

Calendar No. 428112TH CONGRESS
2^D SESSION**S. 3295****[Report No. 112-176]**

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.

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

1 Education, and related agencies for the fiscal year ending
2 September 30, 2013, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Workforce Investment
9 Act of 1998 (referred to in this Act as “WIA”), the Sec-
10 ond Chance Act of 2007, the Women in Apprenticeship
11 and Non-Traditional Occupations Act of 1992 (“WANTO
12 Act”), and the Workforce Innovation Fund, as established
13 by this Act, including the purchase and hire of passenger
14 motor vehicles, the construction, alteration, and repair of
15 buildings and other facilities, and the purchase of real
16 property for training centers, \$3,176,063,000, plus reim-
17 bursements, shall be available. Of the amounts provided:

18 (1) for grants to States for adult employment
19 and training activities, youth activities, and dis-
20 located worker employment and training activities,
21 \$2,603,315,000 as follows:

22 (A) \$770,811,000 for adult employment
23 and training activities, of which \$58,811,000
24 shall be available for the period July 1, 2013,
25 through June 30, 2014, and of which

1 \$712,000,000 shall be available for the period
2 October 1, 2013 through June 30, 2014;

3 (B) \$824,353,000 for youth activities,
4 which shall be available for the period April 1,
5 2013 through June 30, 2014; and

6 (C) \$1,008,151,000 for dislocated worker
7 employment and training activities, of which
8 \$148,151,000 shall be available for the period
9 July 1, 2013 through June 30, 2014, and of
10 which \$860,000,000 shall be available for the
11 period October 1, 2013 through June 30, 2014:

12 *Provided*, That notwithstanding the transfer limitation
13 under section 133(b)(4) of the WIA, up to 30 percent of
14 such funds may be transferred by a local board if approved
15 by the Governor: *Provided further*, That a local board may
16 award a contract to an institution of higher education or
17 other eligible training provider if the local board deter-
18 mines that it would facilitate the training of multiple indi-
19 viduals in high-demand occupations, if such contract does
20 not limit customer choice: *Provided further*, That notwith-
21 standing section 128(a)(1) of the WIA, the amount avail-
22 able to the Governor for statewide workforce investment
23 activities shall not exceed 5 percent of the amount allotted
24 to the State from each of the appropriations under the
25 preceding subparagraphs or 10 percent if at least 50 per-

1 cent of the funding is used to support training delivered
2 on a local or regional basis for in-demand occupations or
3 industries;

4 (2) for federally administered programs,
5 \$486,510,000 as follows:

6 (A) \$224,066,000 for the dislocated work-
7 ers assistance national reserve, of which
8 \$24,066,000 shall be available for the period
9 July 1, 2013 through June 30, 2014, and of
10 which \$200,000,000 shall be available for the
11 period October 1, 2013 through June 30, 2014:
12 *Provided*, That funds provided to carry out sec-
13 tion 132(a)(2)(A) of the WIA may be used to
14 provide assistance to a State for statewide or
15 local use in order to address cases where there
16 have been worker dislocations across multiple
17 sectors or across multiple local areas and such
18 workers remain dislocated; coordinate the State
19 workforce development plan with emerging eco-
20 nomic development needs; and train such eligi-
21 ble dislocated workers: *Provided further*, That
22 funds provided to carry out section 171(d) of
23 the WIA may be used for demonstration
24 projects that provide assistance to new entrants
25 in the workforce and incumbent workers: *Pro-*

1 *vided further*, That none of the funds shall be
2 obligated to carry out section 173(e) of the
3 WIA;

4 (B) \$47,562,000 for Native American pro-
5 grams, which shall be available for the period
6 July 1, 2013 through June 30, 2014;

7 (C) \$84,291,000 for migrant and seasonal
8 farmworker programs under section 167 of the
9 WIA, including \$78,104,742 for formula grants
10 (of which not less than 70 percent shall be for
11 employment and training services), \$5,678,222
12 for migrant and seasonal housing (of which not
13 less than 70 percent shall be for permanent
14 housing), and \$508,036 for other discretionary
15 purposes, which shall be available for the period
16 July 1, 2013 through June 30, 2014: *Provided*,
17 That notwithstanding any other provision of
18 law or related regulation, the Department of
19 Labor shall take no action limiting the number
20 or proportion of eligible participants receiving
21 related assistance services or discouraging
22 grantees from providing such services;

23 (D) \$996,000 for carrying out the
24 WANTO Act, which shall be available for the
25 period July 1, 2013 through June 30, 2014;

1 (E) \$79,689,000 for YouthBuild activities
2 as described in section 173A of the WIA, which
3 shall be available for the period April 1, 2013
4 through June 30, 2014; and

5 (F) \$49,906,000 to be available to the Sec-
6 retary of Labor (referred to in this title as
7 “Secretary”) for the Workforce Innovation
8 Fund to carry out projects that demonstrate in-
9 novative strategies or replicate effective evi-
10 dence-based strategies that align and strength-
11 en the workforce investment system in order to
12 improve program delivery and education and
13 employment outcomes for beneficiaries, which
14 shall be for the period July 1, 2013 through
15 September 30, 2014: *Provided*, That amounts
16 shall be available for awards to States or State
17 agencies that are eligible for assistance under
18 any program authorized under the WIA, con-
19 sortia of States, or partnerships, including re-
20 gional partnerships: *Provided further*, That not
21 more than 5 percent of the funds available for
22 workforce innovation activities shall be for tech-
23 nical assistance and evaluations related to the
24 projects carried out with these funds: *Provided*
25 *further*, That not more than \$10,000,000 of the

1 funds provided for the Workforce Innovation
2 Fund may be used for performance-based
3 awards or other agreements under the Pay for
4 Success program: *Provided further*, That, with
5 respect to the proceeding proviso, any funds ob-
6 ligated for such projects or agreements shall re-
7 main available for disbursement until expended,
8 notwithstanding 31 U.S.C. 1552(a), and that
9 any funds deobligated from such projects or
10 agreements shall immediately be available for
11 Workforce Innovation Fund activities;

12 (3) for national activities, \$86,238,000, as fol-
13 lows:

14 (A) \$80,238,000 for ex-offender activities,
15 under the authority of section 171 of the WIA
16 and section 212 of the Second Chance Act of
17 2007, which shall be available for the period
18 April 1, 2013 through June 30, 2014, notwith-
19 standing the requirements of section
20 171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Pro-*
21 *vided*, That of this amount, \$20,000,000 shall
22 be for competitive grants to national and re-
23 gional intermediaries for activities that prepare
24 young ex-offenders and school dropouts for em-

1 employment, with a priority for projects serving
2 high-crime, high-poverty areas; and

3 (B) \$6,000,000 for the Workforce Data
4 Quality Initiative, under the authority of section
5 171(c)(2) of the WIA, which shall be available
6 for the period July 1, 2013 through June 30,
7 2014, and which shall not be subject to the re-
8 quirements of section 171(c)(4)(D).

9 OFFICE OF JOB CORPS

10 To carry out subtitle C of title I of the WIA, includ-
11 ing Federal administrative expenses, the purchase and
12 hire of passenger motor vehicles, the construction, alter-
13 ation, and repairs of buildings and other facilities, and the
14 purchase of real property for training centers as author-
15 ized by the WIA, \$1,673,210,000, plus reimbursements,
16 as follows:

17 (1) \$1,569,078,000 for Job Corps Operations,
18 which shall be available for the period July 1, 2013
19 through June 30, 2014;

20 (2) \$75,000,000 for construction, rehabilitation
21 and acquisition of Job Corps Centers, which shall be
22 available for the period July 1, 2013 through June
23 30, 2016: *Provided*, That the Secretary may transfer
24 up to 15 percent of such funds to meet the oper-
25 ational needs of such centers or to achieve adminis-

1 trative efficiencies: *Provided further*, That any funds
2 transferred pursuant to the preceding proviso shall
3 not be available for obligation after June 30, 2014;
4 and

5 (3) \$29,132,000 for necessary expenses of the
6 Office of Job Corps, which shall be available for obli-
7 gation for the period October 1, 2012 through Sep-
8 tember 30, 2013:

9 *Provided further*, That no funds from any other appropria-
10 tion shall be used to provide meal services at or for Job
11 Corps centers.

12 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
13 AMERICANS

14 To carry out title V of the Older Americans Act of
15 1965 (referred to in this Act as “OAA”), \$448,251,000,
16 which shall be available for the period July 1, 2013
17 through June 30, 2014, and may be recaptured and reobli-
18 gated in accordance with section 517(c) of the OAA.

19 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

20 For payments during fiscal year 2013 of trade ad-
21 justment benefit payments and allowances under part I
22 of subchapter B of chapter 2 of title II of the Trade Act
23 of 1974, and section 246 of that Act; and for training,
24 employment and case management services, allowances for
25 job search and relocation, and related State administrative

1 expenses under part II of subchapter B of chapter 2 of
 2 title II of the Trade Act of 1974, including benefit pay-
 3 ments, allowances, training, employment and case man-
 4 agement services, and related State administration pro-
 5 vided pursuant to section 231(a) of the Trade Adjustment
 6 Assistance Extension Act of 2011, \$1,421,000,000, to-
 7 gether with such amounts as may be necessary to be
 8 charged to the subsequent appropriation for payments for
 9 any period subsequent to September 15, 2013.

10 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

11 SERVICE OPERATIONS

12 For authorized administrative expenses,
 13 \$86,111,000, together with not to exceed \$3,795,882,000
 14 which may be expended from the Employment Security
 15 Administration Account in the Unemployment Trust Fund
 16 (“the Trust Fund”), of which:

17 (1) \$2,989,912,000 from the Trust Fund is for
 18 grants to States for the administration of State un-
 19 employment insurance laws as authorized under title
 20 III of the Social Security Act (including not less
 21 than \$60,000,000 to conduct in-person re-employ-
 22 ment and eligibility assessments and unemployment
 23 insurance improper payment reviews, and
 24 \$10,000,000 for activities to address the
 25 misclassification of workers), the administration of

1 unemployment insurance for Federal employees and
2 for ex-service members as authorized under 5 U.S.C.
3 8501–8523, and the administration of trade read-
4 justment allowances, re-employment trade adjust-
5 ment assistance, and alternative trade adjustment
6 assistance under the Trade Act of 1974 and under
7 section 231(a) of the Trade Adjustment Assistance
8 Extension Act of 2011, and shall be available for ob-
9 ligation by the States through December 31, 2013,
10 except that funds used for automation acquisitions
11 or competitive grants awarded to States for im-
12 proved operations, re-employment and eligibility as-
13 sessments and improper payments, or activities to
14 address misclassification of workers shall be avail-
15 able for obligation by the States through September
16 30, 2015, and funds used for unemployment insur-
17 ance workloads experienced by the States through
18 September 30, 2013 shall be available for Federal
19 obligation through December 31, 2013;

20 (2) \$11,297,000 from the Trust Fund is for na-
21 tional activities necessary to support the administra-
22 tion of the Federal-State unemployment insurance
23 system;

24 (3) \$708,204,000 from the Trust Fund, to-
25 gether with \$22,638,000 from the General Fund of

1 the Treasury, is for grants to States in accordance
2 with section 6 of the Wagner-Peyser Act, of which
3 not less than \$30,000,000 shall be used to provide
4 re-employment services to beneficiaries of unemploy-
5 ment insurance, and shall be available for Federal
6 obligation for the period July 1, 2013 through June
7 30, 2014;

8 (4) \$20,952,000 from the Trust Fund is for na-
9 tional activities of the Employment Service, includ-
10 ing administration of the work opportunity tax cred-
11 it under section 51 of the Internal Revenue Code of
12 1986, and the provision of technical assistance and
13 staff training under the Wagner-Peyser Act, includ-
14 ing not to exceed \$1,228,000 that may be used for
15 amortization payments to States which had inde-
16 pendent retirement plans in their State employment
17 service agencies prior to 1980;

18 (5) \$65,517,000 from the Trust Fund is for the
19 administration of foreign labor certifications and re-
20 lated activities under the Immigration and Nation-
21 ality Act and related laws, of which \$50,418,000
22 shall be available for the Federal administration of
23 such activities, and \$15,099,000 shall be available
24 for grants to States for the administration of such
25 activities; and

1 (6) \$63,473,000 from the General Fund is to
2 provide workforce information, national electronic
3 tools, and one-stop system building under the Wag-
4 ner-Peyser Act and section 171 (e)(2)(C) of the
5 WIA and shall be available for Federal obligation for
6 the period July 1, 2013 through June 30, 2014:

7 *Provided*, That to the extent that the Average Weekly In-
8 sured Unemployment (AWIU) for fiscal year 2013 is pro-
9 jected by the Department of Labor to exceed 3,908,000,
10 an additional \$28,600,000 from the Trust Fund shall be
11 available for obligation for every 100,000 increase in the
12 AWIU level (including a pro rata amount for any incre-
13 ment less than 100,000) to carry out title III of the Social
14 Security Act: *Provided further*, That funds appropriated
15 in this Act that are allotted to a State to carry out activi-
16 ties under title III of the Social Security Act may be used
17 by such State to assist other States in carrying out activi-
18 ties under such title III if the other States include areas
19 that have suffered a major disaster declared by the Presi-
20 dent under the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act: *Provided further*, That the
22 Secretary may use funds appropriated for grants to States
23 under title III of the Social Security Act to make pay-
24 ments on behalf of States for the use of the National Di-
25 rectory of New Hires under section 453(j)(8) of such Act:

1 *Provided further*, That funds appropriated in this Act
2 which are used to establish a national one-stop career cen-
3 ter system, or which are used to support the national ac-
4 tivities of the Federal-State unemployment insurance or
5 immigration programs, may be obligated in contracts,
6 grants, or agreements with non-State entities: *Provided*
7 *further*, That funds appropriated under this Act for activi-
8 ties authorized under title III of the Social Security Act
9 and the Wagner-Peyser Act may be used by States to fund
10 integrated Unemployment Insurance and Employment
11 Service automation efforts, notwithstanding cost allocation
12 principles prescribed under the Office of Management and
13 Budget Circular A-87: *Provided further*, That the Sec-
14 retary, at the request of a State participating in a consor-
15 tium with other States, may reallocate funds allotted to such
16 State under title III of the Social Security Act to other
17 States participating in the consortium in order to carry
18 out activities that benefit the administration of the unem-
19 ployment compensation law of the State making the re-
20 quest: *Provided further*, That, notwithstanding 31 U.S.C.
21 3302, the Secretary may, during the fiscal year ending
22 September 30, 2013, collect and retain fees for the costs
23 associated with additional data collection, analyses, and
24 reporting services relating to the National Agricultural
25 Workers Survey requested by State and local govern-

1 ments, public and private institutions of higher education,
2 and non-profit organizations and may utilize such sums,
3 in accordance with the provisions of 29 U.S.C. 9a, for the
4 National Agricultural Workers Survey infrastructure,
5 methodology, and data to meet the information collection
6 and reporting needs of such entities and shall credit such
7 fees to this account, which shall be available for obligation
8 through September 30, 2014, for such purposes.

9 In addition, \$15,000,000 from the Employment Se-
10 curity Administration Account of the Unemployment
11 Trust Fund shall be available to conduct in-person re-em-
12 ployment and eligibility assessments and unemployment
13 insurance improper payment reviews.

14 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
15 OTHER FUNDS

16 For repayable advances to the Unemployment Trust
17 Fund as authorized by sections 905(d) and 1203 of the
18 Social Security Act, and to the Black Lung Disability
19 Trust Fund as authorized by section 9501(c)(1) of the In-
20 ternal Revenue Code of 1986; and for nonrepayable ad-
21 vances to the Unemployment Trust Fund as authorized
22 by 5 U.S.C. 8509, and to the “Federal Unemployment
23 Benefits and Allowances” account, such sums as may be
24 necessary, which shall be available for obligation through
25 September 30, 2014.

1 PROGRAM ADMINISTRATION

2 For expenses of administering employment and train-
3 ing programs, \$97,137,000, together with not to exceed
4 \$49,944,000 which may be expended from the Employ-
5 ment Security Administration Account in the Unemploy-
6 ment Trust Fund.

7 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Employee Benefits
10 Security Administration, \$183,153,000.

11 PENSION BENEFIT GUARANTY CORPORATION

12 PENSION BENEFIT GUARANTY CORPORATION FUND

13 The Pension Benefit Guaranty Corporation (“Cor-
14 poration”) is authorized to make such expenditures, in-
15 cluding financial assistance authorized by subtitle E of
16 title IV of the Employee Retirement Income Security Act
17 of 1974, within limits of funds and borrowing authority
18 available to the Corporation, and in accord with law, and
19 to make such contracts and commitments without regard
20 to fiscal year limitations, as provided by 31 U.S.C. 9104,
21 as may be necessary in carrying out the program, includ-
22 ing associated administrative expenses, through Sep-
23 tember 30, 2013, for the Corporation: *Provided*, That
24 none of the funds available to the Corporation for fiscal
25 year 2013 shall be available for obligations for administra-

1 tive expenses in excess of \$479,013,000: *Provided further,*
2 That to the extent that the number of new plan partici-
3 pants in plans terminated by the Corporation exceeds
4 100,000 in fiscal year 2013, an amount not to exceed an
5 additional \$9,200,000 shall be available through Sep-
6 tember 30, 2014, for obligation for administrative ex-
7 penses for every 20,000 additional terminated partici-
8 pants: *Provided further,* That an additional \$50,000 shall
9 be made available through September 30, 2014, for obliga-
10 tion for investment management fees for every
11 \$25,000,000 in assets received by the Corporation as a
12 result of new plan terminations or asset growth, after ap-
13 proval by the Office of Management and Budget and noti-
14 fication of the Committees on Appropriations of the House
15 of Representatives and the Senate: *Provided further,* That
16 obligations in excess of the amounts provided in this para-
17 graph may be incurred for unforeseen and extraordinary
18 pretermination expenses or extraordinary multiemployer
19 program related expenses after approval by the Office of
20 Management and Budget and notification of the Commit-
21 tees on Appropriations of the House of Representatives
22 and the Senate.

1 WAGE AND HOUR DIVISION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Wage and Hour Divi-
4 sion, including reimbursement to State, Federal, and local
5 agencies and their employees for inspection services ren-
6 dered, \$237,730,000.

7 OFFICE OF LABOR-MANAGEMENT STANDARDS

8 SALARIES AND EXPENSES

9 For necessary expenses for the Office of Labor-Man-
10 agement Standards, \$41,289,000.

11 OFFICE OF FEDERAL CONTRACT COMPLIANCE

12 PROGRAMS

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Federal Con-
15 tract Compliance Programs, \$105,187,000.

16 OFFICE OF WORKERS' COMPENSATION PROGRAMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the Office of Workers'
19 Compensation Programs, \$115,720,000, together with
20 \$2,120,000 which may be expended from the Special Fund
21 in accordance with sections 39(c), 44(d), and 44(j) of the
22 Longshore and Harbor Workers' Compensation Act.

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

3 For the payment of compensation, benefits, and ex-
4 penses (except administrative expenses) accruing during
5 the current or any prior fiscal year authorized by 5 U.S.C.
6 81; continuation of benefits as provided for under the
7 heading “Civilian War Benefits” in the Federal Security
8 Agency Appropriation Act, 1947; the Employees’ Com-
9 pensation Commission Appropriation Act, 1944; sections
10 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
11 cent of the additional compensation and benefits required
12 by section 10(h) of the Longshore and Harbor Workers’
13 Compensation Act, \$396,000,000, together with such
14 amounts as may be necessary to be charged to the subse-
15 quent year appropriation for the payment of compensation
16 and other benefits for any period subsequent to August
17 15 of the current year: *Provided*, That amounts appro-
18 priated may be used under 5 U.S.C. 8104 by the Secretary
19 to reimburse an employer, who is not the employer at the
20 time of injury, for portions of the salary of a re-employed,
21 disabled beneficiary: *Provided further*, That balances of re-
22 imbursements unobligated on September 30, 2012, shall
23 remain available until expended for the payment of com-
24 pensation, benefits, and expenses: *Provided further*, That
25 in addition there shall be transferred to this appropriation

1 from the Postal Service and from any other corporation
2 or instrumentality required under 5 U.S.C. 8147(c) to pay
3 an amount for its fair share of the cost of administration,
4 such sums as the Secretary determines to be the cost of
5 administration for employees of such fair share entities
6 through September 30, 2013: *Provided further*, That of
7 those funds transferred to this account from the fair share
8 entities to pay the cost of administration of the Federal
9 Employees' Compensation Act, \$58,544,000 shall be made
10 available to the Secretary as follows:

11 (1) For enhancement and maintenance of auto-
12 mated data processing systems and telecommuni-
13 cations systems, \$23,166,000;

14 (2) For automated workload processing oper-
15 ations, including document imaging, centralized mail
16 intake, and medical bill processing, \$20,517,000;

17 (3) For periodic roll management and medical
18 review, \$14,861,000; and

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

21 *Provided further*, That the Secretary may require that any
22 person filing a notice of injury or a claim for benefits
23 under 5 U.S.C. 81, or the Longshore and Harbor Work-
24 ers' Compensation Act, provide as part of such notice and

1 claim, such identifying information (including Social Secu-
2 rity account number) as such regulations may prescribe.

3 SPECIAL BENEFITS FOR DISABLED COAL MINERS

4 For carrying out title IV of the Federal Mine Safety
5 and Health Act of 1977, as amended by Public Law 107-
6 275, \$123,220,000, to remain available until expended.

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

11 For making benefit payments under title IV for the
12 first quarter of fiscal year 2014, \$35,000,000, to remain
13 available until expended.

14 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

15 OCCUPATIONAL ILLNESS COMPENSATION FUND

16 For necessary expenses to administer the Energy
17 Employees Occupational Illness Compensation Program
18 Act, \$54,962,000, to remain available until expended: *Pro-*
19 *vided*, That the Secretary may require that any person fil-
20 ing a claim for benefits under the Act provide as part of
21 such claim such identifying information (including Social
22 Security account number) as may be prescribed.

1 BLACK LUNG DISABILITY TRUST FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 Such sums as may be necessary from the Black Lung
4 Disability Trust Fund (the “Fund”), to remain available
5 until expended, for payment of all benefits authorized by
6 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
7 enue Code of 1986; and repayment of, and payment of
8 interest on advances, as authorized by section 9501(d)(4)
9 of that Act. In addition, the following amounts may be
10 expended from the Fund for fiscal year 2013 for expenses
11 of operation and administration of the Black Lung Bene-
12 fits program, as authorized by section 9501(d)(5): not to
13 exceed \$32,906,000 for transfer to the Office of Workers’
14 Compensation Programs, “Salaries and Expenses”; not to
15 exceed \$25,217,000 for transfer to Departmental Manage-
16 ment, “Salaries and Expenses”; not to exceed \$327,000
17 for transfer to Departmental Management, “Office of In-
18 spector General”; and not to exceed \$356,000 for pay-
19 ments into miscellaneous receipts for the expenses of the
20 Department of the Treasury.

21 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
22 SALARIES AND EXPENSES

23 For necessary expenses for the Occupational Safety
24 and Health Administration, \$565,468,000, including not
25 to exceed \$104,196,000 which shall be the maximum

1 amount available for grants to States under section 23(g)
2 of the Occupational Safety and Health Act (the “Act”),
3 which grants shall be no less than 50 percent of the costs
4 of State occupational safety and health programs required
5 to be incurred under plans approved by the Secretary
6 under section 18 of the Act; and, in addition, notwith-
7 standing 31 U.S.C. 3302, the Occupational Safety and
8 Health Administration may retain up to \$200,000 per fis-
9 cal year of training institute course tuition fees, otherwise
10 authorized by law to be collected, and may utilize such
11 sums for occupational safety and health training and edu-
12 cation: *Provided*, That notwithstanding 31 U.S.C. 3302,
13 the Secretary is authorized, during the fiscal year ending
14 September 30, 2013, to collect and retain fees for services
15 provided to Nationally Recognized Testing Laboratories,
16 and may utilize such sums, in accordance with the provi-
17 sions of 29 U.S.C. 9a, to administer national and inter-
18 national laboratory recognition programs that ensure the
19 safety of equipment and products used by workers in the
20 workplace: *Provided further*, That none of the funds ap-
21 propriated under this paragraph shall be obligated or ex-
22 pended to prescribe, issue, administer, or enforce any
23 standard, rule, regulation, or order under the Act which
24 is applicable to any person who is engaged in a farming
25 operation which does not maintain a temporary labor

1 camp and employs 10 or fewer employees: *Provided fur-*
2 *ther*, That no funds appropriated under this paragraph
3 shall be obligated or expended to administer or enforce
4 any standard, rule, regulation, or order under the Act with
5 respect to any employer of 10 or fewer employees who is
6 included within a category having a Days Away, Re-
7 stricted, or Transferred (DART) occupational injury and
8 illness rate, at the most precise industrial classification
9 code for which such data are published, less than the na-
10 tional average rate as such rates are most recently pub-
11 lished by the Secretary, acting through the Bureau of
12 Labor Statistics, in accordance with section 24 of the Act,
13 except—

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

17 (2) to conduct an inspection or investigation in
18 response to an employee complaint, to issue a cita-
19 tion for violations found during such inspection, and
20 to assess a penalty for violations which are not cor-
21 rected within a reasonable abatement period and for
22 any willful violations found;

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

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

3 (5) to take any action authorized by the Act
4 with respect to a report of an employment accident
5 which is fatal to one or more employees or which re-
6 sults in hospitalization of two or more employees,
7 and to take any action pursuant to such investiga-
8 tion authorized by the Act; and

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

12 *Provided further*, That the foregoing proviso shall not
13 apply to any person who is engaged in a farming operation
14 which does not maintain a temporary labor camp and em-
15 ploys 10 or fewer employees: *Provided further*, That
16 \$11,000,000 shall be available for Susan Harwood train-
17 ing grants.

18 MINE SAFETY AND HEALTH ADMINISTRATION

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses for the Mine Safety and
22 Health Administration, \$376,270,000, including purchase
23 and bestowal of certificates and trophies in connection
24 with mine rescue and first-aid work, and the hire of pas-
25 senger motor vehicles, including up to \$2,000,000 for

1 mine rescue and recovery activities; in addition, not to ex-
2 ceed \$750,000 may be collected by the National Mine
3 Health and Safety Academy for room, board, tuition, and
4 the sale of training materials, otherwise authorized by law
5 to be collected, to be available for mine safety and health
6 education and training activities, notwithstanding 31
7 U.S.C. 3302; in addition, the Mine Safety and Health Ad-
8 ministration may retain up to \$2,499,000 from fees col-
9 lected for the approval and certification of equipment, ma-
10 terials, and explosives for use in mines, and may utilize
11 such sums for such activities, notwithstanding 31 U.S.C.
12 3302; and, in addition, the Mine Safety and Health Ad-
13 ministration is authorized to collect and retain fees for
14 services related to the analysis of rock dust samples, and
15 may utilize such sums to administer such activities, not-
16 withstanding 31 U.S.C. 3302; the Secretary may transfer
17 from amounts provided under this heading up to
18 \$2,000,000 to “Departmental Management” for activities
19 related to the Office of the Solicitor’s caseload before the
20 Federal Mine Safety and Health Review Commission; the
21 Secretary is authorized to accept lands, buildings, equip-
22 ment, and other contributions from public and private
23 sources and to prosecute projects in cooperation with other
24 agencies, Federal, State, or private; the Mine Safety and
25 Health Administration is authorized to promote health

1 and safety education and training in the mining commu-
2 nity through cooperative programs with States, industry,
3 and safety associations; the Secretary is authorized to rec-
4 ognize the Joseph A. Holmes Safety Association as a prin-
5 cipal safety association and, notwithstanding any other
6 provision of law, may provide funds and, with or without
7 reimbursement, personnel, including service of Mine Safe-
8 ty and Health Administration officials as officers in local
9 chapters or in the national organization; any funds avail-
10 able to the Department of Labor may be used, with the
11 approval of the Secretary, to provide for the costs of mine
12 rescue and survival operations in the event of a major dis-
13 aster; and the Secretary may reallocate among the items
14 funded under this heading up to \$3,000,000 to support
15 inspections or investigations pursuant to section 103 of
16 the Federal Mine Safety and Health Act of 1977.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$551,867,000, together with not to exceed
23 \$67,176,000 which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund, of which \$1,500,000 may be used to

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

3 OFFICE OF DISABILITY EMPLOYMENT POLICY

4 SALARIES AND EXPENSES

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

10 DEPARTMENTAL MANAGEMENT

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for Departmental Manage-
14 ment, including the hire of three passenger motor vehicles,
15 \$348,601,000, together with not to exceed \$326,000,
16 which may be expended from the Employment Security
17 Administration Account in the Unemployment Trust
18 Fund: *Provided*, That \$66,500,000 for the Bureau of
19 International Labor Affairs shall be available for obliga-
20 tion through December 31, 2013: *Provided further*, That
21 funds available to the Bureau of International Labor Af-
22 fairs may be used to administer or operate international
23 labor activities, bilateral and multilateral technical assist-
24 ance, and microfinance programs, by or through contracts,
25 grants, subgrants and other arrangements: *Provided fur-*

1 *ther*, That not less than \$40,000,000 shall be for programs
2 to combat exploitative child labor internationally: *Provided*
3 *further*, That not less than \$6,500,000 shall be used to
4 implement model programs that address worker rights
5 issues through technical assistance in countries with which
6 the United States has free trade agreements or trade pref-
7 erence programs: *Provided further*, That \$9,000,000 shall
8 be used for program evaluation and shall be available for
9 obligation through September 30, 2014: *Provided further*,
10 That funds available for program evaluation may be trans-
11 ferred to any other appropriate account in the Department
12 for such purpose: *Provided further*, That the funds avail-
13 able to the Women’s Bureau may be used for grants to
14 serve and promote the interests of women in the work-
15 force.

16 VETERANS EMPLOYMENT AND TRAINING

17 Not to exceed \$224,636,000 may be derived from the
18 Employment Security Administration Account in the Un-
19 employment Trust Fund to carry out the provisions of 38
20 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
21 Public Law 103–353, and which shall be available for obli-
22 gation by the States through December 31, 2012, of which
23 \$3,414,000 is for the National Veterans’ Employment and
24 Training Services Institute.

1 In addition, to carry out Department of Labor pro-
 2 grams under section 5(a)(1) of the Homeless Veterans
 3 Comprehensive Assistance Act of 2001, \$38,185,000.

4 IT MODERNIZATION

5 For necessary expenses for Department of Labor cen-
 6 tralized infrastructure technology investment activities re-
 7 lated to support systems and modernization, \$19,814,000.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector
 10 General in carrying out the provisions of the Inspector
 11 General Act of 1978, \$77,790,000, together with not to
 12 exceed \$5,898,000 which may be expended from the Em-
 13 ployment Security Administration Account in the Unem-
 14 ployment Trust Fund.

15 GENERAL PROVISIONS

16 SEC. 101. None of the funds appropriated by this Act
 17 for the Job Corps shall be used to pay the salary and bo-
 18 nuses of an individual, either as direct costs or any prora-
 19 tion as an indirect cost, at a rate in excess of Executive
 20 Level II.

21 (TRANSFER OF FUNDS)

22 SEC. 102. Not to exceed 1 percent of any discre-
 23 tionary funds (pursuant to the Balanced Budget and
 24 Emergency Deficit Control Act of 1985) which are appro-
 25 priated for the current fiscal year for the Department of

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

11 SEC. 103. In accordance with Executive Order
12 13126, none of the funds appropriated or otherwise made
13 available pursuant to this Act shall be obligated or ex-
14 pended for the procurement of goods mined, produced,
15 manufactured, or harvested or services rendered, in whole
16 or in part, by forced or indentured child labor in industries
17 and host countries already identified by the United States
18 Department of Labor prior to enactment of this Act.

19 SEC. 104. None of the funds made available to the
20 Department of Labor for grants under section 414(c) of
21 the American Competitiveness and Workforce Improve-
22 ment Act of 1998 may be used for any purpose other than
23 competitive grants for training in the occupations and in-
24 dustries for which employers are using H-1B visas to hire

1 foreign workers, and the related activities necessary to
2 support such training.

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 107. Notwithstanding section 102, the Sec-
19 retary may transfer funds made available to the Employ-
20 ment and Training Administration by this Act, either di-
21 rectly or through a set-aside, for technical assistance serv-
22 ices to grantees to “Program Administration” when it is
23 determined that those services will be more efficiently per-
24 formed by Federal employees.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 108. (a) The Secretary may reserve not more
3 than 0.5 percent from each appropriation made available
4 in this Act identified in subsection (b) in order to carry
5 out evaluations of any of the programs or activities that
6 are funded under such accounts. Any funds reserved under
7 this section shall be transferred to “Departmental Man-
8 agement” for use by the Office of the Chief Evaluation
9 Officer within the Department of Labor, and shall be
10 available for obligation through September 30, 2014: *Pro-*
11 *vided*, That such funds shall only be available if the Chief
12 Evaluation Officer of the Department of Labor submits
13 a plan to the Committees on Appropriations of the House
14 of Representatives and the Senate describing the evalua-
15 tions to be carried out 15 days in advance of any transfer.

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

1 SEC. 109. Of the funds appropriated under section
2 272(b) of the Trade Act of 1974 for each of fiscal years
3 2013 and 2014, the Secretary may not reserve more than
4 3 percent of such funds to conduct evaluations and provide
5 technical assistance relating to the activities carried out
6 under section 271 of such Act, including activities carried
7 out under such section supported by the appropriations
8 provided for fiscal years 2011 and 2012.

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

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

21 TRANSFER OF COMPTROLLER GENERAL AUTHORITIES

22 SEC. 111. (a) AUTHORITY OF COMPTROLLER GEN-
23 ERAL TO PAY WAGES AND LIST CONTRACTORS VIO-
24 LATING CONTRACTS.—40 U.S.C. 3144, is amended—

1 (1) in the title, by striking “of Comptroller
2 General”; and

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

6 (b) REPORT OF VIOLATIONS AND WITHHOLDING OF
7 AMOUNTS FOR UNPAID WAGES AND LIQUIDATED DAM-
8 AGES.—40 U.S.C. 3703, is amended in subsection (b)(3),
9 by—

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

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

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

18 TITLE II

19 DEPARTMENT OF HEALTH AND HUMAN 20 SERVICES

21 HEALTH RESOURCES AND SERVICES ADMINISTRATION

22 PRIMARY HEALTH CARE

23 For carrying out titles II and III of the Public Health
24 Service Act (referred to in this Act as the “PHS Act”)
25 with respect to primary health care and the Native Hawai-

1 ian Health Care Act of 1988, \$1,585,064,000, of which
2 \$127,000 shall be available until expended for facilities
3 renovations at the Gillis W. Long Hansen’s Disease Cen-
4 ter: *Provided*, That no more than \$40,000 shall be avail-
5 able until expended for carrying out the provisions of sec-
6 tion 224(o) of the PHS Act, including associated adminis-
7 trative expenses and relevant evaluations: *Provided fur-*
8 *ther*, That no more than \$94,893,000 shall be available
9 until expended for carrying out the provisions of Public
10 Law 104–73 and for expenses incurred by the Department
11 of Health and Human Services (referred to in this Act
12 as “HHS”) pertaining to administrative claims made
13 under such law: *Provided further*, That all funds provided
14 for Health Centers program, as defined by section 330 of
15 the PHS Act, by this Act or any other Act for fiscal year
16 2013 shall be obligated by the Secretary of Health and
17 Human Services (referred to in this title as “Secretary”)
18 by September 30, 2013, of which \$48,000,000 shall be
19 awarded for base grant adjustments to address the in-
20 creased costs of care and implement quality improvement
21 activities.

22 HEALTH WORKFORCE

23 For carrying out titles III, VII, and VIII of the PHS
24 Act with respect to the health workforce, section 1128E
25 of the Social Security Act, and the Health Care Quality

1 Improvement Act of 1986, \$727,862,000: *Provided*, That
2 sections 747(c)(2), 751(j)(2), and the proportional fund-
3 ing amounts in paragraphs (1) through (4) of section
4 756(e) of the PHS Act shall not apply to funds made
5 available under this heading: *Provided further*, That for
6 any program operating under section 751 of the PHS Act
7 on or before January 1, 2009, the Secretary may waive
8 any of the requirements contained in sections
9 751(d)(2)(A) and 751(d)(2)(B) of such Act for fiscal year
10 2013 and fiscal years thereafter: *Provided further*, That
11 in addition to fees authorized by section 427(b) of the
12 Health Care Quality Improvement Act of 1986, fees shall
13 be collected for the full disclosure of information under
14 such Act sufficient to recover the full costs of operating
15 the National Practitioner Data Bank and shall remain
16 available until expended to carry out that Act: *Provided*
17 *further*, That fees collected for the full disclosure of infor-
18 mation under the “Health Care Fraud and Abuse Data
19 Collection Program”, authorized by section 1128E(d)(2)
20 of the Social Security Act, shall be sufficient to recover
21 the full costs of operating the program, and shall remain
22 available until expended to carry out that Act: *Provided*
23 *further*, That fees collected for the disclosure of informa-
24 tion under the information reporting requirement program
25 authorized by section 1921 of the Social Security Act shall

1 be sufficient to recover the full costs of operating the pro-
2 gram and shall remain available until expended to carry
3 out that Act: *Provided further*, That funds transferred to
4 this account to carry out section 846 and subpart 3 of
5 part D of title III of the PHS Act may be used to make
6 prior year adjustments to awards made under such sec-
7 tions.

8 MATERNAL AND CHILD HEALTH

9 For carrying out titles III, XI, XII, and XIX of the
10 PHS Act with respect to maternal and child health, title
11 V of the Social Security Act, and section 712 of the Amer-
12 ican Jobs Creation Act of 2004, \$854,807,000: *Provided*,
13 That notwithstanding sections 502(a)(1) and 502(b)(1) of
14 the Social Security Act, not more than \$73,489,000 shall
15 be available for carrying out special projects of regional
16 and national significance pursuant to section 501(a)(2) of
17 such Act and \$10,276,000 shall be available for projects
18 described in paragraphs (A) through (F) of section
19 501(a)(3) of such Act.

20 RYAN WHITE HIV/AIDS PROGRAM

21 For carrying out title XXVI of the PHS Act with
22 respect to the Ryan White HIV/AIDS program,
23 \$2,397,178,000, of which \$2,056,898,000 shall remain
24 available to the Secretary through September 30, 2014,
25 for parts A and B of title XXVI of the PHS Act, and

1 of which not less than \$963,299,000 shall be for State
2 AIDS Drug Assistance Programs under the authority of
3 section 2616 or 311(c) of such Act: *Provided*, That in ad-
4 dition to amounts provided herein, \$25,000,000 shall be
5 available from amounts available under section 241 of the
6 PHS Act to carry out parts A, B, C, and D of title XXVI
7 of the PHS Act to fund Special Projects of National Sig-
8 nificance under section 2691.

9 HEALTH CARE SYSTEMS

10 For carrying out titles III and XII of the PHS Act
11 with respect to health care systems, and the Stem Cell
12 Therapeutic and Research Act of 2005, \$82,534,000: *Pro-*
13 *vided*, That the Secretary may collect a fee of 0.1 percent
14 of each purchase of 340B drugs from entities participating
15 in the Drug Pricing Program pursuant to section 340B
16 of the PHS Act to pay for the operating costs of such
17 program: *Provided further*, That fees pursuant to the
18 340B Drug Pricing Program shall be collected by manu-
19 facturers at the time of sale, and shall be credited to this
20 account, to remain available until expended.

21 RURAL HEALTH

22 For carrying out titles III and IV of the PHS Act
23 with respect to rural health, section 427(a) of the Federal
24 Coal Mine Health and Safety Act, the Cardiac Arrest Sur-
25 vival Act of 2000, and sections 711 and 1820 of the Social

1 Security Act, \$144,072,000, of which \$41,040,000 from
2 general revenues, notwithstanding section 1820(j) of the
3 Social Security Act, shall be available for carrying out the
4 Medicare rural hospital flexibility grants program: *Pro-*
5 *vided*, That of the funds made available under this heading
6 for Medicare rural hospital flexibility grants, \$15,000,000
7 shall be available for the Small Rural Hospital Improve-
8 ment Grant Program for quality improvement and adop-
9 tion of health information technology and up to
10 \$1,000,000 shall be to carry out section 1820(g)(6) of the
11 Social Security Act, with funds provided for grants under
12 section 1820(g)(6) available for the purchase and imple-
13 mentation of telehealth services, including pilots and dem-
14 onstrations on the use of electronic health records to co-
15 ordinate rural veterans care between rural providers and
16 the Department of Veterans Affairs electronic health
17 record system: *Provided further*, That notwithstanding
18 section 338J(k) of the PHS Act, \$10,036,000 shall be
19 available for State Offices of Rural Health.

20 FAMILY PLANNING

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

1 tive, and that such amounts shall not be expended for any
 2 activity (including the publication or distribution of lit-
 3 erature) that in any way tends to promote public support
 4 or opposition to any legislative proposal or candidate for
 5 public office.

6 PROGRAM MANAGEMENT

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

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-
 17 pose of the program, as authorized by title VII of the PHS
 18 Act. For administrative expenses to carry out the guaran-
 19 teed loan program, including section 709 of the PHS Act,
 20 \$2,807,000.

21 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

22 For payments from the Vaccine Injury Compensation
 23 Program Trust Fund (the “Trust Fund”), such sums as
 24 may be necessary for claims associated with vaccine-re-
 25 lated injury or death with respect to vaccines administered

1 after September 30, 1988, pursuant to subtitle 2 of title
2 XXI of the PHS Act, to remain available until expended:
3 *Provided*, That for necessary administrative expenses, not
4 to exceed \$6,477,000 shall be available from the Trust
5 Fund to the Secretary.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 IMMUNIZATION AND RESPIRATORY DISEASES

8 For carrying out titles II, III, VII, XVII, and XXI,
9 and section 2821 of the PHS Act, titles II and IV of the
10 Immigration and Nationality Act, and section 501 of the
11 Refugee Education Assistance Act, with respect to immu-
12 nization and respiratory diseases, \$576,083,000: *Provided*,
13 That in addition to amounts provided herein, \$12,864,000
14 shall be available from amounts available under section
15 241 of the PHS Act to carry out the National Immuniza-
16 tion Surveys.

17 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED

18 DISEASES, AND TUBERCULOSIS PREVENTION

19 For carrying out titles II, III, VII, XVII, XXIII, and
20 XXVI of the PHS Act with respect to HIV/AIDS, viral
21 hepatitis, sexually transmitted diseases, and tuberculosis
22 prevention, \$1,101,934,000: *Provided*, That Centers for
23 Disease Control and Prevention (referred to in this title
24 as “CDC”) and State grant recipients may transfer up
25 to ten percent of funds appropriated for CDC HIV/AIDS

1 and tuberculosis activities to address the overlapping
2 epidemics of HIV/AIDS, sexually transmitted infections,
3 hepatitis, and tuberculosis by improving program collabo-
4 ration and providing integrated services in accordance
5 with priorities identified by the CDC: *Provided further*,
6 That with respect to the previous proviso, grantees shall
7 submit a plan in writing to the CDC and obtain the ap-
8 proval of the CDC to transfer such funds.

9 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

10 For carrying out titles II, III, VII, and XVII, and
11 section 2821 of the PHS Act, titles II and IV of the Immi-
12 gration and Nationality Act, and section 501 of the Ref-
13 ugee Education Assistance Act, with respect to emerging
14 and zoonotic infectious diseases, \$269,274,000, of which
15 \$1,000,000 shall remain available through September 30,
16 2014 for costs related to persons quarantined or isolated
17 under Federal quarantine laws.

18 CHRONIC DISEASE PREVENTION AND HEALTH

19 PROMOTION

20 For carrying out titles II, III, VII, XI, XV, XVII,
21 and XIX of the PHS Act with respect to chronic disease
22 prevention and health promotion, \$798,445,000: *Provided*,
23 That funds appropriated under this account may be avail-
24 able for making grants under section 1509 of the PHS

1 Act for not less than 21 States, tribes, or tribal organiza-
2 tions.

3 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
4 DISABILITIES AND HEALTH

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

8 PUBLIC HEALTH SCIENTIFIC SERVICES

9 For carrying out titles II and III of the PHS Act
10 with respect to health statistics, surveillance, informatics,
11 and workforce development, \$143,972,000: *Provided*, That
12 in addition to amounts provided herein, \$247,769,000
13 shall be available from amounts available under section
14 241 of the PHS Act to carry out public health scientific
15 services.

16 ENVIRONMENTAL HEALTH

17 For carrying out titles II, III, VII, and XVII of the
18 PHS Act with respect to environmental health,
19 \$114,667,000.

20 INJURY PREVENTION AND CONTROL

21 For carrying out titles II, III, VII, and XVII of the
22 PHS Act with respect to injury prevention and control,
23 \$137,693,000: *Provided*, That funds appropriated under
24 this heading may be used to fund evaluation, research, and
25 pilot programs for sexual violence prevention programs.

1 OCCUPATIONAL SAFETY AND HEALTH

2 For carrying out titles II, III, VII, and XVII of the
3 PHS Act, sections 101, 102, 103, 201, 202, 203, 301,
4 501, and 514 of the Federal Mine Safety and Health Act,
5 section 13 of the Mine Improvement and New Emergency
6 Response Act, and sections 20, 21, and 22 of the Occupa-
7 tional Safety and Health Act, with respect to occupational
8 safety and health, \$181,864,000: *Provided*, That in addi-
9 tion to amounts provided herein, \$110,724,000 shall be
10 available from amounts available under section 241 of the
11 PHS Act.

12 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

13 COMPENSATION PROGRAM

14 For necessary expenses to administer the Energy
15 Employees Occupational Illness Compensation Program
16 Act, \$55,358,000, to remain available until expended, of
17 which \$4,500,000 shall be for use by or in support of the
18 Advisory Board on Radiation and Worker Health (referred
19 to under this heading as the “Board”) to carry out its
20 statutory responsibilities, including obtaining audits, tech-
21 nical assistance, and other support from the Board’s audit
22 contractor with regard to radiation dose estimation and
23 reconstruction efforts, site profiles, procedures, and review
24 of Special Exposure Cohort petitions and evaluation re-
25 ports: *Provided*, That this amount shall be available con-

1 sistent with the provision regarding administrative ex-
2 penses in section 151(b) of division B, title I of Public
3 Law 106–554.

4 GLOBAL HEALTH

5 For carrying out titles II, III, VII and XVII of the
6 PHS Act with respect to global health, \$362,594,000, of
7 which \$117,118,000 for international HIV/AIDS shall re-
8 main available through September 30, 2014, and of which
9 \$10,000,000 shall remain available through September
10 30, 2014, to support national public health institutes: *Pro-*
11 *vided*, That funds may be used for purchase and insurance
12 of official motor vehicles in foreign countries.

13 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

14 For carrying out titles II, III, VII, and XVII of the
15 PHS Act with respect to public health preparedness and
16 response, and for expenses necessary to support activities
17 related to countering potential biological, nuclear, radio-
18 logical, and chemical threats to civilian populations,
19 \$1,299,479,000, of which \$503,792,000 shall remain
20 available until expended for the Strategic National Stock-
21 pile under section 319F–2 of the PHS Act.

22 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

23 For carrying out titles II, III, VII, XVII and XIX,
24 and section 2821 of the PHS Act and for cross-cutting
25 activities and program support that supplement activities

1 funded under the headings “Immunization and Res-
2 piratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually
3 Transmitted Diseases, and Tuberculosis Prevention”,
4 “Emerging and Zoonotic Infectious Diseases”, “Chronic
5 Disease Prevention and Health Promotion”, “Birth De-
6 fects, Developmental Disabilities, Disabilities and
7 Health”, “Environmental Health”, “Injury Prevention
8 and Control”, “Occupational Safety and Health”, “En-
9 ergy Employees Occupational Illness Compensation Pro-
10 gram”, “Global Health”, “Public Health Preparedness
11 and Response”, and “Public Health Scientific Services”,
12 \$593,193,000, of which \$383,529,000 shall be available
13 until September 30, 2014, for business services, of which
14 \$11,000,000 shall be available until September 30, 2016,
15 for acquisition of property, equipment, construction and
16 renovation of facilities: *Provided*, That paragraphs (1)
17 through (3) of subsection (b) of section 2821 of the PHS
18 Act shall not apply to funds appropriated under this head-
19 ing and in all other accounts of the CDC: *Provided further*,
20 That funds appropriated under this heading and in all
21 other accounts of CDC may be used to support the pur-
22 chase, hire, maintenance, and operation of aircraft for use
23 and support of the activities of CDC: *Provided further*,
24 That employees of CDC or the Public Health Service, both
25 civilian and commissioned officers, detailed to States, mu-

1 municipalities, 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 NATIONAL INSTITUTES OF HEALTH

21 NATIONAL CANCER INSTITUTE

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to cancer, \$5,084,227,000, of which up
24 to \$8,000,000 may be used for facilities repairs and im-
25 provements at the National Cancer Institute—Frederick

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

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

4 For carrying out section 301 and title IV of the PHS
5 Act with respect to cardiovascular, lung, and blood dis-
6 eases, and blood and blood products, \$3,085,390,000.

7 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
8 RESEARCH

9 For carrying out section 301 and title IV of the PHS
10 Act with respect to dental and craniofacial diseases,
11 \$409,449,000.

12 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
13 KIDNEY DISEASES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to diabetes and digestive and kidney dis-
16 ease, \$1,797,539,000.

17 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
18 AND STROKE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to neurological disorders and stroke,
21 \$1,629,631,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$4,508,932,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,387,112,000.

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

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to child health and human development,
14 \$1,324,603,000.

15 NATIONAL EYE INSTITUTE

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to eye diseases and visual disorders,
18 \$695,115,000.

19 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
20 SCIENCES

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to environmental health sciences,
23 \$686,103,000.

1 NATIONAL INSTITUTE ON AGING

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to aging, \$1,124,265,000.

4 NATIONAL INSTITUTE OF ARTHRITIS AND
5 MUSCULOSKELETAL AND SKIN DISEASES

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to arthritis and musculoskeletal and skin
8 diseases, \$537,233,000.

9 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
10 COMMUNICATION DISORDERS

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to deafness and other communication dis-
13 orders, \$418,562,000.

14 NATIONAL INSTITUTE OF NURSING RESEARCH

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to nursing research, \$144,590,000.

17 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
18 ALCOHOLISM

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to alcohol abuse and alcoholism,
21 \$458,489,000.

22 NATIONAL INSTITUTE ON DRUG ABUSE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to drug abuse, \$1,057,196,000.

1 NATIONAL INSTITUTE OF MENTAL HEALTH

2 For carrying out section 301 and title IV of the PHS

3 Act with respect to mental health, \$1,483,687,000.

4 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

5 For carrying out section 301 and title IV of the PHS

6 Act with respect to human genome research,

7 \$512,920,000.

8 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND

9 BIOENGINEERING

10 For carrying out section 301 and title IV of the PHS

11 Act with respect to biomedical imaging and bioengineering

12 research, \$337,917,000.

13 NATIONAL CENTER FOR COMPLEMENTARY AND

14 ALTERNATIVE MEDICINE

15 For carrying out section 301 and title IV of the PHS

16 Act with respect to complementary and alternative medi-

17 cine, \$128,318,000.

18 NATIONAL INSTITUTE ON MINORITY HEALTH AND

19 HEALTH DISPARITIES

20 For carrying out section 301 and title IV of the PHS

21 Act with respect to minority health and health disparities

22 research, \$280,236,000.

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities of the John E. Fogarty
3 International Center (described in subpart 2 of part E of
4 title IV of the PHS Act), \$69,969,000.

5 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
6 SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to translational sciences, \$631,346,000:
9 *Provided*, That up to \$40,000,000 shall be available to im-
10 plement section 402C of the PHS Act, relating to the
11 Cures Acceleration Network.

12 NATIONAL LIBRARY OF MEDICINE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to health information communications,
15 \$373,781,000, of which \$4,000,000 shall be available until
16 September 30, 2014, for improvement of information sys-
17 tems: *Provided*, That in fiscal year 2013, the National Li-
18 brary of Medicine may enter into personal services con-
19 tracts for the provision of services in facilities owned, oper-
20 ated, or constructed under the jurisdiction of the National
21 Institutes of Health (referred to in this title as “NIH”):
22 *Provided further*, That in addition to amounts provided
23 herein, \$8,200,000 shall be available from amounts avail-
24 able under section 241 of the PHS Act to carry out the
25 purposes of the National Information Center on Health

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

4 OFFICE OF THE DIRECTOR

5 For carrying out the responsibilities of the Office of
6 the Director, NIH, \$1,431,341,000, of which up to
7 \$25,000,000 shall be used to carry out section 213 of this
8 Act: *Provided*, That funding shall be available for the pur-
9 chase of not to exceed 29 passenger motor vehicles for re-
10 placement only: *Provided further*, That NIH is authorized
11 to collect third-party payments for the cost of clinical serv-
12 ices that are incurred in NIH research facilities and that
13 such payments shall be credited to the NIH Management
14 Fund: *Provided further*, That all funds credited to the
15 NIH Management Fund shall remain available for one fis-
16 cal year after the fiscal year in which they are deposited:
17 *Provided further*, That up to \$165,000,000 shall be avail-
18 able for continuation of the National Children's Study:
19 *Provided further*, That \$544,930,000 shall be available for
20 the Common Fund established under section 402A(e)(1)
21 of the PHS Act: *Provided further*, That of the funds pro-
22 vided \$10,000 shall be for official reception and represen-
23 tation expenses when specifically approved by the Director
24 of the NIH: *Provided further*, That the Office of AIDS
25 Research within the Office of the Director of the NIH may

1 spend up to \$8,000,000 to make grants for construction
2 or renovation of facilities as provided for in section
3 2354(a)(5)(B) of the PHS Act.

4 BUILDINGS AND FACILITIES

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

9 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

10 ADMINISTRATION

11 MENTAL HEALTH

12 For carrying out titles III, V, and XIX of the PHS
13 Act with respect to mental health, and the Protection and
14 Advocacy for Individuals with Mental Illness Act,
15 \$947,458,000: *Provided*, That notwithstanding section
16 520A(f)(2) of the PHS Act, no funds appropriated for car-
17 rying out section 520A shall be available for carrying out
18 section 1971 of the PHS Act: *Provided further*, That in
19 addition to amounts provided herein, \$21,039,000 shall be
20 available under section 241 of the PHS Act to carry out
21 subpart I of part B of title XIX of the PHS Act to fund
22 section 1920(b) technical assistance, national data, data
23 collection and evaluation activities, and further that the
24 total available under this Act for section 1920(b) activities
25 shall not exceed 5 percent of the amounts appropriated

1 for subpart I of part B of title XIX: *Provided further*, That
2 section 520E(b)(2) of the PHS Act shall not apply to
3 funds appropriated under this Act for fiscal year 2013:
4 *Provided further*, That of the amount appropriated under
5 this heading, \$48,713,000 shall be for the National Child
6 Traumatic Stress Initiative as described in section 582 of
7 the PHS Act.

8 SUBSTANCE ABUSE TREATMENT

9 For carrying out titles III, V, and XIX of the PHS
10 Act with respect to substance abuse treatment and section
11 1922(a) of the PHS Act with respect to substance abuse
12 prevention, \$2,109,945,000: *Provided*, That in addition to
13 amounts provided herein, the following amounts shall be
14 available under section 241 of the PHS Act: (1)
15 \$79,200,000 to carry out subpart II of part B of title XIX
16 of the PHS Act to fund section 1935(b) technical assist-
17 ance, national data, data collection and evaluation activi-
18 ties, and further that the total available under this Act
19 for section 1935(b) activities shall not exceed 5 percent
20 of the amounts appropriated for subpart II of part B of
21 title XIX; and (2) \$2,000,000 to evaluate substance abuse
22 treatment programs.

23 SUBSTANCE ABUSE PREVENTION

24 For carrying out titles III and V of the PHS Act
25 with respect to substance abuse prevention, \$184,433,000.

1 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

2 For program support and cross-cutting activities that
3 supplement activities funded under the headings “Mental
4 Health”, “Substance Abuse Treatment”, and “Substance
5 Abuse Prevention” in carrying out titles III, V, and XIX
6 of the PHS Act and the Protection and Advocacy for Indi-
7 viduals with Mental Illness Act in the Substance Abuse
8 and Mental Health Services Administration,
9 \$100,710,000: *Provided*, That in addition to amounts pro-
10 vided herein, \$27,428,000 shall be available under section
11 241 of the PHS Act to supplement funds available to
12 carry out national surveys on drug abuse and mental
13 health, to collect and analyze program data, and to con-
14 duct public awareness and technical assistance activities:
15 *Provided further*, That, in addition, fees may be collected
16 for the costs associated with additional publications, data,
17 data tabulations, and data analysis completed under title
18 V of the PHS Act and provided to a public or private enti-
19 ty upon request, which shall be credited to this appropria-
20 tion and shall remain available until expended for such
21 purposes: *Provided further*, That funds made available
22 under this heading may be used to supplement program
23 support funding provided under the headings “Mental
24 Health”, “Substance Abuse Treatment”, and “Substance
25 Abuse Prevention”.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the PHS Act,
4 part A of title XI of the Social Security Act, and section
5 1013 of the Medicare Prescription Drug, Improvement,
6 and Modernization Act of 2003, \$364,053,000 shall be
7 available from amounts available under section 241 of the
8 PHS Act, notwithstanding subsection 947(c) of such Act:
9 *Provided*, That in addition, amounts received from Free-
10 dom of Information Act fees, reimbursable and inter-
11 agency agreements, and the sale of data shall be credited
12 to this appropriation and shall remain available until Sep-
13 tember 30, 2014.

14 CENTERS FOR MEDICARE AND MEDICAID SERVICES

15 GRANTS TO STATES FOR MEDICAID

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

19 For making, after May 31, 2013, payments to States
20 under title XIX or in the case of section 1928 on behalf
21 of States under title XIX of the Social Security Act for
22 the last quarter of fiscal year 2013 for unanticipated costs
23 incurred for the current fiscal year, such sums as may be
24 necessary.

1 For making payments to States or in the case of sec-
2 tion 1928 on behalf of States under title XIX of the Social
3 Security Act for the first quarter of fiscal year 2014,
4 \$106,335,631,000, to remain available until expended.

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

10 PAYMENTS TO HEALTH CARE TRUST FUNDS

11 For payment to the Federal Hospital Insurance
12 Trust Fund and the Federal Supplementary Medical In-
13 surance Trust Fund, as provided under sections 217(g),
14 1844, and 1860D–16 of the Social Security Act, sections
15 103(e) and 111(d) of the Social Security Amendments of
16 1965, section 278(d)(3) of Public Law 97–248, and for
17 administrative expenses incurred pursuant to section
18 201(g) of the Social Security Act, \$251,718,000,000.

19 In addition, for making matching payments under
20 section 1844 and benefit payments under section 1860D–
21 16 of the Social Security Act that were not anticipated
22 in budget estimates, such sums as may be necessary.

23 PROGRAM MANAGEMENT

24 For carrying out, except as otherwise provided, titles
25 XI, XVIII, XIX, and XXI of the Social Security Act, titles

1 XIII and XXVII of the PHS Act, the Clinical Laboratory
2 Improvement Amendments of 1988, and other responsibil-
3 ities of the Centers for Medicare and Medicaid Services,
4 not to exceed \$4,370,112,000, to be transferred from the
5 Federal Hospital Insurance Trust Fund and the Federal
6 Supplementary Medical Insurance Trust Fund, as author-
7 ized by section 201(g) of the Social Security Act; together
8 with all funds collected in accordance with section 353 of
9 the PHS Act and section 1857(e)(2) of the Social Security
10 Act, funds retained by the Secretary pursuant to section
11 302 of the Tax Relief and Health Care Act of 2006; and
12 such sums as may be collected from authorized user fees
13 and the sale of data, which shall be credited to this ac-
14 count and remain available until September 30, 2018: *Pro-*
15 *vided*, That all funds derived in accordance with 31 U.S.C.
16 9701 from organizations established under title XIII of
17 the PHS Act shall be credited to and available for carrying
18 out the purposes of this appropriation: *Provided further*,
19 That \$11,150,000, to remain available through September
20 30, 2014, shall be for contract costs for the Healthcare
21 Integrated General Ledger Accounting System: *Provided*
22 *further*, That the Secretary is directed to collect fees in
23 fiscal year 2013 from Medicare Advantage organizations
24 pursuant to section 1857(e)(2) of the Social Security Act
25 and from eligible organizations with risk-sharing contracts

1 under section 1876 of that Act pursuant to section
2 1876(k)(4)(D) of that Act.

3 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

4 In addition to amounts otherwise available for pro-
5 gram integrity and program management, \$610,000,000,
6 to remain available through September 30, 2014, to be
7 transferred from the Federal Hospital Insurance Trust
8 Fund and the Federal Supplementary Medical Insurance
9 Trust Fund, as authorized by section 201(g) of the Social
10 Security Act, of which \$409,697,693 shall be for the Cen-
11 ters for Medicare and Medicaid Services Program Integ-
12 rity Activities, including administrative costs, to conduct
13 oversight activities for the Medicare program, including
14 but not limited to Medicare Advantage and the Medicare
15 Prescription Drug Program authorized in title XVIII of
16 the Social Security Act, and for activities described in sec-
17 tion 1893 of such Act and for Medicaid and Children's
18 Health Insurance Program integrity activities, of which
19 \$102,499,971 shall be for the Department of Health and
20 Human Services Office of Inspector General to carry out
21 fraud and abuse activities authorized by section
22 1817(k)(3) of such Act, and of which \$97,802,336 shall
23 be for the Department of Justice to carry out fraud and
24 abuse activities authorized by section 1817(k)(3) of such
25 Act: *Provided*, That of the amount provided under this

1 heading, \$311,000,000 is provided to meet the terms of
2 section 251(b)(2)(C)(ii) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985, as amended, and
4 \$299,000,000 is additional new budget authority specified
5 for purposes of section 251(b)(2)(C) of such Act: *Provided*
6 *further*, That the report required by section 1817(k)(5) of
7 the Social Security Act for fiscal year 2013 shall include
8 measures of the operational efficiency and impact on
9 fraud, waste, and abuse in the Medicare, Medicaid, and
10 CHIP programs for the funds provided by this appropria-
11 tion.

12 ADMINISTRATION FOR CHILDREN AND FAMILIES

13 PAYMENTS TO STATES FOR CHILD SUPPORT

14 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

15 For making payments to States or other non-Federal
16 entities under titles I, IV–D, X, XI, XIV, and XVI of the
17 Social Security Act and the Act of July 5, 1960,
18 \$2,756,485,000, to remain available until expended; and
19 for such purposes for the first quarter of fiscal year 2014,
20 \$1,100,000,000, to remain available until expended.

21 For making payments to each State for carrying out
22 the program of Aid to Families with Dependent Children
23 under title IV–A of the Social Security Act before the ef-
24 fective date of the program of Temporary Assistance for
25 Needy Families with respect to such State, such sums as

1 may be necessary: *Provided*, That the sum of the amounts
2 available to a State with respect to expenditures under
3 such title IV–A in fiscal year 1997 under this appropria-
4 tion and under such title IV–A as amended by the Per-
5 sonal Responsibility and Work Opportunity Reconciliation
6 Act of 1996 shall not exceed the limitations under section
7 116(b) of such Act.

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

14 LOW INCOME HOME ENERGY ASSISTANCE

15 For making payments under subsections (b), (d), and
16 (e) of section 2602 of the Low Income Home Energy As-
17 sistance Act of 1981, \$3,471,672,000, of which
18 \$3,371,672,000 shall be for making payments under sub-
19 sections (b) and (d) of such section; and of which
20 \$100,000,000 shall be for making payments under sub-
21 section (e) of such section, to be made notwithstanding
22 the designation requirements of such subsection: *Provided*,
23 That all but \$482,000,000 of the amount provided in this
24 section for subsections (b) and (d) shall be allocated as
25 though the total appropriation for such payments for fiscal

1 year 2013 was less than \$1,975,000,000: *Provided further*,
2 That notwithstanding section 2609A(a), of the amounts
3 appropriated under section 2602(b), not more than
4 \$3,000,000 of such amounts may be reserved by the Sec-
5 retary for technical assistance, training, and monitoring
6 of program activities for compliance with internal controls,
7 policies and procedures.

8 REFUGEE AND ENTRANT ASSISTANCE

9 For necessary expenses for refugee and entrant as-
10 sistance activities authorized by section 414 of the Immi-
11 gration and Nationality Act and section 501 of the Ref-
12 ugee Education Assistance Act of 1980, for carrying out
13 section 462 of the Homeland Security Act of 2002, section
14 235 of the William Wilberforce Trafficking Victims Pro-
15 tection Reauthorization Act of 2008, and the Trafficking
16 Victims Protection Act of 2000, for costs associated with
17 the care and placement of unaccompanied alien children,
18 and for carrying out the Torture Victims Relief Act of
19 1998, \$805,358,000, of which up to \$9,775,000 shall be
20 available to carry out the Trafficking Victims Protection
21 Act of 2000: *Provided*, That funds appropriated under this
22 heading pursuant to section 414(a) of the Immigration
23 and Nationality Act, section 462 of the Homeland Secu-
24 rity Act of 2002, section 235 of the William Wilberforce
25 Trafficking Victims Protection Reauthorization Act of

1 2008, and the Trafficking Victims Protection Act of 2000
2 for fiscal year 2013 shall be available for the costs of as-
3 sistance provided and other activities to remain available
4 through September 30, 2015.

5 PAYMENTS TO STATES FOR THE CHILD CARE AND
6 DEVELOPMENT BLOCK GRANT

7 For carrying out the Child Care and Development
8 Block Grant Act of 1990 (“CCDBG Act”),
9 \$2,438,313,000 shall be used to supplement, not supplant
10 State general revenue funds for child care assistance for
11 low-income families: *Provided*, That \$19,396,000 shall be
12 available for child care resource and referral and school-
13 aged child care activities, of which \$1,000,000 shall be
14 available to the Secretary for a competitive grant for the
15 operation of a national toll free referral line and Web site
16 to develop and disseminate child care consumer education
17 information for parents and help parents access child care
18 in their local community: *Provided further*, That, in addi-
19 tion to the amounts required to be reserved by the States
20 under section 658G of the CCDBG Act, \$290,698,000
21 shall be reserved by the States for activities authorized
22 under section 658G, of which \$106,611,000 shall be for
23 activities that improve the quality of infant and toddler
24 care: *Provided further*, That in addition to the amounts
25 in the previous proviso, \$90,000,000 shall be made avail-

1 able, using the allocation formula in section 6580 of the
2 CCDBG Act, for grants to each State, territory, and In-
3 dian tribe that submits a plan to be approved by the Sec-
4 retary demonstrating how it will use these funds to en-
5 hance the skills, knowledge, credentials, and compensation
6 of the child care workforce: *Provided further*, That
7 \$9,871,000 shall be for use by the Secretary for child care
8 research, demonstration, and evaluation activities.

9 SOCIAL SERVICES BLOCK GRANT

10 For making grants to States pursuant to section
11 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
12 *vided*, That notwithstanding subparagraph (B) of section
13 404(d)(2) of such Act, the applicable percent specified
14 under such subparagraph for a State to carry out State
15 programs pursuant to title XX–A of such Act shall be 10
16 percent.

17 CHILDREN AND FAMILIES SERVICES PROGRAMS

18 For carrying out, except as otherwise provided, the
19 Runaway and Homeless Youth Act, the Head Start Act,
20 the Child Abuse Prevention and Treatment Act, sections
21 303 and 313 of the Family Violence Prevention and Serv-
22 ices Act, the Native American Programs Act of 1974, title
23 II of the Child Abuse Prevention and Treatment and
24 Adoption Reform Act of 1978 (adoption opportunities),
25 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

1 the Head Start Act under this heading, notwithstanding
2 any other provision of law, \$25,000,000 shall be available
3 for allocation by the Secretary to supplement activities de-
4 scribed in paragraphs (7)(B) and (9) of section 641(c) of
5 such Act under the Designation Renewal System, estab-
6 lished under the authority of sections 641(c)(7),
7 645A(b)(12) and 645A(d) of such Act, and \$45,000,000
8 shall be available for carrying out the cost of living adjust-
9 ment described in section 640(a)(3)(A)(ii)(II)(aa) of such
10 Act: *Provided further*, That amounts allocated to Head
11 Start grantees at the discretion of the Secretary to supple-
12 ment activities pursuant to the previous proviso shall not
13 be included in calculation of the “base grant” in subse-
14 quent fiscal years, as such term is used in section
15 640(a)(7)(A) of the Head Start Act: *Provided further*,
16 That \$713,282,000 shall be for making payments under
17 the CSBG Act: *Provided further*, That \$36,274,000 shall
18 be for sections 680 and 678E(b)(2) of the CSBG Act, of
19 which not less than \$29,943,000 shall be for section
20 680(a)(2) and not less than \$5,981,000 shall be for sec-
21 tion 680(a)(3)(B) of such Act: *Provided further*, That in
22 addition to amounts provided herein, \$5,762,000 shall be
23 available from amounts available under section 241 of the
24 PHS Act to carry out the provisions of section 1110 of
25 the Social Security Act: *Provided further*, That to the ex-

1 tent Community Services Block Grant funds are distrib-
2 uted as grant funds by a State to an eligible entity as
3 provided under the CSBG Act, and have not been ex-
4 pended by such entity, they shall remain with such entity
5 for carryover into the next fiscal year for expenditure by
6 such entity consistent with program purposes: *Provided*
7 *further*, That the Secretary shall establish procedures re-
8 garding the disposition of intangible assets and program
9 income that permit such assets acquired with, and pro-
10 gram income derived from, grant funds authorized under
11 section 680 of the CSBG Act to become the sole property
12 of such grantees after a period of not more than 12 years
13 after the end of the grant period for any activity consistent
14 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
15 *ther*, That intangible assets in the form of loans, equity
16 investments and other debt instruments, and program in-
17 come may be used by grantees for any eligible purpose
18 consistent with section 680(a)(2)(A) of the CSBG Act:
19 *Provided further*, That these procedures shall apply to
20 such grant funds made available after November 29, 1999:
21 *Provided further*, That funds appropriated for section
22 680(a)(2) of the CSBG Act shall be available for financing
23 construction and rehabilitation and loans or investments
24 in private business enterprises owned by community devel-
25 opment corporations: *Provided further*, That to the extent

1 funds provided in this Act for the Assets for Independence
2 Act are distributed as grant funds to a qualified entity
3 and have not been expended by such entity within three
4 years after the date of award, such funds may be recap-
5 tured and reallocated among other qualified entities, to re-
6 main available to such other qualified entities for five
7 years: *Provided further*, That, notwithstanding section
8 414(e) of the Assets for Independence Act, the Secretary
9 may award up to \$1,000,000 to support evidence-based
10 research to evaluate the demonstration project: *Provided*
11 *further*, That section 303(a)(2)(A)(i) of the Family Vio-
12 lence Prevention and Services Act shall not apply to
13 amounts provided herein: *Provided further*, That
14 \$1,992,000 shall be for a human services case manage-
15 ment system for federally declared disasters, to include a
16 comprehensive national case management contract and
17 Federal costs of administering the system: *Provided fur-*
18 *ther*, That up to \$2,000,000 shall be for improving the
19 Public Assistance Reporting Information System, includ-
20 ing grants to States to support data collection for a study
21 of the system's effectiveness.

22 PROMOTING SAFE AND STABLE FAMILIES

23 For carrying out section 436 of the Social Security
24 Act, \$345,000,000 and in addition, for carrying out sec-
25 tion 437 of such Act, \$63,065,000.

1 PAYMENTS FOR FOSTER CARE AND PERMANENCY

2 For making payments to States or other non-Federal
3 entities under title IV–E of the Social Security Act,
4 \$4,810,000,000.

5 For making payments to States or other non-Federal
6 entities under title IV–E of the Social Security Act, for
7 the first quarter of fiscal year 2014, \$2,200,000,000.

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

14 ADMINISTRATION FOR COMMUNITY LIVING

15 AGING AND DISABILITY SERVICES PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For carrying out, to the extent not otherwise pro-
18 vided, the Older Americans Act of 1965 (OAA), section
19 398 and title XXIX of the PHS Act, section 119 of the
20 Medicare Improvements for Patients and Providers Act of
21 2008, title XX–B of the Social Security Act, the Develop-
22 mental Disabilities Assistance and Bill of Rights Act, sec-
23 tion 291 of the Help America Vote Act of 2002, for nec-
24 essary administrative expenses to carry out section 393D
25 of the PHS Act, and for Department-wide coordination

1 of policy and program activities that assist individuals
2 with disabilities, \$1,655,990,000, together with
3 \$52,115,000 to be transferred from the Federal Hospital
4 Insurance Trust Fund and the Federal Supplementary
5 Medical Insurance Trust Fund to carry out section 4360
6 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
7 *vided*, That amounts appropriated under this heading may
8 be used for grants to States under section 361 of the OAA
9 only for disease prevention and health promotion pro-
10 grams and activities which have been demonstrated
11 through rigorous evaluation to be evidence-based and ef-
12 fective: *Provided further*, That, notwithstanding section
13 206(g) of the OAA, up to 1 percent of amounts appro-
14 priated to carry out programs authorized under title III
15 of such Act shall be available for conducting evaluations,
16 training and technical assistance: *Provided further*, That
17 none of the funds provided shall be used to carry out sec-
18 tions 1701 and 1703 of the PHS Act (with respect to
19 chronic disease self-management activity grants), except
20 that such funds may be used for necessary expenses asso-
21 ciated with administering any such grants awarded prior
22 to the date of the enactment of this Act: *Provided further*,
23 That the total amount available for fiscal year 2013 under
24 this and any other Act to carry out activities related to
25 Aging and Disability Resource Centers under subsections

1 (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA shall
2 not exceed the amount obligated for such purposes for fis-
3 cal year 2010 from funds available under Public Law 111-
4 117: *Provided further*, That notwithstanding any other
5 provision of this Act, funds made available under this
6 heading to carry out section 311 of the OAA may be trans-
7 ferred to the Secretary of Agriculture in accordance with
8 such section.

9 OFFICE OF THE SECRETARY

10 GENERAL DEPARTMENTAL MANAGEMENT

11 For necessary expenses, not otherwise provided, for
12 general departmental management, including hire of pas-
13 senger motor vehicles, and for carrying out titles III,
14 XVII, and XXI of the PHS Act, the United States-Mexico
15 Border Health Commission Act, and research studies
16 under section 1110 of the Social Security Act,
17 \$466,428,000, together with \$69,211,000 from the
18 amounts available under section 241 of the PHS Act to
19 carry out national health or human services research and
20 evaluation activities: *Provided*, That of this amount,
21 \$53,681,000 shall be for minority AIDS prevention and
22 treatment activities: *Provided further*, That of the funds
23 made available under this heading, \$104,592,000 shall be
24 for making competitive contracts and grants to public and
25 private entities to fund medically accurate and age appro-

1 priate programs that reduce teen pregnancy and for the
2 Federal costs associated with administering and evalu-
3 ating such contracts and grants, of which not less than
4 \$75,000,000 shall be for replicating programs that have
5 been proven effective through rigorous evaluation to re-
6 duce teenage pregnancy, behavioral risk factors underlying
7 teenage pregnancy, or other associated risk factors, of
8 which not less than \$25,000,000 shall be available for re-
9 search and demonstration grants to develop, replicate, re-
10 fine, and test additional models and innovative strategies
11 for preventing teenage pregnancy, and of which any re-
12 maining amounts shall be available for training and tech-
13 nical assistance, evaluation, outreach, and additional pro-
14 gram support activities: *Provided further*, That of the
15 amounts provided under this heading from amounts avail-
16 able under section 241 of the PHS Act, \$8,455,000 shall
17 be available to carry out evaluations (including longitu-
18 dinal evaluations) of teenage pregnancy prevention ap-
19 proaches: *Provided further*, That of the funds made avail-
20 able under this heading, \$3,500,000 is for strengthening
21 the Department's acquisition workforce capacity and capa-
22 bilities: *Provided further*, That with respect to the previous
23 proviso, such funds shall be available for training, recruit-
24 ment, retention and hiring members of the acquisition
25 workforce as defined by the Office of Federal Procurement

1 Policy Act, as amended, and for information technology
2 in support of acquisition workforce effectiveness or for
3 management solutions to improve acquisition manage-
4 ment.

5 OFFICE OF MEDICARE HEARINGS AND APPEALS

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

12 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
13 INFORMATION TECHNOLOGY

14 For expenses necessary for the Office of the National
15 Coordinator for Health Information Technology, including
16 grants, contracts, and cooperative agreements for the de-
17 velopment and advancement of interoperable health infor-
18 mation technology, \$16,415,000: *Provided*, That in addi-
19 tion to amounts provided herein, \$49,842,000 shall be
20 available from amounts available under section 241 of the
21 PHS Act.

22 OFFICE OF INSPECTOR GENERAL

23 For expenses necessary for the Office of Inspector
24 General, including the hire of passenger motor vehicles for
25 investigations, in carrying out the provisions of the Inspec-

1 tor General Act of 1978, \$55,483,000: *Provided*, That of
2 such amount, necessary sums shall be available for pro-
3 viding protective services to the Secretary and inves-
4 tigating non-payment of child support cases for which non-
5 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
6 *vided further*, That at least 40 percent of the funds pro-
7 vided in this Act for the Office of Inspector General shall
8 be used only for investigations, audits, and evaluations
9 pertaining to the discretionary programs funded in this
10 Act.

11 OFFICE FOR CIVIL RIGHTS

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

14 RETIREMENT PAY AND MEDICAL BENEFITS FOR

15 COMMISSIONED OFFICERS

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

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
2 FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses necessary to support activities related
5 to countering potential biological, nuclear, radiological,
6 chemical, and cybersecurity threats to civilian populations,
7 and for other public health emergencies, \$588,220,000; of
8 which \$5,000,000 shall remain available until September
9 30, 2015, to support emergency operations and of which
10 \$20,000,000 shall remain available until expended for the
11 purpose of funding a strategic investment corporation es-
12 tablished to further the purposes of section 319L of the
13 PHS Act to foster innovation in the development of med-
14 ical countermeasures; and of which up to \$5,000,000 shall
15 remain available through September 30, 2015 to support
16 the delivery of medical countermeasures.

17 From funds transferred to this account pursuant to
18 the fourth paragraph under this heading in Public Law
19 111–117, up to \$415,000,000 shall be available for ex-
20 penses necessary to support advanced research and devel-
21 opment pursuant to section 319L of the PHS Act, and
22 other administrative expenses of the Biomedical Advanced
23 Research and Development Authority to support addi-
24 tional advanced research and development: *Provided*, That
25 funds provided under this heading for the purpose of ac-

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

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

13 GENERAL PROVISIONS

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

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

1 SEC. 203. None of the funds appropriated in this title
2 shall be used to pay the salary of an individual, through
3 a grant or other extramural mechanism, at a rate in excess
4 of Executive Level II.

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

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

20 (TRANSFER OF FUNDS)

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

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

9 (TRANSFER OF FUNDS)

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

18 (TRANSFER OF FUNDS)

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

1 Research shall transfer from such account amounts nec-
2 essary to carry out section 2353(d)(3) of the PHS Act.

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

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

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

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

7 SEC. 212. In order for HHS to carry out inter-
8 national health activities, including HIV/AIDS and other
9 infectious disease, chronic and environmental disease, and
10 other health activities abroad during fiscal year 2013:

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

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

1 the use of HHS. The Department of State shall co-
2 operate fully with the Secretary to ensure that HHS
3 has secure, safe, functional facilities that comply
4 with applicable regulation governing location, set-
5 back, and other facilities requirements and serve the
6 purposes established by this Act. The Secretary is
7 authorized, in consultation with the Secretary of
8 State, through grant or cooperative agreement, to
9 make available to public or nonprofit private institu-
10 tions or agencies in participating foreign countries,
11 funds to acquire, lease, alter, or renovate facilities in
12 those countries as necessary to conduct programs of
13 assistance for international health activities, includ-
14 ing activities relating to HIV/AIDS and other infec-
15 tious diseases, chronic and environmental diseases,
16 and other health activities abroad.

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

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

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

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

1 cedures that would otherwise be required under sections
2 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
3 and 494 of the PHS Act.

4 SEC. 214. Funds which are available for Individual
5 Learning Accounts for employees of CDC and the Agency
6 for Toxic Substances and Disease Registry (ATSDR) may
7 be transferred to appropriate accounts of CDC, to be
8 available only for Individual Learning Accounts: *Provided*,
9 That such funds may be used for any individual full-time
10 equivalent employee while such employee is employed ei-
11 ther by CDC or ATSDR.

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

17 SEC. 216. Not to exceed \$45,000,000 of funds appro-
18 priated by this Act to the institutes and centers of the
19 National Institutes of Health may be used for alteration,
20 repair, or improvement of facilities, as necessary for the
21 proper and efficient conduct of the activities authorized
22 herein, at not to exceed \$3,500,000 per project.

23 (TRANSFER OF FUNDS)

24 SEC. 217. Of the amounts made available for NIH,
25 1 percent of the amount made available for National Re-

1 search Service Awards (NRSA) shall be made available to
2 the Administrator of the Health Resources and Services
3 Administration to make NRSA awards for research in pri-
4 mary medical care to individuals affiliated with entities
5 who have received grants or contracts under section 747
6 of the PHS Act, and 1 percent of the amount made avail-
7 able for NRSA shall be made available to the Director of
8 the Agency for Healthcare Research and Quality to make
9 NRSA awards for health service research.

10 SEC. 218. (a) The Secretary shall establish a publicly
11 accessible Web site to provide information regarding the
12 uses of funds made available under section 4002 of Public
13 Law 111–148.

14 (b) With respect to funds provided under section
15 4002 of PPACA, the Secretary shall include on the Web
16 site established under subsection (a) at a minimum the
17 following information:

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

24 (2) Identification (along with a link to the full
25 text) of each funding opportunity announcement, re-

1 quest for proposals, or other announcement or solici-
2 tation of proposals for grants, cooperative agree-
3 ments, or contracts intended to be awarded using
4 such funds, to be posted not later than the day after
5 the announcement or solicitation is issued.

6 (3) Identification of each grant, cooperative
7 agreement, or contract with a value of \$25,000 or
8 more awarded using such funds, including the pur-
9 pose of the award and the identity of the recipient,
10 to be posted not later than 5 days after the award
11 is made.

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

16 (c) With respect to awards made in fiscal years 2012
17 and 2013, the Secretary shall also include on the Web site
18 established under subsection (a), semi-annual reports from
19 each entity awarded a grant, cooperative agreement, or
20 contract from such funds with a value of \$25,000 or more,
21 summarizing the activities undertaken and identifying any
22 sub-grants or sub-contracts awarded (including the pur-
23 pose of the award and the identity of the recipient), to
24 be posted not later than 30 days after the end of each
25 6-month period.

1 (d) In carrying out this section, the Secretary shall:

2 (1) present the information required in sub-
3 section (b)(1) on a single webpage or on a single
4 database;

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

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

10 (INCLUDING RESCISSION OF FUNDS)

11 SEC. 219. (a) A state shall be entitled to receive a
12 grant under section 510 of the Social Security Act for fis-
13 cal year 2013 only if the Department of Health and
14 Human Services receives an application under section
15 505(a) of such Act for such fiscal year by no later than
16 September 20, 2013.

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

22 SEC. 220. (a) Within 45 days of enactment of this
23 Act, the Secretary shall transfer funds appropriated under
24 section 4002 of the Patient Protection and Affordable
25 Care Act of 2010 to the accounts specified, in the amounts

1 specified, and for the activities specified under the heading
2 “Prevention and Public Health Fund” in the committee
3 report of the Senate accompanying this Act.

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

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

10 SEC. 221. The Director of the CDC, or the Adminis-
11 trator of the Agency for Toxic Substances and Disease
12 Registry, may detail staff without reimbursement for up
13 to 180 days, to support the CDC response to a public
14 health emergency or urgent public health event that in-
15 volves activation of the Emergency Operations Center at
16 the CDC.

17 SEC. 222. (a) The Secretary shall publish in the fiscal
18 year 2014 budget justification and on Departmental Web
19 sites information concerning the employment of full-time
20 equivalent Federal employees or contractors for the pur-
21 poses of implementing, administering, enforcing, or other-
22 wise carrying out the provisions of the PPACA, and the
23 amendments made by that Act, in the proposed fiscal year
24 and the 3 prior fiscal years.

1 (b) With respect to employees or contractors sup-
2 ported by all funds appropriated for purposes of carrying
3 out the PPACA (and the amendments made by that Act),
4 the Secretary shall include, at a minimum, the following
5 information:

6 (1) For each such fiscal year, the section of
7 such Act under which such funds were appropriated,
8 a statement indicating the program, project, or ac-
9 tivity receiving such funds, the Federal operating di-
10 vision or office that administers such program, and
11 the amount of funding received in discretionary or
12 mandatory appropriations.

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

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

19 (1) Are supported through appropriations en-
20 acted in laws other than PPACA and work on pro-
21 grams that existed prior to the passage of PPACA;

22 (2) spend less than 50 percent of their time on
23 activities funded by or newly authorized in PPACA;

1 (3) or who work on contracts for which FTE
2 reporting is not a requirement of their contract,
3 such as fixed-price contracts.

4 SEC. 223. Not later than 7 days after the date of
5 the enactment of this Act, the Secretary of Health and
6 Human Services shall respond in full to the following con-
7 gressional inquiries:

8 (1) The letter dated February 28, 2012, from
9 the Chairman and Ranking Member of the Sub-
10 committee on Contracting Oversight of the Com-
11 mittee on Homeland Security and Governmental Af-
12 fairs of the Senate, requesting certain information
13 regarding Department of Health and Human Serv-
14 ices contracts for the acquisition of public relations,
15 publicity, advertising, communications, or similar
16 services.

17 (2) The follow-up letter dated May 22, 2012,
18 from the Ranking Member of the Subcommittee on
19 Contracting Oversight of the Committee on Home-
20 land Security and Governmental Affairs of the Sen-
21 ate, requesting information regarding a reported
22 \$20,000,000 Department of Health and Human
23 Services contract with a public relations firm.

24 This title may be cited as the “Department of Health
25 and Human Services Appropriations Act, 2013”.

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I of the Elementary and Sec-
5 ondary Education Act of 1965 (referred to in this Act as
6 “ESEA”) and section 418A of the Higher Education Act
7 of 1965 (referred to in this Act as “HEA”),
8 \$15,840,103,000, of which \$4,908,013,000 shall become
9 available on July 1, 2013, and shall remain available
10 through September 30, 2014, and of which
11 \$10,841,177,000 shall become available on October 1,
12 2013, and shall remain available through September 30,
13 2014, for academic year 2013–2014: *Provided*, That
14 \$6,577,904,000 shall be for basic grants under section
15 1124 of the ESEA: *Provided further*, That up to
16 \$3,984,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2012, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$3,338,126,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,338,126,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That funds available under sections 1124, 1124A,
3 1125 and 1125A of the ESEA may be used to provide
4 homeless children and youths with services not ordinarily
5 provided to other students under those sections, including
6 supporting the liaison designated pursuant to section
7 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assist-
8 ance Act, and providing transportation pursuant to section
9 722(g)(1)(J)(iii) of such Act: *Provided further*, That
10 \$1,594,000 shall be to carry out sections 1501 and 1503
11 of the ESEA: *Provided further*, That \$533,552,000 shall
12 be available for school improvement grants under section
13 1003(g) of the ESEA, which shall be allocated by the Sec-
14 retary through the formula described in section
15 1003(g)(2) and shall be used consistent with the require-
16 ments of section 1003(g), except that State and local edu-
17 cational agencies may use such funds to serve any school
18 eligible to receive assistance under part A of title I that
19 has not made adequate yearly progress for at least 2 years
20 or is in the State's lowest quintile of performance based
21 on proficiency rates and, in the case of secondary schools,
22 priority shall be given to those schools with graduation
23 rates below 60 percent: *Provided further*, That funds avail-
24 able for school improvement grants may be used by a local
25 educational agency to implement a whole-school reform

1 strategy for a school using an evidence-based strategy that
2 ensures whole-school reform is undertaken in partnership
3 with a strategy developer offering a whole-school reform
4 program that is based on at least a moderate level of evi-
5 dence that the program will have a statistically significant
6 effect on student outcomes, including more than 1 well-
7 designed or well-implemented experimental or quasi-exper-
8 imental study: *Provided further*, That notwithstanding sec-
9 tion 1003(g)(5)(A), each State educational agency may es-
10 tablish a maximum subgrant size of not more than
11 \$2,000,000 for each participating school applicable to
12 such funds: *Provided further*, That the Secretary may re-
13 serve up to 5 percent of the funds available for section
14 1003(g) of the ESEA to carry out activities to build State
15 and local educational agency capacity to implement effec-
16 tively the school improvement grants program: *Provided*
17 *further*, That \$159,698,000 shall be available under sec-
18 tion 1502 of the ESEA for a comprehensive literacy devel-
19 opment and education program to advance literacy skills,
20 including pre-literacy skills, reading, and writing, for stu-
21 dents from birth through grade 12, including limited-
22 English-proficient students and students with disabilities,
23 of which one-half of 1 percent shall be reserved for the
24 Secretary of the Interior for such a program at schools
25 funded by the Bureau of Indian Education, one-half of

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

1 receiving subgrants from State educational agencies shall
2 use such funds for services and activities that have the
3 characteristics of effective literacy instruction through
4 professional development, screening and assessment, tar-
5 geted interventions for students reading below grade level
6 and other research-based methods of improving classroom
7 instruction and practice.

8 IMPACT AID

9 For carrying out programs of financial assistance to
10 federally affected schools authorized by title VIII of the
11 ESEA, \$1,291,186,000, of which \$1,153,540,000 shall be
12 for basic support payments under section 8003(b),
13 \$48,413,000 shall be for payments for children with dis-
14 abilities under section 8003(d), \$17,441,000 shall be for
15 construction under section 8007(a), \$66,947,000 shall be
16 for Federal property payments under section 8002, and
17 \$4,845,000, to remain available until expended, shall be
18 for facilities maintenance under section 8008: *Provided*,
19 That for purposes of computing the amount of a payment
20 for an eligible local educational agency under section
21 8003(a) for school year 2012–2013, children enrolled in
22 a school of such agency that would otherwise be eligible
23 for payment under section 8003(a)(1)(B) of such Act, but
24 due to the deployment of both parents or legal guardians,
25 or a parent or legal guardian having sole custody of such

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

9 SCHOOL IMPROVEMENT PROGRAMS

10 For carrying out school improvement activities au-
11 thorized by parts A and B of title II, part B of title IV,
12 parts A and B of title VI, and parts B and C of title VII
13 of the ESEA; the McKinney-Vento Homeless Assistance
14 Act; section 203 of the Educational Technical Assistance
15 Act of 2002; the Compact of Free Association Amend-
16 ments Act of 2003; and the Civil Rights Act of 1964,
17 \$4,544,596,000, of which \$2,720,095,000 shall become
18 available on July 1, 2013, and remain available through
19 September 30, 2014, and of which \$1,681,441,000 shall
20 become available on October 1, 2013, and shall remain
21 available through September 30, 2014, for academic year
22 2013–2014: *Provided*, That funds made available to carry
23 out part B of title VII of the ESEA may be used for con-
24 struction, renovation, and modernization of any elemen-
25 tary school, secondary school, or structure related to an

1 elementary school or secondary school, run by the Depart-
2 ment of Education of the State of Hawaii, that serves a
3 predominantly Native Hawaiian student body: *Provided*
4 *further*, That funds made available to carry out part C
5 of title VII of the ESEA shall be awarded on a competitive
6 basis, and also may be used for construction: *Provided fur-*
7 *ther*, That \$51,113,000 shall be available to carry out sec-
8 tion 203 of the Educational Technical Assistance Act of
9 2002: *Provided further*, That \$17,619,000 shall be avail-
10 able to carry out the Supplemental Education Grants pro-
11 gram for the Federated States of Micronesia and the Re-
12 public of the Marshall Islands: *Provided further*, That up
13 to 5 percent of the amount referred to in the previous pro-
14 viso may be reserved by the Federated States of Micro-
15 nesia and the Republic of the Marshall Islands to admin-
16 ister the Supplemental Education Grants programs and
17 to obtain technical assistance, oversight and consultancy
18 services in the administration of these grants and to reim-
19 burse the United States Departments of Labor, Health
20 and Human Services, and Education for such services:
21 *Provided further*, That State educational agencies may
22 subgrant funds available under part B of title IV of the
23 ESEA for expanded learning time programs that signifi-
24 cantly increase the number of hours in a regular school
25 schedule and comprehensively redesign the school schedule

1 for all students in the school: *Provided further*, That such
2 expanded learning time programs shall provide additional
3 learning time in the core academic and other subjects, and
4 include enrichment activities: *Provided further*, That pro-
5 grams awarded subgrants under such part shall include
6 strong partnerships between schools and community part-
7 ners: *Provided further*, That up to 5.5 percent of the funds
8 for subpart 1 of part A of title II of the ESEA shall be
9 reserved by the Secretary for competitive awards for
10 teacher or principal recruitment and training or profes-
11 sional enhancement activities to national not-for-profit or-
12 ganizations, of which up to 10 percent may be used for
13 related research, development, evaluation, technical assist-
14 ance, and outreach activities: *Provided further*, That
15 \$149,716,000 shall be to carry out part B of title II of
16 the ESEA.

17 INDIAN EDUCATION

18 For expenses necessary to carry out, to the extent
19 not otherwise provided, title VII, part A of the ESEA,
20 \$130,779,000.

21 INNOVATION AND IMPROVEMENT

22 For carrying out activities authorized by part G of
23 title I, subpart 5 of part A and parts C and D of title
24 II, parts B, C, and D of title V of the ESEA, and sections
25 14006 and 14007 of division A of the American Recovery

1 and Reinvestment Act of 2009, as amended,
2 \$1,545,966,000: *Provided*, That the Secretary may use up
3 to \$549,284,000, which shall remain available for obliga-
4 tion through December 31, 2013, for section 14006 of di-
5 vision A of Public Law 111–5, as amended, to make
6 awards (including on the basis of previously submitted ap-
7 plications) to State educational agencies, local educational
8 agencies, or consortia of either, in accordance with the ap-
9 plicable requirements of that section, as determined by the
10 Secretary, and may use up to 5 percent of such funds for
11 technical assistance and evaluation of the activities carried
12 out under that section: *Provided further*, That the Sec-
13 retary shall administer State grants for improving early
14 childhood care and education under such section jointly
15 with the Secretary of HHS on such terms as such Secre-
16 taries set forth in an interagency agreement: *Provided fur-*
17 *ther*, That up to \$149,417,000 shall be available for obli-
18 gation through December 31, 2013 for section 14007 of
19 division A of Public Law 111–5, and up to 5 percent of
20 such funds may be used for technical assistance and the
21 evaluation of activities carried out under such section: *Pro-*
22 *vided further*, That of the amounts available for section
23 14007 up to 30 percent shall remain available until ex-
24 pended for the Advanced Research Projects Agency-Edu-
25 cation (ARPA–ED), which shall be established within the

1 Department, with a director appointed by the Secretary,
2 to identify and promote advances in fundamental and ap-
3 plied sciences and engineering that could be translated
4 into new learning technologies, to develop, test, and evalu-
5 ate novel learning technologies and related processes, and
6 to accelerate transformational technological advances:
7 *Provided further*, That the Secretary may use such funds
8 to award grants, contracts, cooperative agreements, and
9 cash prizes, and to enter into other transactions (in ac-
10 cordance with such regulations as the Secretary may es-
11 tablish regarding such other transactions): *Provided fur-*
12 *ther*, That the Secretary may appoint up to 20 scientific,
13 engineering, professional, and other mission-related per-
14 sonnel to positions in ARPA-ED, for up to four years,
15 without regard to the provisions of 5 U.S.C., governing
16 appointments in the competitive service: *Provided further*,
17 That the personnel appointed under the preceding proviso
18 shall be paid at the rates of compensation determined by
19 the Secretary: *Provided further*, That \$299,433,000 of the
20 funds for subpart 1 of part D of title V of the ESEA
21 shall be for competitive grants to local educational agen-
22 cies, including charter schools that are local educational
23 agencies, or States, or partnerships of: (1) a local edu-
24 cational agency, a State, or both; and (2) at least one non-
25 profit organization to develop and implement performance-

1 based compensation systems for teachers, principals, and
2 other personnel in high-need schools: *Provided further,*
3 That such performance-based compensation systems must
4 consider gains in student academic achievement as well
5 as classroom evaluations conducted multiple times during
6 each school year among other factors and provide edu-
7 cators with incentives to take on additional responsibilities
8 and leadership roles: *Provided further,* That recipients of
9 such grants shall demonstrate that such performance-
10 based compensation systems are developed with the input
11 of teachers and school leaders in the schools and local edu-
12 cational agencies to be served by the grant: *Provided fur-*
13 *ther,* That recipients of such grants may use such funds
14 to develop or improve systems and tools (which may be
15 developed and used for the entire local educational agency
16 or only for schools served under the grant) that would en-
17 hance the quality and success of the compensation system,
18 such as high-quality teacher evaluations and tools to meas-
19 ure growth in student achievement: *Provided further,* That
20 applications for such grants shall include a plan to sustain
21 financially the activities conducted and systems developed
22 under the grant once the grant period has expired: *Pro-*
23 *vided further,* That up to 5 percent of such funds for com-
24 petitive grants shall be available for technical assistance,
25 training, peer review of applications, program outreach,

1 and evaluation activities: *Provided further*, That of the
2 funds available for part B of title V of the ESEA, the
3 Secretary may use up to \$11,000,000 to carry out activi-
4 ties under section 5205(b) and shall use not less than
5 \$11,000,000 for subpart 2: *Provided further*, That of the
6 funds available for subpart 1 of part B of title V of the
7 ESEA, and notwithstanding section 5205(a), the Sec-
8 retary shall reserve not less than \$30,000,000 to make
9 multiple awards to non-profit charter management organi-
10 zations and other entities that are not for-profit entities
11 for the replication and expansion of successful charter
12 school models and shall reserve up to \$11,000,000 to carry
13 out the activities described in section 5205(a), including
14 improving quality and oversight of charter schools and
15 providing technical assistance and grants to authorized
16 public chartering agencies in order to increase the number
17 of high-performing charter schools: *Provided further*, That
18 each application submitted pursuant to section 5203(a)
19 shall describe a plan to monitor and hold accountable au-
20 thorized public chartering agencies through such activities
21 as providing technical assistance or establishing a profes-
22 sional development program, which may include evalua-
23 tion, planning, training, and systems development for staff
24 of authorized public chartering agencies to improve the ca-
25 pacity of such agencies in the State to authorize, monitor,

1 and hold accountable charter schools: *Provided further*,
2 That each application submitted pursuant to section
3 5203(a) shall contain assurances that State law, regula-
4 tions, or other policies require that: (1) each authorized
5 charter school in the State operate under a legally binding
6 charter or performance contract between itself and the
7 school's authorized public chartering agency that describes
8 the obligations and responsibilities of the school and the
9 public chartering agency; conduct annual, timely, and
10 independent audits of the school's financial statements
11 that are filed with the school's authorized public char-
12 tering agency; and demonstrate improved student aca-
13 demic achievement; and (2) authorized public chartering
14 agencies use increases in student academic achievement
15 for all groups of students described in section
16 1111(b)(2)(C)(v) of the ESEA as the most important fac-
17 tor when determining to renew or revoke a school's char-
18 ter.

19 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

20 For carrying out activities authorized by part A of
21 title IV and subparts 1, 2, and 10 of part D of title V
22 of the ESEA, \$259,589,000: *Provided*, That \$48,600,000
23 shall be available for subpart 2 of part A of title IV: *Pro-*
24 *vided further*, That \$80,000,000 shall be available for

1 Promise Neighborhoods and shall be available through De-
2 cember 31, 2013.

3 ENGLISH LANGUAGE ACQUISITION

4 For carrying out part A of title III of the ESEA,
5 \$732,144,000, which shall become available on July 1,
6 2013, and shall remain available through September 30,
7 2014, except that 6.5 percent of such amount shall be
8 available on October 1, 2012, and shall remain available
9 through September 30, 2014, to carry out activities under
10 section 3111(c)(1)(C): *Provided*, That the Secretary shall
11 use estimates of the American Community Survey child
12 counts for the most recent 3-year period available to cal-
13 culate allocations under such part.

14 SPECIAL EDUCATION

15 For carrying out the Individuals with Disabilities
16 Education Act (IDEA) and the Special Olympics Sport
17 and Empowerment Act of 2004, \$12,770,709,000, of
18 which \$3,229,828,000 shall become available on July 1,
19 2013, and shall remain available through September 30,
20 2014, and of which \$9,283,383,000 shall become available
21 on October 1, 2013, and shall remain available through
22 September 30, 2014, for academic year 2013–2014: *Pro-*
23 *vided*, That the amount for section 611(b)(2) of the IDEA
24 shall be equal to the lesser of the amount available for
25 that activity during fiscal year 2012, increased by the

1 amount of inflation as specified in section 619(d)(2)(B)
2 of the IDEA, or the percent change in the funds appro-
3 priated under section 611(i) of the IDEA, but not less
4 than the amount for that activity during fiscal year 2012:
5 *Provided further*, That the Secretary shall, without regard
6 to section 611(d) of the IDEA, distribute to all other
7 States (as that term is defined in section 611(g)(2)), sub-
8 ject to the third proviso, any amount by which a State's
9 allocation under section 611(d), from funds appropriated
10 under this heading, is reduced under section
11 612(a)(18)(B), according to the following: 85 percent on
12 the basis of the States' relative populations of children
13 aged 3 through 21 who are of the same age as children
14 with disabilities for whom the State ensures the avail-
15 ability of a free appropriate public education under this
16 part, and 15 percent to States on the basis of the States'
17 relative populations of those children who are living in pov-
18 erty: *Provided further*, That the Secretary may not dis-
19 tribute any funds under the previous proviso to any State
20 whose reduction in allocation from funds appropriated
21 under this heading made funds available for such a dis-
22 tribution: *Provided further*, That the States shall allocate
23 such funds distributed under the second proviso to local
24 educational agencies in accordance with section 611(f):
25 *Provided further*, That the amount by which a State's allo-

1 cation under section 611(d) of the IDEA is reduced under
2 section 612(a)(18)(B) and the amounts distributed to
3 States under the previous provisos in fiscal year 2012 or
4 any subsequent year shall not be considered in calculating
5 the awards under section 611(d) for fiscal year 2013 or
6 for any subsequent fiscal years: *Provided further*, That the
7 funds reserved under 611(c) of the IDEA may be used
8 to provide technical assistance to States to improve the
9 capacity of the States to meet the data collection require-
10 ments of sections 616 and 618 and to administer and
11 carry out other services and activities to improve data col-
12 lection, coordination, quality, and use under parts B and
13 C of the IDEA: *Provided further*, That the level of effort
14 a local educational agency must meet under section
15 613(a)(2)(A)(iii) of the IDEA, in the year after it fails
16 to maintain effort is the level of effort it should have met
17 in the prior year: *Provided further*, That the Secretary
18 may, notwithstanding section 643(e)(1) of the IDEA, re-
19 serve up to \$2,710,000 of the amount provided under sec-
20 tion 644 for incentive grants to States to carry out section
21 635(c): *Provided further*, That funds made available for
22 the Special Olympics Sport and Empowerment Act of
23 2004 may be used to support expenses associated with the
24 Special Olympics National and World Games: *Provided*
25 *further*, That \$11,996,000, to remain available for obliga-

1 tion through September 30, 2014, shall be for competitive
2 grants to States, incentive payments, and related activities
3 as may be necessary to improve the provision and coordi-
4 nation of services and supports for Supplemental Security
5 Income (SSI) child recipients and their families or house-
6 holds in order to achieve improved outcomes, including
7 both physical and emotional health, education and post-
8 school outcomes, such as completing postsecondary edu-
9 cation and job training and obtaining employment, that
10 may result in long-term improvements in the SSI child re-
11 cipient's economic self-sufficiency: *Provided further*, That
12 States may award subgrants for a portion of the funds
13 to other public and private, non-profit entities: *Provided*
14 *further*, That not to exceed \$5,000,000 of amounts pro-
15 vided in the ninth proviso may be used for performance-
16 based awards for Pay for Success projects: *Provided fur-*
17 *ther*, That, with respect to the previous proviso, any funds
18 obligated for such projects shall remain available for dis-
19 bursement until expended, notwithstanding 31 U.S.C.
20 1552(a): *Provided further*, That, with respect to the elev-
21 enth proviso, any deobligated funds from such projects
22 shall immediately be available for section 611 of the
23 IDEA.

1 REHABILITATION SERVICES AND DISABILITY RESEARCH

2 For carrying out, to the extent not otherwise pro-
3 vided, the Rehabilitation Act of 1973, the Assistive Tech-
4 nology Act of 1998, and the Helen Keller National Center
5 Act, \$3,626,380,000: *Provided*, That the Secretary may
6 use amounts provided in this Act that remain available
7 subsequent to the reallocation of funds to States pursuant
8 to section 110(b) of the Rehabilitation Act for activities
9 aimed at improving the outcomes of children receiving
10 Supplemental Security Income (SSI) and their families
11 that may result in long-term improvement in the SSI child
12 recipient's economic status and self-sufficiency: *Provided*
13 *further*, That States may award subgrants for a portion
14 of the funds to other public and private, non-profit enti-
15 ties: *Provided further*, That any funds made available sub-
16 sequent to reallocation for activities aimed at improving
17 the outcomes of children receiving SSI and their families
18 shall remain available until September 30, 2014: *Provided*
19 *further*, That not to exceed \$20,000,000 of the amounts
20 made available in the first proviso may be used for per-
21 formance-based awards for Pay for Success projects: *Pro-*
22 *vided further*, That, with respect to the previous proviso,
23 any funds obligated for such projects shall remain avail-
24 able for disbursement until expended, notwithstanding 31
25 U.S.C. 1552(a): *Provided further*, That, with respect to

1 the fifth proviso, any deobligated funds from such projects
2 shall immediately be available for programs authorized
3 under the Rehabilitation Act of 1973.

4 SPECIAL INSTITUTIONS FOR PERSONS WITH
5 DISABILITIES

6 AMERICAN PRINTING HOUSE FOR THE BLIND

7 For carrying out the Act of March 3, 1879,
8 \$24,505,000.

9 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

10 For the National Technical Institute for the Deaf
11 under titles I and II of the Education of the Deaf Act
12 of 1986, \$65,422,000: *Provided*, That from the total
13 amount available, the Institute may at its discretion use
14 funds for the endowment program as authorized under
15 section 207 of such Act.

16 GALLAUDET UNIVERSITY

17 For the Kendall Demonstration Elementary School,
18 the Model Secondary School for the Deaf, and the partial
19 support of Gallaudet University under titles I and II of
20 the Education of the Deaf Act of 1986, \$125,000,000, of
21 which \$7,000,000 shall be for construction and shall re-
22 main available until expended: *Provided*, That from the
23 total amount available, the University may at its discre-
24 tion use funds for the endowment program as authorized
25 under section 207 of such Act.

1 CAREER, TECHNICAL, AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, the Carl D. Perkins Career and Technical Edu-
4 cation Act of 2006 and the Adult Education and Family
5 Literacy Act (referred to in this Act as the “AEFLA”),
6 \$1,737,154,000, of which \$946,154,000 shall become
7 available on July 1, 2013, and shall remain available
8 through September 30, 2014, and of which \$791,000,000
9 shall become available on October 1, 2013, and shall re-
10 main available through September 30, 2014: *Provided*,
11 That of the amount provided for Adult Education State
12 Grants, \$74,709,000 shall be made available for inte-
13 grated English literacy and civics education services to im-
14 migrants and other limited-English-proficient populations:
15 *Provided further*, That of the amount reserved for inte-
16 grated English literacy and civics education, notwith-
17 standing section 211 of the AEFLA, 65 percent shall be
18 allocated to States based on a State’s absolute need as
19 determined by calculating each State’s share of a 10-year
20 average of the United States Citizenship and Immigration
21 Services data for immigrants admitted for legal permanent
22 residence for the 10 most recent years, and 35 percent
23 allocated to States that experienced growth as measured
24 by the average of the 3 most recent years for which United
25 States Citizenship and Immigration Services data for im-

1 migrants admitted for legal permanent residence are avail-
2 able, except that no State shall be allocated an amount
3 less than \$60,000: *Provided further*, That of the amounts
4 made available for AEFLLA, \$11,302,000 shall be for na-
5 tional leadership activities under section 243.

6 STUDENT FINANCIAL ASSISTANCE

7 For carrying out subparts 1 and 3 of part A, and
8 part C of title IV of the HEA, \$24,535,281,000, which
9 shall remain available through September 30, 2014.

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

12 STUDENT AID ADMINISTRATION

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

17 HIGHER EDUCATION

18 For carrying out, to the extent not otherwise pro-
19 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
20 the Mutual Educational and Cultural Exchange Act of
21 1961, and section 117 of the Carl D. Perkins Career and
22 Technical Education Act of 2006, \$1,911,348,000: *Pro-*
23 *vided*, That \$607,000 shall be for data collection and eval-
24 uation activities for programs under the HEA, including
25 such activities needed to comply with the Government Per-

1 formance and Results Act of 1993: *Provided further*, That
2 notwithstanding any other provision of law, funds made
3 available in this Act to carry out title VI of the HEA and
4 section 102(b)(6) of the Mutual Educational and Cultural
5 Exchange Act of 1961 may be used to support visits and
6 study in foreign countries by individuals who are partici-
7 pating in advanced foreign language training and inter-
8 national studies in areas that are vital to United States
9 national security and who plan to apply their language
10 skills and knowledge of these countries in the fields of gov-
11 ernment, the professions, or international development:
12 *Provided further*, That of the funds referred to in the pre-
13 ceding proviso up to 1 percent may be used for program
14 evaluation, national outreach, and information dissemina-
15 tion activities: *Provided further*, That, of the amount avail-
16 able under subpart 2 of part A of title VII of the HEA,
17 the Secretary may use up to \$4,451,000 to fund continu-
18 ation awards for projects originally supported under sub-
19 part 1 of part A of title VII of the HEA: *Provided further*,
20 That the Secretary may use amounts provided in this Act
21 for carrying out Titles III and V and funds provided under
22 Part F of Title III and Part AA of Title VIII of the HEA
23 that would otherwise lapse by September 30, 2013 for
24 grants under Part B of Title VII of the HEA to improve
25 college completion at minority-serving institutions.

1 HOWARD UNIVERSITY

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

7 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
8 PROGRAM

9 For Federal administrative expenses to carry out ac-
10 tivities related to existing facility loans pursuant to section
11 121 of the HEA, \$459,000.

12 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
13 CAPITAL FINANCING PROGRAM ACCOUNT

14 For the cost of guaranteed loans, \$20,150,000, as au-
15 thorized pursuant to part D of title III of the HEA, which
16 shall remain available through September 30, 2014: *Pro-*
17 *vided*, That such costs, including the cost of modifying
18 such loans, shall be as defined in section 502 of the Con-
19 gressional Budget Act of 1974: *Provided further*, That
20 these funds are available to subsidize total loan principal,
21 any part of which is to be guaranteed, not to exceed
22 \$320,350,000: *Provided further*, That these funds may be
23 used to support loans to public and private Historically
24 Black Colleges and Universities without regard to the limi-
25 tations within section 344(a) of the HEA.

1 In addition, for administrative expenses to carry out
2 the Historically Black College and University Capital Fi-
3 nancing Program entered into pursuant to part D of title
4 III of the HEA, \$352,000.

5 INSTITUTE OF EDUCATION SCIENCES

6 For carrying out activities authorized by the Edu-
7 cation Sciences Reform Act of 2002, the National Assess-
8 ment of Educational Progress Authorization Act, section
9 208 of the Educational Technical Assistance Act of 2002,
10 and section 664 of the Individuals with Disabilities Edu-
11 cation Act, \$618,661,000, which shall remain available
12 through September 30, 2014: *Provided*, That funds avail-
13 able to carry out section 208 of the Educational Technical
14 Assistance Act may be used to link Statewide elementary
15 and secondary data systems with early childhood, postsec-
16 ondary, and workforce data systems, or to further develop
17 such systems: *Provided further*, That up to \$20,000,000
18 of the funds available to carry out section 208 of the Edu-
19 cational Technical Assistance Act may be used for awards
20 to public or private organizations or agencies to support
21 activities to improve data coordination, quality, and use
22 at the local, State, and national levels.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$448,470,000, of which \$2,211,000, to remain available
8 until expended, shall be for relocation of, and renovation
9 of buildings occupied by, Department staff.

10 OFFICE FOR CIVIL RIGHTS

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

14 OFFICE OF THE INSPECTOR GENERAL

15 For expenses necessary for the Office of the Inspector
16 General, as authorized by section 212 of the Department
17 of Education Organization Act, \$59,820,000.

18 GENERAL PROVISIONS

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

1 in order to carry out a plan of racial desegregation of any
2 school or school system.

3 SEC. 302. None of the funds contained in this Act
4 shall be used to require, directly or indirectly, the trans-
5 portation of any student to a school other than the school
6 which is nearest the student's home, except for a student
7 requiring special education, to the school offering such
8 special education, in order to comply with title VI of the
9 Civil Rights Act of 1964. For the purpose of this section
10 an indirect requirement of transportation of students in-
11 cludes the transportation of students to carry out a plan
12 involving the reorganization of the grade structure of
13 schools, the pairing of schools, or the clustering of schools,
14 or any combination of grade restructuring, pairing, or
15 clustering. The prohibition described in this section does
16 not include the establishment of magnet schools.

17 SEC. 303. No funds appropriated in this Act may be
18 used to prevent the implementation of programs of vol-
19 untary prayer and meditation in the public schools.

20 (TRANSFER OF FUNDS)

21 SEC. 304. Not to exceed 1 percent of any discre-
22 tionary funds (pursuant to the Balanced Budget and
23 Emergency Deficit Control Act of 1985) which are appro-
24 priated for the Department of Education in this Act may
25 be transferred between appropriations, but no such appro-

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

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

12 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
13 of Free Association Amendments Act of 2003 (48 U.S.C.
14 1921d(f)(1)(B)(ix)) shall be applied by substituting
15 “2013” for “2009”.

16 SEC. 307. (a) Section 206 of the Department of Edu-
17 cation Organization Act (20 U.S.C. 3416) is amended—

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

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

23 (3) by striking out “Assistant Secretary for Vo-
24 cational and Adult Education” and inserting “As-

1 Assistant Secretary for Career, Technical, and Adult
2 Education”; and

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

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

8 (1) in subsection (b)(1)(C), by striking out “As-
9 sistant Secretary for Vocational and Adult Edu-
10 cation” and inserting “Assistant Secretary for Ca-
11 reer, Technical, and Adult Education”; and

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

16 (c) Section 1 of the Department of Education Organi-
17 zation Act (20 U.S.C. 3401 note) is amended by striking
18 out the entry for section 206 and inserting “Sec. 206. Of-
19 fice of Career, Technical, and Adult Education.”.

20 (d) Section 114(b)(1) of the Carl D. Perkins Career
21 and Technical Education Act of 2006 (20 U.S.C.
22 2324(b)(1)) is amended by striking out “Office of Voca-
23 tional and Adult Education” and inserting “Office of Ca-
24 reer, Technical, and Adult Education”.

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

6 (b) Not later than 10 days prior to the initial obliga-
7 tion of funds reserved under this section, the Secretary
8 shall submit an evaluation plan to the Senate Committees
9 on Appropriations and Health, Education, Labor and Pen-
10 sions which identifies the source and amount of funds re-
11 served under this section and the programs to be evaluated
12 with such funds.

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

15 (1) in the section heading, by inserting “**and**
16 **restrictions on sources of funds for re-**
17 **cruiting and marketing activities**” after
18 “**and restrictions on sources of funds for**
19 **recruiting and marketing activities**”;

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

23 (3) by redesignating subsection (e) as sub-
24 section (f); and

1 (4) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) RESTRICTIONS ON SOURCES OF FUNDS FOR RE-
4 CRUITING AND MARKETING ACTIVITIES.—

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

10 “(2) COVERED ACTIVITIES.—Except as pro-
11 vided in paragraph (3), the recruiting and marketing
12 activities subject to paragraph (1) shall include the
13 following:

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

21 “(B) Efforts to identify and attract pro-
22 spective students, either directly or through a
23 contractor or other third party, including con-
24 tact concerning a prospective student’s potential
25 enrollment or application for grant, loan, or

1 work assistance under title IV of the Higher
2 Education Act of 1965 (20 U.S.C. 1070 et
3 seq.) or participation in preadmission or advis-
4 ing activities, including—

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

10 “(ii) soliciting an individual to provide
11 contact information to an institution of
12 higher education, including websites estab-
13 lished for such purpose and funds paid to
14 third parties for such purpose.

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

19 “(3) EXCEPTIONS.—Any activity that is re-
20 quired as a condition of receipt of funds by an insti-
21 tution under title IV of the Higher Education Act of
22 1965 (20 U.S.C. 1070 et seq.), is specifically author-
23 ized under such title, or is otherwise specified by the
24 Secretary of Education, shall not be considered to be
25 a covered activity under paragraph (2).

1 “(4) FEDERAL EDUCATIONAL ASSISTANCE
2 FUNDS.—In this subsection, the term ‘Federal edu-
3 cational assistance funds’ means any Federal finan-
4 cial assistance provided under any Federal law,
5 through a grant, contract, subsidy, loan, guarantee,
6 insurance or other means, including Federal finan-
7 cial assistance that is disbursed or delivered to an
8 institution on behalf of a student or to a student to
9 be used to attend the institution.

10 “(5) RULE OF CONSTRUCTION.—Nothing in
11 this section shall be construed as a limitation on the
12 use by an institution of revenues derived from
13 sources other than Federal educational assistance
14 funds.

15 “(6) REPORTING.—Each institution of higher
16 education, or other postsecondary educational insti-
17 tution, that receives revenues derived from Federal
18 educational assistance funds shall report annually to
19 the Secretary of Education and to Congress the in-
20 stitution’s expenditures on advertising, marketing,
21 and recruiting.”.

22 SEC. 310. (a) COST OF ATTENDANCE.—Section 472
23 of the HEA (20 U.S.C. 1087*l*) is amended—

24 (1) in paragraph (3), in the matter preceding
25 subparagraph (A), by inserting “except as provided

1 in paragraph (10)(A)(i),” immediately before “an al-
2 lowance”; and

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

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

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

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

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

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall be effective on July 1, 2013.

3 (b) Section 428F(a)(1) of the HEA (20 U.S.C. 1078–
4 6(a)(1)) is amended—

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

7 “(ii) on or after October 1, 2012, as-
8 sign the loan to the Secretary if the guar-
9 anty agency has been unable to sell the
10 loan under clause (i).”; and

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

13 “(i) the guaranty agency—

14 “(I) shall, in the case of a sale
15 made on or after October 1, 2012,
16 repay the Secretary 100 percent of
17 the amount of the principal balance
18 outstanding at the time of such sale,
19 multiplied by the reinsurance percent-
20 age in effect when payment under the
21 guaranty agreement was made with
22 respect to the loan; and

23 “(II) may, in the case of a sale
24 made on or after October 1, 2012, in
25 order to defray collection costs—

1 “(aa) charge to the borrower
2 an amount not to exceed 16 per-
3 cent of the outstanding principal
4 and interest at the time of the
5 loan sale; and

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

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

11 “(q) ELIGIBILITY FOR, AND INTEREST CHARGES ON,
12 FEDERAL DIRECT STAFFORD LOANS FOR NEW BOR-
13 ROWERS ON OR AFTER JULY 1, 2013.—

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

24 “(2) PAYMENT OF INTEREST ON FEDERAL DI-
25 RECT STAFFORD LOANS.—Notwithstanding sub-

1 section (f)(1)(A) or any other provision of this title
2 and beginning on the date upon which a borrower
3 who is in school becomes ineligible for a Federal Di-
4 rect Stafford Loan as a result of paragraph (1), in-
5 terest on all Federal Direct Stafford Loans that
6 were disbursed to such borrower on or after July 1,
7 2013, shall accrue. Such interest shall be paid or
8 capitalized in the same manner as interest on a Fed-
9 eral Direct Unsubsidized Stafford Loan is paid or
10 capitalized under section 428H(e)(2).

11 “(3) PERIOD OF ENROLLMENT.—

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

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

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

24 “(I) 150 percent of the published
25 length of the longest educational pro-

1 gram in which the borrower was, or
2 is, enrolled; and

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

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

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

18 (2) EFFECTIVE DATE.—The amendment made
19 by this subsection shall be effective beginning July
20 1, 2013.

21 (d) REAPPROPRIATION OF MANDATORY SAVINGS.—
22 Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C.
23 1070a(b)(7)(A)(iv)) is amended to read as follows:

24 “(iv) to carry out this section—

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

3 “(II) \$13,795,000,000 for fiscal
4 year 2012;

5 “(III) \$10,683,000,000 for fiscal
6 year 2013;

7 “(IV) \$1,009,000,000 for fiscal
8 year 2014;

9 “(V) \$0 for fiscal year 2015;

10 “(VI) \$0 for fiscal year 2016;

11 “(VII) \$1,574,000,000 for fiscal
12 year 2017;

13 “(VIII) \$1,595,000,000 for fiscal
14 year 2018;

15 “(IX) \$1,622,000,000 for fiscal
16 year 2019;

17 “(X) \$1,643,000,000 for fiscal
18 year 2020;

19 “(XI) \$1,358,000,000 for fiscal
20 year 2021 and each succeeding fiscal
21 year.”.

22 (e) STUDENT ELIGIBILITY.—

23 (1) Subsection (d) of section 484 of the HEA
24 (20 U.S.C. 1091) is amended to read as follows:

1 “(d) STUDENTS WHO ARE NOT HIGH SCHOOL
2 GRADUATES.—

3 “(1) STUDENT ELIGIBILITY.—In order for a
4 student who does not have a certificate of gradua-
5 tion from a school providing secondary education, or
6 the recognized equivalent of such certificate, to be
7 eligible for any assistance under subparts 1, 3, and
8 4 of part A and parts B, C, D, and E of this title,
9 the student shall meet the requirements of one of
10 the following subparagraphs:

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

14 “(i) The student shall take an inde-
15 pendently administered examination and
16 shall achieve a score, specified by the Sec-
17 retary, demonstrating that such student
18 can benefit from the education or training
19 being offered. Such examination shall be
20 approved by the Secretary on the basis of
21 compliance with such standards for devel-
22 opment, administration, and scoring as the
23 Secretary may prescribe in regulations.

24 “(ii) The student shall be determined
25 as having the ability to benefit from the

1 education or training in accordance with
2 such process as the State shall prescribe.
3 Any such process described or approved by
4 a State for the purposes of this section
5 shall be effective 6 months after the date
6 of submission to the Secretary unless the
7 Secretary disapproves such process. In de-
8 termining whether to approve or dis-
9 approve such process, the Secretary shall
10 take into account the effectiveness of such
11 process in enabling students without high
12 school diplomas or the equivalent thereof
13 to benefit from the instruction offered by
14 institutions utilizing such process, and
15 shall also take into account the cultural di-
16 versity, economic circumstances, and edu-
17 cational preparation of the populations
18 served by the institutions.

19 “(iii) The student shall be determined
20 by the institution of higher education as
21 having the ability to benefit from the edu-
22 cation or training offered by the institution
23 of higher education upon satisfactory com-
24 pletion of 6 credit hours or the equivalent
25 coursework that are applicable toward a

1 degree or certificate offered by the institu-
2 tion of higher education.

3 “(B) The student has completed a sec-
4 ondary school education in a home school set-
5 ting that is treated as a home school or private
6 school under State law.

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

10 “(A) concurrently enrolls participants in
11 connected adult education and eligible postsec-
12 ondary programs;

13 “(B) provides counseling and supportive
14 services to identify and attain academic and ca-
15 reer goals;

16 “(C) provides structured course sequences
17 that—

18 “(i) are articulated and
19 contextualized; and

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

22 “(D) provides opportunities for accelera-
23 tion to attain recognized postsecondary creden-
24 tials, including degrees, industry relevant cer-

1 tifications, and certificates of completion of ap-
2 prenticeship programs;

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

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

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

10 (2) EFFECTIVE DATE AND TRANSITION.—The
11 amendment made by paragraph (1) shall take effect
12 as if such amendment was enacted on June 30,
13 2012, and shall apply to students who first enroll in
14 a program of study during the period beginning July
15 1, 2012, and ending June 30, 2019.

16 (3) REPEAL.—Effective June 30, 2012, section
17 309(c) of division F of the Consolidated Appropria-
18 tions Act, 2012 (20 U.S.C. 1091 note), and the
19 amendments made by such section 309(c), are re-
20 pealed.

21 (f) SPECIAL RULES FOR CERTAIN NOT-FOR-PROFIT
22 SERVICERS.—Section 456(a) of the HEA (20 U.S.C.
23 1087f(a)) is amended by adding at the end the following:

24 “(5) SPECIAL RULE FOR NOT-FOR-PROFIT
25 SERVICERS WITH AFFILIATES.—Notwithstanding

1 any other provision of this section, only an eligible
2 not-for-profit servicer described in clause (i) or (ii)
3 of subsection (c)(1)(B) shall receive a contract with
4 the Secretary under paragraph (4)(A), and an allo-
5 cation under paragraph (4)(B), except that, if an eli-
6 gible not-for-profit servicer so described is also a
7 corporation described in subparagraphs (A) and (B)
8 of section 150(d)(2) of the Internal Revenue Code of
9 1986, then the affiliated entity of that servicer (de-
10 scribed in subsection (c)(1)(B)(ii)) shall receive the
11 contract with the Secretary under paragraph (4)(A),
12 and an allocation under paragraph (4)(B), rather
13 than the eligible not-for-profit servicer described in
14 clause (i) or (ii) of subsection (c)(1)(B).

15 “(6) SPECIAL RULE FOR NOT-FOR-PROFIT
16 SERVICERS WITH SHARED MANAGEMENT OR COM-
17 MON CONTROL.—Notwithstanding any other provi-
18 sion of this section, in the case of entities that other-
19 wise meet the definition of an eligible not-for-profit
20 servicer under this section but 2 or more of the
21 same individuals serve as part of the management,
22 board of directors, or other governing body of more
23 than one such entity, or the Secretary determines
24 that one entity controls, is controlled by, or is under
25 common control with, another such entity, all such

1 entities with that shared management or control
 2 shall receive one aggregate allocation under para-
 3 graph (4)(B) and be treated for purposes of para-
 4 graph (4) as though all of such entities were a single
 5 eligible not-for-profit servicer.”.

6 This title may be cited as the “Department of Edu-
 7 cation Appropriations Act, 2013”.

8 TITLE IV

9 RELATED AGENCIES

10 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

11 BLIND OR SEVERELY DISABLED

12 SALARIES AND EXPENSES

13 For expenses necessary for the Committee for Pur-
 14 chase From People Who Are Blind or Severely Disabled
 15 established by Public Law 92–28, \$5,375,000.

16 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

17 OPERATING EXPENSES

18 For necessary expenses for the Corporation for Na-
 19 tional and Community Service (referred to in this title as
 20 “CNCS”) to carry out the Domestic Volunteer Service Act
 21 of 1973 (referred to in this title as “1973 Act”) and the
 22 National and Community Service Act of 1990 (referred
 23 to in this title as “1990 Act”), \$760,498,000, notwith-
 24 standing sections 198B(b)(3), 198S(g), 501(a)(6),
 25 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Pro-*

1 *vided*, That of the amounts provided under this heading:
2 (1) up to 1 percent of program grant funds may be used
3 to defray the costs of conducting grant application re-
4 views, including the use of outside peer reviewers and elec-
5 tronic management of the grants cycle; (2) \$45,000,000
6 shall be available for expenses authorized under section
7 501(a)(4)(E) of the 1990 Act; (3) \$19,990,000 shall be
8 available to provide assistance to State commissions on na-
9 tional and community service, under section 126(a) of the
10 1990 Act and notwithstanding section 501(a)(5)(B) of the
11 1990 Act; (4) \$30,742,000 shall be available to carry out
12 subtitle E of the 1990 Act; and (5) \$5,000,000 shall be
13 available for expenses authorized under section
14 501(a)(4)(F) of the 1990 Act, which, notwithstanding the
15 provisions of section 198P shall be awarded by CNCS on
16 a competitive basis: *Provided, further*, That not to exceed
17 20 percent of funds made available under section
18 501(a)(4)(E) of the 1990 Act may be used for Social Inno-
19 vation Funds Pilot Program-related performance-based
20 awards for Pay for Success projects: *Provided further*,
21 That, with respect to the previous proviso, any funds obli-
22 gated for such projects shall remain available for disburse-
23 ment until expended, notwithstanding 31 U.S.C. 1552(a),
24 and that any funds deobligated from such projects shall

1 immediately be available for activities authorized under
2 198K of such Act.

3 PAYMENT TO THE NATIONAL SERVICE TRUST

4 (INCLUDING TRANSFER OF FUNDS)

5 For payment to the National Service Trust estab-
6 lished under subtitle D of title I of the 1990 Act,
7 \$208,744,000, to remain available until expended: *Pro-*
8 *vided*, That CNCS may transfer additional funds from the
9 amount provided within “Operating Expenses” allocated
10 to grants under subtitle C of title I of the 1990 Act to
11 the National Service Trust upon determination that such
12 transfer is necessary to support the activities of national
13 service participants and after notice is transmitted to the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate: *Provided further*, That amounts ap-
16 propriated for or transferred to the National Service Trust
17 may be invested under section 145(b) of the 1990 Act
18 without regard to the requirement to apportion funds
19 under 31 U.S.C. 1513(b).

20 SALARIES AND EXPENSES

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

1 ployment of experts and consultants authorized under 5
2 U.S.C. 3109, and not to exceed \$2,500 for official recep-
3 tion and representation expenses, \$88,000,000.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the Inspector General Act of 1978,
7 \$5,400,000.

8 ADMINISTRATIVE PROVISIONS

9 SEC. 401. CNCS shall make any significant changes
10 to program requirements, service delivery or policy only
11 through public notice and comment rulemaking. For fiscal
12 year 2013, during any grant selection process, an officer
13 or employee of CNCS shall not knowingly disclose any cov-
14 ered grant selection information regarding such selection,
15 directly or indirectly, to any person other than an officer
16 or employee of CNCS that is authorized by CNCS to re-
17 ceive such information.

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

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

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

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

15 CORPORATION FOR PUBLIC BROADCASTING

16 For payment to the Corporation for Public Broad-
17 casting (referred to in this Act as “CPB”), as authorized
18 by the Communications Act of 1934, an amount which
19 shall be available within limitations specified by that Act,
20 for the fiscal year 2015, \$445,000,000: *Provided*, That
21 none of the funds made available to CPB by this Act shall
22 be used to pay for receptions, parties, or similar forms
23 of entertainment for Government officials or employees:
24 *Provided further*, That none of the funds made available
25 to CPB by this Act shall be available or used to aid or

1 support any program or activity from which any person
2 is excluded, or is denied benefits, or is discriminated
3 against, on the basis of race, color, national origin, reli-
4 gion, or sex: *Provided further*, That none of the funds
5 made available to CPB by this Act shall be used to apply
6 any political test or qualification in selecting, appointing,
7 promoting, or taking any other personnel action with re-
8 spect to officers, agents, and employees of CPB: *Provided*
9 *further*, That none of the funds made available to CPB
10 by this Act shall be used to support the Television Future
11 Fund or any similar purpose.

12 FEDERAL MEDIATION AND CONCILIATION SERVICE

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mediation
15 and Conciliation Service (“Service”) to carry out the func-
16 tions vested in it by the Labor-Management Relations Act,
17 1947, including hire of passenger motor vehicles; for ex-
18 penses necessary for the Labor-Management Cooperation
19 Act of 1978; and for expenses necessary for the Service
20 to carry out the functions vested in it by the Civil Service
21 Reform Act, \$46,163,000: *Provided*, That notwithstanding
22 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
23 special training activities and other conflict resolution
24 services and technical assistance, including those provided
25 to foreign governments and international organizations,

1 and for arbitration services shall be credited to and
2 merged with this account, and shall remain available until
3 expended: *Provided further*, That fees for arbitration serv-
4 ices shall be available only for education, training, and
5 professional development of the agency workforce: *Pro-*
6 *vided further*, That the Director of the Service is author-
7 ized to accept and use on behalf of the United States gifts
8 of services and real, personal, or other property in the aid
9 of any projects or functions within the Director's jurisdic-
10 tion.

11 FEDERAL MINE SAFETY AND HEALTH REVIEW

12 COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mine Safety
15 and Health Review Commission, \$17,000,000.

16 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

17 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

18 AND ADMINISTRATION

19 For carrying out the Museum and Library Services
20 Act of 1996 and the National Museum of African Amer-
21 ican History and Culture Act, \$231,954,000.

1 MEDICAID AND CHIP PAYMENT AND ACCESS

2 COMMISSION

3 SALARIES AND EXPENSES

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

6 MEDICARE PAYMENT ADVISORY COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary to carry out section 1805 of
9 the Social Security Act, \$11,778,000, to be transferred to
10 this appropriation from the Federal Hospital Insurance
11 Trust Fund and the Federal Supplementary Medical In-
12 surance Trust Fund.

13 NATIONAL COUNCIL ON DISABILITY

14 SALARIES AND EXPENSES

15 For expenses necessary for the National Council on
16 Disability as authorized by title IV of the Rehabilitation
17 Act of 1973, \$3,258,000.

18 NATIONAL HEALTH CARE WORKFORCE COMMISSION

19 For necessary expenses for the National Health Care
20 Workforce Commission, as authorized by title V, subtitle
21 B, section 5101 of the Patient Protection and Affordable
22 Care Act, \$3,000,000, to remain available until expended.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$288,306,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 NATIONAL MEDIATION BOARD

20 SALARIES AND EXPENSES

21 For expenses necessary to carry out the provisions
22 of the Railway Labor Act, including emergency boards ap-
23 pointed by the President, \$14,411,000.

1 OCCUPATIONAL SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

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

6 RAILROAD RETIREMENT BOARD

7 DUAL BENEFITS PAYMENTS ACCOUNT

8 For payment to the Dual Benefits Payments Ac-
9 count, authorized under section 15(d) of the Railroad Re-
10 tirement Act of 1974, \$45,000,000, which shall include
11 amounts becoming available in fiscal year 2013 pursuant
12 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
13 tion, an amount, not to exceed 2 percent of the amount
14 provided herein, shall be available proportional to the
15 amount by which the product of recipients and the average
16 benefit received exceeds the amount available for payment
17 of vested dual benefits: *Provided*, That the total amount
18 provided herein shall be credited in 12 approximately
19 equal amounts on the first day of each month in the fiscal
20 year.

21 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

22 ACCOUNTS

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

1 checks, \$150,000, to remain available through September
2 30, 2014, which shall be the maximum amount available
3 for payment pursuant to section 417 of Public Law 98–
4 76.

5 LIMITATION ON ADMINISTRATION

6 For necessary expenses for the Railroad Retirement
7 Board (“Board”) for administration of the Railroad Re-
8 tirement Act and the Railroad Unemployment Insurance
9 Act, \$111,649,000, to be derived in such amounts as de-
10 termined by the Board from the railroad retirement ac-
11 counts and from moneys credited to the railroad unem-
12 ployment insurance administration fund.

13 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

14 For expenses necessary for the Office of Inspector
15 General for audit, investigatory and review activities, as
16 authorized by the Inspector General Act of 1978, not more
17 than \$8,155,000, to be derived from the railroad retire-
18 ment accounts and railroad unemployment insurance ac-
19 count.

20 SOCIAL SECURITY ADMINISTRATION

21 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

22 For payment to the Federal Old-Age and Survivors
23 Insurance Trust Fund and the Federal Disability Insur-
24 ance Trust Fund, as provided under sections 201(m),

1 228(g), and 1131(b)(2) of the Social Security Act,
2 \$20,402,000.

3 SUPPLEMENTAL SECURITY INCOME PROGRAM

4 For carrying out titles XI and XVI of the Social Se-
5 curity Act, section 401 of Public Law 92–603, section 212
6 of Public Law 93–66, as amended, and section 405 of
7 Public Law 95–216, including payment to the Social Secu-
8 rity trust funds for administrative expenses incurred pur-
9 suant to section 201(g)(1) of the Social Security Act,
10 \$40,043,000,000, to remain available until expended: *Pro-*
11 *vided*, That any portion of the funds provided to a State
12 in the current fiscal year and not obligated by the State
13 during that year shall be returned to the Treasury: *Pro-*
14 *vided further*, That not more than \$48,000,000 shall be
15 available for research and demonstrations under sections
16 1110, 1115, and 1144 of the Social Security Act and re-
17 main available through September 30, 2014.

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

22 For making benefit payments under title XVI of the
23 Social Security Act for the first quarter of fiscal year
24 2014, \$19,300,000,000, to remain available until ex-
25 pended.

1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$20,000 for offi-
4 cial reception and representation expenses, not more than
5 \$10,545,544,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act, from any one
7 or all of the trust funds referred to in such section: *Pro-*
8 *vided*, That not less than \$2,150,000 shall be for the So-
9 cial Security Advisory Board: *Provided further*, That unob-
10 ligated balances of funds provided under this paragraph
11 at the end of fiscal year 2013 not needed for fiscal year
12 2013 shall remain available until expended to invest in the
13 Social Security Administration information technology
14 and telecommunications hardware and software infra-
15 structure, including related equipment and non-payroll ad-
16 ministrative expenses associated solely with this informa-
17 tion technology and telecommunications infrastructure:
18 *Provided further*, That the Commissioner of Social Secu-
19 rity shall notify the Committees on Appropriations of the
20 House of Representatives and the Senate prior to making
21 unobligated balances available under the authority in the
22 previous proviso: *Provided further*, That reimbursement to
23 the trust funds under this heading for expenditures for
24 official time for employees of the Social Security Adminis-
25 tration pursuant to 5 U.S.C. 7131, and for facilities or

1 support services for labor organizations pursuant to poli-
2 cies, regulations, or procedures referred to in section
3 7135(b) of such title shall be made by the Secretary of
4 the Treasury, with interest, from amounts in the general
5 fund not otherwise appropriated, as soon as possible after
6 such expenditures are made.

7 In addition, for the costs associated with continuing
8 disability reviews under titles II and XVI of the Social
9 Security Act and for the cost associated with conducting
10 redeterminations of eligibility under title XVI of the Social
11 Security Act, \$1,024,000,000 may be expended, as au-
12 thorized by section 201(g)(1) of the Social Security Act,
13 from any one or all of the trust funds referred to therein:
14 *Provided*, That, of such amount, \$273,000,000 is provided
15 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985, as amended, and \$751,000,000 is additional new
18 budget authority specified for purposes of section
19 251(b)(2)(B) of such Act: *Provided further*, That the Com-
20 missioner shall provide to the Congress (at the conclusion
21 of the fiscal year) a report on the obligation and expendi-
22 ture of these funds, similar to the reports that were re-
23 quired by section 103(d)(2) of Public Law 104–121 for
24 fiscal years 1996 through 2002.

1 In addition, \$166,000,000 to be derived from admin-
2 istration fees in excess of \$5.00 per supplementary pay-
3 ment collected pursuant to section 1616(d) of the Social
4 Security Act or section 212(b)(3) of Public Law 93-66,
5 which shall remain available until expended. To the extent
6 that the amounts collected pursuant to such sections in
7 fiscal year 2013 exceed \$166,000,000, the amounts shall
8 be available in fiscal year 2014 only to the extent provided
9 in advance in appropriations Acts.

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

14 OFFICE OF INSPECTOR GENERAL

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses necessary for the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$28,887,000, together with not to
19 exceed \$73,396,000, to be transferred and expended as
20 authorized by section 201(g)(1) of the Social Security Act
21 from the Federal Old-Age and Survivors Insurance Trust
22 Fund and the Federal Disability Insurance Trust Fund.

23 In addition, an amount not to exceed 3 percent of
24 the total provided in this appropriation may be transferred
25 from the “Limitation on Administrative Expenses”, Social

1 Security Administration, to be merged with this account,
2 to be available for the time and purposes for which this
3 account is available: *Provided*, That notice of such trans-
4 fers shall be transmitted promptly to the Committees on
5 Appropriations of the House of Representatives and the
6 Senate at least 15 days in advance of any transfer.

7 TITLE V

8 GENERAL PROVISIONS

9 (TRANSFER OF FUNDS)

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

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

20 SEC. 503. (a) No part of any appropriation contained
21 in this Act or transferred pursuant to section 4002 of
22 Public Law 111–148 shall be used, other than for normal
23 and recognized executive-legislative relationships, for pub-
24 licity or propaganda purposes, for the preparation, dis-
25 tribution, or use of any kit, pamphlet, booklet, publication,

1 electronic communication, radio, television, or video pres-
2 entation designed to support or defeat the enactment of
3 legislation before the Congress or any State or local legis-
4 lature or legislative body, except in presentation to the
5 Congress or any State or local legislature itself, or de-
6 signed to support or defeat any proposed or pending regu-
7 lation, administrative action, or order issued by the execu-
8 tive branch of any State or local government, except in
9 presentation to the executive branch of any State or local
10 government itself.

11 (b) No part of any appropriation contained in this
12 Act or transferred pursuant to section 4002 of Public Law
13 111–148 shall be used to pay the salary or expenses of
14 any grant or contract recipient, or agent acting for such
15 recipient, related to any activity designed to influence the
16 enactment of legislation, appropriations, regulation, ad-
17 ministrative action, or Executive order proposed or pend-
18 ing before the Congress or any State government, State
19 legislature or local legislature or legislative body, other
20 than for normal and recognized executive-legislative and
21 State-local relationships, for presentation to any State or
22 local legislature or legislative body itself, or for participa-
23 tion by an agency or officer of a State, local or tribal gov-
24 ernment in policymaking and administrative processes
25 within the executive branch of that government.

1 (c) The prohibitions in subsections (a) and (b) shall
2 include any activity to advocate or promote any proposed
3 or pending Federal, State or local tax increase, or any pro-
4 posed or pending requirement or restriction on any legal
5 consumer product, including its sale or marketing, includ-
6 ing but not limited to the advocacy or promotion of gun
7 control.

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

22 SEC. 505. When issuing statements, press releases,
23 requests for proposals, bid solicitations and other docu-
24 ments describing projects or programs funded in whole or
25 in part with Federal money, all grantees receiving Federal

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

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

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

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

12 SEC. 506. (a) None of the funds appropriated in this
13 Act, and none of the funds in any trust fund to which
14 funds are appropriated in this Act, shall be expended for
15 any abortion.

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

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

24 SEC. 507. (a) The limitations established in the pre-
25 ceding section shall not apply to an abortion—

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

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

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

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

21 (d)(1) None of the funds made available in this Act
22 may be made available to a Federal agency or program,
23 or to a State or local government, if such agency, program,
24 or government subjects any institutional or individual
25 health care entity to discrimination on the basis that the

1 health care entity does not provide, pay for, provide cov-
2 erage of, or refer for abortions.

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

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

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

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

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

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

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

13 SEC. 510. None of the funds made available in this
14 Act may be used to promulgate or adopt any final stand-
15 ard under section 1173(b) of the Social Security Act pro-
16 viding for, or providing for the assignment of, a unique
17 health identifier for an individual (except in an individ-
18 ual's capacity as an employer or a health care provider),
19 until legislation is enacted specifically approving the
20 standard.

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

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in 38 U.S.C. 4212(d) regarding submission of an
2 annual report to the Secretary of Labor concerning
3 employment of certain veterans; and

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

8 SEC. 512. None of the funds made available in this
9 Act may be transferred to any department, agency, or in-
10 strumentality of the United States Government, except
11 pursuant to a transfer made by, or transfer authority pro-
12 vided in, this Act or any other appropriation Act.

13 SEC. 513. None of the funds made available by this
14 Act to carry out the Library Services and Technology Act
15 may be made available to any library covered by para-
16 graph (1) of section 224(f) of such Act, as amended by
17 the Children's Internet Protection Act, unless such library
18 has made the certifications required by paragraph (4) of
19 such section.

20 SEC. 514. (a) None of the funds provided under this
21 Act, or provided under previous appropriations Acts to the
22 agencies funded by this Act that remain available for obli-
23 gation or expenditure in fiscal year 2013, or provided from
24 any accounts in the Treasury of the United States derived
25 by the collection of fees available to the agencies funded

1 by this Act, shall be available for obligation or expenditure
2 through a reprogramming of funds that—

3 (1) creates new programs;

4 (2) eliminates a program, project, or activity;

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

8 (4) relocates an office or employees;

9 (5) reorganizes or renames offices;

10 (6) reorganizes programs or activities; or

11 (7) contracts out or privatizes any functions or
12 activities presently performed by Federal employees;

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

18 (b) None of the funds provided under this Act, or
19 provided under previous appropriations Acts to the agen-
20 cies funded by this Act that remain available for obligation
21 or expenditure in fiscal year 2013, or provided from any
22 accounts in the Treasury of the United States derived by
23 the collection of fees available to the agencies funded by
24 this Act, shall be available for obligation or expenditure

1 through a reprogramming of funds in excess of \$500,000
2 or 10 percent, whichever is less, that—

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

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

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

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

17 SEC. 515. (a) None of the funds made available in
18 this Act may be used to request that a candidate for ap-
19 pointment to a Federal scientific advisory committee dis-
20 close the political affiliation or voting history of the can-
21 didate or the position that the candidate holds with re-
22 spect to political issues not directly related to and nec-
23 essary for the work of the committee involved.

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

4 SEC. 516. Within 45 days of enactment of this Act,
5 each department and related agency funded through this
6 Act shall submit an operating plan that details at the pro-
7 gram, project, and activity level any funding allocations
8 for fiscal year 2013 that are different than those specified
9 in this Act, the accompanying detailed table in the state-
10 ment of the managers on the conference report accom-
11 panying this Act, or the fiscal year 2013 budget request.

12 SEC. 517. The Secretaries of Labor, Health and
13 Human Services, and Education shall each prepare and
14 submit to the Committees on Appropriations of the House
15 of Representatives and the Senate a report on the number
16 and amount of contracts, grants, and cooperative agree-
17 ments exceeding \$500,000 in value and awarded by the
18 Department on a non-competitive basis during each quar-
19 ter of fiscal year 2013, but not to include grants awarded
20 on a formula basis or directed by law. Such report shall
21 include the name of the contractor or grantee, the amount
22 of funding, the governmental purpose, including a jus-
23 tification for issuing the award on a non-competitive basis.
24 Such report shall be transmitted to the Committees within

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

3 SEC. 518. None of the funds appropriated or other-
4 wise made available by this Act may be used to enter into
5 a contract in an amount greater than \$5,000,000 or to
6 award a grant in excess of such amount unless the pro-
7 spective contractor or grantee certifies in writing to the
8 agency awarding the contract or grant that, to the best
9 of its knowledge and belief, the contractor or grantee has
10 filed all Federal tax returns required during the 3 years
11 preceding the certification, has not been convicted of a
12 criminal offense under the Internal Revenue Code of 1986,
13 and has not, more than 90 days prior to certification, been
14 notified of any unpaid Federal tax assessment for which
15 the liability remains unsatisfied, unless the assessment is
16 the subject of an installment agreement or offer in com-
17 promise that has been approved by the Internal Revenue
18 Service and is not in default, or the assessment is the sub-
19 ject of a non-frivolous administrative or judicial pro-
20 ceeding.

21 (RESCISSION)

22 SEC. 519. Of the funds made available for perform-
23 ance bonus payments under section 2105(a)(3)(E) of the
24 Social Security Act, \$6,706,000,000 are hereby rescinded.

1 SEC. 520. None of the funds contained in this Act
2 may be used to distribute any needle or syringe for the
3 purpose of preventing the spread of blood borne pathogens
4 in any location that has been determined by the local pub-
5 lic health or local law enforcement authorities to be inap-
6 propriate for such distribution.

7 SEC. 521. Not later than 30 days after the end of
8 each calendar quarter, beginning with the first quarter of
9 fiscal year 2013, the Departments of Labor, Health and
10 Human Services and Education and the Social Security
11 Administration shall provide the Committees on Appro-
12 priations of the House of Representatives and Senate a
13 quarterly report on the status of balances of appropria-
14 tions: *Provided*, That for balances that are unobligated
15 and uncommitted, committed, and obligated but unex-
16 pended, the quarterly reports shall separately identify the
17 amounts attributable to each source year of appropriation
18 (beginning with fiscal year 2012, or, to the extent feasible,
19 earlier fiscal years) from which balances were derived.

20 SEC. 522. (a) IN GENERAL.—The Health Education
21 Assistance Loan (HEAL) program under title VII, part
22 A, subpart I of the PHS Act, and the authority to admin-
23 ister such program, including servicing, collecting, and en-
24 forcing any loans that were made under such program
25 that remain outstanding, shall be permanently transferred

1 from the Secretary of Health and Human Services to the
2 Secretary of Education no later than the end of the first
3 fiscal quarter that begins after the date of enactment of
4 this act.

5 (b) TRANSFER OF FUNCTIONS, ASSETS, AND LIABIL-
6 ITIES.—The functions, assets, and liabilities of the Sec-
7 retary of HHS relating to such program shall be trans-
8 ferred to the Secretary of Education.

9 (c) INTERDEPARTMENTAL COORDINATION OF
10 TRANSFER.—The Secretary of HHS and the Secretary of
11 Education shall carry out the transfer of the HEAL pro-
12 gram described in subsection (a), including the transfer
13 of the functions, assets, and liabilities specified in sub-
14 section (b), in the manner that they determine is most
15 appropriate.

16 (d) USE OF AUTHORITIES UNDER HEA OF 1965.—
17 In servicing, collecting, and enforcing the loans described
18 in subsection (a), the Secretary of Education shall have
19 available any and all authorities available to such Sec-
20 retary in servicing, collecting, or enforcing a loan made,
21 insured, or guaranteed under part B of title IV of the
22 HEA of 1965.

23 (e) CONFORMING AMENDMENTS.—Effective as of the
24 date on which the transfer of the HEAL program under
25 subsection (a) takes effect, section 719 of the PHS Act

1 is amended by adding at the end the following new para-
2 graph:

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

5 PERFORMANCE PARTNERSHIP PILOTS
6 (INCLUDING TRANSFER OF FUNDS)

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

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

13 (A) involve two or more Federal programs
14 (administered by one or more Federal agen-
15 cies)—

16 (i) which have related policy goals,
17 and

18 (ii) at least one of which is adminis-
19 tered (in whole or in part) by a State,
20 local, or tribal government; and

21 (B) achieve better results for regions, com-
22 munities, or specific at-risk populations through
23 making better use of the budgetary resources
24 that are available for supporting such pro-
25 grams.

1 (2) “To improve outcomes for disconnected
2 youth” means to increase the rate at which individ-
3 uals between the ages of 14 and 24 (who are home-
4 less, in foster care, involved in the juvenile justice
5 system, or are neither employed nor enrolled in an
6 educational institution) achieve success in meeting
7 educational, employment, or other key goals.

8 (3) The “lead Federal administering agency” is
9 the Federal agency, to be designated by the Director
10 of the Office of Management and Budget (from
11 among the participating Federal agencies that have
12 statutory responsibility for the Federal discretionary
13 funds that will be used in a Performance Partner-
14 ship Pilot), that will enter into and administer the
15 particular Performance Partnership Agreement on
16 behalf of that agency and the other participating
17 Federal agencies.

18 (b) USE OF DISCRETIONARY FUNDS IN FISCAL YEAR
19 2013.—Federal agencies may use Federal discretionary
20 funds that are made available in this Act to carry out up
21 to 13 Performance Partnership Pilots involving up to a
22 total of \$130,000,000 in aggregate Federal discretionary
23 budget authority. Such Pilots shall:

24 (1) be designed to improve outcomes for discon-
25 nected youth, and

1 (2) involve Federal programs targeted on dis-
2 connected youth, or designed to prevent youth from
3 disconnecting from school or work, that provide edu-
4 cation, training, employment, and other related so-
5 cial services.

6 (c) PERFORMANCE PARTNERSHIP AGREEMENTS.—
7 Federal agencies may use Federal discretionary funds, as
8 authorized in subsection (b), to participate in a Perform-
9 ance Partnership Pilot only in accordance with the terms
10 of a Performance Partnership Agreement that—

11 (1) is entered into between—

12 (A) the head of the lead Federal admin-
13 istering agency, on behalf of all of the partici-
14 pating Federal agencies (subject to the head of
15 the lead Federal administering agency having
16 received from the heads of each of the other
17 participating agencies their written concurrence
18 for entering into the Agreement), and

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

22 (2) specifies, at a minimum, the following infor-
23 mation:

24 (A) the length of the Agreement (which
25 shall not extend beyond September 30, 2017);

1 (B) the Federal programs and federally
2 funded services that are involved in the Pilot;

3 (C) the Federal discretionary funds that
4 are being used in the Pilot (by the respective
5 Federal account identifier, and the total
6 amount from such account that is being used in
7 the Pilot), and the period (or periods) of avail-
8 ability for obligation (by the Federal Govern-
9 ment) of such funds;

10 (D) the non-Federal funds that are in-
11 volved in the Pilot, by source (which may in-
12 clude private funds as well as governmental
13 funds) and by amount;

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

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

18 (G) the cost-effective Federal oversight
19 procedures that will be used for the purpose of
20 maintaining the necessary level of account-
21 ability for the use of the Federal discretionary
22 funds;

23 (H) the cost-effective State, local, or tribal
24 oversight procedures that will be used for the
25 purpose of maintaining the necessary level of

1 accountability for the use of the Federal discre-
2 tionary funds;

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

5 (J) the appropriate, reliable, and objective
6 outcome-measurement methodology that the
7 Federal Government and the participating
8 State, local, or tribal governments will use, in
9 carrying out the Pilot, to determine whether the
10 Pilot is achieving, and has achieved, the speci-
11 fied outcomes that the Pilot is designed to
12 achieve;

13 (K) the statutory, regulatory, or adminis-
14 trative requirements related to Federal manda-
15 tory programs that are barriers to achieving im-
16 proved outcomes of the Pilot; and

17 (L) in cases where, during the course of
18 the Pilot, it is determined that the Pilot is not
19 achieving the specified outcomes that it is de-
20 signed to achieve,

21 (i) the consequences that will result
22 from such deficiencies with respect to the
23 Federal discretionary funds that are being
24 used in the Pilot, and

1 (ii) the corrective actions that will be
2 taken in order to increase the likelihood
3 that the Pilot, upon completion, will have
4 achieved such specified outcomes.

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

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

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

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

24 (e) TRANSFER AUTHORITY.—For the purpose of car-
25 rying out the Pilot in accordance with the Performance

1 Partnership Agreement, and subject to the written ap-
2 proval of the Director of the Office of Management and
3 Budget, the head of each participating Federal agency
4 may transfer Federal discretionary funds that are being
5 used in the Pilot to an account of the lead Federal admin-
6 istering agency that includes Federal discretionary funds
7 that are being used in the Pilot. Subject to the waiver
8 authority under subsection (f), such transferred funds
9 shall remain available for the same purposes for which
10 such funds were originally appropriated: *Provided*, That
11 such transferred funds shall remain available for obliga-
12 tion by the Federal Government until the expiration of the
13 period of availability for those Federal discretionary funds
14 (which are being used in the Pilot) that have the longest
15 period of availability, except that any such transferred
16 funds shall not remain available beyond September 30,
17 2017.

18 (f) WAIVER AUTHORITY.—In connection with a Fed-
19 eral agency’s participation in a Performance Partnership
20 Pilot, and subject to the other provisions of this section
21 (including subsection (e)), the head of the Federal agency
22 to which the Federal discretionary funds were appro-
23 priated may waive (in whole or in part) the application,
24 solely to such discretionary funds that are being used in

1 the Pilot, of any statutory, regulatory, or administrative
2 requirement that such agency head—

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

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

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

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

16 (i) is consistent with both—

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

21 (II) the other provisions of this
22 section, including the written deter-
23 mination by the agency head issued
24 under subsection (d);

1 (ii) is necessary to achieve the out-
2 comes of the Pilot as specified in the Per-
3 formance Partnership Agreement, and is
4 no broader in scope than is necessary to
5 achieve such outcomes; and

6 (iii) will result in either—

7 (I) realizing efficiencies by sim-
8 plifying reporting burdens or reducing
9 administrative barriers with respect to
10 such discretionary funds, or

11 (II) increasing the ability of indi-
12 viduals to obtain access to services
13 that are provided by such discre-
14 tionary funds; and

15 (C) provide at least 60 days advance writ-
16 ten notice to the Committees on Appropriations
17 and other committees of jurisdiction in the
18 House of Representatives and the Senate.

19 SEC. 524. (a) The head of any department, agency,
20 board, or commission funded by this Act shall submit
21 quarterly reports to the Inspector General, or the senior
22 ethics official for any entity without an Inspector General,
23 of the appropriate department, agency, board, or commis-
24 sion regarding the costs and contracting procedures re-
25 lated to each conference held by the department, agency,

1 board, or commission during fiscal year 2013 for which
2 the cost to the United States Government was more than
3 \$20,000.

4 (b) Each report submitted shall include, for each con-
5 ference held during the applicable quarter—

6 (1) a description of how the conference ad-
7 vanced the mission of the department, agency,
8 board, or commission;

9 (2) the number of individuals whose travel ex-
10 penses or other conference expenses were paid by the
11 department, agency, board, or commission;

12 (3) the date and location of the conference;

13 (4) a detailed statement of the costs to the de-
14 partment, agency, board, or commission relating to
15 that conference; and

16 (5) a description of the contracting procedures
17 relating to that conference, including whether con-
18 tracts were awarded on a competitive basis for that
19 conference.

20 (c) A grant or contract funded by amounts appro-
21 priated by this Act may not be used for the purpose of
22 defraying the costs of a conference that is not directly and
23 programmatically related to the purpose for which the
24 grant or contract was awarded.

1 (d) None of the funds made available in this Act may
2 be used for travel and conference activities that are not
3 in compliance with Office of Management and Budget
4 Memorandum M-12-12 dated May 11, 2012.

5 SEC. 525. None of the funds made available in this
6 Act may be used to send or otherwise pay for the attend-
7 ance of more than 50 employees from a Federal depart-
8 ment or agency at any single international conference un-
9 less the head of such department or agency reports to the
10 Committees on Appropriations of the Senate and the
11 House of Representatives at least 30 days in advance of
12 the beginning of the conference that such attendance is
13 important to the national interest: *Provided*, That for pur-
14 poses of this section the term “international conference”
15 shall mean a conference occurring outside of the United
16 States attended by representatives of the United States
17 Government and of foreign governments, international or-
18 ganizations, or nongovernmental organizations.

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

Calendar No. 428

112TH CONGRESS
2^D SESSION

S. 3295

[Report No. 112-176]

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.

JUNE 14, 2012

Read twice and placed on the calendar