

112TH CONGRESS
1ST SESSION

H. R. 3070

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2011

Mr. REHBERG introduced the following bill; which was referred to the
Committee on Appropriations

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 2012, and for other purposes, namely:

8 TITLE I—DEPARTMENT OF LABOR

9 EMPLOYMENT AND TRAINING ADMINISTRATION

10 TRAINING AND EMPLOYMENT SERVICES

11 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

12 For necessary expenses of the Workforce Investment
13 Act of 1998 (referred to in this Act as the “WIA”), the
14 Second Chance Act of 2007, and the Women in Appren-
15 ticeship and Non-Traditional Occupations Act of 1992, in-
16 cluding the purchase and hire of passenger motor vehicles,
17 the construction, alteration, and repair of buildings and
18 other facilities, and the purchase of real property for train-
19 ing centers as authorized by the WIA, \$962,205,000, plus
20 reimbursements, shall be available. Of the amounts pro-
21 vided:

22 (1) for grants to States for adult employment
23 and training activities, youth activities, and dis-
24 located worker employment and training activities,
25 \$723,020,000 as follows:

1 (A) \$207,520,000 for adult employment
2 and training activities which shall be available
3 for the period July 1, 2012 through December
4 31, 2012;

5 (B) \$413,784,000 for youth activities,
6 which shall be available for the period April 1,
7 2012 through December 31, 2012;

8 (C) \$101,716,000 for dislocated worker
9 employment and training activities which shall
10 be available for the period July 1, 2012 through
11 December 31, 2012; and

12 (D) No funds shall be available for the
13 Workforce Innovation Fund as established by
14 section 1801(a)(3) of division B of Public Law
15 112-10;

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 10 percent of the
4 amount allotted to the State from each of the appro-
5 priations under the preceding subparagraphs: *Pro-*
6 *vided further*, That of the unobligated balances made
7 available for the Workforce Innovation Fund by sec-
8 tion 1801(a)(3) of division B of Public Law 112-10,
9 \$125,000,000 is rescinded;

10 (2) for federally administered programs,
11 \$175,969,000 as follows:

12 (A) \$64,580,000 for the dislocated workers
13 assistance national reserve which shall be avail-
14 able for the period July 1, 2012 through De-
15 cember 31, 2012: *Provided*, That funds de-
16 scribed in section 132(a)(2)(A) of the WIA may
17 be used to provide assistance to a State for
18 state-wide or local use in order to address cases
19 where there have been worker dislocations
20 across multiple sectors or across multiple local
21 areas and such workers remain dislocated; co-
22 ordinate the State workforce development plan
23 with emerging economic development needs; and
24 train such eligible dislocated workers: *Provided*
25 *further*, That funds provided to carry out sec-

1 tion 171(d) of the WIA may be used for dem-
2 onstration projects that provide assistance to
3 new entrants in the workforce and incumbent
4 workers; *Provided further*, That none of the
5 funds shall be obligated to carry out section
6 173(e) of the WIA;

7 (B) \$27,079,000 for Native American pro-
8 grams, which shall be available for the period
9 July 1, 2012 through December 31, 2012;

10 (C) \$43,310,000 for migrant and seasonal
11 farmworker programs under section 167 of the
12 WIA, including \$38,110,000 for formula grants
13 (of which not less than 70 percent shall be for
14 employment and training services), \$2,700,000
15 for migrant and seasonal housing (of which not
16 less than 70 percent shall be for permanent
17 housing), and \$2,500,000 for other discre-
18 tionary purposes, which shall be available for
19 the period July 1, 2012 through December 31,
20 2012: *Provided*, That notwithstanding any
21 other provision of law or related regulation, the
22 Secretary of Labor shall take no action limiting
23 the number or proportion of eligible partici-
24 pants receiving related assistance services or

1 discouraging grantees from providing such serv-
2 ices;

3 (D) \$1,000,000 for carrying out the
4 Women in Apprenticeship and Nontraditional
5 Occupations Act, which shall be available for
6 the period July 1, 2012 through September 30,
7 2013; and

8 (E) \$40,000,000 for YouthBuild activities
9 as described in section 173A of the WIA, which
10 shall be available for the period April 1, 2012
11 through December 31, 2012;

12 (3) for national activities, \$63,216,000, as fol-
13 lows:

14 (A) \$6,616,000 for Pilots, Demonstrations,
15 and Research, which shall be available for the
16 period April 1, 2012 through September 31,
17 2013: *Provided*, That funds made available by
18 Public Law 112-10 for program year 2011 that
19 were designated for grants to address the em-
20 ployment and training needs of young parents
21 may be used for other pilots, demonstration,
22 and research activities;

23 (B) \$45,000,000 for ex-offender activities,
24 under the authority of section 171 of the WIA
25 and section 212 of the Second Chance Act of

1 2007, which shall be available for the period
2 April 1, 2012 through December 31, 2012, and
3 which shall not be subject to the requirements
4 of section 171(b)(2)(B) or 171(c)(4)(D) of the
5 WIA: *Provided*, That not less than \$10,000,000
6 shall be for competitive grants to national and
7 regional intermediaries for activities that pre-
8 pare young ex-offenders and school dropouts for
9 employment, with a priority for projects serving
10 high-crime, high-poverty areas;

11 (C) \$11,600,000 for Evaluation, which
12 shall be available for the period July 1, 2012
13 through September 30, 2013;

14 (D) No funds shall be available for the
15 Green Jobs Innovation Fund; and

16 (E) No funds shall be available for the
17 Workforce Data Quality Initiative.

18 OFFICE OF JOB CORPS

19 To carry out subtitle C of title I of the WIA, includ-
20 ing Federal administrative expenses, the purchase and
21 hire of passenger motor vehicles, the construction, alter-
22 ation, and repairs of buildings and other facilities, and the
23 purchase of real property for training centers as author-
24 ized by the WIA, \$2,223,930,000, plus reimbursements,
25 as follows:

1 (1) \$2,089,000,000 for Job Corps Operations,
2 which shall be available for obligation for the period
3 July 1, 2012 through September 30, 2013;

4 (2) \$103,500,000 for construction, rehabilita-
5 tion and acquisition of Job Corps Centers, which
6 shall be available for the period July 1, 2012
7 through September 30, 2015: *Provided*, That the
8 Secretary of Labor may transfer up to 15 percent of
9 such funds to meet the operational needs of such
10 centers: *Provided further*, That any funds trans-
11 ferred pursuant to the preceding proviso shall not be
12 available for obligation after September 30, 2013;
13 and

14 (3) \$31,430,000 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*, That no funds from any other appropriation
19 shall be used to provide meal services at or for Job Corps
20 centers: *Provided further*, That no funds shall be available
21 to initiate a competition for any new Job Corps center
22 not previously approved through a competitive selection
23 process by the Secretary of Labor.

1 which may be expended from the Employment Security
2 Administration Account in the Unemployment Trust Fund
3 (“the Trust Fund”), of which:

4 (1) \$3,190,899,000 from the Trust Fund is for
5 grants to States for the administration of State un-
6 employment insurance laws as authorized under title
7 III of the Social Security Act (including
8 \$10,000,000 to conduct in-person reemployment and
9 eligibility assessments and unemployment insurance
10 improper payment reviews), the administration of
11 unemployment insurance for Federal employees and
12 for ex-service members as authorized under 5 U.S.C.
13 8501-8523, and the administration of trade read-
14 justment allowances, reemployment trade adjustment
15 assistance, and alternative trade adjustment assist-
16 ance under the Trade Act of 1974 and under section
17 1891(b) of the Trade and Globalization Adjustment
18 Assistance Act of 2009, and shall be available for
19 obligation by the States through December 31,
20 2012, except that funds used for automation acquisi-
21 tions or incentive grants for improved operations
22 shall be available for obligation by the States
23 through September 30, 2014, and funds used for
24 unemployment insurance workloads experienced by
25 the States through September 30, 2012 shall be

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

3 (2) \$11,310,000 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) \$340,447,000 from the Trust Fund, to-
8 gether with \$11,342,000 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 December 31, 2012;

13 (4) \$20,994,000 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) \$31,797,000 from the general fund of the
7 Treasury is to provide workforce information, na-
8 tional electronic tools, and one-stop system building
9 under the Wagner-Peyser Act and section
10 171(e)(2)(C) of the WIA and shall be available for
11 Federal obligation for the period July 1, 2012
12 through December 31, 2012:

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

1 dent under the Robert T. Stafford Disaster Relief and
2 Emergency Act: *Provided further*, That the Secretary of
3 Labor may use funds appropriated for grants to States
4 under title III of the Social Security Act to make pay-
5 ments on behalf of States for the use of the National Di-
6 rectory of New Hires under section 453(j)(8) of such Act:
7 *Provided further*, That funds appropriated in this Act
8 which are used to establish a national one-stop career cen-
9 ter system, or which are used to support the national ac-
10 tivities of the Federal-State unemployment insurance or
11 immigration programs, may be obligated in contracts,
12 grants, or agreements with non-State entities: *Provided*
13 *further*, That funds appropriated under this Act for activi-
14 ties authorized under title III of the Social Security Act
15 and the Wagner-Peyser Act may be used by States to fund
16 integrated Unemployment Insurance and Employment
17 Service automation efforts, notwithstanding cost allocation
18 principles prescribed under the Office of Management and
19 Budget Circular A-87: *Provided further*, That the Sec-
20 retary of Labor, at the request of a State participating
21 in a consortium with other States, may reallocate funds allot-
22 ted to such State under title III of the Social Security
23 Act to other States participating in the consortium in
24 order to carry out activities that benefit the administration

1 of the unemployment compensation law of the State mak-
2 ing the request.

3 In addition, \$60,000,000 from the Employment Se-
4 curity Administration Account of the Unemployment
5 Trust Fund shall be available to conduct in-person reem-
6 ployment and eligibility assessments and unemployment
7 insurance improper payment reviews.

8 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
9 OTHER FUNDS

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

20 PROGRAM ADMINISTRATION

21 For expenses of administering employment and train-
22 ing programs, \$91,320,000, together with not to exceed
23 \$50,040,000, which may be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund.

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 pre-termination 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, \$214,805,000.

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
15 Fund in accordance with sections 39(c), 44(d), and 44(j)
16 of the Longshore and Harbor Workers' 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 Sec-
10 retary of Labor to reimburse an employer, who is not the
11 employer at the time of injury, for portions of the salary
12 of a re-employed, disabled beneficiary: *Provided further*,
13 That balances of reimbursements unobligated on Sep-
14 tember 30, 2011 shall remain available until expended for
15 the payment of compensation, benefits, and expenses: *Pro-*
16 *vided further*, That in addition there shall be transferred
17 to this appropriation from the Postal Service and from
18 any other corporation or instrumentality required under
19 5 U.S.C. 8147(c) to pay an amount for its fair share of
20 the cost of administration, such sums as the Secretary de-
21 termines to be the cost of administration for employees
22 of such fair share entities through September 30, 2012:
23 *Provided further*, That of those funds transferred to this
24 account from the fair share entities to pay the cost of ad-
25 ministration of the Federal Employees' Compensation Act,

1 \$59,488,000 shall be made available to the Secretary as
2 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 of Labor may require that any
12 person filing a claim for benefits under the Act provide
13 as part of such claim such identifying information (includ-
14 ing Social 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, \$565,712,000, including not
14 to exceed \$104,184,000, 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 of
20 Labor under section 18 of the Act; and, in addition, not-
21 withstanding 31 U.S.C. 3302, the Occupational Safety
22 and Health Administration may retain up to \$200,000 per
23 fiscal year of training institute course tuition fees, other-
24 wise authorized by law to be collected, and may utilize
25 such sums for occupational safety and health training and

1 education: *Provided*, That notwithstanding 31 U.S.C.
2 3302, the Secretary is authorized, during the fiscal year
3 ending September 30, 2012, to collect and retain fees for
4 services provided to Nationally Recognized Testing Lab-
5 oratories, and may utilize such sums, in accordance with
6 the provisions of the Act of April 13, 1934 (29 U.S.C.
7 9a), to administer national and international laboratory
8 recognition programs that ensure the safety of equipment
9 and products used by workers in the workplace: *Provided*
10 *further*, That none of the funds appropriated under this
11 paragraph shall be obligated or expended to prescribe,
12 issue, administer, or enforce any standard, rule, regula-
13 tion, or order under the Act which is applicable to any
14 person who is engaged in a farming operation which does
15 not maintain a temporary labor camp and employs 10 or
16 fewer employees: *Provided further*, That no funds appro-
17 priated under this paragraph shall be obligated or ex-
18 pended to administer or enforce any standard, rule, regu-
19 lation, or order under the Act with respect to any employer
20 of 10 or fewer employees who is included within a category
21 having a Days Away, Restricted, or Transferred (DART)
22 occupational injury and illness rate, at the most precise
23 industrial classification code for which such data are pub-
24 lished, less than the national average rate as such rates
25 are most recently published by the Secretary, acting

1 through the Bureau of Labor Statistics, in accordance
2 with section 24 of the Act, 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 no
5 funds shall be available for Susan Harwood training
6 grants.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$379,854,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities; in addition, not to ex-
15 ceed \$750,000 may be collected by the National Mine
16 Health and Safety Academy for room, board, tuition, and
17 the sale of training materials, otherwise authorized by law
18 to be collected, to be available for mine safety and health
19 education and training activities, notwithstanding 31
20 U.S.C. 3302; and, in addition, the Mine Safety and Health
21 Administration may retain up to \$1,499,000 from fees col-
22 lected for the approval and certification of equipment, ma-
23 terials, and explosives for use in mines, and may utilize
24 such sums for such activities; and, in addition, the Sec-
25 retary of Labor may transfer from amounts provided

1 under this heading up to \$15,000,000 to “Departmental
2 Management” for activities related to the Office of the So-
3 licitor’s caseload before the Federal Mine Safety and
4 Health Review Commission; the Secretary of Labor is au-
5 thorized to accept lands, buildings, equipment, and other
6 contributions from public and private sources and to pros-
7 ecute projects in cooperation with other agencies, Federal,
8 State, or private; the Mine Safety and Health Administra-
9 tion is authorized to promote health and safety education
10 and training in the mining community through cooperative
11 programs with States, industry, and safety associations;
12 the Secretary is authorized to recognize the Joseph A.
13 Holmes Safety Association as a principal safety associa-
14 tion and, notwithstanding any other provision of law, may
15 provide funds and, with or without reimbursement, per-
16 sonnel, including service of Mine Safety and Health Ad-
17 ministration officials as officers in local chapters or in the
18 national organization; and any funds available to the De-
19 partment of Labor may be used, with the approval of the
20 Secretary, to provide for the costs of mine rescue and sur-
21 vival operations in the event of a major disaster.

22 BUREAU OF LABOR STATISTICS

23 SALARIES AND EXPENSES

24 For necessary expenses for the Bureau of Labor Sta-
25 tistics, including advances or reimbursements to State,

1 Federal, and local agencies and their employees for serv-
2 ices rendered, \$552,921,000, together with not to exceed
3 \$67,303,000, which may be expended from the Employ-
4 ment Security Administration Account in the Unemploy-
5 ment Trust Fund, of which \$1,500,000 may be used to
6 fund the mass layoff statistics program under section 15
7 of the Wagner-Peyser Act.

8 OFFICE OF DISABILITY EMPLOYMENT POLICY

9 SALARIES AND EXPENSES

10 For necessary expenses for the Office of Disability
11 Employment Policy to provide leadership, develop policy
12 and initiatives, and award grants furthering the objective
13 of eliminating barriers to the training and employment of
14 people with disabilities, \$39,031,000.

15 DEPARTMENTAL MANAGEMENT

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses for Departmental Manage-
19 ment, including the hire of three passenger motor vehicles,
20 \$268,407,000, together with not to exceed \$326,000,
21 which may be expended from the Employment Security
22 Administration Account in the Unemployment Trust
23 Fund: *Provided*, That \$26,332,000 is for the Bureau of
24 International Labor Affairs and shall be available for obli-
25 gation through December 31, 2012: *Provided further*,

1 That funds available to the Bureau of International Labor
2 Affairs may be used to administer or operate international
3 labor activities, bilateral and multilateral technical assist-
4 ance, and microfinance programs, by or through contracts,
5 grants, subgrants, or other arrangements: *Provided fur-*
6 *ther*, That \$8,500,000 shall be used for program evalua-
7 tion: *Provided further*, That funds available for program
8 evaluation may be transferred to any other appropriate ac-
9 count in the Department of Labor for such purpose: *Pro-*
10 *vided further*, That not more than \$87,213,000 of the
11 funds made available for Legal Services may be obligated
12 until the Secretary of Labor provides to the Committees
13 on Appropriations of the House of Representatives and the
14 Senate a copy of the operating plan issued by the Solicitor
15 of Labor on September 22, 2010, as well as a copy of
16 the plan as it exists on the date of enactment of this Act:
17 *Provided further*, That from amounts provided herein, the
18 Women’s Bureau is authorized to award grants to serve
19 and promote the interests of women in the workforce.

20 VETERANS EMPLOYMENT AND TRAINING

21 Not to exceed \$212,065,000 may be derived from the
22 Employment Security Administration Account in the Un-
23 employment Trust Fund to carry out the provisions of 38
24 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Pub-
25 lic Law 103–353, and which shall be available for obliga-

1 tion by the States through December 31, 2012, of which
2 \$2,449,000 is for the National Veterans' Employment and
3 Training Services Institute. In addition, to carry out De-
4 partment of Labor programs under section 5(a)(1) of the
5 Homeless Veterans Comprehensive Assistance Act of 2001
6 and the Veterans Workforce Investment Programs under
7 section 168 of the WIA, \$58,971,000, of which
8 \$19,641,000 shall be available for obligation for the period
9 July 1, 2012, through September 30, 2013.

10 IT MODERNIZATION

11 For necessary expenses for Department of Labor cen-
12 tralized infrastructure technology investment activities re-
13 lated to support systems and modernization, \$25,000,000.

14 OFFICE OF INSPECTOR GENERAL

15 For salaries and expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$78,453,000 together with not to
18 exceed \$5,992,000, which may be expended from the Em-
19 ployment Security Administration Account in the Unem-
20 ployment Trust Fund.

21 GENERAL PROVISIONS

22 SEC. 101. None of the funds appropriated by this Act
23 for the Job Corps shall be used to pay the salary and bo-
24 nuses of an individual, either as direct costs or any prora-

1 tion as an indirect cost, at a rate in excess of Executive
2 Level III.

3 (INCLUDING TRANSFER OF FUNDS)

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

19 SEC. 103. In accordance with Executive Order No.
20 13126, none of the funds appropriated or otherwise made
21 available pursuant to this Act shall be obligated or ex-
22 pended for the procurement of goods mined, produced,
23 manufactured, or harvested or services rendered, in whole
24 or in part, by forced or indentured child labor in industries

1 and host countries already identified by the United States
2 Department of Labor prior to enactment of this Act.

3 SEC. 104. None of the funds made available to the
4 Department of Labor for grants under section 414(c) of
5 the American Competitiveness and Workforce Improve-
6 ment Act of 1998 may be used for any purpose other than
7 training in the occupations and industries for which em-
8 ployers are using H-1B visas to hire foreign workers, and
9 the related activities necessary to support such training.

10 SEC. 105. None of the funds made available by this
11 Act or available to the Secretary of Labor from other
12 sources for Career Pathways Innovation Fund grants and
13 grants authorized under section 414(c) of the American
14 Competitiveness and Workforce Improvement Act of 1998
15 shall be obligated for a grant awarded on a noncompetitive
16 basis.

17 SEC. 106. 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 III. 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 tablish 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. 107. Notwithstanding section 102, the Sec-
12 retary of Labor may transfer funds made available to the
13 Employment and Training Administration by this Act or
14 by Public Law 112-10, either directly or through a set-
15 aside, for technical assistance services to grantees to “Pro-
16 gram Administration” when it is determined that those
17 services will be more efficiently performed by Federal
18 staff.

19 SEC. 108. Notwithstanding section 128(a)(1) of the
20 WIA, for funds provided for State allotments under such
21 Act in Public Law 112-10, the amount available to the
22 Governor for statewide workforce investment activities
23 shall not exceed 5 percent.

24 SEC. 109. None of the funds made available by this
25 Act may be used to promulgate or implement a final rule

1 amending part 2510 of title 29, Code of Federal Regula-
2 tions, (relating to the definition of the term “fiduciary”
3 under section 3(21)(A) of the Employee Retirement In-
4 come Security Act of 1974), including the proposed rule-
5 making published by the Employee Benefits Security Ad-
6 ministration of the Department of Labor on October 22,
7 2010 (75 Fed. Reg. 65263).

8 SEC. 110. Section 3142(b) of title 40, United States
9 Code, is amended—

10 (1) by inserting “(acting through the Bureau of
11 Labor Statistics of the Department of Labor)” after
12 “Secretary of Labor”; and

13 (2) by inserting before the period at the end, “,
14 using surveys carried out by the Bureau of Labor
15 Statistics that use proper random statistical sam-
16 pling techniques”.

17 SEC. 111. None of the funds made available by this
18 title may be used to implement, administer, or enforce the
19 final regulations on “Federal Acquisition Regulation; FAR
20 Case 2009-005, Use of Project Labor Agreements for
21 Federal Construction Projects” published by the Depart-
22 ment of Defense, General Services Administration, and
23 National Aeronautics and Space Administration on April
24 13, 2010 (75 Fed. Reg. 19168).

1 SEC. 112. None of the funds made available by this
2 Act may be used to administer, implement, or promote the
3 Department of Labor program known as “Bridge to Jus-
4 tice” or any similar attorney referral program that refers
5 individuals with complaints relating to employment viola-
6 tions to private attorneys.

7 SEC. 113. None of the funds made available by this
8 Act may be used to continue the development of or to pro-
9 mulgate the Right to Know Under the Fair Labor Stand-
10 ards Act regulation (Regulatory Identification Number
11 1235-AA04) being developed by the Wage and Hour Divi-
12 sion of the Department of Labor.

13 SEC. 114. None of the funds made available by this
14 Act may be used to promulgate or implement a final rule
15 amending parts 405 and 406 of title 29, Code of Federal
16 Regulations (relating to employer and labor relations con-
17 sultant reporting under the Labor-Management Reporting
18 and Disclosure Act), including the proposed rulemaking
19 published by the Office of Labor-Management Standards
20 of the Department of Labor on June 21, 2011 (76 Fed.
21 Reg. 26178 et seq.).

22 SEC. 115. None of the funds made available by this
23 Act may be used to pay the salaries and expenses of per-
24 sonnel of the Department of Labor to require an H-2A

1 employer to reimburse the cost of an H-2A worker's trans-
2 portation and subsistence from—

3 (1) the place from which the H-2A worker was
4 approved to enter the United States to the location
5 at which the work for the employer is performed; or

6 (2) if the H-2A worker traveled from a place
7 in the United States at which the H-2A worker was
8 last employed, from such place of last employment
9 to the location at which the work for the employer
10 is performed, prior to the pay period following the
11 week during which such worker completes 50 per-
12 cent of the period of employment of the job for
13 which the worker was hired.

14 SEC. 116. None of the funds made available by this
15 Act may be used to pay the salaries and expenses of per-
16 sonnel of the Department of Labor to require an H-2A
17 employer to hire any qualified U.S. worker who applies
18 for work until such time as one-half the H-2A contract
19 period has ended.

20 SEC. 117. None of the funds made available by this
21 Act may be used to pay the salaries and expenses of per-
22 sonnel of the Department of Labor to require an H-2A
23 employer to pay an H-2A worker a wage that is not the
24 prevailing hourly wage in the occupation for which the em-
25 ployer has petitioned for workers.

1 SEC. 118. None of the funds made available by this
2 Act may be used to—

3 (1) continue the development of or to promul-
4 gate, administer, enforce, or otherwise implement
5 the Wage Methodology for the Temporary Non-agri-
6 cultural Employment H-2B Program regulation
7 (Regulatory Identification Number 1205-AB61)
8 published by the Employment and Training Admin-
9 istration of the Department of Labor on January
10 19, 2011 (76 Fed. Reg. 3452 et seq.); or

11 (2) continue the development of or to promul-
12 gate, administer, enforce, amend, issue a final rule,
13 or otherwise implement the Labor Certification
14 Process and Enforcement for Temporary Employ-
15 ment in Occupations Other Than Agriculture or
16 Registered Nursing in the United States (H-2B
17 Workers) regulation (Regulatory Identification Num-
18 ber 1205-AB58) published by the Employment and
19 Training Administration and the Wage and Hour
20 Division of the Department of Labor on March 18,
21 2011 (76 Fed. Reg. 15130 et seq.).

22 SEC. 119. None of the funds made available by this
23 Act may be used to continue the development of or to pro-
24 mulgate, administer, enforce, or otherwise implement the
25 Occupational Injury and Illness Recording and Reporting

1 Requirements—Musculoskeletal Disorders (MSD) Column
2 regulation (Regulatory Identification Number 1218-
3 AC45) being developed by the Occupational Safety and
4 Health Administration of the Department of Labor.

5 SEC. 120. None of the funds made available by this
6 Act may be used to continue the development of or to pro-
7 mulgate, administer, enforce, or otherwise implement the
8 Injury and Illness Prevention Program regulation (Regu-
9 latory Identification Number 1218-AC48) being developed
10 by the Occupational Safety and Health Administration of
11 the Department of Labor.

12 SEC. 121. None of the funds made available by this
13 Act may be used to enforce the cancellation of compliance
14 directive STD 03-00-001 (Plain Language Revision of
15 OSHA Instruction STD 3-1, Interim Fall Protection Com-
16 pliance Guidance for Residential Construction) as it re-
17 lates to residential reroofing and roof-repair activities.

18 SEC. 122. None of the funds made available by this
19 Act may be used to continue the development of or to pro-
20 mulgate, administer, enforce, or otherwise implement the
21 Lowering Miners' Exposure to Coal Mine Dust, Including
22 Continuous Personal Dust Monitors regulation (Regu-
23 latory Identification Number 1219-AB64) being developed
24 by the Mine Safety and Health Administration of the De-
25 partment of Labor.

1 SEC. 123. None of the funds made available by this
2 Act for the Department of Labor may be used to initiate,
3 administer, promulgate, or enforce any “significant regu-
4 latory action” as defined by Executive Order 12866 unless
5 the Committees on Appropriations of the House of Rep-
6 resentatives and Senate have been notified at least 30 days
7 prior to the issuance of such action.

8 SEC. 124. None of the funds made available by this
9 Act for the Department of Labor may be used to develop
10 new courses, modules, learning materials, or projects in
11 carrying out education or career job training grant pro-
12 grams unless the Secretary of Labor certifies, after a com-
13 prehensive market-based analysis, that such courses, mod-
14 ules, learning materials, or projects are not otherwise
15 available for purchase or licensing in the marketplace or
16 under development for students who require them to par-
17 ticipate in such education or career job training grant pro-
18 grams.

19 SEC. 125. None of the funds made available by this
20 Act for the Department of Labor may be used to pay the
21 salaries and expenses of personnel of the Office of Recov-
22 ery for Auto Communities and Workers of the Department
23 of Labor.

1 SEC. 126. None of the funds made available by this
2 Act may be used by the Secretary of Labor to administer
3 or enforce 29 CFR 779.372(c)(4).

4 SEC. 127. None of the funds made available by this
5 Act may be used for the purpose of compensating employ-
6 ees for official time, as such term is defined in subsections
7 (a), (c), and (d) of section 7131 of title 5, United States
8 Code, except in the case in which an employee uses official
9 time for the purpose of:

10 (a) the negotiation of a collective bargaining
11 agreement, including attendance at an impasse pro-
12 ceeding, that has commenced before the date of en-
13 actment of this Act;

14 (b) any proceeding before the Federal Labor
15 Relations Authority that has commenced before the
16 date of enactment of this Act; or

17 (c) any other matter with respect to which an
18 agreement has been made prior to the date of enact-
19 ment of this Act that official time may be used or
20 granted.

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

1 TITLE II—DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 PRIMARY HEALTH CARE

5 For carrying out titles II and III of the Public Health
6 Service Act (referred to in this Act as the “PHS Act”)
7 with respect to primary health care, \$2,594,230,000, of
8 which \$129,000 shall be available until expended for facili-
9 ties renovations at the Gillis W. Long Hansen’s Disease
10 Center: *Provided*, That funds provided under this heading
11 shall be used to continue the same number of health center
12 service delivery sites supported in the previous fiscal year:
13 *Provided further*, That no more than \$40,000 shall be
14 available until expended for carrying out the provisions of
15 section 224(o) of the PHS Act, including associated ad-
16 ministrative expenses and relevant evaluations: *Provided*
17 *further*, That no more than \$95,073,000 shall be available
18 until expended for carrying out the provisions of Public
19 Law 104–73 and for expenses incurred by the Department
20 of Health and Human Services pertaining to administra-
21 tive claims made 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, \$601,841,000: *Provided*, That
2 the proportional funding amounts in paragraphs (1)
3 through (4) of section 756(e) of the PHS Act shall not
4 apply to funds made available under this heading: *Pro-*
5 *vided further*, That no funds shall be available for section
6 340G–1 of the PHS Act: *Provided further*, That in addi-
7 tion to fees authorized by section 427(b) of the Health
8 Care Quality Improvement Act of 1986, fees shall be col-
9 lected for the full disclosure of information under such Act
10 sufficient to recover the full costs of operating the Na-
11 tional Practitioner Data Bank, and shall remain available
12 until expended to carry out such Act: *Provided further*,
13 That fees collected for the full disclosure of information
14 under the “Health Care Fraud and Abuse Data Collection
15 Program”, authorized by section 1128E(d)(2) of the So-
16 cial Security Act, shall be sufficient to recover the full
17 costs of operating the program, and shall remain available
18 until expended to carry out that Act: *Provided further*,
19 That dentistry faculty loan repayments shall be made
20 using the same terms and conditions as the Nursing Fac-
21 ulty Loan Repayment program authorized under section
22 738 of the PHS Act unless otherwise authorized: *Provided*
23 *further*, That funds provided under section 846 and sub-
24 part 3 of part D of title III of the PHS Act may be used
25 to make prior year adjustments to awards made under

1 these provisions: *Provided further*, That in addition to
2 amounts provided herein, \$2,815,000 shall be available
3 from amounts available under section 241 of the PHS Act
4 to carry out titles VII and VIII and section 340G of the
5 PHS Act.

6 MATERNAL AND CHILD HEALTH

7 For carrying out titles III, XI, XII, and XIX of the
8 PHS Act with respect to maternal and child health, title
9 V of the Social Security Act, and section 712 of the Amer-
10 ican Jobs Creation Act of 2004, \$850,408,000: *Provided*,
11 That notwithstanding sections 502(a)(1) and 502(b)(1) of
12 the Social Security Act, not more than \$90,216,000 shall
13 be available for carrying out special projects of regional
14 and national significance pursuant to section 501(a)(2) of
15 such Act and \$10,379,000 shall be available for projects
16 described in paragraphs (A) through (F) of section
17 501(a)(3) of such Act.

18 RYAN WHITE HIV/AIDS PROGRAM

19 For carrying out title XXVI of the PHS Act with
20 respect to the Ryan White HIV/AIDS program,
21 \$2,311,665,000, of which \$1,980,670,000 shall remain
22 available to the Secretary of Health and Human Services
23 through September 30, 2014, for parts A and B of title
24 XXVI of the PHS Act, of which not less than
25 \$885,000,000 shall be for State AIDS Drug Assistance

1 Programs under the authority of section 2616 or 311(c)
2 of such Act: *Provided*, That in addition to amounts pro-
3 vided herein, \$25,000,000 shall be available from amounts
4 available under section 241 of the PHS Act to carry out
5 parts A, B, C, and D of title XXVI of the PHS Act to
6 fund Special Projects of National Significance under sec-
7 tion 2691.

8 HEALTH CARE SYSTEMS

9 For carrying out titles III and XII of the PHS Act
10 with respect to health care systems, and the Stem Cell
11 Therapeutic and Research Act of 2005, \$63,896,000.

12 RURAL HEALTH

13 For carrying out titles III and IV of the PHS Act
14 with respect to rural health, section 427(a) of the Federal
15 Coal Mine Health and Safety Act, and sections 711 and
16 1820 of the Social Security Act, \$139,853,000, of which
17 \$41,118,000 from general revenues, notwithstanding sec-
18 tion 1820(j) of the Social Security Act, shall be available
19 for carrying out the Medicare rural hospital flexibility
20 grants program: *Provided*, That of the funds made avail-
21 able under this heading for Medicare rural hospital flexi-
22 bility grants, \$15,000,000 shall be available for the Small
23 Rural Hospital Improvement Grant Program for quality
24 improvement and adoption of health information tech-
25 nology and \$1,000,000 shall be to carry out section

1 1820(g)(6) of the Social Security Act, with funds provided
2 for such grants available for the purchase and implemen-
3 tation of telehealth services, including pilots and dem-
4 onstrations on the use of electronic health records to co-
5 ordinate rural veterans care between rural providers and
6 the Department of Veterans Affairs through the use of
7 the VISTA-Electronic Health Record: *Provided further*,
8 That notwithstanding section 338J(k) of the PHS Act,
9 \$10,055,000 shall be available for State Offices of Rural
10 Health.

11 PROGRAM MANAGEMENT

12 For program support in the Health Resources and
13 Services Administration, \$147,052,000: *Provided*, That
14 funds made available under this heading may be used to
15 supplement program support funding provided under the
16 headings “Primary Health Care”, “Health Workforce”,
17 “Maternal and Child Health”, “Ryan White HIV/AIDS
18 Program”, “Health Care Systems”, and “Rural Health”.

19 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

20 ACCOUNT

21 Such sums as may be necessary to carry out the pur-
22 pose of the program, as authorized by title VII of the PHS
23 Act. For administrative expenses to carry out the guaran-
24 teed loan program, including section 709 of the PHS Act,
25 \$2,841,000.

1 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

2 For payments from the Vaccine Injury Compensation
3 Program Trust Fund (“Trust Fund”), such sums as may
4 be necessary for claims associated with vaccine-related in-
5 jury or death with respect to vaccines administered after
6 September 30, 1988, pursuant to subtitle 2 of title XXI
7 of the PHS Act, to remain available until expended: *Pro-*
8 *vided*, That for necessary administrative expenses, not to
9 exceed \$6,489,000 shall be available from the Trust Fund
10 to the Secretary of Health and Human Services.

11 CENTERS FOR DISEASE CONTROL AND PREVENTION

12 IMMUNIZATION AND RESPIRATORY DISEASES

13 For carrying out titles II, III, VII, XVII, and XXI,
14 and section 2821 of the PHS Act, titles II and IV of the
15 Immigration and Nationality Act, and section 501 of the
16 Refugee Education Assistance Act, with respect to immu-
17 nization and respiratory diseases, \$686,765,000: *Provided*,
18 That in addition to amounts provided herein, \$12,864,000
19 shall be available from amounts available under section
20 241 of the PHS Act to carry out the National Immuniza-
21 tion Surveys.

22 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED

23 DISEASES, AND TUBERCULOSIS PREVENTION

24 For carrying out titles II, III, VII, XVII, XXIII, and
25 XXVI of the PHS Act with respect to HIV/AIDS, viral

1 hepatitis, sexually transmitted diseases, and tuberculosis
2 prevention, \$1,043,291,000.

3 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

4 For carrying out titles II, III, VII, and XVII, and
5 section 2821 of the PHS Act, titles II and IV of the Immi-
6 gration and Nationality Act, and section 501 of the Ref-
7 ugee Education Assistance Act, with respect to emerging
8 and zoonotic infectious diseases, \$242,070,000.

9 CHRONIC DISEASE PREVENTION AND HEALTH

10 PROMOTION

11 For carrying out titles II, III, VII, XI, XV, XVII,
12 and XIX of the PHS Act with respect to chronic disease
13 prevention and health promotion, \$701,680,000: *Provided*,
14 That funds appropriated under this account may be avail-
15 able for making grants under section 1509 of the PHS
16 Act for up to 21 States, tribes, or tribal organizations.

17 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,

18 DISABILITIES AND HEALTH

19 For carrying out titles II, III, VII, XI, and XVII of
20 the PHS Act with respect to birth defects, developmental
21 disabilities, disabilities and health, \$121,809,000.

22 ENVIRONMENTAL HEALTH

23 For carrying out titles II, III, VII, and XVII of the
24 PHS Act with respect to environmental health,
25 \$115,106,000.

1 INJURY PREVENTION AND CONTROL

2 For carrying out titles II, III, VII, and XVII of the
3 PHS Act with respect to injury prevention and control,
4 \$141,388,000.

5 OCCUPATIONAL SAFETY AND HEALTH

6 For carrying out titles II, III, VII, and XVII of the
7 PHS Act, sections 101, 102, 103, 201, 202, 203, 301,
8 501, and 514 of the Federal Mine Safety and Health Act,
9 section 13 of the Mine Improvement and New Emergency
10 Response Act, and sections 20, 21, and 22 of the Occupa-
11 tional Safety and Health Act, with respect to occupational
12 safety and health, \$162,000,000: *Provided*, that in addi-
13 tion to amounts provided herein, \$87,663,000 shall be
14 available from amounts available under section 241 of the
15 PHS Act.

16 EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION
17 PROGRAM

18 For necessary expenses to administer the Energy
19 Employees Occupational Illness Compensation Program
20 Act, \$55,358,000 to remain available until expended: *Pro-*
21 *vided*, That this amount shall be available consistent with
22 the provision regarding administrative expenses in section
23 151(b) of division B, title I of Public Law 106–554.

1 GLOBAL HEALTH

2 For carrying out titles II, III, VII and XVII of the
3 PHS Act with respect to global health, \$324,246,000, of
4 which \$118,023,000 for international HIV/AIDS shall re-
5 main available through September 30, 2013: *Provided,*
6 That funds may be used for purchase and insurance of
7 official motor vehicles in foreign countries.

8 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

9 For carrying out titles II, III, VII, and XVII of the
10 PHS Act with respect to public health preparedness and
11 response, and for expenses necessary to support activities
12 related to countering potential biological, nuclear, radio-
13 logical, and chemical threats to civilian populations, and
14 related to the purchase, hire, maintenance, and operation
15 of aircraft for use and support of the activities of the Cen-
16 ters for Disease Control and Prevention, \$1,340,104,000,
17 of which \$522,486,000 shall remain available until ex-
18 pended for the Strategic National Stockpile under section
19 319F–2 of the PHS Act.

20 BUILDINGS AND FACILITIES

21 For acquisition of real property, equipment, construc-
22 tion and renovation of facilities, \$30,000,000, which shall
23 remain available until September 30, 2016.

1 HEALTH STATISTICS

2 For carrying out titles II and III of the PHS Act
3 with respect to health statistics, \$136,683,000 shall be
4 available from amounts available under section 241 of the
5 PHS Act.

6 CROSS-CUTTING ACTIVITIES AND PROGRAM SUPPORT

7 For carrying out titles II, III, VII, XVII and XIX,
8 and section 2821 of the PHS Act and for cross-cutting
9 activities and program support that supplement activities
10 funded under the headings “Immunization and Res-
11 piratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually
12 Transmitted Diseases, and Tuberculosis Prevention”,
13 “Emerging and Zoonotic Infectious Diseases”, “Chronic
14 Disease Prevention and Health Promotion”, “Birth De-
15 fects, Developmental Disabilities, Disabilities and
16 Health”, “Environmental Health”, “Injury Prevention
17 and Control”, “Occupational Safety and Health”, “Em-
18 ployees Occupational Illness Compensation Program Act”,
19 “Global Health”, “Public Health Preparedness and Re-
20 sponse”, “Buildings and Facilities”, and “Health Statis-
21 tics”, \$688,940,000, of which \$100,000,000 shall be for
22 the Preventive Health and Health Services Block Grant
23 Program: *Provided*, That paragraphs (1) through (3) of
24 subsection (b) of section 2821 of the PHS Act shall not
25 apply to funds appropriated under this heading and in all

1 other accounts of the Centers for Disease Control and Pre-
2 vention: *Provided further*, That in addition to amounts
3 provided herein, \$109,086,000 shall be available from
4 amounts available under section 241 of the PHS Act to
5 carry out Public Health Scientific Services: *Provided fur-*
6 *ther*, That employees of the Centers for Disease Control
7 and Prevention or the Public Health Service, both civilian
8 and commissioned officers, detailed to States, municipali-
9 ties, or other organizations under authority of section 214
10 of the PHS Act, or in overseas assignments, shall be treat-
11 ed as non-Federal employees for reporting purposes only
12 and shall not be included within any personnel ceiling ap-
13 plicable to the Agency, Service, or the Department of
14 Health and Human Services during the period of detail
15 or assignment: *Provided further*, That the Centers for Dis-
16 ease Control and Prevention may use up to \$10,000 from
17 amounts appropriated to the Centers for Disease Control
18 and Prevention in this Act for official reception and rep-
19 resentation expenses when specifically approved by the Di-
20 rector of the Centers for Disease Control and Prevention:
21 *Provided further*, That funds made available under “Im-
22 munization and Respiratory Diseases”, “HIV/AIDS, Viral
23 Hepatitis, Sexually Transmitted Diseases, and Tuber-
24 culosis Prevention”, “Emerging and Zoonotic Infectious
25 Diseases”, “Chronic Disease Prevention and Health Pro-

1 motion”, “Birth Defects, Developmental Disabilities, Dis-
2 abilities and Health”, “Environmental Health”, and “In-
3 jury Prevention and Control” may be used for inter-
4 national public health activities only after an operating
5 plan for these activities has been submitted to the Com-
6 mittees on Appropriations of the House of Representatives
7 and the Senate, and such Committees issue an approval,
8 or absent a response, a period of 45 days has elapsed:
9 *Provided further*, That such sums as may be derived from
10 authorized user fees, which shall be credited to the appro-
11 priation charged with the cost thereof: *Provided further*,
12 That with respect to the previous proviso, authorized user
13 fees from the Vessel Sanitation Program shall be available
14 through September 30, 2013.

15 NATIONAL INSTITUTES OF HEALTH

16 NATIONAL CANCER INSTITUTE

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to cancer, \$5,196,136,000, of which up
19 to \$8,000,000 may be used for facilities repairs and im-
20 provements at the National Cancer Institute-Frederick
21 Federally Funded Research and Development Center in
22 Frederick, Maryland.

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to cardiovascular, lung, and blood dis-
4 eases, and blood and blood products, \$3,147,992,000.

5 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
6 RESEARCH

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to dental disease, \$420,369,000.

9 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
10 KIDNEY DISEASES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to diabetes and digestive and kidney dis-
13 eases, \$1,837,957,000.

14 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
15 AND STROKE

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to neurological disorders and stroke,
18 \$1,664,253,000.

19 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
20 DISEASES

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to allergy and infectious diseases,
23 \$4,915,970,000.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to general medical sciences,
4 \$2,102,300,000.

5 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
6 CHILD HEALTH AND HUMAN DEVELOPMENT

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to child health and human development,
9 \$1,352,189,000.

10 NATIONAL EYE INSTITUTE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to eye diseases and visual disorders,
13 \$719,059,000.

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
15 SCIENCES

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to environmental health sciences,
18 \$700,537,000, of which none of the funds may be used
19 for travel by the Office of the Director.

20 NATIONAL INSTITUTE ON AGING

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to aging, \$1,129,987,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to arthritis and musculoskeletal and skin
5 diseases, \$547,891,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to deafness and other communication dis-
10 orders, \$426,043,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to nursing research, \$148,114,000.

14 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
15 ALCOHOLISM

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to alcohol abuse and alcoholism,
18 \$469,197,000.

19 NATIONAL INSTITUTE ON DRUG ABUSE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to drug abuse, \$1,080,018,000.

22 NATIONAL INSTITUTE OF MENTAL HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to mental health, \$1,517,006,000.

1 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to human genome research,
4 \$524,807,000.

5 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
6 BIOENGINEERING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to biomedical imaging and bioengineering
9 research, \$322,106,000.

10 NATIONAL CENTER FOR RESEARCH RESOURCES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to research resources and general re-
13 search support grants, \$1,397,900,000: *Provided*, That
14 not less than \$330,598,000 is provided for the Institu-
15 tional Development Awards program.

16 NATIONAL CENTER FOR COMPLEMENTARY AND
17 ALTERNATIVE MEDICINE

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to complementary and alternative medi-
20 cine, \$131,002,000.

21 NATIONAL INSTITUTE ON MINORITY HEALTH AND
22 HEALTH DISPARITIES

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to minority health and health disparities
25 research, \$214,608,000.

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities of the John E. Fogarty
3 International Center (described in subpart 2 of part E of
4 title IV of the PHS Act), \$71,328,000.

5 NATIONAL LIBRARY OF MEDICINE

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to health information communications,
8 \$387,153,000: *Provided*, That in fiscal year 2012, the Na-
9 tional Library of Medicine may enter into personal serv-
10 ices contracts for the provision of services in facilities
11 owned, operated, or constructed under the jurisdiction of
12 the National Institutes of Health: *Provided further*, That
13 in addition to amounts provided herein, \$8,200,000 shall
14 be available from amounts available under section 241 of
15 the PHS Act to carry out the purposes of the National
16 Information Center on Health Services Research and
17 Health Care Technology established under section 478A
18 of the PHS Act and related health services.

19 OFFICE OF THE DIRECTOR

20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out the responsibilities of the Office of
22 the Director, National Institutes of Health (“NIH”),
23 \$1,198,412,000, of which up to \$25,000,000 shall be used
24 to carry out section 213 of this Act: *Provided*, That fund-
25 ing shall be available for the purchase of not to exceed

1 29 passenger motor vehicles for replacement only: *Pro-*
2 *vided further*, That the NIH shall collect third-party pay-
3 ments for the cost of clinical services that are incurred
4 in NIH research facilities and that such payments shall
5 be credited to the NIH Management Fund: *Provided fur-*
6 *ther*, That all funds credited to the NIH Management
7 Fund shall remain available for one fiscal year after the
8 fiscal year in which they are deposited: *Provided further*,
9 That \$193,880,000 shall be available for continuation of
10 the National Children’s Study: *Provided further*, That
11 \$556,890,000 shall be available for the Common Fund es-
12 tablished under section 402A(c)(1) of the PHS Act: *Pro-*
13 *vided further*, That none of the funds provided for the
14 Common Fund may be used to fund any Common Fund-
15 supported initiatives for a period of more than 10 fiscal
16 years: *Provided further*, That up to \$10,000,000 shall be
17 available for the Director’s Discretionary Fund, of which
18 up to \$2,000,000 may be used to establish the Cures Ac-
19 celeration Board within the Office of the Director’s Divi-
20 sion of Program Coordination, Planning, and Strategic
21 Initiatives to develop a plan with prioritized recommenda-
22 tions related to the Cures Acceleration Network for con-
23 sideration in future appropriations: *Provided further*, That
24 up to \$10,000 shall be for official reception and represen-
25 tation expenses when specifically approved by the Director

1 of the NIH: *Provided further*, That the Office of AIDS
2 Research within the Office of the Director of the NIH may
3 spend up to \$8,000,000 to make grants for construction
4 or renovation of facilities as provided for in section
5 2354(a)(5)(B) of the PHS Act: *Provided further*, That the
6 Director of the NIH shall ensure that at least 9,150 new
7 and competing research project grants are awarded in fis-
8 cal year 2012 from all Institute, Center, and Office of the
9 Director accounts within the “Department of Health and
10 Human Services, National Institutes of Health”: *Provided*
11 *further*, That the Director of the NIH shall, with respect
12 to the aggregate amount of funds appropriated to the NIH
13 by this Act, maintain an allocation of 90 percent to extra-
14 mural activities and 10 percent for intramural activities:
15 *Provided further*, That the Director of the NIH shall en-
16 sure that, of all funds made available to Institute, Center,
17 and Office of the Director accounts within “Department
18 of Health and Human Services, National Institutes of
19 Health”, at least \$487,767,000 is provided to the Clinical
20 & Translational Sciences Awards program: *Provided fur-*
21 *ther*, That the Director of the NIH may request to direct
22 up to 1 percent of the total amount made available in this
23 Act to all National Institutes of Health appropriations to
24 activities the Director may so designate: *Provided further*,
25 That no such appropriations shall be decreased by more

1 than 1 percent by any such transfer and that the Commit-
2 tees on Appropriations of the House of Representatives
3 and the Senate are notified at least 15 days in advance
4 of any transfer and approve such transfer.

5 BUILDINGS AND FACILITIES

6 For the study of, construction of, renovation of, and
7 acquisition of equipment for facilities of or used by the
8 National Institutes of Health, including the acquisition of
9 real property, \$125,581,000, to remain available until
10 September 30, 2016.

11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

12 ADMINISTRATION

13 MENTAL HEALTH

14 For carrying out titles III, V, and XIX of the PHS
15 Act with respect to mental health, and the Protection and
16 Advocacy for Individuals with Mental Illness Act,
17 \$765,438,000: *Provided*, That notwithstanding section
18 520A(f)(2) of the PHS Act, no funds appropriated for car-
19 rying out section 520A shall be available for carrying out
20 section 1971 of the PHS Act: *Provided further*, That in
21 addition to amounts provided herein, \$20,997,000 shall be
22 available under section 241 of the PHS Act to carry out
23 subpart I of part B of title XIX of the PHS Act to fund
24 section 1920(b) technical assistance, national data, data
25 collection and evaluation activities, and further that the

1 total available under this Act for section 1920(b) activities
2 shall not exceed 5 percent of the amounts appropriated
3 for subpart I of part B of title XIX: *Provided further*, That
4 section 520E(b)(2) of the PHS Act shall not apply to
5 funds appropriated under this Act for fiscal year 2012.

6 SUBSTANCE ABUSE

7 For carrying out titles III, V, and XIX of the PHS
8 Act with respect to substance abuse, \$2,199,360,000 :
9 *Provided*, That in addition to amounts provided herein,
10 the following amounts shall be available under section 241
11 of the PHS Act: (1) \$79,200,000 to carry out subpart
12 II of part B of title XIX of the PHS Act to fund section
13 1935(b) technical assistance, national data, data collection
14 and evaluation activities under section 1935(b) of such
15 Act, and further that the total available under this Act
16 for section 1935(b) activities shall not exceed 5 percent
17 of the amounts appropriated for subpart II of part B of
18 title XIX; and (2) \$2,000,000 to evaluate substance abuse
19 treatment programs: *Provided further*, That no funds shall
20 be available for the National All Schedules Prescription
21 Reporting system.

22 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

23 For program support in the Substance Abuse and
24 Mental Health Services Administration, \$122,116,000:
25 *Provided*, That in addition to amounts provided herein,

1 \$29,346,000 shall be available under section 241 of the
2 PHS Act to supplement funds available to carry out na-
3 tional surveys on drug abuse and mental health, to collect
4 and analyze program data, and to conduct public aware-
5 ness and technical assistance activities: *Provided further*,
6 That funds made available under this heading may be
7 used to supplement program support funding provided
8 under the headings “Substance Abuse”, “Mental Health”,
9 and “Cross-Cutting Activities”.

10 CROSS-CUTTING ACTIVITIES

11 For cross-cutting activities that supplement activities
12 funded under the headings “Substance Abuse” and “Men-
13 tal Health” in carrying out title V of the PHS Act,
14 \$10,000,000.

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, amounts received from
21 Freedom of Information Act fees, reimbursable and inter-
22 agency agreements, and the sale of data shall be credited
23 to this appropriation and shall remain available until Sep-
24 tember 30, 2013: *Provided*, That the amount made avail-

1 able pursuant to section 937(c) of the PHS Act shall not
2 exceed \$324,294,000.

3 CENTERS FOR MEDICARE AND MEDICAID SERVICES

4 GRANTS TO STATES FOR MEDICAID

5 Except as otherwise provided, for carrying out titles
6 XI and XIX of the Social Security Act, \$184,623,203,000,
7 to remain available until expended.

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

15 For making payments to States or in the case of sec-
16 tion 1928 on behalf of States under title XIX of the Social
17 Security Act (or in the case of section 1928 of such title,
18 on behalf of states) of Section for the first quarter of fiscal
19 year 2013, \$90,614,082,000, to remain available until ex-
20 pended.

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

1 PAYMENTS TO HEALTH CARE TRUST FUNDS

2 For payment to the Federal Hospital Insurance
3 Trust Fund and the Federal Supplementary Medical In-
4 surance Trust Fund, as provided under sections 217(g),
5 1844, and 1860D–16 of the Social Security Act, sections
6 103(e) and 111(d) of the Social Security Amendments of
7 1965, section 278(d)(3) of Public Law 97–248, and for
8 administrative expenses incurred pursuant to section
9 201(g) of the Social Security Act, \$231,012,000,000.

10 In addition, for making matching payments under
11 section 1844 and benefit payments under section 1860D–
12 16 of the Social Security Act that were not anticipated
13 in budget estimates, such sums as may be necessary.

14 PROGRAM MANAGEMENT

15 Except as otherwise provided, for carrying out titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the PHS Act, and the Clinical Labora-
18 tory Improvement Amendments of 1988, not to exceed
19 \$3,173,005,000, to be transferred from the Federal Hos-
20 pital Insurance Trust Fund and the Federal Supple-
21 mentary Medical Insurance Trust Fund, as authorized by
22 section 201(g) of the Social Security Act; together with
23 all funds collected in accordance with section 353 of the
24 PHS Act and section 1857(e)(2) of the Social Security
25 Act, funds retained by the Secretary of Health and

1 Human Services pursuant to section 302 of the Tax Relief
2 and Health Care Act of 2006; and such sums as may be
3 collected from authorized user fees and the sale of data,
4 which shall be credited to this account and remain avail-
5 able until September 30, 2013: *Provided*, That no funds
6 shall be provided to the Research, Demonstration, and
7 Evaluation program: *Provided further*, That the level for
8 Medical Operations shall be \$2,103,266,000: *Provided fur-*
9 *ther*, That the level for the Federal Administration Pro-
10 gram shall be \$675,263,000: *Provided further*, That all
11 funds derived in accordance with section 9701 of Title 31,
12 United States Code from organizations established under
13 title XIII of the PHS Act shall be credited to and available
14 for carrying out the purposes of this appropriation: *Pro-*
15 *vided further*, That \$34,000,000, to remain available
16 through September 30, 2013, shall be for contract costs
17 for the Healthcare Integrated General Ledger Accounting
18 System: *Provided further*, That none of the funds provided
19 shall be used to support the Center for Consumer Infor-
20 mation and Insurance Oversight or activities developed,
21 administered, or implemented by this Center: *Provided*
22 *further*, That the Secretary is directed to collect fees in
23 fiscal year 2012 from Medicare Advantage organizations
24 pursuant to section 1857(e)(2) of the Social Security Act
25 and from eligible organizations with risk-sharing contracts

1 under section 1876 of that Act pursuant to section
2 1876(k)(4)(D) of that Act: *Provided further*, That
3 \$44,000,000 shall be available for the State high-risk
4 health insurance pool program as authorized by the State
5 High Risk Pool Funding Extension Act of 2006.

6 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

7 In addition to amounts otherwise available for pro-
8 gram integrity and program management, \$581,000,000,
9 to remain available through September 30, 2013, to be
10 transferred from the Federal Hospital Insurance Trust
11 Fund and the Federal Supplementary Medical Insurance
12 Trust Fund, as authorized by section 201(g) of the Social
13 Security Act, of which \$332,301,000 shall be for the Medi-
14 care Integrity Program at the Centers for Medicare and
15 Medicaid Services, including administrative costs, to con-
16 duct oversight activities for Medicare Advantage under
17 Part C and the Medicare Prescription Drug Program
18 under Part D of the Social Security Act and for activities
19 described in section 1893(b) of such Act; of which
20 \$97,556,000 shall be for the Department of Health and
21 Human Services Office of Inspector General to carry out
22 fraud and abuse activities authorized by section
23 1817(k)(3) of such Act; of which \$58,058,000 shall be for
24 the Medicaid and Children's Health Insurance Program
25 ("CHIP") program integrity activities; and of which

1 \$93,085,000 shall be for the Department of Justice to
2 carry out fraud and abuse activities authorized by section
3 1817(k)(3) of such Act: *Provided*, That the report re-
4 quired by section 1817(k)(5) of the Social Security Act
5 for fiscal year 2012 shall include measures of the oper-
6 ational efficiency and impact on fraud, waste, and abuse
7 in the Medicare, Medicaid, and CHIP programs from the
8 funds provided by this appropriation: *Provided further*,
9 That the Secretary of Health and Human Services shall
10 support the full cost of the Senior Medicare Patrol pro-
11 gram to combat health care fraud and abuse from the
12 funds provided to this account.

13 ADMINISTRATION FOR CHILDREN AND FAMILIES

14 PAYMENTS TO STATES FOR CHILD SUPPORT

15 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

16 For making payments to States or other non-Federal
17 entities under titles I, IV–D, X, XI, XIV, and XVI of the
18 Social Security Act and the Act of July 5, 1960,
19 \$2,305,035,000, to remain available until expended; and
20 for such purposes for the first quarter of fiscal year 2013,
21 \$1,100,000,000, to remain available until expended.

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

1 Needy Families with respect to such State, such sums as
2 may be necessary: *Provided*, That the sum of the amounts
3 available to a State with respect to expenditures under
4 such title IV–A in fiscal year 1997 under this appropria-
5 tion and under such title IV–A as amended by the Per-
6 sonal Responsibility and Work Opportunity Reconciliation
7 Act of 1996 shall not exceed the limitations under section
8 116(b) of such Act.

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

15 LOW INCOME HOME ENERGY ASSISTANCE

16 For making payments under subsections (b) and (d)
17 of section 2602 of the Low Income Home Energy Assist-
18 ance Act of 1981, \$3,391,973,000: *Provided*, That not-
19 withstanding section 2609A(a), of the amounts appro-
20 priated under section 2602(b), not more than \$2,000,000
21 of such amounts may be reserved by the Secretary of
22 Health and Human Services for monitoring program ac-
23 tivities for compliance with internal controls, policies, and
24 procedures.

1 REFUGEE AND ENTRANT ASSISTANCE

2 For necessary expenses for refugee and entrant as-
3 sistance activities authorized by section 414 of the Immi-
4 gration and Nationality Act and section 501 of the Ref-
5 ugee Education Assistance Act of 1980, for carrying out
6 section 462 of the Homeland Security Act of 2002, section
7 235 of the William Wilberforce Trafficking Victims Pro-
8 tection Reauthorization Act of 2008, and the Trafficking
9 Victims Protection Act of 2000, for costs associated with
10 the care and placement of unaccompanied alien children,
11 and for carrying out the Torture Victims Relief Act of
12 1998, \$729,466,000, of which up to \$9,794,000 shall be
13 available to carry out the Trafficking Victims Protection
14 Act of 2000: *Provided*, That funds appropriated under this
15 heading pursuant to section 414(a) of the Immigration
16 and Nationality Act, section 462 of the Homeland Secu-
17 rity Act of 2002, section 235 of the William Wilberforce
18 Trafficking Victims Protection Reauthorization Act of
19 2008, and the Trafficking Victims Protection Act of 2000
20 for fiscal year 2012 shall be available for the costs of as-
21 sistance provided and other activities to remain available
22 through September 30, 2014.

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For carrying out the Child Care and Development
4 Block Grant Act of 1990, \$2,222,628,000 shall be used
5 to supplement, not supplant, State general revenue funds
6 for child care assistance for low-income families: *Provided*,
7 That \$18,922,000 shall be available for child care resource
8 and referral and school-aged child care activities. *Provided*
9 *further*, That, in addition to the amounts required to be
10 reserved by the States under section 658G, \$283,592,000
11 shall be reserved by the States for activities authorized
12 under section 658G, of which \$104,005,000 shall be for
13 activities that improve the quality of infant and toddler
14 care: *Provided further*, That \$9,890,000 shall be for use
15 by the Secretary of Health and Human Services for child
16 care research, demonstration, and evaluation activities.

17 SOCIAL SERVICES BLOCK GRANT

18 For making grants to States pursuant to section
19 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
20 *vided*, That notwithstanding subparagraph (B) of section
21 404(d)(2) of such Act, the applicable percent specified
22 under such subparagraph for a State to carry out State
23 programs pursuant to title XX of such Act shall be 10
24 percent.

1 CHILDREN AND FAMILIES SERVICES PROGRAMS
2 (INCLUDING TRANSFER OF FUNDS)

3 For carrying out, except as otherwise provided, the
4 Runaway and Homeless Youth Act, the Developmental
5 Disabilities Assistance and Bill of Rights Act of 2000, the
6 Head Start Act, the Child Abuse Prevention and Treat-
7 ment Act, sections 303 and 313 of the Family Violence
8 Prevention and Services Act, the Native American Pro-
9 grams Act of 1974, title II of the Child Abuse Prevention
10 and Treatment and Adoption Reform Act of 1978 (adop-
11 tion opportunities), the Abandoned Infants Assistance Act
12 of 1988, part B–1 of title IV and sections 413, 1110, and
13 1115 of the Social Security Act; for making payments
14 under the Community Services Block Grant Act (“CSBG
15 Act”), sections 439(i), 473B, and 477(i) of the Social Se-
16 curity Act, and the Assets for Independence Act; and for
17 necessary administrative expenses to carry out such Acts
18 and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social
19 Security Act, the Act of July 5, 1960, the Low Income
20 Home Energy Assistance Act of 1981, title IV of the Im-
21 migration and Nationality Act, and section 501 of the Ref-
22 ugee Education Assistance Act of 1980, \$9,989,073,000,
23 of which \$39,421,000, to remain available through Sep-
24 tember 30, 2013, shall be for grants to States for adoption
25 incentive payments, as authorized by section 473A of the

1 Social Security Act and may be made for adoptions com-
2 pleted before September 30, 2012: *Provided*, That
3 \$8,099,783,000 shall be for making payments under the
4 Head Start Act: *Provided further*, That for purposes of
5 allocating funds described by the immediately preceding
6 proviso, the term “base grant” as used in subsection
7 (a)(7)(A) of section 640 of such Act with respect to fund-
8 ing provided to a Head Start agency (including each Early
9 Head Start agency) for fiscal year 2011 shall be calculated
10 as described in such subsection and to such amount shall
11 be added 50 percent of the amount of funds appropriated
12 under the heading “Department of Health and Human
13 Services, Administration for Children and Families, Chil-
14 dren and Families Services Programs” in Public Law
15 111–5 and provided to such agency for carrying out ex-
16 pansion of Head Start programs, as that phrase is used
17 in subsection (a)(4)(D) of such section 640, and provided
18 to such agency as the ongoing funding level for operations
19 in the 12-month period beginning in fiscal year 2011: *Pro-*
20 *vided further*, That of the amounts available for payments
21 under the Head Start Act under this heading, notwith-
22 standing subsections (a)(2)(C)(i) and (a)(3)(A)(ii)(II) of
23 such section 640, not to exceed \$20,000,000 shall be avail-
24 able for carrying out expansion of the Head Start pro-
25 grams described in subsection (a)(3)(A)(ii)(II)(bb) of such

1 section 640: *Provided further*, That \$703,630,000 shall be
2 for making payments under the CSBG Act, of which
3 \$25,340,000 shall be for sections 680 and 678E(b)(2), of
4 which not less than \$20,000,000 shall be for section
5 680(a)(2), and of which \$4,990,000 shall be for section
6 680(a)(3)(B) of such Act: *Provided further*, That in addi-
7 tion to amounts provided herein, \$5,762,000 shall be
8 available from amounts available under section 241 of the
9 PHS Act to carry out the provisions of section 1110 of
10 the Social Security Act: *Provided further*, That to the ex-
11 tent Community Services Block Grant funds are distrib-
12 uted as grant funds by a State to an eligible entity, as
13 provided under the CSBG Act, and have not been ex-
14 pended by such entity, they shall remain with such entity
15 for carryover into the next fiscal year for expenditure by
16 such entity consistent with program purposes: *Provided*
17 *further*, That the Secretary of Health and Human Services
18 shall establish procedures regarding the disposition of in-
19 tangible assets and program income that permit such as-
20 sets acquired with, and program income derived from,
21 grant funds authorized under section 680 of the CSBG
22 Act to become the sole property of such grantees after a
23 period of not more than 12 years after the end of the
24 grant period for any activity consistent with section
25 680(a)(2)(A) of the CSBG Act: *Provided further*, That in-

1 tangible assets in the form of loans, equity investments
2 and other debt instruments, and program income may be
3 used by grantees for any eligible purpose consistent with
4 section 680(a)(2)(A) of the CSBG Act: *Provided further*,
5 That these procedures shall apply to grant funds provided
6 under the CSBG Act made available after November 29,
7 1999: *Provided further*, That funds appropriated for sec-
8 tion 680(a)(2) of the CSBG Act shall be available for fi-
9 nancing construction and rehabilitation and loans or in-
10 vestments in private business enterprises owned by com-
11 munity development corporations: *Provided further*, That
12 \$1,996,000 shall be for a human services case manage-
13 ment system for federally declared disasters, to include a
14 comprehensive national case management contract and
15 Federal costs of administering the system: *Provided fur-*
16 *ther*, That up to \$2,000,000 shall be for improving the
17 Public Assistance Reporting Information System, includ-
18 ing grants to States to support data collection for a study
19 of the system's effectiveness.

20 PROMOTING SAFE AND STABLE FAMILIES

21 For carrying out section 436 of the Social Security
22 Act, \$365,000,000 and section 437 of such Act,
23 \$63,184,000 .

1 PAYMENTS FOR FOSTER CARE AND PERMANENCY

2 For making payments to States or other non-Federal
3 entities under title IV–E of the Social Security Act,
4 \$5,153,000,000.

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

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

14 ADMINISTRATION ON AGING

15 AGING SERVICES PROGRAMS

16 For carrying out, to the extent not otherwise pro-
17 vided, the Older Americans Act of 1965, section 398 and
18 title XXIX of the PHS Act, and section 119 of the Medi-
19 care Improvements for Patients and Providers Act of
20 2008, \$1,471,324,000, of which up to \$5,500,000 shall
21 be available for activities regarding medication manage-
22 ment, screening, and education to prevent incorrect medi-
23 cation and adverse drug reactions: *Provided*, That
24 \$819,353,000 shall be for grants to States for nutrition
25 program activities: *Provided further*, That \$410,434,000

1 shall be for grants to States for home and community
2 based services, preventive health, and protection of older
3 Americans activities: *Provided further*, That \$160,288,000
4 shall be for grants to States for caregivers program activi-
5 ties: *Provided further*, That none of the funds provided
6 shall be used to carry out sections 1701 and 1703 of the
7 PHS Act (with respect to chronic disease self-management
8 activity grants), except that such funds may be used for
9 necessary expenses associated with administering any such
10 grants awarded prior to the date of the enactment of this
11 Act: *Provided further*, That none of the funds provided
12 may be used to support Program Innovation activities.

13 OFFICE OF THE SECRETARY

14 GENERAL DEPARTMENTAL MANAGEMENT

15 For necessary expenses, not otherwise provided, for
16 general departmental management, including hire of six
17 passenger motor vehicles, and for carrying out titles III,
18 XVII, and XXI of the PHS Act, the United States-Mexico
19 Border Health Commission Act, and research studies
20 under section 1110 of the Social Security Act,
21 \$343,280,000, and \$55,394,000 from the amounts avail-
22 able under section 241 of the PHS Act to carry out na-
23 tional health or human services research and evaluation
24 activities: *Provided*, That of the amounts available under
25 section 241 of the PHS Act, \$53,891,000 shall be for mi-

1 nority AIDS prevention and treatment activities: *Provided*
2 *further*, That of the funds made available under this head-
3 ing, \$40,000,000 shall be for making competitive con-
4 tracts and grants to public and private entities to fund
5 age appropriate programs that reduce teen pregnancy and
6 for the Federal costs associated with administering and
7 evaluating such contracts and grants, of which
8 \$20,000,000 shall be for making competitive grants to
9 provide abstinence education (as defined by section
10 510(b)(2)(A)-(H) of the Social Security Act) to adoles-
11 cents, and for Federal costs of administering the grant:
12 *Provided further*, That grants made under the authority
13 of section 510(b)(2)(A)-(H) of the Social Security Act
14 shall be made only to public and private entities that agree
15 that, with respect to an adolescent to whom the entities
16 provide abstinence education under such grant, the enti-
17 ties will not provide to that adolescent any other education
18 regarding sexual conduct, except that, in the case of an
19 entity expressly required by law to provide health informa-
20 tion or services the adolescent shall not be precluded from
21 seeking health information or services from the entity in
22 a different setting than the setting in which abstinence
23 education was provided: *Provided further*, That funds pro-
24 vided in this Act for embryo adoption activities may be
25 used to provide to individuals adopting embryos, through

1 grants and other mechanisms, medical and administrative
2 services deemed necessary for such adoptions: *Provided*
3 *further*, That such services shall be provided consistent
4 with 42 CFR 59.5(a)(4).

5 OFFICE OF MEDICARE HEARINGS AND APPEALS

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

12 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
13 INFORMATION TECHNOLOGY

14 For expenses necessary for the Office of the National
15 Coordinator for Health Information Technology, including
16 grants, contracts, and cooperative agreements for the de-
17 velopment and advancement of interoperable health infor-
18 mation technology, \$28,051,000, which shall be available
19 from amounts available under section 241 of the Public
20 Health Service Act.

21 OFFICE OF INSPECTOR GENERAL

22 For expenses necessary for the Office of Inspector
23 General, including the hire of passenger motor vehicles for
24 investigations, in carrying out the provisions of the Inspec-
25 tor General Act of 1978, \$50,178,000: *Provided*, That of

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

10 OFFICE FOR CIVIL RIGHTS

11 For expenses necessary for the Office for Civil
12 Rights, \$37,709,000, together with not to exceed
13 \$3,307,000 to be transferred and expended as authorized
14 by section 201(g)(1) of the Social Security Act from the
15 Federal Hospital Insurance Trust Fund and the Federal
16 Supplementary Medical Insurance Trust Fund.

17 RETIREMENT PAY AND MEDICAL BENEFITS FOR
18 COMMISSIONED OFFICERS

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

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

4 For expenses necessary to support activities related
5 to countering potential biological, nuclear, radiological,
6 chemical, and cybersecurity threats to civilian populations,
7 and for other public health emergencies and to pay the
8 costs described in section 319F–2(c)(7)(B) of the PHS
9 Act, \$543,114,000, of which \$29,647,000 shall be to sup-
10 port preparedness and emergency operations.

11 From funds transferred to this account pursuant to
12 the fourth paragraph under this heading in Public Law
13 111–117, up to \$415,000,000 shall be available for ex-
14 penses necessary to support advanced research and devel-
15 opment pursuant to section 319L of the PHS Act, and
16 other administrative expenses of the Biomedical Advanced
17 Research and Development Authority to support addi-
18 tional advanced research and development.

19 GENERAL PROVISIONS

20 SEC. 201. Funds appropriated in this title shall be
21 available for not to exceed \$50,000 for official reception
22 and representation expenses when specifically approved by
23 the Secretary of Health and Human Services.

24 SEC. 202. The Secretary of Health and Human Serv-
25 ices shall make available through assignment not more

1 than 60 employees of the Public Health Service to assist
2 in child survival activities and to work in AIDS programs
3 through and with funds provided by the Agency for Inter-
4 national Development, the United Nations International
5 Children's Emergency Fund, or the World Health Organi-
6 zation.

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

11 SEC. 204. None of the funds appropriated in this Act
12 may be expended pursuant to section 241 of the PHS Act,
13 except for funds specifically provided for in this Act, or
14 for other taps and assessments made by any office located
15 in the Department of Health and Human Services, prior
16 to the preparation and submission of a report by the Sec-
17 retary of Health and Human Services to the Committees
18 on Appropriations of the House of Representatives and the
19 Senate detailing the planned uses of such funds.

20 SEC. 205. Notwithstanding section 241(a) of the
21 PHS Act, such portion as the Secretary of Health and
22 Human Services shall determine, but not more than 2.4
23 percent, of any amounts appropriated for programs au-
24 thorized under such Act shall be made available for the

1 evaluation (directly, or by grants or contracts) of the im-
2 plementation and effectiveness of such programs.

3 (TRANSFER OF FUNDS)

4 SEC. 206. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985) which are appro-
7 priated for the current fiscal year for the Department of
8 Health and Human Services in this Act may be trans-
9 ferred between appropriations, but no such appropriation
10 shall be increased by more than 3 percent by any such
11 transfer: *Provided*, That the transfer authority granted by
12 this section shall be available only to meet emergency
13 needs and shall not be used to create any new program
14 or to fund any project or activity for which no funds are
15 provided in this Act: *Provided further*, That the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate are notified at least 15 days in advance
18 of any transfer and approve such transfer.

19 (TRANSFER OF FUNDS)

20 SEC. 207. The Director of the National Institutes of
21 Health, jointly with the Director of the Office of AIDS
22 Research, may transfer up to 3 percent among institutes
23 and centers from the total amounts identified by these two
24 Directors as funding for research pertaining to the human
25 immunodeficiency virus: *Provided*, That the Committees

1 on Appropriations of the House of Representatives and the
2 Senate are notified at least 15 days in advance of any
3 transfer and approve such transfer.

4 (TRANSFER OF FUNDS)

5 SEC. 208. Of the amounts made available in this Act
6 for the National Institutes of Health, the amount for re-
7 search related to the human immunodeficiency virus, as
8 jointly determined by the Director of the National Insti-
9 tutes of Health and the Director of the Office of AIDS
10 Research, shall be made available to the “Office of AIDS
11 Research” account. The Director of the Office of AIDS
12 Research shall transfer from such account amounts nec-
13 essary to carry out section 2353(d)(3) of the PHS Act.

14 SEC. 209. None of the funds appropriated in this Act
15 may be made available to any entity under title X of the
16 PHS Act unless the applicant for the award certifies to
17 the Secretary of Health and Human Services that it en-
18 courages family participation in the decision of minors to
19 seek family planning services and that it provides coun-
20 seling to minors on how to resist attempts to coerce mi-
21 nors into engaging in sexual activities.

22 SEC. 210. Notwithstanding any other provision of
23 law, no provider of services under title X of the PHS Act
24 shall be exempt from any State law requiring notification

1 or the reporting of child abuse, child molestation, sexual
2 abuse, rape, or incest.

3 SEC. 211. None of the funds appropriated by this Act
4 (including funds appropriated to any trust fund) may be
5 used to carry out the Medicare Advantage program if the
6 Secretary of Health and Human Services denies participa-
7 tion in such program to an otherwise eligible entity (in-
8 cluding a Provider Sponsored Organization) because the
9 entity informs the Secretary that it will not provide, pay
10 for, provide coverage of, or provide referrals for abortions:
11 *Provided*, That the Secretary shall make appropriate pro-
12 spective adjustments to the capitation payment to such an
13 entity (based on an actuarially sound estimate of the ex-
14 pected costs of providing the service to such entity's enroll-
15 ees): *Provided further*, That nothing in this section shall
16 be construed to change the Medicare program's coverage
17 for such services and a Medicare Advantage organization
18 described in this section shall be responsible for informing
19 enrollees where to obtain information about all Medicare
20 covered services.

21 SEC. 212. In order for the Department of Health and
22 Human Services to carry out international health activi-
23 ties, including HIV/AIDS, other infectious diseases, and
24 chronic and environmental diseases, and other health ac-
25 tivities abroad during fiscal year 2012:

1 (1) The Secretary of Health and Human Serv-
2 ices may exercise authority equivalent to that avail-
3 able to the Secretary of State in section 2(c) of the
4 State Department Basic Authorities Act of 1956.
5 The Secretary of Health and Human Services shall
6 consult with the Secretary of State and relevant
7 Chief of Mission to ensure that the authority pro-
8 vided in this section is exercised in a manner con-
9 sistent with section 207 of the Foreign Service Act
10 of 1980 and other applicable statutes administered
11 by the Department of State.

12 (2) The Secretary of Health and Human Serv-
13 ices is authorized to provide such funds by advance
14 or reimbursement to the Secretary of State as may
15 be necessary to pay the costs of acquisition, lease,
16 alteration, renovation, and management of facilities
17 outside of the United States for the use of the De-
18 partment of Health and Human Services. The De-
19 partment of State shall cooperate fully with the Sec-
20 retary of Health and Human Services to ensure that
21 the Department of Health and Human Services has
22 secure, safe, functional facilities that comply with
23 applicable regulations governing location, setback,
24 and other facilities requirements and serve the pur-
25 poses established by this Act. The Secretary of

1 Health and Human Services is authorized, in con-
2 sultation with the Secretary of State, through grant
3 or cooperative agreement, to make available to pub-
4 lic or nonprofit private institutions or agencies in
5 participating foreign countries, funds to acquire,
6 lease, alter, or renovate facilities in those countries
7 as necessary to conduct programs of assistance for
8 international health activities, including activities re-
9 lating to HIV/AIDS, other infectious diseases, and
10 chronic and environmental diseases, and other health
11 activities abroad.

12 (3) The Secretary of Health and Human Serv-
13 ices is authorized to provide to personnel appointed
14 or assigned by the Secretary to serve abroad, allow-
15 ances and benefits similar to those provided under
16 chapter 9 of title I of the Foreign Service Act of
17 1980, and subject to such regulations prescribed by
18 the Secretary. The Secretary is further authorized to
19 provide locality-based comparability payments (stat-
20 ed as a percentage) up to the amount of the locality-
21 based comparability payment (stated as a percent-
22 age) that would be payable to such personnel under
23 section 5304 of title 5, United States Code, if such
24 personnel's official duty station were in the District
25 of Columbia. Leaves of absence for personnel under

1 this subsection shall be on the same basis as that
2 provided under subchapter I of chapter 63 of title 5,
3 United States Code, or section 903 of the Foreign
4 Service Act of 1980, to individuals serving in the
5 Foreign Service.

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

15 (b) PEER REVIEW.—In entering into transactions
16 under subsection (a), the Director may utilize such peer
17 review procedures (including consultation with appropriate
18 scientific experts) as the Director determines to be appro-
19 priate to obtain assessments of scientific and technical
20 merit. Such procedures shall apply to such transactions
21 in lieu of the peer review and advisory council review pro-
22 cedures that would otherwise be required under sections
23 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
24 and 494 of the PHS Act.

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

3 SEC. 218. Notwithstanding any other provision of
4 law, none of the discretionary funds appropriated by this
5 Act may be used to support any patient-centered outcomes
6 research.

7 SEC. 219. None of the funds made available in this
8 title may be used, in whole or in part, to advocate or pro-
9 mote gun control.

10 SEC. 220. Notwithstanding any other provision of
11 law, not more than one percent of all title 42 employees
12 may receive a salary that exceeds Executive Level III.

13 SEC. 221. None of the funds appropriated or other-
14 wise made available in this Act may be expended to further
15 creation of a Federally Funded Research and Develop-
16 ment Center (“FFRDC”) at the Centers for Medicare and
17 Medicaid Services or create an FFRDC within the Depart-
18 ment of Health and Human Services, prior to submission
19 of a specific request by the Secretary of Health and
20 Human Services to the Committees on Appropriations of
21 the House of Representatives and the Senate detailing the
22 planned uses of the proposed FFRDC and the Committees
23 provide written approval.

24 SEC. 222. None of the funds appropriated in this Act
25 may be used to carry-out title X of the PHS Act.

1 SEC. 223. None of the funds appropriated in this Act
2 may be used for the Healthy Foods Financing Initiative.

3 SEC. 224. None of the funds made available in this
4 Act may be used to promulgate, implement, or enforce any
5 expansion of liability or fines under the Emergency Med-
6 ical Treatment and Labor Act (Sections 1866(a)(1)(I),
7 1866(a)(1)(N), and 1867 of the Social Security Act).

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

10 TITLE III—DEPARTMENT OF EDUCATION

11 EDUCATION FOR THE DISADVANTAGED

12 For carrying out title I of the Elementary and Sec-
13 ondary Education Act of 1965 (referred to in this Act as
14 the “ESEA”) and section 418A of the Higher Education
15 Act of 1965, \$15,949,319,000, of which \$2,624,555,000
16 shall become available on July 1, 2012, and shall remain
17 available through September 30, 2013, and of which
18 \$13,279,177,000 shall become available on October 1,
19 2012, and shall remain available through September 30,
20 2013, for academic year 2012–2013: *Provided*, That
21 \$6,584,750,000 shall be for basic grants under section
22 1124 of the ESEA: *Provided further*, That up to
23 \$4,000,000 of these funds shall be available to the Sec-
24 retary of Education on October 1, 2011, to obtain annu-
25 ally updated local educational-agency-level census poverty

1 data from the Bureau of the Census: *Provided further*,
2 That \$1,362,301,000 shall be for concentration grants
3 under section 1124A of the ESEA: *Provided further*, That
4 \$3,758,183,000 shall be for targeted grants under section
5 1125 of the ESEA: *Provided further*, That
6 \$3,758,183,000 shall be for education finance incentive
7 grants under section 1125A of the ESEA: *Provided fur-*
8 *ther*, That \$5,000,000 shall be to carry out sections 1501
9 and 1503 of the ESEA: *Provided further*, That the ESEA
10 title I, part A funds awarded to local educational agencies
11 under the American Recovery and Reinvestment Act of
12 2009 for fiscal year 2009 shall not be considered for the
13 purpose of calculating hold-harmless amounts under sec-
14 tions 1122(c) and 1125A(g)(3) in making allocations
15 under title I, part A for fiscal year 2012 and succeeding
16 years.

17 IMPACT AID

18 For carrying out programs of financial assistance to
19 federally affected schools authorized by title VIII of the
20 Elementary and Secondary Education Act of 1965,
21 \$1,308,631,000, of which \$1,170,724,000 shall be for
22 basic support payments under section 8003(b),
23 \$48,505,000 shall be for payments for children with dis-
24 abilities under section 8003(d), \$17,474,000 shall be for
25 construction under section 8007(a) and shall remain avail-

1 able through September 30, 2012, \$67,074,000 shall be
2 for Federal property payments under section 8002, and
3 \$4,854,000, to remain available until expended, shall be
4 for facilities maintenance under section 8008: *Provided*,
5 That for purposes of computing the amount of a payment
6 for an eligible local educational agency under section
7 8003(a) for school year 2011–2012, children enrolled in
8 a school of such agency that would otherwise be eligible
9 for payment under section 8003(a)(1)(B) of such Act, but
10 due to the deployment of both parents or legal guardians,
11 or a parent or legal guardian having sole custody of such
12 children, or due to the death of a military parent or legal
13 guardian while on active duty (so long as such children
14 reside on Federal property as described in section
15 8003(a)(1)(B)), are no longer eligible under such section,
16 shall be considered as eligible students under such section,
17 provided such students remain in average daily attendance
18 at a school in the same local educational agency they at-
19 tended prior to their change in eligibility status.

20 SCHOOL IMPROVEMENT PROGRAMS

21 For carrying out school improvement activities au-
22 thorized by part A of title II, part B of title IV, parts
23 A and B of title VI, and parts B and C of title VII of
24 the ESEA; the McKinney-Vento Homeless Assistance Act;
25 section 203 of the Educational Technical Assistance Act

1 of 2002; the Compact of Free Association Amendments
2 Act of 2003; and the Civil Rights Act of 1964,
3 \$4,332,102,000, of which \$2,571,034,000 shall become
4 available on July 1, 2012, and remain available through
5 September 30, 2013, and of which \$1,681,441,000 shall
6 become available on October 1, 2012, and shall remain
7 available through September 30, 2013, for academic year
8 2012–2013: *Provided*, That \$379,951,000 shall be for
9 State assessments authorized under section 6111 of the
10 ESEA and \$10,000,000 shall be for enhanced assessment
11 instruments authorized under section 6112 of the ESEA:
12 *Provided further*, That the Secretary shall implement part
13 C of title VII of the ESEA without regard to the require-
14 ments of section 7304(d)(2): *Provided further*, That
15 \$8,000,000 shall be available to carry out section 203 of
16 the Educational Technical Assistance Act of 2002: *Pro-*
17 *vided further*, That \$17,652,000 shall be available to carry
18 out the Supplemental Education Grants program for the
19 Federated States of Micronesia and the Republic of the
20 Marshall Islands: *Provided further*, That up to 5 percent
21 of these amounts may be reserved by the Federated States
22 of Micronesia and the Republic of the Marshall Islands
23 to administer the Supplemental Education Grants pro-
24 grams and to obtain technical assistance, oversight and
25 consultancy services in the administration of these grants

1 and to reimburse the Departments of Labor, Health and
2 Human Services, and Education for such services.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title VII, part A of the ESEA,
6 \$132,027,000.

7 INNOVATION AND IMPROVEMENT

8 For carrying out activities authorized by part C of
9 title II, and parts B, C, and D of title V of the ESEA,
10 \$821,411,000: *Provided*, That \$399,200,000 shall be
11 available to carry out part D of title V of the ESEA: *Pro-*
12 *vided further*, That \$399,200,000 of the funds for subpart
13 1 of part D of title V of the ESEA shall be for competitive
14 grants to local educational agencies, including charter
15 schools that are local educational agencies, or States, or
16 partnerships of: (1) a local educational agency, a State,
17 or both; and (2) at least one nonprofit organization to de-
18 velop and implement performance-based compensation
19 systems for teachers, principals, and other personnel in
20 high-need schools: *Provided further*, That such perform-
21 ance-based compensation systems must consider gains in
22 student academic achievement as well as classroom evalua-
23 tions conducted multiple times during each school year
24 among other factors and provide educators with incentives
25 to take on additional responsibilities and leadership roles:

1 *Provided further*, That up to 5 percent of such funds for
2 competitive grants shall be available for technical assist-
3 ance, training, peer review of applications, program out-
4 reach, and evaluation activities and that 95 percent shall
5 become available on July 1, 2012, and remain available
6 through September 30, 2013, for competitive grants: *Pro-*
7 *vided further*, That of the funds available for part B of
8 title V of the ESEA the Secretary may use up to
9 \$125,000,000 to carry out activities under section
10 5205(b), under subpart 2, and to make multiple awards
11 for grants and subgrants to not-for-profit charter manage-
12 ment organizations and other not-for-profit entities for the
13 replication and expansion of successful charter school
14 models and may reserve up to \$10,000,000 to carry out
15 the activities described in section 5205(a), including by
16 providing technical assistance and grants to authorized
17 public chartering agencies to increase the number of high-
18 performing charter schools and to improve the quality of
19 such schools: *Provided further*, That each application sub-
20 mitted pursuant to section 5203(a) shall describe a plan
21 to monitor and hold accountable authorized public char-
22 tering agencies through such activities as providing tech-
23 nical assistance or establishing a professional development
24 program, which may include evaluation, planning, train-
25 ing, and systems development for staff of authorized pub-

1 lic chartering agencies to improve the capacity of such
2 agencies in the State to authorize, monitor, and hold ac-
3 countable charter schools: *Provided further*, That each ap-
4 plication submitted pursuant to section 5203(a) shall con-
5 tain assurances that State law, regulations, or other poli-
6 cies require that: (1) each authorized charter school in the
7 State operate under a legally binding charter or perform-
8 ance contract between itself and the school's authorized
9 public chartering agency that describes the obligations and
10 responsibilities of the school and the public chartering
11 agency; conduct annual, timely, and independent audits of
12 the school's financial statements that are filed with the
13 school's authorized public chartering agency; and dem-
14 onstrate improved student academic achievement; and (2)
15 authorized public chartering agencies use increases in stu-
16 dent academic achievement for all groups of students de-
17 scribed in section 1111(b)(2)(C)(v) of the ESEA as the
18 most important factor when determining to renew or re-
19 voke a school's charter.

20 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

21 For carrying out activities authorized by part A of
22 title IV of the ESEA, \$65,000,000.

23 ENGLISH LANGUAGE ACQUISITION

24 For carrying out part A of title III of the ESEA,
25 \$733,531,000, which shall become available on July 1,

1 2012, and shall remain available through September 30,
2 2013, except that 6.5 percent of such amount shall be
3 available on October 1, 2011, and shall remain available
4 through September 30, 2013, to carry out activities under
5 section 3111(c)(1)(C): *Provided*, That the Secretary of
6 Education shall use estimates of the American Community
7 Survey child counts for the most recent 3-year period
8 available to calculate allocations under such part.

9 SPECIAL EDUCATION

10 For carrying out the Individuals with Disabilities
11 Education Act (referred to in this Act as the “IDEA”),
12 \$13,757,844,000, of which \$4,924,727,000 shall become
13 available on July 1, 2012, and shall remain available
14 through September 30, 2013, and of which
15 \$8,592,383,000 shall become available on October 1,
16 2012, and shall remain available through September 30,
17 2013, for academic year 2012-2013: *Provided*, That the
18 amount for section 611(b)(2) of the IDEA shall be equal
19 to the lesser of the amount available for that activity dur-
20 ing fiscal year 2011, increased by the amount of inflation
21 as specified in section 619(d)(2)(B) of the IDEA, or the
22 percentage change in the funds appropriated under section
23 611(i) of the IDEA, but not less than the amount for that
24 activity during fiscal year 2011.

1 REHABILITATION SERVICES AND DISABILITY RESEARCH

2 For carrying out, to the extent not otherwise pro-
3 vided, the Rehabilitation Act of 1973, the Assistive Tech-
4 nology Act of 1998, and the Helen Keller National Center
5 Act, \$3,522,686,000: *Provided*, That not less than 25 per-
6 cent of the State grants awarded under section 4 of the
7 Assistive Technology Act of 1998 shall be for alternative
8 financing programs that meet the requirements under sec-
9 tions 301(b), 303(b)(3), and 304(a), as such sections were
10 in effect on the day before the date of enactment of the
11 Assistive Technology Act of 2004.

12 SPECIAL INSTITUTIONS FOR PERSONS WITH
13 DISABILITIES

14 AMERICAN PRINTING HOUSE FOR THE BLIND

15 For carrying out the Act of March 3, 1879,
16 \$24,551,000.

17 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

18 For the National Technical Institute for the Deaf
19 under titles I and II of the Education of the Deaf Act
20 of 1986, \$65,546,000, of which \$240,000 shall be for con-
21 struction and shall remain available until expended: *Pro-*
22 *vided*, That from the total amount available, the Institute
23 may at its discretion use funds for the endowment pro-
24 gram as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

1
2 For the Kendall Demonstration Elementary School,
3 the Model Secondary School for the Deaf, and the partial
4 support of Gallaudet University under titles I and II of
5 the Education of the Deaf Act of 1986, \$122,754,000, of
6 which \$4,754,000 shall be for construction and shall re-
7 main available until expended: *Provided*, That from the
8 total amount available, the University may at its discre-
9 tion use funds for the endowment program as authorized
10 under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Carl D. Perkins Career and Technical Edu-
14 cation Act of 2006, the Adult Education and Family Lit-
15 eracy Act (referred to in this Act as the “AEFLA”),
16 \$1,738,946,000, of which \$947,946,000 shall become
17 available on July 1, 2012, and shall remain available
18 through September 30, 2013, and of which \$791,000,000
19 shall become available on October 1, 2012, and shall re-
20 main available through September 30, 2013: *Provided*,
21 That of the amount provided for Adult Education State
22 Grants, \$75,000,000 shall be made available for inte-
23 grated English literacy and civics education services to im-
24 migrants and other limited-English proficient populations:
25 *Provided further*, That of the amount reserved for inte-

1 grated English literacy and civics education, notwith-
2 standing section 211 of the AEFLA, 65 percent shall be
3 allocated to States based on a State's absolute need as
4 determined by calculating each State's share of a 10-year
5 average of the United States Citizenship and Immigration
6 Services data for immigrants admitted for legal permanent
7 residence for the 10 most recent years, and 35 percent
8 allocated to States that experienced growth as measured
9 by the average of the 3 most recent years for which United
10 States Citizenship and Immigration Services data for im-
11 migrants admitted for legal permanent residence are avail-
12 able, except that no State shall be allocated an amount
13 less than \$60,000: *Provided further*, That of the amounts
14 made available for AEFLA, \$11,323,000 shall be for na-
15 tional leadership activities under section 243.

16 STUDENT FINANCIAL ASSISTANCE

17 For carrying out subparts 1 and 3 of part A, and
18 part C of title IV of the Higher Education Act of 1965,
19 \$22,367,521,000, which shall remain available through
20 September 30, 2013.

21 The maximum Pell Grant for which a student shall
22 be eligible during award year 2012–2013 shall be \$4,860:
23 *Provided*, That if the Secretary determines, prior to publi-
24 cation of the payment schedule for such award year, that
25 the amount appropriated or otherwise made available by

1 nancing Program entered into pursuant to part D of title
2 III of the HEA, \$353,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by the Edu-
5 cation Sciences Reform Act of 2002, the National Assess-
6 ment of Educational Progress Authorization Act, section
7 208 of the Educational Technical Assistance Act of 2002,
8 and section 664 of the Individuals with Disabilities Edu-
9 cation Act, \$620,903,000, of which \$551,253,000 shall be
10 available through September 30, 2013: *Provided*, That up
11 to \$10,000,000 of the funds available to carry out section
12 208 of the Educational Technical Assistance Act may be
13 used for State data coordinators and for awards to public
14 or private organizations or agencies to improve data co-
15 ordination, quality, and use.

16 DEPARTMENTAL MANAGEMENT

17 PROGRAM ADMINISTRATION

18 For carrying out, to the extent not otherwise pro-
19 vided, the Department of Education Organization Act, in-
20 cluding rental of conference rooms in the District of Co-
21 lumbia and hire of three passenger motor vehicles,
22 \$449,815,000, of which \$2,711,000 to remain available
23 until expended, shall be for relocation of, and renovation
24 of buildings occupied by, Department staff.

1 OFFICE FOR CIVIL RIGHTS

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

5 OFFICE OF THE INSPECTOR GENERAL

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

9 GENERAL PROVISIONS

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

18 SEC. 302. None of the funds contained in this Act
19 shall be used to require, directly or indirectly, the trans-
20 portation of any student to a school other than the school
21 which is nearest the student's home, except for a student
22 requiring special education, to the school offering such
23 special education, in order to comply with title VI of the
24 Civil Rights Act of 1964. For the purpose of this section
25 an indirect requirement of transportation of students in-

1 SEC. 305. The Outlying Areas may consolidate funds
2 received under this Act, pursuant to 48 U.S.C. 1469a,
3 under part A of title V of the Elementary and Secondary
4 Education Act.

5 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
6 of Free Association Amendments Act of 2003 (48 U.S.C.
7 1921d(f)(1)(B)(ix)) shall be applied by substituting
8 “2012” for “2009.”

9 SEC. 307. None of the funds made available by this
10 Act may be used to—

11 (1) implement, administer, or enforce the final
12 regulations on “Program Integrity: Gainful Employ-
13 ment-New Programs” published by the Department
14 of Education in the Federal Register on October 29,
15 2010 (75 Fed. Reg. 66665 et seq.);

16 (2) implement, administer, or enforce the final
17 regulations on “Program Integrity: Gainful Employ-
18 ment” published by the Department of Education on
19 June 13, 2011 (76 Fed. Reg. 34386 et seq.);

20 (3) implement, administer, or enforce section
21 668.6 of title 34, Code of Federal Regulations (re-
22 lating to gainful employment), as amended by the
23 final regulations published by the Department of
24 Education in the Federal Register on October 29,
25 2010 (75 Fed. Reg. 66832 et seq.); or

1 (4) promulgate or enforce any new regulation
2 or rule with respect to the definition or application
3 of the term “gainful employment” under the Higher
4 Education Act of 1965 on or after the date of enact-
5 ment of this Act.

6 SEC. 308. None of the funds made available by this
7 Act may be used to—

8 (1) implement, administer, or enforce section
9 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or
10 668.43(b) of title 34, Code of Federal Regulations
11 (relating to State authorization), as added or
12 amended by the final regulations published by the
13 Department of Education in the Federal Register on
14 October 29, 2010 (75 Fed. Reg. 66832 et seq.); or

15 (2) implement, administer, or enforce the defi-
16 nition of the term “credit hour” in section 600.2 of
17 title 34, Code of Federal Regulations, as added by
18 the final regulations published by the Department of
19 Education in the Federal Register on October 29,
20 2010 (75 Fed. Reg. 66946), or subsection (k)(2)(ii)
21 of section 668.8 of such title, as amended by such
22 final regulations (75 Fed. Reg. 66949 et seq.).

23 SEC. 309. (a) FEDERAL PELL GRANT ELIGI-
24 BILITY.—

1 (1) NO LESS THAN HALF-TIME.—Section
2 401(b)(2)(B) of the Higher Education Act of 1965
3 (20 U.S.C. 1070a(b)(2)(B)) is amended by striking
4 “basis (including a student who attends an institu-
5 tion of higher education on less than a half-time
6 basis)” and inserting “basis, but at least a half-time
7 basis,”.

8 (2) MINIMUM LEVEL.—Section 401(b)(4) of
9 such Act (20 U.S.C. 1070a(b)(4)) is amended by
10 striking “, except that” and all that follows and in-
11 serting a period.

12 (3) DURATION OF AWARD PERIOD.—Section
13 401(c)(5) of the Higher Education Act of 1965 (20
14 U.S.C. 1070a(c)(5)) is amended—

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

17 (B) by striking the last sentence.

18 (b) INCOME PROTECTION ALLOWANCE.—

19 (1) DEPENDENT STUDENTS.—Subparagraph
20 (D) of section 475(g)(2) of the Higher Education
21 Act of 1965 (20 U.S.C. 108700(g)(2)(D)) is amended
22 to read as follows:

23 “(D) an income protection allowance of
24 \$3,290 (or a successor amount prescribed by
25 the Secretary under section 478);”.

1 (2) INDEPENDENT STUDENTS WITHOUT DE-
2 PENDENTS OTHER THAN A SPOUSE.—Clause (iv) of
3 section 476(b)(1)(A) of such Act (20 U.S.C.
4 1087pp(b)(1)(A)(iv)) is amended to read as follows:

5 “(iv) an income protection allowance
6 of the following amount (or a successor
7 amount prescribed by the Secretary under
8 section 478)—

9 “(I) \$6,620 for single students;

10 “(II) \$6,620 for married stu-
11 dents where both are enrolled pursu-
12 ant to subsection (a)(2); and

13 “(III) \$10,620 for married stu-
14 dents where one is enrolled pursuant
15 to subsection (a)(2);”.

16 (3) INDEPENDENT STUDENTS WITH DEPEND-
17 ENTS OTHER THAN A SPOUSE.—Paragraph (4) of
18 section 477(b) of such Act (20 U.S.C. 1087qq(b)) is
19 amended to read as follows:

20 “(4) INCOME PROTECTION ALLOWANCE.—The
21 income protection allowance is determined by the fol-
22 lowing table (or a successor table prescribed by the
23 Secretary under section 478):

“Income Protection Allowance

Family Size (including student)	Number in College					For each additional subtract:
	1	2	3	4	5	
2	\$16,780	\$13,910				\$2,860
3	20,880	18,030	\$15,170	
4	25,800	22,930	20,070	\$17,200	
5	30,440	27,560	24,710	21,850	\$18,990	
6	35,600	32,730	29,880	27,000	24,160	
For each additional add:	4,020	4,020	4,020	4,020	4,020	”.

1 (4) UPDATED TABLES.—Section 478(b) of the
 2 Higher Education Act of 1965 is amended to read
 3 as follows:

4 “(b) INCOME PROTECTION ALLOWANCE.—

5 “(1) REVISED TABLES.—For each academic
 6 year after academic year 2012-2013, the Secretary
 7 shall develop a revised table or list, as appropriate,
 8 of income protection allowances under sections
 9 475(g)(2)(D), 476(b)(1)(A)(iv), and 477(b)(4) by in-
 10 creasing each of the dollar amounts contained in
 11 each such table or list by a percentage equal to the
 12 estimated percentage increase in the Consumer Price
 13 Index (as determined by the Secretary) between De-
 14 cember 2011 and the December next preceding the
 15 beginning of such academic year, and rounding the
 16 result to the nearest \$10.

17 “(2) TABLE FOR PARENTS.—For each academic
 18 year after academic year 2008-2009, the Secretary
 19 shall develop the revised table of income protection
 20 allowances under section 475(c)(4) by increasing

1 each of the dollar amounts contained in the table by
2 a percentage equal to the estimated percentage in-
3 crease in the Consumer Price Index (as determined
4 by the Secretary) between December 1992 and the
5 December next preceding the beginning of such aca-
6 demic year, and rounding the result to the nearest
7 \$10”.

8 (c) ZERO EXPECTED FAMILY CONTRIBUTION.—Sec-
9 tion 479(c) of the Higher Education Act of 1965 (20
10 U.S.C. 1087ss(c)) is amended—

11 (1) in paragraph (1)(B), by striking “\$30,000”
12 and inserting “\$15,000”; and

13 (2) in paragraph (2)(B), by striking “\$30,000”
14 and inserting “\$15,000”.

15 (d) DEFINITION OF UNTAXED INCOME.—Section
16 480(b) of the Higher Education Act of 1965 (20 U.S.C.
17 1087vv) is amended to read as follows:

18 “(b) UNTAXED INCOME AND BENEFITS.—The term
19 ‘untaxed income and benefits’ means—

20 “(1) child support received;

21 “(2) workman’s compensation;

22 “(3) veteran’s benefits such as death pension,
23 dependency, and indemnity compensation, but ex-
24 cluding veterans’ education benefits as defined in
25 subsection (c);

1 “(4) interest on tax-free bonds;

2 “(5) housing, food, and other allowances (ex-
3 cluding rent subsidies for low-income housing) for
4 military, clergy, and others (including cash payments
5 and cash value of benefits), except that the value of
6 on-base military housing or the value of basic allow-
7 ance for housing determined under section 403(b) of
8 title 37, United States Code, received by the par-
9 ents, in the case of a dependent student, or the stu-
10 dent or student’s spouse, in the case of an inde-
11 pendent student, shall be excluded;

12 “(6) cash support or any money paid on the
13 student’s behalf, except, for dependent students,
14 funds provided by the student’s parents;

15 “(7) untaxed portion of pensions;

16 “(8) payments to individual retirement accounts
17 and Keogh accounts excluded from income for Fed-
18 eral income tax purposes;

19 “(9) the amount of additional child tax credit
20 claimed for Federal income tax purposes;

21 “(10) welfare benefits, including assistance
22 under a State program funded under part A of title
23 IV of the Social Security Act and aid to dependent
24 children;

1 “(11) the amount of earned income credit
2 claimed for Federal income tax purposes;

3 “(12) the amount of credit for Federal tax on
4 special fuels claimed for Federal income tax pur-
5 poses;

6 “(13) the amount of foreign income excluded
7 for purposes of Federal income taxes;

8 “(14) untaxed social security benefits; and

9 “(15) any other untaxed income and benefits,
10 such as Black Lung Benefits, Refugee Assistance, or
11 railroad retirement benefits, or benefits received
12 through participation in employment and training
13 activities under title I of the Workforce Investment
14 Act of 1998 (29 U.S.C. 2801 et seq.).”

15 (e) STUDENTS WHO ARE NOT HIGH SCHOOL GRAD-
16 UATES.—

17 (1) AMENDMENT.—Section 484(d) of the High-
18 er Education Act of 1965 (20 U.S.C. 1091(d)) is
19 amended—

20 (A) in the matter preceding paragraph (1),
21 by striking “meet one of the following stand-
22 ards:”;

23 (B) by striking paragraphs (1), (2), and
24 (4); and

1 (C) in paragraph (3), by striking “(3) The
2 student has” and inserting “have”.

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

7 (f) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on July 1, 2012.

9 (g) INAPPLICABILITY OF NEGOTIATED RULE-
10 MAKING.—Sections 482(c) and 492 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not
12 apply to the amendments made by this section, or to any
13 regulations promulgated under those amendments.

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

16 TITLE IV—RELATED AGENCIES

17 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

18 BLIND OR SEVERELY DISABLED

19 SALARIES AND EXPENSES

20 For expenses necessary for the Committee for Pur-
21 chase From People Who Are Blind or Severely Disabled
22 established by Public Law 92–28, \$5,396,000.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
2 OPERATING EXPENSES

3 For necessary expenses for the Corporation for Na-
4 tional and Community Service (“the Corporation”) to
5 carry out title II of the Domestic Volunteer Service Act
6 of 1973, \$207,833,000.

7 SALARIES AND EXPENSES

8 For close out activities of the Corporation for Na-
9 tional and Community Service, as provided under section
10 501(a)(5) of the National and Community Service Act of
11 1990 and under section 504(a) of the Domestic Volunteer
12 Service Act of 1973, \$65,868,000.

13 OFFICE OF INSPECTOR GENERAL

14 For close out activities of the Office of Inspector Gen-
15 eral, as established by the Inspector General Act of 1978,
16 \$5,763,000.

17 ADMINISTRATIVE PROVISIONS

18 SEC. 401. AmeriCorps programs receiving grants
19 under the National Service Trust program shall meet an
20 overall minimum share requirement of 24 percent for the
21 first three years that they receive AmeriCorps funding,
22 and thereafter shall meet the overall minimum share re-
23 quirement as provided in section 2521.60 of title 45, Code
24 of Federal Regulations, without regard to the operating
25 costs match requirement in section 121(e) or the member

1 support Federal share limitations in section 140 of the
2 National and Community Service Act of 1990, and subject
3 to partial waiver consistent with section 2521.70 of title
4 45, Code of Federal Regulations.

5 CORPORATION FOR PUBLIC BROADCASTING

6 Of the funds provided to the “Corporation for Public
7 Broadcasting” in title IV of division D of Public Law 111–
8 117 for fiscal year 2012, \$6,000,000 shall support the
9 digitization program: *Provided*, That none of the funds
10 made available to the Corporation for Public Broadcasting
11 in title IV of division D of Public Law 111–117 for fiscal
12 year 2012 may be used to pay dues to, acquire programs
13 from, or otherwise support National Public Radio.

14 FEDERAL MEDIATION AND CONCILIATION SERVICE

15 SALARIES AND EXPENSES

16 For expenses necessary for the Federal Mediation
17 and Conciliation Service (“Service”) to carry out the func-
18 tions vested in it by the Labor-Management Relations Act,
19 1947, including hire of passenger motor vehicles; for ex-
20 penses necessary for the Labor-Management Cooperation
21 Act of 1978; and for expenses necessary for the Service
22 to carry out the functions vested in it by the Civil Service
23 Reform Act, \$46,250,000: *Provided*, That notwithstanding
24 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
25 special training activities and other conflict resolution

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

13 FEDERAL MINE SAFETY AND HEALTH REVIEW

14 COMMISSION

15 SALARIES AND EXPENSES

16 For expenses necessary for the Federal Mine Safety
17 and Health Review Commission, \$22,417,000.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

20 AND ADMINISTRATION

21 For carrying out the Museum and Library Services
22 Act of 1996 and the National Museum of African Amer-
23 ican History and Culture Act, \$226,362,000: *Provided*,
24 That none of the funds made available in this account be
25 used to pay indirect cost rates on a contract, grant, or

1 cooperative agreement (or similar arrangement) entered
2 into by the Institute of Museum and Library Services in
3 excess of 25 percent of the total direct cost of the contract,
4 grant, or agreement (or similar arrangement).

5 MEDICARE PAYMENT ADVISORY COMMISSION

6 SALARIES AND EXPENSES

7 For expenses necessary to carry out section 1805 of
8 the Social Security Act, \$11,472,000, to be transferred to
9 this appropriation from the Federal Hospital Insurance
10 Trust Fund and the Federal Supplementary Medical In-
11 surance Trust Fund.

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, \$4,500,000.

17 NATIONAL COUNCIL ON DISABILITY

18 SALARIES AND EXPENSES

19 For expenses necessary for the National Council on
20 Disability as authorized by title IV of the Rehabilitation
21 Act of 1973, \$3,271,000.

22 NATIONAL LABOR RELATIONS BOARD

23 SALARIES AND EXPENSES

24 For expenses necessary for the National Labor Rela-
25 tions Board to carry out the functions vested in it by the

1 Labor-Management Relations Act, 1947, and other laws,
2 \$233,700,000: *Provided*, That no part of this appropria-
3 tion shall be available to organize or assist in organizing
4 agricultural laborers or used in connection with investiga-
5 tions, hearings, directives, or orders concerning bargaining
6 units composed of agricultural laborers as referred to in
7 section 2(3) of the Act of July 5, 1935, and as amended
8 by the Labor-Management Relations Act, 1947, and as de-
9 fined in section 3(f) of the Act of June 25, 1938, and
10 including in said definition employees engaged in the
11 maintenance and operation of ditches, canals, reservoirs,
12 and waterways when maintained or operated on a mutual,
13 nonprofit basis and at least 95 percent of the water stored
14 or supplied thereby is used for farming purposes.

15 ADMINISTRATIVE PROVISIONS

16 SEC. 402. None of the funds made available by this
17 Act may be used to implement, create, apply, or enforce
18 through prosecution, adjudication, rulemaking, or the
19 issuing of any interpretation, opinion, certification, deci-
20 sion, or policy, any standard for initial bargaining unit de-
21 terminations that conflicts with the standard articulated
22 in the majority opinion in *Wheeling Island Gaming Inc.*
23 and *United Food and Commercial Workers International*
24 *Union, Local 23*, 355 NLRB 127 (August 27, 2010) (in-
25 cluding the majority opinion in footnote 2), except for unit

1 determinations currently governed by NLRB Rule Sec.
2 103.30 for employers currently covered by such rules.

3 SEC. 403. None of the funds made available by this
4 Act may be used to implement, create, apply, or enforce
5 through prosecution, adjudication, rulemaking, or the
6 issuing of any interpretation, opinion, certification, deci-
7 sion, or policy, any standard for secret-ballot elections that
8 conflicts with the standard articulated in the majority
9 opinion in *Dana Corp.*, 351 NLRB 434 (2007).

10 SEC. 404. None of the funds provided by this Act
11 or previous Acts making appropriations for the National
12 Labor Relations Board may be used to issue any new ad-
13 ministrative directive or regulation that would provide em-
14 ployees any means of voting through any electronic means
15 that enables off-site, remote, or otherwise absentee voting
16 in an election to determine a representative for the pur-
17 poses of collective bargaining.

18 SEC. 405. None of the funds made available by this
19 Act may be used to promulgate or implement a final rule
20 amending parts 101, 102, and 103 of title 29, Code of
21 Federal Regulations, (relating to the filing and processing
22 of petitions related to the representation of employees for
23 the purposes of collective bargaining with their employer),
24 including the proposed rulemaking published by the Na-

1 tional Labor Relations Board in the Federal Register on
2 June 22, 2011 (76 Fed. Reg. 36812 et seq.).

3 SEC. 406. None of the funds made available by this
4 Act may be used to implement or enforce the final rule
5 governing the notification of employee rights under the
6 National Labor Relations Act (Regulatory Identification
7 Number 3142-AA07) published by the National Labor Re-
8 lations Board in the Federal Register on August 30, 2011
9 (76 Fed. Reg. 54006 et seq.).

10 SEC. 407. None of the funds made available by this
11 Act may be used for the exercise of jurisdiction by the
12 National Labor Relations Board over any entity that
13 meets the definition of a small business concern under
14 part 121 of title 13, Code of Federal Regulations.

15 NATIONAL MEDIATION BOARD

16 SALARIES AND EXPENSES

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

20 OCCUPATIONAL SAFETY AND HEALTH REVIEW

21 COMMISSION

22 SALARIES AND EXPENSES

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

1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNT

3 For payment to the Dual Benefits Payments Ac-
4 count, authorized under section 15(d) of the Railroad Re-
5 tirement Act of 1974, \$51,000,000, which shall include
6 amounts becoming available in fiscal year 2012 pursuant
7 to section 224(e)(1)(B) of Public Law 98–76; and in addi-
8 tion, an amount, not to exceed 2 percent of the amount
9 provided herein, shall be available proportional to the
10 amount by which the product of recipients and the average
11 benefit received exceeds the amount available for payment
12 of vested dual benefits: *Provided*, That the total amount
13 provided herein shall be credited in 12 approximately
14 equal amounts on the first day of each month in the fiscal
15 year.

16 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

17 ACCOUNTS

18 For payment to the accounts established in the
19 Treasury for the payment of benefits under the Railroad
20 Retirement Act for interest earned on unnegotiated
21 checks, \$150,000, to remain available through September
22 30, 2013, which shall be the maximum amount available
23 for payment pursuant to section 417 of Public Law 98–
24 76.

1 expense of the Office; or used to reimburse the Office for
2 any service provided, or expense incurred, by the Office.

3 SOCIAL SECURITY ADMINISTRATION

4 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

5 For payment to the Federal Old-Age and Survivors
6 Insurance Trust Fund and the Federal Disability Insur-
7 ance Trust Fund, as provided under sections 201(m),
8 228(g), and 1131(b)(2) of the Social Security Act,
9 \$20,404,000.

10 SUPPLEMENTAL SECURITY INCOME PROGRAM

11 For carrying out titles XI and XVI of the Social Se-
12 curity Act, section 401 of Public Law 92–603, section 212
13 of Public Law 93–66, as amended, and section 405 of
14 Public Law 95–216, including payment to the Social Secu-
15 rity trust funds for administrative expenses incurred pur-
16 suant to section 201(g)(1) of the Social Security Act,
17 \$38,062,428,000, to remain available until expended: *Pro-*
18 *vided*, That any portion of the funds provided to a State
19 in the current fiscal year and not obligated by the State
20 during that year shall be returned to the Treasury: *Pro-*
21 *vided further*, That not more than \$17,428,000 shall be
22 available for research and demonstrations under sections
23 1110 and 1114 of the Social Security Act and remain
24 available until the end of fiscal year 2013: *Provided fur-*
25 *ther*, That from the funds provided for research and dem-

1 onstration of section 1110 of the Social Security Act, up
2 to \$10,000,000 shall be available to provide incentives
3 payments and to conduct a rigorous evaluation of a dem-
4 onstration project designed to improve the outcomes for
5 SSI child recipients and their families: *Provided further,*
6 That for the previous proviso the Commissioner is author-
7 ized to waive any of the requirements, conditions, or limi-
8 tations of title XVI of the Social Security Act, and is au-
9 thorized to waive any requirements related to the conduct
10 of research or demonstration projects, where appropriate.

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

15 For making benefit payments under title XVI of the
16 Social Security Act for the first quarter of fiscal year
17 2013, \$18,200,000,000, to remain available until ex-
18 pended.

19 LIMITATION ON ADMINISTRATIVE EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses, including the hire of two pas-
22 senger motor vehicles, and not to exceed \$20,000 for offi-
23 cial reception and representation expenses, not more than
24 \$10,981,494,000 may be expended, as authorized by sec-
25 tion 201(g)(1) of the Social Security Act, from any one

1 or all of the trust funds referred to in such section: *Pro-*
2 *vided*, That not less than \$2,150,000 shall be for the So-
3 cial Security Advisory Board: *Provided further*, That up
4 two percent of these funds may be used to support Pro-
5 gram Integrity activity: *Provided further*, That funds made
6 available in this paragraph and remaining unobligated at
7 the end of fiscal year 2012 may be placed, not later than
8 the end of the fifth fiscal year after the last fiscal year
9 for which such funds are available for the purposes for
10 which appropriated, in an IT and Telecommunications In-
11 vestment Fund (“ITT Fund”) to be established within
12 this account where such funds shall remain available until
13 expended for investments in Social Security Administra-
14 tion information technology and telecommunications hard-
15 ware and software infrastructure, including related equip-
16 ment and non-payroll administrative expenses: *Provided*
17 *further*, That unobligated balances of appropriations made
18 to this account in prior fiscal years that remain available
19 for the purposes specified in the preceding proviso may
20 also be placed in the ITT Fund not later than the end
21 of the fifth fiscal year after the last fiscal year for which
22 such funds are available for the purposes for which such
23 funds were appropriated: *Provided further*, That hereafter
24 the Commissioner of the Social Security Administration
25 shall provide information to the Committees on Appropria-

1 tions of the House of Representatives and the Senate each
2 year, at the same time the President's budget is submitted
3 to Congress, regarding actual or estimated amounts placed
4 in, and obligated and expended from, the ITT Fund dur-
5 ing the preceding, current, and succeeding fiscal years, in-
6 cluding the nature and purposes of all such obligations
7 and expenditures, and regarding the balances remaining
8 (or expected to remain) in the ITT Fund as of the close
9 of each such fiscal year: *Provided further*, That reimburse-
10 ment to the trust funds under this heading for expendi-
11 tures for official time for employees of the Social Security
12 Administration pursuant to section 7131 of title 5, United
13 States Code, and for facilities or support services for labor
14 organizations pursuant to policies, regulations, or proce-
15 dures referred to in section 7135(b) of such title shall be
16 made by the Secretary of the Treasury, with interest, from
17 amounts in the general fund of the Treasury not otherwise
18 appropriated, as soon as possible after such expenditures
19 are made.

20 In addition, \$163,000,000 to be derived from admin-
21 istration fees in excess of \$5.00 per supplementary pay-
22 ment collected pursuant to section 1616(d) of the Social
23 Security Act or section 212(b)(3) of Public Law 93-66,
24 which shall remain available until expended. To the extent
25 that the amounts collected pursuant to such sections in

1 fiscal year 2012 exceed \$163,000,000, the amounts shall
2 be available in fiscal year 2013 only to the extent provided
3 in advance in appropriations Acts.

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

8 PROGRAM INTEGRITY

9 For necessary expenses, not more than \$896,000,000
10 may be expended, as authorized by section 201(g)(1) of
11 the Social Security Act, from any one or all of the trust
12 funds referred to therein: *Provided*, That such funds may
13 only be used for the costs associated with conducting con-
14 tinuing disability reviews under titles II and XVI of the
15 Social Security Act and for the costs associated with con-
16 ducting redeterminations of eligibility under title XVI of
17 the Social Security Act: *Provided further*, That the Com-
18 missioner shall provide to the Congress (at the conclusion
19 of the fiscal year) a report on the obligation and expendi-
20 ture of these funds, similar to the reports that were re-
21 quired by section 103(d)(2) of Public Law 104–121 for
22 fiscal years 1996 through 2002.

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, \$30,000,000, together with not to
6 exceed \$77,113,000, 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 are notified at least 15 days in advance of any
19 transfer and approve such transfer.

20 TITLE V—GENERAL PROVISIONS
21 (TRANSFER OF FUNDS)

22 SEC. 501. The Secretaries of Labor, Health and
23 Human Services, and Education are authorized to transfer
24 unexpended balances of prior appropriations to accounts
25 corresponding to current appropriations provided in this

1 Act. Such transferred balances shall be used for the same
2 purpose, and for the same periods of time, for which they
3 were originally appropriated.

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

7 SEC. 503. (a) No part of any appropriation contained
8 in this or any other Act shall be used, other than for nor-
9 mal and recognized executive legislative relationships, for
10 publicity or propaganda purposes, for the preparation, dis-
11 tribution, or use of any kit, pamphlet, booklet, publication,
12 electronic communication, radio, television, or video pres-
13 entation designed to support or defeat the enactment of
14 legislation before the Congress or any State or local legis-
15 lature or legislative body, except in presentation to the
16 Congress or any State or local legislature itself or designed
17 to support or defeat any proposed or pending regulation,
18 administrative action, or order issued by the Executive
19 Branch of any State or local government;

20 (b) No part of any appropriation contained in this
21 Act shall be used to pay the salary or expenses of any
22 grant or contract recipient, or agent acting for such recipi-
23 ent, related to any activity designed to influence the enact-
24 ment of legislation, appropriations, regulation, administra-
25 tive action, or executive order proposed or pending before

1 the Congress or any State government, State legislature
2 or local legislature or legislative body;

3 (c) The prohibitions in paragraphs (a) and (b) shall
4 include any activity to advocate or promote any pending
5 or future Federal, state or local tax increase or any pend-
6 ing or future requirement or restriction on any legal con-
7 sumer product, including its sale or marketing, including
8 but not limited to the study, advocacy and promotion of
9 gun control;

10 (d) None of the funds made available to the Depart-
11 ment of Health and Human Services under Section 4002
12 of Public Law 111-148 shall be used in whole or in part
13 to fund any projects or activities not subject to reporting
14 requirements equivalent to those specified in Section 1512
15 of Public Law 111-5.

16 SEC. 504. The Secretaries of Labor and Education
17 are authorized to make available not to exceed \$28,000
18 and \$20,000, respectively, from funds available for sala-
19 ries and expenses under titles I and III, respectively, for
20 official reception and representation expenses; the Direc-
21 tor of the Federal Mediation and Conciliation Service is
22 authorized to make available for official reception and rep-
23 resentation expenses not to exceed \$5,000 from the funds
24 available for "Federal Mediation and Conciliation Service,
25 Salaries and Expenses"; and the Chairman of the Na-

1 tional Mediation Board is authorized to make available for
2 official reception and representation expenses not to ex-
3 ceed \$5,000 from funds available for “National Mediation
4 Board, Salaries and Expenses”.

5 SEC. 505. When issuing statements, press releases,
6 requests for proposals, bid solicitations and other docu-
7 ments describing projects or programs funded in whole or
8 in part with Federal money, all grantees receiving Federal
9 funds included in this Act, including but not limited to
10 State and local governments and recipients of Federal re-
11 search grants, shall clearly state—

12 (1) the percentage of the total costs of the pro-
13 gram or project which will be financed with Federal
14 money;

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

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

20 SEC. 506. (a) None of the funds appropriated in this
21 Act, none of the funds in any trust fund to which funds
22 are appropriated in this Act, and none of the funds made
23 available by Public Law 111-148 or title I or subtitle B
24 of title II of Public Law 111-152 shall be expended for
25 any abortion.

1 (b) None of the funds appropriated in this Act, none
2 of the funds in any trust fund to which funds are appro-
3 priated in this Act, and none of the funds made available
4 by Public Law 111-148 or title I or subtitle B of title
5 II of Public Law 111-152 shall be expended for health
6 benefits coverage that includes coverage of abortion.

7 (c) The term health benefits coverage means the
8 package of services covered by a managed care provider
9 or organization pursuant to a contract or other arrange-
10 ment.

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

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

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

21 (b) Nothing in the preceding section shall be con-
22 strued as prohibiting the expenditure by a State, locality,
23 entity, or private person of State, local, or private funds
24 (other than a State's or locality's contribution of Medicaid
25 matching funds).

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

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

15 (2) In this subsection, the term health care entity in-
16 cludes an individual physician or other health care profes-
17 sional, a hospital, a provider-sponsored organization, a
18 health maintenance organization, a health insurance plan,
19 or any other kind of health care facility, organization, or
20 plan.

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

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

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

7 (b) For purposes of this section, the term human em-
8 bryo or embryos includes any organism, not protected as
9 a human subject under 45 CFR 46 as of the date of the
10 enactment of this Act, that is derived by fertilization, par-
11 thenogenesis, cloning, or any other means from one or
12 more human gametes or human diploid cells.

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

20 (b) The limitation in subsection (a) shall not apply
21 when there is significant medical evidence of a therapeutic
22 advantage to the use of such drug or other substance or
23 that Federally sponsored clinical trials are being con-
24 ducted to determine therapeutic advantage.

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

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

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

17 (2) such entity has not submitted a report as
18 required by that section for the most recent year for
19 which such requirement was applicable to such enti-
20 ty.

21 SEC. 512. None of the funds made available in this
22 Act may be transferred to any department, agency, or in-
23 strumentality of the United States Government, except
24 pursuant to a transfer made by, or transfer authority pro-
25 vided in, this Act or any other appropriation Act.

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

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

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

25 (1) creates new programs;

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

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

5 (4) relocates an office or employees;

6 (5) reorganizes or renames offices;

7 (6) reorganizes programs or activities; or

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

10 unless approved by the Committees on Appropriations of
11 the House of Representatives and the Senate 15 days in
12 advance of such reprogramming.

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

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

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

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

8 unless approved by the Committees on Appropriations of
9 the House of Representatives and the Senate 15 days in
10 advance of such reprogramming.

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

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

21 SEC. 517. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2012 that are different than those specified

1 in this Act, the accompanying detailed table in the com-
2 mittee report, or the fiscal year 2012 budget request.

3 SEC. 518. The Secretaries of Labor, Health and
4 Human Services, and Education shall each prepare and
5 submit to the Committees on Appropriations of the House
6 of Representatives and the Senate a report on the number
7 and amount of contracts, grants, and cooperative agree-
8 ments exceeding \$100,000 in value and awarded by the
9 Department on a non-competitive basis during each quar-
10 ter of fiscal year 2012, but not to include grants awarded
11 on a formula basis or directed by law. Such report shall
12 include the name of the contractor or grantee, the amount
13 of funding, the governmental purpose, including a jus-
14 tification for issuing the award on a non-competitive basis.
15 Such report shall be transmitted to the Committees within
16 30 days after the end of the quarter for which the report
17 is submitted.

18 SEC. 519. None of the funds appropriated or other-
19 wise made available by this Act may be used to enter into
20 a contract in an amount greater than \$5,000,000 or to
21 award a grant in excess of such amount unless the pro-
22 spective contractor or grantee certifies in writing to the
23 agency awarding the contract or grant that, to the best
24 of its knowledge and belief, the contractor or grantee has
25 filed all Federal tax returns required during the three

1 years preceding the certification, has not been convicted
2 of a criminal offense under the Internal Revenue Code of
3 1986, and has not, more than 90 days prior to certifi-
4 cation, been notified of any unpaid Federal tax assessment
5 for which the liability remains unsatisfied, unless the as-
6 sessment is the subject of an installment agreement or
7 offer in compromise that has been approved by the Inter-
8 nal Revenue Service and is not in default, or the assess-
9 ment is the subject of a non-frivolous administrative or
10 judicial proceeding.

11 SEC. 520. None of the funds appropriated in this Act
12 shall be expended or obligated by the Commissioner of So-
13 cial Security, for purposes of administering Social Security
14 benefit payments under title II of the Social Security Act,
15 to process any claim for credit for a quarter of coverage
16 based on work performed under a social security account
17 number that is not the claimant's number and the per-
18 formance of such work under such number has formed the
19 basis for a conviction of the claimant of a violation of sec-
20 tion 208(a)(6) or (7) of the Social Security Act.

21 SEC. 521. None of the funds appropriated by this Act
22 may be used by the Commissioner of Social Security or
23 the Social Security Administration to pay the compensa-
24 tion of employees of the Social Security Administration
25 to administer Social Security benefit payments, under any

1 agreement between the United States and Mexico estab-
2 lishing totalization arrangements between the social secu-
3 rity system established by title II of the Social Security
4 Act and the social security system of Mexico, which would
5 not otherwise be payable but for such agreement.

6 SEC. 522. None of the funds made available in this
7 Act may be used in contravention of title IV of the Per-
8 sonal Responsibility and Work Opportunity Reconciliation
9 Act of 1996 (8 U.S.C. 1611 et seq.).

10 SEC. 523. Notwithstanding any other provision of
11 this Act, no funds appropriated in this Act shall be used
12 to carry out any program of distributing sterile needles
13 or syringes for the hypodermic injection of any illegal
14 drug.

15 SEC. 524. None of the funds made available by this
16 Act may be made available for any purpose to Planned
17 Parenthood Federation of America, Inc. or any affiliate
18 or clinic of Planned Parenthood Federation of America,
19 Inc. unless such entities certify that Planned Parenthood
20 Federation of America affiliates and clinics will not per-
21 form, and will not provide any funds to any other entity
22 that performs, an abortion.

23 (1) This limitation shall not apply to an abor-
24 tion:

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

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

10 (2) The Secretary of Health and Human Serv-
11 ices shall seek repayment of any Federal assistance
12 received by Planned Parenthood Federation of
13 America, Inc., or any affiliate or clinic of Planned
14 Parenthood Federation of America, Inc., if it vio-
15 lates the terms of the certification required by this
16 section.

17 SEC. 525. None of the funds made available in this
18 Act may be used to implement, administer, enforce, or fur-
19 ther the provisions of Public Law 111-148 and title I and
20 subtitle B of title II of Public Law 111-152 (and the
21 amendments made by such provisions) until 90 days after
22 the date on which all legal challenges to any of such provi-
23 sions are complete: *Provided*, That funds in this Act may
24 be used to implement, administer, enforce, or further the
25 final rules for regulations CMS-1524-P, CMS-1325-P,

1 CMS-1353-P, CMS-1577-P, CMS-1346-F, CMS-1349-F,
2 CMS-1351-F, and CMS-1518-F insofar as each respective
3 rule relates to calendar year 2012 or fiscal year 2012: *Pro-*
4 *vided further*, That if as a result of this provision cost
5 share weights for calculating payment rates under the
6 physician fee schedule under section 1848 of the Social
7 Security Act and calculating productivity adjustments to
8 payment rates for 2012 under title XVIII of such Act are
9 not available, the Secretary of Health and Human Serv-
10 ices shall use such cost share weights used in the final
11 rule for the applicable regulation specified in the preceding
12 proviso for calendar year 2012 or fiscal year 2012 for cal-
13 culating such payment rates and productivity adjustments
14 and shall implement such adjustments: *Provided further*,
15 That funds in this Act may be used to implement, admin-
16 ister, enforce, or further the final rules for the provisions
17 of (and amendments made by) sections 2501(c), 2501(d),
18 and 2503 of Public Law 111-148, as amended by sections
19 1206(a) and 1101(c) of Public Law 111-152, insofar as
20 each respective rule relates to calendar year 2012.

21 SEC. 526. Of the funds made available for fiscal year
22 2012 [for Aging and Disability Resources Centers] under
23 section 2405 of Public Law 111-148, \$10,000,000 is re-
24 scinded.

1 SEC. 527. Of the funds made available [for the Con-
2 sumer Operated and Oriented Plan] under section 1322
3 of Public Law 111-148, \$3,800,000,000 is rescinded.

4 SEC. 528. Of the funds made available [for the Cen-
5 ter for Medicare & Medicaid Innovation] under section
6 3021(a) of Public Law 111-148, \$1,862,000,000 is re-
7 scinded.

8 SEC. 529. Of the funds made available for fiscal year
9 2012 [for the Independent Payment Advisory Board]
10 under section 3403 of Public Law 111-148, \$15,000,000
11 is rescinded.

12 SEC. 530. Of the funds made available for fiscal year
13 2012 [for the Community Health Centers Fund] under
14 sections 10503(b)(1) and 10503(b)(2) of Public Law 111-
15 148, \$1,495,000,000 is rescinded.

16 SEC. 531. Of the funds made available for fiscal year
17 2012 [for the Health workforce demonstration grants]
18 under section 5507(a) of Public Law 111-148,
19 \$85,000,000 is rescinded.

20 SEC. 532. Of the funds made available for fiscal year
21 2012 [for the Prevention and Public Health Fund] under
22 section 4002 of Public Law 111-148, \$1,000,000,000 is
23 rescinded.

24 SEC. 533. Of the funds made available for fiscal year
25 2012 [for the Maternal, Infant, and Early Childhood

1 Home Visitation] under section 2951 of Public Law 111-
2 148, \$350,000,000 is rescinded.

3 SEC. 534. Of the funds made available for fiscal year
4 2012 [for the Pregnancy Assistance Fund] under section
5 10214 of Public Law 111-148, \$25,000,000 is rescinded.

6 ABORTION NON-DISCRIMINATION

7 SEC. 535. Section 245 of the Public Health Service
8 Act (42 3 U.S.C. 238n) is amended—

9 (1) in the section heading, by striking “**AND**
10 **LICENSING OF PHYSICIANS AND INSERT-**
11 **ING**” and inserting “**, LICENSING, AND PRACTICE**
12 **OF PHYSICIANS AND OTHER HEALTH CARE EN-**
13 **TITIES**”;

14 (2) in subsection (a), by amending paragraph
15 (1) to read as follows:

16 “(1) the entity refuses—

17 “(A) to undergo training in the perform-
18 ance of induced abortions;

19 “(B) to require or provide such training;

20 “(C) to perform, participate in, provide
21 coverage of, or pay for induced abortions;

22 “(D) to provide referrals for such training
23 or such abortions;”.

24 (3) in subsection (b), by striking an “accredita-
25 tion standards that requires” and inserting “an ac-
26 creditation standard that requires”;

1 (4) in subsection (c), by amending paragraphs
2 (1) and (2) to read as follows:

3 “(1) The term ‘financial assistance’, with re-
4 spect to a government program, means governmental
5 payments to cover the cost of health care services or
6 benefits, or other Federal payments, grants, or loans
7 to promote or otherwise facilitate health-related ac-
8 tivities

9 “(2) The term ‘health care entity’ includes an
10 individual physician or other health professional, a
11 postgraduate physician training program, a partici-
12 pant in a program of training in the health profes-
13 sions, a hospital, a provider sponsored organization,
14 a health maintenance organization, an accountable
15 care organization, a health insurance plan, or any
16 other kind of health care facility, organization, or
17 plan.”.

18 (5) in subsection (c), by adding a new graph (4)
19 as follows:

20 “(4) The term ‘State or local government that
21 receives Federal financial assistance’ includes any
22 agency or other governmental unit of a State or
23 local government if such government receives Fed-
24 eral financial assistance.”.

1 (6) by redesignating subsection (c) as sub-
2 section (e); and

3 (7) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) REMEDIES.—

6 “(1) IN GENERAL.—The courts of the United
7 States shall have jurisdiction to prevent and redress
8 actual or threatened violations of this section by
9 issuing any form of legal or equitable relief, includ-
10 ing—

11 “(A) injunctions prohibiting conduct that
12 violates this section; and

13 “(B) orders preventing the disbursement of
14 all or a portion of Federal financial assistance
15 to a State or local government, or to a specific
16 offending agency or program of a State or local
17 government, until such time as the conduct pro-
18 hibited by this section has ceased.

19 “(2) COMMENCEMENT OF ACTION.—An action
20 under this section may be instituted by—

21 “(A) any health care entity that has stand-
22 ing to complain of an actual or threatened vio-
23 lation of this section; or

24 “(B) the Attorney General of the United
25 States.

1 “(3) RELATION TO ADMINISTRATIVE REM-
2 EDIES.—A party may commence or continue an ac-
3 tion and obtain relief under this subsection without
4 regard to whether a complaint under subsection (d)
5 has been filed or is pending.

6 “(d) ADMINISTRATION.—The Secretary shall des-
7 ignate the Director of the Office for Civil Rights of the
8 Department of Health and Human Services—

9 “(1) to receive complaints alleging a violation of
10 this section; and

11 “(2) to pursue the investigation of such com-
12 plaints, in coordination with the Attorney General.”.

13 SEC. 536. The Departments of Labor, Health and
14 Human Services and Education and the Social Security
15 Administration shall provide the Committees on Appro-
16 priations of the House of Representatives and Senate a
17 quarterly report on the status of balances of appropria-
18 tions: *Provided*, That for balances that are unobligated
19 and uncommitted, committed, and obligated but unex-
20 pended, the quarterly reports shall separately identify the
21 amounts attributable to each source year of appropriation
22 from which balances were derived: *Provided further*, That
23 initial reports shall be submitted to the Committees on
24 Appropriations within 30 days of the end of the first quar-
25 ter of fiscal year 2012: *Provided further*, That subsequent

1 reports shall be submitted within 30 days of the end of
2 each quarter thereafter.

3 SEC. 537. The amount by which the applicable alloca-
4 tion of new budget authority made by the Committee on
5 Appropriations of the House of Representatives under sec-
6 tion 302(b) of the Congressional Budget Act of 1974 ex-
7 ceeds the amount of proposed new budget authority is \$0.

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

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