

Xerox

1 **DIVISION F—DEPARTMENTS OF LABOR,**
2 **HEALTH AND HUMAN SERVICES, EDU-**
3 **CATION, AND RELATED AGENCIES AP-**
4 **PROPRIATIONS ACT, 2012**

5 **TITLE I**

6 **DEPARTMENT OF LABOR**

7 **EMPLOYMENT AND TRAINING ADMINISTRATION**

8 **TRAINING AND EMPLOYMENT SERVICES**

9 **(INCLUDING TRANSFER OF FUNDS)**

10 For necessary expenses of the Workforce Investment
11 Act of 1998 (referred to in this Act as “WIA”), the Sec-
12 ond Chance Act of 2007, and the Women in Apprentice-
13 ship and Non-Traditional Occupations Act of 1992
14 (“WANTO”), including the purchase and hire of pas-
15 senger motor vehicles, the construction, alteration, and re-
16 pair of buildings and other facilities, and the purchase of
17 real property for training centers as authorized by the
18 WIA, \$3,195,383,000, plus reimbursements, shall be
19 available. Of the amounts provided:

20 (1) for grants to States for adult employment
21 and training activities, youth activities, and dis-
22 located worker employment and training activities,
23 \$2,605,268,000 as follows:

1 (A) \$770,922,000 for adult employment
2 and training activities, of which \$58,922,000
3 shall be available for the period July 1, 2012,
4 through June 30, 2013, and of which
5 \$712,000,000 shall be available for the period
6 October 1, 2012 through June 30, 2013;

7 (B) \$825,914,000 for youth activities,
8 which shall be available for the period April 1,
9 2012 through June 30, 2013; and

10 (C) \$1,008,432,000 for dislocated worker
11 employment and training activities, of which
12 \$148,432,000 shall be available for the period
13 July 1, 2012 through June 30, 2013, and of
14 which \$860,000,000 shall be available for the
15 period October 1, 2012 through June 30, 2013:

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

1 standing section 128(a)(1) of the WIA, the amount
2 available to the Governor for statewide workforce in-
3 vestment activities shall not exceed 5 percent of the
4 amount allotted to the State from each of the appro-
5 priations under the preceding subparagraphs;

6 (2) for federally administered programs,
7 \$487,053,000 as follows:

8 (A) \$224,112,000 for the dislocated work-
9 ers assistance national reserve, of which
10 \$24,112,000 shall be available for the period
11 July 1, 2012 through June 30, 2013, and of
12 which \$200,000,000 shall be available for the
13 period October 1, 2012 through June 30, 2013:
14 *Provided*, That funds provided to carry out sec-
15 tion 132(a)(2)(A) of the WIA may be used to
16 provide assistance to a State for statewide or
17 local use in order to address cases where there
18 have been worker dislocations across multiple
19 sectors or across multiple local areas and such
20 workers remain dislocated; coordinate the State
21 workforce development plan with emerging eco-
22 nomic development needs; and train such eligi-
23 ble dislocated workers: *Provided further*, That
24 funds provided to carry out section 171(d) of
25 the WIA may be used for demonstration

1 projects that provide assistance to new entrants
2 in the workforce and incumbent workers: *Pro-*
3 *vided further*, That none of the funds shall be
4 obligated to carry out section 173(e) of the
5 WIA;

6 (B) \$47,652,000 for Native American pro-
7 grams, which shall be available for the period
8 July 1, 2012 through June 30, 2013;

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

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

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

8 (F) \$50,000,000 to be available to the Sec-
9 retary of Labor (referred to in this title as
10 "Secretary") for the Workforce Innovation
11 Fund to carry out projects that demonstrate in-
12 novative strategies or replicate effective evi-
13 dence-based strategies that align and strength-
14 en the workforce investment system in order to
15 improve program delivery and education and
16 employment outcomes for beneficiaries, which
17 shall be for the period July 1, 2012 through
18 September 30, 2013: *Provided*, That amounts
19 shall be available for awards to States or State
20 agencies that are eligible for assistance under
21 any program authorized under the WIA, con-
22 sortia of States, or partnerships, including re-
23 gional partnerships: *Provided further*, That not
24 more than 5 percent of the funds available for
25 workforce innovation activities shall be for tech-

1 nical assistance and evaluations related to the
2 projects carried out with these funds;

3 (3) for national activities, \$103,062,000, as fol-
4 lows:

5 (A) \$6,616,000, in addition to any
6 amounts available under paragraph (2), for Pi-
7 lots, Demonstrations, and Research, which shall
8 be available for the period April 1, 2012
9 through June 30, 2013: *Provided*, That funds
10 made available by Public Law 112-10 that were
11 designated for grants to address the employ-
12 ment and training needs of young parents may
13 be used for other pilots, demonstration, and re- (s)
14 search activities and for implementation activi-
15 ties related to the VOW to Hire Heroes Act of
16 2011 and may be transferred to "State Unem-
17 ployment Insurance and Employment Service
18 Operations" to carry out such implementation
19 activities;

20 (B) \$80,390,000 for ex-offender activities,
21 under the authority of section 171 of the WIA
22 and section 212 of the Second Chance Act of
23 2007, which shall be available for the period
24 April 1, 2012 through June 30, 2013, notwith-
25 standing the requirements of section

1 171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Pro-*
2 *vided*, That of this amount, \$20,000,000 shall
3 be for competitive grants to national and re-
4 gional intermediaries for activities that prepare
5 young ex-offenders and school dropouts for em-
6 ployment, with a priority for projects serving
7 high-crime, high-poverty areas;

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

11 (D) \$6,475,000 for the Workforce Data
12 Quality Initiative, under the authority of section
13 171(c)(2) of the WIA, which shall be available
14 for the period July 1, 2012 through June 30,
15 2013, and which shall not be subject to the re-
16 quirements of section 171(c)(4)(D).

17 OFFICE OF JOBS CORPS

18 To carry out subtitle C of title I of the WIA, includ-
19 ing Federal administrative expenses, the purchase and
20 hire of passenger motor vehicles, the construction, alter-
21 ation, and repairs of buildings and other facilities, and the
22 purchase of real property for training centers as author-
23 ized by the WIA, \$1,706,171,000, plus reimbursements,
24 as follows:

1 (1) \$1,572,049,000 for Job Corps Operations,
2 which shall be available for the period July 1, 2012
3 through June 30, 2013;

4 (2) \$104,990,000 for construction, rehabilita-
5 tion and acquisition of Job Corps Centers, which
6 shall be available for the period July 1, 2012
7 through June 30, 2015: *Provided*, That the Sec-
8 retary may transfer up to 15 percent of such funds
9 to meet the operational needs of such centers or to
10 achieve administrative efficiencies: *Provided further*,
11 That any funds transferred pursuant to the pre-
12 ceding proviso shall not be available for obligation
13 after June 30, 2013; and

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

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

21 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

22 AMERICANS

23 To carry out title V of the Older Americans Act of
24 1965 (referred to in this Act as "OAA"), \$449,100,000,
25 which shall be available for the period July 1, 2012

1 through June 30, 2013, and may be recaptured and reobli-
2 gated in accordance with section 517(c) of the OAA.

3 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

4 For payments during fiscal year 2012 of trade ad-
5 justment benefit payments and allowances under part I
6 of subchapter B of chapter 2 of title II of the Trade Act
7 of 1974, and section 246 of that Act; and for training,
8 employment and case management services, allowances for
9 job search and relocation, and related State administrative
10 expenses under part II of subchapter B of chapter 2 of
11 title II of the Trade Act of 1974, including benefit pay-
12 ments, allowances, training, employment and case man-
13 agement services, and related State administration pro-
14 vided pursuant to section 231(a) of the Trade Adjustment
15 Assistance Extension Act of 2011, \$1,100,100,000, to-
16 gether with such amounts as may be necessary to be
17 charged to the subsequent appropriation for payments for
18 any period subsequent to September 15, 2012.

19 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
20 SERVICE OPERATIONS

21 For authorized administrative expenses,
22 \$86,231,000, together with not to exceed \$3,958,441,000
23 which may be expended from the Employment Security
24 Administration Account in the Unemployment Trust Fund
25 (“the Trust Fund”), of which:

1 (1) \$3,181,154,000 from the Trust Fund is for
2 grants to States for the administration of State un-
3 employment insurance laws as authorized under title
4 III of the Social Security Act (including not less
5 than \$10,000,000 to conduct in-person reemploy-
6 ment and eligibility assessments and unemployment
7 insurance improper payment reviews), the adminis-
8 tration of unemployment insurance for Federal em-
9 ployees and for ex-service members as authorized
10 under 5 U.S.C. 8501–8523, and the administration
11 of trade readjustment allowances, reemployment
12 trade adjustment assistance, and alternative trade
13 adjustment assistance under the Trade Act of 1974
14 and under section 231(a) of the Trade Adjustment
15 Assistance Extension Act of 2011, and shall be
16 available for obligation by the States through De-
17 cember 31, 2012, except that funds used for auto-
18 mation acquisitions or competitive grants awarded to
19 States for improved operations, or reemployment
20 and eligibility assessments and improper payments
21 shall be available for obligation by the States
22 through September 30, 2014, and funds used for
23 unemployment insurance workloads experienced by
24 the States through September 30, 2012 shall be

1 available for Federal obligation through December
2 31, 2012;

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

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

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

23 (5) \$65,517,000 from the Trust Fund is for the
24 administration of foreign labor certifications and re-
25 lated activities under the Immigration and Nation-

1 ality Act and related laws, of which \$50,418,000
2 shall be available for the Federal administration of
3 such activities, and \$15,099,000 shall be available
4 for grants to States for the administration of such
5 activities; and

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

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

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

1 In addition, \$50,000,000 from the Employment Se-
2 curity Administration Account of the Unemployment
3 Trust Fund shall be available to conduct in-person reem-
4 ployment and eligibility assessments and unemployment
5 insurance improper payment reviews.

6 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND

7 OTHER FUNDS

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

18 PROGRAM ADMINISTRATION

19 For expenses of administering employment and train-
20 ing programs, \$97,320,000, together with not to exceed
21 \$50,040,000 which may be expended from the Employ-
22 ment Security Administration Account in the Unemploy-
23 ment Trust Fund.

1 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employee Benefits
4 Security Administration, \$183,500,000.

5 PENSION BENEFIT GUARANTY CORPORATION

6 PENSION BENEFIT GUARANTY CORPORATION FUND

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

1 penses for every 20,000 additional terminated partici-
2 pants: *Provided further*, That an additional \$50,000 shall
3 be made available through September 30, 2013, for obliga-
4 tion for investment management fees for every
5 \$25,000,000 in assets received by the Corporation as a
6 result of new plan terminations or asset growth, after ap-
7 proval by the Office of Management and Budget and noti-
8 fication of the Committees on Appropriations of the House
9 of Representatives and the Senate: *Provided further*, That
10 obligations in excess of the amounts provided in this para-
11 graph may be incurred for unforeseen and extraordinary
12 pretermination expenses or extraordinary multiemployer
13 program related expenses after approval by the Office of
14 Management and Budget and notification of the Commit-
15 tees on Appropriations of the House of Representatives
16 and the Senate.

17 WAGE AND HOUR DIVISION

18 SALARIES AND EXPENSES

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

1 OFFICE OF LABOR MANAGEMENT STANDARDS

2 SALARIES AND EXPENSES

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

5 OFFICE OF FEDERAL CONTRACT COMPLIANCE

6 PROGRAMS

7 SALARIES AND EXPENSES

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

10 OFFICE OF WORKERS' COMPENSATION PROGRAMS

11 SALARIES AND EXPENSES

12 For necessary expenses for the Office of Workers'
13 Compensation Programs, \$115,939,000, together with
14 \$2,124,000 which may be expended from the Special Fund
15 in accordance with sections 39(e), 44(d), and 44(j) of the
16 Longshore and Harbor Worker's Compensation Act.

17 SPECIAL BENEFITS

18 (INCLUDING TRANSFER OF FUNDS)

19 For the payment of compensation, benefits, and ex-
20 penses (except administrative expenses) accruing during
21 the current or any prior fiscal year authorized by 5 U.S.C.
22 81; continuation of benefits as provided for under the
23 heading "Civilian War Benefits" in the Federal Security
24 Agency Appropriation Act, 1947; the Employees' Com-
25 pensation Commission Appropriation Act, 1944; sections

1 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
2 cent of the additional compensation and benefits required
3 by section 10(h) of the Longshore and Harbor Workers'
4 Compensation Act, \$350,000,000, together with such
5 amounts as may be necessary to be charged to the subse-
6 quent year appropriation for the payment of compensation
7 and other benefits for any period subsequent to August
8 15 of the current year: *Provided*, That amounts appro-
9 priated may be used under 5 U.S.C. 8104 by the Secretary
10 to reimburse an employer, who is not the employer at the
11 time of injury, for portions of the salary of a re-employed,
12 disabled beneficiary: *Provided further*, That balances of re-
13 imbursements unobligated on September 30, 2011, shall
14 remain available until expended for the payment of com-
15 pensation, benefits, and expenses: *Provided further*, That
16 in addition there shall be transferred to this appropriation
17 from the Postal Service and from any other corporation
18 or instrumentality required under 5 U.S.C. 8147(c) to pay
19 an amount for its fair share of the cost of administration,
20 such sums as the Secretary determines to be the cost of
21 administration for employees of such fair share entities
22 through September 30, 2012: *Provided further*, That of
23 those funds transferred to this account from the fair share
24 entities to pay the cost of administration of the Federal

1 Employees' Compensation Act, \$59,488,000 shall be made
2 available to the Secretary as follows:

3 (1) For enhancement and maintenance of auto-
4 mated data processing systems and telecommuni-
5 cations systems, \$17,253,000;

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

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

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

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

19 SPECIAL BENEFITS FOR DISABLED COAL MINERS

20 For carrying out title IV of the Federal Mine Safety
21 and Health Act of 1977, as amended by Public Law 107-
22 275, \$141,227,000, to remain available until expended.

23 For making after July 31 of the current fiscal year,
24 benefit payments to individuals under title IV of such Act,

1 for costs incurred in the current fiscal year, such amounts
2 as may be necessary.

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

6 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

7 OCCUPATIONAL ILLNESS COMPENSATION FUND

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

15 BLACK LUNG DISABILITY TRUST FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 Such sums as may be necessary from the Black Lung
18 Disability Trust Fund (“Fund”), to remain available until
19 expended, for payment of all benefits authorized by section
20 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code
21 of 1986; and repayment of, and payment of interest on
22 advances, as authorized by section 9501(d)(4) of that Act.
23 In addition, the following amounts may be expended from
24 the Fund for fiscal year 2012 for expenses of operation
25 and administration of the Black Lung Benefits program,

1 as authorized by section 9501(d)(5): not to exceed
2 \$32,906,000 for transfer to the Office of Workers' Com-
3 pensation Programs, "Salaries and Expenses"; not to ex-
4 ceed \$25,217,000 for transfer to Departmental Manage-
5 ment, "Salaries and Expenses"; not to exceed \$327,000
6 for transfer to Departmental Management, "Office of In-
7 spector General"; and not to exceed \$356,000 for pay-
8 ments into miscellaneous receipts for the expenses of the
9 Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

11

SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$565,857,000, including not
14 to exceed \$104,393,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act ("Act"), which
17 grants shall be no less than 50 percent of the costs of
18 State occupational safety and health programs required to
19 be incurred under plans approved by the Secretary under
20 section 18 of the Act; and, in addition, notwithstanding
21 31 U.S.C. 3302, the Occupational Safety and Health Ad-
22 ministration may retain up to \$200,000 per fiscal year
23 of training institute course tuition fees, otherwise author-
24 ized by law to be collected, and may utilize such sums for
25 occupational safety and health training and education:

1 *Provided*, That notwithstanding 31 U.S.C. 3302, the Sec-
2 retary is authorized, during the fiscal year ending Sep-
3 tember 30, 2012, to collect and retain fees for services
4 provided to Nationally Recognized Testing Laboratories,
5 and may utilize such sums, in accordance with the provi-
6 sions of 29 U.S.C. 9a, to administer national and inter-
7 national laboratory recognition programs that ensure the
8 safety of equipment and products used by workers in the
9 workplace: *Provided further*, That none of the funds ap-
10 propriated under this paragraph shall be obligated or ex-
11 pended to prescribe, issue, administer, or enforce any
12 standard, rule, regulation, or order under the Act which
13 is applicable to any person who is engaged in a farming
14 operation which does not maintain a temporary labor
15 camp and employs 10 or fewer employees: *Provided fur-*
16 *ther*, That no funds appropriated under this paragraph
17 shall be obligated or expended to administer or enforce
18 any standard, rule, regulation, or order under the Act with
19 respect to any employer of 10 or fewer employees who is
20 included within a category having a Days Away, Re-
21 stricted, or Transferred (DART) occupational injury and
22 illness rate, at the most precise industrial classification
23 code for which such data are published, less than the na-
24 tional average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of the Act,
2 except—

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

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

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

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

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

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

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That
5 \$10,729,000 shall be available for Susan Harwood train-
6 ing grants.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses for the Mine Safety and
11 Health Administration, \$374,000,000, including purchase
12 and bestowal of certificates and trophies in connection
13 with mine rescue and first-aid work, and the hire of pas-
14 senger motor vehicles, including up to \$2,000,000 for
15 mine rescue and recovery activities; in addition, not to ex-
16 ceed \$750,000 may be collected by the National Mine
17 Health and Safety Academy for room, board, tuition, and
18 the sale of training materials, otherwise authorized by law
19 to be collected, to be available for mine safety and health
20 education and training activities, notwithstanding 31
21 U.S.C. 3302; and, in addition, the Mine Safety and Health
22 Administration may retain up to \$1,499,000 from fees col-
23 lected for the approval and certification of equipment, ma-
24 terials, and explosives for use in mines, and may utilize
25 such sums for such activities; and, in addition, the Sec-

1 retary may transfer from amounts provided under this
2 heading up to \$3,000,000 to "Departmental Manage-
3 ment" for activities related to the Office of the Solicitor's
4 caseload before the Federal Mine Safety and Health Re-
5 view Commission; the Secretary is authorized to accept
6 lands, buildings, equipment, and other contributions from
7 public and private sources and to prosecute projects in co-
8 operation with other agencies, Federal, State, or private;
9 the Mine Safety and Health Administration is authorized
10 to promote health and safety education and training in
11 the mining community through cooperative programs with
12 States, industry, and safety associations; the Secretary is
13 authorized to recognize the Joseph A. Holmes Safety As-
14 sociation as a principal safety association and, notwith-
15 standing any other provision of law, may provide funds
16 and, with or without reimbursement, personnel, including
17 service of Mine Safety and Health Administration officials
18 as officers in local chapters or in the national organiza-
19 tion; and any funds available to the Department of Labor
20 may be used, with the approval of the Secretary, to pro-
21 vide for the costs of mine rescue and survival operations
22 in the event of a major disaster.

1 BUREAU OF LABOR STATISTICS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Bureau of Labor Sta-
4 tistics, including advances or reimbursements to State,
5 Federal, and local agencies and their employees for serv-
6 ices rendered, \$542,921,000, together with not to exceed
7 \$67,303,000 which may be expended from the Employ-
8 ment Security Administration Account in the Unemploy-
9 ment Trust Fund, of which \$1,500,000 may be used to
10 fund the mass layoff statistics program under section 15
11 of the Wagner-Peyser Act.

12 OFFICE OF DISABILITY EMPLOYMENT POLICY

13 SALARIES AND EXPENSES

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

19 DEPARTMENTAL MANAGEMENT

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for Departmental Manage-
23 ment, including the hire of three passenger motor vehicles,
24 \$346,683,000, together with not to exceed \$326,000,
25 which may be expended from the Employment Security

1 Administration Account in the Unemployment Trust
2 Fund: *Provided*, That \$66,500,000 for the Bureau of
3 International Labor Affairs shall be available for obliga-
4 tion through December 31, 2012: *Provided further*, That
5 funds available to the Bureau of International Labor Af-
6 fairs may be used to administer or operate international
7 labor activities, bilateral and multilateral technical assist-
8 ance, and microfinance programs, by or through contracts,
9 grants, subgrants and other arrangements: *Provided fur-*
10 *ther*, That \$40,000,000 shall be for programs to combat
11 exploitative child labor internationally: *Provided further*,
12 That not less than \$6,500,000 shall be used to implement
13 model programs that address worker rights issues through
14 technical assistance in countries with which the United
15 States has free trade agreements or trade preference pro-
16 grams: *Provided further*, That \$8,500,000 shall be used
17 for program evaluation and shall be available for obliga-
18 tion through September 30, 2013: *Provided further*, That
19 funds available for program evaluation may be transferred
20 to any other appropriate account in the Department for
21 such purpose: *Provided further*, That the funds available
22 to the Women's Bureau may be used for grants to serve
23 and promote the interests of women in the workforce.

1 VETERANS EMPLOYMENT AND TRAINING

2 Not to exceed \$212,060,000 may be derived from the
3 Employment Security Administration Account in the Un-
4 employment Trust Fund to carry out the provisions of 38
5 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and
6 Public Law 103-353, and which shall be available for obli-
7 gation by the States through December 31, 2012, of which
8 \$2,444,000 is for the National Veterans' Employment and
9 Training Services Institute.

10 In addition, to carry out Department of Labor pro-
11 grams under section 5(a)(1) of the Homeless Veterans
12 Comprehensive Assistance Act of 2001 and the Veterans
13 Workforce Investment Programs under section 168 of the
14 WIA, \$52,879,000, of which \$14,622,000 shall be avail-
15 able for obligation for the period July 1, 2012 through
16 June 30, 2013.

17 IT MODERNIZATION

18 For necessary expenses for Department of Labor cen-
19 tralized infrastructure technology investment activities re-
20 lated to support systems and modernization, \$19,852,000.

21 OFFICE OF INSPECTOR GENERAL

22 For salaries and expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, \$77,937,000, together with not to
25 exceed \$5,909,000 which may be expended from the Em-

1 ployment Security Administration Account in the Unem-
2 ployment Trust Fund.

3 GENERAL PROVISIONS

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

9 (TRANSFER OF FUNDS)

10 SEC. 102. Not to exceed 1 percent of any discre-
11 tionary funds (pursuant to the Balanced Budget and
12 Emergency Deficit Control Act of 1985) which are appro-
13 priated for the current fiscal year for the Department of
14 Labor in this Act may be transferred between a program,
15 project, or activity, but no such program, project, or activ-
16 ity shall be increased by more than 3 percent by any such
17 transfer: *Provided*, That the transfer authority granted by
18 this section shall be available only to meet emergency
19 needs and shall not be used to create any new program
20 or to fund any project or activity for which no funds are
21 provided in this Act: *Provided further*, That the Commit-
22 tees on Appropriations of the House of Representatives
23 and the Senate are notified at least 15 days in advance
24 of any transfer.

1 SEC. 103. In accordance with Executive Order No.
2 13126, none of the funds appropriated or otherwise made
3 available pursuant to this Act shall be obligated or ex-
4 pended for the procurement of goods mined, produced,
5 manufactured, or harvested or services rendered, in whole
6 or in part, by forced or indentured child labor in industries
7 and host countries already identified by the United States
8 Department of Labor prior to enactment of this Act.

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

17 SEC. 105. None of the funds made available by this
18 Act under the heading "Employment and Training Ad-
19 ministration" shall be used by a recipient or subrecipient
20 of such funds to pay the salary and bonuses of an indi-
21 vidual, either as direct costs or indirect costs, at a rate
22 in excess of Executive Level II. This limitation shall not
23 apply to vendors providing goods and services as defined
24 in Office of Management and Budget Circular A-133.
25 Where States are recipients of such funds, States may es-

1 establish a lower limit for salaries and bonuses of those re-
2 ceiving salaries and bonuses from subrecipients of such
3 funds, taking into account factors including the relative
4 cost-of-living in the State, the compensation levels for
5 comparable State or local government employees, and the
6 size of the organizations that administer Federal pro-
7 grams involved including Employment and Training Ad-
8 ministration programs. Notwithstanding this section, the
9 limitation on salaries for the Job Corps shall continue to
10 be governed by section 101.

11 SEC. 106. The Secretary shall take no action to
12 amend, through regulatory or administration action, the
13 definition established in section 667.220 of title 20 of the
14 Code of Federal Regulations for functions and activities
15 under title I of WIA, or to modify, through regulatory or
16 administrative action, the procedure for redesignation of
17 local areas as specified in subtitle B of title I of that Act
18 (including applying the standards specified in section
19 116(a)(3)(B) of that Act, but notwithstanding the time
20 limits specified in section 116(a)(3)(B) of that Act), until
21 such time as legislation reauthorizing the Act is enacted.
22 Nothing in the preceding sentence shall permit or require
23 the Secretary to withdraw approval for such redesignation
24 from a State that received the approval not later than Oc-
25 tober 12, 2005, or to revise action taken or modify the

1 redesignation procedure being used by the Secretary in
2 order to complete such redesignation for a State that initi-
3 ated the process of such redesignation by submitting any
4 request for such redesignation not later than October 26,
5 2005.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 107. Notwithstanding section 102, the Sec-
8 retary may transfer funds made available to the Employ-
9 ment and Training Administration by this Act or by Pub-
10 lic Law 112-10, either directly or through a set-aside, for
11 technical assistance services to grantees to “Program Ad-
12 ministration” when it is determined that those services
13 will be more efficiently performed by Federal employees.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 108. (a) The Secretary may reserve not more
16 than 0.5 percent from each appropriation made available
17 in this Act identified in subsection (b) in order to carry
18 out evaluations of any of the programs or activities that
19 are funded under such accounts. Any funds reserved under
20 this section shall be transferred to “Departmental Man-
21 agement” for use by the Office of the Chief Evaluation
22 Officer within the Department of Labor, and shall be
23 available for obligation through September 30, 2013: *Pro-*
24 *vided*, That such funds shall only be available if the Chief
25 Evaluation Officer of the Department of Labor submits

1 a plan to the Committees on Appropriations of the House
2 of Representatives and the Senate describing the evalua-
3 tions to be carried out 15 days in advance of any transfer.

4 (b) The accounts referred to in subsection (a) are:
5 “Office of Job Corps”, “State Unemployment Insurance
6 and Employment Service Operations”, “Employee Bene-
7 fits Security Administration”, “Office of Workers’ Com-
8 pensation Programs”, “Wage and Hour Division”, “Office
9 of Federal Contract Compliance Programs”, “Office of
10 Labor Management Standards”, “Occupational Safety
11 and Health Administration”, “Mine Safety and Health
12 Administration”, and “Veterans Employment and Train-
13 ing”.

14 SEC. 109. None of the funds made available by this
15 Act may be used to promulgate the Definition of “Fidu-
16 ciary” regulation (Regulatory Identification Number
17 1210-AB32) published by the Employee Benefits Security
18 Administration of the Department of Labor on October
19 22, 2010 (75 Fed. Reg. 65263).

20 SEC. 110. None of the amounts made available under
21 this Act may be used to implement the rule entitled “Wage
22 Methodology for the Temporary Non-Agricultural Em-
23 ployment H-2B Program” (76 Fed. Reg. 3452 (January
24 19, 2011)).

1 SEC. 111. None of the funds made available by this
2 Act may be used to continue the development of or to pro-
3 mulgate, administer, enforce, or otherwise implement the
4 Occupational Injury and Illness Recording and Reporting
5 Requirements—Musculoskeletal Disorders (MSD) Column
6 regulation (Regulatory Identification Number 1218–
7 AC45) being developed by the Occupational Safety and
8 Health Administration of the Department of Labor.

9 SEC. 112. None of the funds made available by this
10 Act may be used to implement or enforce the proposed
11 rule entitled “Lowering Miners’ Exposure to Coal Mine
12 Dust, Including Continuous Personal Dust Monitors” reg-
13 ulation published by the Mine Safety and Health Adminis-
14 tration (MSHA) of the Department of Labor on October
15 19, 2010 (75 Fed. Reg. 64412, RIN 1219-AB64) until—

16 (1) the Government Accountability Office—

17 (A) issues, at a minimum, an interim re-
18 port which—

19 (i) evaluates the completeness of
20 MSHA’s data collection and sampling, to
21 include an analysis of whether such data
22 supports current trends of the incidence of
23 lung disease arising from occupational ex-
24 posure to respirable coal mine dust across
25 working underground coal miners; and

1 (ii) assesses the sufficiency of
2 MSHA's analytical methodology; and

3 (B) not later than 240 days after enact-
4 ment of this Act, submits the report described
5 in subparagraph (A) to the Committees on Ap-
6 propriations of the House of Representatives
7 and the Senate; or

8 (2) the deadline described in paragraph (1)(B)
9 for submission of the report has passed.

10 SEC. 113. None of the funds made available by this
11 Act may be used by the Secretary to administer or enforce
12 29 CFR 779.372(c)(4).

13 This title may be cited as the "Department of Labor
14 Appropriations Act, 2012".

1

TITLE II

2

DEPARTMENT OF HEALTH AND HUMAN

3

SERVICES

4

HEALTH RESOURCES AND SERVICES ADMINISTRATION

5

PRIMARY HEALTH CARE

6

For carrying out titles II and III of the Public Health

7

Service Act (referred to in this Act as the "PHS Act")

8

with respect to primary health care and the Native Hawai-

9

ian Health Care Act of 1988, \$1,598,957,000, of which

10

\$129,000 shall be available until expended for facilities

11

renovations at the Gillis W. Long Hansen's Disease Cen-

12

ter: *Provided*, That no more than \$40,000 shall be avail-

13

able until expended for carrying out the provisions of sec-

14

tion 224(o) of the PHS Act, including associated adminis-

15

trative expenses and relevant evaluations: *Provided fur-*

16

ther, That no more than \$95,073,000 shall be available

17

until expended for carrying out the provisions of Public

18

Law 104-73 and for expenses incurred by the Department

19

of Health and Human Services (referred to in this Act

20

as "HHS") pertaining to administrative claims made

21

under such law.

22

HEALTH WORKFORCE

23

For carrying out titles III, VII, and VIII of the PHS

24

Act with respect to the health workforce, section 1128E

25

of the Social Security Act, and the Health Care Quality

1 Improvement Act of 1986, \$734,402,000: *Provided*, That
2 sections 747(c)(2), 751(j)(2), and the proportional fund-
3 ing amounts in paragraphs (1) through (4) of section
4 756(e) of the PHS Act shall not apply to funds made
5 available under this heading: *Provided further*, That for
6 any program operating under section 751 of the PHS Act
7 on or before January 1, 2009, the Secretary of Health
8 and Human Services (referred to in this title as “Sec-
9 retary”) may waive any of the requirements contained in
10 sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for
11 the full project period of a grant under such section: *Pro-*
12 *vided further*, That no funds shall be available for section
13 340G–1 of the PHS Act: *Provided further*, That in addi-
14 tion to fees authorized by section 427(b) of the Health
15 Care Quality Improvement Act of 1986, fees shall be col-
16 lected for the full disclosure of information under such Act
17 sufficient to recover the full costs of operating the Na-
18 tional Practitioner Data Bank and shall remain available
19 until expended to carry out that Act: *Provided further*,
20 That fees collected for the full disclosure of information
21 under the “Health Care Fraud and Abuse Data Collection
22 Program”, authorized by section 1128E(d)(2) of the So-
23 cial Security Act, shall be sufficient to recover the full
24 costs of operating the program, and shall remain available
25 until expended to carry out that Act: *Provided further*,

1 That funds transferred to this account to carry out section
2 846 and subpart 3 of part D of title III of the PHS Act
3 may be used to make prior year adjustments to awards
4 made under such sections.

5 MATERNAL AND CHILD HEALTH

6 For carrying out titles III, XI, XII, and XIX of the
7 PHS Act with respect to maternal and child health, title
8 V of the Social Security Act, and section 712 of the Amer-
9 ican Jobs Creation Act of 2004, \$863,607,000: *Provided*,
10 That notwithstanding sections 502(a)(1) and 502(b)(1) of
11 the Social Security Act, not more than \$79,586,000 shall
12 be available for carrying out special projects of regional
13 and national significance pursuant to section 501(a)(2) of
14 such Act and \$10,400,000 shall be available for projects
15 described in paragraphs (A) through (F) of section
16 501(a)(3) of such Act.

17 RYAN WHITE HIV/AIDS PROGRAM

18 For carrying out title XXVI of the PHS Act with
19 respect to the Ryan White HIV/AIDS program,
20 \$2,326,665,000, of which \$1,995,670,000 shall remain
21 available to the Secretary of Health and Human Services
22 through September 30, 2014, for parts A and B of title
23 XXVI of the PHS Act, and of which not less than
24 \$900,000,000 shall be for State AIDS Drug Assistance
25 Programs under the authority of section 2616 or 311(c)

1 of such Act: *Provided*, That in addition to amounts pro-
2 vided herein, \$25,000,000 shall be available from amounts
3 available under section 241 of the PHS Act to carry out
4 parts A, B, C, and D of title XXVI of the PHS Act to
5 fund Special Projects of National Significance under sec-
6 tion 2691.

7

HEALTH CARE SYSTEMS

8 For carrying out titles III and XII of the PHS Act
9 with respect to health care systems, and the Stem Cell
10 Therapeutic and Research Act of 2005, \$83,526,000.

11

RURAL HEALTH

12 For carrying out titles III and IV of the PHS Act
13 with respect to rural health, section 427(a) of the Federal
14 Coal Mine Health and Safety Act, the Cardiac Arrest Sur-
15 vival Act of 2000, and sections 711 and 1820 of the Social
16 Security Act, \$139,832,000, of which \$41,118,000 from
17 general revenues, notwithstanding section 1820(j) of the
18 Social Security Act, shall be available for carrying out the
19 Medicare rural hospital flexibility grants program: *Pro-*
20 *vided*, That of the funds made available under this heading
21 for Medicare rural hospital flexibility grants, \$15,000,000
22 shall be available for the Small Rural Hospital Improve-
23 ment Grant Program for quality improvement and adop-
24 tion of health information technology and \$1,000,000
25 shall be to carry out section 1820(g)(6) of the Social Secu-

1 rity Act, with funds provided for grants under section
2 1820(g)(6) available for the purchase and implementation
3 of telehealth services, including pilots and demonstrations
4 on the use of electronic health records to coordinate rural
5 veterans care between rural providers and the Department
6 of Veterans Affairs electronic health record system: *Pro-*
7 *vided further*, That notwithstanding section 338J(k) of the
8 PHS Act, \$10,055,000 shall be available for State Offices
9 of Rural Health.

10 FAMILY PLANNING

11 For carrying out the program under title X of the
12 PHS Act to provide for voluntary family planning
13 projects, \$297,400,000: *Provided*, That amounts provided
14 to said projects under such title shall not be expended for
15 abortions, that all pregnancy counseling shall be nondirec-
16 tive, and that such amounts shall not be expended for any
17 activity (including the publication or distribution of lit-
18 erature) that in any way tends to promote public support
19 or opposition to any legislative proposal or candidate for
20 public office.

21 PROGRAM MANAGEMENT

22 For program support in the Health Resources and
23 Services Administration, \$161,815,000: *Provided*, That
24 funds made available under this heading may be used to
25 supplement program support funding provided under the

1 headings "Primary Health Care", "Health Workforce",
2 "Maternal and Child Health", "Ryan White HIV/AIDS
3 Program", "Health Care Systems", and "Rural Health".

4 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

5 ACCOUNT

6 Such sums as may be necessary to carry out the pur-
7 pose of the program, as authorized by title VII of the PHS
8 Act. For administrative expenses to carry out the guaran-
9 teed loan program, including section 709 of the PHS Act,
10 \$2,841,000.

11 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

12 For payments from the Vaccine Injury Compensation
13 Program Trust Fund ("Trust Fund"), such sums as may
14 be necessary for claims associated with vaccine-related in-
15 jury or death with respect to vaccines administered after
16 September 30, 1988, pursuant to subtitle 2 of title XXI
17 of the PHS Act, to remain available until expended: *Pro-*
18 *vided*, That for necessary administrative expenses, not to
19 exceed \$6,489,000 shall be available from the Trust Fund
20 to the Secretary.

21 CENTERS FOR DISEASE CONTROL AND PREVENTION

22 IMMUNIZATION AND RESPIRATORY DISEASES

23 For carrying out titles II, III, VII, XVII, and XXI,
24 and section 2821 of the PHS Act, titles II and IV of the
25 Immigration and Nationality Act, and section 501 of the

1 Refugee Education Assistance Act, with respect to immu-
2 nization and respiratory diseases, \$579,375,000: *Provided,*
3 That in addition to amounts provided herein, \$12,864,000
4 shall be available from amounts available under section
5 241 of the PHS Act to carry out the National Immuniza-
6 tion Surveys.

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

9 For carrying out titles II, III, VII, XVII, XXIII, and
10 XXVI of the PHS Act with respect to HIV/AIDS, viral
11 hepatitis, sexually transmitted diseases, and tuberculosis
12 prevention, ~~\$1,105,955,000.~~

(\$1,105,995,000)

13 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

14 For carrying out titles II, III, VII, and XVII, and
15 section 2821 of the PHS Act, titles II and IV of the Immi-
16 gration and Nationality Act, and section 501 of the Ref-
17 ugee Education Assistance Act, with respect to emerging
18 and zoonotic infectious diseases, \$253,919,000.

19 CHRONIC DISEASE PREVENTION AND HEALTH
20 PROMOTION

21 For carrying out titles II, III, VII, XI, XV, XVII,
22 and XIX of the PHS Act with respect to chronic disease
23 prevention and health promotion, \$760,700,000: *Provided,*
24 That funds appropriated under this account may be avail-
25 able for making grants under section 1509 of the PHS

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

3 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
4 DISABILITIES AND HEALTH

5 For carrying out titles II, III, VII, XI, and XVII of
6 the PHS Act with respect to birth defects, developmental
7 disabilities, disabilities and health, \$138,072,000.

8 PUBLIC HEALTH SCIENTIFIC SERVICES

9 For carrying out titles II and III of the PHS Act
10 with respect to health statistics, surveillance, informatics,
11 and workforce development, \$144,795,000: *Provided*, That
12 in addition to amounts provided herein, \$247,769,000
13 shall be available from amounts available under section
14 241 of the PHS Act to carry out Public Health Scientific
15 Services.

16 ENVIRONMENTAL HEALTH

17 For carrying out titles II, III, VII, and XVII of the
18 PHS Act with respect to environmental health,
19 \$105,598,000.

20 INJURY PREVENTION AND CONTROL

21 For carrying out titles II, III, VII, and XVII of the
22 PHS Act with respect to injury prevention and control,
23 \$138,480,000.

1 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
2 HEALTH

3 For carrying out titles II, III, VII, and XVII of the
4 PHS Act, sections 101, 102, 103, 201, 202, 203, 301,
5 501, and 514 of the Federal Mine Safety and Health Act,
6 section 13 of the Mine Improvement and New Emergency
7 Response Act, and sections 20, 21, and 22 of the Occupa-
8 tional Safety and Health Act, with respect to occupational
9 safety and health, \$182,903,000: *Provided*, That in addi-
10 tion to amounts provided herein, \$110,724,000 shall be
11 available from amounts available under section 241 of the
12 PHS Act.

13 EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION
14 PROGRAM

15 For necessary expenses to administer the Energy
16 Employees Occupational Illness Compensation Program
17 Act, \$55,358,000, to remain available until expended, of
18 which \$4,500,000 shall be for use by or in support of the
19 Advisory Board on Radiation and Worker Health
20 ("Board") to carry out its statutory responsibilities, in-
21 cluding obtaining audits, technical assistance, and other
22 support from the Board's audit contractor with regard to
23 radiation dose estimation and reconstruction efforts, site
24 profiles, procedures, and review of Special Exposure Co-
25 hort petitions and evaluation reports: *Provided*, That this

1 amount shall be available consistent with the provision re-
2 garding administrative expenses in section 151(b) of divi-
3 sion B, title I of Public Law 106-554.

4 GLOBAL HEALTH

5 For carrying out titles II, III, VII and XVII of the
6 PHS Act with respect to global health, \$349,547,000; of
7 which \$118,023,000 for international HIV/AIDS shall re-
8 main available through September 30, 2013: *Provided,*
9 That funds may be used for purchase and insurance of
10 official motor vehicles in foreign countries.

11 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

12 For carrying out titles II, III, VII, and XVII of the
13 PHS Act with respect to public health preparedness and
14 response, and for expenses necessary to support activities
15 related to countering potential biological, nuclear, radio-
16 logical, and chemical threats to civilian populations,
17 \$1,306,906,000, of which \$509,486,000 shall remain
18 available until expended for the Strategic National Stock-
19 pile under section 319F-2 of the PHS Act.

20 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

21 For carrying out titles II, III, VII, XVII and XIX,
22 and section 2821 of the PHS Act and for cross-cutting
23 activities and program support that supplement activities
24 funded under the headings "Immunization and Res-
25 piratory Diseases", "HIV/AIDS, Viral Hepatitis, Sexually

1 Transmitted Diseases, and Tuberculosis Prevention”,
2 “Emerging and Zoonotic Infectious Diseases”, “Chronic
3 Disease Prevention and Health Promotion”, “Birth De-
4 fects, Developmental Disabilities, Disabilities and
5 Health”, “Environmental Health”, “Injury Prevention
6 and Control”, “National Institute for Occupational Safety
7 and Health”, “Employees Occupational Illness Compensa-
8 tion Program Act”, “Global Health”, “Public Health Pre-
9 paredness and Response”, and “Public Health Scientific
10 Services”, \$621,445,000, of which \$30,000,000 shall be
11 available until September 30, 2013 for business services,
12 of which \$25,000,000 shall be available until September
13 30, 2016 for equipment, construction and renovation of
14 facilities, and of which \$80,000,000 shall be for the Pre-
15 ventive Health and Health Services Block Grant Program:
16 *Provided*, That paragraphs (1) through (3) of subsection
17 (b) of section 2821 of the PHS Act shall not apply to
18 funds appropriated under this heading and in all other ac-
19 counts of the Centers for Disease Control and Prevention
20 (referred to in this title as “CDC”): *Provided further*, That
21 funds appropriated under this heading and in all other ac-
22 counts of CDC may be used to support the purchase, hire,
23 maintenance, and operation of aircraft for use and support
24 of the activities of CDC: *Provided further*, That employees
25 of CDC or the Public Health Service, both civilian and

1 commissioned officers, detailed to States, municipalities,
2 or other organizations under authority of section 214 of
3 the PHS Act, or in overseas assignments, shall be treated
4 as non-Federal employees for reporting purposes only and
5 shall not be included within any personnel ceiling applica-
6 ble to the Agency, Service, or HHS during the period of
7 detail or assignment: *Provided further*, That CDC may use
8 up to \$10,000 from amounts appropriated to CDC in this
9 Act for official reception and representation expenses
10 when specifically approved by the Director of CDC: *Pro-*
11 ~~*vided further*, That such sums as may be derived from au-~~ *(in addition,*
12 ~~thorized user fees, which shall be credited to the appro-~~
13 ~~priation charged with the cost thereof: *Provided further*,~~
14 ~~That with respect to the previous proviso, authorized user~~
15 ~~fees from the Vessel Sanitation Program shall be available~~
16 ~~through September 30, 2013: *Provided further*, That of~~
17 ~~the funds made available under this heading, up to \$1,000~~
18 ~~per eligible employee of CDC shall be made available until~~
19 ~~expended for Individual Learning Accounts: *Provided fur-*~~
20 ~~*ther*, That CDC may establish a Working Capital Fund,~~
21 ~~with the authorities equivalent to those provided in 42~~
22 ~~U.S.C. 231, to improve the provision of supplies and serv-~~
23 ~~ice: ~~*Provided further*, That CDC shall reduce amounts ap-~~~~
24 ~~propriated for contracting and administrative costs in this~~
25 ~~and other accounts of CDC by \$20,000,000.~~

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to cancer, \$5,081,788,000, of which up
5 to \$8,000,000 may be used for facilities repairs and im-
6 provements at the National Cancer Institute—Frederick
7 Federally Funded Research and Development Center in
8 Frederick, Maryland.

9 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to cardiovascular, lung, and blood dis-
12 eases, and blood and blood products, \$3,084,851,000.

13 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

14 RESEARCH

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to dental disease, \$411,488,000.

17 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND

18 KIDNEY DISEASES

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to diabetes and digestive and kidney dis-
21 ease, \$1,800,447,000.

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS

2 AND STROKE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to neurological disorders and stroke,
5 \$1,629,445,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

7 DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to allergy and infectious diseases,
10 \$4,499,215,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to general medical sciences,
14 \$2,434,637,000: *Provided*, That not less than
15 \$276,480,000 is provided for the Institutional Develop-
16 ment Awards program.

17 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF

18 CHILD HEALTH AND HUMAN DEVELOPMENT

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to child health and human development,
21 \$1,323,900,000.

22 NATIONAL EYE INSTITUTE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to eye diseases and visual disorders,
25 \$704,043,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$686,869,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to aging, \$1,105,530,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND

10 MUSCULOSKELETAL AND SKIN DISEASES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to arthritis and musculoskeletal and skin
13 diseases, \$536,801,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER

15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to deafness and other communication dis-
18 orders, \$417,061,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$145,043,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND

2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$460,389,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,055,362,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to mental health, \$1,483,068,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to human genome research,
15 \$513,844,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND

17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to biomedical imaging and bioengineering
20 research, \$338,998,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND

22 ALTERNATIVE MEDICINE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to complementary and alternative medi-
25 cine, \$128,299,000.

1 NATIONAL INSTITUTE ON MINORITY HEALTH AND
2 HEALTH DISPARITIES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to minority health and health disparities
5 research, \$276,963,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the PHS Act), \$69,754,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to health information communications,
13 \$338,278,000, of which \$4,000,000 shall be available until
14 September 30, 2013, for improvement of information sys-
15 tems: *Provided*, That in fiscal year 2012, the National Li-
16 brary of Medicine may enter into personal services con-
17 tracts for the provision of services in facilities owned, oper-
18 ated, or constructed under the jurisdiction of the National
19 Institutes of Health (referred to in this title as "NIH"):
20 *Provided further*, That in addition to amounts provided
21 herein, \$8,200,000 shall be available from amounts avail-
22 able under section 241 of the PHS Act to carry out the
23 purposes of the National Information Center on Health
24 Services Research and Health Care Technology estab-

1 lished under section 478A of the PHS Act and related
2 health services.

3 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
4 SCIENCES

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to translational sciences, \$576,456,000:
7 *Provided*, That up to \$10,000,000 shall be available to im-
8 plement section 402C of the PHS Act, relating to the
9 Cures Acceleration Network: *Provided*, That funds appro-
10 priated may be used to support the reorganization and ac-
11 tivities required to eliminate the National Center for Re-
12 search Resources: *Provided further*, That the Director of
13 the NIH shall ensure that, of all funds made available to
14 Institute, Center, and Office of the Director accounts
15 within "Department of Health and Human Services, Na-
16 tional Institutes of Health", at least \$487,767,000 is pro-
17 vided to the Clinical and Translational Sciences Awards
18 program.

19 OFFICE OF THE DIRECTOR

20 For carrying out the responsibilities of the Office of
21 the Director, NIH, \$1,461,880,000, of which up to
22 \$25,000,000 shall be used to carry out section 213 of this
23 Act: *Provided*, That funding shall be available for the pur-
24 chase of not to exceed 29 passenger motor vehicles for re-
25 placement only: *Provided further*, That NIH is authorized

(further
17a)

1 to collect third-party payments for the cost of clinical serv-
2 ices that are incurred in NIH research facilities and that
3 such payments shall be credited to the NIH Management
4 Fund: *Provided further*, That all funds credited to the
5 NIH Management Fund shall remain available for one fis-
6 cal year after the fiscal year in which they are deposited:
7 *Provided further*, That \$193,880,000 shall be available for
8 continuation of the National Children's Study: *Provided*
9 *further*, That \$545,962,000 shall be available for the Com-
10 mon Fund established under section 402A(c)(1) of the
11 PHS Act: *Provided further*, That of the funds provided
12 \$10,000 shall be for official reception and representation
13 expenses when specifically approved by the Director of the
14 NIH: *Provided further*, That the Office of AIDS Research
15 within the Office of the Director of the NIH may spend
16 up to \$8,000,000 to make grants for construction or ren-
17 ovation of facilities as provided for in section
18 2354(a)(5)(B) of the PHS Act.

19 BUILDINGS AND FACILITIES

20 For the study of, construction of, renovation of, and
21 acquisition of equipment for, facilities of or used by NIH,
22 including the acquisition of real property, \$125,581,000,
23 to remain available until September 30, 2016.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 MENTAL HEALTH

4 For carrying out titles III, V, and XIX of the PHS
5 Act with respect to mental health, and the Protection and
6 Advocacy for Individuals with Mental Illness Act,
7 \$934,853,000: *Provided*, That notwithstanding section
8 520A(f)(2) of the PHS Act, no funds appropriated for car-
9 rying out section 520A shall be available for carrying out
10 section 1971 of the PHS Act: *Provided further*, That in
11 addition to amounts provided herein, \$21,039,000 shall be
12 available under section 241 of the PHS Act to carry out
13 subpart I of part B of title XIX of the PHS Act to fund
14 section 1920(b) technical assistance, national data, data
15 collection and evaluation activities, and further that the
16 total available under this Act for section 1920(b) activities
17 shall not exceed 5 percent of the amounts appropriated
18 for subpart I of part B of title XIX: *Provided further*, That
19 section 520E(b)(2) of the PHS Act shall not apply to
20 funds appropriated under this Act for fiscal year 2012:
21 *Provided further*, That of the amount appropriated under
22 this heading, \$45,800,000 shall be for the National Child
23 Traumatic Stress Initiative as described in section 582 of
24 the PHS Act.

1 SUBSTANCE ABUSE TREATMENT

2 For carrying out titles III, V, and XIX of the PHS
3 Act with respect to substance abuse treatment and section
4 1922(a) of the PHS Act with respect to substance abuse
5 prevention, \$2,123,993,000: *Provided*, That in addition to
6 amounts provided herein, the following amounts shall be
7 available under section 241 of the PHS Act: (1)
8 \$79,200,000 to carry out subpart II of part B of title XIX
9 of the PHS Act to fund section 1935(b) technical assist-
10 ance, national data, data collection and evaluation activi-
11 ties, and further that the total available under this Act
12 for section 1935(b) activities shall not exceed 5 percent
13 of the amounts appropriated for subpart II of part B of
14 title XIX; and (2) \$2,000,000 to evaluate substance abuse
15 treatment programs: *Provided further*, That no funds shall
16 be available for the National All Schedules Prescription
17 Reporting system.

18 SUBSTANCE ABUSE PREVENTION

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

21 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

22 For program support and cross-cutting activities that
23 supplement activities funded under the headings "Mental
24 Health", "Substance Abuse Treatment", and "Substance
25 Abuse Prevention" in carrying out titles III, V and XIX

1 of the PHS Act and the Protection and Advocacy for Indi-
2 viduals with Mental Illness Act in the Substance Abuse
3 and Mental Health Services Administration,
4 \$109,106,000: *Provided*, That in addition to amounts pro-
5 vided herein, \$27,428,000 shall be available under section
6 241 of the PHS Act to supplement funds available to
7 carry out national surveys on drug abuse and mental
8 health, to collect and analyze program data, and to con-
9 duct public awareness and technical assistance activities:
10 *Provided further*, That funds made available under this
11 heading may be used to supplement program support
12 funding provided under the headings "Mental Health",
13 "Substance Abuse Treatment", and "Substance Abuse
14 Prevention".

15 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

16 HEALTHCARE RESEARCH AND QUALITY

17 For carrying out titles III and IX of the PHS Act,
18 part A of title XI of the Social Security Act, and section
19 1013 of the Medicare Prescription Drug, Improvement,
20 and Modernization Act of 2003, \$369,053,000 shall be
21 available from amounts available under section 241 of the
22 PHS Act, notwithstanding subsection 947(c) of such Act:
23 *Provided*, That in addition, amounts received from Free-
24 dom of Information Act fees, reimbursable and inter-
25 agency agreements, and the sale of data shall be credited

1 to this appropriation and shall remain available until Sep-
2 tember 30, 2013.

3 CENTERS FOR MEDICARE AND MEDICAID SERVICES

4 GRANTS TO STATES FOR MEDICAID

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

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

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

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

23 PAYMENTS TO HEALTH CARE TRUST FUNDS

24 For payment to the Federal Hospital Insurance
25 Trust Fund and the Federal Supplementary Medical In-

1 surance Trust Fund, as provided under sections 217(g),
2 1844, and 1860D-16 of the Social Security Act, sections
3 103(c) and 111(d) of the Social Security Amendments of
4 1965, section 278(d)(3) of Public Law 97-248, and for
5 administrative expenses incurred pursuant to section
6 201(g) of the Social Security Act, ~~\$231,012,000,000.~~ (230,741,378,000

7 In addition, for making matching payments under
8 section 1844 and benefit payments under section 1860D-
9 16 of the Social Security Act that were not anticipated
10 in budget estimates, such sums as may be necessary.

11 PROGRAM MANAGEMENT

12 For carrying out, except as otherwise provided, titles
13 XI, XVIII, XIX, and XXI of the Social Security Act, titles
14 XIII and XXVII of the PHS Act, the Clinical Laboratory
15 Improvement Amendments of 1988, and other responsibil-
16 ities of the Centers for Medicare and Medicaid Services,
17 not to exceed \$3,879,476,000, to be transferred from the
18 Federal Hospital Insurance Trust Fund and the Federal
19 Supplementary Medical Insurance Trust Fund, as author-
20 ized by section 201(g) of the Social Security Act; together
21 with all funds collected in accordance with section 353 of
22 the PHS Act and section 1857(e)(2) of the Social Security
23 Act, funds retained by the Secretary pursuant to section
24 302 of the Tax Relief and Health Care Act of 2006; and
25 such sums as may be collected from authorized user fees

1 and the sale of data, which shall be credited to this ac-
2 count and remain available until September ~~18~~, 2017: *Pro-* (30)
3 *vided*, That all funds derived in accordance with 31 U.S.C.
4 9701 from organizations established under title XIII of
5 the PHS Act shall be credited to and available for carrying
6 out the purposes of this appropriation: *Provided further*,
7 That \$34,000,000, to remain available through September
8 30, 2013, shall be for contract costs for the Healthcare
9 Integrated General Ledger Accounting System: *Provided*
10 *further*, That the Secretary is directed to collect fees in
11 fiscal year 2012 from Medicare Advantage organizations
12 pursuant to section 1857(e)(2) of the Social Security Act
13 and from eligible organizations with risk-sharing contracts
14 under section 1876 of that Act pursuant to section
15 1876(k)(4)(D) of that Act: *Provided further*, That
16 \$44,000,000 shall be available for the State high-risk
17 health insurance pool program as authorized by the State
18 High Risk Pool Funding Extension Act of 2006.

19 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

20 In addition to amounts otherwise available for pro-
21 gram integrity and program management, \$310,377,000,
22 to remain available through September 30, 2013, to be
23 transferred from the Federal Hospital Insurance Trust
24 Fund and the Federal Supplementary Medical Insurance
25 Trust Fund, as authorized by section 201(g) of the Social

1 Security Act, of which \$219,879,000 shall be for the Medi-
2 care Integrity Program at the Centers for Medicare and
3 Medicaid Services, including administrative costs, to con-
4 duct oversight activities for Medicare Advantage under
5 Part C and the Medicare Prescription Drug Program
6 under Part D of the Social Security Act and for activities
7 described in section 1893(b) of such Act, of which
8 \$29,730,000 shall be for the Department of Health and
9 Human Services Office of Inspector General to carry out
10 fraud and abuse activities authorized by section
11 1817(k)(3) of such Act, of which \$31,038,000 shall be for
12 the Medicaid and Children's Health Insurance Program
13 ("CHIP") program integrity activities, and of which
14 \$29,730,000 shall be for the Department of Justice to
15 carry out fraud and abuse activities authorized by section
16 1817(k)(3) of such Act: *Provided*, That the report re-
17 quired by section 1817(k)(5) of the Social Security Act
18 for fiscal year 2012 shall include measures of the oper-
19 ational efficiency and impact on fraud, waste, and abuse
20 in the Medicare, Medicaid, and CHIP programs for the
21 funds provided by this appropriation.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

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

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

3 LOW INCOME HOME ENERGY ASSISTANCE

4 For making payments under subsections (b) and (d)
5 of section 2602 of the Low Income Home Energy Assist-
6 ance Act of 1981, \$3,478,246,000: *Provided*, That all but
7 \$497,000,000 of such funds shall be allocated as though
8 the total appropriation for such payments for fiscal year
9 2012 was less than \$1,975,000,000: *Provided further*,
10 That notwithstanding section 2609A(a), of the amounts
11 appropriated under section 2602(b), not more than
12 \$3,000,000 of such amounts may be reserved by the Sec-
13 retary for technical assistance, training, and monitoring
14 of program activities for compliance with internal controls,
15 policies and procedures.

16 REFUGEE AND ENTRANT ASSISTANCE

17 For necessary expenses for refugee and entrant as-
18 sistance activities authorized by section 414 of the Immi-
19 gration and Nationality Act and section 501 of the Ref-
20 ugee Education Assistance Act of 1980, for carrying out
21 section 462 of the Homeland Security Act of 2002, section
22 235 of the William Wilberforce Trafficking Victims Pro-
23 tection Reauthorization Act of 2008, and the Trafficking
24 Victims Protection Act of 2000, for costs associated with
25 the care and placement of unaccompanied alien children,

1 and for carrying out the Torture Victims Relief Act of
2 1998, \$769,789,000, of which up to \$9,794,000 shall be
3 available to carry out the Trafficking Victims Protection
4 Act of 2000: *Provided*, That funds appropriated under this
5 heading pursuant to section 414(a) of the Immigration
6 and Nationality Act, section 462 of the Homeland Secu-
7 rity Act of 2002, section 235 of the William Wilberforce
8 Trafficking Victims Protection Reauthorization Act of
9 2008, and the Trafficking Victims Protection Act of 2000
10 for fiscal year 2012 shall be available for the costs of as-
11 sistance provided and other activities to remain available
12 through September 30, 2014.

13 PAYMENTS TO STATES FOR THE CHILD CARE AND
14 DEVELOPMENT BLOCK GRANT

15 For carrying out the Child Care and Development
16 Block Grant Act of 1990, \$2,282,627,000 shall be used
17 to supplement, not supplant State general revenue funds
18 for child care assistance for low-income families: *Provided*,
19 That \$19,433,000 shall be available for child care resource
20 and referral and school-aged child care activities, of which
21 \$1,000,000 shall be available to the Secretary for a com-
22 petitive grant for the operation of a national toll free hot-
23 line and Web site to develop and disseminate child care
24 consumer education information for parents and help par-
25 ents access child care in their local community: *Provided*

1 *further*, That, in addition to the amounts required to be
2 reserved by the States under section 658G, \$291,248,000
3 shall be reserved by the States for activities authorized
4 under section 658G, of which \$106,813,000 shall be for
5 activities that improve the quality of infant and toddler
6 care: *Provided further*, That \$9,890,000 shall be for use
7 by the Secretary for child care research, demonstration,
8 and evaluation activities.

9 SOCIAL SERVICES BLOCK GRANT

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

17 CHILDREN AND FAMILIES SERVICES PROGRAMS

18 For carrying out, except as otherwise provided, the
19 Runaway and Homeless Youth Act, the Developmental
20 Disabilities Assistance and Bill of Rights Act, the Head
21 Start Act, the Child Abuse Prevention and Treatment Act,
22 sections 303 and 313 of the Family Violence Prevention
23 and Services Act, the Native American Programs Act of
24 1974, title II of the Child Abuse Prevention and Treat-
25 ment and Adoption Reform Act of 1978 (adoption oppor-

1 tunities), the Abandoned Infants Assistance Act of 1988,
2 section 291 of the Help America Vote Act of 2002, part
3 B-1 of title IV and sections 413, 1110, and 1115 of the
4 Social Security Act; for making payments under the Com-
5 munity Services Block Grant Act ("CSBG Act"), sections
6 439(i), 473B, and 477(i) of the Social Security Act, and
7 the Assets for Independence Act; and for necessary admin-
8 istrative expenses to carry out such Acts and titles I, IV,
9 V, X, XI, XIV, XVI, and XX of the Social Security Act,
10 the Act of July 5, 1960, the Low Income Home Energy
11 Assistance Act of 1981, title IV of the Immigration and
12 Nationality Act, and section 501 of the Refugee Education
13 Assistance Act of 1980, [\$9,926,709,000], of which
14 \$39,421,000, to remain available through September 30,
15 2013, shall be for grants to States for adoption incentive
16 payments, as authorized by section 473A of the Social Se-
17 curity Act and may be made for adoptions completed be-
18 fore September 30, 2012: *Provided*, That
19 9 [\$7,983,633,000] shall be for making payments under
20 the Head Start Act: *Provided further*, That for purposes
21 of allocating funds described by the immediately preceding
22 proviso, the term "base grant" as used in subsection
23 (a)(7)(A) of section 640 of such Act with respect to fund-
24 ing provided to a Head Start agency (including each Early
25 Head Start agency) for fiscal year 2011 shall be calculated

1 as described in such subsection and to which amount shall
2 be added 50 percent of the amount of funds appropriated
3 under the heading "Department of Health and Human
4 Services, Administration for Children and Families, Chil-
5 dren and Family Services Programs" in Public Law 111-
6 5 and provided to such agency for carrying out expansion
7 of Head Start programs, as that phrase is used in sub-
8 section (a)(4)(D) of such section 640, and provided to
9 such agency as the ongoing funding level for operations
10 in the 12-month period beginning in fiscal year 2010: *Pro-*
11 *vided further*, That [\$713,630,000] shall be for making
12 payments under the CSBG Act: *Provided further*, That
13 [\$35,340,000] shall be for sections 680 and 678E(b)(2)
14 of the CSBG Act, of which not less than [\$30,000,000]
15 shall be for section 680(a)(2) and not less than
16 \$4,990,000 shall be for section 680(a)(3)(B) of such Act:
17 *Provided further*, That in addition to amounts provided
18 herein, \$5,762,000 shall be available from amounts avail-
19 able under section 241 of the PHS Act to carry out the
20 provisions of section 1110 of the Social Security Act: *Pro-*
21 *vided further*, That to the extent Community Services
22 Block Grant funds are distributed as grant funds by a
23 State to an eligible entity as provided under the CSBG
24 Act, and have not been expended by such entity, they shall
25 remain with such entity for carryover into the next fiscal

1 year for expenditure by such entity consistent with pro-
2 gram purposes: *Provided further*, That the Secretary shall
3 establish procedures regarding the disposition of intan-
4 gible assets and program income that permit such assets
5 acquired with, and program income derived from, grant
6 funds authorized under section 680 of the CSBG Act to
7 become the sole property of such grantees after a period
8 of not more than 12 years after the end of the grant pe-
9 riod for any activity consistent with section 680(a)(2)(A)
10 of the CSBG Act: *Provided further*, That intangible assets
11 in the form of loans, equity investments and other debt
12 instruments, and program income may be used by grant-
13 ees for any eligible purpose consistent with section
14 680(a)(2)(A) of the CSBG Act: *Provided further*, That
15 these procedures shall apply to such grant funds made
16 available after November 29, 1999: *Provided further*, That
17 funds appropriated for section 680(a)(2) of the CSBG Act
18 shall be available for financing construction and rehabili-
19 tation and loans or investments in private business enter-
20 prises owned by community development corporations:
21 *Provided further*, That \$5,245,000 shall be for activities
22 authorized by section 291 of the Help America Vote Act
23 of 2002: *Provided further*, That \$1,996,000 shall be for
24 a human services case management system for federally
25 declared disasters, to include a comprehensive national

1 case management contract and Federal costs of admin-
2 istering the system: *Provided further*, That up to
3 \$2,000,000 shall be for improving the Public Assistance
4 Reporting Information System, including grants to States
5 to support data collection for a study of the system's effec-
6 tiveness.

7 PROMOTING SAFE AND STABLE FAMILIES

8 For carrying out section 436 of the Social Security
9 Act, \$345,000,000 and section 437 of such Act,
10 \$63,184,000.

11 PAYMENTS FOR FOSTER CARE AND PERMANENCY

12 For making payments to States or other non-Federal
13 entities under title IV-E of the Social Security Act,
14 \$5,153,000,000.

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

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

1 ADMINISTRATION ON AGING
2 AGING SERVICES PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out, to the extent not otherwise pro-
5 vided, the Older Americans Act of 1965 (“OAA”), section
6 398 and title XXIX of the PHS Act, section 119 of the
7 Medicare Improvements for Patients and Providers Act of
8 2008, \$1,473,703,000: *Provided*, That amounts appro-
9 priated under this heading may be used for grants to
10 States under section 361 of the OAA only for disease pre-
11 vention and health promotion programs and activities
12 which have been demonstrated through rigorous evalua-
13 tion to be evidence-based and effective: *Provided further*,
14 That none of the funds provided shall be used to carry
15 out sections 1701 and 1703 of the PHS Act (with respect
16 to chronic disease self-management activity grants), ex-
17 cept that such funds may be used for necessary expenses
18 associated with administering any such grants awarded
19 prior to the date of the enactment of this Act: *Provided*
20 *further*, That the total amount available for fiscal year
21 2012 under this and any other Act to carry out activities
22 related to Aging and Disability Resource Centers under
23 subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the
24 OAA shall not exceed the amount obligated for such pur-
25 poses for fiscal year 2010 from funds available under Pub-

1 lic Law 111-117: *Provided further*, That notwithstanding
2 any other provision of this Act, funds made available
3 under this heading to carry out section 311 of the OAA
4 may be transferred to the Secretary of Agriculture in ac-
5 cordance with such section.

6 OFFICE OF THE SECRETARY

7 GENERAL DEPARTMENTAL MANAGEMENT

8 For necessary expenses, not otherwise provided, for
9 general departmental management, including hire of six
10 passenger motor vehicles, and for carrying out titles III,
11 XVII, and XXI of the PHS Act, the United States-Mexico
12 Border Health Commission Act, and research studies
13 under section 1110 of the Social Security Act,
14 ~~(\$475,221,000)~~^e, together with \$69,211,000 from the
15 amounts available under section 241 of the PHS Act to
16 carry out national health or human services research and
17 evaluation activities: *Provided*, That of this amount,
18 \$53,783,000 shall be for minority AIDS prevention and
19 treatment activities: *Provided further*, That of the funds
20 made available under this heading, \$104,790,000 shall be
21 for making competitive contracts and grants to public and
22 private entities to fund medically accurate and age appro-
23 priate programs that reduce teen pregnancy and for the
24 Federal costs associated with administering and evalu-
25 ating such contracts and grants, of which not less than

1 \$75,000,000 shall be for replicating programs that have
2 been proven effective through rigorous evaluation to re-
3 duce teenage pregnancy, behavioral risk factors underlying
4 teenage pregnancy, or other associated risk factors, of
5 which not less than \$25,000,000 shall be available for re-
6 search and demonstration grants to develop, replicate, re-
7 fine, and test additional models and innovative strategies
8 for preventing teenage pregnancy, and of which any re-
9 maining amounts shall be available for training and tech-
10 nical assistance, evaluation, outreach, and additional pro-
11 gram support activities: *Provided further*, That of the
12 amounts provided under this heading from amounts avail-
13 able under section 241 of the PHS Act, \$8,455,000 shall
14 be available to carry out evaluations (including longitu-
15 dinal evaluations) of teenage pregnancy prevention
16 approaches: *Provided further*, That of the funds made
17 available under this heading, \$5,000,000 shall be for mak-
18 ing competitive grants to provide abstinence education (as
19 defined by section 510(b)(2)(A)–(H) of the Social Security
20 Act) to adolescents, and for Federal costs of administering
21 the grant: *Provided further*, That grants made under the
22 authority of section 510(b)(2)(A)–(H) of the Social Secu-
23 rity Act shall be made only to public and private entities
24 that agree that, with respect to an adolescent to whom
25 the entities provide abstinence education under such

1 grant, the entities will not provide to that adolescent any
2 other education regarding sexual conduct, except that, in
3 the case of an entity expressly required by law to provide
4 health information or services the adolescent shall not be
5 precluded from seeking health information or services
6 from the entity in a different setting than the setting in
7 which abstinence education was provided]: *Provided fur-*
8 *ther*, That funds provided in this Act for embryo adoption
9 activities may be used to provide to individuals adopting
10 embryos, through grants and other mechanisms, medical
11 and administrative services deemed necessary for such
12 adoptions: *Provided further*, That such services shall be
13 provided consistent with 42 CFR 59.5(a)(4).

14 OFFICE OF MEDICARE HEARINGS AND APPEALS

15 For expenses necessary for administrative law judges
16 responsible for hearing cases under title XVIII of the So-
17 cial Security Act (and related provisions of title XI of such
18 Act), \$72,147,000, to be transferred in appropriate part
19 from the Federal Hospital Insurance Trust Fund and the
20 Federal Supplementary Medical Insurance Trust Fund.

21 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
22 INFORMATION TECHNOLOGY

23 For expenses necessary for the Office of the National
24 Coordinator for Health Information Technology, including
25 grants, contracts, and cooperative agreements for the de-

1 velopment and advancement of interoperable health infor-
2 mation technology, \$16,446,000: *Provided*, That in addi-
3 tion to amounts provided herein, \$44,811,000 shall be
4 available from amounts available under section 241 of the
5 PHS Act.

6 OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General, including the hire of passenger motor vehicles for
9 investigations, in carrying out the provisions of the Inspec-
10 tor General Act of 1978, \$50,178,000: *Provided*, That of
11 such amount, necessary sums shall be available for pro-
12 viding protective services to the Secretary and inves-
13 tigating non-payment of child support cases for which non-
14 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
15 *vided further*, That at least 40 percent of the funds pro-
16 vided in this Act for the Office of Inspector General shall
17 be used only for investigations, audits, and evaluations
18 pertaining to the discretionary programs funded in this
19 Act.

20 OFFICE FOR CIVIL RIGHTS

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

1 RETIREMENT PAY AND MEDICAL BENEFITS FOR
2 COMMISSIONED OFFICERS

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

10 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

11 FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses necessary to support activities related
14 to countering potential biological, nuclear, radiological,
15 chemical, and cybersecurity threats to civilian populations,
16 and for other public health emergencies, \$569,452,000; of
17 which \$10,000,000 shall remain available until September
18 30, 2014 to support emergency operations.

19 From funds transferred to this account pursuant to
20 the fourth paragraph under this heading in Public Law
21 111-117, up to \$415,000,000 shall be available for ex-
22 penses necessary to support advanced research and devel-
23 opment pursuant to section 319L of the PHS Act, and
24 other administrative expenses of the Biomedical Advanced

1 Research and Development Authority to support addi-
2 tional advanced research and development.

3 GENERAL PROVISIONS

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

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

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

19 SEC. 204. None of the funds appropriated in this Act
20 may be expended pursuant to section 241 of the PHS Act,
21 except for funds specifically provided for in this Act, or
22 for other taps and assessments made by any office located
23 in HHS, prior to the preparation and submission of a re-
24 port by the Secretary to the Committees on Appropria-

1 tions of the House of Representatives and the Senate de-
2 tailing the planned uses of such funds.

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

10 (TRANSFER OF FUNDS)

11 SEC. 206. Not to exceed 1 percent of any discre-
12 tionary funds (pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985) which are appro-
14 priated for the current fiscal year for HHS in this Act
15 may be transferred between appropriations, but no such
16 appropriation shall be increased by more than 3 percent
17 by any such transfer: *Provided*, That the transfer author-
18 ity granted by this section shall not be used to create any
19 new program or to fund any project or activity for which
20 no funds are provided in this Act: *Provided further*, That
21 the Committees on Appropriations of the House of Rep-
22 resentatives and the Senate are notified at least 15 days
23 in advance of any transfer.

1 (TRANSFER OF FUNDS)

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

10 (TRANSFER OF FUNDS)

11 SEC. 208. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the "Office of AIDS
16 Research ~~Office~~" account. The Director of the Office of
17 AIDS Research shall transfer from such account amounts
18 necessary to carry out section 2353(d)(3) of the PHS Act.

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

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

6 SEC. 211. None of the funds appropriated by this Act
7 (including funds appropriated to any trust fund) may be
8 used to carry out the Medicare Advantage program if the
9 Secretary denies participation in such program to an oth-
10 erwise eligible entity (including a Provider Sponsored Or-
11 ganization) because the entity informs the Secretary that
12 it will not provide, pay for, provide coverage of, or provide
13 referrals for abortions: *Provided*, That the Secretary shall
14 make appropriate prospective adjustments to the capita-
15 tion payment to such an entity (based on an actuarially
16 sound estimate of the expected costs of providing the serv-
17 ice to such entity's enrollees): *Provided further*, That noth-
18 ing in this section shall be construed to change the Medi-
19 care program's coverage for such services and a Medicare
20 Advantage organization described in this section shall be
21 responsible for informing enrollees where to obtain infor-
22 mation about all Medicare covered services.

23 SEC. 212. In order for HHS to carry out inter-
24 national health activities, including HIV/AIDS and other

1 infectious disease, chronic and environmental disease, and
2 other health activities abroad during fiscal year 2012:

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

13 (2) The Secretary is authorized to provide such
14 funds by advance or reimbursement to the Secretary
15 of State as may be necessary to pay the costs of ac-
16 quisition, lease, alteration, renovation, and manage-
17 ment of facilities outside of the United States for
18 the use of HHS. The Department of State shall co-
19 operate fully with the Secretary to ensure that HHS
20 has secure, safe, functional facilities that comply
21 with applicable regulation governing location, set-
22 back, and other facilities requirements and serve the
23 purposes established by this Act. The Secretary is
24 authorized, in consultation with the Secretary of
25 State, through grant or cooperative agreement, to

1 make available to public or nonprofit private institu-
2 tions or agencies in participating foreign countries,
3 funds to acquire, lease, alter, or renovate facilities in
4 those countries as necessary to conduct programs of
5 assistance for international health activities, includ-
6 ing activities relating to HIV/AIDS and other infec-
7 tious diseases, chronic and environmental diseases,
8 and other health activities abroad.

9 (3) The Secretary is authorized to provide to
10 personnel appointed or assigned by the Secretary to
11 serve abroad, allowances and benefits similar to
12 those provided under chapter 9 of title I of the For-
13 eign Service Act of 1980, and 22 U.S.C. 4081
14 through 4086 and subject to such regulations pre-
15 scribed by the Secretary. The Secretary is further
16 authorized to provide locality-based comparability
17 payments (stated as a percentage) up to the amount
18 of the locality-based comparability payment (stated
19 as a percentage) that would be payable to such per-
20 sonnel under section 5304 of title 5, United States
21 Code if such personnel's official duty station were in
22 the District of Columbia. Leaves of absence for per-
23 sonnel under this subsection shall be on the same
24 basis as that provided under subchapter I of chapter
25 63 of title 5, United States Code, or section 903 of

1 the Foreign Service Act of 1980, to individuals serv-
2 ing in the Foreign Service.

3 SEC. 213. (a) AUTHORITY.—Notwithstanding any
4 other provision of law, the Director of NIH (“Director”)
5 may use funds available under section 402(b)(7) or
6 402(b)(12) of the PHS Act to enter into transactions
7 (other than contracts, cooperative agreements, or grants)
8 to carry out research identified pursuant to such section
9 402(b)(7) (pertaining to the Common Fund) or research
10 and activities described in such section 402(b)(12).

11 (b) PEER REVIEW.—In entering into transactions
12 under subsection (a), the Director may utilize such peer
13 review procedures (including consultation with appropriate
14 scientific experts) as the Director determines to be appro-
15 priate to obtain assessments of scientific and technical
16 merit. Such procedures shall apply to such transactions
17 in lieu of the peer review and advisory council review pro-
18 cedures that would otherwise be required under sections
19 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
20 and 494 of the PHS Act.

21 SEC. 214. Funds which are available for Individual
22 Learning Accounts for employees of CDC and the Agency
23 for Toxic Substances and Disease Registry (“ATSDR”)

24 may be transferred to ~~“Disease Control, Research, and~~
~~25 Training”~~, to be available only for Individual Learning Ac-

(appropriate
accounts of
CDC

1 counts: *Provided*, That such funds may be used for any
2 individual full-time equivalent employee while such em-
3 ployee is employed either by CDC or ATSDR.

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

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

15 (TRANSFER OF FUNDS)

16 SEC. 217. Of the amounts made available for NIH,
17 1 percent of the amount made available for National Re-
18 search Service Awards ("NRSA") shall be made available
19 to the Administrator of the Health Resources and Services
20 Administration to make NRSA awards for research in pri-
21 mary medical care to individuals affiliated with entities
22 who have received grants or contracts under section 747
23 of the PHS Act, and 1 percent of the amount made avail-
24 able for NRSA shall be made available to the Director of

1 the Agency for Healthcare Research and Quality to make
2 NRSA awards for health service research.

3 SEC. 218. None of the funds made available in this
4 title may be used, in whole or in part, to advocate or pro-
5 mote gun control.

6 SEC. 219. None of the funds appropriated or other-
7 wise made available in this Act may be expended to ad-
8 vance the creation of a Federally Funded Research and
9 Development Center at the Centers for Medicare and Med-
10 icaid Services, prior to a Federal Register notice being
11 issued that outlines: how this proposal would meet the spe-
12 cific requirements identified in FAR 35.017-2; agency
13 procedures that ensure small business competitiveness is
14 maintained; and the outline of a transparent award and
15 governance process to be employed.

16 SEC. 220. (a) The Secretary shall establish a publicly
17 accessible website to provide information regarding the
18 uses of funds made available under section 4002 of Public
19 Law 111-148.

20 (b) With respect to funds provided for fiscal year
21 2012, the Secretary shall include on the website estab-
22 lished under subsection (a) at a minimum the following
23 information:

24 (1) In the case of each transfer of funds under
25 section 4002(c), a statement indicating (the program

1 or activity receiving funds, the operating division or
2 office that will administer the funds, and the
3 planned uses of the funds, to be posted not later
4 than the day after the transfer is made.

5 (2) Identification (along with a link to the full
6 text) of each funding opportunity announcement, re-
7 quest for proposals, or other announcement or solici-
8 tation of proposals for grants, cooperative agree-
9 ments, or contracts intended to be awarded using
10 such funds, to be posted not later than the day after
11 the announcement or solicitation is issued.

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

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

22 (5) Semi-annual reports from each entity
23 awarded a grant, cooperative agreement, or contract
24 from such funds with a value of \$25,000 or more,
25 summarizing the activities undertaken and identi-

1 fying any sub-grants or sub-contracts awarded (in-
2 cluding the purpose of the award and the identity of
3 the recipient), to be posted not later than 30 days
4 after the end of each 6-month period.

5 SEC. 221. (a) ESTABLISHMENT OF NATIONAL CEN-
6 TER FOR ADVANCING TRANSLATIONAL SCIENCES; ELIMI-
7 NATION OF NATIONAL CENTER FOR RESEARCH RE-
8 SOURCES.—

9 (1) IN GENERAL.—Subpart 1 of part E of title
10 IV of the Public Health Service Act (42 U.S.C. 287
11 et seq.) is amended—

12 (A) in the subpart heading, by striking
13 “National Center for Research Resources” and
14 inserting “National Center for Advancing
15 Translational Sciences”;

16 (B) by striking sections 480 and 481; and

17 (C) by amending section 479 to read as
18 follows:

19 **“SEC. 479. NATIONAL CENTER FOR ADVANCING**
20 **TRANSLATIONAL SCIENCES.**

21 “(a) PURPOSE.—The purpose of the National Center
22 for Advancing Translational Sciences (in this subpart re-
23 ferred to as the ‘Center’) is to advance translational
24 sciences, including by—

1 “(1) coordinating and developing resources that
2 leverage basic research in support of translational
3 science; and

4 “(2) developing partnerships and working coop-
5 eratively to foster synergy in ways that do not create
6 duplication, redundancy, and competition with indus-
7 try activities.

8 “(b) CLINICAL TRIAL ACTIVITIES.—

9 “(1) IN GENERAL.—The Center may develop
10 and provide infrastructure and resources for all
11 phases of clinical trials research. Except as provided
12 in paragraph (2), the Center may support clinical
13 trials only through the end of phase IIA.

14 “(2) EXCEPTION.—The Center may support
15 clinical trial activities through the end of phase IIB
16 for a treatment for a rare disease or condition (as
17 defined in section 526 of the Federal Food, Drug,
18 and Cosmetic Act) so long as—

19 “(A) the Center gives public notice for a
20 period of at least 120 days of the Center’s in-
21 tention to support the clinical trial activities in
22 phase IIB;

23 “(B) no public or private organization pro-
24 vides credible written intent to the Center that
25 the organization has timely plans to further the

1 clinical trial activities or conduct clinical trials
2 of a similar nature beyond phase IIA; and

3 “(C) the Center ensures that support of
4 the clinical trial activities in phase IIB will not
5 increase the Federal Government’s liability be-
6 yond the award value of the Center’s support.

7 “(e) ANNUAL REPORT.—The Center shall publish an
8 annual report that, with respect to all research supported
9 by the Center, includes a complete list of—

10 “(1) the molecules being studied;

11 “(2) clinical trial activities being conducted;

12 “(3) the methods and tools in development;

13 “(4) ongoing partnerships, including—

14 “(A) the rationale for each partnership;

15 “(B) the status of each partnership;

16 “(C) the funding provided by the Center to
17 other entities pursuant to each partnership, and

18 “(D) the activities which have been trans-
19 ferred to industry pursuant to each partnership;
20 and

21 “(5) known research activity of other entities
22 that is or will expand upon research activity of the
23 Center.”.

24 (2) LIST OF INSTITUTES AND CENTERS.—Sec-
25 tion 401(b)(21) of the Public Health Service Act (42

1 U.S.C. 281(b)(21)) is amended by striking “Na-
2 tional Center for Research Resources” and inserting
3 “National Center for Advancing Translational
4 Sciences”.

5 (b) ASSIGNMENT OF CERTAIN FUNCTIONS OF
6 FORMER NATIONAL CENTER FOR RESEARCH RE-
7 SOURCES.—

8 (1) BIOMEDICAL AND BEHAVIORAL RESEARCH
9 FACILITIES.—Section 481A of the Public Health
10 Service Act (42 U.S.C. 287a-2)—

11 (A) is redesignated as section 404I and is
12 moved to follow section 404H of such Act (42
13 U.S.C. 283j); and

14 (B) is amended—

15 (i) in subsection (a)(1), by striking
16 “acting through the Director of the Center
17 or the Director of the National Institute of
18 Allergy and Infectious Diseases” and in-
19 serting “acting through the Office of the
20 Director of NIH or the Director of the Na-
21 tional Institute of Allergy and Infectious
22 Diseases”;

23 (ii) in subsections (c), (d), (e), and
24 (f)(2), by striking “Director of the Center
25 or the Director of the National Institute of

1 Allergy and Infectious Diseases” each
2 place it appears and inserting “Director of
3 NIH, acting through the Office of the Di-
4 rector of NIH or the National Institute of
5 Allergy and Infectious Diseases,”;

6 (iii) in subsection (b)(2), by striking
7 “Director of the Center” each place it ap-
8 pears and inserting “Director of NIH”;

9 (iv) in subsections (b)(3)(A), (f)(1),
10 and (g), by striking the comma at the end
11 of “Director of the Center,” each place it
12 appears;

13 (v) by striking “Director of the Cen-
14 ter” each place it appears and inserting
15 “Director of NIH, acting through the Of-
16 fice of the Director of NIH,”;

17 (vi) in subsection (b)—

18 (I) in paragraph (1)(A), by strik-
19 ing “within the Center”; and

20 (II) in paragraph (2)—

21 (aa) in subparagraph (A),
22 by striking “and the advisory
23 council established under section
24 480 (in this section referred to as
25 the ‘Advisory Council’)” and in-

1 serting “and the Council of
2 Councils established under sec-
3 tion 402(l) (in this section re-
4 ferred to as the ‘Council’)”; and

5 (bb) in subparagraphs (B),
6 (C), and (D), by striking “Advi-
7 sory” each place it appears; and

8 (vii) in subsection (g), by striking
9 “after consultation with the Advisory
10 Council” and inserting “after consultation
11 with the Council”.

12 (2) CONSTRUCTION OF REGIONAL CENTERS
13 FOR RESEARCH ON PRIMATES.—Section 481B of the
14 Public Health Service Act (42 U.S.C. 287a-3)—

15 (A) is redesignated as section 404J and is
16 moved to follow section 404I, as redesignated
17 by paragraph (1); and

18 (B) in subsection (a), is amended—

19 (i) by striking “by the National Cen-
20 ter for Research Resources” and inserting
21 “by the Director of NIH, acting through
22 the Office of the Director of NIH,”; and

23 (ii) by striking “481A” and inserting
24 “404I”.

1 (3) SANCTUARY SYSTEM FOR SURPLUS CHIM-
2 PANZEES.—Section 481C of the Public Health Serv-
3 ice Act (42 U.S.C. 287a-3a)—

4 (A) is redesignated as section 404K and is
5 moved to follow section 404J, as redesignated
6 by paragraph (2); and

7 (B) in subsection (d)(4)(A)(ii), is amended
8 by striking “that is carried out by the National
9 Center for Research Resources” and inserting
10 “that is carried out by the Director of NIH,
11 acting through the Office of the Director of
12 NIH,”.

13 (4) SHARED INSTRUMENTATION GRANT PRO-
14 GRAM.—Section 305 of the Public Health Improve-
15 ment Act (42 U.S.C. 287 note)—

16 (A) is redesignated as section 404L of the
17 Public Health Service Act and is moved to fol-
18 low section 404K of that Act, as redesignated
19 by paragraph (3); and

20 (B) is amended—

21 (i) by striking subsection (a) and re-
22 designating subsections (b) and (c) as sub-
23 sections (a) and (b), respectively;

24 (ii) in subsection (a), as so redesign-
25 ated, by striking “under the program de-

1 scribed in subsection (a)” and inserting
2 “under the Shared Instrumentation Grant
3 Program”;

4 (iii) by striking “Director of the Na-
5 tional Center for Research Resources”
6 each place it appears and inserting “Direc-
7 tor of NIH, acting through the Office of
8 the Director of NIH,”; and

9 (iv) in subsection (b), as so redesign-
10 nated—

11 (I) by striking “in subsection
12 (a)” and inserting “in subsection (a),
13 the”; and

14 (II) by striking “of the Public
15 Health Service Act (42 U.S.C.
16 289a)”.

17 (5) INSTITUTIONAL DEVELOPMENT AWARD
18 PROGRAM.—Title IV of the Public Health Service
19 Act (42 U.S.C. 281 et seq.) is amended—

20 (A) in section 461, by striking the section
21 heading and designation and all that follows
22 through “The general purpose” and inserting
23 the following:

1 **“SEC. 461. NATIONAL INSTITUTE OF GENERAL MEDICAL**
2 **SCIENCES.**

3 “(a) GENERAL PURPOSE.—The general purpose”;

4 (B) by moving subsection (g) of section
5 402 to the end of section 461, as amended, and
6 redesignating that subsection as subsection (b);
7 and

8 (C) in section 461(b), as so redesignated—

9 (i) by striking “(b)(1)(A) In the case
10 of” and inserting the following:

11 “(b) INSTITUTIONAL DEVELOPMENT AWARD PRO-
12 GRAM.—

13 “(1)(A) In the case of”;

14 (ii) by moving two ems to the right—

15 (I) subparagraphs (B) and (C) of
16 paragraph (1);

17 (II) clauses (i), (ii), and (iii) of
18 such subparagraph (C); and

19 (III) paragraph (2); and

20 (iii) in paragraph (1)(A), by striking

21 “acting through the Director of the Na-
22 tional Center for Research Resources” and

23 inserting “acting through the Director of
24 the National Institute of General Medical

25 Sciences”.

1 (c) ASSIGNMENT OF CERTAIN OFFICES AND FUNC-
2 TIONS TO NATIONAL CENTER FOR ADVANCING
3 TRANSLATIONAL SCIENCES.—

4 (1) CURES ACCELERATION NETWORK.—Section
5 402C of the Public Health Service Act (42 U.S.C.
6 282d)—

7 (A) is redesignated as section 480 and is
8 moved to follow section 479;

9 (B) in subsection (b), is amended in the
10 matter that precedes paragraph (1) by striking
11 “within the Office of the Director of NIH” and
12 inserting “within the Center”;

13 (C) by striking “Director of NIH” each
14 place it appears and inserting “Director of the
15 Center”; and

16 (D) in the headings of subsections (d)(4)
17 and (d)(4)(B), by striking “DIRECTOR OF NIH”
18 each place it appears and inserting “DIRECTOR
19 OF THE CENTER”.

20 (2) OFFICE OF RARE DISEASES.—Title IV of
21 the Public Health Service Act (42 U.S.C. 281 et
22 seq.) is amended—

23 (A) in section 404F—

24 (i) by redesignating such section as
25 section 481 and moving such section to fol-

1 low section 480, as redesignated by para-
2 graph (1);

3 (ii) in subsection (a)—

4 (I) by striking “within the Office
5 of the Director of NIH” and inserting
6 “within the Center”; and

7 (II) by striking “Director of
8 NIH” and inserting “Director of the
9 Center”; and

10 (iii) in subsection (b)(1)(C), by strik-
11 ing “404G” and inserting “481A”; and

12 (B) in section 401(e)(2)(A), by striking
13 “the Office of Rare Diseases,”.

14 (3) RARE DISEASE REGIONAL CENTERS OF EX-
15 CELLENCE.—Section 404G of the Public Health
16 Service Act (42 U.S.C. 283i) is redesignated as sec-
17 tion 481A and is moved to follow section 481, as re-
18 designated by paragraph (2).

19 (4) GENERAL CLINICAL RESEARCH CENTERS.—
20 Section 481D of the Public Health Service Act (42
21 U.S.C. 287a-4)—

22 (A) is redesignated as section 481B; and

23 (B) in subsection (a), is amended by strik-
24 ing “Director of the National Center for Re-

1 search Resources” and inserting “Director of
2 the Center”.

3 (d) CONFORMING AMENDMENTS.—Title IV of the
4 Public Health Service Act (42 U.S.C. 281 et seq.) is
5 amended—

6 (1) in section 402(b)(24) (42 U.S.C.
7 282(b)(24)), by striking “402C” and inserting
8 “480”;

9 (2) in section 404C(e)(3)(A) (42 U.S.C.
10 283e(e)(3)(A)), by striking “and the Director of the
11 Center for Research Resources”;

12 (3) in section 464z-3(i)(1) (42 U.S.C.
13 285t(i)(1))—

14 (A) by striking “Director of National Insti-
15 tute for Research Resources” and inserting
16 “Director of NIH”;

17 (B) by striking “481(e)(3)” and inserting
18 “404I(c)(2)”;

19 (C) by inserting “under such section” after
20 “Institutions of Emerging Excellence”;

21 (4) in section 499(c)(1)(E) (42 U.S.C.
22 290b(c)(1)(E)), by striking “section 402C” and in-
23 serting “section 480”.

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

Insert
97A

971A

222

Sec. ~~2~~1. The discretionary appropriation for CDC is hereby reduced by \$20,000,000: *Provided*, That the reduction should be taken from contracting and administrative costs in each of the CDC accounts.

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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”), \$15,750,983,000, of which \$4,817,117,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which \$10,841,177,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: *Provided*, That \$6,584,750,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$3,992,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2011, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,288,183,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,288,183,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$3,200,000 shall be to carry out sections 1501
3 and 1503 of the ESEA: *Provided further*, That
4 \$534,562,000 shall be available for school improvement
5 grants under section 1003(g) of the ESEA, which shall
6 be allocated by the Secretary through the formula de-
7 scribed in section 1003(g)(2) and shall be used consistent
8 with the requirements of section 1003(g), except that
9 State and local educational agencies may use such funds
10 to serve any school eligible to receive assistance under part
11 A of title I that has not made adequate yearly progress
12 for at least 2 years or is in the State's lowest quintile of
13 performance based on proficiency rates and, in the case
14 of secondary schools, priority shall be given to those
15 schools with graduation rates below 60 percent: *Provided*
16 *further*, That notwithstanding section 1003(g)(5)(A), each
17 State educational agency may establish a maximum
18 subgrant size of not more than \$2,000,000 for each par-
19 ticipating school applicable to such funds: *Provided fur-*
20 *ther*, That the Secretary may reserve up to 5 percent of
21 the funds available for section 1003(g) of the ESEA to
22 carry out activities to build State and local educational
23 agency capacity to implement effectively the school im-
24 provement grants program: *Provided further*, That
25 \$160,000,000 shall be available under section 1502 of the

1 ESEA for a comprehensive literacy development and edu-
2 cation program to advance literacy skills, including pre-
3 literacy skills, reading, and writing, for students from
4 birth through grade 12, including limited-English-pro-
5 ficient students and students with disabilities, of which
6 one-half of 1 percent shall be reserved for the Secretary
7 of the Interior for such a program at schools funded by
8 the Bureau of Indian Education, one-half of 1 percent
9 shall be reserved for grants to the outlying areas for such
10 a program, up to 5 percent may be reserved for national
11 activities, and the remainder shall be used to award com-
12 petitive grants to State educational agencies for such a
13 program, of which a State educational agency may reserve
14 up to 5 percent for State leadership activities, including
15 technical assistance and training, data collection, report-
16 ing, and administration, and shall subgrant not less than
17 95 percent to local educational agencies or, in the case
18 of early literacy, to local educational agencies or other
19 nonprofit providers of early childhood education that part-
20 ner with a public or private nonprofit organization or
21 agency with a demonstrated record of effectiveness in im-
22 proving the early literacy development of children from
23 birth through kindergarten entry and in providing profes-
24 sional development in early literacy, giving priority to such
25 agencies or other entities serving greater numbers or per-

1 centages of disadvantaged children: *Provided further*, That
2 the State educational agency shall ensure that at least 15
3 percent of the subgranted funds are used to serve children
4 from birth through age 5, 40 percent are used to serve
5 students in kindergarten through grade 5, and 40 percent
6 are used to serve students in middle and high school in-
7 cluding an equitable distribution of funds between middle
8 and high schools: *Provided further*, That eligible entities
9 receiving subgrants from State educational agencies shall
10 use such funds for services and activities that have the
11 characteristics of effective literacy instruction through
12 professional development, screening and assessment, tar-
13 geted interventions for students reading below grade level
14 and other research-based methods of improving classroom
15 instruction and practice.

16 IMPACT AID

17 For carrying out programs of financial assistance to
18 federally affected schools authorized by title VIII of the
19 ESEA, \$1,293,631,000, of which \$1,155,724,000 shall be
20 for basic support payments under section 8003(b),
21 \$48,505,000 shall be for payments for children with dis-
22 abilities under section 8003(d), \$17,474,000 shall be for
23 construction under section 8007(b) and shall remain avail-
24 able through September 30, 2013, \$67,074,000 shall be
25 for Federal property payments under section 8002, and

1 \$4,854,000, to remain available until expended, shall be
2 for facilities maintenance under section 8008: *Provided*,
3 That for purposes of computing the amount of a payment
4 for an eligible local educational agency under section
5 8003(a) for school year 2011–2012, children enrolled in
6 a school of such agency that would otherwise be eligible
7 for payment under section 8003(a)(1)(B) of such Act, but
8 due to the deployment of both parents or legal guardians,
9 or a parent or legal guardian having sole custody of such
10 children, or due to the death of a military parent or legal
11 guardian while on active duty (so long as such children
12 reside on Federal property as described in section
13 8003(a)(1)(B)), are no longer eligible under such section,
14 shall be considered as eligible students under such section,
15 provided such students remain in average daily attendance
16 at a school in the same local educational agency they at-
17 tended prior to their change in eligibility status.

18 SCHOOL IMPROVEMENT PROGRAMS

19 For carrying out school improvement activities au-
20 thorized by parts A and B of title II, part B of title IV,
21 parts A and B of title VI, and parts B and C of title VII
22 of the ESEA; the McKinney-Vento Homeless Assistance
23 Act; section 203 of the Educational Technical Assistance
24 Act of 2002; the Compact of Free Association Amend-
25 ments Act of 2003; and the Civil Rights Act of 1964,

1 \$4,550,018,000, of which \$2,725,246,000 shall become
2 available on July 1, 2012, and remain available through
3 September 30, 2013, and of which \$1,681,441,000 shall
4 become available on October 1, 2012, and shall remain
5 available through September 30, 2013, for academic year
6 2012-2013: *Provided*, That funds made available to carry
7 out part B of title VII of the ESEA may be used for con-
8 struction, renovation, and modernization of any elemen-
9 tary school, secondary school, or structure related to an
10 elementary school or secondary school, run by the Depart-
11 ment of Education of the State of Hawaii, that serves a
12 predominantly Native Hawaiian student body: *Provided*
13 *further*, That funds made available to carry out part C
14 of title VII of the ESEA shall be awarded on a competitive
15 basis, and also may be used for construction: *Provided fur-*
16 *ther*, That \$51,210,000 shall be available to carry out sec-
17 tion 203 of the Educational Technical Assistance Act of
18 2002: *Provided further*, That \$17,652,000 shall be avail-
19 able to carry out the Supplemental Education Grants pro-
20 gram for the Federated States of Micronesia and the Re-
21 public of the Marshall Islands: *Provided further*, That up
22 to 5 percent of these ~~amounts~~ amounts may be reserved by the
23 Federated States of Micronesia and the Republic of the
24 Marshall Islands to administer the Supplemental Edu-
25 cation Grants programs and to obtain technical assistance,

(amounts)

1 oversight and consultancy services in the administration
2 of these grants and to reimburse the United States De-
3 partments of Labor, Health and Human Services, and
4 Education for such services: *Provided further*, That up to
5 1.5 percent of the funds for subpart 1 of part A of title
6 II of the ESEA shall be reserved by the Secretary for com-
7 petitive awards for teacher or principal training or profes-
8 sional enhancement activities to national not-for-profit or-
9 ganizations.

10 INDIAN EDUCATION

11 For expenses necessary to carry out, to the extent
12 not otherwise provided, title VII, part A of the ESEA,
13 \$131,027,000.

14 INNOVATION AND IMPROVEMENT

15 For carrying out activities authorized by part G of
16 title I, subpart 5 of part A and parts C and D of title
17 II, parts B, C, and D of title V of the ESEA, and sections
18 14006 and 14007 of division A of the American Recovery
19 and Reinvestment Act of 2009, as amended,
20 \$1,530,429,000: *Provided*, That the Secretary may use up
21 to \$550,000,000, which shall remain available for obliga-
22 tion through December 31, 2012, for section 14006 of di-
23 vision A of Public Law 111-5, as amended, to make
24 awards to States or to local educational agencies, or both,
25 in accordance with the applicable requirements of that sec-

(including
on the basis
of previously
submitted
applications)

1 tion, as determined by the Secretary, and may use up to
2 5 percent of such funds for technical assistance and eval-
3 uation of the activities carried out under that section: *Pro-*
4 *vided further*, That up to \$149,700,000 shall be available
5 for obligation through December 31, 2012 for section
6 14007 of division A of Public Law 111-5, and up to 5
7 percent of such funds may be used for technical assistance
8 and the evaluation of activities carried out under such sec-
9 tion: *Provided further*, That \$300,000,000 of the funds for
10 subpart 1 of part D of title V of the ESEA shall be for
11 competitive grants to local educational agencies, including
12 charter schools that are local educational agencies, or
13 States, or partnerships of: (1) a local educational agency,
14 a State, or both; and (2) at least one nonprofit organiza-
15 tion to develop and implement performance-based com-
16 pensation systems for teachers, principals, and other per-
17 sonnel in high-need schools: *Provided further*, That such
18 performance-based compensation systems must consider
19 gains in student academic achievement as well as class-
20 room evaluations conducted multiple times during each
21 school year among other factors and provide educators
22 with incentives to take on additional responsibilities and
23 leadership roles: *Provided further*, That recipients of such
24 grants shall demonstrate that such performance-based
25 systems are developed with the input of teachers and

4 (compensation)

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

1 successful charter school models and shall reserve up to
2 \$11,000,000 to carry out the activities described in section
3 5205(a), including improving quality and oversight of
4 charter schools and providing technical assistance and
5 grants to authorized public chartering agencies in order
6 to increase the number of high-performing charter schools:
7 *Provided further*, That each application submitted pursu-
8 ant to section 5203(a) shall describe a plan to monitor
9 and hold accountable authorized public chartering agen-
10 cies through such activities as providing technical assist-
11 ance or establishing a professional development program,
12 which may include evaluation, planning, training, and sys-
13 tems development for staff of authorized public chartering
14 agencies to improve the capacity of such agencies in the
15 State to authorize, monitor, and hold accountable charter
16 schools: *Provided further*, That each application submitted
17 pursuant to section 5203(a) shall contain assurances that
18 State law, regulations, or other policies require that: (1)
19 each authorized charter school in the State operate under
20 a legally binding charter or performance contract between
21 itself and the school's authorized public chartering agency
22 that describes the obligations and responsibilities of the
23 school and the public chartering agency; conduct annual,
24 timely, and independent audits of the school's financial
25 statements that are filed with the school's authorized pub-

1 lic chartering agency; and demonstrate improved student
2 academic achievement; and (2) authorized public char-
3 tering agencies use increases in student academic achieve-
4 ment for all groups of students described in section
5 1111(b)(2)(C)(v) of the ESEA as the most important fac-
6 tor when determining to renew or revoke a school's char-
7 ter.

8 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

9 For carrying out activities authorized by part A of
10 title IV and subparts 1, 2, and 10 of part D of title V
11 of the ESEA, \$256,237,000: *Provided*, That \$65,000,000
12 shall be available for subpart 2 of part A of title IV: *Pro-*
13 *vided further*, That \$60,000,000 shall be available for
14 Promise Neighborhoods and shall be available through De-
15 cember 31, 2012.

16 ENGLISH LANGUAGE ACQUISITION

17 For carrying out part A of title III of the ESEA,
18 \$733,530,000, which shall become available on July 1,
19 2012, and shall remain available through September 30,
20 2013, except that 6.5 percent of such amount shall be
21 available on October 1, 2011, and shall remain available
22 through September 30, 2013, to carry out activities under
23 section 3111(c)(1)(C): *Provided*, That the Secretary shall
24 use estimates of the American Community Survey child

1 counts for the most recent 3-year period available to cal-
2 culate allocations under such part.

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (“IDEA”) and the Special Olympics Sport
6 and Empowerment Act of 2004, \$12,647,066,000, of
7 which \$3,115,716,000 shall become available on July 1,
8 2012, and shall remain available through September 30,
9 2013, and of which \$9,283,383,000 shall become available
10 on October 1, 2012, and shall remain available through
11 September 30, 2013, for academic year 2012–2013: *Pro-*
12 *vided*, That the amount for section 611(b)(2) of the IDEA
13 shall be equal to the lesser of the amount available for
14 that activity during fiscal year 2011, increased by the
15 amount of inflation as specified in section 619(d)(2)(B)
16 of the IDEA, or the percent change in the funds appro-
17 priated under section 611(i) of the IDEA, but not less
18 than the amount for that activity during fiscal year 2011:
19 *Provided further*, That \$2,000,000, to remain available for
20 obligation through September 30, 2013, shall be for activi-
21 ties aimed at improving the outcomes of children receiving
22 Supplemental Security Income (SSI) and their families,
23 which may include competitive grants to States to improve
24 the provision and coordination of services for SSI child
25 recipients in order to achieve improved health status, in-

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

9 REHABILITATION SERVICES AND DISABILITY RESEARCH

10 For carrying out, to the extent not otherwise pro-
11 vided, the Rehabilitation Act of 1973, the Assistive Tech-
12 nology Act of 1998, and the Helen Keller National Center
13 Act, \$3,512,019,000: *Provided*, That the Secretary may
14 use amounts provided in this Act that remain available
15 subsequent to the reallocation of funds to States pursuant
16 to section 110(b) of the Rehabilitation Act for activities
17 aimed at improving the outcomes of children receiving
18 Supplemental Security Income (SSI) and their families,
19 including competitive grants to States to improve the pro-
20 vision and coordination of services for SSI child recipients
21 in order to achieve improved health status, education and
22 post-school outcomes, including completion of postsec-
23 ondary education and employment, and to improve serv-
24 ices and supports to the family or households of the SSI
25 child recipient, such as education and job training for the

1 parents: *Provided further*, That States may award sub-
2 grants for a portion of the funds to other public and pri-
3 vate, non-profit entities: *Provided further*, That any funds
4 made available subsequent to reallocation for activities
5 aimed at improving the outcomes of children receiving SSI
6 and their families shall remain available until September
7 30, 2013: *Provided further*, That \$2,000,000 shall be for
8 competitive grants to support alternative financing pro-
9 grams that provide for the purchase of assistive technology
10 devices, such as a low-interest loan fund; an interest buy-
11 down program; a revolving loan fund; a loan guarantee;
12 or insurance program: *Provided further*, That applicants
13 shall provide an assurance that, and information describ-
14 ing the manner in which, the alternative financing pro-
15 gram will expand and emphasize consumer choice and con-
16 trol: *Provided further*, That State agencies and commu-
17 nity-based disability organizations that are directed by
18 and operated for individuals with disabilities shall be eligi-
19 ble to compete.

20 SPECIAL INSTITUTIONS FOR PERSONS WITH
21 DISABILITIES

22 AMERICAN PRINTING HOUSE FOR THE BLIND

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

1 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

8 GALLAUDET UNIVERSITY

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

18 CAREER, TECHNICAL, AND ADULT EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, the Carl D. Perkins Career and Technical Edu-
21 cation Act of 2006 and the Adult Education and Family
22 Literacy Act (referred to in this Act as the "AEFLA"),
23 \$1,738,946,000, of which \$947,946,000 shall become
24 available on July 1, 2012, and shall remain available
25 through September 30, 2013, and of which \$791,000,000

1 shall become available on October 1, 2012, and shall re-
2 main available through September 30, 2013: *Provided,*
3 That of the amount provided for Adult Education State
4 Grants, \$74,850,000 shall be made available for inte-
5 grated English literacy and civics education services to im-
6 migrants and other limited-English-proficient populations:
7 *Provided further,* That of the amount reserved for inte-
8 grated English literacy and civics education, notwith-
9 standing section 211 of the AEFLA, 65 percent shall be
10 allocated to States based on a State's absolute need as
11 determined by calculating each State's share of a 10-year
12 average of the United States Citizenship and Immigration
13 Services data for immigrants admitted for legal permanent
14 residence for the 10 most recent years, and 35 percent
15 allocated to States that experienced growth as measured
16 by the average of the 3 most recent years for which United
17 States Citizenship and Immigration Services data for im-
18 migrants admitted for legal permanent residence are avail-
19 able, except that no State shall be allocated an amount
20 less than \$60,000: *Provided further,* That of the amounts
21 made available for AEFLA, \$11,323,000 shall be for na-
22 tional leadership activities under section 243.

1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1 and 3 of part A, and
3 part C of title IV of the HEA, \$24,538,521,000, which
4 shall remain available through September 30, 2013.

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

7 STUDENT AID ADMINISTRATION

8 For Federal administrative expenses to carry out part
9 D of title I, and subparts 1, 3, 4, 9, and 10 of part A,
10 and parts B, C, D, and E of title IV of the HEA,
11 \$1,045,363,000, to remain available until September 30,
12 2013.

13 HIGHER EDUCATION

14 For carrying out, to the extent not otherwise pro-
15 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
16 the Mutual Educational and Cultural Exchange Act of
17 1961, and section 117 of the Carl D. Perkins Career and
18 Technical Education Act of 2006, \$1,873,196,000: *Pro-*
19 *vided*, That \$608,000 shall be for data collection and eval-
20 uation activities for programs under the HEA, including
21 such activities needed to comply with the Government Per-
22 formance and Results Act of 1993: *Provided further*, That
23 notwithstanding any other provision of law, funds made
24 available in this Act to carry out title VI of the HEA and
25 section 102(b)(6) of the Mutual Educational and Cultural

1 Exchange Act of 1961 may be used to support visits and
2 study in foreign countries by individuals who are partici-
3 pating in advanced foreign language training and inter-
4 national studies in areas that are vital to United States
5 national security and who plan to apply their language
6 skills and knowledge of these countries in the fields of gov-
7 ernment, the professions, or international development:
8 *Provided further*, That of the funds referred to in the pre-
9 ceding proviso up to 1 percent may be used for program
10 evaluation, national outreach, and information dissemina-
11 tion activities: *Provided further*, That notwithstanding any
12 other provision of law, a recipient of a multi-year award
13 under section 316 of the HEA, as that section was in ef-
14 fect prior to the date of enactment of the Higher Edu-
15 cation Opportunity Act (referred to in this Act as
16 "HEOA"), that would have otherwise received a continu-
17 ation award for fiscal year 2012 under that section, shall
18 receive under section 316, as amended by the HEOA, not
19 less than the amount that such recipient would have re-
20 ceived under such a continuation award: *Provided further*,
21 That the portion of the funds received under section 316
22 by a recipient described in the preceding proviso that is
23 equal to the amount of such continuation award shall be
24 used in accordance with the terms of such continuation
25 award.

1 HOWARD UNIVERSITY

2 For partial support of Howard University,
3 \$234,507,000, of which not less than \$3,600,000 shall be
4 for a matching endowment grant pursuant to the Howard
5 University Endowment Act and shall remain available
6 until expended.

7 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
8 PROGRAM

9 For Federal administrative expenses to carry out ac-
10 tivities related to existing facility loans pursuant to section
11 121 of the HEA, \$460,000.

12 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
13 CAPITAL FINANCING PROGRAM ACCOUNT

14 For the cost of guaranteed loans, \$20,188,000, as au-
15 thorized pursuant to part D of title III of the HEA: *Pro-*
16 *vided*, That such costs, including the cost of modifying
17 such loans, shall be as defined in section 502 of the Con-
18 gressional Budget Act of 1974: *Provided further*, That
19 these funds are available to subsidize total loan principal,
20 any part of which is to be guaranteed, not to exceed
21 \$367,255,000: *Provided further*, That these funds may be
22 used to support loans to public and private Historically
23 Black Colleges and Universities without regard to the limi-
24 tations within section 344(a) of the HEA.

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

5 INSTITUTE OF EDUCATION SCIENCES

6 For carrying out activities authorized by the Edu-
7 cation Sciences Reform Act of 2002, the National Assess-
8 ment of Educational Progress Authorization Act, section
9 208 of the Educational Technical Assistance Act of 2002,
10 and section 664 of the Individuals with Disabilities Edu-
11 cation Act, \$594,788,000, which shall remain available
12 through September 30, 2013: *Provided*, That funds avail-
13 able to carry out section 208 of the Educational Technical
14 Assistance Act may be used to link Statewide elementary
15 and secondary data systems with early childhood, postsec-
16 ondary, and workforce data systems, or to further develop
17 such systems: *Provided further*, That up to \$11,000,000
18 of the funds available to carry out section 208 of the Edu-
19 cational Technical Assistance Act may be used for awards
20 to public or private organizations or agencies to support
21 activities to improve data coordination, quality, and use
22 at the local, State, and national levels.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$447,104,000.

8 OFFICE FOR CIVIL RIGHTS

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

12 OFFICE OF THE INSPECTOR GENERAL

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

16 GENERAL PROVISIONS

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

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

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

18 (TRANSFER OF FUNDS)

19 SEC. 304. Not to exceed 1 percent of any discre-
20 tionary funds (pursuant to the Balanced Budget and
21 Emergency Deficit Control Act of 1985) which are appro-
22 priated for the Department of Education in this Act may
23 be transferred between appropriations, but no such appro-
24 priation shall be increased by more than 3 percent by any
25 such transfer: *Provided*, That the transfer authority

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

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

10 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
11 of Free Association Amendments Act of 2003 (48 U.S.C.
12 1921d(f)(1)(B)(ix)) shall be applied by substituting
13 “2012” for “2009”.

14 SEC. 307. (a) Notwithstanding any other provision
15 of law, the Secretary is authorized to modify the terms
16 and conditions of gulf hurricane disaster loans to affected
17 institutions pursuant to section 2601 of Public Law 109-
18 234 using the authority provided herein, on such terms
19 as the Secretary, the Secretary of the Treasury, and the
20 Director of the Office of Management and Budget jointly
21 determine are in the best interests of both the United
22 States and the borrowers, and necessary to mitigate the
23 economic effects of Hurricanes Katrina and Rita. Any
24 modification under this section shall not result in any net
25 cost to the Federal Government, as jointly determined by

1 the Secretary, the Secretary of the Treasury, and the Di-
2 rector of the Office of Management and Budget, beginning
3 on the date on which the Secretary modifies a loan under
4 this section.

5 (b) FEDERAL REGISTER NOTICE.—The Secretary,
6 the Secretary of the Treasury, and the Director of the Of-
7 fice of Management and Budget, shall jointly publish a
8 notice in the Federal Register prior to any modification
9 of loans under paragraph (a) that—

10 (1) establishes the terms and conditions gov-
11 erning the modifications authorized by paragraph

12 (a);

13 (2) includes an outline of the methodology and
14 factors that the Secretary, the Secretary of the
15 Treasury, and the Director of the Office of Manage-
16 ment and Budget, will jointly consider in evaluating
17 the modification of the loans made under this title;
18 and

19 (3) describes how the use of such methodology
20 and consideration of such factors used to determine
21 the modifications will ensure that loan modifications
22 do not result in any net cost to the Federal Govern-
23 ment.

24 (c) FEES.—An affected institution that receives a
25 modification to its disaster loan pursuant to section 2601

1 of Public Law 109–234 shall pay a fee to the Secretary
2 which shall be credited to the HBCU Hurricane Supple-
3 mental Loan Program. Such fees shall remain available
4 without fiscal year limitation to pay the modification costs.
5 The amount of the fee paid shall be equal to the modifica-
6 tion cost as jointly determined by the Secretary, the Sec-
7 retary of the Treasury, and the Director of the Office of
8 Management and Budget, calculated in accordance with
9 section 502 of the Federal Credit Reform Act of 1990,
10 as amended, of such loan.

11 SEC. 308. Section 14006(e)(2) of division A of the
12 American Recovery and Reinvestment Act of 2009 (as
13 amended by section 1832(b) of division B of Public Law
14 112–10) is amended by inserting before the period, “ex-
15 cept that such a State may use its grant funds to make
16 subgrants to public or private agencies and organizations
17 for activities consistent with the purposes of the grant”.

18 SEC. 309. (a) FEDERAL PELL GRANT ELIGI-
19 BILITY.—

20 (1) MINIMUM LEVEL.—Section 401(b)(4) of the
21 HEA (20 U.S.C. 1070a(b)(4)) is amended by strik-
22 ing “, except that” and all that follows and inserting
23 a period.

1 (2) DURATION OF AWARD PERIOD.—Section
2 401(c)(5) of the HEA (20 U.S.C. 1070a(c)(5)) is
3 amended—

4 (A) by striking “18” each place it appears
5 and inserting “12”; and

6 (B) by striking the last sentence.

7 (b) ZERO EXPECTED FAMILY CONTRIBUTION.—Sec-
8 tion 479(c) of the HEA (20 U.S.C. 1087ss(c)) is amend-
9 ed—

10 (1) in paragraph (1)(B), by striking “\$30,000”
11 and inserting “\$23,000”; and

12 (2) in paragraph (2)(B), by striking “\$30,000”
13 and inserting “\$23,000”.

14 (c) STUDENTS WHO ARE NOT HIGH SCHOOL GRAD-
15 UATES.—

16 (1) AMENDMENT.—Section 484(d) of the HEA
17 (20 U.S.C. 1091(d)) is amended—

18 (A) in the matter preceding paragraph (1),
19 by striking “meet one of the following stand-
20 ards.”;

21 (B) by striking paragraphs (1), (2), and
22 (4); and

23 (C) in paragraph (3), by striking “(3) The
24 student has” and inserting “have”; and

1 (2) ~~TRANSITION.~~—The amendment made by
2 ~~subsection~~ (1) shall apply to students who first en- *(paragraph*
3 roll in a program of study on or after July 1, 2012.

4 (3) CONFORMING CHANGE.—Section 101(a)(1)
5 of the HEA (20 U.S.C. 1001(a)(1) is amended by
6 striking “section 484(d)(3)” and inserting “section
7 484(d)”.

8 (d) TEMPORARY ELIMINATION OF INTEREST SUB-
9 SIDY DURING STUDENT LOAN GRACE PERIOD.—

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

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

18 (2) The amendment made by ~~subsection~~ (1) *(paragraph*
19 shall apply to new Federal Direct Stafford Loans
20 made on or after July 1, 2012 and before July 1,
21 2014.

22 (e) REVISED SPECIAL ALLOWANCE CALCULATION.—

23 (1) REVISED CALCULATION RULE.—Section
24 438(b)(2)(I) of the HEA (20 U.S.C. 1087—

1 1(b)(2)(I) is amended by adding at the end the fol-
2 lowing:

3 “(vii) REVISED CALCULATION RULE
4 TO REFLECT FINANCIAL MARKET CONDI-
5 TIONS.—

6 “(I) CALCULATION BASED ON
7 LIBOR.—For the calendar quarter be-
8 ginning on April 1, 2012 and each
9 subsequent calendar quarter, in com-
10 puting the special allowance paid pur-
11 suant to this subsection with respect
12 to loans described in subclause (II),
13 clause (i)(I) of this subparagraph
14 shall be applied by substituting ‘of the
15 1-month London Inter Bank Offered
16 Rate (LIBOR) for United States dol-
17 lars in effect for each of the days in
18 such quarter as compiled and released
19 by the British Bankers Association’
20 for ‘of the quotes of the 3-month com-
21 mercial paper (financial) rates in ef-
22 fect for each of the days in such quar-
23 ter as reported by the Federal Reserve
24 in Publication H-15 (or its successor)
25 for such 3-month period’.

1 “(II) LOANS ELIGIBLE FOR
2 LIBOR-BASED CALCULATION.—The
3 special allowance paid pursuant to
4 this subsection shall be calculated as
5 described in subclause (I) with respect
6 to special allowance payments for the
7 3-month period ending June 30,
8 2012, and each succeeding 3-month
9 period, on loans for which the first
10 disbursement is made on or after Jan-
11 uary 1, 2000, and before July 1,
12 2010, if, not later than April 1, 2012,
13 the holder of the loan (or, if the hold-
14 er acts as eligible lender trustee for
15 the beneficial owner of the loan, the
16 beneficial owner of the loan), affirma-
17 tively and permanently waives all con-
18 tractual, statutory, or other legal
19 rights to a special allowance paid pur-
20 suant to this subsection that is cal-
21 culated using the formula in effect at
22 the time the loans were first dis-
23 bursed.

24 “(III) TERMS OF WAIVER.—

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“(aa) IN GENERAL.—A waiver pursuant to subclause (II) shall be in a form (printed or electronic) prescribed by the Secretary, and shall be applicable to—

“(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

“(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

1 “(CC) all future cal-
2 culations of the special al-
3 lowance on loans that, on
4 the date of such waiver, are
5 loans described in subitem
6 (AA) or (BB), or that, after
7 such date, become loans de-
8 scribed in subitem (AA) or
9 (BB).

10 “(bb) EXCEPTIONS.—Any
11 waiver pursuant to subclause (II)
12 that is elected for loans described
13 in subitem (AA) or (BB) of item
14 (aa) shall not apply to any loan
15 described in such subitem for
16 which the lender or beneficial
17 owner of the loan demonstrates
18 to the satisfaction of the Sec-
19 retary that—

20 “(AA) in accordance
21 with an agreement entered
22 into before the date of en-
23 actment of this section by
24 which such lender or owner
25 is governed and that applies

1 to such loans, such lender or
2 owner is not legally per-
3 mitted to make an election
4 of such waiver with respect
5 to such loans without the
6 approval of one or more
7 third parties with an inter-
8 est in the loans, and that
9 the lender or owner followed
10 all available options under
11 such agreement to obtain
12 such approval, and was un-
13 able to do so; or

14 “(BB) such lender or
15 beneficial owner presented
16 the proposal of electing such
17 a waiver applicable to such
18 loans associated with an ob-
19 ligation rated by a nationally
20 recognized statistical rating
21 organization (as defined in
22 section 3(a)(62) of the Secu-
23 rities Exchange Act of
24 1934), and such rating orga-
25 nization provided a written

1 opinion that the agency
2 would downgrade the rating
3 applicable to such obligation
4 if the lender or owner elect-
5 ed such a waiver.”.

6 (2) CONFORMING AMENDMENTS.—Section
7 438(b)(2)(I) of the HEA (20 U.S.C. 1087-
8 1(b)(2)(I)) is further amended—

9 (A) in clause (i)(II), by striking “such av-
10 erage bond equivalent rate” and inserting “the
11 rate determined under subclause (I) (in accord-
12 ance with clause (vii))”; and

13 (B) in clause (v)(III), by striking “(iv),
14 and (vi)” and inserting “(iv), (vi), and (vii)”.

15 (f) REAPPROPRIATION OF MANDATORY SAVINGS.—
16 Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C.
17 1070a(b)(7)(A)(iv)) is amended to read as follows:

18 “(iv) to carry out this section—

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

21 “(II) \$13,795,000,000 for fiscal
22 year 2012;

23 “(III) \$7,587,000,000 for fiscal
24 year 2013;

131

1 “(IV) \$588,000,000 for fiscal
2 year 2014;

3 “(V) \$0 for fiscal year 2015;

4 “(VI) \$0 for fiscal year 2016;

5 “(VII) \$1,574,000,000 for fiscal
6 year 2017;

7 “(VIII) \$1,382,000,000 for fiscal
8 year 2018;

9 “(IX) \$1,409,000,000 for fiscal
10 year 2019;

11 “(X) \$1,430,000,000 for fiscal
12 year 2020; and

13 “(XI) \$1,145,000,000 for fiscal
14 year 2021 and each succeeding fiscal
15 year.”.

16 (g) EFFECTIVE DATE.—The amendments made by
17 subsections (a), (b), and (c) shall take effect on July 1,
18 2012.

19 (h) INAPPLICABILITY OF NEGOTIATED RULEMAKING
20 AND MASTER CALENDAR EXCEPTION.—Sections 482(c)
21 and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall
22 not apply to the amendments made by this section, or to
23 any regulations promulgated under those amendments.

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

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

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

9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES

11 For necessary expenses for the Corporation for Na-
12 tional and Community Service (referred to in this title as
13 "CNCS") to carry out the Domestic Volunteer Service Act
14 of 1973 (referred to in this title as "1973 Act") and the
15 National and Community Service Act of 1990 (referred
16 to in this title as "1990 Act"), \$751,672,000, notwith-
17 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
18 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
19 amounts provided under this heading: (1) up to 1 percent
20 of program grant funds may be used to defray the costs
21 of conducting grant application reviews, including the use
22 of outside peer reviewers and electronic management of
23 the grants cycle; (2) \$44,900,000 shall be available for
24 expenses authorized under section 501(a)(4)(E) of the
25 1990 Act; (3) \$2,000,000 shall be available for expenses

1 to carry out sections 112(e), 179A, and 198O and subtitle
2 J of title I of the 1990 Act, notwithstanding section
3 501(a)(6) of the 1990 Act; (4) \$13,466,000 shall be avail-
4 able to provide assistance to State commissions on na-
5 tional and community service, under section 126(a) of the
6 1990 Act and notwithstanding section 501(a)(5)(B) of the
7 1990 Act; (5) \$31,942,000 shall be available to carry out
8 subtitle E of the 1990 Act; and (6) \$3,992,000 shall be
9 available for expenses authorized under section
10 501(a)(4)(F) of the 1990 Act, which, notwithstanding the
11 provisions of section 198P shall be awarded by CNCS on
12 a competitive basis: *Provided further*, That, with respect
13 to amounts provided under this heading for State Service
14 Commissions, section 126 of the 1990 Act shall be applied
15 by substituting “\$200,000” for “\$250,000” each place
16 that it appears.

17 NATIONAL SERVICE TRUST

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses for the National Service
20 Trust established under subtitle D of title I of the 1990
21 Act, \$212,198,000, to remain available until expended:
22 *Provided*, That CNCS may transfer additional funds from
23 the amount provided within “Operating Expenses” allo-
24 cated to grants under subtitle C of title I of the 1990 Act
25 to the National Service Trust upon determination that

1 such transfer is necessary to support the activities of na-
2 tional service participants and after notice is transmitted
3 to the Committees on Appropriations of the House of Rep-
4 resentatives and the Senate: *Provided further*, That
5 amounts appropriated for or transferred to the National
6 Service Trust may be invested under section 145(b) of the
7 1990 Act without regard to the requirement to apportion
8 funds under 31 U.S.C. 1513(b).

9 SALARIES AND EXPENSES

10 For necessary expenses of administration as provided
11 under section 501(a)(5) of the 1990 Act and under section
12 504(a) of the 1973 Act, including payment of salaries, au-
13 thorized travel, hire of passenger motor vehicles, the rental
14 of conference rooms in the District of Columbia, the em-
15 ployment of experts and consultants authorized under 5
16 U.S.C. 3109, and not to exceed \$2,500 for official recep-
17 tion and representation expenses, \$83,000,000.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the Inspector General Act of 1978,
21 \$4,000,000.

22 ADMINISTRATIVE PROVISIONS

23 SEC. 401. CNCS shall make any significant changes
24 to program requirements, service delivery or policy only
25 through public notice and comment rulemaking. For fiscal

1 year 2012, during any grant selection process, an officer
2 or employee of CNCS shall not knowingly disclose any cov-
3 ered grant selection information regarding such selection,
4 directly or indirectly, to any person other than an officer
5 or employee of CNCS that is authorized by CNCS to re-
6 ceive such information.

7 SEC. 402. AmeriCorps programs receiving grants
8 under the National Service Trust program shall meet an
9 overall minimum share requirement of 24 percent for the
10 first 3 years that they receive AmeriCorps funding, and
11 thereafter shall meet the overall minimum share require-
12 ment as provided in section 2521.60 of title 45, Code of
13 Federal Regulations, without regard to the operating costs
14 match requirement in section 121(e) or the member sup-
15 port Federal share limitations in section 140 of the 1990
16 Act, and subject to partial waiver consistent with section
17 2521.70 of title 45, Code of Federal Regulations.

18 SEC. 403. Donations made to CNCS under section
19 196 of the 1990 Act for the purposes of financing pro-
20 grams and operations under titles I and II of the 1973
21 Act or subtitle B, C, D, or E of title I of the 1990 Act
22 shall be used to supplement and not supplant current pro-
23 grams and operations.

24 SEC. 404. In addition to the requirements in section
25 146(a) of the 1990 Act, use of an educational award for

1 the purpose described in section 148(a)(4) shall be limited
2 to individuals who are veterans as defined under section
3 101 of the Act.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For payment to the Corporation for Public Broad-
6 casting (referred to in this Act as "CPB"), as authorized
7 by the Communications Act of 1934, an amount which
8 shall be available within limitations specified by that Act,
9 for the fiscal year 2014, \$445,000,000: *Provided*, That
10 none of the funds made available to CPB by this Act shall
11 be used to pay for receptions, parties, or similar forms
12 of entertainment for Government officials or employees:
13 *Provided further*, That none of the funds made available
14 to CPB by this Act shall be available or used to aid or
15 support any program or activity from which any person
16 is excluded, or is denied benefits, or is discriminated
17 against, on the basis of race, color, national origin, reli-
18 gion, or sex: *Provided further*, That none of the funds
19 made available to CPB by this Act shall be used to apply
20 any political test or qualification in selecting, appointing,
21 promoting, or taking any other personnel action with re-
22 spect to officers, agents, and employees of CPB: *Provided*
23 *further*, That none of the funds made available to CPB
24 by this Act shall be used to support the Television Future
25 Fund or any similar purpose.

1 FEDERAL MEDIATION AND CONCILIATION SERVICE

2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Mediation
4 and Conciliation Service ("Service") to carry out the func-
5 tions vested in it by the Labor-Management Relations Act,
6 1947, including hire of passenger motor vehicles; for ex-
7 penses necessary for the Labor-Management Cooperation
8 Act of 1978; and for expenses necessary for the Service
9 to carry out the functions vested in it by the Civil Service
10 Reform Act, \$46,250,000: *Provided*, That notwithstanding
11 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
12 special training activities and other conflict resolution
13 services and technical assistance, including those provided
14 to foreign governments and international organizations,
15 and for arbitration services shall be credited to and
16 merged with this account, and shall remain available until
17 expended: *Provided further*, That fees for arbitration serv-
18 ices shall be available only for education, training, and
19 professional development of the agency workforce: *Pro-*
20 *vided further*, That the Director of the Service is author-
21 ized to accept and use on behalf of the United States gifts
22 of services and real, personal, or other property in the aid
23 of any projects or functions within the Director's jurisdic-
24 tion.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission, \$17,637,000.

6 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

7 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

8 AND ADMINISTRATION

9 For carrying out the Museum and Library Services
10 Act of 1996 and the National Museum of African Amer-
11 ican History and Culture Act, \$232,393,000.

12 MEDICAID AND CHIP PAYMENT AND ACCESS

13 COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1900 of
16 the Social Security Act, \$6,000,000.

17 MEDICARE PAYMENT ADVISORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary to carry out section 1805 of
20 the Social Security Act, \$11,800,000, to be transferred to
21 this appropriation from the Federal Hospital Insurance
22 Trust Fund and the Federal Supplementary Medical In-
23 surance Trust Fund.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

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

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, and other laws,
11 \$278,833,000: *Provided*, That no part of this appropria-
12 tion shall be available to organize or assist in organizing
13 agricultural laborers or used in connection with investiga-
14 tions, hearings, directives, or orders concerning bargaining
15 units composed of agricultural laborers as referred to in
16 section 2(3) of the Act of July 5, 1935, and as amended
17 by the Labor-Management Relations Act, 1947, and as de-
18 fined in section 3(f) of the Act of June 25, 1938, and
19 including in said definition employees engaged in the
20 maintenance and operation of ditches, canals, reservoirs,
21 and waterways when maintained or operated on a mutual,
22 nonprofit basis and at least 95 percent of the water stored
23 or supplied thereby is used for farming purposes.

1 ADMINISTRATIVE PROVISION

2 SEC. 405. None of the funds provided by this Act
3 or previous Acts making appropriations for the National
4 Labor Relations Board may be used to issue any new ad-
5 ministrative directive or regulation that would provide em-
6 ployees any means of voting through any electronic means
7 in an election to determine a representative for the pur-
8 poses of collective bargaining.

9 NATIONAL MEDIATION BOARD

10 SALARIES AND EXPENSES

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

14 OCCUPATIONAL SAFETY AND HEALTH REVIEW

15 COMMISSION

16 SALARIES AND EXPENSES

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

19 RAILROAD RETIREMENT BOARD

20 DUAL BENEFITS PAYMENTS ACCOUNT

21 For payment to the Dual Benefits Payments Ac-
22 count, authorized under section 15(d) of the Railroad Re-
23 tirement Act of 1974, \$51,000,000, which shall include
24 amounts becoming available in fiscal year 2012 pursuant
25 to section 224(c)(1)(B) of Public Law 98-76; and in addi-

1 tion, an amount, not to exceed 2 percent of the amount
2 provided herein, shall be available proportional to the
3 amount by which the product of recipients and the average
4 benefit received exceeds the amount available for payment
5 of vested dual benefits: *Provided*, That the total amount
6 provided herein shall be credited in 12 approximately
7 equal amounts on the first day of each month in the fiscal
8 year.

9 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

10 ACCOUNTS

11 For payment to the accounts established in the
12 Treasury for the payment of benefits under the Railroad
13 Retirement Act for interest earned on unnegotiated
14 checks, \$150,000, to remain available through September
15 30, 2013, which shall be the maximum amount available
16 for payment pursuant to section 417 of Public Law 98-
17 76.

18 LIMITATION ON ADMINISTRATION

19 For necessary expenses for the Railroad Retirement
20 Board ("Board") for administration of the Railroad Re-
21 tirement Act and the Railroad Unemployment Insurance
22 Act, \$108,855,000, to be derived in such amounts as de-
23 termined by the Board from the railroad retirement ac-
24 counts and from moneys credited to the railroad unem-
25 ployment insurance administration fund.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General for audit, investigatory and review activities, as
4 authorized by the Inspector General Act of 1978, not more
5 than \$8,170,000, to be derived from the railroad retire-
6 ment accounts and railroad unemployment insurance ac-
7 count.

8 SOCIAL SECURITY ADMINISTRATION

9 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

10 For payment to the Federal Old-Age and Survivors
11 Insurance Trust Fund and the Federal Disability Insur-
12 ance Trust Fund, as provided under sections 201(m),
13 228(g), and 1131(b)(2) of the Social Security Act,
14 \$20,404,000.

15 SUPPLEMENTAL SECURITY INCOME PROGRAM

16 For carrying out titles XI and XVI of the Social Se-
17 curity Act, section 401 of Public Law 92-603, section 212
18 of Public Law 93-66, as amended, and section 405 of
19 Public Law 95-216, including payment to the Social Secu-
20 rity trust funds for administrative expenses incurred pur-
21 suant to section 201(g)(1) of the Social Security Act,
22 ~~\$37,922,859,000~~, to remain available until expended: *Pro-*
23 *vided*, That any portion of the funds provided to a State
24 in the current fiscal year and not obligated by the State
25 during that year shall be returned to the Treasury: *Pro-*

37,582,991,000

1 *vided further*, That not more than \$8,000,000 shall be
2 available for research and demonstrations under sections
3 1110 and 1144 of the Social Security Act and remain
4 available through September 30, 2013.

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

9 For making benefit payments under title XVI of the
10 Social Security Act for the first quarter of fiscal year
11 2013, \$18,200,000,000, to remain available until ex-
12 pended.

13 LIMITATION ON ADMINISTRATIVE EXPENSES

14 For necessary expenses, including the hire of two pas-
15 senger motor vehicles, and not to exceed \$20,000 for offi-
16 cial reception and representation expenses, not more than
17 ~~\$10,550,494,000~~ may be expended, as authorized by sec-
18 tion 201(g)(1) of the Social Security Act, from any one
19 or all of the trust funds referred to in such section: *Pro-*
20 *vided*, That not less than \$2,150,000 shall be for the So-
21 cial Security Advisory Board: *Provided further*, That unob-
22 ligated balances of funds provided under this paragraph
23 at the end of fiscal year 2012 not needed for fiscal year
24 2012 shall remain available until expended to invest in the
25 Social Security Administration information technology

555

1 and telecommunications hardware and software infra-
2 structure, including related equipment and non-payroll ad-
3 ministrative expenses associated solely with this informa-
4 tion technology and telecommunications infrastructure:
5 *Provided further*, That the Commissioner of Social Secu-
6 rity shall notify the Committees on Appropriations of the
7 House of Representatives and the Senate prior to making
8 unobligated balances available under the authority in the
9 previous proviso: *Provided further*, That reimbursement to
10 the trust funds under this heading for expenditures for
11 official time for employees of the Social Security Adminis-
12 tration pursuant to 5 U.S.C. 7131, and for facilities or
13 support services for labor organizations pursuant to poli-
14 cies, regulations, or procedures referred to in section
15 7135(b) of such title shall be made by the Secretary of
16 the Treasury, with interest, from amounts in the general
17 fund not otherwise appropriated, as soon as possible after
18 such expenditures are made.

19 In addition, for continuing disability reviews under
20 titles II and XVI of the Social Security Act and for the
21 cost associated with conducting redeterminations of eligi-
22 bility under title XVI of the Social Security Act, ~~not more~~
23 ~~than \$756,484,000~~ may be expended, as authorized by
24 section 201(g)(1) of the Social Security Act, from any one
25 or all of the trust funds referred to therein: *Provided,*

274,000,000

1 That of such amount, \$483,484,000 is ~~additional new~~
2 budget authority specified for purposes of subsection
3 251(b)(2)(B) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985]: *Provided further*, That the
5 Commissioner shall provide to the Congress (at the conclu-
6 sion of the fiscal year) a report on the obligation and ex-
7 penditure of these funds, similar to the reports that were
8 required by section 103(d)(2) of Public Law 104-121 for
9 fiscal years 1996 through 2002.

10 In addition, \$161,000,000 to be derived from admin-
11 istration fees in excess of \$5.00 per supplementary pay-
12 ment collected pursuant to section 1616(d) of the Social
13 Security Act or section 212(b)(3) of Public Law 93-66,
14 which shall remain available until expended. To the extent
15 that the amounts collected pursuant to such sections in
16 fiscal year 2012 exceed \$161,000,000, the amounts shall
17 be available in fiscal year 2013 only to the extent provided
18 in advance in appropriations Acts.

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

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

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

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

1

TITLE V

2

GENERAL PROVISIONS

3

(TRANSFER OF FUNDS)

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

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

14 SEC. 503. (a) No part of any appropriation contained
15 in this Act or transferred pursuant to section 4002 of
16 Public Law 111-148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111-148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

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

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

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

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

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

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

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

14 (c) The term "health benefits coverage" means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

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

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

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

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

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

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

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

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

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

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

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

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

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

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

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

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

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

13 SEC. 514. None of the funds made available by this
14 Act to carry out part D of title II of the Elementary and
15 Secondary Education Act of 1965 may be made available
16 to any elementary or secondary school covered by para-
17 graph (1) of section 2441(a) of such Act, as amended by
18 the Children's Internet Protection Act and the No Child
19 Left Behind Act, unless the local educational agency with
20 responsibility for such covered school has made the certifi-
21 cations required by paragraph (2) of such section.

22 SEC. 515. (a) None of the funds provided under this
23 Act, or provided under previous appropriations Acts to the
24 agencies funded by this Act that remain available for obli-
25 gation or expenditure in fiscal year 2012, or provided from

1 any accounts in the Treasury of the United States derived
2 by the collection of fees available to the agencies funded
3 by this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds that—

5 (1) creates new programs;

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

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

10 (4) relocates an office or employees;

11 (5) reorganizes or renames offices;

12 (6) reorganizes programs or activities; or

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

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

20 (b) None of the funds provided under this Act, or
21 provided under previous appropriations Acts to the agen-
22 cies funded by this Act that remain available for obligation
23 or expenditure in fiscal year 2012, or provided from any
24 accounts in the Treasury of the United States derived by
25 the collection of fees available to the agencies funded by

1 this Act, shall be available for obligation or expenditure
2 through a reprogramming of funds in excess of \$500,000
3 or 10 percent, whichever is less, that—

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

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

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

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

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

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

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

12 SEC. 518. The Secretaries of Labor, Health and
13 Human Services, and Education shall each prepare and
14 submit to the Committees on Appropriations of the House
15 of Representatives and the Senate a report on the number
16 and amount of contracts, grants, and cooperative agree-
17 ments exceeding \$500,000 in value and awarded by the
18 Department on a non-competitive basis during each quar-
19 ter of fiscal year 2012, but not to include grants awarded
20 on a formula basis or directed by law. Such report shall
21 include the name of the contractor or grantee, the amount
22 of funding, the governmental purpose, including a jus-
23 tification for issuing the award on a non-competitive basis.
24 Such report shall be transmitted to the Committees within

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

3 SEC. 519. None of the funds appropriated or other-
4 wise made available by this Act may be used to enter into
5 a contract in an amount greater than \$5,000,000 or to
6 award a grant in excess of such amount unless the pro-
7 spective contractor or grantee certifies in writing to the
8 agency awarding the contract or grant that, to the best
9 of its knowledge and belief, the contractor or grantee has
10 filed all Federal tax returns required during the 3 years
11 preceding the certification, has not been convicted of a
12 criminal offense under the Internal Revenue Code of 1986,
13 and has not, more than 90 days prior to certification, been
14 notified of any unpaid Federal tax assessment for which
15 the liability remains unsatisfied, unless the assessment is
16 the subject of an installment agreement or offer in com-
17 promise that has been approved by the Internal Revenue
18 Service and is not in default, or the assessment is the sub-
19 ject of a non-frivolous administrative or judicial pro-
20 ceeding.

21 SEC. 520. None of the funds appropriated in this Act
22 shall be expended or obligated by the Commissioner of So-
23 cial Security, for purposes of administering Social Security
24 benefit payments under title II of the Social Security Act,
25 to process any claim for credit for a quarter of coverage

1 based on work performed under a social security account
2 number that is not the claimant's number and the per-
3 formance of such work under such number has formed the
4 basis for a conviction of the claimant of a violation of sec-
5 tion 208(a)(6) or (7) of the Social Security Act.

6 SEC. 521. None of the funds appropriated by this Act
7 may be used by the Commissioner of Social Security or
8 the Social Security Administration to pay the compensa-
9 tion of employees of the Social Security Administration
10 to administer Social Security benefit payments, under any
11 agreement between the United States and Mexico estab-
12 lishing totalization arrangements between the social secu-
13 rity system established by title II of the Social Security
14 Act and the social security system of Mexico, which would
15 not otherwise be payable but for such agreement.

16 (RESCISSION)

17 SEC. 522. Of the funds made available for perform-
18 ance bonus payments under section 2105(a)(3)(E) of the
19 Social Security Act, \$6,367,964,000 are hereby rescinded.

20 SEC. 523. Notwithstanding any other provision of
21 this Act, no funds appropriated in this Act shall be used
22 to carry out any program of distributing sterile needles
23 or syringes for the hypodermic injection of any illegal
24 drug.

1 (RESCISSION)

2 SEC. 524. Of the funds made available under section
3 1322 of Public Law 111-148, \$400,000,000 are re-
4 scinded.

5 (RESCISSION)

6 SEC. 525. Of the funds made available for fiscal year
7 2012 under section 3403 of Public Law 111-148,
8 \$10,000,000 are rescinded.

9 SEC. 526. Not later than 30 days after the end of
10 each calendar quarter, beginning with the first quarter of
11 fiscal year 2013, the Departments of Labor, Health and
12 Human Services and Education and the Social Security
13 Administration shall provide the Committees on Appro-
14 priations of the House of Representatives and Senate a
15 quarterly report on the status of balances of appropria-
16 tions: *Provided*, That for balances that are unobligated
17 and uncommitted, committed, and obligated but unex-
18 pended, the quarterly reports shall separately identify the
19 amounts attributable to each source year of appropriation
20 (beginning with fiscal year 2012, or, to the extent feasible,
21 earlier fiscal years) from which balances were derived.

22 SEC. 527. (a) ACROSS-THE-BOARD RESCISSIONS.—
23 There is hereby rescinded an amount equal to 0.189 per-
24 cent of—

1 (1) the budget authority provided for fiscal year
2 2012 for any discretionary account of this Act; and

3 (2) the budget authority provided in any ad-
4 vance appropriation for fiscal year 2012 for any dis-
5 cretionary account in prior Acts making appropria-
6 tions for the Departments of Labor, Health and
7 Human Services, and Education, and Related Agen-
8 cies.

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

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

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

18 (c) EXCEPTION.—This section shall not apply to dis-
19 cretionary authority appropriated for the Federal Pell
20 Grants program under the heading “Department of Edu-
21 cation, Student Financial Assistance”.

22 (d) OMB REPORT.—Within 30 days after the date
23 of the enactment of this section, the Director of the Office
24 of Management and Budget shall submit to the Commit-
25 tees on Appropriations of the House of Representatives

1 and the Senate a report specifying the account and
2 amount of each rescission made pursuant to this section.

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