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 money in the Treasury not otherwise appropriated, for De-
4 partments of Labor, Health and Human Services, and
Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (referred to in this Act as “WIA”), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 ("WANTO"), including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $3,310,247,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and displaced worker employment and training activities, $2,660,268,000 as follows:

(A) $770,922,000 for adult employment and training activities, of which $58,922,000 shall be available for the period July 1, 2012, through June 30, 2013, and of which
$712,000,000 shall be available for the period October 1, 2012 through June 30, 2013;

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

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

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, that a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: Provided further, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 5 percent of the
amount allotted to the State from each of the appropriations under the preceding subparagraphs;

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

(A) $224,112,000 for the dislocated workers assistance national reserve, of which $24,112,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which $200,000,000 shall be available for the period October 1, 2012 through June 30, 2013:

Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be
obligated to carry out section 173(e) of the WIA;

(B) $52,652,000 for Native American programs, which shall be available for the period July 1, 2012 through June 30, 2013;

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

(D) $998,000 for carrying out the WANTO, which shall be available for the period July 1, 2012 through June 30, 2013; and
(E) $79,840,000 for YouthBuild activities
as described in section 173A of the WIA, which
shall be available for the period April 1, 2012
through June 30, 2013; and

(F) $100,000,000 to be available to the
Secretary of Labor (referred to in this title as
“Secretary”) for the Workforce Innovation
Fund to carry out projects that demonstrate in-
novative strategies or replicate effective evi-
dence-based strategies that align and strength-
en the workforce investment system in order to
improve program delivery and education and
employment outcomes for beneficiaries, which
shall be for the period July 1, 2012, through
September 30, 2013: Provided, That amounts
shall be available for awards to States or State
agencies that are eligible for assistance under
any program authorized under the WIA, con-
sortia of States, or partnerships, including re-
ge-Stral partnerships: Provided further, That not
more than 5 percent of the funds available for
workforce innovation activities shall be for tech-
nical assistance and evaluations related to the
projects carried out with these funds;
(3) for national activities, $107,926,000, as follows:

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

(B) $75,390,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2012 through June 30, 2013, notwithstanding the requirements of section 171(b)(2)(B) or 171(e)(4)(D) of the WIA: Provided, That of this amount, $20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;
(C) $9,581,000 for Evaluation, which shall be available for the period July 1, 2012 through June 30, 2013; and

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

OFFICE OF JOBS CORPS

To carry out subtitle C of title I of the WIA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, $1,706,171,000, plus reimbursements, as follows:

(1) $1,572,049,000 for Job Corps Operations, of which $981,049,000 shall be available for obligation for the period July 1, 2012 through June 30, 2013 and of which $591,000,000 shall be available for obligation for the period October 1, 2012 through June 30, 2013;

(2) $104,990,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which
$4,990,000 shall be available for the period July 1, 2012 through June 30, 2015 and $100,000,000 shall be available for the period October 1, 2012 through June 30, 2015: Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2013; and

(3) $29,132,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2011 through September 30, 2012: Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 ("OAA"), $449,100,000, which shall be available for the period July 1, 2012 through June 30, 2013, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

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

(1) $3,231,154,000 from the Trust Fund is for grants to States for the administration of State un-
employment insurance laws as authorized under title III of the Social Security Act (which includes all amounts available to conduct in-person re-employment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, re-employment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2012, except that funds used for automation acquisitions or for competitive grants to be awarded to States to address worker misclassification, system improvements or improper payments shall be available for obligation by the States through September 30, 2014, and funds used for unemployment insurance workloads experienced by the States through September 30, 2012, shall be available for Federal obligation through December 31, 2012;
(2) $11,287,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

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

(4) $20,952,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

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

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

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

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

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $97,320,000, together with not to exceed $50,040,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $195,528,000.
The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2012, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2012 shall be available for obligations for administrative expenses in excess of $476,901,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2012, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2013 for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional $50,000 shall be made available through September 30, 2013, for obligation for investment management fees for every $25,000,000 in as-
sets received by the Corporation as a result of new plan
terminations or asset growth, after approval by the Office
of Management and Budget and notification of the Com-
mittees on Appropriations of the House of Representatives
and the Senate; Provided further, That obligations in ex-
cess of the amounts provided in this paragraph may be
incurred for unforeseen and extraordinary pretermination
expenses or extraordinary multiemployer program related
expenses after approval by the Office of Management and
Budget and notification of the Committees on Appropri-
tions of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

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

OFFICE OF LABOR MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor Man-
agement Standards, $41,367,000.
Office of Federal Contract Compliance

Programs

Salaries and Expenses

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

Office of Workers' Compensation Programs

Salaries and Expenses

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

SPECIAL BENEFITS

(including transfer of funds)

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

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $17,253,000;
(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $26,769,000;

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

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

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

SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

OCCUPATIONAL ILLNESS COMPENSATION FUND

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

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

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

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety
and Health Administration, $561,119,000, including not
to exceed $104,393,000 which shall be the maximum
amount available for grants to States under section 23(g)
of the Occupational Safety and Health Act (“Act”), which
grants shall be no less than 50 percent of the costs of
State occupational safety and health programs required to
be incurred under plans approved by the Secretary under
section 18 of the Act; and, in addition, notwithstanding
31 U.S.C. 3302, the Occupational Safety and Health Ad-
ministration may retain up to $200,000 per fiscal year
of training institute course tuition fees, otherwise author-
ized by law to be collected, and may utilize such sums for
occupational safety and health training and education:
Provided, That notwithstanding 31 U.S.C. 3302, the Sec-
retary is authorized, during the fiscal year ending Sep-
tember 30, 2012, to collect and retain fees for services
provided to Nationally Recognized Testing Laboratories,
and may utilize such sums, in accordance with the provi-
sions of 29 U.S.C. 9a, to administer national and inter-
national laboratory recognition programs that ensure the
safety of equipment and products used by workers in the
workplace: Provided further, That none of the funds ap-
propriated under this paragraph shall be obligated or ex-
pended to prescribe, issue, administer, or enforce any
standard, rule, regulation, or order under the Act which
is applicable to any person who is engaged in a farming
operation which does not maintain a temporary labor
camp and employs 10 or fewer employees: Provided fur-
ther, That no funds appropriated under this paragraph
shall be obligated or expended to administer or enforce
any standard, rule, regulation, or order under the Act with
respect to any employer of 10 or fewer employees who is
included within a category having a Days Away, Re-
stricted, or Transferred (DART) occupational injury and
illness rate, at the most precise industrial classification
code for which such data are published, less than the na-
tional average rate as such rates are most recently pub-
lished by the Secretary, acting through the Bureau of
Labor Statistics, in accordance with section 24 of the Act,
except—

(1) to provide, as authorized by the Act, con-
sultation, technical assistance, educational and train-
ing services, and to conduct surveys and studies;
(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

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

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

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

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

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That $10,729,000 shall be available for Susan Harwood training grants.
MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Mine Safety and Health Administration, $371,500,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,475,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; and, in addition, the Secretary may transfer from amounts provided under this heading up to $2,000,000 to “Departmental Management” for activities related to the Office of the Solicitor’s caseload before the Federal Mine Safety and Health Review Commission; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from
public and private sources and to prosecute projects in co-
operation with other agencies, Federal, State, or private;
the Mine Safety and Health Administration is authorized
to promote health and safety education and training in
the mining community through cooperative programs with
States, industry, and safety associations; the Secretary is
authorized to recognize the Joseph A. Holmes Safety As-
sociation as a principal safety association and, notwith-
standing any other provision of law, may provide funds
and, with or without reimbursement, personnel, including
service of Mine Safety and Health Administration officials
as officers in local chapters or in the national organiza-
tion; and any funds available to the Department of Labor
may be used, with the approval of the Secretary, to pro-
vide for the costs of mine rescue and survival operations
in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Sta-
tistics, including advances or reimbursements to State,
Federal, and local agencies and their employees for serv-
ices rendered, $542,921,000, together with not to exceed
$68,303,000 which may be expended from the Employ-
ment Security Administration Account in the Unemploy-
ment Trust Fund, of which $1,500,000 may be used to
fund the mass layoff statistics program under section 15
of the Wagner-Peyser Act.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Manage-
ment, including the hire of three sedans, $366,535,000,
together with not to exceed $326,000, which may be ex-
pended from the Employment Security Administration Ac-
count in the Unemployment Trust Fund: Provided, That
$66,500,000 for the Bureau of International Labor Af-
fairs shall be available for obligation through December
31, 2012: Provided further, That funds available to the
Bureau of International Labor Affairs may be used to ad-
minister or operate international labor activities, bilateral
and multilateral technical assistance, and microfinance
programs, by or through contracts, grants, subgrants and
other arrangements: Provided further, That $40,000,000
shall be for programs to combat exploitative child labor internationally: Provided further, That not less than $6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: Provided further, That funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs may be allocated to agencies of the Department by the Department’s Chief Information Officer: Provided further, That $8,500,000 shall be used for program evaluation and shall be available for obligation through September 30, 2013: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the funds available to the Women’s Bureau may be used for grants to serve and promote the interests of women in the workforce.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $210,735,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obli-
agitation by the States through December 31, 2012, of which $2,444,000 is for the National Veterans’ Employment and Training Services Institute.

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

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $77,937,000, together with not to exceed $5,909,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

Sec. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and
Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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

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

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

SEC. 106. The Secretary shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities
under title I of WIA, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 107. Funds available to the Employment and Training Administration under this Act under Public Law 112–10, either directly or through a set-aside, for technical assistance services to grantees may be transferred to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees.
SEC. 108. (a) The Secretary may reserve not more than 0.5 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2013: Provided, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

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

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

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act (referred to in this Act as “PHS Act”), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, $6,204,517,000, of which $41,118,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility
grants program under such section: Provided, That of the funds made available under this heading for carrying out the Medicare rural hospital flexibility grant program, $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act: Provided further, That amounts provided for such grants shall be available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: Provided further, That sections 747(c)(2), 751(j)(2), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available in this paragraph: Provided further, That of the funds made available under this heading, $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of
information under the “Health Care Fraud and Abuse Data Collection Program”, authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: Provided further, That no more than $100,000,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (referred to in this title as “HHS”) pertaining to administrative claims made under such law: Provided further, That of the funds made available under this heading, $299,400,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That
of the funds available under this heading, $1,995,670,000 shall remain available to the Secretary of HHS (referred to in this title as “Secretary”) through September 30, 2014, for parts A and B of title XXVI of the PHS Act: Provided further, That within the amounts provided for part A of title XXVI of the PHS Act, $6,021,000 shall be available to the Secretary through September 30, 2014, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2012 to metropolitan and transitional areas that received grant funding in fiscal year 2011 under subparts I and II of part A of title XXVI of the PHS Act to ensure that an area’s total funding under subparts I and II of part A for fiscal year 2012, together with the amount of this additional funding, is not less than 92.4 percent of the amount of such area’s total funding under part A for fiscal year 2006: Provided further, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2011, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: Provided further, That within amounts provided for part B of title XXVI of the PHS Act, $900,000,000 shall be for State AIDS Drug Assistance
Programs authorized by section 311(c) or section 2616 of the PHS Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $60,171,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and up to $10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That funds available to carry out section 846 of the PHS Act and the National Health Service Corps may be used to make prior year adjustments to prior year awards made under these sections: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $10,055,000 shall be available for State Offices of Rural Health: *Provided further*, That, for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act: *Provided further*, That notwithstanding section 399BB(g) of the PHS Act, funds made
available under this heading for section 399BB of the PHS Act are for carrying out the program as authorized under section 399BB(a)–(f) of such Act: Provided further, That the Secretary may collect a fee of 0.1 percent of each purchase of 340B drugs from entities participating in the Drug Pricing Program pursuant to section 340B of the PHS Act to pay for the operating costs of such program: Provided further, That fees pursuant to the 340B Drug Pricing Program shall be collected by manufacturers at the time of sale, and shall be credited to this account, to remain available until expended.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT
Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,841,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND
For payments from the Vaccine Injury Compensation Program Trust Fund (“Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Pro-
vided, That for necessary administrative expenses, not to exceed $6,489,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION
DISEASE CONTROL, RESEARCH, AND TRAINING
To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, XXIII, and XXVI of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, titles II and IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $5,765,735,000, of which $30,000,000 shall remain available until expended for business services, equipment, construction and renovation of facilities; of which $561,001,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act; of which $118,741,000 for international HIV/AIDS shall remain
available through September 30, 2013; of which $10,000,000 shall remain available through September 30, 2013 for incentive grants related to tobacco policies: Provided, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account and shall be available until expended: Provided further, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,864,000 to carry out the National Immunization Surveys; (2) $138,683,000 to carry out the National Center for Health Statistics surveys; (3) $109,086,000 to carry out Public Health Scientific Services; and (4) $106,724,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention (referred to in this title as “CDC”) may be used, in whole or in part, to advocate or promote gun control: Provided further, That of the funds made available under this heading, up to $1,000 per eligible employee of the CDC shall be made available until expended for Individual Learning Accounts: Provided further, That the Director of CDC may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to ac-
tivities the Director of CDC may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further*, That funds available under this heading shall be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That employees of the CDC or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of HHS during the period of detail or assignment: *Provided further*, That the CDC may establish a Working Capital Fund, with the authorities equivalent to those provided in 42 U.S.C. 231, to improve the provision of supplies and service: *Provided further*, That unobligated amounts provided for Business Services Support in fiscal year 2012 may be transferred to the Working Capital Fund: *Provided further*, That funds made
available for the Epidemiology-Laboratory Capacity
Grants program shall be available notwithstanding para-
graphs (1)–(3) of subsection (b) of section 2821 of the
PHS Act.

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS
Act with respect to cancer, $5,001,623,000, of which up
to $8,000,000 may be used for facilities repairs and im-
provements at the National Cancer Institute—Frederick
Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,036,189,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

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

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,772,045,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

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

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases,
$4,725,288,000: Provided, That $299,000,000 may be made available to International Assistance Programs “Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis”, to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES
For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,347,309,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT
For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,303,016,000.

NATIONAL EYE INSTITUTE
For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $692,938,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $676,033,000.

NATIONAL INSTITUTE ON AGING
For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,088,091,000.
NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES
For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $528,332,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS
For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $410,482,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $142,755,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM
For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $453,127,000.

NATIONAL INSTITUTE ON DRUG ABUSE
For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,038,714,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,460,671,000.
NATIONAL HUMAN GENOME RESEARCH INSTITUTE

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

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

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

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, $126,275,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, including the implementation of any planned reorganization related to the transfer of the Research Centers in Minority Institutions program from the National Center for Research Resources, $272,650,000.
JOHN E. FOGARTY INTERNATIONAL CENTER

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

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $358,979,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2012, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”): Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $582,326,000:
Provided, That up to $20,000,000 shall be available to implement section 402C of the PHS Act, relating to the Cures Acceleration Network.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,439,064,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $537,811,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or ren-
ovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

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

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES CENTER FOR MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $949,643,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, $20,997,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated
for subpart I of part B of title XIX: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2012: Provided further, That of the amount appropriated under this heading, $40,800,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act.

CENTER FOR SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, $2,113,027,000: Provided, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund technical assistance, national data, data collection and evaluation activities under section 1935(b) of such Act, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs.

CENTER FOR SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $186,361,000.
HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support in carrying out titles III, V and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $105,606,000: Provided, That in addition to amounts provided herein, $27,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That funds made available under this heading may be used to supplement program support funding provided under the headings “Center for Mental Health Services”, “Center for Substance Abuse Prevention”, and “Center for Substance Abuse Treatment”.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $372,053,000 shall be available from amounts available under section 241 of the PHS Act, notwithstanding subsection 947(c) of such Act: Provided, That in addition, amounts received from Free-
dom of Information Act fees, reimbursable and inter-
agency agreements, and the sale of data shall be credited
to this appropriation and shall remain available until ex-
pended.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

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

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

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

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

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

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

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed $4,044,876,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act.
Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $34,000,000, to remain available through September 30, 2013, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That the Secretary is directed to collect fees in fiscal year 2012 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $581,000,000, to remain available through September 30, 2013, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act.
Security Act, of which $345,715,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; of which $97,556,000 shall be for the HHS Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which $44,644,000 shall be for the Medicaid and Children’s Health Insurance Program (“CHIP”) program integrity activities; and of which $93,085,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That of the amounts provided under this heading, $311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2012 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.
For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,305,035,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2013, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

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

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,600,580,000, of which $3,400,653,000 shall be for payments under subsections (b) and (d) of such section; and of which $199,927,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: Provided, That all of the funds provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2012 was less than $1,975,000,000: Provided further, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $3,000,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,222,627,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,922,000 shall be available for child care resource and referral and school-aged child care activities, of which
$1,000,000 shall be available to the Secretary for a competitive grant for the operation of a national toll free hotline and Web site to develop and disseminate child care consumer education information for parents and help parents access child care in their local community: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $283,592,000 shall be reserved by the States for activities authorized under section 658G, of which $104,005,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,890,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental
Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the PHS Act, the Abandoned Infants Assistance Act of 1988, section 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $9,845,685,000, of which $39,421,000, to remain available through September 30, 2013, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2012: Provided, That $7,899,633,000
shall be for making payments under the Head Start Act: 

*Provided further,* That for purposes of allocating funds described by the immediately preceding proviso, the term “base grant” as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2011 shall be calculated as described in such subsection and to which amount shall be added 50 percent of the amount of funds appropriated under the heading “Department of Health and Human Services: Administration for Children and Families: Children and Family Services Programs” in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12-month period beginning in fiscal year 2010: *Provided further,* That $707,594,000 shall be for making payments under the CSBG Act: *Provided further,* That $29,304,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $21,964,000 shall be for section 680(a)(2) and not less than $6,990,000 shall be for section 680(a)(3)(B) of such Act: *Provided further,* That in addition to amounts provided herein,
$5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be
available for financing construction and rehabilitation and
loans or investments in private business enterprises owned
by community development corporations: Provided further,
That $5,245,000 shall be for activities authorized by sec-
tion 291 of the Help America Vote Act of 2002: Provided
further, That $1,996,000 shall be for a human services
case management system for federally declared disasters,
to include a comprehensive national case management con-
tract and Federal costs of administering the system: Pro-
vided further, That up to $2,000,000 shall be for impro-
ving the Public Assistance Reporting Information System,
including grants to States to support data collection for
a study of the system’s effectiveness.

SUPPORTING HEALTHY FAMILIES AND ADOLESCENT
DEVELOPMENT

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

PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

For making payments to States or other non-Federal
entities under title IV–E of the Social Security Act, for
the first quarter of fiscal year 2013, $2,100,000,000.
For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), section 398 and title XXIX of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, and for necessary administrative expenses to carry out section 393D and title XVII of the PHS Act, $1,482,701,000, together with $52,000,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated to the satisfaction of the Secretary to be evidence-based and effective: Provided fur-
ther, That, notwithstanding section 206(g) of the OAA, up to 1 percent of amounts appropriated to carry out programs authorized under title III of such Act shall be available for conducting evaluations, training and technical assistance: Provided further, That the total amount available for fiscal year 2012 under this and any other Act to carry out activities related to Aging and Disability Resource Centers under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA shall not exceed the amount obligated for such purposes for fiscal year 2010 from funds available under Public Law 111–117: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, IV, XVII, XX, and XXI of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $476,221,000, together with $72,811,000 from the amounts available under section 241 of the PHS Act to carry out national
health or human services research and evaluation activities: Provided, That of this amount, $53,783,000 shall be for minority AIDS prevention and treatment activities: Provided further, That of the funds made available under this heading, $104,790,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches.
OFFICE OF MEDICARE HEARINGS AND APPEALS

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

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $42,246,000: Provided, That in addition to amounts provided herein, $19,011,000 shall be available from amounts available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

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

OFFICE FOR CIVIL RIGHTS

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

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $574,452,000; of
which $15,000,000 shall remain available until expended to support emergency operations.

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

GENERAL PROVISIONS

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

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

Sec. 203. None of the funds appropriated in this Act for the NIH, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health
Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

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

Sec. 205. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

Sec. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of HHS in this Act may be transferred between a program, project, or activity, but no such program, project, or activ-
ity shall be increased by more than 3 percent by any such
transfer: *Provided*, That the transfer authority granted by
this section shall not be used to create any new program
or to fund any project or activity for which no funds are
provided in this Act: *Provided further*, That the Commit-
tees on Appropriations of the House of Representatives
and the Senate are notified at least 15 days in advance
of any transfer.

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

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

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

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

Sec. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the serv-
ice to such entity’s enrollees): Provided further, That noth-
ing in this section shall be construed to change the Medi-
care program’s coverage for such services and a Medicare
Advantage organization described in this section shall be
responsible for informing enrollees where to obtain infor-
mation about all Medicare covered services.

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

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

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

(3) The Secretary is authorized to provide to
personnel appointed or assigned by the Secretary to
serve abroad, allowances and benefits similar to
those provided under chapter 9 of title I of the For-

through 4086 and subject to such regulations pre-
scribed by the Secretary. The Secretary is further
authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel’s official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

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

(b) Peer Review.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical
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merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Sec. 214. Funds which are available for Individual Learning Accounts for employees of the CDC and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

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

Sec. 216. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the NIH may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.
Sec. 217. Of the amounts made available for the NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

Sec. 218. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the Patient Protection and Affordable Care Act of 2010 to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund" in the committee report of the Senate accompanying this Act.

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

(e) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.
(d) From funds transferred for activities authorized under section 4201 of Public Law 111–148, $135,000,000 shall be available for a program consisting of 3-year grants of no less than $100,000 per year to non-governmental entities, school districts, local housing authorities, local transportation authorities or Indian tribes to implement evidence-based chronic disease prevention strategies. Applicants for such grants shall determine the population to be served and shall agree to work in collaboration with multi-sector partners.

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

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), $15,714,934,000, of which $4,780,117,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $10,841,177,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That
$6,584,750,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $3,992,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2011, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,258,183,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,258,183,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $4,151,000 shall be to carry out sections 1501 and 1503 of the ESEA: *Provided further*, That funds available under sections 1124, 1124A, 1125 and 1125A of the ESEA may be used to provide homeless children and youths with services not ordinarily provided to other students under those sections, including supporting the liaison designated pursuant to section 722(g)(1)(J) of the McKinney-Vento Homeless Assistance Act, and providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act: *Provided further*, That $534,562,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Sec-
retary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State’s lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds: Provided further, That the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: Provided further, That $183,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for
the Secretary of the Interior for such a program at schools
funded by the Bureau of Indian Education, one-half of
1 percent shall be reserved for grants to the outlying areas
for such a program, up to 5 percent may be reserved for
national activities, and the remainder shall be used to
award competitive grants to State educational agencies for
such a program, of which a State educational agency may
reserve up to 5 percent for State leadership activities, in-
cluding technical assistance and training, data collection,
reporting, and administration, and shall subgrant not less
than 95 percent to local educational agencies or, in the
case of early literacy, to local educational agencies or other
nonprofit providers of early childhood education that part-
ner with a public or private nonprofit organization or
agency with a demonstrated record of effectiveness in im-
proving the early literacy development of children from
birth through kindergarten entry and in providing profes-
sional development in early literacy, giving priority to such
agencies or other entities serving greater numbers or per-
centages of disadvantaged children: Provided further, That
the State educational agency shall ensure that at least 15
percent of the subgranted funds are used to serve children
from birth through age 5, 40 percent are used to serve
students in kindergarten through grade 5, and 40 percent
are used to serve students in middle and high school in-
including an equitable distribution of funds between middle and high schools: *Provided further*, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

**IMPACT AID**

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, $1,273,631,000, of which $1,135,724,000 shall be for basic support payments under section 8003(b), $48,505,000 shall be for payments for children with disabilities under section 8003(d), $17,474,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2013, $67,074,000 shall be for Federal property payments under section 8002, and $4,854,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2011–2012, children enrolled in a school of such agency that would otherwise be eligible
for payment under section 8003(a)(1)(B) of such Act, but
due to the deployment of both parents or legal guardians,
or a parent or legal guardian having sole custody of such
children, or due to the death of a military parent or legal
guardian while on active duty (so long as such children
reside on Federal property as described in section
8003(a)(1)(B)), are no longer eligible under such section,
shall be considered as eligible students under such section,
provided such students remain in average daily attendance
at a school in the same local educational agency they at-
tended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities au-
thorized by parts A and B of title II, part B of title IV,
parts A and B of title VI, and parts B and C of title VII
of the ESEA; the McKinney-Vento Homeless Assistance
Act; section 203 of the Educational Technical Assistance
Act of 2002; the Compact of Free Association Amend-
ments Act of 2003; and the Civil Rights Act of 1964,
$4,570,145,000, of which $2,745,373,000 shall become
available on July 1, 2012, and remain available through
September 30, 2013, and of which $1,681,441,000 shall
become available on October 1, 2012, and shall remain
available through September 30, 2013, for academic year
2012–2013: Provided, That funds made available to carry
out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: Provided further, That $51,210,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $17,652,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That up to 5 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for com-
petitive awards for teacher or principal training or profes-
2 sional enhancement activities to national not-for-profit or-
3 ganizations.

**INDIAN EDUCATION**

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

**INNOVATION AND IMPROVEMENT**

For carrying out activities authorized by part G of
title I, subpart 5 of part A and parts C and D of title
II, parts B, C, and D of title V of the ESEA, and sections
14006 and 14007 of division A of the American Recovery
and Reinvestment Act of 2009, as amended,
$1,740,212,000: Provided, That the Secretary may use up
to $698,600,000 for section 14006 of division A of Public
Law 111–5, as amended, to make awards (including on
the basis of previously submitted applications) to States
or to local educational agencies, or both, in accordance
with the applicable requirements of that section, as deter-
mined by the Secretary, and may use up to 5 percent of
such funds for technical assistance and evaluation of the
activities carried out under that section: Provided further,
That up to $149,700,000 shall be available for section
14007 of division A of Public Law 111–5, and up to 5
percent of such funds may be used for technical assistance
and the evaluation of activities carried out under such section: Provided further, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $300,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement reforms in such areas as evaluation, compensation, hiring, and advancement in order to increase the effectiveness of teachers, principals, and other personnel in high-need schools: Provided further, That such reforms must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and may provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such reforms are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems
and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use not less than $23,000,000 to carry out activities under section 5205(b) and under subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $55,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve up to $11,000,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and pro-
viding technical assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students de-
scribed in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, $270,463,000: Provided, That $79,226,000 shall be available for subpart 2 of part A of title IV: Provided further, That $60,000,000 shall be available for Promise Neighborhoods and shall be available through December 31, 2012.

ENGLISH LANGUAGE ACQUISITION

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

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (‘‘IDEA’’) and the Special Olympics Sport
and Empowerment Act of 2004, $12,553,066,000, of which $3,706,716,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which $8,592,383,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2011, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2011: Provided further, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games: Provided further, That $4,000,000, to remain available for obligation through September 30, 2013, shall be for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, which may include competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, including both physical and emotional health, and education and
post-school outcomes, including completion of postsec-
ondary education and employment, and to improve serv-
ices and supports to the families or households of the SSI
child recipient, such as education and job training for the
parents: Provided further, That States may award sub-
grants for a portion of the funds to other public and pri-
ivate, non-profit entities.

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise pro-
vided, the Rehabilitation Act of 1973, the Assistive Tech-
nology Act of 1998, and the Helen Keller National Center
Act, $3,511,735,000: Provided, That the Secretary may
use amounts provided in this Act that remain available
subsequent to the reallocation of funds to States pursuant
to section 110(b) of the Rehabilitation Act for activities
aimed at improving the outcomes of children receiving
Supplemental Security Income (SSI) and their families,
including competitive grants to States to improve the pro-
vision and coordination of services for SSI child recipients
in order to achieve improved health status, education and
post-school outcomes, including completion of postsec-
ondary education and employment, and to improve serv-
ices and supports to the family or households of the SSI
child recipient, such as education and job training for the
parents: Provided further, That States may award sub-
grants for a portion of the funds to other public and private, non-profit entities: *Provided further,* That any funds made available subsequent to reallocation for activities aimed at improving the outcomes of children receiving SSI and their families shall remain available until September 30, 2013.

**SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES**

**AMERICAN PRINTING HOUSE FOR THE BLIND**

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

**NATIONAL TECHNICAL INSTITUTE FOR THE DEAF**

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

**GALLAUDET UNIVERSITY**

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $125,754,000, of which $7,990,000 shall be for construction and shall remain available until expended: *Provided,* That from the
total amount available, the University may at its discre-
tion use funds for the endowment program as authorized
under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise pro-
vided, the Carl D. Perkins Career and Technical Edu-
cation Act of 2006 and the Adult Education and Family
Literacy Act ("AEFLA"), $1,738,946,000, of which
$947,946,000 shall become available on July 1, 2012, and
remain available through September 30, 2013, of which
$791,000,000 shall become available on October 1, 2012,
and shall remain available through September 30, 2013:
Provided, That of the amount provided for Adult Edu-
cation State Grants, $74,850,000 shall be made available
for integrated English literacy and civics education serv-
ices to immigrants and other limited English proficient
populations: Provided further, That of the amount re-
served for integrated English literacy and civics education,
notwithstanding section 211 of the AEFLA, 65 percent
shall be allocated to States based on a State’s absolute
need as determined by calculating each State’s share of
a 10-year average of the United States Citizenship and
Immigration Services data for immigrants admitted for
legal permanent residence for the 10 most recent years,
and 35 percent allocated to States that experienced growth
as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for AEFLA, $11,323,000 shall be for national leadership activities under section 243.

**Student Financial Assistance**

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

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

**Student Aid Administration**

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, $1,045,363,000, to remain available until September 30, 2013: Provided, That not more than $370,000,000 may be used to carry out loan servicing activities: Provided further, That with respect to the previous proviso, amounts may be increased (from amounts provided under this heading) due to changes in the loan portfolio, upon determination by the Secretary that additional amounts are
needed and the Secretary notifies the Committee on Appropriations of the Senate and House of Representatives of such determination.

**Higher Education**

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $1,903,946,000: **Provided**, That $8,084,000, to remain available through September 30, 2013, shall be available to fund fellowships for academic year 2013–2014 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: **Provided further**, That $608,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: **Provided further**, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan
to apply their language skills and knowledge of these coun-
tries in the fields of government, the professions, or inter-
national development: Provided further, That of the funds
referred to in the preceding proviso up to 1 percent may
be used for program evaluation, national outreach, and in-
formation dissemination activities: Provided further, That
notwithstanding any other provision of law, a recipient of
a multi-year award under section 316 of the HEA, as that
section was in effect prior to the date of enactment of the
Higher Education Opportunity Act (‘’HEOA’’), that
would have otherwise received a continuation award for
fiscal year 2012 under that section, shall receive under
section 316, as amended by the HEOA, not less than the
amount that such recipient would have received under
such a continuation award: Provided further, That the por-
tion of the funds received under section 316 by a recipient
described in the preceding proviso that is equal to the
amount of such continuation award shall be used in ac-
cordance with the terms of such continuation award.

HOWARD UNIVERSITY

For partial support of Howard University,
$234,507,000, of which not less than $3,600,000 shall be
for a matching endowment grant pursuant to the Howard
University Endowment Act and shall remain available
until expended.
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Program

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

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,188,000, as authorized pursuant to part D of title III of the HEA: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $367,255,000: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

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

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assess-
ment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $609,788,000, which shall remain available through September 30, 2013: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: Provided further, That up to $12,500,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $449,074,000.
OFFICE FOR CIVIL RIGHTS

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

OFFICE OF THE INSPECTOR GENERAL

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

GENERAL PROVISIONS

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

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

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

(TRANSFER OF FUNDS)

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


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

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

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

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

“(iv) to carry out this section—

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

“(II) $13,583,000,000 for fiscal year 2012;
“(III) $8,940,000,000 for fiscal year 2013, of which $896,000,000 shall be available for the 2012–2013 award year;

“(IV) $0 for fiscal year 2014;

“(V) $0 for fiscal year 2015;

“(VI) $0 for fiscal year 2016;

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

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

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

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

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

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

Sec. 308. (a) Notwithstanding any other provision of law, the Secretary is authorized to modify the terms and conditions of gulf hurricane disaster loans to affected
institutions pursuant to section 2601 of Public Law 109–234 using the authority provided herein, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interests of both the United States and the borrowers, and necessary to mitigate the economic effects of Hurricanes Katrina and Rita. Any modification under this section shall not result in any net cost to the Federal Government, as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, beginning on the date on which the Secretary modifies a loan under this section.

(b) Federal Register Notice.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any modification of loans under paragraph (a) that—

(1) establishes the terms and conditions governing the modifications authorized by paragraph (a);

(2) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating
the modification of the loans made under this title;
and
(3) describes how the use of such methodology
and consideration of such factors used to determine
the modifications will ensure that loan modifications
do not result in any net cost to the Federal Govern-
ment.
(c) Fees.—An affected institution that receives a
modification to its disaster loan pursuant to section 2601
of Public Law 109–234 shall pay a fee to the Secretary
which shall be credited to the HBCU Hurricane Supple-
mental Loan Program. Such fees shall remain available
without fiscal year limitation to pay the modification costs.
The amount of the fee paid shall be equal to the modifica-
tion cost as jointly determined by the Secretary, the Sec-
retary of the Treasury, and the Director of the Office of
Management and Budget, calculated in accordance with
section 502 of the Federal Credit Reform Act of 1990,
as amended, of such loan.

Sec. 309. Section 14006(c)(2) of division A of the
American Recovery and Reinvestment Act of 2009 (as
amended by section 1832(b) of division B of Public Law
112–10) is amended by inserting before the period, “ex-
cept that such a State may use its grant funds to make
subgrants to public or private agencies and organizations
for activities consistent with the purposes of the grant”.

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

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

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

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for Na-
tional and Community Service (referred to under this
heading as “the Corporation”) to carry out the Domestic
Volunteer Service Act of 1973 (referred to in this title as
“1973 Act”) and the National and Community Service
Act of 1990 (referred to in this title as “1990 Act”),
$781,869,000, notwithstanding sections 198B(b)(3),
198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act:
Provided, That of the amounts provided under this head-
ing: (1) up to 1 percent of program grant funds may be
used to defray the costs of conducting grant application
reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $49,900,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $7,485,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $4,990,000 shall be available for grants to public or private nonprofit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; (5) $16,966,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (6) $31,942,000 shall be available to carry out subtitle E of the 1990 Act; and (7) $3,992,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by the Corporation on a competitive basis.
NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the 1990 Act, $215,200,000, to remain available until expended: Provided, That the Corporation may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5

ADMINISTRATIVE PROVISIONS

Sec. 401. The Corporation shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking.

For fiscal year 2010, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Sec. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member sup-
port Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

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

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

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (referred to under this heading as the “Corporation”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2014, $445,000,000:

Provided, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to the Corporation by this Act shall
be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: Provided further, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose: Provided further, That for fiscal year 2012, in addition to the amounts provided above, $5,998,000 shall be provided for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor Management Relations Act,
1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,559,000, including $349,000 for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,337,000.
INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $237,393,000.

MEDICAID AND SCHIP PAYMENT AND ACCESS

COMMISSION

SALARIES AND EXPENSES

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

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $12,425,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,264,000.
NATIONAL HEALTH CARE WORKFORCE COMMISSION

SALARIES AND EXPENSES

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

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $282,833,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.
NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

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

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

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

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

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

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

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $108,855,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,170,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.
SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $37,922,543,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

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

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

pired.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two pas-
senger motor vehicles, and not to exceed $20,000 for offi-
cial reception and representation expenses, not more than
$10,853,948,000 may be expended, as authorized by sec-
tion 201(g)(1) of the Social Security Act, and including
the development of systems in support of Social Security
number verification for States, from any one or all of the
trust funds referred to therein: Provided, That not less
than $2,150,000 shall be for the Social Security Advisory
Board: Provided further, That unobligated balances of
funds provided under this paragraph at the end of fiscal
year 2012 not needed for fiscal year 2012 shall remain
available until expended to invest in the Social Security
Administration information technology and telecommu-

cations hardware and software infrastructure, including
related equipment and non-payroll administrative expenses
associated solely with this information technology and tele-
communications infrastructure: Provided further, That the
Commissioner of Social Security shall provide information
to the Committees on Appropriations of the House of Rep-
resentatives and the Senate each year, at the same time
the President’s budget is submitted to Congress, regarding
the estimated amount of prior year unobligated balances that will be available and used under the authority in the previous proviso and shall notify such Committees prior to when funds are made available under such authority: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $273,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $623,000,000, for additional continuing disability reviews and redeterminations of eligibility: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fis-
cal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $155,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2012 exceed $155,000,000, the amounts shall be available in fiscal year 2013 only to the extent provided in advance in appropriations Acts.

In addition, up to $500,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $28,942,000, together with not to exceed $73,535,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act
from the Federal Old-Age and Survivors Insurance Trust
Fund and the Federal Disability Insurance Trust Fund.

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

TITLE V
GENERAL PROVISIONS

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

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

Sec. 503. (a) No part of any appropriation contained
in this Act shall be used, other than for normal and recog-
nized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

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

Sec. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $22,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and expenses”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed
$5,000 from funds available for “National Mediation Board, Salaries and expenses”.

Sec. 505. None of the funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

Sec. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

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

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

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

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

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

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

Sec. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

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

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

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

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

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

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

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

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

Sec. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.
SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual’s capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

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

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

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

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.
SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children’s Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

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

(1) creates new programs;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
(4) relocates an office or employees;
(5) reorganizes or renames offices;
(6) reorganizes programs or activities; or
(7) contracts out or privatizes any functions or activities presently performed by Federal employees;
unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in
advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever oc-
curs earlier.

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

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

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

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

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

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

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

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

Sec. 518. The Secretaries of Labor, Health and
Human Services, and Education shall each prepare and
submit to the Committees on Appropriations of the House
of Representatives and the Senate a report on the number
and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2012, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

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

Sec. 520. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of
1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSION)

Sec. 521. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act, $6,830,797,000 are hereby permanently rescinded.

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

Calendar No. 178