiscal year 2012 may be transferred to the
25 Working Capital Fund: *Provided further*, That funds made

1 available for the Epidemiology-Laboratory Capacity
2 Grants program shall be available notwithstanding para-
3 graphs (1)–(3) of subsection (b) of section 2821 of the
4 PHS Act.

5 In addition, for necessary expenses to administer the
6 Energy Employees Occupational Illness Compensation
7 Program Act, \$55,358,000, to remain available until ex-
8 pended, of which \$4,500,000 shall be for use by or in sup-
9 port of the Advisory Board on Radiation and Worker
10 Health (“Board”) to carry out its statutory responsibil-
11 ities, including obtaining audits, technical assistance, and
12 other support from the Board’s audit contractor with re-
13 gard to radiation dose estimation and reconstruction ef-
14 forts, site profiles, procedures, and review of Special Expo-
15 sure Cohort petitions and evaluation reports: *Provided*,
16 That this amount shall be available consistent with the
17 provision regarding administrative expenses in section
18 151(b) of division B, title I of Public Law 106–554.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL CANCER INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to cancer, \$5,001,623,000, of which up
23 to \$8,000,000 may be used for facilities repairs and im-
24 provements at the National Cancer Institute—Frederick

1 Federally Funded Research and Development Center in
2 Frederick, Maryland.

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

4 For carrying out section 301 and title IV of the PHS
5 Act with respect to cardiovascular, lung, and blood dis-
6 eases, and blood and blood products, \$3,036,189,000.

7 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

8 RESEARCH

9 For carrying out section 301 and title IV of the PHS
10 Act with respect to dental disease, \$404,997,000.

11 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND

12 KIDNEY DISEASES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to diabetes and digestive and kidney dis-
15 ease, \$1,772,045,000.

16 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS

17 AND STROKE

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to neurological disorders and stroke,
20 \$1,603,741,000.

21 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

22 DISEASES

23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out section 301 and title IV of the PHS
25 Act with respect to allergy and infectious diseases,

1 \$4,725,288,000: *Provided*, That \$299,000,000 may be
2 made available to International Assistance Programs
3 “Global Fund to Fight HIV/AIDS, Malaria, and Tuber-
4 culosis”, to remain available until expended.

5 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to general medical sciences,
8 \$2,347,309,000.

9 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
10 CHILD HEALTH AND HUMAN DEVELOPMENT

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to child health and human development,
13 \$1,303,016,000.

14 NATIONAL EYE INSTITUTE

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to eye diseases and visual disorders,
17 \$692,938,000.

18 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

19 SCIENCES

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to environmental health sciences,
22 \$676,033,000.

23 NATIONAL INSTITUTE ON AGING

24 For carrying out section 301 and title IV of the PHS
25 Act with respect to aging, \$1,088,091,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to arthritis and musculoskeletal and skin
5 diseases, \$528,332,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to deafness and other communication dis-
10 orders, \$410,482,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to nursing research, \$142,755,000.

14 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
15 ALCOHOLISM

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to alcohol abuse and alcoholism,
18 \$453,127,000.

19 NATIONAL INSTITUTE ON DRUG ABUSE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to drug abuse, \$1,038,714,000.

22 NATIONAL INSTITUTE OF MENTAL HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to mental health, \$1,460,671,000.

1 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to human genome research,
4 \$505,738,000.

5 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
6 BIOENGINEERING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to biomedical imaging and bioengineering
9 research, \$333,671,000.

10 NATIONAL CENTER FOR COMPLEMENTARY AND
11 ALTERNATIVE MEDICINE

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to complementary and alternative medi-
14 cine, \$126,275,000.

15 NATIONAL INSTITUTE ON MINORITY HEALTH AND
16 HEALTH DISPARITIES

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to minority health and health disparities
19 research, including the implementation of any planned re-
20 organization related to the transfer of the Research Cen-
21 ters in Minority Institutions program from the National
22 Center for Research Resources, \$272,650,000.

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities of the John E. Fogarty
3 International Center (described in subpart 2 of part E of
4 title IV of the PHS Act), \$68,653,000.

5 NATIONAL LIBRARY OF MEDICINE

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to health information communications,
8 \$358,979,000, of which \$4,000,000 shall be available until
9 expended for improvement of information systems: *Pro-*
10 *vided*, That in fiscal year 2012, the National Library of
11 Medicine may enter into personal services contracts for the
12 provision of services in facilities owned, operated, or con-
13 structed under the jurisdiction of the National Institutes
14 of Health (referred to in this title as “NIH”): *Provided*
15 *further*, That in addition to amounts provided herein,
16 \$8,200,000 shall be available from amounts available
17 under section 241 of the PHS Act to carry out the pur-
18 poses of the National Information Center on Health Serv-
19 ices Research and Health Care Technology established
20 under section 478A of the PHS Act and related health
21 services.

22 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
23 SCIENCES

24 For carrying out section 301 and title IV of the PHS
25 Act with respect to translational sciences, \$582,326,000:

1 *Provided*, That up to \$20,000,000 shall be available to im-
2 plement section 402C of the PHS Act, relating to the
3 Cures Acceleration Network.

4 OFFICE OF THE DIRECTOR

5 For carrying out the responsibilities of the Office of
6 the Director, NIH, \$1,439,064,000, of which up to
7 \$25,000,000 shall be used to carry out section 213 of this
8 Act: *Provided*, That funding shall be available for the pur-
9 chase of not to exceed 29 passenger motor vehicles for re-
10 placement only: *Provided further*, That the NIH is author-
11 ized to collect third party payments for the cost of clinical
12 services that are incurred in NIH research facilities and
13 that such payments shall be credited to the NIH Manage-
14 ment Fund: *Provided further*, That all funds credited to
15 such Fund shall remain available for one fiscal year after
16 the fiscal year in which they are deposited: *Provided fur-*
17 *ther*, That \$537,811,000 shall be available for the Com-
18 mon Fund established under section 402A(c)(1) of the
19 PHS Act: *Provided further*, That of the funds provided
20 \$10,000 shall be for official reception and representation
21 expenses when specifically approved by the Director of the
22 NIH: *Provided further*, That the Office of AIDS Research
23 within the Office of the Director of the NIH may spend
24 up to \$8,000,000 to make grants for construction or ren-

1 ovation of facilities as provided for in section
2 2354(a)(5)(B) of the PHS Act.

3 BUILDINGS AND FACILITIES

4 For the study of, construction of, renovation of, and
5 acquisition of equipment for, facilities of or used by the
6 NIH, including the acquisition of real property,
7 \$125,581,000, to remain available until expended.

8 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

9 ADMINISTRATION

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

11 CENTER FOR MENTAL HEALTH SERVICES

12 For carrying out titles III, V, and XIX of the PHS
13 Act with respect to mental health, and the Protection and
14 Advocacy for Individuals with Mental Illness Act,
15 \$949,643,000: *Provided*, That notwithstanding section
16 520A(f)(2) of the PHS Act, no funds appropriated for car-
17 rying out section 520A shall be available for carrying out
18 section 1971 of the PHS Act: *Provided further*, That in
19 addition to amounts provided herein, \$20,997,000 shall be
20 available under section 241 of the PHS Act to carry out
21 subpart I of part B of title XIX of the PHS Act to fund
22 section 1920(b) technical assistance, national data, data
23 collection and evaluation activities, and further that the
24 total available under this Act for section 1920(b) activities
25 shall not exceed 5 percent of the amounts appropriated

1 for subpart I of part B of title XIX: *Provided further*, That
2 section 520E(b)(2) of the PHS Act shall not apply to
3 funds appropriated under this Act for fiscal year 2012:
4 *Provided further*, That of the amount appropriated under
5 this heading, \$40,800,000 shall be for the National Child
6 Traumatic Stress Initiative as described in section 582 of
7 the PHS Act.

8 CENTER FOR SUBSTANCE ABUSE TREATMENT

9 For carrying out titles III, V, and XIX of the PHS
10 Act with respect to substance abuse treatment and section
11 1922(a) of the PHS Act with respect to substance abuse
12 prevention, \$2,113,027,000: *Provided*, That in addition to
13 amounts provided herein, the following amounts shall be
14 available under section 241 of the PHS Act: (1)
15 \$79,200,000 to carry out subpart II of part B of title XIX
16 of the PHS Act to fund technical assistance, national
17 data, data collection and evaluation activities under sec-
18 tion 1935(b) of such Act, and further that the total avail-
19 able under this Act for section 1935(b) activities shall not
20 exceed 5 percent of the amounts appropriated for subpart
21 II of part B of title XIX; and (2) \$2,000,000 to evaluate
22 substance abuse treatment programs.

23 CENTER FOR SUBSTANCE ABUSE PREVENTION

24 For carrying out titles III and V of the PHS Act
25 with respect to substance abuse prevention, \$186,361,000.

1 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

2 For program support in carrying out titles III, V and
3 XIX of the PHS Act and the Protection and Advocacy
4 for Individuals with Mental Illness Act in the Substance
5 Abuse and Mental Health Services Administration,
6 \$105,606,000: *Provided*, That in addition to amounts pro-
7 vided herein, \$27,428,000 shall be available under section
8 241 of the PHS Act to supplement funds available to
9 carry out national surveys on drug abuse and mental
10 health, to collect and analyze program data, and to con-
11 duct public awareness and technical assistance activities:
12 *Provided further*, That funds made available under this
13 heading may be used to supplement program support
14 funding provided under the headings “Center for Mental
15 Health Services”, “Center for Substance Abuse Preven-
16 tion”, and “Center for Substance Abuse Treatment”.

17 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

18 HEALTHCARE RESEARCH AND QUALITY

19 For carrying out titles III and IX of the PHS Act,
20 part A of title XI of the Social Security Act, and section
21 1013 of the Medicare Prescription Drug, Improvement,
22 and Modernization Act of 2003, \$372,053,000 shall be
23 available from amounts available under section 241 of the
24 PHS Act, notwithstanding subsection 947(c) of such Act:
25 *Provided*, That in addition, amounts received from Free-

1 dom of Information Act fees, reimbursable and inter-
2 agency agreements, and the sale of data shall be credited
3 to this appropriation and shall remain available until ex-
4 pended.

5 CENTERS FOR MEDICARE AND MEDICAID SERVICES

6 GRANTS TO STATES FOR MEDICAID

7 For carrying out, except as otherwise provided, titles
8 XI and XIX of the Social Security Act, \$184,279,110,000,
9 to remain available until expended.

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

16 For making payments to States or in the case of sec-
17 tion 1928 on behalf of States under title XIX of the Social
18 Security Act for the first quarter of fiscal year 2013,
19 \$90,614,082,000, to remain available until expended.

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

1 PAYMENTS TO HEALTH CARE TRUST FUNDS

2 For payment to the Federal Hospital Insurance
3 Trust Fund and the Federal Supplementary Medical In-
4 surance Trust Fund, as provided under sections 217(g),
5 1844, and 1860D–16 of the Social Security Act, sections
6 103(e) and 111(d) of the Social Security Amendments of
7 1965, section 278(d) of Public Law 97–248, and for ad-
8 ministrative expenses incurred pursuant to section 201(g)
9 of the Social Security Act, \$231,012,000,000.

10 In addition, for making matching payments under
11 section 1844, and benefit payments under section 1860D–
12 16 of the Social Security Act, not anticipated in budget
13 estimates, such sums as may be necessary.

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the PHS Act, the Clinical Laboratory
18 Improvement Amendments of 1988, and other responsibil-
19 ities of the Centers for Medicare and Medicaid Services,
20 not to exceed \$4,044,876,000, to be transferred from the
21 Federal Hospital Insurance Trust Fund and the Federal
22 Supplementary Medical Insurance Trust Fund, as author-
23 ized by section 201(g) of the Social Security Act; together
24 with all funds collected in accordance with section 353 of
25 the PHS Act and section 1857(e)(2) of the Social Security

1 Act, funds retained by the Secretary pursuant to section
2 302 of the Tax Relief and Health Care Act of 2006; and
3 such sums as may be collected from authorized user fees
4 and the sale of data, which shall be credited to this ac-
5 count and remain available until expended: *Provided*, That
6 all funds derived in accordance with 31 U.S.C. 9701 from
7 organizations established under title XIII of the PHS Act
8 shall be credited to and available for carrying out the pur-
9 poses of this appropriation: *Provided further*, That
10 \$34,000,000, to remain available through September 30,
11 2013, shall be for contract costs for the Healthcare Inte-
12 grated General Ledger Accounting System: *Provided fur-*
13 *ther*, That the Secretary is directed to collect fees in fiscal
14 year 2012 from Medicare Advantage organizations pursu-
15 ant to section 1857(e)(2) of the Social Security Act and
16 from eligible organizations with risk-sharing contracts
17 under section 1876 of that Act pursuant to section
18 1876(k)(4)(D) of that Act.

19 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

20 In addition to amounts otherwise available for pro-
21 gram integrity and program management, \$581,000,000,
22 to remain available through September 30, 2013, to be
23 transferred from the Federal Hospital Insurance Trust
24 Fund and the Federal Supplementary Medical Insurance
25 Trust Fund, as authorized by section 201(g) of the Social

1 Security Act, of which \$345,715,000 shall be for the Medi-
2 care Integrity Program at the Centers for Medicare and
3 Medicaid Services, including administrative costs, to con-
4 duct oversight activities for Medicare Advantage and the
5 Medicare Prescription Drug Program authorized in title
6 XVIII of the Social Security Act and for activities listed
7 in section 1893 of such Act; of which \$97,556,000 shall
8 be for the HHS Office of Inspector General to carry out
9 fraud and abuse activities authorized by section
10 1817(k)(3) of such Act; of which \$44,644,000 shall be for
11 the Medicaid and Children’s Health Insurance Program
12 (“CHIP”) program integrity activities; and of which
13 \$93,085,000 shall be for the Department of Justice to
14 carry out fraud and abuse activities authorized by section
15 1817(k)(3) of such Act: *Provided*, That of the amounts
16 provided under this heading, \$311,000,000 is provided to
17 meet the terms of section 251(b)(2)(C)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985: *Pro-*
19 *vided further*, That the report required by section
20 1817(k)(5) of the Social Security Act for fiscal year 2012
21 shall include measures of the operational efficiency and
22 impact on fraud, waste, and abuse in the Medicare, Med-
23 icaid, and CHIP programs for the funds provided by this
24 appropriation.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

4 For making payments to States or other non-Federal
5 entities under titles I, IV–D, X, XI, XIV, and XVI of the
6 Social Security Act and the Act of July 5, 1960,
7 \$2,305,035,000, to remain available until expended; and
8 for such purposes for the first quarter of fiscal year 2013,
9 \$1,100,000,000, to remain available until expended.

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

22 For making, after May 31 of the current fiscal year,
23 payments to States or other non-Federal entities under
24 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
25 Act and the Act of July 5, 1960, for the last 3 months

1 of the current fiscal year for unanticipated costs, incurred
2 for the current fiscal year, such sums as may be necessary.

3 LOW INCOME HOME ENERGY ASSISTANCE

4 For making payments under subsections (b), (d), and
5 (e) of section 2602 of the Low Income Home Energy As-
6 sistance Act of 1981, \$3,600,580,000, of which
7 \$3,400,653,000 shall be for payments under subsections
8 (b) and (d) of such section; and of which \$199,927,000
9 shall be for payments under subsection (e) of such section,
10 to be made notwithstanding the designation requirements
11 of such subsection: *Provided*, That all of the funds pro-
12 vided in this Act for subsections (b) and (d) shall be allo-
13 cated as though the total appropriation for such payments
14 for fiscal year 2012 was less than \$1,975,000,000: *Pro-*
15 *vided further*, That notwithstanding section 2609A(a), of
16 the amounts appropriated under section 2602(b), not
17 more than \$3,000,000 of such amounts may be reserved
18 by the Secretary for technical assistance, training, and
19 monitoring of program activities for compliance with inter-
20 nal controls, policies and procedures.

21 REFUGEE AND ENTRANT ASSISTANCE

22 For necessary expenses for refugee and entrant as-
23 sistance activities authorized by section 414 of the Immi-
24 gration and Nationality Act and section 501 of the Ref-
25 ugee Education Assistance Act of 1980, for carrying out

1 section 462 of the Homeland Security Act of 2002, section
2 235 of the William Wilberforce Trafficking Victims Pro-
3 tection Reauthorization Act of 2008, and the Trafficking
4 Victims Protection Act of 2000, for costs associated with
5 the care and placement of unaccompanied alien children,
6 and for carrying out the Torture Victims Relief Act of
7 1998, \$787,639,000, of which up to \$9,794,000 shall be
8 available to carry out the Trafficking Victims Protection
9 Act of 2000: *Provided*, That funds appropriated under this
10 heading pursuant to section 414(a) of the Immigration
11 and Nationality Act, section 462 of the Homeland Secu-
12 rity Act of 2002, section 235 of the William Wilberforce
13 Trafficking Victims Protection Reauthorization Act of
14 2008, and the Trafficking Victims Protection Act of 2000
15 for fiscal year 2012 shall be available for the costs of as-
16 sistance provided and other activities to remain available
17 through September 30, 2014.

18 PAYMENTS TO STATES FOR THE CHILD CARE AND

19 DEVELOPMENT BLOCK GRANT

20 For carrying out the Child Care and Development
21 Block Grant Act of 1990, \$2,222,627,000 shall be used
22 to supplement, not supplant State general revenue funds
23 for child care assistance for low-income families: *Provided*,
24 That \$18,922,000 shall be available for child care resource
25 and referral and school-aged child care activities, of which

1 \$1,000,000 shall be available to the Secretary for a com-
 2 petitive grant for the operation of a national toll free hot-
 3 line and Web site to develop and disseminate child care
 4 consumer education information for parents and help par-
 5 ents access child care in their local community: *Provided*
 6 *further*, That, in addition to the amounts required to be
 7 reserved by the States under section 658G, \$283,592,000
 8 shall be reserved by the States for activities authorized
 9 under section 658G, of which \$104,005,000 shall be for
 10 activities that improve the quality of infant and toddler
 11 care: *Provided further*, That \$9,890,000 shall be for use
 12 by the Secretary for child care research, demonstration,
 13 and evaluation activities.

14 SOCIAL SERVICES BLOCK GRANT

15 For making grants to States pursuant to section
 16 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
 17 *vided*, That notwithstanding subparagraph (B) of section
 18 404(d)(2) of such Act, the applicable percent specified
 19 under such subparagraph for a State to carry out State
 20 programs pursuant to title XX of such Act shall be 10
 21 percent.

22 CHILDREN AND FAMILIES SERVICES PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out, except as otherwise provided, the
 25 Runaway and Homeless Youth Act, the Developmental

1 Disabilities Assistance and Bill of Rights Act, the Head
2 Start Act, the Child Abuse Prevention and Treatment Act,
3 sections 310 and 316 of the Family Violence Prevention
4 and Services Act, the Native American Programs Act of
5 1974, title II of the Child Abuse Prevention and Treat-
6 ment and Adoption Reform Act of 1978 (adoption oppor-
7 tunities), sections 330F and 330G of the PHS Act, the
8 Abandoned Infants Assistance Act of 1988, section 291
9 of the Help America Vote Act of 2002, part B-1 of title
10 IV and sections 413, 1110, and 1115 of the Social Secu-
11 rity Act; for making payments under the Community Serv-
12 ices Block Grant Act (“CSBG Act”), sections 439(i),
13 473B, and 477(i) of the Social Security Act, and the As-
14 sets for Independence Act; and for necessary administra-
15 tive expenses to carry out such Acts and titles I, IV, V,
16 X, XI, XIV, XVI, and XX of the Social Security Act, the
17 Act of July 5, 1960, the Low Income Home Energy As-
18 sistance Act of 1981, title IV of the Immigration and Na-
19 tionality Act, and section 501 of the Refugee Education
20 Assistance Act of 1980, \$9,845,685,000, of which
21 \$39,421,000, to remain available through September 30,
22 2013, shall be for grants to States for adoption incentive
23 payments, as authorized by section 473A of the Social Se-
24 curity Act and may be made for adoptions completed be-
25 fore September 30, 2012: *Provided*, That \$7,899,633,000

1 shall be for making payments under the Head Start Act:
2 *Provided further*, That for purposes of allocating funds de-
3 scribed by the immediately preceding proviso, the term
4 “base grant” as used in subsection (a)(7)(A) of section
5 640 of such Act with respect to funding provided to a
6 Head Start agency (including each Early Head Start
7 agency) for fiscal year 2011 shall be calculated as de-
8 scribed in such subsection and to which amount shall be
9 added 50 percent of the amount of funds appropriated
10 under the heading “Department of Health and Human
11 Services: Administration for Children and Families: Chil-
12 dren and Family Services Programs” in the American Re-
13 covery and Reinvestment Act of 2009 (Public Law 111–
14 5) and provided to such agency for carrying out expansion
15 of Head Start programs, as that phrase is used in sub-
16 section (a)(4)(D) of such section 640, and provided to
17 such agency as the ongoing funding level for operations
18 in the 12-month period beginning in fiscal year 2010: *Pro-*
19 *vided further*, That \$707,594,000 shall be for making pay-
20 ments under the CSBG Act: *Provided further*, That
21 \$29,304,000 shall be for sections 680 and 678E(b)(2) of
22 the CSBG Act, of which not less than \$21,964,000 shall
23 be for section 680(a)(2) and not less than \$6,990,000
24 shall be for section 680(a)(3)(B) of such Act: *Provided*
25 *further*, That in addition to amounts provided herein,

1 \$5,762,000 shall be available from amounts available
2 under section 241 of the PHS Act to carry out the provi-
3 sions of section 1110 of the Social Security Act: *Provided*
4 *further*, That to the extent Community Services Block
5 Grant funds are distributed as grant funds by a State to
6 an eligible entity as provided under the CSBG Act, and
7 have not been expended by such entity, they shall remain
8 with such entity for carryover into the next fiscal year for
9 expenditure by such entity consistent with program pur-
10 poses: *Provided further*, That the Secretary shall establish
11 procedures regarding the disposition of intangible assets
12 and program income that permit such assets acquired
13 with, and program income derived from, grant funds au-
14 thorized under section 680 of the CSBG Act to become
15 the sole property of such grantees after a period of not
16 more than 12 years after the end of the grant period for
17 any activity consistent with section 680(a)(2)(A) of the
18 CSBG Act: *Provided further*, That intangible assets in the
19 form of loans, equity investments and other debt instru-
20 ments, and program income may be used by grantees for
21 any eligible purpose consistent with section 680(a)(2)(A)
22 of the CSBG Act: *Provided further*, That these procedures
23 shall apply to such grant funds made available after No-
24 vember 29, 1999: *Provided further*, That funds appro-
25 priated for section 680(a)(2) of the CSBG Act shall be

1 available for financing construction and rehabilitation and
2 loans or investments in private business enterprises owned
3 by community development corporations: *Provided further,*
4 That \$5,245,000 shall be for activities authorized by sec-
5 tion 291 of the Help America Vote Act of 2002: *Provided*
6 *further,* That \$1,996,000 shall be for a human services
7 case management system for federally declared disasters,
8 to include a comprehensive national case management con-
9 tract and Federal costs of administering the system: *Pro-*
10 *vided further,* That up to \$2,000,000 shall be for improv-
11 ing the Public Assistance Reporting Information System,
12 including grants to States to support data collection for
13 a study of the system's effectiveness.

14 SUPPORTING HEALTHY FAMILIES AND ADOLESCENT
15 DEVELOPMENT

16 For carrying out section 436 of the Social Security
17 Act, \$365,000,000 and section 437 of such Act,
18 \$63,184,000.

19 PAYMENTS FOR FOSTER CARE AND PERMANENCY

20 For making payments to States or other non-Federal
21 entities under title IV–E of the Social Security Act,
22 \$5,153,000,000.

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

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

7 ADMINISTRATION ON AGING

8 AGING SERVICES PROGRAMS

9 (INCLUDING TRANSFER OF FUNDS)

10 For carrying out, to the extent not otherwise pro-
11 vided, the Older Americans Act of 1965 (“OAA”), section
12 398 and title XXIX of the PHS Act, section 119 of the
13 Medicare Improvements for Patients and Providers Act of
14 2008, and for necessary administrative expenses to carry
15 out section 393D and title XVII of the PHS Act,
16 \$1,482,701,000, together with \$52,000,000 to be trans-
17 ferred from the Federal Hospital Insurance Trust Fund
18 and the Federal Supplementary Medical Insurance Trust
19 Fund to carry out section 4360 of the Omnibus Budget
20 Reconciliation Act of 1990: *Provided*, That amounts ap-
21 propriated under this heading may be used for grants to
22 States under section 361 of the OAA only for disease pre-
23 vention and health promotion programs and activities
24 which have been demonstrated to the satisfaction of the
25 Secretary to be evidence-based and effective: *Provided fur-*

1 *ther*, That, notwithstanding section 206(g) of the OAA,
2 up to 1 percent of amounts appropriated to carry out pro-
3 grams authorized under title III of such Act shall be avail-
4 able for conducting evaluations, training and technical as-
5 sistance: *Provided further*, That the total amount available
6 for fiscal year 2012 under this and any other Act to carry
7 out activities related to Aging and Disability Resource
8 Centers under subsections (a)(20)(B)(iii) and (b)(8) of
9 section 202 of the OAA shall not exceed the amount obli-
10 gated for such purposes for fiscal year 2010 from funds
11 available under Public Law 111–117: *Provided further*,
12 That notwithstanding any other provision of this Act,
13 funds made available under this heading to carry out sec-
14 tion 311 of the OAA may be transferred to the Secretary
15 of Agriculture in accordance with such section.

16 OFFICE OF THE SECRETARY

17 GENERAL DEPARTMENTAL MANAGEMENT

18 For necessary expenses, not otherwise provided, for
19 general departmental management, including hire of six
20 sedans, and for carrying out titles III, IV, XVII, XX, and
21 XXI of the PHS Act, the United States-Mexico Border
22 Health Commission Act, and research studies under sec-
23 tion 1110 of the Social Security Act, \$476,221,000, to-
24 gether with \$72,811,000 from the amounts available
25 under section 241 of the PHS Act to carry out national

1 health or human services research and evaluation activi-
2 ties: *Provided*, That of this amount, \$53,783,000 shall be
3 for minority AIDS prevention and treatment activities:
4 *Provided further*, That of the funds made available under
5 this heading, \$104,790,000 shall be for making competi-
6 tive contracts and grants to public and private entities to
7 fund medically accurate and age appropriate programs
8 that reduce teen pregnancy and for the Federal costs asso-
9 ciated with administering and evaluating such contracts
10 and grants, of which not less than \$75,000,000 shall be
11 for replicating programs that have been proven effective
12 through rigorous evaluation to reduce teenage pregnancy,
13 behavioral risk factors underlying teenage pregnancy, or
14 other associated risk factors, of which not less than
15 \$25,000,000 shall be available for research and dem-
16 onstration grants to develop, replicate, refine, and test ad-
17 ditional models and innovative strategies for preventing
18 teenage pregnancy, and of which any remaining amounts
19 shall be available for training and technical assistance,
20 evaluation, outreach, and additional program support ac-
21 tivities: *Provided further*, That of the amounts provided
22 under this heading from amounts available under section
23 241 of the PHS Act, \$8,455,000 shall be available to carry
24 out evaluations (including longitudinal evaluations) of
25 teenage pregnancy prevention approaches.

1 OFFICE OF MEDICARE HEARINGS AND APPEALS

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

8 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
9 INFORMATION TECHNOLOGY

10 For expenses necessary for the Office of the National
11 Coordinator for Health Information Technology, including
12 grants, contracts, and cooperative agreements for the de-
13 velopment and advancement of interoperable health infor-
14 mation technology, \$42,246,000: *Provided*, That in addi-
15 tion to amounts provided herein, \$19,011,000 shall be
16 available from amounts available under section 241 of the
17 PHS Act.

18 OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General, including the hire of passenger motor vehicles for
21 investigations, in carrying out the provisions of the Inspec-
22 tor General Act of 1978, \$50,178,000: *Provided*, That of
23 such amount, necessary sums shall be available for pro-
24 viding protective services to the Secretary and inves-
25 tigating non-payment of child support cases for which non-

1 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
2 *vided further*, That at least forty percent of the funds pro-
3 vided in this Act for the Office of Inspector General shall
4 be used only for investigations, audits, and evaluations
5 pertaining to the discretionary programs funded in this
6 Act.

7 OFFICE FOR CIVIL RIGHTS

8 For expenses necessary for the Office for Civil
9 Rights, \$41,016,000.

10 RETIREMENT PAY AND MEDICAL BENEFITS FOR

11 COMMISSIONED OFFICERS

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

19 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

20 FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses necessary to support activities related
23 to countering potential biological, nuclear, radiological,
24 chemical, and cybersecurity threats to civilian populations,
25 and for other public health emergencies, \$574,452,000; of

1 which \$15,000,000 shall remain available until expended
2 to support emergency operations.

3 From funds transferred to this account pursuant to
4 the fourth paragraph under this heading in Public Law
5 111–117, up to \$415,000,000 shall be available for ex-
6 penses necessary to support advanced research and devel-
7 opment pursuant to section 319L of the PHS Act, and
8 other administrative expenses of the Biomedical Advanced
9 Research and Development Authority to support addi-
10 tional advanced research and development.

11 GENERAL PROVISIONS

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

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

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

1 Services Administration shall be used to pay the salary
2 of an individual, through a grant or other extramural
3 mechanism, at a rate in excess of Executive Level I.

4 SEC. 204. None of the funds appropriated in this Act
5 may be expended pursuant to section 241 of the PHS Act,
6 except for funds specifically provided for in this Act, or
7 for other taps and assessments made by any office located
8 in the Department of HHS, prior to the preparation and
9 submission of a report by the Secretary to the Committees
10 on Appropriations of the House of Representatives and the
11 Senate detailing the planned uses of such funds.

12 SEC. 205. Notwithstanding section 241(a) of the
13 PHS Act, such portion as the Secretary shall determine,
14 but not more than 2.5 percent, of any amounts appro-
15 priated for programs authorized under such Act shall be
16 made available for the evaluation (directly, or by grants
17 or contracts) of the implementation and effectiveness of
18 such programs.

19 (TRANSFER OF FUNDS)

20 SEC. 206. Not to exceed 1 percent of any discre-
21 tionary funds (pursuant to the Balanced Budget and
22 Emergency Deficit Control Act of 1985) which are appro-
23 priated for the current fiscal year for the Department of
24 HHS in this Act may be transferred between a program,
25 project, or activity, but no such program, project, or activ-

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

9 (TRANSFER OF FUNDS)

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

18 (TRANSFER OF FUNDS)

19 SEC. 208. Of the amounts made available in this Act
20 for the NIH, the amount for research related to the
21 human immunodeficiency virus, as jointly determined by
22 the Director of the NIH and the Director of the Office
23 of AIDS Research, shall be made available to the “Office
24 of AIDS Research Office” account. The Director of the
25 Office of AIDS Research shall transfer from such account

1 amounts necessary to carry out section 2353(d)(3) of the
2 PHS Act.

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

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

15 SEC. 211. None of the funds appropriated by this Act
16 (including funds appropriated to any trust fund) may be
17 used to carry out the Medicare Advantage program if the
18 Secretary denies participation in such program to an oth-
19 erwise eligible entity (including a Provider Sponsored Or-
20 ganization) because the entity informs the Secretary that
21 it will not provide, pay for, provide coverage of, or provide
22 referrals for abortions: *Provided*, That the Secretary shall
23 make appropriate prospective adjustments to the capita-
24 tion payment to such an entity (based on an actuarially
25 sound estimate of the expected costs of providing the serv-

1 ice to such entity's enrollees): *Provided further*, That noth-
2 ing in this section shall be construed to change the Medi-
3 care program's coverage for such services and a Medicare
4 Advantage organization described in this section shall be
5 responsible for informing enrollees where to obtain infor-
6 mation about all Medicare covered services.

7 SEC. 212. In order for the Department of HHS to
8 carry out international health activities, including HIV/
9 AIDS and other infectious disease, chronic and environ-
10 mental disease, and other health activities abroad during
11 fiscal year 2012:

12 (1) The Secretary may exercise authority equiv-
13 alent to that available to the Secretary of State in
14 section 2(c) of the State Department Basic Authori-
15 ties Act of 1956. The Secretary shall consult with
16 the Secretary of State and relevant Chief of Mission
17 to ensure that the authority provided in this section
18 is exercised in a manner consistent with section 207
19 of the Foreign Service Act of 1980 and other appli-
20 cable statutes administered by the Department of
21 State.

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

1 ment of facilities outside of the United States for
2 the use of the Department of HHS. The Depart-
3 ment of State shall cooperate fully with the Sec-
4 retary to ensure that the Department of HHS has
5 secure, safe, functional facilities that comply with
6 applicable regulation governing location, setback,
7 and other facilities requirements and serve the pur-
8 poses established by this Act. The Secretary is au-
9 thorized, in consultation with the Secretary of State,
10 through grant or cooperative agreement, to make
11 available to public or nonprofit private institutions
12 or agencies in participating foreign countries, funds
13 to acquire, lease, alter, or renovate facilities in those
14 countries as necessary to conduct programs of as-
15 sistance for international health activities, including
16 activities relating to HIV/AIDS and other infectious
17 diseases, chronic and environmental diseases, and
18 other health activities abroad.

19 (3) The Secretary is authorized to provide to
20 personnel appointed or assigned by the Secretary to
21 serve abroad, allowances and benefits similar to
22 those provided under chapter 9 of title I of the For-
23 eign Service Act of 1980, and 22 U.S.C. 4081
24 through 4086 and subject to such regulations pre-
25 scribed by the Secretary. The Secretary is further

1 authorized to provide locality-based comparability
2 payments (stated as a percentage) up to the amount
3 of the locality-based comparability payment (stated
4 as a percentage) that would be payable to such per-
5 sonnel under section 5304 of title 5, United States
6 Code if such personnel's official duty station were in
7 the District of Columbia. Leaves of absence for per-
8 sonnel under this subsection shall be on the same
9 basis as that provided under subchapter I of chapter
10 63 of title 5, United States Code, or section 903 of
11 the Foreign Service Act of 1980, to individuals serv-
12 ing in the Foreign Service.

13 SEC. 213. (a) AUTHORITY.—Notwithstanding any
14 other provision of law, the Director of the NIH (“Direc-
15 tor”) may use funds available under section 402(b)(7) or
16 402(b)(12) of the PHS Act to enter into transactions
17 (other than contracts, cooperative agreements, or grants)
18 to carry out research identified pursuant to such section
19 402(b)(7) (pertaining to the Common Fund) or research
20 and activities described in such section 402(b)(12).

21 (b) PEER REVIEW.—In entering into transactions
22 under subsection (a), the Director may utilize such peer
23 review procedures (including consultation with appropriate
24 scientific experts) as the Director determines to be appro-
25 priate to obtain assessments of scientific and technical

1 merit. Such procedures shall apply to such transactions
2 in lieu of the peer review and advisory council review pro-
3 cedures that would otherwise be required under sections
4 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
5 and 494 of the PHS Act.

6 SEC. 214. Funds which are available for Individual
7 Learning Accounts for employees of the CDC and the
8 Agency for Toxic Substances and Disease Registry
9 (“ATSDR”) may be transferred to “Disease Control, Re-
10 search, and Training”, to be available only for Individual
11 Learning Accounts: *Provided*, That such funds may be
12 used for any individual full-time equivalent employee while
13 such employee is employed either by CDC or ATSDR.

14 SEC. 215. Notwithstanding any other provisions of
15 law, discretionary funds made available in this Act may
16 be used to continue operating the Council on Graduate
17 Medical Education established by section 301 of Public
18 Law 102–408.

19 SEC. 216. Not to exceed \$35,000,000 of funds appro-
20 priated by this Act to the institutes and centers of the
21 NIH may be used for alteration, repair, or improvement
22 of facilities, as necessary for the proper and efficient con-
23 duct of the activities authorized herein, at not to exceed
24 \$2,500,000 per project.

(TRANSFER OF FUNDS)

1
2 SEC. 217. Of the amounts made available for the
3 NIH, 1 percent of the amount made available for National
4 Research Service Awards (“NRSA”) shall be made avail-
5 able to the Administrator of the Health Resources and
6 Services Administration to make NRSA awards for re-
7 search in primary medical care to individuals affiliated
8 with entities who have received grants or contracts under
9 section 747 of the PHS Act, and 1 percent of the amount
10 made available for NRSA shall be made available to the
11 Director of the Agency for Healthcare Research and Qual-
12 ity to make NRSA awards for health service research.

13 SEC. 218. (a) Within 45 days of enactment of this
14 Act, the Secretary shall transfer funds appropriated under
15 section 4002 of the Patient Protection and Affordable
16 Care Act of 2010 to the accounts specified, in the amounts
17 specified, and for the activities specified under the heading
18 “Prevention and Public Health Fund” in the committee
19 report of the Senate accompanying this Act.

20 (b) Notwithstanding section 4002(c) of the Patient
21 Protection and Affordable Care Act of 2010, the Secretary
22 may not further transfer these amounts.

23 (c) Funds transferred for activities authorized under
24 section 2821 of the PHS Act shall be made available with-
25 out reference to section 2821(b) of such Act.

1 (d) From funds transferred for activities authorized
2 under section 4201 of Public Law 111–148, \$135,000,000
3 shall be available for a program consisting of 3-year
4 grants of no less than \$100,000 per year to non-govern-
5 mental entities, school districts, local housing authorities,
6 local transportation authorities or Indian tribes to imple-
7 ment evidence-based chronic disease prevention strategies.
8 Applicants for such grants shall determine the population
9 to be served and shall agree to work in collaboration with
10 multi-sector partners.

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

13 TITLE III

14 DEPARTMENT OF EDUCATION

15 EDUCATION FOR THE DISADVANTAGED

16 For carrying out title I of the Elementary and Sec-
17 ondary Education Act of 1965 (referred to in this Act as
18 “ESEA”) and section 418A of the Higher Education Act
19 of 1965 (referred to in this Act as “HEA”),
20 \$15,714,934,000, of which \$4,780,117,000 shall become
21 available on July 1, 2012, and shall remain available
22 through September 30, 2013, and of which
23 \$10,841,177,000 shall become available on October 1,
24 2012, and shall remain available through September 30,
25 2013, for academic year 2012–2013: *Provided*, That

1 \$6,584,750,000 shall be for basic grants under section
2 1124 of the ESEA: *Provided further*, That up to
3 \$3,992,000 of these funds shall be available to the Sec-
4 retary of Education (referred to in this title as “Sec-
5 retary”) on October 1, 2011, to obtain annually updated
6 local educational agency-level census poverty data from
7 the Bureau of the Census: *Provided further*, That
8 \$1,362,301,000 shall be for concentration grants under
9 section 1124A of the ESEA: *Provided further*, That
10 \$3,258,183,000 shall be for targeted grants under section
11 1125 of the ESEA: *Provided further*, That
12 \$3,258,183,000 shall be for education finance incentive
13 grants under section 1125A of the ESEA: *Provided fur-*
14 *ther*, That \$4,151,000 shall be to carry out sections 1501
15 and 1503 of the ESEA: *Provided further*, That funds
16 available under sections 1124, 1124A, 1125 and 1125A
17 of the ESEA may be used to provide homeless children
18 and youths with services not ordinarily provided to other
19 students under those sections, including supporting the li-
20 aison designated pursuant to section 722(g)(1)(J)(ii) of
21 the McKinney-Vento Homeless Assistance Act, and pro-
22 viding transportation pursuant to section 722(g)(1)(J)(iii)
23 of such Act: *Provided further*, That \$534,562,000 shall be
24 available for school improvement grants under section
25 1003(g) of the ESEA, which shall be allocated by the Sec-

1 retary through the formula described in section
2 1003(g)(2) and shall be used consistent with the require-
3 ments of section 1003(g), except that State and local edu-
4 cational agencies may use such funds to serve any school
5 eligible to receive assistance under part A of title I that
6 has not made adequate yearly progress for at least 2 years
7 or is in the State's lowest quintile of performance based
8 on proficiency rates and, in the case of secondary schools,
9 priority shall be given to those schools with graduation
10 rates below 60 percent: *Provided further*, That notwith-
11 standing section 1003(g)(5)(A), each State educational
12 agency may establish a maximum subgrant size of not
13 more than \$2,000,000 for each participating school appli-
14 cable to such funds: *Provided further*, That the Secretary
15 may reserve up to 5 percent of the funds available for sec-
16 tion 1003(g) of the ESEA to carry out activities to build
17 State and local educational agency capacity to implement
18 effectively the school improvement grants program: *Pro-*
19 *vided further*, That \$183,000,000 shall be available under
20 section 1502 of the ESEA for a comprehensive literacy
21 development and education program to advance literacy
22 skills, including pre-literacy skills, reading, and writing,
23 for students from birth through grade 12, including lim-
24 ited-English-proficient students and students with disabil-
25 ities, of which one-half of 1 percent shall be reserved for

1 the Secretary of the Interior for such a program at schools
2 funded by the Bureau of Indian Education, one-half of
3 1 percent shall be reserved for grants to the outlying areas
4 for such a program, up to 5 percent may be reserved for
5 national activities, and the remainder shall be used to
6 award competitive grants to State educational agencies for
7 such a program, of which a State educational agency may
8 reserve up to 5 percent for State leadership activities, in-
9 cluding technical assistance and training, data collection,
10 reporting, and administration, and shall subgrant not less
11 than 95 percent to local educational agencies or, in the
12 case of early literacy, to local educational agencies or other
13 nonprofit providers of early childhood education that part-
14 ner with a public or private nonprofit organization or
15 agency with a demonstrated record of effectiveness in im-
16 proving the early literacy development of children from
17 birth through kindergarten entry and in providing profes-
18 sional development in early literacy, giving priority to such
19 agencies or other entities serving greater numbers or per-
20 centages of disadvantaged children: *Provided further*, That
21 the State educational agency shall ensure that at least 15
22 percent of the subgranted funds are used to serve children
23 from birth through age 5, 40 percent are used to serve
24 students in kindergarten through grade 5, and 40 percent
25 are used to serve students in middle and high school in-

1 cluding an equitable distribution of funds between middle
2 and high schools: *Provided further*, That eligible entities
3 receiving subgrants from State educational agencies shall
4 use such funds for services and activities that have the
5 characteristics of effective literacy instruction through
6 professional development, screening and assessment, tar-
7 geted interventions for students reading below grade level
8 and other research-based methods of improving classroom
9 instruction and practice.

10 IMPACT AID

11 For carrying out programs of financial assistance to
12 federally affected schools authorized by title VIII of the
13 ESEA, \$1,273,631,000, of which \$1,135,724,000 shall be
14 for basic support payments under section 8003(b),
15 \$48,505,000 shall be for payments for children with dis-
16 abilities under section 8003(d), \$17,474,000 shall be for
17 construction under section 8007(b) and shall remain avail-
18 able through September 30, 2013, \$67,074,000 shall be
19 for Federal property payments under section 8002, and
20 \$4,854,000, to remain available until expended, shall be
21 for facilities maintenance under section 8008: *Provided*,
22 That for purposes of computing the amount of a payment
23 for an eligible local educational agency under section
24 8003(a) for school year 2011–2012, children enrolled in
25 a school of such agency that would otherwise be eligible

1 for payment under section 8003(a)(1)(B) of such Act, but
2 due to the deployment of both parents or legal guardians,
3 or a parent or legal guardian having sole custody of such
4 children, or due to the death of a military parent or legal
5 guardian while on active duty (so long as such children
6 reside on Federal property as described in section
7 8003(a)(1)(B)), are no longer eligible under such section,
8 shall be considered as eligible students under such section,
9 provided such students remain in average daily attendance
10 at a school in the same local educational agency they at-
11 tended prior to their change in eligibility status.

12 SCHOOL IMPROVEMENT PROGRAMS

13 For carrying out school improvement activities au-
14 thorized by parts A and B of title II, part B of title IV,
15 parts A and B of title VI, and parts B and C of title VII
16 of the ESEA; the McKinney-Vento Homeless Assistance
17 Act; section 203 of the Educational Technical Assistance
18 Act of 2002; the Compact of Free Association Amend-
19 ments Act of 2003; and the Civil Rights Act of 1964,
20 \$4,570,145,000, of which \$2,745,373,000 shall become
21 available on July 1, 2012, and remain available through
22 September 30, 2013, and of which \$1,681,441,000 shall
23 become available on October 1, 2012, and shall remain
24 available through September 30, 2013, for academic year
25 2012–2013: *Provided*, That funds made available to carry

1 out part B of title VII of the ESEA may be used for con-
2 struction, renovation, and modernization of any elemen-
3 tary school, secondary school, or structure related to an
4 elementary school or secondary school, run by the Depart-
5 ment of Education of the State of Hawaii, that serves a
6 predominantly Native Hawaiian student body: *Provided*
7 *further*, That funds made available to carry out part C
8 of title VII of the ESEA shall be awarded on a competitive
9 basis, and also may be used for construction: *Provided fur-*
10 *ther*, That \$51,210,000 shall be available to carry out sec-
11 tion 203 of the Educational Technical Assistance Act of
12 2002: *Provided further*, That \$17,652,000 shall be avail-
13 able to carry out the Supplemental Education Grants pro-
14 gram for the Federated States of Micronesia and the Re-
15 public of the Marshall Islands: *Provided further*, That up
16 to 5 percent of these amounts may be reserved by the Fed-
17 erated States of Micronesia and the Republic of the Mar-
18 shall Islands to administer the Supplemental Education
19 Grants programs and to obtain technical assistance, over-
20 sight and consultancy services in the administration of
21 these grants and to reimburse the United States Depart-
22 ments of Labor, Health and Human Services, and Edu-
23 cation for such services: *Provided further*, That up to 5
24 percent of the funds for subpart 1 of part A of title II
25 of the ESEA shall be reserved by the Secretary for com-

1 petitive awards for teacher or principal training or profes-
2 sional enhancement activities to national not-for-profit or-
3 ganizations.

4 INDIAN EDUCATION

5 For expenses necessary to carry out, to the extent
6 not otherwise provided, title VII, part A of the ESEA,
7 \$128,027,000.

8 INNOVATION AND IMPROVEMENT

9 For carrying out activities authorized by part G of
10 title I, subpart 5 of part A and parts C and D of title
11 II, parts B, C, and D of title V of the ESEA, and sections
12 14006 and 14007 of division A of the American Recovery
13 and Reinvestment Act of 2009, as amended,
14 \$1,740,212,000: *Provided*, That the Secretary may use up
15 to \$698,600,000 for section 14006 of division A of Public
16 Law 111–5, as amended, to make awards (including on
17 the basis of previously submitted applications) to States
18 or to local educational agencies, or both, in accordance
19 with the applicable requirements of that section, as deter-
20 mined by the Secretary, and may use up to 5 percent of
21 such funds for technical assistance and evaluation of the
22 activities carried out under that section: *Provided further*,
23 That up to \$149,700,000 shall be available for section
24 14007 of division A of Public Law 111–5, and up to 5
25 percent of such funds may be used for technical assistance

1 and the evaluation of activities carried out under such sec-
2 tion: *Provided further*, That from funds for subpart 4, part
3 C of title II of the ESEA, up to 3 percent shall be avail-
4 able to the Secretary for technical assistance and dissemi-
5 nation of information: *Provided further*, That
6 \$300,000,000 of the funds for subpart 1 of part D of title
7 V of the ESEA shall be for competitive grants to local
8 educational agencies, including charter schools that are
9 local educational agencies, or States, or partnerships of:
10 (1) a local educational agency, a State, or both; and (2)
11 at least one non-profit organization to develop and imple-
12 ment reforms in such areas as evaluation, compensation,
13 hiring, and advancement in order to increase the effective-
14 ness of teachers, principals, and other personnel in high-
15 need schools: *Provided further*, That such reforms must
16 consider gains in student academic achievement as well
17 as classroom evaluations conducted multiple times during
18 each school year among other factors and may provide
19 educators with incentives to take on additional responsibil-
20 ities and leadership roles: *Provided further*, That recipients
21 of such grants shall demonstrate that such reforms are
22 developed with the input of teachers and school leaders
23 in the schools and local educational agencies to be served
24 by the grant: *Provided further*, That recipients of such
25 grants may use such funds to develop or improve systems

1 and tools (which may be developed and used for the entire
2 local educational agency or only for schools served under
3 the grant) that would enhance the quality and success of
4 the compensation system, such as high-quality teacher
5 evaluations and tools to measure growth in student
6 achievement: *Provided further*, That applications for such
7 grants shall include a plan to sustain financially the activi-
8 ties conducted and systems developed under the grant
9 once the grant period has expired: *Provided further*, That
10 up to 5 percent of such funds for competitive grants shall
11 be available for technical assistance, training, peer review
12 of applications, program outreach and evaluation activi-
13 ties: *Provided further*, That of the funds available for part
14 B of title V of the ESEA, the Secretary shall use not less
15 than \$23,000,000 to carry out activities under section
16 5205(b) and under subpart 2: *Provided further*, That of
17 the funds available for subpart 1 of part B of title V of
18 the ESEA, and notwithstanding section 5205(a), the Sec-
19 retary may reserve up to \$55,000,000 to make multiple
20 awards to non-profit charter management organizations
21 and other entities that are not for-profit entities for the
22 replication and expansion of successful charter school
23 models and shall reserve up to \$11,000,000 to carry out
24 the activities described in section 5205(a), including im-
25 proving quality and oversight of charter schools and pro-

1 viding technical assistance to authorized public chartering
2 agencies in order to increase the number of high-per-
3 forming charter schools: *Provided further*, That each appli-
4 cation submitted pursuant to section 5203(a) shall de-
5 scribe a plan to monitor and hold accountable authorized
6 public chartering agencies through such activities as pro-
7 viding technical assistance or establishing a professional
8 development program, which may include planning, train-
9 ing and systems development for staff of authorized public
10 chartering agencies to improve the capacity of such agen-
11 cies in the State to authorize, monitor, and hold account-
12 able charter schools: *Provided further*, That each applica-
13 tion submitted pursuant to section 5203(a) shall contain
14 assurances that State law, regulations, or other policies
15 require that: (1) each authorized charter school in the
16 State operate under a legally binding charter or perform-
17 ance contract between itself and the school's authorized
18 public chartering agency that describes the obligations and
19 responsibilities of the school and the public chartering
20 agency; conduct annual, timely, and independent audits of
21 the school's financial statements that are filed with the
22 school's authorized public chartering agency; and dem-
23 onstrate improved student academic achievement; and (2)
24 authorized public chartering agencies use increases in stu-
25 dent academic achievement for all groups of students de-

1 scribed in section 1111(b)(2)(C)(v) of the ESEA as the
2 most important factor when determining to renew or re-
3 voke a school's charter.

4 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

5 For carrying out activities authorized by part A of
6 title IV and subparts 1, 2, and 10 of part D of title V
7 of the ESEA, \$270,463,000: *Provided*, That \$79,226,000
8 shall be available for subpart 2 of part A of title IV: *Pro-*
9 *vided further*, That \$60,000,000 shall be available for
10 Promise Neighborhoods and shall be available through De-
11 cember 31, 2012.

12 ENGLISH LANGUAGE ACQUISITION

13 For carrying out part A of title III of the ESEA,
14 \$733,530,000, which shall become available on July 1,
15 2012, and shall remain available through September 30,
16 2013, except that 6.5 percent of such amount shall be
17 available on October 1, 2011, and shall remain available
18 through September 30, 2013, to carry out activities under
19 section 3111(c)(1)(C): *Provided*, That the Secretary shall
20 use estimates of the American Community Survey child
21 counts for the most recent 3-year period available to cal-
22 culate allocations under such part.

23 SPECIAL EDUCATION

24 For carrying out the Individuals with Disabilities
25 Education Act ("IDEA") and the Special Olympics Sport

1 and Empowerment Act of 2004, \$12,553,066,000, of
2 which \$3,706,716,000 shall become available on July 1,
3 2012, and shall remain available through September 30,
4 2013, and of which \$8,592,383,000 shall become available
5 on October 1, 2012, and shall remain available through
6 September 30, 2013, for academic year 2012–2013: *Pro-*
7 *vided*, That the amount for section 611(b)(2) of the IDEA
8 shall be equal to the lesser of the amount available for
9 that activity during fiscal year 2011, increased by the
10 amount of inflation as specified in section 619(d)(2)(B)
11 of the IDEA, or the percent change in the funds appro-
12 priated under section 611(i) of the IDEA, but not less
13 than the amount for that activity during fiscal year 2011:
14 *Provided further*, That funds made available for the Spe-
15 cial Olympics Sport and Empowerment Act of 2004 may
16 be used to support expenses associated with the Special
17 Olympics National and World games: *Provided further*,
18 That \$4,000,000, to remain available for obligation
19 through September 30, 2013, shall be for activities aimed
20 at improving the outcomes of children receiving Supple-
21 mental Security Income (SSI) and their families, which
22 may include competitive grants to States to improve the
23 provision and coordination of services for SSI child recipi-
24 ents in order to achieve improved health status, including
25 both physical and emotional health, and education and

1 post-school outcomes, including completion of postsec-
2 ondary education and employment, and to improve serv-
3 ices and supports to the families or households of the SSI
4 child recipient, such as education and job training for the
5 parents: *Provided further*, That States may award sub-
6 grants for a portion of the funds to other public and pri-
7 vate, non-profit entities.

8 REHABILITATION SERVICES AND DISABILITY RESEARCH

9 For carrying out, to the extent not otherwise pro-
10 vided, the Rehabilitation Act of 1973, the Assistive Tech-
11 nology Act of 1998, and the Helen Keller National Center
12 Act, \$3,511,735,000: *Provided*, That the Secretary may
13 use amounts provided in this Act that remain available
14 subsequent to the reallocation of funds to States pursuant
15 to section 110(b) of the Rehabilitation Act for activities
16 aimed at improving the outcomes of children receiving
17 Supplemental Security Income (SSI) and their families,
18 including competitive grants to States to improve the pro-
19 vision and coordination of services for SSI child recipients
20 in order to achieve improved health status, education and
21 post-school outcomes, including completion of postsec-
22 ondary education and employment, and to improve serv-
23 ices and supports to the family or households of the SSI
24 child recipient, such as education and job training for the
25 parents: *Provided further*, That States may award sub-

1 grants for a portion of the funds to other public and pri-
2 vate, non-profit entities: *Provided further*, That any funds
3 made available subsequent to reallocation for activities
4 aimed at improving the outcomes of children receiving SSI
5 and their families shall remain available until September
6 30, 2013.

7 SPECIAL INSTITUTIONS FOR PERSONS WITH
8 DISABILITIES

9 AMERICAN PRINTING HOUSE FOR THE BLIND

10 For carrying out the Act of March 3, 1879,
11 \$24,551,000.

12 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

13 For the National Technical Institute for the Deaf
14 under titles I and II of the Education of the Deaf Act
15 of 1986, \$65,546,000: *Provided*, That from the total
16 amount available, the Institute may at its discretion use
17 funds for the endowment program as authorized under
18 section 207 of such Act.

19 GALLAUDET UNIVERSITY

20 For the Kendall Demonstration Elementary School,
21 the Model Secondary School for the Deaf, and the partial
22 support of Gallaudet University under titles I and II of
23 the Education of the Deaf Act of 1986, \$125,754,000, of
24 which \$7,990,000 shall be for construction and shall re-
25 main available until expended: *Provided*, That from the

1 total amount available, the University may at its discre-
2 tion use funds for the endowment program as authorized
3 under section 207 of such Act.

4 CAREER, TECHNICAL, AND ADULT EDUCATION

5 For carrying out, to the extent not otherwise pro-
6 vided, the Carl D. Perkins Career and Technical Edu-
7 cation Act of 2006 and the Adult Education and Family
8 Literacy Act (“AEFLA”), \$1,738,946,000, of which
9 \$947,946,000 shall become available on July 1, 2012, and
10 remain available through September 30, 2013, of which
11 \$791,000,000 shall become available on October 1, 2012,
12 and shall remain available through September 30, 2013:
13 *Provided*, That of the amount provided for Adult Edu-
14 cation State Grants, \$74,850,000 shall be made available
15 for integrated English literacy and civics education serv-
16 ices to immigrants and other limited English proficient
17 populations: *Provided further*, That of the amount re-
18 served for integrated English literacy and civics education,
19 notwithstanding section 211 of the AEFLA, 65 percent
20 shall be allocated to States based on a State’s absolute
21 need as determined by calculating each State’s share of
22 a 10-year average of the United States Citizenship and
23 Immigration Services data for immigrants admitted for
24 legal permanent residence for the 10 most recent years,
25 and 35 percent allocated to States that experienced growth

1 as measured by the average of the 3 most recent years
2 for which United States Citizenship and Immigration
3 Services data for immigrants admitted for legal permanent
4 residence are available, except that no State shall be allo-
5 cated an amount less than \$60,000: *Provided further*, That
6 of the amounts made available for AEFLLA, \$11,323,000
7 shall be for national leadership activities under section
8 243.

9 STUDENT FINANCIAL ASSISTANCE

10 For carrying out subparts 1 and 3 of part A and part
11 C of title IV of the HEA, \$24,670,517,000, which shall
12 remain available through September 30, 2013.

13 The maximum Pell Grant for which a student shall
14 be eligible during award year 2012–2013 shall be \$4,860.

15 STUDENT AID ADMINISTRATION

16 For Federal administrative expenses to carry out part
17 D of title I, and subparts 1, 3, 4, 9, and 10 of part A,
18 and parts B, C, D, and E of title IV of the HEA,
19 \$1,045,363,000, to remain available until September 30,
20 2013: *Provided*, That not more than \$370,000,000 may
21 be used to carry out loan servicing activities: *Provided fur-*
22 *ther*, That with respect to the previous proviso, amounts
23 may be increased (from amounts provided under this
24 heading) due to changes in the loan portfolio, upon deter-
25 mination by the Secretary that additional amounts are

1 needed and the Secretary notifies the Committee on Ap-
2 propriations of the Senate and House of Representatives
3 of such determination.

4 HIGHER EDUCATION

5 For carrying out, to the extent not otherwise pro-
6 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
7 the Mutual Educational and Cultural Exchange Act of
8 1961, and section 117 of the Carl D. Perkins Career and
9 Technical Education Act of 2006, \$1,903,946,000: *Pro-*
10 *vided*, That \$8,084,000, to remain available through Sep-
11 tember 30, 2013, shall be available to fund fellowships for
12 academic year 2013–2014 under subpart 1 of part A of
13 title VII of the HEA, under the terms and conditions of
14 such subpart 1: *Provided further*, That \$608,000 shall be
15 for data collection and evaluation activities for programs
16 under the HEA, including such activities needed to comply
17 with the Government Performance and Results Act of
18 1993: *Provided further*, That notwithstanding any other
19 provision of law, funds made available in this Act to carry
20 out title VI of the HEA and section 102(b)(6) of the Mu-
21 tual Educational and Cultural Exchange Act of 1961 may
22 be used to support visits and study in foreign countries
23 by individuals who are participating in advanced foreign
24 language training and international studies in areas that
25 are vital to United States national security and who plan

1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
 2 PROGRAM

3 For Federal administrative expenses to carry out ac-
 4 tivities related to existing facility loans pursuant to section
 5 121 of the HEA, \$460,000.

6 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
 7 CAPITAL FINANCING PROGRAM ACCOUNT

8 For the cost of guaranteed loans, \$20,188,000, as au-
 9 thorized pursuant to part D of title III of the HEA: *Pro-*
 10 *vided*, That such costs, including the cost of modifying
 11 such loans, shall be as defined in section 502 of the Con-
 12 gressional Budget Act of 1974: *Provided further*, That
 13 these funds are available to subsidize total loan principal,
 14 any part of which is to be guaranteed, not to exceed
 15 \$367,255,000: *Provided further*, That these funds may be
 16 used to support loans to public and private Historically
 17 Black Colleges and Universities without regard to the limi-
 18 tations within section 344(a) of the HEA.

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

23 INSTITUTE OF EDUCATION SCIENCES

24 For carrying out activities authorized by the Edu-
 25 cation Sciences Reform Act of 2002, the National Assess-

1 ment of Educational Progress Authorization Act, section
2 208 of the Educational Technical Assistance Act of 2002,
3 and section 664 of the Individuals with Disabilities Edu-
4 cation Act, \$609,788,000, which shall remain available
5 through September 30, 2013: *Provided*, That funds avail-
6 able to carry out section 208 of the Educational Technical
7 Assistance Act may be used for Statewide data systems
8 that include postsecondary and workforce information and
9 information on children of all ages: *Provided further*, That
10 up to \$12,500,000 of the funds available to carry out sec-
11 tion 208 of the Educational Technical Assistance Act may
12 be used for awards to public or private organizations or
13 agencies to support activities to improve data coordina-
14 tion, quality, and use at the local, State, and national lev-
15 els.

16 DEPARTMENTAL MANAGEMENT

17 PROGRAM ADMINISTRATION

18 For carrying out, to the extent not otherwise pro-
19 vided, the Department of Education Organization Act, in-
20 cluding rental of conference rooms in the District of Co-
21 lumbia and hire of three passenger motor vehicles,
22 \$449,074,000.

1 OFFICE FOR CIVIL RIGHTS

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

5 OFFICE OF THE INSPECTOR GENERAL

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

9 GENERAL PROVISIONS

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

18 SEC. 302. None of the funds contained in this Act
19 shall be used to require, directly or indirectly, the trans-
20 portation of any student to a school other than the school
21 which is nearest the student's home, except for a student
22 requiring special education, to the school offering such
23 special education, in order to comply with title VI of the
24 Civil Rights Act of 1964. For the purpose of this section
25 an indirect requirement of transportation of students in-

1 SEC. 305. The Outlying Areas may consolidate funds
2 received under this Act, pursuant to 48 U.S.C. 1469a,
3 under part A of title V of the ESEA.

4 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
5 of Free Association Amendments Act of 2003 (48 U.S.C.
6 1921d(f)(1)(B)(ix)) shall be applied by substituting
7 “2012” for “2009”.

8 SEC. 307. (a)(1) Section 428(a)(3)(A)(i)(I) of the
9 HEA (20 U.S.C. 1078(a)(3)(A)(i)(I)) is amended to read
10 as follows:

11 “(I) which accrues prior to the
12 date the student ceases to carry at
13 least one-half the normal full-time
14 academic workload (as determined by
15 the institution), or”.

16 (2) The amendment made by subsection (a)(1)
17 shall apply to new Federal Direct Stafford Loans
18 made on or after July 1, 2012.

19 (b) Section 401(b)(8)(A)(iv) of the HEA (20 U.S.C.
20 1070a(b)(8)(A)(iv)) is amended to read as follows:

21 “(iv) to carry out this section—

22 “(I) \$13,500,000,000 for fiscal
23 year 2011;

24 “(II) \$13,583,000,000 for fiscal
25 year 2012;

1 “(III) \$8,940,000,000 for fiscal
2 year 2013, of which \$896,000,000
3 shall be available for the 2012–2013
4 award year;

5 “(IV) \$0 for fiscal year 2014;

6 “(V) \$0 for fiscal year 2015;

7 “(VI) \$0 for fiscal year 2016;

8 “(VII) \$1,640,000,000 for fiscal
9 year 2017;

10 “(VIII) \$1,705,000,000 for fiscal
11 year 2018;

12 “(IX) \$1,775,000,000 for fiscal
13 year 2019;

14 “(X) \$1,870,000,000 for fiscal
15 year 2020; and

16 “(XI) \$2,055,000,000 for fiscal
17 year 2021 and each succeeding fiscal
18 year.”.

19 (c) Sections 482(c) and 492 of the HEA (20 U.S.C.
20 1089(c), 1098a) shall not apply to the amendments made
21 by this section, or to any regulations promulgated under
22 those amendments.

23 SEC. 308. (a) Notwithstanding any other provision
24 of law, the Secretary is authorized to modify the terms
25 and conditions of gulf hurricane disaster loans to affected

1 institutions pursuant to section 2601 of Public Law 109–
2 234 using the authority provided herein, on such terms
3 as the Secretary, the Secretary of the Treasury, and the
4 Director of the Office of Management and Budget jointly
5 determine are in the best interests of both the United
6 States and the borrowers, and necessary to mitigate the
7 economic effects of Hurricanes Katrina and Rita. Any
8 modification under this section shall not result in any net
9 cost to the Federal Government, as jointly determined by
10 the Secretary, the Secretary of the Treasury, and the Di-
11 rector of the Office of Management and Budget, beginning
12 on the date on which the Secretary modifies a loan under
13 this section.

14 (b) FEDERAL REGISTER NOTICE.—The Secretary,
15 the Secretary of the Treasury, and the Director of the Of-
16 fice of Management and Budget, shall jointly publish a
17 notice in the Federal Register prior to any modification
18 of loans under paragraph (a) that—

19 (1) establishes the terms and conditions gov-
20 erning the modifications authorized by paragraph
21 (a);

22 (2) includes an outline of the methodology and
23 factors that the Secretary, the Secretary of the
24 Treasury, and the Director of the Office of Manage-
25 ment and Budget, will jointly consider in evaluating

1 the modification of the loans made under this title;
2 and

3 (3) describes how the use of such methodology
4 and consideration of such factors used to determine
5 the modifications will ensure that loan modifications
6 do not result in any net cost to the Federal Govern-
7 ment.

8 (c) FEES.—An affected institution that receives a
9 modification to its disaster loan pursuant to section 2601
10 of Public Law 109–234 shall pay a fee to the Secretary
11 which shall be credited to the HBCU Hurricane Supple-
12 mental Loan Program. Such fees shall remain available
13 without fiscal year limitation to pay the modification costs.
14 The amount of the fee paid shall be equal to the modifica-
15 tion cost as jointly determined by the Secretary, the Sec-
16 retary of the Treasury, and the Director of the Office of
17 Management and Budget, calculated in accordance with
18 section 502 of the Federal Credit Reform Act of 1990,
19 as amended, of such loan.

20 SEC. 309. Section 14006(c)(2) of division A of the
21 American Recovery and Reinvestment Act of 2009 (as
22 amended by section 1832(b) of division B of Public Law
23 112–10) is amended by inserting before the period, “ex-
24 cept that such a State may use its grant funds to make

1 subgrants to public or private agencies and organizations
 2 for activities consistent with the purposes of the grant”.

3 This title may be cited as the “Department of Edu-
 4 cation Appropriations Act, 2012”.

5 TITLE IV

6 RELATED AGENCIES

7 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

8 BLIND OR SEVERELY DISABLED

9 SALARIES AND EXPENSES

10 For expenses necessary for the Committee for Pur-
 11 chase From People Who Are Blind or Severely Disabled
 12 established by Public Law 92–28, \$5,385,000.

13 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

14 OPERATING EXPENSES

15 For necessary expenses for the Corporation for Na-
 16 tional and Community Service (referred to under this
 17 heading as “the Corporation”) to carry out the Domestic
 18 Volunteer Service Act of 1973 (referred to in this title as
 19 “1973 Act”) and the National and Community Service
 20 Act of 1990 (referred to in this title as “1990 Act”),
 21 \$781,869,000, notwithstanding sections 198B(b)(3),
 22 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act:
 23 *Provided*, That of the amounts provided under this head-
 24 ing: (1) up to 1 percent of program grant funds may be
 25 used to defray the costs of conducting grant application

1 reviews, including the use of outside peer reviewers and
2 electronic management of the grants cycle; (2)
3 \$49,900,000 shall be available for expenses authorized
4 under section 501(a)(4)(E) of the 1990 Act; (3)
5 \$7,485,000 shall be available for expenses to carry out
6 sections 112(e), 179A, and 198O and subtitle J of title
7 I of the 1990 Act, notwithstanding section 501(a)(6) of
8 the 1990 Act; (4) \$4,990,000 shall be available for grants
9 to public or private nonprofit institutions to increase the
10 participation of individuals with disabilities in national
11 service and for demonstration activities in furtherance of
12 this purpose, notwithstanding section 129(k)(1) of the
13 1990 Act; (5) \$16,966,000 shall be available to provide
14 assistance to State commissions on national and commu-
15 nity service, under section 126(a) of the 1990 Act and
16 notwithstanding section 501(a)(5)(B) of the 1990 Act; (6)
17 \$31,942,000 shall be available to carry out subtitle E of
18 the 1990 Act; and (7) \$3,992,000 shall be available for
19 expenses authorized under section 501(a)(4)(F) of the
20 1990 Act, which, notwithstanding the provisions of section
21 198P shall be awarded by the Corporation on a competi-
22 tive basis.

1 NATIONAL SERVICE TRUST

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for the National Service
4 Trust established under subtitle D of title I of the 1990
5 Act, \$215,200,000, to remain available until expended:
6 *Provided*, That the Corporation may transfer additional
7 funds from the amount provided within “Operating Ex-
8 penses” allocated to grants under subtitle C of title I of
9 the 1990 Act to the National Service Trust upon deter-
10 mination that such transfer is necessary to support the
11 activities of national service participants and after notice
12 is transmitted to the Committees on Appropriations of the
13 House of Representatives and the Senate: *Provided fur-*
14 *ther*, That amounts appropriated for or transferred to the
15 National Service Trust may be invested under section
16 145(b) of the 1990 Act without regard to the requirement
17 to apportion funds under 31 U.S.C. 1513(b).

18 SALARIES AND EXPENSES

19 For necessary expenses of administration as provided
20 under section 501(a)(5) of the 1990 Act and under section
21 504(a) of the 1973 Act, including payment of salaries, au-
22 thorized travel, hire of passenger motor vehicles, the rental
23 of conference rooms in the District of Columbia, the em-
24 ployment of experts and consultants authorized under 5

1 U.S.C. 3109, and not to exceed \$2,500 for official recep-
2 tion and representation expenses, \$87,824,000.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General in carrying out the Inspector General Act of 1978,
6 \$7,685,000.

7 ADMINISTRATIVE PROVISIONS

8 SEC. 401. The Corporation shall make any significant
9 changes to program requirements, service delivery or pol-
10 icy only through public notice and comment rulemaking.
11 For fiscal year 2010, during any grant selection process,
12 an officer or employee of the Corporation shall not know-
13 ingly disclose any covered grant selection information re-
14 garding such selection, directly or indirectly, to any person
15 other than an officer or employee of the Corporation that
16 is authorized by the Corporation to receive such informa-
17 tion.

18 SEC. 402. AmeriCorps programs receiving grants
19 under the National Service Trust program shall meet an
20 overall minimum share requirement of 24 percent for the
21 first 3 years that they receive AmeriCorps funding, and
22 thereafter shall meet the overall minimum share require-
23 ment as provided in section 2521.60 of title 45, Code of
24 Federal Regulations, without regard to the operating costs
25 match requirement in section 121(e) or the member sup-

1 port Federal share limitations in section 140 of the 1990
2 Act, and subject to partial waiver consistent with section
3 2521.70 of title 45, Code of Federal Regulations.

4 SEC. 403. Donations made to the Corporation under
5 section 196 of the 1990 Act for the purposes of financing
6 programs and operations under titles I and II of the 1973
7 Act or subtitle B, C, D, or E of title I of the 1990 Act
8 shall be used to supplement and not supplant current pro-
9 grams and operations.

10 SEC. 404. In addition to the requirements in section
11 146(a) of the 1990 Act, use of an educational award for
12 the purpose described in section 148(a)(4) shall be limited
13 to individuals who are veterans as defined under section
14 101 of the Act.

15 CORPORATION FOR PUBLIC BROADCASTING

16 For payment to the Corporation for Public Broad-
17 casting (referred to under this heading as the “Corpora-
18 tion”), as authorized by the Communications Act of 1934,
19 an amount which shall be available within limitations spec-
20 ified by that Act, for the fiscal year 2014, \$445,000,000:
21 *Provided*, That none of the funds made available to the
22 Corporation by this Act shall be used to pay for receptions,
23 parties, or similar forms of entertainment for Government
24 officials or employees: *Provided further*, That none of the
25 funds made available to the Corporation by this Act shall

1 be available or used to aid or support any program or ac-
2 tivity from which any person is excluded, or is denied ben-
3 efits, or is discriminated against, on the basis of race,
4 color, national origin, religion, or sex: *Provided further,*
5 That none of the funds made available to the Corporation
6 by this Act shall be used to apply any political test or
7 qualification in selecting, appointing, promoting, or taking
8 any other personnel action with respect to officers, agents,
9 and employees of the Corporation: *Provided further,* That
10 none of the funds made available to the Corporation by
11 this Act shall be used to support the Television Future
12 Fund or any similar purpose: *Provided further,* That for
13 fiscal year 2012, in addition to the amounts provided
14 above, \$5,998,000 shall be provided for costs related to
15 digital program production, development, and distribution,
16 associated with the transition of public broadcasting to
17 digital broadcasting, to be awarded as determined by the
18 Corporation in consultation with public radio and tele-
19 vision licensees or permittees, or their designated rep-
20 resentatives.

21 FEDERAL MEDIATION AND CONCILIATION SERVICE

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mediation
24 and Conciliation Service (“Service”) to carry out the func-
25 tions vested in it by the Labor Management Relations Act,

1 1947, including hire of passenger motor vehicles; for ex-
2 penses necessary for the Labor-Management Cooperation
3 Act of 1978; and for expenses necessary for the Service
4 to carry out the functions vested in it by the Civil Service
5 Reform Act, \$46,559,000, including \$349,000 for activi-
6 ties authorized by the Labor-Management Cooperation
7 Act of 1978: *Provided*, That notwithstanding 31 U.S.C.
8 3302, fees charged, up to full-cost recovery, for special
9 training activities and other conflict resolution services
10 and technical assistance, including those provided to for-
11 eign governments and international organizations, and for
12 arbitration services shall be credited to and merged with
13 this account, and shall remain available until expended:
14 *Provided further*, That fees for arbitration services shall
15 be available only for education, training, and professional
16 development of the agency workforce: *Provided further*,
17 That the Director of the Service is authorized to accept
18 and use on behalf of the United States gifts of services
19 and real, personal, or other property in the aid of any
20 projects or functions within the Director's jurisdiction.

21 FEDERAL MINE SAFETY AND HEALTH REVIEW

22 COMMISSION

23 SALARIES AND EXPENSES

24 For expenses necessary for the Federal Mine Safety
25 and Health Review Commission, \$17,337,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$237,393,000.

7 MEDICAID AND SCHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Medicaid and SCHIP
11 Payment and Access Commission as authorized by section
12 1900 of the Social Security Act, \$10,500,000.

13 MEDICARE PAYMENT ADVISORY COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1805 of
16 the Social Security Act, \$12,425,000, to be transferred to
17 this appropriation from the Federal Hospital Insurance
18 Trust Fund and the Federal Supplementary Medical In-
19 surance Trust Fund.

20 NATIONAL COUNCIL ON DISABILITY

21 SALARIES AND EXPENSES

22 For expenses necessary for the National Council on
23 Disability as authorized by title IV of the Rehabilitation
24 Act of 1973, \$3,264,000.

1 NATIONAL HEALTH CARE WORKFORCE COMMISSION

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Health Care
4 Workforce Commission as authorized by section 5101 of
5 the Patient Protection and Affordable Care Act,
6 \$3,000,000.

7 NATIONAL LABOR RELATIONS BOARD

8 SALARIES AND EXPENSES

9 For expenses necessary for the National Labor Rela-
10 tions Board to carry out the functions vested in it by the
11 Labor-Management Relations Act, 1947, and other laws,
12 \$282,833,000: *Provided*, That no part of this appropria-
13 tion shall be available to organize or assist in organizing
14 agricultural laborers or used in connection with investiga-
15 tions, hearings, directives, or orders concerning bargaining
16 units composed of agricultural laborers as referred to in
17 section 2(3) of the Act of July 5, 1935, and as amended
18 by the Labor-Management Relations Act, 1947, and as de-
19 fined in section 3(f) of the Act of June 25, 1938, and
20 including in said definition employees engaged in the
21 maintenance and operation of ditches, canals, reservoirs,
22 and waterways when maintained or operated on a mutual,
23 nonprofit basis and at least 95 percent of the water stored
24 or supplied thereby is used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, including emergency boards ap-
5 pointed by the President, \$13,436,000.

6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary for the Occupational Safety
10 and Health Review Commission, \$11,689,000.

11 RAILROAD RETIREMENT BOARD

12 DUAL BENEFITS PAYMENTS ACCOUNT

13 For payment to the Dual Benefits Payments Ac-
14 count, authorized under section 15(d) of the Railroad Re-
15 tirement Act of 1974, \$51,000,000, which shall include
16 amounts becoming available in fiscal year 2012 pursuant
17 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
18 tion, an amount, not to exceed 2 percent of the amount
19 provided herein, shall be available proportional to the
20 amount by which the product of recipients and the average
21 benefit received exceeds the amount available for payment
22 of vested dual benefits: *Provided*, That the total amount
23 provided herein shall be credited in 12 approximately
24 equal amounts on the first day of each month in the fiscal
25 year.

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

2 ACCOUNTS

3 For payment to the accounts established in the
4 Treasury for the payment of benefits under the Railroad
5 Retirement Act for interest earned on unnegotiated
6 checks, \$150,000, to remain available through September
7 30, 2013, which shall be the maximum amount available
8 for payment pursuant to section 417 of Public Law 98–
9 76.

10 LIMITATION ON ADMINISTRATION

11 For necessary expenses for the Railroad Retirement
12 Board (“Board”) for administration of the Railroad Re-
13 tirement Act and the Railroad Unemployment Insurance
14 Act, \$108,855,000, to be derived in such amounts as de-
15 termined by the Board from the railroad retirement ac-
16 counts and from moneys credited to the railroad unem-
17 ployment insurance administration fund.

18 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General for audit, investigatory and review activities, as
21 authorized by the Inspector General Act of 1978, not more
22 than \$8,170,000, to be derived from the railroad retire-
23 ment accounts and railroad unemployment insurance ac-
24 count.

1 SOCIAL SECURITY ADMINISTRATION
2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS
3 For payment to the Federal Old-Age and Survivors
4 Insurance Trust Fund and the Federal Disability Insur-
5 ance Trust Fund, as provided under sections 201(m),
6 228(g), and 1131(b)(2) of the Social Security Act,
7 \$20,404,000.

8 SUPPLEMENTAL SECURITY INCOME PROGRAM
9 For carrying out titles XI and XVI of the Social Se-
10 curity Act, section 401 of Public Law 92–603, section 212
11 of Public Law 93–66, as amended, and section 405 of
12 Public Law 95–216, including payment to the Social Secu-
13 rity trust funds for administrative expenses incurred pur-
14 suant to section 201(g)(1) of the Social Security Act,
15 \$37,922,543,000, to remain available until expended: *Pro-*
16 *vided*, That any portion of the funds provided to a State
17 in the current fiscal year and not obligated by the State
18 during that year shall be returned to the Treasury.

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

23 For making benefit payments under title XVI of the
24 Social Security Act for the first quarter of fiscal year

1 2013, \$18,200,000,000, to remain available until ex-
2 pended.

3 LIMITATION ON ADMINISTRATIVE EXPENSES

4 For necessary expenses, including the hire of two pas-
5 senger motor vehicles, and not to exceed \$20,000 for offi-
6 cial reception and representation expenses, not more than
7 \$10,853,948,000 may be expended, as authorized by sec-
8 tion 201(g)(1) of the Social Security Act, and including
9 the development of systems in support of Social Security
10 number verification for States, from any one or all of the
11 trust funds referred to therein: *Provided*, That not less
12 than \$2,150,000 shall be for the Social Security Advisory
13 Board: *Provided further*, That unobligated balances of
14 funds provided under this paragraph at the end of fiscal
15 year 2012 not needed for fiscal year 2012 shall remain
16 available until expended to invest in the Social Security
17 Administration information technology and telecommuni-
18 cations hardware and software infrastructure, including
19 related equipment and non-payroll administrative expenses
20 associated solely with this information technology and tele-
21 communications infrastructure: *Provided further*, That the
22 Commissioner of Social Security shall provide information
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate each year, at the same time
25 the President's budget is submitted to Congress, regarding

1 the estimated amount of prior year unobligated balances
2 that will be available and used under the authority in the
3 previous proviso and shall notify such Committees prior
4 to when funds are made available under such authority:
5 *Provided further*, That reimbursement to the trust funds
6 under this heading for expenditures for official time for
7 employees of the Social Security Administration pursuant
8 to 5 U.S.C. 7131, and for facilities or support services
9 for labor organizations pursuant to policies, regulations,
10 or procedures referred to in section 7135(b) of such title
11 shall be made by the Secretary of the Treasury, with inter-
12 est, from amounts in the general fund not otherwise ap-
13 propriated, as soon as possible after such expenditures are
14 made.

15 From funds provided under the first paragraph, not
16 less than \$273,000,000 shall be available for the cost asso-
17 ciated with conducting continuing disability reviews under
18 titles II and XVI of the Social Security Act and for the
19 cost associated with conducting redeterminations of eligi-
20 bility under title XVI of the Social Security Act.

21 In addition to the amounts made available above, and
22 subject to the same terms and conditions, \$623,000,000,
23 for additional continuing disability reviews and redeter-
24 minations of eligibility: *Provided*, That the Commissioner
25 shall provide to the Congress (at the conclusion of the fis-

1 cal year) a report on the obligation and expenditure of
2 these additional amounts, similar to the reports that were
3 required by section 103(d)(2) of Public Law 104–121 for
4 fiscal years 1996 through 2002.

5 In addition, \$155,000,000 to be derived from admin-
6 istration fees in excess of \$5.00 per supplementary pay-
7 ment collected pursuant to section 1616(d) of the Social
8 Security Act or section 212(b)(3) of Public Law 93–66,
9 which shall remain available until expended. To the extent
10 that the amounts collected pursuant to such sections in
11 fiscal year 2012 exceed \$155,000,000, the amounts shall
12 be available in fiscal year 2013 only to the extent provided
13 in advance in appropriations Acts.

14 In addition, up to \$500,000 to be derived from fees
15 collected pursuant to section 303(c) of the Social Security
16 Protection Act, which shall remain available until ex-
17 pended.

18 OFFICE OF INSPECTOR GENERAL

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$28,942,000, together with not to
23 exceed \$73,535,000, to be transferred and expended as
24 authorized by section 201(g)(1) of the Social Security Act

1 from the Federal Old-Age and Survivors Insurance Trust
2 Fund and the Federal Disability Insurance Trust Fund.

3 In addition, an amount not to exceed 3 percent of
4 the total provided in this appropriation may be transferred
5 from the “Limitation on Administrative Expenses”, Social
6 Security Administration, to be merged with this account,
7 to be available for the time and purposes for which this
8 account is available: *Provided*, That notice of such trans-
9 fers shall be transmitted promptly to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate.

12 TITLE V

13 GENERAL PROVISIONS

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

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

24 SEC. 503. (a) No part of any appropriation contained
25 in this Act shall be used, other than for normal and recog-

1 nized executive-legislative relationships, for publicity or
2 propaganda purposes, for the preparation, distribution, or
3 use of any kit, pamphlet, booklet, publication, radio, tele-
4 vision, or video presentation designed to support or defeat
5 legislation pending before the Congress or any State legis-
6 lature, except in presentation to the Congress or any State
7 legislature itself.

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

14 SEC. 504. The Secretaries of Labor and Education
15 are authorized to make available not to exceed \$28,000
16 and \$22,000, respectively, from funds available for sala-
17 ries and expenses under titles I and III, respectively, for
18 official reception and representation expenses; the Direc-
19 tor of the Federal Mediation and Conciliation Service is
20 authorized to make available for official reception and rep-
21 resentation expenses not to exceed \$5,000 from the funds
22 available for "Federal Mediation and Conciliation Service,
23 Salaries and expenses"; and the Chairman of the National
24 Mediation Board is authorized to make available for offi-
25 cial reception and representation expenses not to exceed

1 \$5,000 from funds available for “National Mediation
2 Board, Salaries and expenses”.

3 SEC. 505. None of the funds contained in this Act
4 may be used to distribute any needle or syringe for the
5 purpose of preventing the spread of blood borne pathogens
6 in any location that has been determined by the local pub-
7 lic health or local law enforcement authorities to be inap-
8 propriate for such distribution.

9 SEC. 506. When issuing statements, press releases,
10 requests for proposals, bid solicitations and other docu-
11 ments describing projects or programs funded in whole or
12 in part with Federal money, all grantees receiving Federal
13 funds included in this Act, including but not limited to
14 State and local governments and recipients of Federal re-
15 search grants, shall clearly state—

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

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

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

24 SEC. 507. (a) None of the funds appropriated in this
25 Act, and none of the funds in any trust fund to which

1 funds are appropriated in this Act, shall be expended for
2 any abortion.

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

7 (c) The term “health benefits coverage” means the
8 package of services covered by a managed care provider
9 or organization pursuant to a contract or other arrange-
10 ment.

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

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

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

21 (b) Nothing in the preceding section shall be con-
22 strued as prohibiting the expenditure by a State, locality,
23 entity, or private person of State, local, or private funds
24 (other than a State’s or locality’s contribution of Medicaid
25 matching funds).

1 (c) Nothing in the preceding section shall be con-
2 strued as restricting the ability of any managed care pro-
3 vider from offering abortion coverage or the ability of a
4 State or locality to contract separately with such a pro-
5 vider for such coverage with State funds (other than a
6 State's or locality's contribution of Medicaid matching
7 funds).

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

15 (2) In this subsection, the term "health care entity"
16 includes an individual physician or other health care pro-
17 fessional, a hospital, a provider-sponsored organization, a
18 health maintenance organization, a health insurance plan,
19 or any other kind of health care facility, organization, or
20 plan.

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

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

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

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

13 SEC. 510. (a) None of the funds made available in
14 this Act may be used for any activity that promotes the
15 legalization of any drug or other substance included in
16 schedule I of the schedules of controlled substances estab-
17 lished under section 202 of the Controlled Substances Act
18 except for normal and recognized executive-congressional
19 communications.

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

1 SEC. 511. None of the funds made available in this
2 Act may be used to promulgate or adopt any final stand-
3 ard under section 1173(b) of the Social Security Act pro-
4 viding for, or providing for the assignment of, a unique
5 health identifier for an individual (except in an individ-
6 ual's capacity as an employer or a health care provider),
7 until legislation is enacted specifically approving the
8 standard.

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

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

17 (2) such entity has not submitted a report as
18 required by that section for the most recent year for
19 which such requirement was applicable to such enti-
20 ty.

21 SEC. 513. None of the funds made available in this
22 Act may be transferred to any department, agency, or in-
23 strumentality of the United States Government, except
24 pursuant to a transfer made by, or transfer authority pro-
25 vided in, this Act or any other appropriation Act.

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

8 SEC. 515. (a) None of the funds provided under this
9 Act, or provided under previous appropriations Acts to the
10 agencies funded by this Act that remain available for obli-
11 gation or expenditure in fiscal year 2012, or provided from
12 any accounts in the Treasury of the United States derived
13 by the collection of fees available to the agencies funded
14 by this Act, shall be available for obligation or expenditure
15 through a reprogramming of funds that—

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

1 unless the Committees on Appropriations of the House of
2 Representatives and the Senate are notified 15 days in
3 advance of such reprogramming or of an announcement
4 of intent relating to such reprogramming, whichever oc-
5 curs earlier.

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

15 (1) augments existing programs, projects (in-
16 cluding construction projects), or activities;

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

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

24 unless the Committees on Appropriations of the House of
25 Representatives and the Senate are notified 15 days in

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

4 SEC. 516. (a) None of the funds made available in
5 this Act may be used to request that a candidate for ap-
6 pointment to a Federal scientific advisory committee dis-
7 close the political affiliation or voting history of the can-
8 didate or the position that the candidate holds with re-
9 spect to political issues not directly related to and nec-
10 essary for the work of the committee involved.

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

14 SEC. 517. Within 45 days of enactment of this Act,
15 each department and related agency funded through this
16 Act shall submit an operating plan that details at the pro-
17 gram, project, and activity level any funding allocations
18 for fiscal year 2012 that are different than those specified
19 in this Act, the accompanying detailed table in the state-
20 ment of the managers on the conference report accom-
21 panying this Act, or the fiscal year 2012 budget request.

22 SEC. 518. The Secretaries of Labor, Health and
23 Human Services, and Education shall each prepare and
24 submit to the Committees on Appropriations of the House
25 of Representatives and the Senate a report on the number

1 and amount of contracts, grants, and cooperative agree-
2 ments exceeding \$500,000 in value and awarded by the
3 Department on a non-competitive basis during each quar-
4 ter of fiscal year 2012, but not to include grants awarded
5 on a formula basis or directed by law. Such report shall
6 include the name of the contractor or grantee, the amount
7 of funding, the governmental purpose, including a jus-
8 tification for issuing the award on a non-competitive basis.
9 Such report shall be transmitted to the Committees within
10 30 days after the end of the quarter for which the report
11 is submitted.

12 SEC. 519. None of the funds made available in this
13 Act may be used for first-class travel by the employees
14 of agencies funded by this Act in contravention of sections
15 301–10.124 of title 41, Code of Federal Regulations.

16 SEC. 520. None of the funds appropriated or other-
17 wise made available by this Act may be used to enter into
18 a contract in an amount greater than \$5,000,000 or to
19 award a grant in excess of such amount unless the pro-
20 spective contractor or grantee certifies in writing to the
21 agency awarding the contract or grant that, to the best
22 of its knowledge and belief, the contractor or grantee has
23 filed all Federal tax returns required during the three
24 years preceding the certification, has not been convicted
25 of a criminal offense under the Internal Revenue Code of

1 1986, and has not, more than 90 days prior to certifi-
2 cation, been notified of any unpaid Federal tax assessment
3 for which the liability remains unsatisfied, unless the as-
4 sessment is the subject of an installment agreement or
5 offer in compromise that has been approved by the Inter-
6 nal Revenue Service and is not in default, or the assess-
7 ment is the subject of a non-frivolous administrative or
8 judicial proceeding.

9 (RESCISSION)

10 SEC. 521. Of the funds made available for perform-
11 ance bonus payments under section 2105(a)(3)(E) of the
12 Social Security Act, \$6,830,797,000 are hereby perma-
13 nently rescinded.

14 This Act may be cited as the “Departments of Labor,
15 Health and Human Services, and Education, and Related
16 Agencies Appropriations Act, 2012”.

Calendar No. 178

112TH CONGRESS
1ST Session

S. 1599

[Report No. 112-84]

A BILL

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

SEPTEMBER 22, 2011

Read twice and placed on the calendar