

to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 68. Mr. COBURN (for himself, Mr. MCCAIN, Ms. AYOTTE, Mr. CORKER, Mr. BURR, Mr. FLAKE, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 69. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 70. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 71. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 72. Mr. INHOFE (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 73. Mr. ALEXANDER (for himself, Mr. BENNET, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 74. Mr. TESTER (for himself, Mr. LEAHY, Mrs. GILLIBRAND, Mrs. BOXER, Mr. BEGICH, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 75. Mr. TESTER (for himself, Mr. JOHNSON of South Dakota, Mr. BROWN, Mr. LEAHY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 76. Mr. GRASSLEY (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr. VITTER, Mr. COATS, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 77. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 78. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 79. Mrs. SHAHEEN (for herself, Mr. TOOMEY, Mr. KIRK, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 80. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 81. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 82. Mr. PRYOR (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 83. Mr. BROWN (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 84. Ms. AYOTTE (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 85. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 86. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 87. Mr. ISAKSON (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 32. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ RESTORATION OF CERTAIN PROPERTIES IMPACTED BY NATURAL DISASTER.

##### (a) IN GENERAL.—

(1) PILOT PROGRAM.—Hereafter, in administering the funds made available to address any major disaster declared on or after August 27, 2011, the Administrator of the Federal Emergency Management Agency (in this section referred to as the “Administrator”) shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

##### (2) AUTHORITY.—

(A) WAIVER AUTHORIZED.—Subject to subparagraph (B), under the pilot program established under paragraph (1), the Administrator may waive, or specify alternative requirements for, any regulation that the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities described in subparagraph (C) that—

(i) were significantly damaged as a result of the major disaster;

(ii) are subject to flood risk; and

(iii) are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(B) CONDITIONS.—The Administrator may take actions authorized under subparagraph (A) only if the Administrator determines that the relocation—

(i) is practicable;

(ii) will be cost effective, or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location; and

(iii) will effectively mitigate the flood risk to the facility.

(C) FACILITIES COVERED.—This paragraph shall apply with respect to State facilities including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing).

(b) ELIGIBILITY OF CERTAIN COSTS.—Hereafter, for determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program authorized under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the Administrator shall, for major disasters declared on or after August 27, 2011, consider eligible the costs required to comply with a State’s Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SA 33. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; as follows:

Strike section 8039, relating to the use for grants of funds of the Office of Economic Assistance of the Department of Defense.

Strike section 8104, relating to the use of funds of the Office of Economic Assistance of the Department of Defense for grants for Guam.

SA 34. Mr. MCCAIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In section 8040(b)(1), strike subparagraph (C).

SA 35. Mr. MCCAIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8019, relating to incentive payments authorized by the Indian Financing Act of 1974.

SA 36. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74 \_\_\_\_ Notwithstanding any other provision of this Act, none of the funds made

available under this Act may be used to provide economic impact initiative grants under the rural community facilities program account of the Department of Agriculture.

**SA 37.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8122, relating to a prohibition on the retirement of C-23 Sherpa aircraft.

**SA 38.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 98, strike line 22 and all the follows through page 99, line 18.

**SA 39.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74. None of the funds made available under this Act for the Agricultural Research Service may be used to continue to carry out extramural research projects, or to operate research laboratories, that have been identified for termination by the Secretary of Agriculture.

**SA 40.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, lines 9 through 14, strike "*Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a)."

**SA 41.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, between lines 19 and 20, insert the following:

SEC. 574. Of the amounts appropriated under title II to the Transportation Security Administration for civil aviation security services, \$2,500,000 shall be transferred to the United States Secret Service for salaries and expenses to permit the resumption of self-guided tours of the White House.

**SA 42.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX of division C, insert the following:

SEC. 9015. (a) FINDINGS.—Congress makes the following findings:

(1) It remains the goal of the United States to enhance the sovereignty of the Islamic Republic of Afghanistan in all areas of its government.

(2) The United States' continuing mission in Afghanistan requires effective cooperation with the Government of Afghanistan to ensure that law of war detainees captured on the battlefield do not present an undue danger to members of the armed forces or civilians of either nation.

(3) A cooperative, humanitarian, and flexible system of detainment in Afghanistan is a critical element of ensuring the safety of our troops as long as the United States' mission continues in Afghanistan.

(b) LIMITATION.—No funds appropriated or otherwise made available by title IX of this division under the heading "AFGHANISTAN INFRASTRUCTURE FUND" may be obligated or expended until the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the certifications as follows:

(1) That transfers to the Government of Afghanistan of Afghan nationals detained by United States Armed Forces in Afghanistan territory do not present a significant threat to United States or coalition forces based upon the likelihood that the detainee to be transferred will engage in continuing hostile acts against the United States or its coalition allies.

(2) That the Government of Afghanistan is in compliance with international humanitarian law, including Additional Protocol II of 1977 to the Geneva Convention of 1949, with respect to preventing detainee abuse.

(3) That the Government of Afghanistan has implemented an administrative detention regime under its domestic law as an alternative to criminal prosecution, which regime is—

(A) consistent with international humanitarian law, including the Additional Protocol II of 1977 to the Geneva Convention of 1949, Afghanistan domestic law, and all of the international obligations of Afghanistan;

(B) in compliance with the international obligations of Afghanistan with respect to humane treatment and applicable due process; and

(C) based on sustainable arrangements, including housing.

(4) That there exists a continuing capability of both the United States and Afghanistan to gather intelligence from detainees transferred to the Government of Afghanistan for the mutual benefit of both nations.

(5) That, as part of the intelligence gathering described in paragraph (4), the United States is granted regular, direct access to de-

tainees held by the Government of Afghanistan for the purpose of interrogation or any other lawful purpose.

(6) That the Government of Afghanistan is consulting, and will continue to consult, the United States before the release, including release prior to indictment, of any detainee transferred to the Government of Afghanistan, and, if the United States provides its assessment that continued detention is necessary to prevent such a detainee from engaging in or facilitating terrorist activity, the Government of Afghanistan will consider favorably such assessment.

(7) That additional processes will be in place in any case where the United States considers a detainee held by Afghanistan an enduring security threat (or its equivalent) to ensure that the detainee will not present a security threat once released.

(c) CONTINGENT REQUIREMENT FOR EXPLANATORY REPORT.—If the report described by subsection (b) has not been submitted to Congress by 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress on such date a report setting forth an explanation why the report described by subsection (b) has not been so submitted.

(d) COMPTROLLER GENERAL REPORT.—Not later than 45 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment by the Comptroller General of the the ability of the Government of Afghanistan to sustain costs associated with securing detainees in Afghanistan.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 43.** Mr. BLUNT (for himself, Mr. RISCH, Mr. HOEVEN, Mr. WICKER, Mr. JOHANNIS, Mr. ENZI, Mrs. FISCHER, Ms. COLLINS, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, insert the following:

SEC. . ESSENTIAL SERVICES ACT OF 2013.

(a) SHORT TITLE.—This section may be cited as the "Essential Services Act of 2013".

(b) DEFINITIONS.—In this section—

(1) the term "agency" means an Executive agency (as defined in section 105 of title 5, United States Code); and

(2) the term "essential employee" means an employee that performs work involving the safety of human life or the protection of property, as determined by the head of the agency.

(c) FURLOUGH FLEXIBILITY.—

(1) IN GENERAL.—In implementing the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as ordered on March 1, 2013, the head of an agency may furlough such employees of the agency as are required to achieve the funding reduction required by the sequester for the agency, but shall exempt essential employees.

(2) TRANSFER OF BUDGETARY RESOURCES.—The head of an agency may transfer budgetary resources within their agency to carry out paragraph (1), subject to the limitation that transfers may only be made to maintain essential employees.

**SA 44.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. \_\_\_\_ (a)(1)(A) Except as provided under paragraph (3), none of the amounts appropriated or otherwise made available by this Act or any prior Act making appropriations for the Department of State, foreign operations, and related programs for bilateral economic assistance under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Egypt unless a certification under subsection (c)(2) is in effect.

(B) Except as provided under paragraph (3), none of the amounts appropriated or otherwise made available by this Act or any prior Act making appropriations for the Department of State, foreign operations, and related programs for assistance for Egypt under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) may be obligated or expended for contracts with the Government of Egypt entered into on or after the date of the enactment of this Act unless a certification under subsection (c)(1) is in effect.

(2) Not later than 90 days after the date on which the Secretary of State transmits to the appropriate congressional committees an initial certification under paragraph (1) or (2) of subsection (c), and every 6 months thereafter, the Secretary shall transmit to the appropriate congressional committees—

(A) a recertification that the requirements contained in such paragraph are continuing to be met; or

(B) a statement that the Secretary is unable to make such a recertification and that the certification is no longer in effect.

(3) The Secretary of State may waive the requirements of subparagraphs (A) and (B) of paragraph (1) for one or more 180-day periods if, for each such 180-day period, the Secretary determines and certifies to the appropriate congressional committees that it is in the national security interests of the United States to do so and submits to the appropriate congressional committees a report with detailed reasoning for the determination and certification.

(b) During a period in which a certification described in subsection (c)(2) is not in effect, amounts that may not be made available for Economic Support Fund assistance to the Government of Egypt pursuant to the limitation under subsection (a) shall be reallocated for democracy and governance programs for Egypt, including direct support for secular, democratic nongovernmental organizations, as well as programming and support for rule of law and human rights, good governance, political competition and consensus-building, and civil society.

(c)(1) A certification described in this paragraph is a certification submitted by the Secretary of State to the appropriate congressional committees that the following conditions have been met:

(A) The Government of Egypt has adopted and implemented legal reforms to protect the political, economic, and religious freedoms and human rights of all citizens and residents of Egypt.

(B) The Government of Egypt is not acting to restrict the political, economic, or religious freedoms and human rights of the citizens and residents of Egypt.

(C) The Government of Egypt is continuing to demonstrate a commitment to free and fair elections and is not taking any steps to interfere with or undermine the credibility of such elections.

(D) Egypt is implementing the Egypt-Israel Peace Treaty.

(E) The Government of Egypt is taking all necessary action to eliminate smuggling networks and to detect and destroy tunnels between Egypt and the Gaza Strip.

(F) The Government of Egypt is taking all necessary action to combat terrorism in the Sinai, and the Department of Defense has allocated a portion of Egypt's Foreign Military Financing (FMF) assistance, not less than \$100,000,000, toward counterterrorism tools, including equipment and training related to border security, to address this problem.

(G) The Department of Defense has consulted with the Government of Egypt and produced an analysis of Egypt's current security needs, and the analysis has been shared with the relevant congressional committees.

(H) The Government of Egypt has lifted restrictions in law and practice on the work and funding of Egyptian and international nongovernmental organizations, comprising those in the human rights and democracy field, including the International Republican Institute, the National Democratic Institute, and Freedom House.

(2) A certification described in this paragraph is a certification submitted by the Secretary of State to the appropriate congressional committees that—

(A) the conditions set forth in paragraph (1) have been met; and

(B) the Government of Egypt has signed and submitted to the International Monetary Fund a Letter of Intent and Memorandum of Economic and Financial Policies designed to achieve such actions as reducing and streamlining energy subsidies, improving the government financial management, and increasing taxation revenues through a broadened tax base and reducing tax exemptions and has begun to implement such measures.

(d) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report describing the results of a policy review on Egypt conducted after a dialogue with the Government of Egypt and civil society on how to rebalance United States military and economic assistance to Egypt.

(e) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report listing all of the Foreign Military Financing contracts for the Government of Egypt carried out over the previous 10 years and describing plans for such contracts over the next 10 years.

(f) In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

**SA 45.** Mr. MORAN (for himself, Mr. INHOFE, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mr. KIRK, Mr. PRYOR,

and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division F, add the following:

SEC. 1811. (a) Notwithstanding section 1101, the level for "Department of Transportation, Federal Aviation Administration, Operations" shall be \$9,703,395,000; *Provided*, That the amounts specified in the matter under the heading "OPERATIONS" under the heading "FEDERAL AVIATION ADMINISTRATION" in title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112-55; 125 Stat. 645) shall be applied to funds appropriated by this division—

(1) by substituting "\$7,492,738,000" for "\$7,442,738,000"; and

(2) by substituting "\$10,350,000 shall be for the contract tower cost-sharing program and not less than \$130,500,000 shall be for the contract tower program" for "\$10,350,000 shall be for the contract tower cost-sharing program".

(b) Of amounts appropriated for fiscal years before fiscal year 2013 that remain available for obligation as of the date of the enactment of this Act and that are not designated an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, the following amounts are rescinded from the following accounts:

(1) "Department of Transportation, Federal Aviation Administration, Facilities and Equipment", \$23,861,002.

(2) "Department of Transportation, Federal Aviation Administration, Research, Engineering, and Development", \$26,183,998.

**SA 46.** Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) REDUCTION IN AMOUNT FOR ARMY RDTE FOR MEADS.—The amount appropriated or otherwise made available by title IV of this division under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby decreased by \$380,861,000, with the amount of the reduction to be allocated from amounts available under that heading for the Medium Extended Air Defense System (MEADS).

(b) INCREASE IN AMOUNT FOR O&M.—The aggregate amount appropriated by title II of this division for Operation and Maintenance is increased by \$380,861,000, with the amount to be allocated among accounts funded by that title in a manner determined appropriate by the Secretary of Defense.

**SA 47.** Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense,

the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, line 10, strike “\$4,000,000,000” and insert “\$8,000,000,000”.

**SA 48.** Mr. REID (for Mr. LAUTENBERG (for himself, Mr. MENENDEZ, and Mrs. GILLIBRAND)) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ Chapter 9 of the Disaster Relief Appropriations Act, 2013 (division A of Public Law 113-2) is amended, under the heading “GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION”, by striking “or any other Act”.

**SA 49.** Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. PAUL, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

SEC. \_\_\_\_ (a) Notwithstanding any other provision of law (including regulations), no funds made available under this Act or any other Act to the Secretary of the Army, acting through the Chief of Engineers, shall be used to take any action to establish a restricted area prohibiting public access to waters downstream of a dam owned by the Corps of Engineers.

(b) For purposes of this Act, installing and maintaining sirens, strobe lights, and signage for alerting the public of hazardous water conditions shall not be considered to be an action to establish a restricted area under subsection (a).

(c)(1) Subject to paragraph (2), this section shall apply to an action described in subsection (a) on or after August 1, 2012.

(2) If the Secretary of the Army, acting through the Chief of Engineers, has taken an action described in subsection (a) during the period beginning on August 1, 2012, and ending on the date of enactment of this Act, the Secretary shall—

(A) cease implementing the restricted area resulting from the action; and

(B) remove any barriers constructed in connection with the restricted area.

**SA 50.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for

the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) REDUCTION IN ALLOCATION OF FUNDS FOR CIVIL AIR PATROL CORPORATION.—Notwithstanding section 8022—

(1) the total amount available under that section shall be \$27,334,000; and

(2) the amount of funds provided to that total from “OPERATION AND MAINTENANCE, AIR FORCE” shall be \$23,904,000; and

(3) the amount of funds provided to that total from “AIRCRAFT PROCUREMENT, AIR FORCE” shall be \$2,498,000.

(b) TERMINATION OF ALLOCATION OF FUNDS FOR STARBASE PROGRAM.—Notwithstanding any other provision of this division, none of the funds appropriated or otherwise made available by title II of this division under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” may be used for the STARBASE program.

**SA 51.** Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 315, between lines 8 and 9, insert the following:

SEC. 8131. In fiscal year 2013, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177; 99 Stat. 1038) and for purposes of applying general reductions by “program, project, and activity”, the term “program, project, and activity” for the operations and maintenance accounts of the National Intelligence Program appropriated as part of this Act for the Department of Defense shall have the same meaning as that term as applied to the Department of Defense.

**SA 52.** Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. ENZI, and Mr. JOHANN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division F, insert after section 1114 the following:

SEC. 1115. The United States Government may not allow the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or certain other defense articles or services to the Government of Egypt until the President certifies to Congress that the Government of Egypt has agreed—

(1) to continue to uphold its commitments under the Camp David Peace Accords;

(2) to provide proper security at United States embassies and consulates pursuant to the Vienna Convention on Consular Relations, done at Vienna April 24, 1963; and

(3) to bring stability to Egypt by ending its systematic exclusion and silencing of all official minority political opposition and taking concrete steps to engage in dialogue with

such opposition parties and consider a coalition, power-sharing government with such opposition parties.

**SA 53.** Mr. HARKIN (for himself and Mr. CARDIN) proposed an amendment to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; as follows:

At the appropriate place, insert the following:

**DIVISION \_\_\_\_—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

**TITLE I**

**DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION**

**TRAINING AND EMPLOYMENT SERVICES**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Workforce Investment Act of 1998 (referred to in this Act as “WIA”), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 (“WANTO Act”), \$3,161,808,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,600,344,000 as follows:

(A) \$769,465,000 for adult employment and training activities, of which \$57,465,000 shall be available for the period July 1, 2013, through June 30, 2014, and of which \$712,000,000 shall be available for the period October 1, 2013 through June 30, 2014;

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

(C) \$1,006,526,000 for dislocated worker employment and training activities, of which \$146,526,000 shall be available for the period July 1, 2013 through June 30, 2014, and of which \$860,000,000 shall be available for the period October 1, 2013 through June 30, 2014:

*Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: *Provided further*, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 10 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs;

(2) for federally administered programs, \$476,226,000 as follows:

(A) \$223,688,000 for the dislocated workers assistance national reserve, of which \$23,688,000 shall be available for the period July 1, 2013 through June 30, 2014, and of which \$200,000,000 shall be available for the

period October 1, 2013 through June 30, 2014: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

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

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

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

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

(F) \$40,000,000 to be available to the Secretary of Labor (referred to in this title as "Secretary") for the Workforce Innovation Fund to carry out projects that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for beneficiaries, which shall be for the period July 1, 2013 through June 30, 2014: *Provided*, That amounts shall be available for awards to States or State agencies that are eligible for assistance under any program authorized under the WIA, consortia of States, or partnerships, including regional partnerships: *Provided further*, That not more than 5 percent of the funds available for workforce innovation activities shall be for technical assistance and evaluations related to the projects carried out with these funds: *Provided further*, That not more than \$10,000,000 of the funds provided for the Workforce Innovation Fund may be used for performance-based awards or other agreements under the Pay for Success program: *Provided further*, That, with respect to the previous proviso, any funds obligated for such projects or agreements shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a), and that any funds deobligated from such projects or agreements shall immediately be available for Workforce Innovation Fund activities;

(3) for national activities, \$85,238,000, as follows:

(A) \$80,238,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2013 through June 30, 2014, notwithstanding the requirements of section

171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Provided*, That of this amount, \$20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas; and

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

#### OFFICE OF JOB CORPS

##### (INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, \$1,683,132,000, plus reimbursements, as follows:

(1) \$1,574,000,000 for Job Corps Operations, which shall be available for the period July 1, 2013 through June 30, 2014: *Provided*, That of the funds available to the Department of Labor, Employment and Training Administration in this Act or any other Act making appropriations that remain unobligated as of the date of enactment of this Act, up to \$30,000,000 may be transferred to "Office of Job Corps" for Job Corps operations for program years 2012 and 2013 and shall be in addition to any other amounts available to the Office of Job Corps for such purposes: *Provided further*, That not less than \$10,000,000 shall be transferred within 30 days of enactment of this Act to support Job Corps operations for the program year ending June 30, 2013: *Provided further*, That, not later than 15 days after any transfer has been made under the authority of the two preceding provisos, the Secretary shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate that details the source of the transferred funds, the specific programs, projects, or activities for which such funds will be used, provides a detailed explanation of the need for such transfer, and itemizes the cost saving measures implemented by the Office of Job Corps during program years 2012 and 2013 and the savings gained by implementing each initiative;

(2) \$80,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2013 through June 30, 2016: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2014; and

(3) \$29,132,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2012 through September 30, 2013:

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

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), \$448,251,000, which shall be available for the period July 1, 2013 through June 30, 2014, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2013 of trade adjustment benefit payments and allowances under part I of subchapter B of

chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, \$1,421,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2013.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$86,068,000, together with not to exceed \$3,770,718,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$2,979,912,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than \$60,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501-8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and shall be available for obligation by the States through December 31, 2013, except that funds used for automation acquisitions or competitive grants awarded to States for improved operations, reemployment and eligibility assessments and improper payments, or activities to address misclassification of workers shall be available for obligation by the States through September 30, 2015, and funds used for unemployment insurance workloads experienced by the States through September 30, 2013 shall be available for Federal obligation through December 31, 2013;

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

(3) \$693,204,000 from the Trust Fund, together with \$22,595,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, of which not less than \$15,000,000 shall be used to provide reemployment services to beneficiaries of unemployment insurance, and shall be available for Federal obligation for the period July 1, 2013 through June 30, 2014;

(4) \$20,912,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$65,393,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$50,323,000 shall be available for the Federal administration of such activities, and \$15,070,000 shall be available for grants to States for the administration of such activities; and

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

*Provided*, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2013 is projected by the Department of Labor to exceed 3,908,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may, during the fiscal year ending September 30, 2013, collect and retain fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and non-profit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities and shall credit such fees to this account, which shall be available for obligation through September 30, 2014, for such purposes.

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

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act,

and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for non-repayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2014.

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$97,137,000, together with not to exceed \$49,944,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### EMPLOYEE BENEFITS SECURITY ADMINISTRATION

##### SALARIES AND EXPENSES

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

#### PENSION BENEFIT GUARANTY CORPORATION

##### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2013, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2013 shall be available for obligations for administrative expenses in excess of \$479,013,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2013, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2014, for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional \$50,000 shall be made available through September 30, 2014, for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

#### WAGE AND HOUR DIVISION

##### SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$235,730,000.

#### OFFICE OF LABOR-MANAGEMENT STANDARDS

##### SALARIES AND EXPENSES

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

#### OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

##### SALARIES AND EXPENSES

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

#### OFFICE OF WORKERS' COMPENSATION PROGRAMS

##### SALARIES AND EXPENSES

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

#### SPECIAL BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$396,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2012, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2013: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$58,544,000 shall be made available to the Secretary as follows:

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

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

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

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

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

#### SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$54,962,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND  
(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2013 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,906,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed \$25,217,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$327,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$569,771,000, including not to exceed \$104,196,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2013, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees:

*Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

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

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

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

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

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

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

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,709,000 shall be available for Susan Harwood training grants.

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

For necessary expenses for the Mine Safety and Health Administration, \$373,692,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; in addition, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities, notwithstanding 31 U.S.C. 3302; in addition, the Mine Safety and Health Administration is authorized to collect and retain fees for services related to the analysis of rock dust samples, and may utilize such sums to administer such activities, notwithstanding 31 U.S.C. 3302; the Secretary may transfer from amounts provided under this heading up to \$2,000,000 to "Departmental Management" for activities related to the Office of the Solicitor's caseload before the Federal Mine Safety and Health Review Commission; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in coopera-

tion with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster; and the Secretary may reallocate among the items funded under this heading up to \$3,000,000 to support inspections or investigations pursuant to section 103 of the Federal Mine Safety and Health Act of 1977.

BUREAU OF LABOR STATISTICS  
SALARIES AND EXPENSES

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

OFFICE OF DISABILITY EMPLOYMENT POLICY  
SALARIES AND EXPENSES

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

DEPARTMENTAL MANAGEMENT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, \$347,735,000, together with not to exceed \$326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That \$66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2013: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not less than \$40,000,000 shall be for programs to combat exploitative child labor internationally: *Provided further*, That not less than \$6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That \$8,484,000 shall be used for program evaluation and shall be available for obligation through September 30, 2014: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce.

## VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$224,569,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2013, of which \$3,414,000 is for the National Veterans' Employment and Training Services Institute.

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

## INFORMATION TECHNOLOGY MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, \$19,815,000.

## OFFICE OF INSPECTOR GENERAL

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

## GENERAL PROVISIONS

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

## (TRANSFER OF FUNDS)

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

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

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

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–

133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

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

## (INCLUDING TRANSFER OF FUNDS)

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

## (INCLUDING TRANSFER OF FUNDS)

SEC. 108. (a) The Secretary may reserve not more than 0.5 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2014: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Office of Job Corps", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor-Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", and "Veterans Employment and Training".

SEC. 109. None of the funds made available by this Act may be used to promulgate the Definition of "Fiduciary" regulation (Regulatory Identification Number 1210-AB32) published by the Employee Benefits Security

Administration of the Department of Labor on October 22, 2010 (75 Fed. Reg. 65263).

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

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

SEC. 111. None of the funds made available by this Act may be used by the Secretary to administer or enforce 29 CFR 779.372(c)(4).

## (RESCISSION)

SEC. 112. Of the unobligated balances available under the heading "Departmental Management, Working Capital Fund", \$10,337,000 is rescinded: *Provided*, That no funds may be rescinded from amounts previously designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 113. Of the funds appropriated under section 272(b) of the Trade Act of 1974 for each of fiscal years 2013 and 2014, the Secretary may not reserve more than 3 percent of such funds to conduct evaluations and provide technical assistance relating to the activities carried out under section 271 of such Act, including activities carried out under such section supported by the appropriations provided for fiscal years 2011 and 2012.

## TRANSFER OF COMPTROLLER GENERAL AUTHORITIES

SEC. 114. (a) AUTHORITY OF COMPTROLLER GENERAL TO PAY WAGES AND LIST CONTRACTORS VIOLATING CONTRACTS.—40 U.S.C. 3144, is amended—

(1) in the title, by striking "of Comptroller General"; and

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

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

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

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

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

## TITLE II

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HEALTH RESOURCES AND SERVICES ADMINISTRATION

## PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,585,064,000, of which \$127,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided*, That no more than \$40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act, including associated administrative expenses and relevant evaluations: *Provided further*, That no more than \$95,073,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses



incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law: *Provided further*, That all funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2013 shall be obligated by the Secretary of Health and Human Services (referred to in this title as “Secretary”) by September 30, 2013, of which \$48,000,000 shall be awarded for base grant adjustments to address the increased costs of care and implement quality improvement activities.

#### HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, section 301 of the Health Professions Education Extension Amendments of 1992, and the Health Care Quality Improvement Act of 1986, \$746,529,000: *Provided*, That section 301(k) of Public Law 102-408, sections 747(c)(2), 751(j)(2), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for fiscal year 2013 and fiscal years thereafter: *Provided further*, That no funds shall be available for section 340G-1 of the PHS Act: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the “Health Care Fraud and Abuse Data Collection Program”, authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the disclosure of information under the information reporting requirement program authorized by section 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the program and shall remain available until expended to carry out that Act: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

#### MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, \$856,807,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than \$78,641,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,276,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act.

#### RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,397,178,000, of which \$2,056,898,000 shall remain available to the Secretary through September 30, 2015, for parts A and B of title XXVI of the PHS Act,

and of which not less than \$963,299,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act: *Provided*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691: *Provided further*, That notwithstanding section 2610(c) of the PHS Act, no funds shall be transferred or reprogrammed from part A to part B of title XXVI of the PHS Act as a result of an entity having lost transitional grant area status in any fiscal year prior to fiscal year 2013: *Provided further*, That within the funds provided for part B, the amount required by section 2610(c)(2)(B)(ii)(I)(cc) shall be awarded to each State containing a metropolitan area that lost transitional status in a fiscal year prior to fiscal year 2013.

#### HEALTH CARE SYSTEMS

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

#### RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, the Cardiac Arrest Survival Act of 2000, and sections 711 and 1820 of the Social Security Act, \$140,072,000, of which \$41,040,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, \$15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$10,036,000 shall be available for State Offices of Rural Health.

#### FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, \$293,870,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

#### PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, \$162,517,000: *Provided*, That funds made available under this heading may be used to sup-

plement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

#### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act.

For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, \$2,807,000.

#### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, VII, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, \$525,201,000: *Provided*, That in addition to amounts provided herein, \$12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys: *Provided further*, That none of the funds made available under this heading may be used to require recipients of funding under section 317 of the PHS Act to comply with the policy issued on July 10, 2012 titled “Use of Vaccine Purchased with 317 Funds”.

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

For carrying out titles II, III, VII, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, \$1,101,956,000.

##### EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, VII, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, \$266,458,000.

##### CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, VII, XI, XV, XVII, and XIX of the PHS Act, with respect to chronic disease prevention and health promotion, \$797,081,000: *Provided*, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations.

##### BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, VII, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, and disabilities and health, \$132,037,000.

##### PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II and III of the PHS Act with respect to health statistics, surveillance, informatics, and workforce development, \$129,614,000: *Provided*, That in addition to amounts provided herein,

\$262,127,000 shall be available from amounts available under section 241 of the PHS Act to carry out public health scientific services.

#### ENVIRONMENTAL HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to environmental health, \$107,316,000.

#### INJURY PREVENTION AND CONTROL

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to injury prevention and control, \$137,693,000.

#### NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, \$181,222,000: *Provided*, That in addition to amounts provided herein, \$111,366,000 shall be available from amounts available under section 241 of the PHS Act.

#### ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

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

#### GLOBAL HEALTH

For carrying out titles II, III, VII and XVII of the PHS Act with respect to global health, \$353,794,000, of which \$117,118,000 for international HIV/AIDS shall remain available through September 30, 2014, and of which \$7,000,000 shall remain available through September 30, 2014, to support national public health institutes: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

#### PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, \$1,226,013,000, of which \$439,444,000 shall remain available until expended for the Strategic National Stockpile under section 319F-2 of the PHS Act: *Provided*, That funds appropriated under this heading may be used to support the hire, maintenance, and operation of aircraft for use and support of the activities of CDC: *Provided further*, That in the event the Director of the CDC activates the Emergency Operations Center, the Director of the CDC may detail CDC staff without reimbursement for up to 30 days to support the work of the CDC Emergency Operations Center, so long as the Director provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That in the previous proviso the annual reimbursement cannot exceed \$3,000,000 across CDC.

#### BUILDINGS AND FACILITIES

For acquisition of real property, equipment, construction, and renovation of facilities, \$35,000,000, which shall remain available until September 30, 2017: *Provided*, That funds appropriated under this heading shall

only be used to support competitive acquisition, renovation, or replacement, of the National Institute for Occupational Safety and Health's underground and surface coal mining safety and health research capacity and the applied technology and occupational hazard evaluation field research capabilities.

In addition, \$11,000,000 shall be available until September 30, 2014, for repairs and improvements of real property, equipment, construction and facilities, of which \$6,600,000 shall be derived from prior year unobligated balances of any amounts available for Individual Learning Accounts.

#### CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT (INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, VII, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support that supplement activities funded under the headings "Immunization and Respiratory Diseases", "HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention", "Emerging and Zoonotic Infectious Diseases", "Chronic Disease Prevention and Health Promotion", "Birth Defects, Developmental Disabilities, Disabilities and Health", "Environmental Health", "Injury Prevention and Control", "National Institute for Occupational Safety and Health", "Energy Employees Occupational Illness Compensation Program", "Global Health", "Public Health Preparedness and Response", "Public Health Scientific Services", and "Buildings and Facilities", \$591,500,000, of which \$380,000,000 shall be available until September 30, 2014, for business services, and of which \$105,000,000 shall be for the Preventive Health and Health Services Block Grant Program: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to \$10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2014: *Provided further*, That to facilitate the implementation of the permanent Working Capital Fund ("WCF") authorized under this heading in division F of Public Law 112-74, on or after October 1, 2013, unobligated balances of amounts appropriated for business services for fiscal year 2013 shall be transferred to the WCF: *Provided further*, That on or after October 1, 2013, CDC shall transfer other amounts available for business services to other CDC appropriations consistent with the benefit each appropriation received from the business services appropriation in fiscal year 2013: *Provided further*, That once the WCF is implemented in fiscal year 2014, assets purchased with funds appropriated for or reimbursed to business services may be transferred to the WCF and customers billed for depreciation of those assets: *Provided further*, That CDC shall, consistent with the authorities provided in 42 U.S.C. 231, ensure that the WCF is used only

for administrative support services and not for programmatic activities, and that WCF funds are not co-mingled with programmatic activity funding: *Provided further*, That CDC shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 15 days prior to any transfers made with funds provided under this heading.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, \$5,090,976,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,090,430,000.

##### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, \$412,232,000.

##### NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$1,803,702,000.

##### NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$1,632,390,000.

##### NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$4,507,078,000.

##### NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, \$2,479,085,000: *Provided*, That not less than \$316,480,000 is provided for the Institutional Development Awards program.

##### EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, \$1,326,293,000.

##### NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$705,316,000.

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$688,111,000.

##### NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, \$1,126,636,000.

##### NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, \$537,771,000.

##### NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$417,816,000.

##### NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, \$145,306,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, \$461,221,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, \$1,057,270,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, \$1,485,749,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, \$515,113,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, \$339,610,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, \$128,531,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$277,464,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), \$69,880,000.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$617,830,000: *Provided*, That up to \$25,000,000 shall be available to implement section 480 of the PHS Act (relating to the Cures Acceleration Network): *Provided further*, That at least \$487,767,000 is provided to the Clinical and Translational Sciences Awards program.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$366,852,000, of which \$2,000,000 shall be available until September 30, 2014, for improvement of information systems: *Provided*, That in fiscal year 2013, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH"): *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, \$1,465,289,000, of which up to \$25,000,000 shall be used to carry out section 213 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That NIH is authorized to collect third-party payments for the cost of clinical services that are incurred in NIH research facilities and that

such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That \$165,000,000 shall be for the National Children's Study ("NCS"), except that not later than July 15, 2013, the Director shall estimate the amount needed for the NCS during fiscal year 2013, taking into account the succeeding proviso, and any funds in excess of the estimated need shall be transferred to and merged with the accounts for the various Institutes and Centers of NIH in proportion to their shares of total NIH appropriations made by this Act: *Provided further*, That the Director shall contract with the National Academy of Sciences within 60 days of enactment of this Act to appoint an expert Institute of Medicine/National Research Council ("IOM/NRC") panel to conduct a comprehensive review and issue a report regarding proposed methodologies for the NCS Main Study, including whether such methodologies are likely to produce scientifically sound results that are generalizable to the United States population and appropriate sub-populations, and no contracts shall be awarded for conducting the Main Study until at least 60 days after the IOM/NRC report has been available to the public: *Provided further*, That \$547,962,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That funds provided under this heading in this Act may be used to support the Sanctuary System for Surplus Chimpanzees authorized by section 404K of the PHS Act, including for the construction, renovation, and funding of current or additional facilities of the sanctuary system as authorized by section 404K, notwithstanding the limitations in subsection (g) of such section except that the aggregate total of funds reserved may not exceed the amount specified in subsection (g)(1) of such section by more than \$2,000,000.

BUILDINGS AND FACILITIES

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

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, \$958,060,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this

Act for fiscal year 2013: *Provided further*, That of the amount appropriated under this heading, \$48,713,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act.

SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, \$2,114,700,000: *Provided*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) \$2,000,000 to evaluate substance abuse treatment programs.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, \$185,364,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, \$104,210,000: *Provided*, That in addition to amounts provided herein, \$27,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs associated with additional publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$349,053,000 shall be available from amounts available under section 241 of the PHS Act, notwithstanding subsection 947(c) of such Act: *Provided*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2014.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

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

For making, after May 31, 2013, payments to States under title XIX or in the case of section 1928 on behalf of States under title

XIX of the Social Security Act for the last quarter of fiscal year 2013 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

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

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

#### PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$251,417,790,000.

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

#### PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed \$3,826,187,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2018: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$11,150,000, to remain available through September 30, 2014, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2013 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That \$44,000,000 shall be available for the State high-risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

#### HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$309,790,000, to remain available through September 30, 2014, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of

which \$250,442,000 shall be for the Centers for Medicare and Medicaid Services Program Integrity Activities, including administrative costs, to conduct oversight activities for the Medicare program, including but not limited to Medicare Advantage under part C and the Medicare Prescription Drug Program under part D of title XVIII of the Social Security Act, and for activities described in section 1893(b) of such Act and for Medicaid and Children's Health Insurance Program integrity activities, of which \$29,674,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which \$29,674,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2013 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

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

##### LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, \$3,471,672,000: *Provided*, That all but \$497,000,000 of such funds shall be allocated as though the total appropriation for such payments for fiscal year 2013 was less than \$1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than \$3,000,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures.

##### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims

Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, \$1,004,000,000, of which up to \$9,775,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2013 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2015.

##### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), \$2,388,313,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$19,396,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be available to the Secretary for a competitive grant for the operation of a national toll free referral line and Web site to develop and disseminate child care consumer education information for parents and help parents access child care in their local community: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G of the CCDBG Act, \$304,733,000 shall be reserved by the States for activities authorized under section 658G, of which \$111,758,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,871,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

##### SOCIAL SERVICES BLOCK GRANT

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

##### CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B-1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 473B and 477(i) of the Social Security Act, and the Assets for Independence Act; for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; and for the administration of prior year obligations made under the Developmental Disabilities Assistance and Bill of Rights Act and the Help America Vote Act of 2002, \$9,800,869,000, of which \$39,346,000, to remain available through September 30, 2014, shall be for grants to States for adoption incentive payments, as authorized by section

473A of the Social Security Act and may be made for adoptions completed before September 30, 2013: *Provided*, That \$8,018,544,000 shall be for making payments under the Head Start Act: *Provided further*, That of the amount in the previous proviso, \$7,968,543,933 shall be available for payments under section 640 of the Head Start Act at the same level of such payments for fiscal year 2012: *Provided further*, That of the remaining amount for making payments under the Head Start Act under this heading, notwithstanding any other provision of law, \$25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act, and \$25,000,000 shall be available for carrying out the cost of living adjustment described in section 640(a)(3)(A)(ii)(II)(aa) of such Act: *Provided further*, That amounts allocated to Head Start grantees at the discretion of the Secretary to supplement activities pursuant to the previous proviso shall not be included in calculation of the "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That \$718,282,000 shall be for making payments under the CSBG Act: *Provided further*, That \$41,274,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than \$34,943,000 shall be for section 680(a)(2) and not less than \$5,981,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That to the extent funds provided in this Act for the Assets for Independence Act are distributed as grant funds to a qualified entity and have not been expended by such entity within three years after the date of award, such funds may be recaptured and reallocated among other qualified entities, to remain available to such other qualified entities for five years: *Provided further*, That in addition to amounts provided herein, \$5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$1,992,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of ad-

ministering the system: *Provided further*, That section 303(a)(2)(A)(i) of the Family Violence Prevention and Services Act shall not apply to amounts provided herein: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

#### PROMOTING SAFE AND STABLE FAMILIES

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

#### PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, and for carrying out section 477(g) of such Act, \$4,810,000,000.

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

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

#### ADMINISTRATION FOR COMMUNITY LIVING AGING AND DISABILITY SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), section 398 and title XXIX of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX-B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, section 291 of the Help America Vote Act of 2002, for necessary administrative expenses to carry out section 393D of the PHS Act, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, \$1,650,488,000, together with \$52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That one of the funds provided shall be used to carry out sections 1701 and 1703 of the PHS Act (with respect to chronic disease self-management activity grants), except that such funds may be used for necessary expenses associated with administering any such grants awarded prior to the date of the enactment of this Act: *Provided further*, That the total amount available for fiscal year 2013 under this and any other Act to carry out activities related to Aging and Disability Resource Centers under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA shall not exceed the amount obligated for such purposes for fiscal year 2010 from funds available under Public Law 111-117: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section.

#### OFFICE OF THE SECRETARY

##### GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental manage-

ment, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, and XXI of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$473,424,000, together with \$69,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$53,681,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, \$104,592,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than \$75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than \$25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, \$5,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2)(A)-(H) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants made under the authority of section 510(b)(2)(A)-(H) of the Social Security Act shall be made only to public and private entities that agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That of the funds made available under this heading, \$3,500,000 shall be for strengthening the capacity and capabilities of the acquisition workforce (as defined in 41 U.S.C. 1703) of HHS, including for training, recruitment, and hiring and retention of members of the acquisition workforce; information technology in support of acquisition workforce effectiveness; and management solutions to improve acquisition management: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

#### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such

Act), \$79,908,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$16,415,000: *Provided*, That in addition to amounts provided herein, \$49,842,000 shall be available from amounts available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$55,483,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least 40 percent of this amount shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

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

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, \$561,576,000; of which \$5,000,000 shall remain available through September 30, 2015, to support emergency operations and of which \$15,000,000 shall remain available until expended for the purpose of funding a strategic investment corporation established to further the purposes of section 319L of the PHS Act to foster innovation in the development of medical countermeasures; and of which up to \$5,000,000 shall remain available through September 30, 2015 to support the delivery of medical countermeasures.

From funds transferred to this account pursuant to the fourth paragraph under this heading in Public Law 111-117, up to \$415,000,000 shall be available for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority to support additional advanced research and development: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures may be used and shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F-2 of the PHS Act.

In addition, for expenses necessary for re- placement of building leases and associated renovation costs for Public Health Service agencies and other components of the Department of Health and Human Services, including relocation and fit-out costs, \$17,000,000, to remain available until expended.

GENERAL PROVISIONS

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

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

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

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, until 15 days following notification to the Committees on Appropriations of the House of Representatives and the Senate regarding the planned uses of such funds: *Provided*, That any further adjustments to such taps or assessments shall be treated as a reprogramming of such funds under section 514 of this Act.

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

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Direc-

tor of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

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

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

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

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2013:

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

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

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and

benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

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

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

SEC. 214. Not to exceed \$45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 215. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards (“NRSA”) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 216. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 217. (a) The Secretary shall publish in the fiscal year 2014 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the Patient Protection and Affordable Care Act (“PPACA”), and the amendments made by that Act, in the proposed fiscal year and the 3 prior fiscal years.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the PPACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appro-

riated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE III

DEPARTMENT OF EDUCATION  
EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), \$15,866,609,000, of which \$4,933,013,000 shall become available on July 1, 2013, and shall remain available through September 30, 2014, and of which \$10,841,177,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014, for academic year 2013–2014: *Provided*, That \$6,577,904,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$3,984,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2012, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,350,626,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,350,626,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That funds available under sections 1124, 1124A, 1125 and 1125A of the ESEA may be used to provide homeless children and youths with services not ordinarily provided to other students under those sections, including supporting the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act: *Provided further*, That \$3,100,000 shall be to carry out sections 1501 and 1503 of the ESEA: *Provided further*, That \$533,552,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State’s lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: *Provided further*, That funds available for school improvement grants may be used by a local educational agency to implement a whole-school reform strategy for a school using an evidence-based strategy that ensures whole-school reform is undertaken in partnership with a strategy developer offering a whole-school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including more than one well-designed or well-implemented experimental or quasi-experimental study: *Provided further*, That funds available for school improvement grants may be used by a local educational agency to implement an alternative State-determined school improvement strategy that has been established by a State educational agency with the approval of the Secretary: *Provided further*, That a local educational agency that is determined to be eligible for services under subpart 1 or 2 of part B of title VI of the ESEA may modify not more than one element of a school improvement grant model: *Provided further*, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than \$2,000,000 for each participating school applicable to such funds: *Provided further*, That

the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: *Provided further*, That \$159,698,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: *Provided further*, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: *Provided further*, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

#### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, \$1,311,186,000, of which \$1,173,540,000 shall be for basic support payments under section 8003(b), \$48,413,000 shall be for payments for children with disabilities under section 8003(d), \$17,441,000 shall be for construction under section 8007(a), \$66,947,000 shall be for Federal property payments under section 8002, and \$4,845,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2012–2013, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are

no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

#### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A and B of title II, part B of title IV, parts A and B of title VI, and parts B and C of title VII of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$4,554,096,000, of which \$2,729,595,000 shall become available on July 1, 2013, and remain available through September 30, 2014, and of which \$1,681,441,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014, for academic year 2013–2014: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: *Provided further*, That \$51,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$17,619,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of the amount referred to in the previous proviso may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That up to 3 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for competitive awards for teacher or principal recruitment and training or professional enhancement activities to national not-for-profit organizations, of which up to 10 percent may be used for related research, development, evaluation, technical assistance, and outreach activities.

#### INDIAN EDUCATION

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

#### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V of the ESEA, and sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, as amended, \$1,524,441,000: *Provided*, That the Secretary may use up to \$549,284,000, which shall remain available for obligation through December 31, 2013, for section 14006 of division A of Public Law 111–5, as amended, to make awards (including on the basis of previously submitted applications) to State educational agencies, local educational agencies, or consortia of either, in accordance with the applicable requirements of that section, as determined by the Secretary, and may use up to 5 percent of such funds for technical as-

sistance and evaluation of the activities carried out under that section: *Provided further*, That the Secretary shall make new awards for State grants for improving early childhood care and education for infants, toddlers, and pre-schoolers under such section and shall administer such grants jointly with the Secretary of HHS on such terms as such Secretaries set forth in an interagency agreement: *Provided further*, That up to \$149,417,000 shall be available for obligation through December 31, 2013 for section 14007 of division A of Public Law 111–5, and up to 5 percent of such funds may be used for technical assistance and the evaluation of activities carried out under such section: *Provided further*, That \$299,433,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That recipients of such grants shall demonstrate that such performance-based compensation systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: *Provided further*, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: *Provided further*, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities: *Provided further*, That of the funds available for part B of title V of the ESEA, the Secretary shall use not less than \$16,000,000 to carry out activities under section 5205(b) and shall use not less than \$11,000,000 for subpart 2: *Provided further*, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary shall reserve not less than \$30,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve up to \$14,082,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff



of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the public chartering agency, including student academic achievement goals for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the primary factor when determining to renew or revoke a school's charter: *Provided further*, That each application submitted pursuant to section 5203(a) may use the funds to make multiple awards for subgrants to not-for-profit charter management organizations and other not-for-profit entities for the replication and expansion of successful charter school models, in addition to supporting new charter schools models.

#### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

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

#### ENGLISH LANGUAGE ACQUISITION

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

#### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,790,709,000, of which \$3,259,828,000 shall become available on July 1, 2013, and shall remain available through September 30, 2014, and of which \$9,283,383,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014, for academic year 2013–2014: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2012, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2012: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611(d), from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of

the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos from funds appropriated for fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the level of effort a local educational agency must meet under section 613(a)(2)(A)(iii) of the IDEA, in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the local educational agency's reduced level of expenditures: *Provided further*, That the Secretary may, notwithstanding section 643(e)(1) of the IDEA, reserve up to \$2,710,000 of the amount provided under section 644 for incentive grants to States to carry out section 635(c): *Provided further*, That \$1,996,000, to remain available for obligation through September 30, 2014, shall be for competitive grants to States, incentive payments, and related activities as may be necessary to improve the provision and coordination of services and supports for Supplemental Security Income ("SSI") child recipients and their families or households in order to achieve improved outcomes, including both physical and emotional health, education and post-school outcomes, such as completing post-secondary education and job training and obtaining employment, that may result in long-term improvements in the SSI child recipient's economic self-sufficiency: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: *Provided further*, That funds provided in the ninth proviso may be used for performance-based awards for Pay for Success projects: *Provided further*, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): *Provided further*, That, with respect to the twelfth proviso, any deobligated funds from such projects shall immediately be available for section 611 of the IDEA.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,624,226,000: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for activities

aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families that may result in long-term improvement in the SSI child recipient's economic status and self-sufficiency: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: *Provided further*, That any funds made available subsequent to reallocation for activities aimed at improving the outcomes of children receiving SSI and their families shall remain available until September 30, 2014: *Provided further*, That not to exceed \$20,000,000 of the amounts made available in the first proviso may be used for performance-based awards for Pay for Success projects: *Provided further*, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): *Provided further*, That, with respect to the fifth proviso, any deobligated funds from such projects shall immediately be available for programs authorized under the Rehabilitation Act of 1973: *Provided further*, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### AMERICAN PRINTING HOUSE FOR THE BLIND

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

##### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

##### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$124,541,000, of which \$7,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

##### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act (referred to in this Act as the "AEFLA"), \$1,737,154,000, of which \$946,154,000 shall become available on July 1, 2013, and shall remain available through September 30, 2014, and of which \$791,000,000 shall become available on October 1, 2013, and shall remain available through September 30, 2014: *Provided*, That of the amount provided for Adult Education State Grants, \$74,709,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient

populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for AEFLA, \$11,302,000 shall be for national leadership activities under section 243.

#### STUDENT FINANCIAL ASSISTANCE

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

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

#### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 9 of part A, and parts B, C, D, and E of title IV of the HEA, \$1,105,363,000, to remain available until September 30, 2014.

#### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$1,911,502,000: *Provided*, That \$607,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That, of the amount available under subpart 2 of part A of title VII of the HEA, the Secretary may use up to \$4,451,000 to fund continuation awards for projects originally supported under subpart 1 of part A of title VII of the HEA.

#### HOWARD UNIVERSITY

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

#### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

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

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2014: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$320,350,000: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$352,000.

#### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$591,664,000, which shall remain available through September 30, 2014: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to \$10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

#### DEPARTMENTAL MANAGEMENT

##### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$448,470,000, of which \$2,211,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

##### OFFICE FOR CIVIL RIGHTS

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

##### OFFICE OF THE INSPECTOR GENERAL

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

#### GENERAL PROVISIONS

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

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil

Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

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

#### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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

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

SEC. 307. (a) Section 206 of the Department of Education Organization Act (20 U.S.C. 3416) is amended—

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

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

(3) by striking out "Assistant Secretary for Vocational and Adult Education" and inserting "Assistant Secretary for Career, Technical, and Adult Education"; and

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

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

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

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

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

(d) Section 114(b)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(b)(1)) is amended by striking out "Office of Vocational and Adult Education" and inserting "Office of Career, Technical, and Adult Education".

#### SEC. 308. (a) STUDENT ELIGIBILITY.—

(1) Subsection (d) of section 484 of the HEA (20 U.S.C. 1091) is amended to read as follows: "(d) STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—

"(1) STUDENT ELIGIBILITY.—In order for a student who does not have a certificate of

graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1 and 3 of part A and parts B, C, D, and E of this title, the student shall meet the requirements of one of the following subparagraphs:

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

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

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

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

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

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

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

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

“(C) provides structured course sequences that—

“(i) are articulated and contextualized; and

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

“(D) provides opportunities for acceleration to attain recognized postsecondary credentials, including degrees, industry relevant certifications, and certificates of completion of apprenticeship programs;

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

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

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

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

(3) REPEAL.—Effective June 30, 2012, section 309(c) of division F of the Consolidated

Appropriations Act, 2012 (20 U.S.C. 1091 note), and the amendments made by such section 309(c), are repealed.

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

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

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

SEC. 309. Section 307 of division F of the Consolidated Appropriations Act of 2012 (Public Law 112-74) shall continue in effect until March 27, 2013.

SEC. 310. The Secretary may reserve funds under section 9601 of the ESEA (subject to the limitations in subsections (b) and (c) of that section) in order to carry out activities authorized under that section with respect to any ESEA program funded in this Act and without respect to the source of funds for those activities: *Provided*, That not later than 10 days prior to the initial obligation of funds reserved under this section, the Secretary shall submit an evaluation plan to the Senate Committees on Appropriations and Health, Education, Labor and Pensions and the House Committees on Appropriations and Education and Workforce which identifies the source and amount of funds reserved under this section, the impact on program grantees if funds are withheld, and the programs to be evaluated with such funds.

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

#### TITLE IV

##### RELATED AGENCIES

##### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### SALARIES AND EXPENSES

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

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”)

and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), \$749,846,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(6), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$44,815,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) \$15,437,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (4) \$30,742,000 shall be available to carry out subtitle E of the 1990 Act; and (5) \$3,992,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198F shall be awarded by CNCS on a competitive basis.

##### PAYMENT TO THE NATIONAL SERVICE TRUST (INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, \$208,744,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

##### SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$85,886,000.

##### OFFICE OF INSPECTOR GENERAL

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

##### ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2013, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

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

2521.70 of title 45, Code of Federal Regulations.

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

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

#### CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2015, \$445,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: *Provided further*, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

#### FEDERAL MEDIATION AND CONCILIATION SERVICE

##### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$46,163,000, including \$400,000 to remain available through September 30, 2014, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

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

#### INSTITUTE OF MUSEUM AND LIBRARY SERVICES OFFICE OF MUSEUM AND LIBRARY SERVICES:

##### GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Mu-

seum of African American History and Culture Act, \$231,954,000.

#### MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

##### SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, \$7,500,000.

#### MEDICARE PAYMENT ADVISORY COMMISSION SALARIES AND EXPENSES

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

#### NATIONAL COUNCIL ON DISABILITY

##### SALARIES AND EXPENSES

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

#### NATIONAL LABOR RELATIONS BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$278,306,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

##### ADMINISTRATIVE PROVISIONS

SEC. 405. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means that enables off-site, remote, or otherwise absentee voting in an election to determine a representative for the purposes of collective bargaining.

#### NATIONAL MEDIATION BOARD

##### SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$13,411,000.

#### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

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

#### RAILROAD RETIREMENT BOARD

##### DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$45,000,000, which shall include amounts becoming available in fiscal year 2013 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual bene-

fits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

#### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2014, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

##### LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$111,149,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

##### LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$8,155,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

##### SOCIAL SECURITY ADMINISTRATION

##### PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,402,000.

##### SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$40,123,552,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than \$17,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act and remain available through September 30, 2014.

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

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2014, \$19,300,000,000, to remain available until expended.

##### LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$10,535,544,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than \$2,146,000 shall be for the Social Security Advisory Board: *Provided further*, That not less than \$23,000,000 shall be for section 1149 of the Social Security Act: *Provided further*, That not less than \$7,000,000

shall be for section 1150 of the Social Security Act: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2013 not needed for fiscal year 2013 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security (“Commissioner”) shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: *Provided further*, That the Commissioner shall seek to enter into a contract with the National Academy of Public Administration for purposes of reviewing and contributing to a long-range strategic plan for the Social Security Administration.

In addition, for the costs associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, \$756,052,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That, of such amount, \$273,000,000 is provided to meet the terms of section 251(b)(2)(B)(i)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and \$483,052,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104-121 for fiscal years 1996 through 2002.

In addition, \$170,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2013 exceed \$170,000,000, the amounts shall be available in fiscal year 2014 only to the extent provided in advance in appropriations Acts.

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

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$28,887,000, together with not to exceed \$75,396,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropria-

tion may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V  
GENERAL PROVISIONS  
(TRANSFER OF FUNDS)

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

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

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

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

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

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

available for official reception and representation expenses not to exceed \$5,000 from funds available for “National Mediation Board, Salaries and Expenses”.

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

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

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

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

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

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

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

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

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

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

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

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

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

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

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

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

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

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

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

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

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

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

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

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

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

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

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2013, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

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

unless the Committees on Appropriations of the House of Representatives and the Senate

are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

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

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

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

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

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

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

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

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

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2013, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the 3 years preceding the certification, has not been convicted of a criminal offense under the Inter-

nal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSION)

SEC. 519. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act, \$6,934,000,000 are hereby rescinded: *Provided*, That this rescission shall have no effect until July 1, 2013.

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

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

SEC. 522. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 523. (a) IN GENERAL.—The Health Education Assistance Loan (“HEAL”) program under title VII, part A, subpart I of the PHS Act, and the authority to administer such program, including servicing, collecting, and enforcing any loans that were made under such program that remain outstanding, shall be permanently transferred from the Secretary of Health and Human Services to the Secretary of Education no later than the end of the first fiscal quarter that begins after the date of enactment of this Act.

(b) TRANSFER OF FUNCTIONS, ASSETS, AND LIABILITIES.—The functions, assets, and liabilities of the Secretary of HHS relating to such program shall be transferred to the Secretary of Education.

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

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

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

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

SEC. 524. The first proviso in section 526 of division F of Public Law 112–74 shall not apply to funds appropriated to the Indian Health Service in fiscal year 2013 or prior fiscal years.

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

SEC. 526. None of the funds in this Act may be used to support, maintain, or establish a computer network, software, or Web site that permits or enables viewing, downloading, or exchanging pornography.

(RESCISSION)

SEC. 527. Of the funds made available for fiscal year 2013 for the Independent Payment Advisory Board under section 3403 of Public Law 111–148, \$10,000,000 is rescinded.

SEC. 528. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.127 percent of—

(1) the budget authority provided for fiscal year 2013 for any discretionary account of this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2013 for any discretionary account in prior Acts making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in this Act or the accompanying explanatory statement).

(c) EXCEPTION.—This section shall not apply to the amount made available by this Act for “Social Security Administration, Limitation on Administrative Expenses” for continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

SEC. 529. The explanatory statement regarding this division printed in the Senate section of the Congressional Record on or about March 12, 2013, by the Chairman of the Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies of the Committee on Appropriations of the Senate shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 530. (a) Notwithstanding any other provision of this Act, subsections (a)(4) and (c)(2) of section 1101, section 1109(b), and paragraphs (3), (5), (10), (28), and (29) of section 1114(c) of title I of division F, and sections 1501 through 1521 of title V of division F, shall have no force or effect.

(b) Notwithstanding any other provision of this Act, section 1111 of title I of division F shall not apply with respect to advance appropriations provided to the Departments of Labor and Education and the Corporation for Public Broadcasting.

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

**SA 54.** Mr. TOOMEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, add the following:

SEC. 8131. (a) ADDITIONAL AMOUNT FOR ARMY O&M FOR ACTIVITIES IN CONUS.—The amount appropriated by title II of this division under the heading “OPERATION AND MAINTENANCE, ARMY” is hereby increased by \$114,000,000, with the amount to be available for operation and maintenance expenses of the Army in connection with programs, projects, and activities in the continental United States.

(b) OFFSET.—

(1) ARMY RDTE FOR ALTERNATIVE ENERGY RESEARCH.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY” is hereby reduced by \$37,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Alternative Energy Research.

(2) NAVY RDTE FOR ALTERNATIVE ENERGY RESEARCH.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY” is hereby reduced by \$40,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Alternative Energy Research.

(3) AIR FORCE RDTE FOR ALTERNATIVE ENERGY RESEARCH.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE” is hereby reduced by \$37,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Alternative Energy Research.

**SA 55.** Mr. MORAN (for himself, Mr. INHOFE, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mr. KIRK, Mr. PRYOR, Mr. ROBERTS, Mr. WYDEN, Mr. JOHANNIS, Mr. MERKLEY, Mr. KAIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division F, add the following:

SEC. 1811. (a) Notwithstanding section 1101, the level for “Department of Transportation, Federal Aviation Administration, Operations” shall be \$9,703,395,000: *Provided*, That the amounts specified in the matter under the heading “OPERATIONS” under the heading “FEDERAL AVIATION ADMINISTRATION” in title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112–55; 125 Stat. 645) shall be applied to funds appropriated by this division—

(1) by substituting “\$7,492,738,000” for “\$7,442,738,000”; and

(2) by substituting “\$10,350,000 shall be for the contract tower cost-sharing program and not less than \$130,000,000 shall be for the contract tower program” for “\$10,350,000 shall be for the contract tower cost-sharing program”.

(b) Of amounts appropriated for fiscal years before fiscal year 2013 that remain available for obligation as of the date of the enactment of this Act and that are not designated an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, the following amounts are rescinded from the following accounts:

(1) “Department of Transportation, Federal Aviation Administration, Facilities and Equipment”, \$23,861,002.

(2) “Department of Transportation, Federal Aviation Administration, Research, Engineering, and Development”, \$26,183,998.

**SA 56.** Mr. ALEXANDER (for himself, Mr. BENNET, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 555, between lines 21 and 22, insert the following:

SEC. 1515A. Of the amount provided by section 1101 for the First in the World initiative under part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1138 et seq.), not more than \$1,000,000 shall be available to the Secretary of Education to carry out section 1106 of the Higher Education Opportunity Act (Public Law 110–315; 122 Stat. 3494).

**SA 57.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . None of the funds appropriated or otherwise made available by division A, B, C, D, or E of this Act may be made available, including through a contract, grant, loan, sub-loan, or other means of financing or support, to the Institute for Microelectronics, of the Agency for Science, Technology and Research, of Singapore, unless the Attorney General and the Director of the Federal Bureau of Investigation have submitted a certification to Congress that the Government

of Singapore has allowed Federal law enforcement from the United States to access all records and evidence relating to the death of Shane Todd on June 24, 2012, in Singapore and the subsequent investigation.

**SA 58.** Mr. JOHNSON of South Dakota (for himself, Ms. STABENOW, Mr. REED, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1313, and insert the following:

**SEC. 1313. PRESERVING MARKET REGULATORY ENFORCEMENT.**

Notwithstanding section 1101—

(1) the level for the “Commodity Futures Trading Commission” shall be \$308,000,000, and the authorities and conditions, including comparable periods of availability, under Public Law 112-55 shall apply to such appropriation; and

(2) the level for the “Securities and Exchange Commission” shall be \$1,415,000,000, and the authorities and conditions, including comparable periods of availability, under Public Law 112-74, shall apply to such appropriation.

**SA 59.** Mr. JOHNSON of South Dakota (for himself, Ms. STABENOW, Mr. REED, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_ . PRESERVING MARKET REGULATORY ENFORCEMENT.**

Notwithstanding section 1101, the level for the “Securities and Exchange Commission” shall be \$1,415,000,000, and the authorities and conditions, including comparable periods of availability, under Public Law 112-74, shall apply to such appropriation.

**SA 60.** Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 580, between lines 4 and 5, insert the following:

**SEC. 1811.** Notwithstanding section 1101, the first paragraph under the heading “Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account” in division C of Public Law 112-55 shall be applied in fiscal year 2013 by substituting “\$30,000,000,000” for “\$25,000,000,000”.

**SA 61.** Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division F, insert after section 1114 the following:

**SEC. 1115.** (a)(1) None of the amounts appropriated or otherwise made available by this Act for military assistance for Egypt under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program), may be used to enter into a contract on or after the date of enactment of this Act with the Government or Armed Services of Egypt for the sale or transfer of significant conventional defense articles, including F-16 attack aircraft, M1 tanks, and related defense technologies, until 30 days after the President submits to Congress the strategy required under subsection (b).

(2) Nothing in the section shall be construed to require the violation of an existing defense contract with the Government or Armed Forces of Egypt, or to prevent or disrupt the production, transfer, or delivery of any defense article or service to the Government or Armed Services of Egypt as required by a contract concluded by the United States Government or a United States person prior to the date of the enactment of this Act.

(b)(1) Not later than 120 days after the date of the enactment of this Act, the President, in consultation with the Government and Armed Services of Egypt, and with other partners in the region, shall provide to Congress a report detailing a comprehensive strategy for modernizing and improving United States security cooperation with, and assistance to, Egypt in order to prioritize and advance the following national security objectives:

(A) The strategy shall seek to enhance the ability of the Government of Egypt to detect, disrupt, dismantle, and defeat al Qaeda, affiliated groups, and other terrorist organizations, whether based in and operating from Egyptian territory or elsewhere, and to counter terrorist ideology and radicalization within Egypt.

(B) The strategy shall seek to improve and increase the capacity of the Government of Egypt to prevent human trafficking and the illicit movement of terrorists, criminals, weapons, and other dangerous material across Egypt’s borders or administrative boundaries, especially through tunnels and other illicit points of entry into Gaza.

(C) The strategy shall seek to improve the ability of the Government of Egypt to conduct counterinsurgency and counterterrorism operations in the Sinai as part of a comprehensive civil-military strategy—

(i) to enforce the rule of law and the sovereign authority of the Egyptian state;

(ii) to enhance security while protecting basic human rights;

(iii) to advance economic development in the Sinai;

(iv) to deny safe haven to enemies of Egypt, the United States, and our other partners in the region; and

(v) to maintain the Camp David Accords.

(D) The strategy shall seek to enhance the capacity of the Egyptian Armed Services to gather, integrate, analyze, and share intelligence, especially with regard to the threat posed by terrorism and other illicit criminal activity, while ensuring a proper respect and protection for the human rights and civil liberties of Egypt’s citizens.

(E) The strategy shall seek to encourage, reinforce, and strengthen efforts by the Government of Egypt to reform its internal security services, including police forces, and justice sector with the purpose of maintaining public order and security while ensuring protections for internationally-recognized human rights, the rule of law, and equal access to justice for all citizens and persons in Egypt.

(F) Any other objective that the President determines necessary.

(2) The strategy required under paragraph (1) shall include a detailed assessment of resources and amounts that will be necessary to achieve each of the objectives enumerated in such paragraph.

(3) The strategy required under paragraph (1) may also include any recommended changes to the allocation of amounts between Foreign Military Financing and Economic Support Funds within overall United States assistance to Egypt and any additional authorities that the President may determine necessary to implement such strategy, including authorities to shift money between foreign assistance accounts or between Federal departments or agencies.

**SA 62.** Ms. MIKULSKI (for herself and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

On page 378, line 3, strike “a. grant for”.

On page 585, line 11, strike “through C” and insert “through F”.

On page 586, line 16, strike “division C” and insert “division F”.

**SA 63.** Mr. HATCH (for himself, Mr. GRASSLEY, Mr. ROBERTS, Mr. ENZI, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON FUNDING.**

None of the funds made available in this Act may be used by the Secretary of Health and Human Services to do the following:

(1) Finalize, implement, enforce, or otherwise take any action to give effect to the Information Memorandum dated July 12, 2012 (Transmittal No. TANF-ACF-IM-2012-03), or to any administrative action relating to the same subject matter set forth in the Information Memorandum or that reflects the same or similar policies as those set forth in the Information Memorandum.

(2) Authorize, approve, renew, modify, or extend any experimental, pilot, or demonstration project under section 1115 of the Social Security Act (42 U.S.C. 1315) that waives compliance with a requirement of section 407 of such Act (42 U.S.C. 607) through a waiver of section 402 of such Act (42 U.S.C. 602) or that provides authority for an expenditure which would not otherwise be



an allowable use of funds under a State program funded under part A of title IV of such Act (42 U.S.C. 601 et seq.) with respect to compliance with the work requirements in section 407 of such Act to be regarded as an allowable use of funds under that program for any period.

**SA 64.** Mr. UDALL of Colorado (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, insert the following:

**SEC. \_\_\_\_ . SEQUESTER FLEXIBILITY.**

(a) DEFINITION.—In this section, the term “agency” means—

(1) an Executive agency (as defined in section 105 of title 5, United States Code);

(2) an office, agency, or other establishment in the legislative branch which is not a part of another office, agency, or other establishment in the legislative branch; and

(3) an office, agency, or other establishment in the judicial branch which is not a part of another office, agency, or other establishment in the judicial branch.

(b) 2013 SEQUESTER CANCELLATION.—Notwithstanding any other provision of law, the sequestration of budgetary resources for fiscal year 2013 ordered on March 1, 2013, pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is cancelled.

(c) FLEXIBLE SEQUESTER IMPLEMENTED BY AGENCY HEADS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the budget sequester for an account in the security and non-security categories required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2013 shall be implemented within each account as determined by the head of the agency with spending authority over such account.

(2) APPROPRIATIONS OVERSIGHT.—

(A) IN GENERAL.—The head of an agency may not exercise the authority provided in paragraph (1) unless the head has submitted a notice of implementation describing the proposed exercise of authority to the Committees on Appropriations of both Houses not later than 15 days before exercising such authority and each such committee approves the implementation as provided in subparagraph (B).

(B) APPROPRIATIONS APPROVAL.—After the committees receive an executive branch proposal for administering the sequester under subparagraph (A) and not later than 5 days after such receipt, each committee, using standard procedures for reprogramming, shall accept or reject the proposal. If a proposal is accepted by both committees, the proposal may be implemented. If either committee rejects a proposal and notwithstanding subsection (b), sequestration within the relevant agency will be administered through across the board cuts consistent with section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 65.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R.

933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, between lines 11 and 12, insert the following:

SEC. \_\_\_\_ . (a) None of the funds made available by this Act may be used to carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation.

(b) Notwithstanding any other provision of this Act, the amount available for the “National Science Foundation; Research and Related Activities” is decreased by \$10,000,000.

(c) Notwithstanding section 1101, the level for the “National Institutes of Health; National Cancer Institute” shall be increased by \$7,000,000.

**SA 66.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FREEZE ON HIRING OF NONESSENTIAL FEDERAL EMPLOYEES.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available under division A, B, C, D, E, or F of this Act may be used by any Executive agency (as defined under section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office) to hire any new employee.

(b) EXCEPTION.—Subsection (a) shall not apply to the hiring of an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

**SA 67.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 521, line 15, strike “this” and all that follows through “occurring” on line 19, and insert “division A, B, C, D, E, or F of this Act may be used to send or otherwise pay for the attendance of more than 25 employees from a Federal department or agency at any single conference occurring within the United States or”.

**SA 68.** Mr. COBURN (for himself, Mr. MCCAIN, Ms. AYOTTE, Mr. CORKER, Mr. BURR, Mr. FLAKE, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department

of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 539, between lines 15 and 16, insert the following:

**SEC. 1315. UNITED STATES POSTAL SERVICE.**

Notwithstanding section 1101, the matter under the heading “PAYMENT TO THE POSTAL SERVICE FUND” under the heading “UNITED STATES POSTAL SERVICE” of title V of division C of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 923) shall be applied by striking the second proviso.

**SA 69.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 392, line 25, strike “training.” and insert the following: “training: *Provided further*, That none of the funds made available under paragraph (2) may be used for employee overtime or backfill pay, for security measures at sports facilities used for Major League Baseball spring training, to pay for attendance at conferences, or to purchase computers or televisions.”

**SA 70.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

After section 573 of title V of division D, insert the following:

SEC. 574. The Secretary of Homeland Security shall submit a copy of each report required under this division to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

**SA 71.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74 \_\_\_\_ . None of the funds made available by this Act may be used to carry out (or to pay the salaries and expenses of personnel to carry out) the Federal sugar loan program under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) or the feedstock flexibility program for bioenergy producers under section

9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) other than in a manner that is of no cost to the Federal Government.

**SA 72.** Mr. INHOFE (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, add the following:

SEC. 8131. Notwithstanding any other provision of law, the Secretaries of the military departments shall use not less than the amounts appropriated or otherwise made available by this Act for tuition assistance programs for members of the Armed Forces to carry out such tuition assistance programs in accordance with the provisions of law authorizing such programs.

**SA 73.** Mr. ALEXANDER (for himself, Mr. BENNET, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 555, between lines 21 and 22, insert the following:

SEC. 1515A. Of the amount provided by section 1101 for part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1138 et seq.), not more than \$1,000,000 shall be available to the Secretary of Education to carry out section 1106 of the Higher Education Opportunity Act (Public Law 110-315; 122 Stat. 3494).

**SA 74.** Mr. TESTER (for himself, Mr. LEAHY, Mrs. GILLIBRAND, Mrs. BOXER, Mr. BEGICH, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 80, strike line 3 and all that follows through page 81, line 2.

**SA 75.** Mr. TESTER (for himself, Mr. JOHNSON of South Dakota, Mr. BROWN, Mr. LEAHY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 82, strike line 21 and all that follows through page 84, line 3.

**SA 76.** Mr. GRASSLEY (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr. VITTER,

Mr. COATS, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, between lines 19 and 20, insert the following:

SEC. 574. Not later than 30 days after the date of the enactment of this Act, and weekly thereafter through the end of fiscal year 2013, the Assistant Secretary of U.S. Immigration and Customs Enforcement shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) a detailed expenditure plan for amounts appropriated under the “U.S. Immigration and Customs Enforcement, Salaries and Expenses” heading, by program, project, and activity, which specifies how the Assistant Secretary will use such amounts to maintain not fewer than 34,000 detention bed levels through September 30, 2013;

(2) the number of aliens who were released from detention by U.S. Immigration and Customs Enforcement during the elapsed portion of fiscal year 2013 not covered by a prior report under this section;

(3) a complete list of the aliens described in paragraph (2) who were released from detention as a result of budgetary constraints; and

(4) for each alien described in paragraph (3), a description of—

(A) the offense for which the alien was convicted or charged;

(B) the alien’s status as an absconder or a fugitive;

(C) an existing order of deportation, if applicable;

(D) the reason for the alien’s detention; and

(E) the terms of the alien’s release.

**SA 77.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, insert the following:

SEC. 543. (a) INCREASE IN AMOUNT FOR NASA FOR CROSS AGENCY SUPPORT.—The amount appropriated by title III of this division under the heading “NATIONAL AERONAUTICS AND SPACE ADMINISTRATION” under the heading “CROSS AGENCY SUPPORT” is hereby increased by \$172,000,000.

(b) OFFSET.—The amount appropriated by title III of this division under the heading “NATIONAL AERONAUTICS AND SPACE ADMINISTRATION” under the heading “CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION” is hereby decreased by \$172,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Construction of Facilities (CoF).

**SA 78.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 446, strike lines 4 through 22.

**SA 79.** Mrs. SHAHEEN (for herself, Mr. TOOMEY, Mr. KIRK, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74. None of the funds of the Commodity Credit Corporation may be used to carry out the feedstock flexibility program for bioenergy producers under section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110).

**SA 80.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division F, add the following:

SEC. 1523. Of the amounts made available under this Act to the Solicitor of Labor, the amount necessary to maintain the amount allocated for offices and resources to reduce the number of cases pending before the Federal Mine Safety and Health Review Commission for fiscal year 2013 at the same level of funding provided for such offices and resources for fiscal year 2012 shall be used for such offices and resources, except that such amount may be reduced by a percentage equal to the percentage reduction of the Solicitor of Labor’s budget required pursuant to a sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a).

**SA 81.** Mr. BROWN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 580, between lines 4 and 5, insert the following:

SEC. 1811. Section 5307(a)(2) of title 49, United States Code, is amended by inserting

“or general public demand response” after “fixed route” each place that term appears.

**SA 82.** Mr. PRYOR (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between lines 3 and 4, insert the following:

SEC. 74. Notwithstanding any other provision of this Act—

(1) the amount made available for buildings operations and maintenance expenses in the matter before the first proviso under the heading “AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS” under the heading “AGRICULTURAL PROGRAMS” in title I shall be \$52,169,000;

(2) the amount made available for necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act in the matter before the first proviso under the heading “FOOD SAFETY AND INSPECTION SERVICE” under the heading “AGRICULTURAL PROGRAMS” in title I shall be \$1,056,427,000; and

(3) the amount made available to provide competitive grants to State agencies in the second proviso under the heading “CHILD NUTRITION PROGRAMS” under the heading “FOOD AND NUTRITION SERVICE” under the heading “DOMESTIC FOOD PROGRAMS” in title IV shall be \$10,000,000.

**SA 83.** Mr. BROWN (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 441, strike line 17 and all that follows through page 445, line 12.

**SA 84.** Ms. AYOTTE (for herself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FINDINGS.—The Senate makes the following findings:

(1) United States officials reportedly took Suleiman Abu Ghayth into custody on February 28, 2013.

(2) Abu Ghayth is the son-in-law of Osama Bin Laden and a member of al Qaeda.

(3) From 2001 to 2002, Abu Ghayth allegedly served al Qaeda, urged others to swear allegiance to Bin Laden, spoke on behalf of and in support of al Qaeda’s mission, warned that attacks similar to those of September 11, 2001, would continue, and actively supported al Qaeda’s efforts to kill Americans.

(4) On or about May 2001, Abu Ghayth allegedly urged individuals at a guest house in Kandahar, Afghanistan, to swear an oath of allegiance to Bin Laden.

(5) Members and associates of al Qaeda have executed a number of terrorist attacks intended to kill Americans, including the attacks on the United States on September 11, 2001, in New York, Virginia, and Pennsylvania, which killed approximately 2,976 people.

(6) On the morning of September 12, 2001, Abu Ghayth appearing with Bin Laden and Ayman al-Zawahiri, served as a spokesman for al Qaeda and warned the United States and its allies that “[a] great army is gathering against you” and called upon “the nation of Islam” to do battle against “the Jews, the Christians and the Americans”.

(7) After the September 11, 2001, terrorist attacks, Abu Ghayth gave a speech in which he warned that “the storms shall not stop, especially the Airplanes Storm”, and advised Muslims, children, and opponents of the United States “not to board any aircraft and not to live in high rises”.

(8) In 2002, Abu Ghayth allegedly said “al Qaeda has the right to kill four million Americans, including one million children, displace double that figure, and injure and cripple hundreds and thousands”.

(9) In 2002, Abu Ghayth reportedly arranged to be smuggled to Iran, where he was held under a loose form of house arrest for several years.

(10) Abu Ghayth has been reportedly tied to the October 8, 2002, attack on United States Marines training on Faylaka Island off the coast of Kuwait, which resulted in the death of one American.

(11) Kuwait reportedly stripped Abu Ghayth of his citizenship because of his role in recruiting Kuwaitis for al Qaeda.

(12) Abu Ghayth is reportedly believed to have been in Iran since his release in 2010.

(13) On or about March 1, 2013, Abu Ghayth was brought to the United States to stand trial on terrorism charges in the United States District Court for the Southern District of New York.

(14) On March 8, 2013, Abu Ghayth pled not guilty to terrorism charges.

(15) On September 14, 2001, in the wake of the terrorist attacks on the United States, Congress passed the Authorization for Use of Military Force (Public Law 107-40), which the President signed on September 18, 2001.

(16) The Authorization for Use of Military Force authorizes the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons”.

(17) Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) affirms the authority of the Armed Forces of the United States to detain covered persons pursuant to the Authorization for Use of Military Force.

(18) Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 establishes a requirement, subject to a case-by-case national security waiver by the President, for military custody of foreign members of al Qaeda and associated forces who participated in the course of planning or carrying out an attack or attempted attack against the United States and its coalition partners.

(19) Abu Ghayth is an enemy belligerent and meets the definition of a covered person under section 1022 of the National Defense Authorization Act for Fiscal Year 2012.

(20) Military custody for enemy belligerents, consistent with United States and international law, provides the best means to collect the intelligence that can prevent future terrorist attacks and save American lives.

(21) Long-term law of war military detention affords the opportunity for interrogators to return periodically over subsequent months and years to gather additional information.

(22) It is this access to detainees in long-term law of war custody that allowed the intelligence community to gather information that helped ultimately locate Bin Laden.

(23) Members of al Qaeda, like Abu Ghayth, are not common criminals. They are enemy belligerents at war with our country. United States detention and interrogation policies must distinguish between intelligence collection to prevent terrorist attacks and standard criminal prosecutions.

(24) When the United States places enemy belligerents in courts under Article III of the Constitution for trial, grants them the legal rights normally reserved for common criminals, and focuses on prosecution rather than intelligence collection, the United States can miss valuable information that will help keep our country safe.

(25) Al Qaeda affiliates throughout the world, such as al Qaeda in the Arabian Peninsula and al Qaeda in the Islamic Maghreb, present a complex and growing threat to the United States and its interests.

(26) United States forces continue to capture members of al Qaeda and associated forces.

(27) The United States has a top-rate facility at Naval Station Guantanamo Bay, Cuba, that allows for the secure and humane detention and interrogation of foreign enemy belligerents.

(28) On January 22, 2009, President Obama issued an executive order to close the detention facility at Naval Station Guantanamo Bay, yet Congress has prohibited the use of funds to transfer detainees at Naval Station Guantanamo Bay to the United States or to construct or modify facilities in the United States to house detainees at Naval Station Guantanamo Bay. Congress has also placed restrictions on the ability to transfer detainees at Naval Station Guantanamo Bay to foreign countries.

(29) On February 15, 2011, the Under Secretary of Defense for Intelligence, Michael Vickers, said “[t]he administration is in the final stages of . . . establishing its detention policy”.

(30) On April 7, 2011, General Carter Ham, the Commander of the United States Africa Command responded to a question about what he would do if we captured a member of al Qaeda in Africa, by saying he would need “some lawyerly help on answering that one”.

(31) On June 28, 2011, the Commander of the United States Special Operations Command, Admiral William McRaven, testified that his options to detain foreign enemy belligerents were to detain them temporarily on a ship, transfer them to a third country, or “if we can’t do either one of those, then we’ll release that individual and that becomes the— the unenviable option, but it is an option”.

(32) On March 6, 2012, approximately a year later, when asked during a hearing of the Committee on Armed Services of the Senate whether the administration has developed a detention policy for enemy belligerents, Admiral McRaven testified “nothing has changed since then”.

(33) Approximately 28 percent of detainees who have been released from Naval Station Guantanamo Bay have reengaged or are suspected of having reengaged in terrorist activity.

(34) Former detainees at Naval Station Guantanamo Bay have conducted suicide bombings, recruited radicals, and trained recruits to kill Americans and our allies.

(35) Said al Shihri and Abdul Zakir represent two examples of former detainees at Naval Station Guantanamo Bay who returned to the fight and assumed leadership positions in terrorist organizations dedicated to killing Americans and our allies.

(36) On November 29, 2012, in a 54 to 41 vote, the Senate agreed to Senate Amendment 3245 to S. 3254, the National Defense Authorization Act for Fiscal Year 2013, which would have permanently prohibited use of funds for the transfer or release of detainees from Naval Station Guantanamo Bay into the United States.

(37) As enacted, the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) prohibits for one year the use of Department of Defense funds to transfer or release detainees at Naval Station Guantanamo Bay to or within the United States, its territories, or possessions.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) reaffirm that the United States remains at war with al Qaeda and its associated forces;

(2) assert that when a member of al Qaeda or an associated force is taken into custody, the focus should be on intelligence collection and the prevention of future attacks and not on prosecution;

(3) believe by bringing members of al Qaeda and its associated forces into civilian custody, rather than military detention, the United States inappropriately gives these terrorists the rights afforded by the civilian system of justice in the United States, including speedy presentment and Miranda rights;

(4) believe no terrorists should ever hear “you have the right to remain silent”;

(5) believe that Abu Ghayth and other members of al Qaeda or associated forces like him should be placed in military custody and brought to Naval Station Guantanamo Bay for long-term, interrogation, and, as appropriate, trial by military commission, consistent with chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111-84)); and

(6) call on the Obama Administration to work with Congress to establish a coherent detention policy for the long-term detention and interrogation of enemy belligerents, and the potential trial by military commission of foreign enemy belligerents, that will help collect intelligence, protect our country, and prevent future attacks.

**SA 85.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division F, insert after section 1114 the following:

SEC. 1115. (a) Not later than 30 days after the end of the 60-day period for an audited establishment to respond to a covered final audit report submitted to the establishment by an Inspector General under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), or by the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for Iraq Reconstruction, or any other Inspector General under appli-

cable law, or 30 days after the establishment responds to a covered audit report with a non-concur or partial concur response, the head of the establishment shall submit to Congress a report with an explanation for the failure to respond or the non-concur or partial concur response.

(b) In this section:

(1) The term “covered final audit report” means a final audit report issued by an Inspector General under the Inspector General Act of 1978 or other applicable law that includes a recommendation for an establishment to implement cost-saving measures or to seek reimbursement for failure by a contractor or subcontractor to successfully complete a contract due to poor contractor performance, cost-overruns, or other reasons that would, if implemented, result in at least \$2,000,000 in savings.

(2) The term “establishment” has the meaning given that term in section 12 of the Inspector General Act of 1978, except that the term also includes the following:

(A) The Office of the Director of National Intelligence.

(B) The Central Intelligence Agency.

(C) The Architect of the Capitol.

(D) The Government Accountability Office.

(E) The Government Printing Office.

(F) The Library of Congress.

(3) The term “head of the establishment” has the meaning given that term in section 12 of the Inspector General Act of 1978, except that the term also includes the following:

(A) The Director of National Intelligence.

(B) The Director of the Central Intelligence Agency.

(C) The Architect of the Capitol.

(D) The Comptroller General of the United States.

(E) The Public Printer.

(F) The Librarian of Congress.

**SA 86.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division F, insert after section 1114 the following:

SEC. 1115. (a) Not later than 180 days after an establishment responds to a covered audit report submitted to the establishment by an Inspector General under section 5 of the Inspector General Act of 1978, or by the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for Iraq Reconstruction, or any other Inspector General under applicable law, with a full concur response, the head of the establishment shall submit to Congress a report with a description of the status of any open or pending recommendations from the Inspector General, including any actions taken to implement the recommendations.

(b) In this section:

(1) The term “covered final audit report” means a final audit report issued by an Inspector General under the Inspector General Act of 1978 or other applicable law that includes a recommendation for an establishment to implement cost-saving measures or to seek reimbursement for failure by a contractor or subcontractor to successfully complete a contract due to poor contractor performance, cost-overruns, or other reasons that would, if implemented, result in at least \$2,000,000 in savings.

(2) The term “establishment” has the meaning given that term in section 12 of the

Inspector General Act of 1978, except that the term also includes the following:

(A) The Office of the Director of National Intelligence.

(B) The Central Intelligence Agency.

(C) The Architect of the Capitol.

(D) The Government Accountability Office.

(E) The Government Printing Office.

(F) The Library of Congress.

(3) The term “head of the establishment” has the meaning given that term in section 12 of the Inspector General Act of 1978, except that the term also includes the following:

(A) The Director of National Intelligence.

(B) The Director of the Central Intelligence Agency.

(C) The Architect of the Capitol.

(D) The Comptroller General of the United States.

(E) The Public Printer.

(F) The Librarian of Congress.

**SA 87.** Mr. ISAKSON (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE I—BIENNIAL BUDGETING AND APPROPRIATIONS

##### SEC. 01. SHORT TITLE.

This title may be cited as the “Biennial Budgeting and Appropriations Act”.

##### SEC. 02. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

#### “TIMETABLE

“SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Thirteenth Congress) is as follows:

	“First Session
On or before: First Monday in February.	Action to be completed: President submits budget recommendations.
February 15 .....	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1 .....	Budget Committees report concurrent resolution on the biennial budget.
May 15 .....	Congress completes action on concurrent resolution on the biennial budget.
May 15 .....	Biennial appropriation bills may be considered in the House.
June 10 .....	House Appropriations Committee reports last biennial appropriation bill.
June 30 .....	House completes action on biennial appropriation bills.
August 1 .....	Congress completes action on reconciliation legislation.
October 1 .....	Biennium begins.

#### “Second Session

On or before: February 15 .....	Action to be completed: President submits budget review.
Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.

“Second Session—Continued  
The last day of Congress completes action on the session. bills and resolutions authorizing new budget authority for the succeeding biennium.

“(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself or herself) begins, the following dates shall supersede those set forth in subsection (a):

	“First Session
On or before:	Action to be completed:
First Monday in April	President submits budget recommendations.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report concurrent resolution on the biennial budget.
June 1	Congress completes action on concurrent resolution on the biennial budget.
July 1	Biennial appropriation bills may be considered in the House.
July 20	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.”

**SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.**

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking “each year” and inserting “biennially”.

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking “fiscal year” each place it appears and inserting “biennium”.

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

“(12) The term ‘biennium’ means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.”

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) SECTION HEADING.—The section heading of section 301 of such Act (2 U.S.C. 632) is amended by striking “ANNUAL” and inserting “BIENNIAL”.

(2) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking “April 15 of each year” and inserting “May 15 of each odd-numbered year”;

(ii) striking “the fiscal year beginning on October 1 of such year” the first place it appears and inserting “the biennium beginning on October 1 of such year”; and

(iii) striking “the fiscal year beginning on October 1 of such year” the second place it appears and inserting “each fiscal year in such period”;

(B) in paragraph (6)—

(i) by striking “For purposes” and inserting “for purposes”; and

(ii) by striking “for the fiscal year” and inserting “for each fiscal year in the biennium”; and

(C) in paragraph (7)—

(i) by striking “For purposes” and inserting “for purposes”; and

(ii) by striking “for the fiscal year” and inserting “for each fiscal year in the biennium”.

(3) ADDITIONAL MATTERS.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)(3)) is amended by striking “for such fiscal year” and inserting “for either fiscal year in such biennium”.

(4) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting “(or, if applicable, as provided by section 300(b))” after “United States Code”.

(5) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)(1)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) inserting after the second sentence the following: “On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.”

(6) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking “fiscal year” each place it appears and inserting “biennium”.

(7) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking “for a fiscal year” and inserting “for a biennium”.

(8) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of such Act is amended by striking the item relating to section 301 and inserting the following: “Sec. 301. Biennial adoption of concurrent resolution on the budget.”

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)

(A) in paragraph (1), by—

(i) striking “for the first fiscal year of the resolution,” and inserting “for each fiscal year in the biennium”; and

(ii) striking “for that period of fiscal years” and inserting “for all fiscal years covered by the resolution”; and

(iii) striking “for the fiscal year of that resolution” and inserting “for each fiscal year in the biennium”; and

(B) in paragraph (5)(A), by striking “April 15” and inserting “May 15 or June 1 (under section 300(b))”;

(2) in subsection (b), by striking “budget year” and inserting “biennium”; and

(3) in subsection (c) by striking “for a fiscal year” each place it appears and inserting “for each fiscal year in the biennium”; and

(4) in subsection (f)(1), by striking “for a fiscal year” and inserting “for a biennium”;

(5) in subsection (f)(1), by striking “the first fiscal year” and inserting “each fiscal year of the biennium”;

(6) in subsection (f)(2)(A), by—

(A) striking “the first fiscal year” and inserting “each fiscal year of the biennium”; and

(B) striking “the total of fiscal years” and inserting “the total of all fiscal years covered by the resolution”; and

(7) in subsection (g)(1)(A), by striking “April” and inserting “May”.

(e) SECTION 303 POINT OF ORDER.—

(1) IN GENERAL.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by—

(A) striking “for a fiscal year” and inserting “for a biennium”; and

(B) striking “the first fiscal year” and inserting “each fiscal year of the biennium”; and

(C) striking “that fiscal year” each place it appears and inserting “that biennium”.

(2) EXCEPTIONS IN THE HOUSE.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)(1)) is amended—

(A) in subparagraph (A), by striking “the budget year” and inserting “the biennium”; and

(B) in subparagraph (B), by striking “the fiscal year” and inserting “the biennium”.

(3) APPLICATION TO THE SENATE.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)(1)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) striking “that year” and inserting “each fiscal year of that biennium”.

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking “fiscal year” the first two places it appears and inserting “biennium”; and

(2) by striking “for such fiscal year” and inserting “for such biennium”.

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305 of such Act (2 U.S.C. 636) is amended—

(1) in subsection (a)(3), by striking “fiscal year” and inserting “biennium”; and

(2) in subsection (b)(3), by striking “fiscal year” and inserting “biennium”.

(h) COMPLETION OF HOUSE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking “each year” and inserting “each odd-numbered year”; and

(2) by striking “annual” and inserting “biennial”;

(3) by striking “fiscal year” and inserting “biennium”; and

(4) by striking “that year” and inserting “that odd-numbered year”.

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting “of any odd-numbered year” after “July”; and

(2) by striking “annual” and inserting “biennial”;

(3) by striking “fiscal year” and inserting “biennium”; and

(4) by striking “such year” and inserting “such odd-numbered year”.

(j) RECONCILIATION PROCESS.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “any fiscal year” and inserting “any biennium”; and

(2) in paragraph (1) by striking “such fiscal year” each place it appears and inserting “any fiscal year covered by such resolution”.

(k) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)(1)) is amended—

(A) by striking “for a fiscal year” and inserting “for a biennium”; and

(B) by striking “the first fiscal year” each place it appears and inserting “either fiscal year of the biennium”; and

(C) by striking “that first fiscal year” and inserting “each fiscal year in the biennium”.

(2) IN THE SENATE.—Section 311(a)(2) of such Act (2 U.S.C. 642(a)(2)) is amended—

(A) in subparagraph (A), by striking “for the first fiscal year” and inserting “for either fiscal year of the biennium”; and

(B) in subparagraph (B)—

(i) by striking “that first fiscal year” the first place it appears and inserting “each fiscal year in the biennium”; and

(ii) by striking “that first fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act (2 U.S.C. 642(a)(3)) is amended by—

(A) striking “for the first fiscal year” and inserting “each fiscal year in the biennium”; and

(B) striking “that fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(1) MDA POINT OF ORDER.—Section 312(c) of such Act (2 U.S.C. 643) is amended—

(1) by striking “for a fiscal year” and inserting “for a biennium”; and

(2) in paragraph (1), by striking “the first fiscal year” and inserting “either fiscal year in the biennium”;

(3) in paragraph (2), by striking “that fiscal year” and inserting “either fiscal year in the biennium”; and

(4) in the matter following paragraph (2), by striking “that fiscal year” and inserting “the applicable fiscal year”.

**SEC. 04. AMENDMENTS TO TITLE 31, UNITED STATES CODE.**

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end the following:

“(3) ‘biennium’ has the meaning given that term in paragraph (12) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).”

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

“(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Fourteenth Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget of the United States Government transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:”

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 fiscal years”.

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years”.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12)(A) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking “that year” and inserting “each fiscal year in the biennium for which the budget is submitted”.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking “the fiscal year following the fiscal year” and inserting “each fiscal year in the biennium following the biennium”;

(B) by striking “that following fiscal year” and inserting “each such fiscal year”; and

(C) by striking “fiscal year before the fiscal year” and inserting “biennium before the biennium”.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking “the prior fiscal year” and inserting “each of the 2 most recently completed fiscal years.”;

(B) by striking “for that year” and inserting “with respect to those fiscal years”; and

(C) by striking “in that year” and inserting “in those fiscal years”.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking “the prior fiscal year” and inserting “each of the 2 most recently completed fiscal years”;

(B) by striking “for that year” and inserting “with respect to those fiscal years”; and

(C) by striking “in that year” each place it appears and inserting “in those fiscal years”.

(12) HOMELAND SECURITY.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended in the matter preceding subclause (I), by striking “the fiscal years for which the budget is submitted” and inserting “each fiscal year in the biennium for which the budget is submitted”.

(13) EESA.—Section 1105(a)(36) of title 31, United States Code, is amended in the matter preceding subparagraph (A), by striking “the fiscal year for which the budget is submitted” and inserting “each fiscal year in the biennium for which the budget is submitted”.

(14) VETERANS HEALTH.—Section 1105(a) of title 31, United States Code, is amended in the first paragraph designated as paragraph (37) (relating to medical care accounts of the Veterans Health Administration), by striking “the fiscal year for which the budget is submitted” and inserting “each fiscal year in the biennium for which the budget is submitted”.

(A) TECHNICAL AMENDMENT.—Section 1105(a) of title 31, United States Code, is amended by redesignating the second paragraph designated as paragraph (37) (relating to plans and reports identified for elimination or consolidation) as paragraph (39).

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking “each year” and inserting “each even-numbered year”.

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking “the fiscal year for” the first place it appears and inserting “each fiscal year in the biennium for”;

(2) by striking “the fiscal year for” the second place it appears and inserting “each fiscal year of the biennium, as the case may be, for”; and

(3) by striking “for that year” and inserting “for each fiscal year of the biennium”.

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking “ensuing fiscal year” and inserting “biennium to which such budget relates”.

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting after “Before July 16 of each year” the following: “and February 15 of each even-numbered year”; and

(ii) striking “fiscal year” and inserting “biennium”;

(B) in paragraph (1), by striking “that fiscal year” and inserting “each fiscal year in such biennium”;

(C) in paragraph (2), by striking “fiscal year” and inserting “biennium”; and

(D) in paragraph (3), by striking “fiscal year” and inserting “biennium”.

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) inserting after “Before July 16 of each year” the following: “and February 15 of each even-numbered year”;

(B) striking “the fiscal year” and inserting “each fiscal year in the biennium”; and

(C) striking “submitted before July 16” and inserting “required by this subsection”.

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking “On or before the first Monday after January 3 of each year (on or before February 5 in 1986)” and inserting “At the same time the budget required by section 1105 is submitted for a biennium”; and

(B) by striking “the following fiscal year” and inserting “each fiscal year of such period”.

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking “before March 1 of each year” and inserting “within 6 weeks of the President’s budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)”.

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking “May 16” and inserting “March 31”; and

(2) striking “year before the year in which the fiscal year begins” and inserting “calendar year preceding the calendar year in which the biennium begins”.

**SEC. 05. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.**

Section 105 of title 1, United States Code, is amended to read as follows:

**“§ 105. Title and style of appropriations Acts**

“(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: ‘An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).’

“(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

“(c) For purposes of this section, the term ‘biennium’ has the same meaning as in section 3(12) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(12)).”

**SEC. 06. MULTIYEAR AUTHORIZATIONS.**

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

**“AUTHORIZATIONS OF APPROPRIATIONS**

“SEC. 316. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

“(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

“(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

“(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

“(1) any measure that is privileged for consideration pursuant to a rule or statute;

“(2) any matter considered in Executive Session; or

“(3) an appropriations measure or reconciliation bill.”

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 1(b) of the

Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following:

"Sec. 316. Authorizations of appropriations."

**SEC. 07. GOVERNMENT PLANS ON A BIENNIAL BASIS.**

(a) **MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.**—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—  
(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)"; and

(2) in subsection (e)—  
(A) in the first sentence by striking "one or";

(B) in the second sentence by striking "a subsequent year" and inserting "a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "4".

(b) **PILOT PROJECTS FOR PERFORMANCE BUDGETING.**—Section 1119 of title 31, United States Code, is amended—

(1) in subsection (d)(1), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(c) **STRATEGIC PLANS.**—Section 2802 of title 39, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2015";

(2) in subsection (b)—  
(A) by striking "five years forward" and inserting "6 years forward"; and

(B) by striking "at least every three years" and inserting "at least every 4 years"; and

(3) in subsection (c)—  
(A) by striking "section" the second place it appears and inserting "section, including a strategic plan submitted by September 30, 2015 meeting the requirements of subsection (a)";

(d) **PERFORMANCE PLANS.**—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for each years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle."

(e) **COMMITTEE VIEWS OF PLANS AND REPORTS.**—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House."

(f) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on March 1, 2015.

(2) **AGENCY ACTIONS.**—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to

prepare and submit any plan or report in accordance with the amendments made by this title.

**SEC. 08. BIENNIAL APPROPRIATIONS BILLS.**

(a) **IN GENERAL.**—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.), as amended by section 06(a), is amended by adding at the end the following:

"CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

"SEC. 317. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended."

(b) **AMENDMENT TO TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316, as added by section 06(b) the following:

"Sec. 317. Consideration of biennial appropriations bills."

**SEC. 09. REPORT ON TWO-YEAR FISCAL PERIOD.**

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committee on the Budget of the House of Representatives and the Committee on the Budget of Senate.

**SEC. 10. EFFECTIVE DATE.**

Except as provided in section 07, this title and the amendments made by this title shall take effect on January 1, 2015, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2016.

**NOTICE OF HEARING**

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Ms. LANDRIEU. Mr. President, the Committee on Small Business and Entrepreneurship will meet on March 14, 2013, at 10:30 a.m. in room 432 Russell Senate Office building to hold a roundtable discussion entitled "Helping Small Businesses Weather Economic Challenges & Natural Disasters: Review of Legislative Proposals on Access to Capital and Disaster Recovery."

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 13, 2013, at 10 a.m., to hold a hearing entitled, "Strategic Counterterrorism: Meeting Current and Emerging Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 13, 2013, at 2:30 p.m. to conduct a hearing entitled "The Costs and Impacts of Crisis Budgeting."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 13, 2013, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "We the People: Fulfilling the Promise of Open Government Five Years After The OPEN Government Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 13, 2013, at 10 a.m. in room SR-418 of the Russell Senate office building to conduct a hearing entitled "VA Claims Process—Review of VA's Transformation Efforts."

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON PERSONNEL**

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 13, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SPECIAL COMMITTEE ON AGING**

Mr. REED. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 13, 2013, to conduct a hearing entitled "876-SCAM: Jamaican Phone Fraud Targeting Seniors."

The Committee will meet in room 562 of the Dirksen Senate Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**DESIGNATING THE SENATOR DANIEL K. INOUE ROOM**

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 76.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 76) designating room S-126 of the United States Capitol as the "Senator Daniel K. Inouye Room" in recognition of his service to the Senate and the people of the United States.

There being no objection, the Senate proceeded to consider the resolution.