IN THE SENATE OF THE UNITED STATES

JUNE 14, 2012

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

1  Be it enacted by the Senate and House of Representa-
2  tives of the United States of America in Congress assembled,
3  That the following sums are appropriated, out of any
4  money in the Treasury not otherwise appropriated, for the
5  Departments of Labor, Health and Human Services, and
Education, and related agencies for the fiscal year ending September 30, 2013, 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, the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 (“WANTO Act”), and the Workforce Innovation Fund, as established by this Act, 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, $3,176,063,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,603,315,000 as follows:

(A) $770,811,000 for adult employment and training activities, of which $58,811,000 shall be available for the period July 1, 2013, through June 30, 2014, and of which
$712,000,000 shall be available for the period October 1, 2013 through June 30, 2014;

(B) $824,353,000 for youth activities, which shall be available for the period April 1, 2013 through June 30, 2014; and

(C) $1,008,151,000 for dislocated worker employment and training activities, of which $148,151,000 shall be available for the period July 1, 2013 through June 30, 2014, and of which $860,000,000 shall be available for the period October 1, 2013 through June 30, 2014:

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 or 10 percent if at least 50 per-
cent of the funding is used to support training delivered on a local or regional basis for in-demand occupations or industries;

(2) for federally administered programs, $486,510,000 as follows:

(A) $224,066,000 for the dislocated workers assistance national reserve, of which $24,066,000 shall be available for the period July 1, 2013 through June 30, 2014, and of which $200,000,000 shall be available for the period October 1, 2013 through June 30, 2014: 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: Pro-
vided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $47,562,000 for Native American programs, which shall be available for the period July 1, 2013 through June 30, 2014;

(C) $84,291,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $78,104,742 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,678,222 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $508,036 for other discretionary purposes, which shall be available for the period July 1, 2013 through June 30, 2014: 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) $996,000 for carrying out the WANTO Act, which shall be available for the period July 1, 2013 through June 30, 2014;
(E) $79,689,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2013 through June 30, 2014; and

(F) $49,906,000 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 innovative strategies or replicate effective evidence-based strategies that align and strengthen 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, 2013 through September 30, 2014: 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, consortia of States, or partnerships, including regional partnerships: Provided further, That not more than 5 percent of the funds available for workforce innovation activities shall be for technical assistance and evaluations related to the projects carried out with these funds: Provided further, That not more than $10,000,000 of the
funds provided for the Workforce Innovation Fund may be used for performance-based awards or other agreements under the Pay for Success program: Provided further, That, with respect to the proceeding proviso, any funds obligated for such projects or agreements shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a), and that any funds deobligated from such projects or agreements shall immediately be available for Workforce Innovation Fund activities;

(3) for national activities, $86,238,000, as follows:

(A) $80,238,000 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, 2013 through June 30, 2014, 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 em-
ployment, with a priority for projects serving high-crime, high-poverty areas; and

(B) $6,000,000 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, 2013 through June 30, 2014, and which shall not be subject to the requirements of section 171(c)(4)(D).

OFFICE OF JOB 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, $1,673,210,000, plus reimbursements, as follows:

(1) $1,569,078,000 for Job Corps Operations, which shall be available for the period July 1, 2013 through June 30, 2014;

(2) $75,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2013 through June 30, 2016; Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve adminis-
trative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2014; 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, 2012 through September 30, 2013:

Provided further, 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 (referred to in this Act as “OAA”), $448,251,000, which shall be available for the period July 1, 2013 through June 30, 2014, and may be recaptured and reobligated in accordance with section 517(e) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2013 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 pay-
ments, allowances, training, employment and case man-
agement services, and related State administration pro-
vided pursuant to section 231(a) of the Trade Adjustment
Assistance Extension Act of 2011, $1,421,000,000, to-
gether with such amounts as may be necessary to be
charged to the subsequent appropriation for payments for
any period subsequent to September 15, 2013.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
SERVICE OPERATIONS

For authorized administrative expenses,
$86,111,000, together with not to exceed $3,795,882,000
which may be expended from the Employment Security
Administration Account in the Unemployment Trust Fund
(“the Trust Fund”), of which:

(1) $2,989,912,000 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 (including not less
than $60,000,000 to conduct in-person re-employ-
ment and eligibility assessments and unemployment
insurance improper payment reviews, and
$10,000,000 for activities to address the
misclassification of workers), 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 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and shall be available for obligation by the States through December 31, 2013, except that funds used for automation acquisitions or competitive grants awarded to States for improved operations, re-employment and eligibility assessments and improper payments, or activities to address misclassification of workers shall be available for obligation by the States through September 30, 2015, and funds used for unemployment insurance workloads experienced by the States through September 30, 2013 shall be available for Federal obligation through December 31, 2013;

(2) $11,297,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $708,204,000 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, of which not less than $30,000,000 shall be used to provide re-employment services to beneficiaries of unemploy-
ment insurance, and shall be available for Federal obligation for the period July 1, 2013 through June 30, 2014;

(4) $20,952,000 from the Trust Fund is for na-
tional activities of the Employment Service, includ-
ing administration of the work opportunity tax cred-
it under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, includ-
ing not to exceed $1,228,000 that may be used for amortization payments to States which had inde-
pendent 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 re-
lated activities under the Immigration and Nation-
ality Act and related laws, of which $50,418,000 shall be available for the Federal administration of such activities, and $15,099,000 shall be available for grants to States for the administration of such activities; and
$63,473,000 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, 2013 through June 30, 2014:

Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2013 is projected by the Department of Labor to exceed 3,908,000, 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 reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: Provided further, That, notwithstanding 31 U.S.C. 3302, the Secretary may, during the fiscal year ending September 30, 2013, collect and retain fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local govern-
ments, public and private institutions of higher education, and non-profit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities and shall credit such fees to this account, which shall be available for obligation through September 30, 2014, for such purposes.

In addition, $15,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person re-employment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2014.
PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $97,137,000, together with not to exceed $49,944,000 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, $183,153,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2013, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2013 shall be available for obligations for administr-
tive expenses in excess of $479,013,000: Provided further,
That to the extent that the number of new plan partici-
pants in plans terminated by the Corporation exceeds
100,000 in fiscal year 2013, an amount not to exceed an
additional $9,200,000 shall be available through Sep-
tember 30, 2014, for obligation for administrative ex-
penses for every 20,000 additional terminated partici-
pants: Provided further, That an additional $50,000 shall
be made available through September 30, 2014, for obliga-
tion for investment management fees for every
$25,000,000 in assets received by the Corporation as a
result of new plan terminations or asset growth, after ap-
proval by the Office of Management and Budget and noti-
fication of the Committees on Appropriations of the House
of Representatives and the Senate: Provided further, That
obligations in excess of the amounts provided in this para-
graph 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 Commit-
tees on Appropriations of the House of Representatives
and the Senate.
WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $237,730,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $41,289,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $105,187,000.

OFFICE OF WORKERS’ COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers’ Compensation Programs, $115,720,000, together with $2,120,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers’ Compensation Act.
SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, $396,000,000, 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, 2012, 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, 2013: 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, $58,544,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $23,166,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $20,517,000;

(3) For periodic roll management and medical review, $14,861,000; 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, $123,220,000, 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 2014, $35,000,000, 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, $54,962,000, 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 (the “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 2013 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,906,000 for transfer to the Office of Workers’ Compensation Programs, “Salaries and Expenses”; not to exceed $25,217,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed $327,000 for transfer to Departmental Management, “Office of Inspector General”; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $565,468,000, including not to exceed $104,196,000 which shall be the maximum
amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the “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 Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2013, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor
camp and employs 10 or fewer employees: Provided 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 cita-
tion for violations found during such inspection, and
to assess a penalty for violations which are not cor-
rected 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 $11,000,000 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, $376,270,000, 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 ex-
ceed $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; in addition, the Mine Safety and Health Ad-
ministration may retain up to $2,499,000 from fees col-
lected for the approval and certification of equipment, ma-
terials, and explosives for use in mines, and may utilize
such sums for such activities, notwithstanding 31 U.S.C.
3302; and, in addition, the Mine Safety and Health Ad-
ministration is authorized to collect and retain fees for
services related to the analysis of rock dust samples, and
may utilize such sums to administer such activities, not-
withstanding 31 U.S.C. 3302; 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, equip-
ment, and other contributions from public and private
sources and to prosecute projects in cooperation with other
agencies, Federal, State, or private; the Mine Safety and
Health Administration is authorized to promote health
and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster; and the Secretary may reallocate among the items funded under this heading up to $3,000,000 to support inspections or investigations pursuant to section 103 of the Federal Mine Safety and Health Act of 1977.

**BUREAU OF LABOR STATISTICS**

**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $551,867,000, together with not to exceed $67,176,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to
fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act.

**Office of Disability Employment Policy**

**Salaries and Expenses**

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

**Departmental Management**

**Salaries and Expenses**

(including transfer of funds)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $348,601,000, together with not to exceed $326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That $66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2013: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided fur-
ther, That not less than $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 pref-
ference programs: Provided further, That $9,000,000 shall
be used for program evaluation and shall be available for
obligation through September 30, 2014: Provided further,
That funds available for program evaluation may be trans-
ferred to any other appropriate account in the Department
for such purpose: Provided further, That the funds avail-
able to the Women’s Bureau may be used for grants to
serve and promote the interests of women in the work-
force.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $224,636,000 may be derived from the
Employment Security Administration Account in the Un-
employment 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-
gation by the States through December 31, 2012, of which
$3,414,000 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, $38,185,000.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $19,814,000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $77,790,000, together with not to exceed $5,898,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

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

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

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

Sec. 105. None of the funds made available by this
Act under the heading “Employment and Training Ad-
ministration” shall be used by a recipient or subrecipient
of such funds to pay the salary and bonuses of an indi-
vidual, 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 es-
tablish a lower limit for salaries and bonuses of those re-
ceiving 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 pro-
grams involved including Employment and Training Ad-
ministration programs. Notwithstanding this section, the
limitation on salaries for the Job Corps shall continue to
be governed by section 101.

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 Oc-
tober 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 initi-
ated the process of such redesignation by submitting any
request for such redesignation not later than October 26,
2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 107. Notwithstanding section 102, the Sec-
retary may transfer funds made available to the Employ-
ment and Training Administration by this Act, either di-
rectly or through a set-aside, for technical assistance serv-
dices to grantees to “Program Administration” when it is
determined that those services will be more efficiently per-
formed 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 Man-
agement” for use by the Office of the Chief Evaluation
Officer within the Department of Labor, and shall be
available for obligation through September 30, 2014: Pro-
vided, 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 evalua-
tions to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are:
“Training and Employment Services”, “Office of Job
Corps”, “State Unemployment Insurance and Employ-
ment Service Operations”, “Employee Benefits Security
Administration”, “Office of Workers’ Compensation Pro-
grams”, “Wage and Hour Division”, “Office of Federal
Contract Compliance Programs”, “Office of Labor-Man-
agement Standards”, “Occupational Safety and Health
Administration”, “Mine Safety and Health Administra-
tion”, and “Veterans Employment and Training”.

(S 3295 PCS)
SECT. 109. Of the funds appropriated under section 272(b) of the Trade Act of 1974 for each of fiscal years 2013 and 2014, the Secretary may not reserve more than 3 percent of such funds to conduct evaluations and provide technical assistance relating to the activities carried out under section 271 of such Act, including activities carried out under such section supported by the appropriations provided for fiscal years 2011 and 2012.

SECT. 110. (a) None of the amounts made available under this Act may be used to promulgate, administer, enforce, or otherwise implement the final rule entitled “Temporary Non-Agricultural Employment of H–2B Aliens in the United States” published by the Department of Labor on February 21, 2012 (77 Fed. Reg. 10038).

(b) None of the amounts made available under this Act may be used to promulgate, administer, enforce, or otherwise implement the final rule entitled “Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program” published by the Department of Labor on January 19, 2011 (76 Fed. Reg. 3452).

TRANSFER OF COMPTROLLER GENERAL AUTHORITIES

SECT. 111. (a) Authority of Comptroller General To Pay Wages and List Contractors Violating Contracts.—40 U.S.C. 3144, is amended—
(1) in the title, by striking “of Comptroller General”; and

(2) in subsection (a)(1), by striking “The Comptroller General” and inserting “The Secretary of Labor”.

(b) REPORT OF VIOLATIONS AND WITHHOLDING OF AMOUNTS FOR UNPAID WAGES AND LIQUIDATED DAMAGES.—40 U.S.C. 3703, is amended in subsection (b)(3), by—

(1) striking “The Comptroller General” in the first sentence and inserting “The Secretary of Labor”; and

(2) striking “the Comptroller General” in the second sentence and inserting “the Secretary of Labor”.

This title may be cited as the “Department of Labor Appropriations Act, 2013”.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act”) with respect to primary health care and the Native Hawai-
ian Health Care Act of 1988, $1,585,064,000, of which
$127,000 shall be available until expended for facilities
renovations at the Gillis W. Long Hansen’s Disease Cen-
ter: Provided, That no more than $40,000 shall be avail-
able until expended for carrying out the provisions of sec-
tion 224(o) of the PHS Act, including associated adminis-
trative expenses and relevant evaluations: Provided fur-
ther, That no more than $94,893,000 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 Act
as “HHS”) pertaining to administrative claims made
under such law: Provided further, That all funds provided
for Health Centers program, as defined by section 330 of
the PHS Act, by this Act or any other Act for fiscal year
2013 shall be obligated by the Secretary of Health and
Human Services (referred to in this title as “Secretary”)
by September 30, 2013, of which $48,000,000 shall be
awarded for base grant adjustments to address the in-
creased costs of care and implement quality improvement
activities.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS
Act with respect to the health workforce, section 1128E
of the Social Security Act, and the Health Care Quality
Improvement Act of 1986, $727,862,000: Provided, 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 under this heading: 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 for fiscal year 2013 and fiscal years thereafter: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank and shall remain available until expended to carry out 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 fees collected for the disclosure of information under the information reporting requirement program authorized by section 1921 of the Social Security Act shall
be sufficient to recover the full costs of operating the pro-
gram and shall remain available until expended to carry
out that Act: *Provided further*, That funds transferred to
this account to carry out section 846 and subpart 3 of
part D of title III of the PHS Act may be used to make
prior year adjustments to awards made under such sec-
tions.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the
PHS Act with respect to maternal and child health, title
V of the Social Security Act, and section 712 of the Amer-
ican Jobs Creation Act of 2004, $854,807,000: *Provided,
That notwithstanding sections 502(a)(1) and 502(b)(1) of
the Social Security Act, not more than $73,489,000 shall
be available for carrying out special projects of regional
and national significance pursuant to section 501(a)(2) of
such Act and $10,276,000 shall be available for projects
described in paragraphs (A) through (F) of section
501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with
respect to the Ryan White HIV/AIDS program,
$2,397,178,000, of which $2,056,898,000 shall remain
available to the Secretary through September 30, 2014,
for parts A and B of title XXVI of the PHS Act, and
of which not less than $963,299,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act: Provided, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $82,534,000: Provided, 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.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, the Cardiac Arrest Survival Act of 2000, and sections 711 and 1820 of the Social
Security Act, $144,072,000, of which $41,040,000 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: Pro-
vided, That of the funds made available under this heading
for Medicare rural hospital flexibility grants, $15,000,000
shall be available for the Small Rural Hospital Improve-
ment Grant Program for quality improvement and adop-
tion of health information technology and up to
$1,000,000 shall be to carry out section 1820(g)(6) of the
Social Security Act, with funds provided for grants under
section 1820(g)(6) available for the purchase and imple-
mentation of telehealth services, including pilots and dem-
onstrations on the use of electronic health records to co-
ordinate rural veterans care between rural providers and
the Department of Veterans Affairs electronic health
record system: Provided further, That notwithstanding
section 338J(k) of the PHS Act, $10,036,000 shall be
available for State Offices of Rural Health.

FAMILY PLANNING

For carrying out the program under title X of the
PHS Act to provide for voluntary family planning
projects, $293,870,000: Provided, That amounts provided
to said projects under such title shall not be expended for
abortions, that all pregnancy counseling shall be nondirec-
tive, 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.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $162,517,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,807,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered
after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $6,477,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, VII, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $576,083,000: Provided, That in addition to amounts provided herein, $12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys.

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

For carrying out titles II, III, VII, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,101,934,000: Provided, That Centers for Disease Control and Prevention (referred to in this title as “CDC”) and State grant recipients may transfer up to ten percent of funds appropriated for CDC HIV/AIDS
and tuberculosis activities to address the overlapping epidemics of HIV/AIDS, sexually transmitted infections, hepatitis, and tuberculosis by improving program collaboration and providing integrated services in accordance with priorities identified by the CDC: Provided further, That with respect to the previous proviso, grantees shall submit a plan in writing to the CDC and obtain the approval of the CDC to transfer such funds.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, VII, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $269,274,000, of which $1,000,000 shall remain available through September 30, 2014 for costs related to persons quarantined or isolated under Federal quarantine laws.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, VII, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $798,445,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS
Act for not less than 21 States, tribes, or tribal organizations.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
DISABILITIES AND HEALTH

For carrying out titles II, III, VII, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $134,500,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II and III of the PHS Act with respect to health statistics, surveillance, informatics, and workforce development, $143,972,000: Provided, That in addition to amounts provided herein, $247,769,000 shall be available from amounts available under section 241 of the PHS Act to carry out public health scientific services.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to environmental health, $114,667,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to injury prevention and control, $137,693,000: Provided, That funds appropriated under this heading may be used to fund evaluation, research, and pilot programs for sexual violence prevention programs.
OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $181,864,000: Provided, That in addition to amounts provided herein, $110,724,000 shall be available from amounts available under section 241 of the PHS Act.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (referred to under this heading as the “Board”) to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board’s audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: Provided, That this amount shall be available con-
sistent with the provision regarding administrative ex-
penses in section 151(b) of division B, title I of Public
Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, VII and XVII of the
PHS Act with respect to global health, $362,594,000, of
which $117,118,000 for international HIV/AIDS shall re-
main available through September 30, 2014, and of which
$10,000,000 shall remain available through September
30, 2014, to support national public health institutes: Pro-
vided, That funds may be used for purchase and insurance
of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, VII, and XVII of the
PHS Act with respect to public health preparedness and
response, and for expenses necessary to support activities
related to countering potential biological, nuclear, radio-
logical, and chemical threats to civilian populations,
$1,299,479,000, of which $503,792,000 shall remain
available until expended for the Strategic National Stock-
pile under section 319F–2 of the PHS Act.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, VII, XVII and XIX,
and section 2821 of the PHS Act and for cross-cutting
activities and program support that supplement activities
funded under the headings “Immunization and Respiratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention”, “Emerging and Zoonotic Infectious Diseases”, “Chronic Disease Prevention and Health Promotion”, “Birth Defects, Developmental Disabilities, Disabilities and Health”, “Environmental Health”, “Injury Prevention and Control”, “Occupational Safety and Health”, “Energy Employees Occupational Illness Compensation Program”, “Global Health”, “Public Health Preparedness and Response”, and “Public Health Scientific Services”, $593,193,000, of which $383,529,000 shall be available until September 30, 2014, for business services, of which $11,000,000 shall be available until September 30, 2016, for acquisition of property, equipment, construction and renovation of facilities: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: Provided further, That funds appropriated under this heading and in all other accounts of CDC may be used to support the purchase, hire, maintenance, and operation of aircraft for use and support of the activities of CDC: Provided further, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, mu-
nicipalities, or other organizations under authority of sec-
2 tion 214 of the PHS Act, or in overseas assignments, shall
3 be treated as non-Federal employees for reporting pur-
4 poses only and shall not be included within any personnel
5 ceiling applicable to the Agency, Service, or HHS during
6 the period of detail or assignment: Provided further, That
7 CDC may use up to $10,000 from amounts appropriated
8 to CDC in this Act for official reception and representa-
9 tion expenses when specifically approved by the Director
10 of CDC: Provided further, That in addition, such sums as
11 may be derived from authorized user fees, which shall be
12 credited to the appropriation charged with the cost there-
13 of: Provided further, That with respect to the previous pro-
14 viso, authorized user fees from the Vessel Sanitation Pro-
15 gram shall be available through September 30, 2014: Pro-
16 vided further, That of the funds made available under this
17 heading, up to $1,000 per eligible employee of CDC shall
18 be made available until expended for Individual Learning
19 Accounts.
20
21 NATIONAL INSTITUTES OF HEALTH
22
23 NATIONAL CANCER INSTITUTE
24
25 For carrying out section 301 and title IV of the PHS
26 Act with respect to cancer, $5,084,227,000, of which up
27 to $8,000,000 may be used for facilities repairs and im-
28 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, $3,085,390,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $409,449,000.

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, $1,797,539,000.

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, $1,629,631,000.
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,508,932,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,387,112,000.

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, $1,324,603,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $695,115,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $686,103,000.
NATIONAL INSTITUTE ON AGING
For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,124,265,000.

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, $537,233,000.

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, $418,562,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $144,590,000.

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, $458,489,000.

NATIONAL INSTITUTE ON DRUG ABUSE
For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,057,196,000.
NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,483,687,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $512,920,000.

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, $337,917,000.

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, $128,318,000.

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, $280,236,000.
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), $69,969,000.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $631,346,000: Provided, That up to $40,000,000 shall be available to implement section 402C of the PHS Act, relating to the Cures Acceleration Network.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $373,781,000, of which $4,000,000 shall be available until September 30, 2014, for improvement of information systems: Provided, That in fiscal year 2013, 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

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1 Services Research and Health Care Technology estab-
2 lished under section 478A of the PHS Act and related
3 health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of
the Director, NIH, $1,431,341,000, 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 pur-
chase of not to exceed 29 passenger motor vehicles for re-
placement only: Provided further, That NIH is authorized
to collect third-party payments for the cost of clinical serv-
ices that are incurred in NIH research facilities and that
such payments shall be credited to the NIH Management
Fund: Provided further, That all funds credited to the
NIH Management Fund shall remain available for one fis-
cal year after the fiscal year in which they are deposited:
Provided further, That up to $165,000,000 shall be avail-
able for continuation of the National Children’s Study:
Provided further, That $544,930,000 shall be available for
the Common Fund established under section 402A(e)(1)
of the PHS Act: Provided further, That of the funds pro-
vided $10,000 shall be for official reception and represen-
tation expenses when specifically approved by the Director
of the NIH: Provided further, That the Office of AIDS
Research within the Office of the Director of the NIH may
spend up to $8,000,000 to make grants for construction
or renovation of facilities as provided for in section
2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and
acquisition of equipment for, facilities of or used by NIH,
including the acquisition of real property, $125,308,000,
to remain available until September 30, 2017.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS
Act with respect to mental health, and the Protection and
Advocacy for Individuals with Mental Illness Act,
$947,458,000: Provided, That notwithstanding section
520A(f)(2) of the PHS Act, no funds appropriated for car-
rying out section 520A shall be available for carrying out
section 1971 of the PHS Act: Provided further, That in
addition to amounts provided herein, $21,039,000 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 2013: Provided further, That of the amount appropriated under this heading, $48,713,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act.

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, $2,109,945,000: Provided, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, 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.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $184,433,000.
HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention” 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, $100,710,000: 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, in addition, fees may be collected for the costs associated with additional publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: Provided further, That funds made available under this heading may be used to supplement program support funding provided under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention”.

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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, $364,053,000 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 Freedom of Information Act fees, reimbursable and inter-agency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2014.

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $178,791,197,000, to remain available until expended.

For making, after May 31, 2013, 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 2013 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.
For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2014, $106,335,631,000, to remain available until expended.

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

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $251,718,000,000.

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

PROGRAM MANAGEMENT

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 $4,370,112,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary 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 September 30, 2018: 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 $11,150,000, to remain available through September 30, 2014, 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 2013 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, $610,000,000, to remain available through September 30, 2014, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $409,697,693 shall be for the Centers for Medicare and Medicaid Services Program Integrity Activities, including administrative costs, to conduct oversight activities for the Medicare program, including but not limited to Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, and for activities described in section 1893 of such Act and for Medicaid and Children’s Health Insurance Program integrity activities, of which $102,499,971 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which $97,802,336 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 amount 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, as amended, and $299,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: Provided further, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2013 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.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT

ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,756,485,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2014, $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, $3,471,672,000, of which $3,371,672,000 shall be for making payments under subsections (b) and (d) of such section; and of which $100,000,000 shall be for making payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: Provided, That all but $482,000,000 of the amount provided in this section for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal
year 2013 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 Sec-
retary 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 as-
sistance activities authorized by section 414 of the Immi-
gration and Nationality Act and section 501 of the Ref-
ugee Education Assistance Act of 1980, for carrying out
section 462 of the Homeland Security Act of 2002, section
235 of the William Wilberforce Trafficking Victims Pro-
tection Reauthorization Act of 2008, and the Trafficking
Victims Protection Act of 2000, for costs associated with
the care and placement of unaccompanied alien children,
and for carrying out the Torture Victims Relief Act of
1998, $805,358,000, of which up to $9,775,000 shall be
available to carry out the Trafficking Victims Protection
Act of 2000: Provided, That funds appropriated under this
heading pursuant to section 414(a) of the Immigration
and Nationality Act, section 462 of the Homeland Secu-
rity Act of 2002, section 235 of the William Wilberforce
Trafficking Victims Protection Reauthorization Act of
2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2013 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2015.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $2,438,313,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,396,000 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 referral line 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 of the CCDBG Act, $290,698,000 shall be reserved by the States for activities authorized under section 658G, of which $106,611,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That in addition to the amounts in the previous proviso, $90,000,000 shall be made avail-
able, using the allocation formula in section 658O of the CCDBG Act, for grants to each State, territory, and Indian tribe that submits a plan to be approved by the Secretary demonstrating how it will use these funds to enhance the skills, knowledge, credentials, and compensation of the child care workforce: Provided further, That $9,871,000 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–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B–
1 1 of title IV and sections 413, 1110, and 1115 of the So-
2 cial Security Act; for making payments under the Commu-
3 nity Services Block Grant Act (“CSBG Act”), sections
4 439(i), 473B, and 477(i) of the Social Security Act, and
5 the Assets for Independence Act; for necessary adminis-
6 trative expenses to carry out such Acts and titles I, IV,
7 V, X, XI, XIV, XVI, and XX of the Social Security Act,
8 the Act of July 5, 1960, the Low Income Home Energy
9 Assistance Act of 1981, title IV of the Immigration and
10 Nationality Act, and section 501 of the Refugee Education
11 Assistance Act of 1980; and for the administration of
12 prior year obligations made under the Developmental Dis-
13 abilities Assistance and Bill of Rights Act and the Help
14 America Vote Act of 2002, $9,818,982,000, of which
15 $39,346,000, to remain available through September 30,
16 2014, shall be for grants to States for adoption incentive
17 payments, as authorized by section 473A of the Social Se-
18 curity Act and may be made for adoptions completed be-
19 fore September 30, 2013: Provided, That $8,038,544,000
20 shall be for making payments under the Head Start Act:
21 Provided further, That of the amount in the previous pro-
22 viso, $7,968,543,933 shall be available for payments
23 under section 640 of the Head Start Act at the same level
24 of such payments for fiscal year 2012: Provided further,
25 That of the remaining amount for making payments under
the Head Start Act under this heading, notwithstanding any other provision of law, $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act, and $45,000,000 shall be available for carrying out the cost of living adjustment described in section 640(a)(3)(A)(ii)(II)(aa) of such Act: Provided further, That amounts allocated to Head Start grantees at the discretion of the Secretary to supplement activities pursuant to the previous proviso shall not be included in calculation of the “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: Provided further, That $713,282,000 shall be for making payments under the CSBG Act: Provided further, That $36,274,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $29,943,000 shall be for section 680(a)(2) and not less than $5,981,000 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 ex-
tent 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 to the extent
funds provided in this Act for the Assets for Independence Act are distributed as grant funds to a qualified entity and have not been expended by such entity within three years after the date of award, such funds may be recaptured and reallocated among other qualified entities, to remain available to such other qualified entities for five years: Provided further, That, notwithstanding section 414(e) of the Assets for Independence Act, the Secretary may award up to $1,000,000 to support evidence-based research to evaluate the demonstration project: Provided further, That section 303(a)(2)(A)(i) of the Family Violence Prevention and Services Act shall not apply to amounts provided herein: Provided further, That $1,992,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system’s effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and in addition, for carrying out section 437 of such Act, $63,065,000.
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, $4,810,000,000.

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 2014, $2,200,000,000.

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 FOR COMMUNITY LIVING

AGING AND DISABILITY 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, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, section 291 of the Help America Vote Act of 2002, for necessary administrative expenses to carry out section 393D of the PHS Act, and for Department-wide coordination
of policy and program activities that assist individuals
with disabilities, $1,655,990,000, together with
$52,115,000 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: Pro-
vided, 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 pro-
grams and activities which have been demonstrated
through rigorous evaluation to be evidence-based and ef-
fектив: Provided further, That, notwithstanding section
206(g) of the OAA, up to 1 percent of amounts appro-
riated to carry out programs authorized under title III
of such Act shall be available for conducting evaluations,
training and technical assistance: Provided further, That
none of the funds provided shall be used to carry out sec-
tions 1701 and 1703 of the PHS Act (with respect to
chronic disease self-management activity grants), except
that such funds may be used for necessary expenses asso-
ciated with administering any such grants awarded prior
to the date of the enactment of this Act: Provided further,
That the total amount available for fiscal year 2013 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 passenger motor vehicles, and for carrying out titles III, XVII, and XXI of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $466,428,000, together with $69,211,000 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, $53,681,000 shall be for minority AIDS prevention and treatment activities: Provided further, That of the funds made available under this heading, $104,592,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appro-
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: Provided further, That of the funds made available under this heading, $3,500,000 is for strengthening the Department’s acquisition workforce capacity and capabilities: Provided further, That with respect to the previous proviso, such funds shall be available for training, recruitment, retention and hiring members of the acquisition workforce as defined by the Office of Federal Procurement
Policy Act, as amended, and for information technology
in support of acquisition workforce effectiveness or for
management solutions to improve acquisition manage-
ment.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges
responsible for hearing cases under title XVIII of the So-
cial Security Act (and related provisions of title XI of such
Act), $79,908,000, to be transferred in appropriate part
from the Federal Hospital Insurance Trust Fund and the

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National
Coordinator for Health Information Technology, including
grants, contracts, and cooperative agreements for the de-
velopment and advancement of interoperable health infor-
mation technology, $16,415,000: Provided, That in addi-
tion to amounts provided herein, $49,842,000 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 Inspec-
tor General Act of 1978, $55,483,000: 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 40 percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,966,000.

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.
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, $588,220,000; of which $5,000,000 shall remain available until September 30, 2015, to support emergency operations and of which $20,000,000 shall remain available until expended for the purpose of funding a strategic investment corporation established to further the purposes of section 319L of the PHS Act to foster innovation in the development of medical countermeasures; and of which up to $5,000,000 shall remain available through September 30, 2015 to support the delivery of medical countermeasures.

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: Provided, That funds provided under this heading for the purpose of ac-
quisition of security countermeasures may be used and
shall be in addition to any other funds available for such
purpose: Provided further, That products purchased with
funds provided under this heading may, at the discretion
of the Secretary, be deposited in the Strategic National
Stockpile pursuant to section 319F–2 of the PHS Act.

In addition, for expenses necessary for replacement
of building leases and associated renovation costs for Pub-
lic Health Service agencies and other components of the
Department of Health and Human Services, including re-
location and fit-out costs, $17,000,000, to remain avail-
able until expended.

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 title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

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 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 HHS 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.

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

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary 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 HHS to carry out inter-
national health activities, including HIV/AIDS and other
infectious disease, chronic and environmental disease, and
other health activities abroad during fiscal year 2013:

(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 HHS. The Department of State shall co-
operate fully with the Secretary to ensure that HHS
has secure, safe, functional facilities that comply
with applicable regulation governing location, set-
back, and other facilities requirements and serve the
purposes established by this Act. The Secretary is
authorized, in consultation with the Secretary of
State, through grant or cooperative agreement, to
make available to public or nonprofit private institu-
tions or agencies in participating foreign countries,
funds to acquire, lease, alter, or renovate facilities in
those countries as necessary to conduct programs of
assistance for international health activities, includ-
ing activities relating to HIV/AIDS and other infec-
tious 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 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 merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review pro-
...cedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Sec. 214. Funds which are available for Individual Learning Accounts for employees of CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) may be transferred to appropriate accounts of CDC, 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 $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

Sec. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Re-
search Service Awards (NRSA) shall be made available to
the Administrator of the Health Resources and Services
Administration to make NRSA awards for research in pri-
mary 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 avail-
able 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) The Secretary shall establish a publicly
accessible Web site to provide information regarding the
uses of funds made available under section 4002 of Public
Law 111–148.

(b) With respect to funds provided under section
4002 of PPACA, the Secretary shall include on the Web
site established under subsection (a) at a minimum the
following information:

(1) In the case of each transfer of funds under
section 4002(c), a statement indicating the program
or activity receiving funds, the operating division or
office that will administer the funds, and the
planned uses of the funds, to be posted not later
than the day after the transfer is made.

(2) Identification (along with a link to the full
text) of each funding opportunity announcement, re-
quest for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of $25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

(4) A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

c) With respect to awards made in fiscal years 2012 and 2013, the Secretary shall also include on the Web site established under subsection (a), semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of $25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.
(d) In carrying out this section, the Secretary shall:

(1) present the information required in subsection (b)(1) on a single webpage or on a single database;

(2) ensure that all information required in this section is directly accessible from the single webpage or database; and

(3) ensure that all information required in this section is able to be organized by program or State.

(INCLUDING RESCISSION OF FUNDS)

SEC. 219. (a) A state shall be entitled to receive a grant under section 510 of the Social Security Act for fiscal year 2013 only if the Department of Health and Human Services receives an application under section 505(a) of such Act for such fiscal year by no later than September 20, 2013.

(b) RESCISSION.—The remaining unobligated balances of the amount appropriated for fiscal year 2013 by section 510(d) of such Act for which no application has been received by September 20, 2013, shall be rescinded as of September 27, 2013.

SEC. 220. (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.

c) 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.

Sec. 221. The Director of the CDC, or the Administrator of the Agency for Toxic Substances and Disease Registry, may detail staff without reimbursement for up to 180 days, to support the CDC response to a public health emergency or urgent public health event that involves activation of the Emergency Operations Center at the CDC.

Sec. 222. (a) The Secretary shall publish in the fiscal year 2014 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the PPACA, and the amendments made by that Act, in the proposed fiscal year and the 3 prior fiscal years.
(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the PPACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who:

(1) Are supported through appropriations enacted in laws other than PPACA and work on programs that existed prior to the passage of PPACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in PPACA;
(3) or who work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

Sec. 223. Not later than 7 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall respond in full to the following congressional inquiries:

(1) The letter dated February 28, 2012, from the Chairman and Ranking Member of the Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs of the Senate, requesting certain information regarding Department of Health and Human Services contracts for the acquisition of public relations, publicity, advertising, communications, or similar services.

(2) The follow-up letter dated May 22, 2012, from the Ranking Member of the Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs of the Senate, requesting information regarding a reported $20,000,000 Department of Health and Human Services contract with a public relations firm.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2013”.
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”), $15,840,103,000, of which $4,908,013,000 shall become available on July 1, 2013, and shall remain available through September 30, 2014, and of which $10,841,177,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014, for academic year 2013–2014: Provided, That $6,577,904,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $3,984,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2012, 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 $3,338,126,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,338,126,000 shall be for education finance incentive
grants under section 1125A 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)(ii) of the McKinney-Vento Homeless Assistance Act, and providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act: Provided further, That $1,594,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That $533,552,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary 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 funds available for school improvement grants may be used by a local educational agency to implement a whole-school reform
strategy for a school using an evidence-based strategy that ensures whole-school reform is undertaken in partnership with a strategy developer offering a whole-school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including more than 1 well-designed or well-implemented experimental or quasi-experimental study: 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 $159,698,000 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, including 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 partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages 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 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, $1,291,186,000, of which $1,153,540,000 shall be for basic support payments under section 8003(b), $48,413,000 shall be for payments for children with disabilities under section 8003(d), $17,441,000 shall be for construction under section 8007(a), $66,947,000 shall be for Federal property payments under section 8002, and $4,845,000, 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 2012–2013, 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-
therized 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,
$4,544,596,000, of which $2,720,095,000 shall become
available on July 1, 2013, and remain available through
September 30, 2014, and of which $1,681,441,000 shall
become available on October 1, 2013, and shall remain
available through September 30, 2014, for academic year
2013–2014: Provided, That funds made available to carry
out part B of title VII of the ESEA may be used for con-
struction, renovation, and modernization of any elemen-
tary 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 $51,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $17,619,000 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 the amount referred to in the previous proviso 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 State educational agencies may subgrant funds available under part B of title IV of the ESEA for expanded learning time programs that significantly increase the number of hours in a regular school schedule and comprehensively redesign the school schedule
for all students in the school: Provided further, That such expanded learning time programs shall provide additional learning time in the core academic and other subjects, and include enrichment activities: Provided further, That programs awarded subgrants under such part shall include strong partnerships between schools and community partners: Provided further, That up to 5.5 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for competitive awards for teacher or principal recruitment and training or professional enhancement activities to national not-for-profit organizations, of which up to 10 percent may be used for related research, development, evaluation, technical assistance, and outreach activities: Provided further, That $149,716,000 shall be to carry out part B of title II of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, $130,779,000.

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, $1,545,966,000: Provided, That the Secretary may use up to $549,284,000, which shall remain available for obligation through December 31, 2013, 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 State educational agencies, local educational agencies, or consortia of either, in accordance with the applicable requirements of that section, as determined 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 the Secretary shall administer State grants for improving early childhood care and education under such section jointly with the Secretary of HHS on such terms as such Secretaries set forth in an interagency agreement: Provided further, That up to $149,417,000 shall be available for obligation through December 31, 2013 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 of the amounts available for section 14007 up to 30 percent shall remain available until expended for the Advanced Research Projects Agency-Education (ARPA–ED), which shall be established within the
Department, with a director appointed by the Secretary, to identify and promote advances in fundamental and applied sciences and engineering that could be translated into new learning technologies, to develop, test, and evaluate novel learning technologies and related processes, and to accelerate transformational technological advances: Provided further, That the Secretary may use such funds to award grants, contracts, cooperative agreements, and cash prizes, and to enter into other transactions (in accordance with such regulations as the Secretary may establish regarding such other transactions): Provided further, That the Secretary may appoint up to 20 scientific, engineering, professional, and other mission-related personnel to positions in ARPA–ED, for up to four years, without regard to the provisions of 5 U.S.C., governing appointments in the competitive service: Provided further, That the personnel appointed under the preceding proviso shall be paid at the rates of compensation determined by the Secretary: Provided further, That $299,433,000 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 performance-
based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further,* That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further,* That recipients of such grants shall demonstrate that such performance-based compensation systems 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 may use up to $11,000,000 to carry out activities under section 5205(b) and shall use not less than $11,000,000 for 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 shall reserve not less than $30,000,000 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 providing technical assistance and grants 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 evaluation, 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 described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.

**SAFE SCHOOLS AND CITIZENSHIP EDUCATION**

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, $259,589,000: *Provided*, That $48,600,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $80,000,000 shall be available for
Promise Neighborhoods and shall be available through December 31, 2013.

**English Language Acquisition**

For carrying out part A of title III of the ESEA, $732,144,000, which shall become available on July 1, 2013, and shall remain available through September 30, 2014, except that 6.5 percent of such amount shall be available on October 1, 2012, and shall remain available through September 30, 2014, 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, $12,770,709,000, of which $3,229,828,000 shall become available on July 1, 2013, and shall remain available through September 30, 2014, and of which $9,283,383,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014, for academic year 2013–2014: 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 2012, increased by the
amount of inflation as specified in section 619(d)(2)(B)
of the IDEA, or the percent change in the funds appro-
priated under section 611(i) of the IDEA, but not less
than the amount for that activity during fiscal year 2012:
Provided further, That the Secretary shall, without regard
to section 611(d) of the IDEA, distribute to all other
States (as that term is defined in section 611(g)(2)), sub-
ject to the third proviso, any amount by which a State’s
allocation under section 611(d), from funds appropriated
under this heading, is reduced under section
612(a)(18)(B), according to the following: 85 percent on
the basis of the States’ relative populations of children
aged 3 through 21 who are of the same age as children
with disabilities for whom the State ensures the avail-
ability of a free appropriate public education under this
part, and 15 percent to States on the basis of the States’
relative populations of those children who are living in pov-
erty: Provided further, That the Secretary may not dis-
tribute any funds under the previous proviso to any State
whose reduction in allocation from funds appropriated
under this heading made funds available for such a dis-
tribution: Provided further, That the States shall allocate
such funds distributed under the second proviso to local
educational agencies in accordance with section 611(f):
Provided further, That the amount by which a State’s allo-
cation under section 611(d) of the IDEA is reduced under
section 612(a)(18)(B) and the amounts distributed to
States under the previous provisos in fiscal year 2012 or
any subsequent year shall not be considered in calculating
the awards under section 611(d) for fiscal year 2013 or
for any subsequent fiscal years: Provided further, That the
funds reserved under 611(c) of the IDEA may be used
to provide technical assistance to States to improve the
capacity of the States to meet the data collection require-
ments of sections 616 and 618 and to administer and
carry out other services and activities to improve data col-
lection, coordination, quality, and use under parts B and
C of the IDEA: Provided further, That the level of effort
a local educational agency must meet under section
613(a)(2)(A)(iii) of the IDEA, in the year after it fails
to maintain effort is the level of effort it should have met
in the prior year: Provided further, That the Secretary
may, notwithstanding section 643(e)(1) of the IDEA, re-
serve up to $2,710,000 of the amount provided under sec-
tion 644 for incentive grants to States to carry out section
635(c): 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 $11,996,000, to remain available for obliga-
tion through September 30, 2014, shall be for competitive grants to States, incentive payments, and related activities as may be necessary to improve the provision and coordination of services and supports for Supplemental Security Income (SSI) child recipients and their families or households in order to achieve improved outcomes, including both physical and emotional health, education and post-school outcomes, such as completing postsecondary education and job training and obtaining employment, that may result in long-term improvements in the SSI child recipient’s economic self-sufficiency: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: Provided further, That not to exceed $5,000,000 of amounts provided in the ninth proviso may be used for performance-based awards for Pay for Success projects: Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): Provided further, That, with respect to the eleventh proviso, any deobligated funds from such projects shall immediately be available for section 611 of the IDEA.
Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,626,380,000: 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 that may result in long-term improvement in the SSI child recipient’s economic status and self-sufficiency: Provided further, That States may award subgrants 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, 2014: Provided further, That not to exceed $20,000,000 of the amounts made available in the first proviso may be used for performance-based awards for Pay for Success projects: Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): Provided further, That, with respect to
the fifth proviso, any deobligated funds from such projects shall immediately be available for programs authorized under the Rehabilitation Act of 1973.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND
For carrying out the Act of March 3, 1879, $24,505,000.

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, $65,422,000: 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, $125,000,000, of which $7,000,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.
CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act (referred to in this Act as the “AEFLA”), $1,737,154,000, of which $946,154,000 shall become available on July 1, 2013, and shall remain available through September 30, 2014, and of which $791,000,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014: Provided,

That of the amount provided for Adult Education State Grants, $74,709,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient populations: Provided further, That of the amount reserved for 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 im-
migrants admitted for legal permanent residence are avail-
able, except that no State shall be allocated an amount
less than $60,000: Provided further, That of the amounts
made available for AEFLA, $11,302,000 shall be for na-
tional 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, $24,535,281,000, which
shall remain available through September 30, 2014.

The maximum Pell Grant for which a student shall
be eligible during award year 2013–2014 shall be $4,860.

**STUDENT AID ADMINISTRATION**

For Federal administrative expenses to carry out part
D of title I, and subparts 1, 3, and 9 of part A, and parts
B, C, D, and E of title IV of the HEA, $1,126,363,000,
to remain available until September 30, 2014.

**HIGHER EDUCATION**

For carrying out, to the extent not otherwise pro-
vided, 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, $1,911,348,000: Pro-
vided, That $607,000 shall be for data collection and eval-
uation activities for programs under the HEA, including
such activities needed to comply with the Government Per-
formance 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 countries in the fields of government, the professions, or international 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 information dissemination activities: Provided further, That, of the amount available under subpart 2 of part A of title VII of the HEA, the Secretary may use up to $4,451,000 to fund continuation awards for projects originally supported under subpart 1 of part A of title VII of the HEA: Provided further, That the Secretary may use amounts provided in this Act for carrying out Titles III and V and funds provided under Part F of Title III and Part AA of Title VIII of the HEA that would otherwise lapse by September 30, 2013 for grants under Part B of Title VII of the HEA to improve college completion at minority-serving institutions.
HOWARD UNIVERSITY

For partial support of Howard University, $234,064,000, of which not less than $3,593,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $459,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2014: 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 $320,350,000: 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, $352,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $618,661,000, which shall remain available through September 30, 2014: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That up to $20,000,000 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, $448,470,000, of which $2,211,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $102,624,000.

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, $59,820,000.

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 trans-
portation 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 vol-
untary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discre-
tionary funds (pursuant to the Balanced Budget and
Emergency Deficit Control Act of 1985) which are appro-
priated for the Department of Education in this Act may
be transferred between appropriations, but no such appro-
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) Section 206 of the Department of Education Organization Act (20 U.S.C. 3416) is amended—

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

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

(3) by striking out “Assistant Secretary for Vocational and Adult Education” and inserting “As-
sistant Secretary for Career, Technical, and Adult Education”; and

(4) by striking out “vocational and adult education” each place it appears and inserting “career, technical, and adult education”.

(b) Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) in subsection (b)(1)(C), by striking out “Assistant Secretary for Vocational and Adult Education” and inserting “Assistant Secretary for Career, Technical, and Adult Education”; and

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

(e) Section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by striking out the entry for section 206 and inserting “Sec. 206. Office of Career, Technical, and Adult Education.”.

SEC. 308. (a) The Secretary may reserve funds under section 9601 of the ESEA in order to carry out activities authorized under that section with respect to any ESEA program funded in this Act and without respect to the source of funds for those activities.

(b) Not later than 10 days prior to the initial obligation of funds reserved under this section, the Secretary shall submit an evaluation plan to the Senate Committees on Appropriations and Health, Education, Labor and Pensions which identifies the source and amount of funds reserved under this section and the programs to be evaluated with such funds.

SEC. 309. (a) Section 119 of the Higher Education Opportunity Act is amended—

(1) in the section heading, by inserting “and restrictions on sources of funds for recruiting and marketing activities” after “and restrictions on sources of funds for recruiting and marketing activities”;  

(2) in subsection (d), by striking “subsections (a) through (c)” and inserting “subsections (a), (b), (c), and (e)”;  

(3) by redesignating subsection (e) as subsection (f); and
(4) by inserting after subsection (d) the follow-
ing:

“(e) Restrictions on Sources of Funds for Re-
cruiting and Marketing Activities.—

“(1) In General.—An institution of higher
education, or other postsecondary educational insti-
tution, may not use revenues derived from Federal
educational assistance funds for recruiting or mar-
keting activities described in paragraph (2).

“(2) Covered Activities.—Except as pro-
vided in paragraph (3), the recruiting and marketing
activities subject to paragraph (1) shall include the
following:

“(A) Advertising and promotion activities,
including paid announcements in newspapers,
magazines, radio, television, billboards, elec-
tronic media, naming rights, or any other public
medium of communication, including paying for
displays or promotions at job fairs, military in-
stallations, or college recruiting events.

“(B) Efforts to identify and attract pro-
spective students, either directly or through a
contractor or other third party, including con-
tact concerning a prospective student’s potential
enrollment or application for grant, loan, or
work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, including—

“(i) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other internet communications regarding enrollment; and

“(ii) soliciting an individual to provide contact information to an institution of higher education, including websites established for such purpose and funds paid to third parties for such purpose.

“(C) Such other activities as the Secretary of Education may prescribe, including paying for promotion or sponsorship of education or military-related associations.

“(3) EXCEPTIONS.—Any activity that is required as a condition of receipt of funds by an institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), is specifically authorized under such title, or is otherwise specified by the Secretary of Education, shall not be considered to be a covered activity under paragraph (2).
“(4) Federal educational assistance funds.—In this subsection, the term ‘Federal educational assistance funds’ means any Federal financial assistance provided under any Federal law, through a grant, contract, subsidy, loan, guarantee, insurance or other means, including Federal financial assistance that is disbursed or delivered to an institution on behalf of a student or to a student to be used to attend the institution.

“(5) Rule of construction.—Nothing in this section shall be construed as a limitation on the use by an institution of revenues derived from sources other than Federal educational assistance funds.

“(6) Reporting.—Each institution of higher education, or other postsecondary educational institution, that receives revenues derived from Federal educational assistance funds shall report annually to the Secretary of Education and to Congress the institution’s expenditures on advertising, marketing, and recruiting.”.

Sec. 310. (a) Cost of Attendance.—Section 472 of the HEA (20 U.S.C. 1087ll) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A), by inserting “except as provided
in paragraph (10)(A)(i),” immediately before “an al-
lowance”; and

(2) by amending paragraph (10) to read as fol-
lows:

“(10)(A) with respect to the determination of a
student’s need for a Federal Pell Grant, in the case
of a student who is receiving—

“(i) all instruction (excluding limited peri-
ods in which the student is required to be phys-
ically present at the institution for noninstruc-
tional purposes, such as orientation or the ad-
ministration of examinations) by means of tele-
communications technology, only tuition and
fees, books and supplies; or

“(ii) part of the student’s instruction by
means of telecommunications technology, no
distinction shall be made with respect to the
mode of instruction in determining costs; and

“(B) with respect to the determination of a stu-
dent’s need for assistance under this title other than
a Federal Pell Grant, in the case of a student who
is receiving all or part of the student’s instruction
by means of telecommunications technology, no dis-
tinction shall be made with respect to the mode of
instruction in determining costs;”.

S 3295 PCS
(3) **Effective Date.**—The amendments made by this subsection shall be effective on July 1, 2013.

(b) Section 428F(a)(1) of the HEA (20 U.S.C. 1078–6(a)(1)) is amended—

(1) in subparagraph (A), by amending clause (ii) to read as follows:

“(ii) on or after October 1, 2012, assign the loan to the Secretary if the guaranty agency has been unable to sell the loan under clause (i).”; and

(2) in subparagraph (D), by amending clause (i) to read as follows:

“(i) the guaranty agency—

“(I) shall, in the case of a sale made on or after October 1, 2012, repay the Secretary 100 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

“(II) may, in the case of a sale made on or after October 1, 2012, in order to defray collection costs—
“(aa) charge to the borrower an amount not to exceed 16 percent of the outstanding principal and interest at the time of the loan sale; and

“(bb) retain such amount from the proceeds of the loan sale; and”.

(e) Section 455 of the HEA (20 U.S.C. 1087e) is amended by adding at the end the following—

“(q) ELIGIBILITY FOR, AND INTEREST CHARGES ON, FEDERAL DIRECT STAFFORD LOANS FOR NEW BORROWERS ON OR AFTER JULY 1, 2013.—

“(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of this title, any borrower who was a new borrower on or after July 1, 2013, shall not be eligible for a Federal Direct Stafford Loan if the period of time for which the borrower has received Federal Direct Stafford loans, in the aggregate, exceeds the period of enrollment described in paragraph (3). Such borrower may still receive any Federal Direct Unsubsidized Stafford Loan for which such borrower is otherwise eligible.

“(2) PAYMENT OF INTEREST ON FEDERAL DIRECT STAFFORD LOANS.—Notwithstanding sub-
section (f)(1)(A) or any other provision of this title
and beginning on the date upon which a borrower
who is in school becomes ineligible for a Federal Di-
rect Stafford Loan as a result of paragraph (1), in-
terest on all Federal Direct Stafford Loans that
were disbursed to such borrower on or after July 1,
2013, shall accrue. Such interest shall be paid or
capitalized in the same manner as interest on a Fed-
eral Direct Unsubsidized Stafford Loan is paid or
capitalized under section 428H(e)(2).

“(3) PERIOD OF ENROLLMENT.—

“(A) IN GENERAL.—The aggregate period
of enrollment referred to in paragraph (1) shall
not exceed the lesser of—

“(i) a period equal to 150 percent of
the published length of the educational
program in which the student is enrolled;
or

“(ii) in the case of a borrower who
was previously enrolled in one or more
other educational programs that began
after July 1, 2013, a period of time equal
to the difference between—

“(I) 150 percent of the published
length of the longest educational pro-
gram in which the borrower was, or
is, enrolled; and

“(II) any periods of enrollment in
which the borrower received a Federal
Direct Stafford Loan.

“(B) LESS THAN FULL-TIME BASIS.—The
Secretary shall specify in regulation how the ag-
gregate period described in subparagraph (A)
shall be calculated with respect to a borrower
who was or is enrolled on a less than full-time
basis.”.

(1) INAPPLICABILITY OF TITLE IV NEGOTIATED
RULEMAKING REQUIREMENT AND MASTER CAL-
ENDAR EXCEPTION.—Sections 482(c) and 492 of the
HEA (20 U.S.C. 1089(c), 1098a) shall not apply to
the amendment made by this subsection, or to any
regulations promulgated under such amendment.

(2) EFFECTIVE DATE.—The amendment made
by this subsection shall be effective beginning July
1, 2013.

(d) REAPPROPRIATION OF MANDATORY SAVINGS.—
Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C.
1070a(b)(7)(A)(iv)) is amended to read as follows:

“(iv) to carry out this section—
“(I) $13,500,000,000 for fiscal year 2011;
“(II) $13,795,000,000 for fiscal year 2012;
“(III) $10,683,000,000 for fiscal year 2013;
“(IV) $1,009,000,000 for fiscal year 2014;
“(V) $0 for fiscal year 2015;
“(VI) $0 for fiscal year 2016;
“(VII) $1,574,000,000 for fiscal year 2017;
“(VIII) $1,595,000,000 for fiscal year 2018;
“(IX) $1,622,000,000 for fiscal year 2019;
“(X) $1,643,000,000 for fiscal year 2020;
“(XI) $1,358,000,000 for fiscal year 2021 and each succeeding fiscal year.”.

(e) Student Eligibility.—

(1) Subsection (d) of section 484 of the HEA (20 U.S.C. 1091) is amended to read as follows:
“(d) Students Who Are Not High School Graduates.—

“(1) Student Eligibility.—In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 3, and 4 of part A and parts B, C, D, and E of this title, the student shall meet the requirements of one of the following subparagraphs:

“(A) The student is enrolled in an eligible career pathway program and meets one of the following standards:

“(i) The student shall take an independently administered examination and shall achieve a score, specified by the Secretary, demonstrating that such student can benefit from the education or training being offered. Such examination shall be approved by the Secretary on the basis of compliance with such standards for development, administration, and scoring as the Secretary may prescribe in regulations.

“(ii) The student shall be determined as having the ability to benefit from the
education or training in accordance with such process as the State shall prescribe. Any such process described or approved by a State for the purposes of this section shall be effective 6 months after the date of submission to the Secretary unless the Secretary disapproves such process. In determining whether to approve or disapprove such process, the Secretary shall take into account the effectiveness of such process in enabling students without high school diplomas or the equivalent thereof to benefit from the instruction offered by institutions utilizing such process, and shall also take into account the cultural diversity, economic circumstances, and educational preparation of the populations served by the institutions.

“(iii) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a
degree or certificate offered by the institution of higher education.

“(B) The student has completed a secondary school education in a home school setting that is treated as a home school or private school under State law.

“(2) ELIGIBLE CAREER PATHWAY PROGRAM.—In this subsection, the term ‘eligible career pathway program’ means a program that—

“(A) concurrently enrolls participants in connected adult education and eligible postsecondary programs;

“(B) provides counseling and supportive services to identify and attain academic and career goals;

“(C) provides structured course sequences that—

“(i) are articulated and contextualized; and

“(ii) allow students to advance to higher levels of education and employment;

“(D) provides opportunities for acceleration to attain recognized postsecondary credentials, including degrees, industry relevant cer-
tifications, and certificates of completion of ap-
prenticeship programs;

“(E) is organized to meet the needs of adults;

“(F) is aligned with the education and skill needs of the regional economy; and

“(G) has been developed and implemented in collaboration with partners in business, work-
force development, and economic development.”.

(2) EFFECTIVE DATE AND TRANSITION.—The amendment made by paragraph (1) shall take effect as if such amendment was enacted on June 30, 2012, and shall apply to students who first enroll in a program of study during the period beginning July 1, 2012, and ending June 30, 2019.

(3) REPEAL.—Effective June 30, 2012, section 309(c) of division F of the Consolidated Appropriations Act, 2012 (20 U.S.C. 1091 note), and the amendments made by such section 309(c), are re-
pealed.

(f) SPECIAL RULES FOR CERTAIN NOT-FOR-PROFIT SERVICERS.—Section 456(a) of the HEA (20 U.S.C. 1087f(a)) is amended by adding at the end the following:

“(5) SPECIAL RULE FOR NOT-FOR-PROFIT SERVICERS WITH AFFILIATES.—Notwithstanding
any other provision of this section, only an eligible
not-for-profit servicer described in clause (i) or (ii)
of subsection (c)(1)(B) shall receive a contract with
the Secretary under paragraph (4)(A), and an allo-
cation under paragraph (4)(B), except that, if an eli-
gible not-for-profit servicer so described is also a
corporation described in subparagraphs (A) and (B)
of section 150(d)(2) of the Internal Revenue Code of
1986, then the affiliated entity of that servicer (de-
scribed in subsection (c)(1)(B)(ii)) shall receive the
contract with the Secretary under paragraph (4)(A),
and an allocation under paragraph (4)(B), rather
than the eligible not-for-profit servicer described in
clause (i) or (ii) of subsection (c)(1)(B).

“(6) SPECIAL RULE FOR NOT-FOR-PROFIT
SERVICERS WITH SHARED MANAGEMENT OR COM-
MON CONTROL.—Notwithstanding any other provi-
sion of this section, in the case of entities that other-
wise meet the definition of an eligible not-for-profit
servicer under this section but 2 or more of the
same individuals serve as part of the management,
board of directors, or other governing body of more
than one such entity, or the Secretary determines
that one entity controls, is controlled by, or is under
common control with, another such entity, all such
entities with that shared management or control
shall receive one aggregate allocation under para-
graph (4)(B) and be treated for purposes of para-
graph (4) as though all of such entities were a single
eligible not-for-profit servicer.”.
This title may be cited as the “Department of Edu-
cation Appropriations Act, 2013”.

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, $5,375,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for Na-
tional and Community Service (referred to in this title as
“CNCS”) 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”), $760,498,000, notwith-
standing sections 198B(b)(3), 198S(g), 501(a)(6),
501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Pro-
vided, That of the amounts provided under this heading:

(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) $45,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $19,990,000 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; (4) $30,742,000 shall be available to carry out subtitle E of the 1990 Act; and (5) $5,000,000 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 CNCS on a competitive basis: Provided, further, That not to exceed 20 percent of funds made available under section 501(a)(4)(E) of the 1990 Act may be used for Social Innovation Funds Pilot Program-related performance-based awards for Pay for Success projects: Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a), and that any funds deobligated from such projects shall
immediately be available for activities authorized under
198K of such Act.

PAYMENT TO THE NATIONAL SERVICE TRUST
(INCLUDING TRANSFER OF FUNDS)
For payment to the National Service Trust estab-
lished under subtitle D of title I of the 1990 Act,
$208,744,000, to remain available until expended: Pro-
vided, That CNCS 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 Represen-
atives and the Senate: Provided further, That amounts ap-
propriated 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, au-
thorized travel, hire of passenger motor vehicles, the rental
of conference rooms in the District of Columbia, the em-
ployment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official recep-
tion and representation expenses, $88,000,000.

OFFICE OF INSPECTOR GENERAL


ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2013, during any grant selection process, an officer or employee of CNCS 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 CNCS that is authorized by CNCS 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 require-
ment 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 CNCS 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 in this Act as “CPB”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2015, $445,000,000: Provided, That none of the funds made available to CPB 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 CPB 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, reli-
gion, or sex: Provided further, That none of the funds
made available to CPB by this Act shall be used to apply
any political test or qualification in selecting, appointing,
promoting, or taking any other personnel action with re-
spect to officers, agents, and employees of CPB: Provided
further, That none of the funds made available to CPB
by this Act shall be used to support the Television Future
Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation
and Conciliation Service ("Service") to carry out the func-
tions vested in it by the Labor-Management Relations Act,
1947, including hire of passenger motor vehicles; for ex-
spenses 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, $46,163,000: Provided, That notwithstanding
31 U.S.C. 3302, fees charged, up to full-cost recovery, for
special training activities and other conflict resolution
services and technical assistance, including those provided
to foreign governments and international organizations,
and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration 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, $17,000,000.

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, $231,954,000.
MEDICAID AND CHIP PAYMENT AND ACCESS

Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $9,500,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,778,000, 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, $3,258,000.

NATIONAL HEALTH CARE WORKFORCE COMMISSION

For necessary expenses for the National Health Care Workforce Commission, as authorized by title V, subtitle B, section 5101 of the Patient Protection and Affordable Care Act, $3,000,000, to remain available until expended.
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, $288,306,000: 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, $14,411,000.
OCCUPATIONAL SAFETY AND HEALTH REVIEW
COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,667,000.

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, $45,000,000, which shall include amounts becoming available in fiscal year 2013 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, 2014, 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 Re-
tirement Act and the Railroad Unemployment Insurance
Act, $111,649,000, to be derived in such amounts as de-
termined by the Board from the railroad retirement ac-
counts and from moneys credited to the railroad unem-
ployment 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 $8,155,000, to be derived from the railroad retire-
ment accounts and railroad unemployment insurance ac-
count.

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 Insur-
ance Trust Fund, as provided under sections 201(m),
228(g), and 1131(b)(2) of the Social Security Act, $20,402,000.

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, $40,043,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than $48,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act and remain available through September 30, 2014.

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 2014, $19,300,000,000, to remain available until expended.
LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $10,545,544,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: 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 2013 not needed for fiscal year 2013 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: 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.

In addition, for the costs associated with 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, $1,024,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $751,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: Provided further, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.
In addition, $166,000,000 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 2013 exceed $166,000,000, the amounts shall be available in fiscal year 2014 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, $28,887,000, together with not to exceed $73,396,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

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

**TITLE V**

**GENERAL PROVISIONS**

(TRANSFER OF FUNDS)

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

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

Sec. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication,
electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative and State-local relationships, for presentation to any State or local legislature or legislative body itself, or for participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.
(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed or pending Federal, State or local tax increase, or any proposed or pending requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

Sec. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and Expenses”; and the Chairman of the 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. 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. 506. (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. 507. (a) The limitations established in the preceding section shall not apply to an abortion—
(1) if the pregnancy is the result of an act of
rape or incest; or

(2) in the case where a woman suffers from a
physical disorder, physical injury, or physical illness,
including a life-endangering physical condition
causd 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 con-
strued as prohibiting the expenditure by a State, locality,
entity, or private person of State, local, or private funds
(other than a State’s or locality’s contribution of Medicaid
matching funds).

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

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

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

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

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

(2) research in which a human embryo or 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. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances 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. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual’s capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

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

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

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

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children’s Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. (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 2013, 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 occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure
through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

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

unless 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 occurs earlier.

Sec. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.
(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2013 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2013 budget request.

SEC. 517. 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 2013, 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. 518. None of the funds appropriated or other-
wise 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 pro-
spective 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 3 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 com-
promise that has been approved by the Internal Revenue
Service and is not in default, or the assessment is the sub-
ject of a non-frivolous administrative or judicial pro-
ceeding.

(RESCISSION)

SEC. 519. Of the funds made available for perform-
ance bonus payments under section 2105(a)(3)(E) of the
Social Security Act, $6,706,000,000 are hereby rescinded.
SEC. 520. 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. 521. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 522. (a) IN GENERAL.—The Health Education Assistance Loan (HEAL) program under title VII, part A, subpart I of the PHS Act, and the authority to administer such program, including servicing, collecting, and enforcing any loans that were made under such program that remain outstanding, shall be permanently transferred
from the Secretary of Health and Human Services to the Secretary of Education no later than the end of the first fiscal quarter that begins after the date of enactment of this act.

(b) Transfer of Functions, Assets, and Liabilities.—The functions, assets, and liabilities of the Secretary of HHS relating to such program shall be transferred to the Secretary of Education.

c) Interdepartmental Coordination of Transfer.—The Secretary of HHS and the Secretary of Education shall carry out the transfer of the HEAL program described in subsection (a), including the transfer of the functions, assets, and liabilities specified in subsection (b), in the manner that they determine is most appropriate.

d) Use of Authorities Under HEA of 1965.—In servicing, collecting, and enforcing the loans described in subsection (a), the Secretary of Education shall have available any and all authorities available to such Secretary in servicing, collecting, or enforcing a loan made, insured, or guaranteed under part B of title IV of the HEA of 1965.

e) Conforming Amendments.—Effective as of the date on which the transfer of the HEAL program under subsection (a) takes effect, section 719 of the PHS Act
is amended by adding at the end the following new paragraph:

“(6) The term ‘Secretary’ means the Secretary of Education.”.

PERFORMANCE PARTNERSHIP PILOTS
(INCLUDING TRANSFER OF FUNDS)

SEC. 523. (a) DEFINITIONS.—In this section,

(1) “Performance Partnership Pilot” (or “Pilot”) is a project that seeks to identify, through a demonstration, cost-effective strategies for providing services at the State, regional, or local level that—

(A) involve two or more Federal programs (administered by one or more Federal agencies)—

(i) which have related policy goals, and

(ii) at least one of which is administered (in whole or in part) by a State, local, or tribal government; and

(B) achieve better results for regions, communities, or specific at-risk populations through making better use of the budgetary resources that are available for supporting such programs.
(2) “To improve outcomes for disconnected youth” means to increase the rate at which individuals between the ages of 14 and 24 (who are homeless, in foster care, involved in the juvenile justice system, or are neither employed nor enrolled in an educational institution) achieve success in meeting educational, employment, or other key goals.

(3) The “lead Federal administering agency” is the Federal agency, to be designated by the Director of the Office of Management and Budget (from among the participating Federal agencies that have statutory responsibility for the Federal discretionary funds that will be used in a Performance Partnership Pilot), that will enter into and administer the particular Performance Partnership Agreement on behalf of that agency and the other participating Federal agencies.

(b) USE OF DISCRETIONARY FUNDS IN FISCAL YEAR 2013.—Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 13 Performance Partnership Pilots involving up to a total of $130,000,000 in aggregate Federal discretionary budget authority. Such Pilots shall:

(1) be designed to improve outcomes for disconnected youth, and
(2) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services.

(e) PERFORMANCE PARTNERSHIP AGREEMENTS.—Federal agencies may use Federal discretionary funds, as authorized in subsection (b), to participate in a Performance Partnership Pilot only in accordance with the terms of a Performance Partnership Agreement that—

(1) is entered into between—

(A) the head of the lead Federal administering agency, on behalf of all of the participating Federal agencies (subject to the head of the lead Federal administering agency having received from the heads of each of the other participating agencies their written concurrence for entering into the Agreement), and

(B) the respective representatives of all of the State, local, or tribal governments that are participating in the Agreement; and

(2) specifies, at a minimum, the following information:

(A) the length of the Agreement (which shall not extend beyond September 30, 2017);
(B) the Federal programs and federally funded services that are involved in the Pilot;

(C) the Federal discretionary funds that are being used in the Pilot (by the respective Federal account identifier, and the total amount from such account that is being used in the Pilot), and the period (or periods) of availability for obligation (by the Federal Government) of such funds;

(D) the non-Federal funds that are involved in the Pilot, by source (which may include private funds as well as governmental funds) and by amount;

(E) the State, local, or tribal programs that are involved in the Pilot;

(F) the populations to be served by the Pilot;

(G) the cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(H) the cost-effective State, local, or tribal oversight procedures that will be used for the purpose of maintaining the necessary level of
accountability for the use of the Federal discretionary funds;

(I) the outcome (or outcomes) that the Pilot is designed to achieve;

(J) the appropriate, reliable, and objective outcome-measurement methodology that the Federal Government and the participating State, local, or tribal governments will use, in carrying out the Pilot, to determine whether the Pilot is achieving, and has achieved, the specified outcomes that the Pilot is designed to achieve;

(K) the statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the Pilot; and

(L) in cases where, during the course of the Pilot, it is determined that the Pilot is not achieving the specified outcomes that it is designed to achieve,

(i) the consequences that will result from such deficiencies with respect to the Federal discretionary funds that are being used in the Pilot, and
(ii) the corrective actions that will be taken in order to increase the likelihood that the Pilot, upon completion, will have achieved such specified outcomes.

(d) AGENCY HEAD DETERMINATIONS.—A Federal agency may participate in a Performance Partnership Pilot (including by providing Federal discretionary funds that have been appropriated to such agency) only upon the written determination by the head of such agency that the agency’s participation in such Pilot—

(1) will not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency’s programs and Federal discretionary funds that are involved in the Pilot, and

(2) based on the best available information, will not otherwise adversely affect vulnerable populations that are the recipients of such services.

In making this determination, the head of the agency may take into consideration the other Federal discretionary funds that will be used in the Pilot as well as any non-Federal funds (including from private sources as well as governmental sources) that will be used in the Pilot.

(e) TRANSFER AUTHORITY.—For the purpose of carrying out the Pilot in accordance with the Performance
Partnership Agreement, and subject to the written approval of the Director of the Office of Management and Budget, the head of each participating Federal agency may transfer Federal discretionary funds that are being used in the Pilot to an account of the lead Federal administering agency that includes Federal discretionary funds that are being used in the Pilot. Subject to the waiver authority under subsection (f), such transferred funds shall remain available for the same purposes for which such funds were originally appropriated: Provided, That such transferred funds shall remain available for obligation by the Federal Government until the expiration of the period of availability for those Federal discretionary funds (which are being used in the Pilot) that have the longest period of availability, except that any such transferred funds shall not remain available beyond September 30, 2017.

(f) WAIVER AUTHORITY.—In connection with a Federal agency’s participation in a Performance Partnership Pilot, and subject to the other provisions of this section (including subsection (e)), the head of the Federal agency to which the Federal discretionary funds were appropriated may waive (in whole or in part) the application, solely to such discretionary funds that are being used in
the Pilot, of any statutory, regulatory, or administrative
requirement that such agency head—

(1) is otherwise authorized to waive (in accord-
ance with the terms and conditions of such other au-
thority), and

(2) is not otherwise authorized to waive, pro-
vided that in such case the agency head shall—

(A) not waive any requirement related to
nondiscrimination, wage and labor standards,
or allocation of funds to State and substate lev-
els;

(B) issue a written determination, prior to
granting the waiver, with respect to such discre-
tionary funds that the granting of such waiver
for purposes of the Pilot—

(i) is consistent with both—

(I) the statutory purposes of the
Federal program for which such dis-
cretionary funds were appropriated,
and

(II) the other provisions of this
section, including the written deter-
mination by the agency head issued
under subsection (d);
(ii) is necessary to achieve the outcomes of the Pilot as specified in the Performance Partnership Agreement, and is no broader in scope than is necessary to achieve such outcomes; and

(iii) will result in either—

(I) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds, or

(II) increasing the ability of individuals to obtain access to services that are provided by such discretionary funds; and

(C) provide at least 60 days advance written notice to the Committees on Appropriations and other committees of jurisdiction in the House of Representatives and the Senate.

Sec. 524. (a) The head of any department, agency, board, or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an Inspector General, of the appropriate department, agency, board, or commission regarding the costs and contracting procedures related to each conference held by the department, agency,
board, or commission during fiscal year 2013 for which the cost to the United States Government was more than $20,000.

(b) Each report submitted shall include, for each conference held during the applicable quarter—

(1) a description of how the conference advanced the mission of the department, agency, board, or commission;

(2) the number of individuals whose travel expenses or other conference expenses were paid by the department, agency, board, or commission;

(3) the date and location of the conference;

(4) a detailed statement of the costs to the department, agency, board, or commission relating to that conference; and

(5) a description of the contracting procedures relating to that conference, including whether contracts were awarded on a competitive basis for that conference.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded.
(d) None of the funds made available in this Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012.

Sec. 525. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single international conference unless the head of such department or agency reports to the Committees on Appropriations of the Senate and the House of Representatives at least 30 days in advance of the beginning of the conference that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2013”.

•S 3295 PCS
A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

S. 3295

Calendar No. 428