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[Report No. 112-____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2012

Mr. REHBERG, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 2013, and for other purposes, namely:

8 **TITLE I—DEPARTMENT OF LABOR**

9 **EMPLOYMENT AND TRAINING ADMINISTRATION**

10 **TRAINING AND EMPLOYMENT SERVICES**

11 **(INCLUDING TRANSFER OF FUNDS)**

12 For necessary expenses of the Workforce Investment
13 Act of 1998 (referred to in this Act as “WIA”), the Sec-
14 ond Chance Act of 2007, \$3,013,270,000, plus reimburse-
15 ments, shall be available. Of the amounts provided:

16 (1) for grants to States for adult employment
17 and training activities, youth activities, and dis-
18 located worker employment and training activities,
19 \$2,600,344,000 as follows:

20 (A) \$769,465,000 for adult employment
21 and training activities, of which \$57,465,000
22 shall be available for the period July 1, 2013,
23 through June 30, 2014, and of which
24 \$712,000,000 shall be available for the period
25 October 1, 2013 through June 30, 2014;

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

4 (C) \$1,006,526,000 for dislocated worker
5 employment and training activities, of which
6 \$146,526,000 shall be available for the period
7 July 1, 2013 through June 30, 2014, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2013 through June 30, 2014:
10 *Provided*, That notwithstanding the transfer
11 limitation under section 133(b)(4) of the WIA,
12 up to 30 percent of such funds may be trans-
13 ferred by a local board if approved by the Gov-
14 ernor: *Provided further*, That a local board may
15 award a contract to an institution of higher
16 education or other eligible training provider if
17 the local board determines that it would facili-
18 tate the training of multiple individuals in high-
19 demand occupations, if such contract does not
20 limit customer choice: *Provided further*, That
21 notwithstanding section 128(a)(1) of the WIA,
22 the amount available to the Governor for state-
23 wide workforce investment activities shall not
24 exceed 15 percent of the amount allotted to the

1 State from each of the appropriations under the
2 preceding subparagraphs;

3 (2) for federally administered programs,
4 \$328,688,000 as follows:

5 (A) \$123,688,000 for the dislocated work-
6 ers assistance national reserve, of which
7 \$23,688,000 shall be available for the period
8 July 1, 2013 through June 30, 2014, and of
9 which \$100,000,000 shall be available for the
10 period October 1, 2013 through June 30, 2014:
11 *Provided*, That funds provided to carry out sec-
12 tion 132(a)(2)(A) of the WIA may be used to
13 provide assistance to a State for statewide or
14 local use in order to address cases where there
15 have been worker dislocations across multiple
16 sectors or across multiple local areas and such
17 workers remain dislocated; coordinate the State
18 workforce development plan with emerging eco-
19 nomic development needs; and train such eligi-
20 ble dislocated workers: *Provided further*, That
21 funds provided to carry out section 171(d) of
22 the WIA may be used for demonstration
23 projects that provide assistance to new entrants
24 in the workforce and incumbent workers: *Pro-*
25 *vided further*, That none of the funds shall be

1 obligated to carry out section 173(e) of the
2 WIA;

3 (B) \$45,000,000 for Native American pro-
4 grams, which shall be available for the period
5 July 1, 2013 through June 30, 2014;

6 (C) \$80,000,000 for migrant and seasonal
7 farmworker programs under section 167 of the
8 WIA, including \$74,160,000 for formula grants
9 (of which not less than 70 percent shall be for
10 employment and training services), \$5,360,000
11 for migrant and seasonal housing (of which not
12 less than 70 percent shall be for permanent
13 housing), and \$480,000 for other discretionary
14 purposes, which shall be available for the period
15 July 1, 2013 through June 30, 2014: *Provided,*
16 That notwithstanding any other provision of
17 law or related regulation, the Department of
18 Labor shall take no action limiting the number
19 or proportion of eligible participants receiving
20 related assistance services or discouraging
21 grantees from providing such services;

22 (D) \$80,000,000 for YouthBuild activities
23 as described in section 173A of the WIA, which
24 shall be available for the period April 1, 2013
25 through June 30, 2014; and

1 (E) No funds shall be available for the
2 Workforce Innovation Fund as established by
3 section 1801(a)(3) of division B of Public Law
4 112–10.

5 (3) for national activities, \$84,238,000, as fol-
6 lows:

7 (A) \$80,238,000 for ex-offender activities,
8 under the authority of section 171 of the WIA
9 and section 212 of the Second Chance Act of
10 2007, which shall be available for the period
11 April 1, 2013 through June 30, 2014, notwith-
12 standing the requirements of section
13 171(b)(2)(B) or 171(c)(4)(D) of the WIA: *Pro-*
14 *vided*, That of this amount, \$16,000,000 shall
15 be for competitive grants to national and re-
16 gional intermediaries for activities that prepare
17 young ex-offenders and school dropouts for em-
18 ployment, with a priority for projects serving
19 high-crime, high-poverty areas; and

20 (B) \$4,000,000 for the Workforce Data
21 Quality Initiative, under the authority of section
22 171(c)(2) of the WIA, which shall be available
23 for the period July 1, 2013 through June 30,
24 2014, and which shall not be subject to the re-
25 quirements of section 171(c)(4)(D).

1 OFFICE OF JOB CORPS

2 To carry out subtitle C of title I of the WIA, includ-
3 ing Federal administrative expenses, the purchase and
4 hire of passenger motor vehicles, the construction, alter-
5 ation, and repairs of buildings and other facilities, and the
6 purchase of real property for training centers as author-
7 ized by the WIA, \$1,683,077,000, plus reimbursements,
8 as follows:

9 (1) \$1,574,000,000 for Job Corps Operations,
10 which shall be available for the period July 1, 2013
11 through June 30, 2014: *Provided*, That none of the
12 funds made available by this title for the Office of
13 the Secretary at the Department of Labor may be
14 used for travel unless and until the Secretary of
15 Labor (referred to in this title as “Secretary”) sub-
16 mits to the Committees on Appropriations of the
17 House of Representatives and the Senate the report
18 detailing the Job Corps operations budget shortfall
19 described in the report accompanying this Act;

20 (2) \$80,000,000 for construction, rehabilitation
21 and acquisition of Job Corps Centers, which shall be
22 available for the period July 1, 2013 through June
23 30, 2016: *Provided*, That the Secretary may transfer
24 up to 15 percent of such funds to meet the oper-
25 ational needs of such centers or to achieve adminis-

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

5 (3) \$29,077,000 for necessary expenses of the
6 Office of Job Corps, which shall be available for obli-
7 gation for the period October 1, 2012 through Sep-
8 tember 30, 2013:

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

12 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

13 AMERICANS

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

19 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

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

10 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

11 SERVICE OPERATIONS

12 For authorized administrative expenses,
13 \$86,068,000, together with not to exceed \$3,765,761,000
14 which may be expended from the Employment Security
15 Administration Account in the Unemployment Trust Fund
16 (“the Trust Fund”), of which:

17 (1) \$2,989,912,000 from the Trust Fund is for
18 grants to States for the administration of State un-
19 employment insurance laws as authorized under title
20 III of the Social Security Act (including not less
21 than \$60,000,000 to conduct in-person reemploy-
22 ment and eligibility assessments and unemployment
23 insurance improper payment reviews), the adminis-
24 tration of unemployment insurance for Federal em-
25 ployees and for ex-service members as authorized

1 under 5 U.S.C. 8501–8523, and the administration
2 of trade readjustment allowances, reemployment
3 trade adjustment assistance, and alternative trade
4 adjustment assistance under the Trade Act of 1974
5 and under section 231(a) of the Trade Adjustment
6 Assistance Extension Act of 2011, and shall be
7 available for obligation by the States through De-
8 cember 31, 2013, except that funds used for auto-
9 mation acquisitions or competitive grants awarded to
10 States for improved operations, or reemployment
11 and eligibility assessments and improper payments
12 shall be available for obligation by the States
13 through September 30, 2015, and funds used for
14 unemployment insurance workloads experienced by
15 the States through September 30, 2013 shall be
16 available for Federal obligation through December
17 31, 2013;

18 (2) \$11,297,000 from the Trust Fund is for na-
19 tional activities necessary to support the administra-
20 tion of the Federal-State unemployment insurance
21 system;

22 (3) \$678,247,000 from the Trust Fund, to-
23 gether with \$22,595,000 from the General Fund of
24 the Treasury, is for grants to States in accordance
25 with section 6 of the Wagner-Peyser Act, of which

1 not less than \$30,000,000 shall be used to provide
2 reemployment services to beneficiaries of unemploy-
3 ment insurance, and shall be available for Federal
4 obligation for the period July 1, 2013 through June
5 30, 2014;

6 (4) \$20,912,000 from the Trust Fund is for na-
7 tional activities of the Employment Service, includ-
8 ing administration of the work opportunity tax cred-
9 it under section 51 of the Internal Revenue Code of
10 1986, and the provision of technical assistance and
11 staff training under the Wagner-Peyser Act, includ-
12 ing not to exceed \$1,228,000 that may be used for
13 amortization payments to States which had inde-
14 pendent retirement plans in their State employment
15 service agencies prior to 1980;

16 (5) \$65,393,000 from the Trust Fund is for the
17 administration of foreign labor certifications and re-
18 lated activities under the Immigration and Nation-
19 ality Act and related laws, of which \$50,323,000
20 shall be available for the Federal administration of
21 such activities, and \$15,070,000 shall be available
22 for grants to States for the administration of such
23 activities; and

24 (6) \$63,473,000 from the General Fund is to
25 provide workforce information, national electronic

1 tools, and one-stop system building under the Wag-
2 ner-Peyser Act and section 171(e)(2)(C) of the WIA
3 and shall be available for Federal obligation for the
4 period July 1, 2013 through June 30, 2014:

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

1 one-stop career center system, or which are used to sup-
2 port the national activities of the Federal-State unemploy-
3 ment insurance or immigration programs, may be obli-
4 gated in contracts, grants, or agreements with non-State
5 entities: *Provided further*, That funds appropriated under
6 this Act for activities authorized under title III of the So-
7 cial Security Act and the Wagner-Peyser Act may be used
8 by States to fund integrated Unemployment Insurance
9 and Employment Service automation efforts, notwith-
10 standing cost allocation principles prescribed under the
11 Office of Management and Budget Circular A-87: *Pro-*
12 *vided further*, That the Secretary, at the request of a State
13 participating in a consortium with other States, may
14 reallocate funds allotted to such State under title III of the
15 Social Security Act to other States participating in the
16 consortium in order to carry out activities that benefit the
17 administration of the unemployment compensation law of
18 the State making the request: *Provided further*, That the
19 Secretary may collect fees for the costs associated with
20 additional data collection, analyses, and reporting services
21 relating to the National Agricultural Workers Survey re-
22 quested by State and local governments, public and private
23 institutions of higher education, and non-profit organiza-
24 tions and may utilize such sums, in accordance with the
25 provisions of 29 U.S.C. 9a, for the National Agricultural

1 Workers Survey infrastructure, methodology, and data to
2 meet the information collection and reporting needs of
3 such entities, which shall be credited to this appropriation
4 and shall remain available until September 30, 2014, for
5 such purposes.

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

11 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND

12 OTHER FUNDS

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

23 PROGRAM ADMINISTRATION

24 For expenses of administering employment and train-
25 ing programs, \$97,137,000, together with not to exceed

1 \$49,946,000 which may be expended from the Employ-
2 ment Security Administration Account in the Unemploy-
3 ment Trust Fund.

4 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

5 SALARIES AND EXPENSES

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

8 PENSION BENEFIT GUARANTY CORPORATION

9 PENSION BENEFIT GUARANTY CORPORATION FUND

10 The Pension Benefit Guaranty Corporation (“Cor-
11 poration”) is authorized to make such expenditures, in-
12 cluding financial assistance authorized by subtitle E of
13 title IV of the Employee Retirement Income Security Act
14 of 1974, within limits of funds and borrowing authority
15 available to the Corporation, and in accord with law, and
16 to make such contracts and commitments without regard
17 to fiscal year limitations, as provided by 31 U.S.C. 9104,
18 as may be necessary in carrying out the program, includ-
19 ing associated administrative expenses, through Sep-
20 tember 30, 2013, for the Corporation: *Provided*, That
21 none of the funds available to the Corporation for fiscal
22 year 2013 shall be available for obligations for administra-
23 tive expenses in excess of \$479,013,000: *Provided further*,
24 That to the extent that the number of new plan partici-
25 pants in plans terminated by the Corporation exceeds

1 100,000 in fiscal year 2013, an amount not to exceed an
2 additional \$9,200,000 shall be available through Sep-
3 tember 30, 2014, for obligation for administrative ex-
4 penses for every 20,000 additional terminated partici-
5 pants: *Provided further*, That an additional \$50,000 shall
6 be made available through September 30, 2014, for obliga-
7 tion for investment management fees for every
8 \$25,000,000 in assets received by the Corporation as a
9 result of new plan terminations or asset growth, after ap-
10 proval by the Office of Management and Budget and noti-
11 fication of the Committees on Appropriations of the House
12 of Representatives and the Senate: *Provided further*, That
13 obligations in excess of the amounts provided in this para-
14 graph may be incurred for unforeseen and extraordinary
15 pretermination expenses, or unforeseen and emergency
16 multiemployer program related expenses from the revolv-
17 ing trust fund for multiemployer plans, after approval by
18 the Office of Management and Budget and notification of
19 the Committees on Appropriations of the House of Rep-
20 resentatives and the Senate, the House Committee on
21 Ways and Means, the House Committee on Education and
22 the Workforce, the Senate Committee on Finance, and the
23 Senate Committee on Health, Education, Labor and Pen-
24 sions: *Provided further*, That the Corporation shall not
25 issue notes or obligations pursuant to Section 4005(c) of

1 the Employee Retirement Income Security Act of 1974 to
2 pay for such expenses.

3 WAGE AND HOUR DIVISION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Wage and Hour Divi-
6 sion, including reimbursement to State, Federal, and local
7 agencies and their employees for inspection services ren-
8 dered, \$215,000,000.

9 OFFICE OF LABOR-MANAGEMENT STANDARDS

10 SALARIES AND EXPENSES

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

13 OFFICE OF FEDERAL CONTRACT COMPLIANCE

14 PROGRAMS

15 SALARIES AND EXPENSES

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

18 OFFICE OF WORKERS' COMPENSATION PROGRAMS

19 SALARIES AND EXPENSES

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

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

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

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

11 (1) For enhancement and maintenance of auto-
12 mated data processing systems and telecommuni-
13 cations systems, \$17,253,000;

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

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

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

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

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

3 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

14 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

15 OCCUPATIONAL ILLNESS COMPENSATION FUND

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

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

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

21 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
22 SALARIES AND EXPENSES

23 For necessary expenses for the Occupational Safety
24 and Health Administration, \$560,042,000, including not
25 to exceed \$104,196,000 which shall be the maximum

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

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

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

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

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

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

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

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

12 *Provided further*, That the foregoing proviso shall not
13 apply to any person who is engaged in a farming operation
14 which does not maintain a temporary labor camp and em-
15 ploys 10 or fewer employees: *Provided further*, That no
16 funds shall be available for Susan Harwood training
17 grants.

18 MINE SAFETY AND HEALTH ADMINISTRATION

19 SALARIES AND EXPENSES

20 For necessary expenses for the Mine Safety and
21 Health Administration, \$371,717,000, including purchase
22 and bestowal of certificates and trophies in connection
23 with mine rescue and first-aid work, and the hire of pas-
24 senger motor vehicles, including up to \$2,000,000 for
25 mine rescue and recovery activities; in addition, not to ex-

1 ceed \$750,000 may be collected by the National Mine
2 Health and Safety Academy for room, board, tuition, and
3 the sale of training materials, otherwise authorized by law
4 to be collected, to be available for mine safety and health
5 education and training activities, notwithstanding 31
6 U.S.C. 3302; and, in addition, the Mine Safety and Health
7 Administration may retain up to \$2,499,000 from fees col-
8 lected for the approval and certification of equipment, ma-
9 terials, and explosives for use in mines, and may utilize
10 such sums for such activities, notwithstanding 31 U.S.C.
11 3302; the Secretary is authorized to accept lands, build-
12 ings, equipment, and other contributions from public and
13 private sources and to prosecute projects in cooperation
14 with other agencies, Federal, State, or private; the Mine
15 Safety and Health Administration is authorized to pro-
16 mote health and safety education and training in the min-
17 ing community through cooperative programs with States,
18 industry, and safety associations; the Secretary is author-
19 ized to recognize the Joseph A. Holmes Safety Association
20 as a principal safety association and, notwithstanding any
21 other provision of law, may provide funds and, with or
22 without reimbursement, personnel, including service of
23 Mine Safety and Health Administration officials as offi-
24 cers in local chapters or in the national organization; and
25 any funds available to the Department of Labor may be

1 used, with the approval of the Secretary, to provide for
2 the costs of mine rescue and survival operations in the
3 event of a major disaster.

4 BUREAU OF LABOR STATISTICS

5 SALARIES AND EXPENSES

6 For necessary expenses for the Bureau of Labor Sta-
7 tistics, including advances or reimbursements to State,
8 Federal, and local agencies and their employees for serv-
9 ices rendered, \$547,747,000, together with not to exceed
10 \$67,176,000 which may be expended from the Employ-
11 ment Security Administration Account in the Unemploy-
12 ment Trust Fund, of which \$1,500,000 may be used to
13 fund the mass layoff statistics program under section 15
14 of the Wagner-Peyser Act.

15 OFFICE OF DISABILITY EMPLOYMENT POLICY

16 SALARIES AND EXPENSES

17 For necessary expenses for the Office of Disability
18 Employment Policy to provide leadership, develop policy
19 and initiatives, and award grants furthering the objective
20 of eliminating barriers to the training and employment of
21 people with disabilities, \$38,879,000.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for Departmental Manage-
5 ment, including the hire of three passenger motor vehicles,
6 \$283,939,000, together with not to exceed \$326,000,
7 which may be expended from the Employment Security
8 Administration Account in the Unemployment Trust
9 Fund: *Provided*, That \$30,000,000 for the Bureau of
10 International Labor Affairs shall be available for obliga-
11 tion through December 31, 2013: *Provided further*, That
12 funds available to the Bureau of International Labor Af-
13 fairs may be used to administer or operate international
14 labor activities, bilateral and multilateral technical assist-
15 ance, and microfinance programs, by or through contracts,
16 grants, subgrants and other arrangements: *Provided fur-*
17 *ther*, That \$8,484,000 shall be used for program evalua-
18 tion and shall be available for obligation through Sep-
19 tember 30, 2014: *Provided further*, That funds available
20 for program evaluation may be transferred to any other
21 appropriate account in the Department for such purpose:
22 *Provided further*, That the Committees on Appropriations
23 of the House of Representatives and the Senate are noti-
24 fied at least 15 days in advance of any transfer and ap-
25 prove such transfer: *Provided further*, That the funds

1 available to the Women's Bureau may be used for grants
2 to serve and promote the interests of women in the work-
3 force.

4 VETERANS EMPLOYMENT AND TRAINING

5 Not to exceed \$223,618,000 may be derived from the
6 Employment Security Administration Account in the Un-
7 employment Trust Fund to carry out the provisions of 38
8 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
9 Public Law 103–353, and which shall be available for obli-
10 gation by the States through December 31, 2013, of which
11 \$3,414,000 is for the National Veterans' Employment and
12 Training Services Institute.

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

16 INFORMATION TECHNOLOGY MODERNIZATION

17 For necessary expenses for Department of Labor cen-
18 tralized infrastructure technology investment activities re-
19 lated to support systems and modernization, \$19,815,000.

20 OFFICE OF INSPECTOR GENERAL

21 For salaries and expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$77,790,000, together with not to
24 exceed \$5,898,000 which may be expended from the Em-

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

3 GENERAL PROVISIONS

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

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

6 (TRANSFER OF FUNDS)

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

14 (TRANSFER OF FUNDS)

15 SEC. 108. (a) The Secretary may reserve not more
16 than 0.5 percent from each appropriation made available
17 in this Act identified in subsection (b) in order to carry
18 out evaluations of any of the programs or activities that
19 are funded under such accounts. Any funds reserved under
20 this section shall be transferred to “Departmental Man-
21 agement” for use by the Office of the Chief Evaluation
22 Officer within the Department of Labor, and shall be
23 available for obligation through September 30, 2014: *Pro-*
24 *vided*, That such funds shall only be available if the Chief
25 Evaluation Officer of the Department of Labor submits

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

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

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

20 SEC. 110. None of the funds made available by this
21 title may be used to implement, administer, or enforce the
22 final regulations on “Federal Acquisition Regulation; FAR
23 Case 2009-005, Use of Project Labor Agreements for
24 Federal Construction Projects” published by the Depart-
25 ment of Defense, General Services Administration, and

1 National Aeronautics and Space Administration on April
2 13, 2010 (75 Fed. Reg. 19168).

3 SEC. 111. None of the funds made available by this
4 Act may be used to continue the development of or to pro-
5 mulgate, administer, enforce, or otherwise implement the
6 Persuader Agreements: Employer and Labor Relations
7 Consultant Reporting Under the LMRDA regulation
8 (Regulatory Identification Number 1245-AA03) being de-
9 veloped by the Office of Labor-Management Standards of
10 the Department of Labor.

11 SEC. 112. (a) None of the amounts made available
12 under this Act may be used to promulgate, administer,
13 enforce, or otherwise implement the final rule entitled
14 “Temporary Non-Agricultural Employment of H-2B
15 Aliens in the United States” published by the Department
16 of Labor on February 21, 2012 (77 Fed. Reg. 10038).

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

23 SEC. 113. None of the funds made available by this
24 Act may be used to continue the development of or to pro-
25 mulgate, administer, enforce, or otherwise implement the

1 Injury and Illness Prevention Program regulation (Regu-
2 latory Identification Number 1218-AC48) being developed
3 by the Occupational Safety and Health Administration of
4 the Department of Labor.

5 SEC. 114. None of the funds made available by this
6 Act may be used to enforce section 1910.272(g)(1)(ii) of
7 title 29, Code of Federal Regulations, in a manner that—

8 (1) requires employees to stay more than 6 feet
9 from any partially-guarded or unguarded energized
10 equipment in grain storage areas; or

11 (2) prohibits employees from working closer
12 than 6 feet from any such equipment even if the em-
13 ployees implement positive procedures to assure the
14 equipment is de-energized and there will be no
15 chance of unexpected start-up by requiring an ob-
16 server to—

17 (A) maintain direct visual contact of all
18 employees working in grain storage areas at all
19 times while equipment is operating; and

20 (B) be located at the doorway of bins being
21 emptied and have control of the on/off switch.

22 SEC. 115. 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 Application of the Fair Labor Standards Act to Domestic

1 Service regulation (Regulatory Identification Number
2 1235-AA05) being developed by the Wage and Hour Divi-
3 sion of the Department of Labor.

4 SEC. 116. None of the funds made available by this
5 Act may be used to enforce the cancellation of compliance
6 directive STD 03-00-001 (Plain Language Revision of
7 OSHA Instruction STD 3-1, Interim Fall Protection Com-
8 pliance Guidance for Residential Construction) as it re-
9 lates to residential reroofing and roof-repair activities.

10 SEC. 117. None of the funds made available by this
11 Act may be used to continue the development of Child
12 Labor Regulations, Orders, and Statements of Interpreta-
13 tions regulation (Regulatory Identification Number 1235-
14 AA06) being developed by the Wage and Hour Division
15 of the Department of Labor.

16 SEC. 118. None of the funds made available by this
17 Act may be used to continue the development of or to pro-
18 mulgate, administer, enforce, or otherwise implement the
19 Lowering Miners' Exposure to Coal Mine Dust, Including
20 Continuous Personal Dust Monitors regulation (Regu-
21 latory Identification Number 1219-AB64) being developed
22 by the Mine Safety and Health Administration of the De-
23 partment of Labor.

1 SEC. 119. None of the funds made available by this
2 Act may be used by the Secretary to administer or enforce
3 29 CFR 779.372(c)(4).

4 (RESCISSION)

5 SEC. 120. Of the unobligated balances available
6 under the heading “Departmental Management, Working
7 Capital Fund”, \$10,337,000 is rescinded: *Provided*, That
8 no funds may be rescinded from amounts previously des-
9 igned by the Congress as an emergency requirement
10 pursuant to the Concurrent Resolution on the Budget or
11 the Balanced Budget and Emergency Deficit Control Act
12 of 1985.

13 SEC. 121. Of the funds appropriated under section
14 272(b) of the Trade Act of 1974 for each of fiscal years
15 2013 and 2014, the Secretary may not reserve more than
16 3 percent of such funds to conduct evaluations and provide
17 technical assistance relating to the activities carried out
18 under section 271 of such Act, including activities carried
19 out under such section supported by the appropriations
20 provided for fiscal years 2011 and 2012.

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

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 and the Native Hawai-
8 ian Health Care Act of 1988, \$1,585,064,000, of which
9 \$16,045,000 shall be available until expended for facilities
10 renovations at the Gillis W. Long Hansen’s Disease Cen-
11 ter: *Provided*, That no more than \$40,000 shall be avail-
12 able until expended for carrying out the provisions of sec-
13 tion 224(o) of the PHS Act, including associated adminis-
14 trative expenses and relevant evaluations: *Provided fur-*
15 *ther*, That no more than \$95,073,000 shall be available
16 until expended for carrying out the provisions of Public
17 Law 104–73 and for expenses incurred by the Department
18 of Health and Human Services (referred to in this Act
19 as “HHS”) pertaining to administrative claims made
20 under such law.

21 HEALTH WORKFORCE

22 For carrying out titles III, VII, and VIII of the PHS
23 Act with respect to the health workforce, section 1128E
24 of the Social Security Act, and the Health Care Quality
25 Improvement Act of 1986, \$623,272,000: *Provided*, That

1 section 747(c)(2) of the PHS Act and the proportional
2 funding amounts in paragraphs (1) through (4) of section
3 756(e) of the PHS Act shall not apply to funds made
4 available under this heading: *Provided further*, That no
5 funds shall be available for section 340G–1 of the PHS
6 Act: *Provided further*, That in addition to fees authorized
7 by section 427(b) of the Health Care Quality Improvement
8 Act of 1986, fees shall be collected for the full disclosure
9 of information under such Act sufficient to recover the full
10 costs of operating the National Practitioner Data Bank
11 and shall remain available until expended to carry out that
12 Act: *Provided further*, That fees collected under section
13 1128 E (d) (2) of the Social Security Act for the full dis-
14 closure of information under the “health care fraud and
15 abuse data collection program”, authorized by section
16 1128E(d)(2) of the Social Security Act, shall be sufficient
17 to recover the full costs of operating the program, and
18 shall remain available until expended to carry out that
19 Act: *Provided further*, That fees collected under subsection
20 (e) of section 1921 of the Social Security Act for the dis-
21 closure of information under the information reporting re-
22 quirement program authorized by such section 1921 shall
23 be sufficient to recover the full costs of operating the pro-
24 gram and shall remain available until expended to carry
25 out that Act: *Provided further*, That funds transferred to

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

5 MATERNAL AND CHILD HEALTH

6 For carrying out titles III, XI, XII, and XIX of the
7 PHS Act with respect to maternal and child health, title
8 V of the Social Security Act, and section 712 of the Amer-
9 ican Jobs Creation Act of 2004, \$835,691,000: *Provided*,
10 That notwithstanding sections 502(a)(1) and 502(b)(1) of
11 the Social Security Act, not more than \$78,664,000 shall
12 be available for carrying out special projects of regional
13 and national significance pursuant to section 501(a)(2) of
14 such Act and \$10,253,000 shall be available for projects
15 described in subparagraphs (A) through (F) of section
16 501(a)(3) of such Act.

17 RYAN WHITE HIV/AIDS PROGRAM

18 For carrying out title XXVI of the PHS Act with
19 respect to the Ryan White HIV/AIDS program,
20 \$2,344,566,000, of which \$2,026,898,000 shall remain
21 available to the Secretary of Health and Human Services
22 (referred to in this title as the “Secretary”) through Sep-
23 tember 30, 2014, for parts A and B of title XXVI of the
24 PHS Act: *Provided*, That of the funds available for parts
25 A and B of title XXVI of the PHS Act, not less than

1 \$1,000,000,000 shall be for State AIDS Drug Assistance
2 Programs pursuant to section 2616 or 311(c) of such Act.

3 HEALTH CARE SYSTEMS

4 For carrying out titles III and XII of the PHS Act
5 with respect to health care systems, and the Stem Cell
6 Therapeutic and Research Act of 2005, \$78,278,000.

7 RURAL HEALTH

8 For carrying out titles III and IV of the PHS Act
9 with respect to rural health, section 427(a) of the Federal
10 Coal Mine Health and Safety Act, the Cardiac Arrest Sur-
11 vival Act of 2000, and sections 711 and 1820 of the Social
12 Security Act, \$139,572,000, of which \$41,040,000 from
13 general revenues, notwithstanding section 1820(j) of the
14 Social Security Act, shall be available for carrying out the
15 Medicare rural hospital flexibility grants program: *Pro-*
16 *vided*, That, of the funds made available under this head-
17 ing for Medicare rural hospital flexibility grants,
18 \$15,000,000 shall be available for the Small Rural Hos-
19 pital Improvement Grant Program for quality improve-
20 ment and adoption of health information technology and
21 \$1,000,000 shall be to carry out section 1820(g)(6) of the
22 Social Security Act, with funds provided for grants under
23 section 1820(g)(6) available for the purchase and imple-
24 mentation of telehealth services, including pilots and dem-
25 onstrations on the use of electronic health records to co-

1 ordinate rural veterans care between rural providers and
2 the Department of Veterans Affairs electronic health
3 record system: *Provided further*, That notwithstanding
4 section 338J(k) of the PHS Act, \$10,036,000 shall be
5 available for State Offices of Rural Health.

6 PROGRAM MANAGEMENT

7 For program support in the Health Resources and
8 Services Administration, \$145,500,000: *Provided*, That
9 funds made available under this heading may be used to
10 supplement program support funding provided under the
11 headings “Primary Health Care”, “Health Workforce”,
12 “Maternal and Child Health”, “Ryan White HIV/AIDS
13 Program”, “Health Care Systems”, and “Rural Health”.

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-
17 pose of the program, as authorized by title VII of the PHS
18 Act.

19 For administrative expenses to carry out the guaran-
20 teed loan program, including section 709 of the PHS Act,
21 \$2,807,000.

22 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

23 For payments from the Vaccine Injury Compensation
24 Program Trust Fund (“Trust Fund”), such sums as may
25 be necessary for claims associated with vaccine-related in-

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

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 IMMUNIZATION AND RESPIRATORY DISEASES

9 For carrying out titles II, III, VII, XVII, and XXI,
10 and section 2821 of the PHS Act, titles II and IV of the
11 Immigration and Nationality Act, and section 501 of the
12 Refugee Education Assistance Act, with respect to immu-
13 nization and respiratory diseases and the National Immu-
14 nization Survey, \$682,358,000: *Provided, That* in addition
15 to the amounts provided herein, up to \$51,049,000 shall
16 be available from amounts available in the Public Health
17 and Social Services Emergency Fund to support the Im-
18 munization Planning and Response activities: *Provided*
19 *further*, That, to the extent that the Centers for Disease
20 Control and Prevention (referred to as “CDC” in this Act)
21 directly contracts for the purchase of vaccines pursuant
22 to section 317 of the PHS Act (42 U.S.C. 247b), the CDC
23 shall ensure that the ratio of the amount expended for
24 fiscal year 2013 on such vaccines for individuals 18 years
25 of age or older, compared to the amount expended on such

1 vaccines for individuals less than 18 years of age, is the
2 same as such ratio for vaccines purchased pursuant to
3 such section 317 for fiscal year 2012.

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

6 For carrying out titles II, III, VII, XVII, XXIII, and
7 XXVI of the PHS Act with respect to HIV/AIDS, viral
8 hepatitis, sexually transmitted diseases, and tuberculosis
9 prevention, \$1,005,349,000.

10 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

11 For carrying out titles II, III, VII, and XVII, and
12 section 2821 of the PHS Act, titles II and IV of the Immi-
13 gration and Nationality Act, and section 501 of the Ref-
14 ugee Education Assistance Act, with respect to emerging
15 and zoonotic infectious diseases, \$245,051,000.

16 CHRONIC DISEASE PREVENTION AND HEALTH
17 PROMOTION

18 For carrying out titles II, III, VII, XI, XV, XVII,
19 and XIX of the PHS Act, with respect to chronic disease
20 prevention and health promotion, \$521,773,000: *Provided*,
21 That in addition to amounts provided herein,
22 \$272,972,000 shall be available from amounts available
23 under section 241 of the PHS Act to carry out chronic
24 disease prevention and health activities: *Provided further*,
25 That funds appropriated under this account may be avail-

1 able for making grants under section 1509 of the PHS
2 Act for not less than 21 States, tribes, or tribal organiza-
3 tions.

4 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
5 DISABILITIES AND HEALTH

6 For carrying out titles II, III, VII, XI, and XVII of
7 the PHS Act with respect to birth defects, developmental
8 disabilities, disabilities and health, \$127,089,000.

9 PUBLIC HEALTH SCIENTIFIC SERVICES

10 For carrying out titles II and III of the PHS Act
11 with respect to health statistics, surveillance, informatics,
12 and workforce development, \$391,741,000.

13 ENVIRONMENTAL HEALTH

14 For carrying out titles II, III, VII, and XVII of the
15 PHS Act with respect to environmental health,
16 \$86,656,000.

17 INJURY PREVENTION AND CONTROL

18 For carrying out titles II, III, VII, and XVII of the
19 PHS Act with respect to injury prevention and control,
20 \$137,693,000: *Provided*, That funds appropriated under
21 this heading may be used to fund program evaluations.

22 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
23 HEALTH

24 For carrying out titles II, III, VII, and XVII of the
25 PHS Act, sections 101, 102, 103, 201, 202, 203, 301,

1 501, and 514 of the Federal Mine Safety and Health Act
2 of 1977, section 13 of the Mine Improvement and New
3 Emergency Response Act, and sections 20, 21, and 22 of
4 the Occupational Safety and Health Act of 1970, with re-
5 spect to occupational safety and health, \$280,088,000.

6 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

7 COMPENSATION PROGRAM

8 For necessary expenses to administer the Energy
9 Employees Occupational Illness Compensation Program
10 Act, \$55,358,000, to remain available until expended: *Pro-*
11 *vided*, That this amount shall be available consistent with
12 the provision regarding administrative expenses in section
13 151(b) of division B, title I of Public Law 106–554.

14 GLOBAL HEALTH

15 For carrying out titles II, III, VII and XVII of the
16 PHS Act with respect to global health, \$332,376,000, of
17 which \$117,156,000 for international HIV/AIDS shall re-
18 main available through September 30, 2014: *Provided*,
19 That funds may be used for purchase and insurance of
20 official motor vehicles in foreign countries.

21 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

22 For carrying out titles II, III, VII, and XVII of the
23 PHS Act with respect to public health preparedness and
24 response, and for expenses necessary to support activities
25 related to countering potential biological, nuclear, radio-

1 logical, and chemical threats to civilian populations,
2 \$1,366,907,000, of which \$556,220,000 shall remain
3 available until expended for the Strategic National Stock-
4 pile under section 319F–2 of the PHS Act and to ensure
5 a sufficient level of support for the United States Marshals
6 Service through a reimbursable agreement to provide ap-
7 propriate security of stockpile operations: *Provided*, That
8 in addition to the amounts provided under this heading,
9 \$46,776,000 shall be available, until expended, from
10 amounts available in the Public Health and Social Services
11 Emergency Fund, for the Strategic National Stockpile
12 under section 319F–2 of the PHS Act: *Provided further*,
13 That funds appropriated under this heading may be used
14 to support a contract for the operation and maintenance
15 of an aircraft in direct support of activities of CDC to
16 ensure the agency has access during extraordinary cir-
17 cumstances to address public health preparedness emer-
18 gencies.

19 BUILDINGS AND FACILITIES

20 For acquisition of real property, equipment, construc-
21 tion, and renovation of facilities, \$50,000,000, which shall
22 remain available until September 30, 2017: *Provided*,
23 That funds appropriated under this heading shall only be
24 used to support competitive acquisition, renovation, or re-
25 placement, of the National Institute for Occupational

1 Safety and Health’s underground and surface coal mining
2 safety and health research capacity and the applied tech-
3 nology and occupational hazard evaluation field research
4 capabilities: *Provided further*, That in addition, the prior
5 year unobligated balance of any amounts available for In-
6 dividual Learning Accounts shall be credited to and
7 merged with the amounts made available under this head-
8 ing.

9 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

10 For carrying out titles II, III, VII, XVII and XIX,
11 and section 2821 of the PHS Act and for cross-cutting
12 activities and program support that supplement activities
13 funded under the headings “Immunization and Res-
14 piratory Diseases”, “HIV/AIDS, Viral Hepatitis, Sexually
15 Transmitted Diseases, and Tuberculosis Prevention”,
16 “Emerging and Zoonotic Infectious Diseases”, “Chronic
17 Disease Prevention and Health Promotion”, “Birth De-
18 fects, Developmental Disabilities, Disabilities and
19 Health”, “Environmental Health”, “Injury Prevention
20 and Control”, “National Institute for Occupational Safety
21 and Health”, “Energy Employees Occupational Illness
22 Compensation Program Act”, “Global Health”, “Public
23 Health Preparedness and Response”, and “Public Health
24 Scientific Services”, \$470,000,000 of which \$345,000,000
25 shall be available for business services, of which

1 \$100,000,000 shall be for the Preventive Health and
2 Health Services Block Grant Program: *Provided*, That
3 paragraphs (1) through (3) of subsection (b) of section
4 2821 of the PHS Act shall not apply to funds appro-
5 priated under this heading and in all other accounts of
6 CDC: *Provided further*, That CDC may use up to \$10,000
7 from amounts appropriated to CDC in this Act for official
8 reception and representation expenses when specifically
9 approved by the Director of CDC: *Provided further*, That
10 the Director of CDC shall implement a transparent cri-
11 teria-based budget process that uses sound scientific data
12 to create measurable public health and preparedness goals
13 with specific outcome measures that directly relate to the
14 goals for each program in the CDC budget and that in-
15 clude publicly available criteria and timeframes for pro-
16 gram evaluations to determine future budget support: *Pro-*
17 *vided further*, That authorized user fees from the Vessel
18 Sanitation Program shall be credited to the appropriation
19 charged with the cost thereof and remain available
20 through September 30, 2014: *Provided further*, That not
21 later than 180 days after the date of enactment of this
22 Act the Director of CDC shall develop a comprehensive
23 plan in concert with the State and local health officials
24 to field and implement a single platform web-based data
25 collection information technology system for collecting

1 data from States and local governments for the various
2 CDC programs and to reduce the overall voluntary report-
3 ing burden.

4 NATIONAL INSTITUTES OF HEALTH

5 NATIONAL CANCER INSTITUTE

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to cancer, \$5,066,147,000, of which up
8 to \$8,000,000 may be used for facilities repairs and im-
9 provements at the National Cancer Institute—Frederick
10 Federally Funded Research and Development Center in
11 Frederick, Maryland.

12 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to cardiovascular, lung, and blood dis-
15 eases, and blood and blood products, \$3,075,358,000.

16 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
17 RESEARCH

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to dental and craniofacial diseases,
20 \$410,222,000.

21 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
22 KIDNEY DISEASES

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to diabetes and digestive and kidney dis-
25 ease, \$1,794,905,000.

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
2 AND STROKE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to neurological disorders and stroke,
5 \$1,624,429,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to allergy and infectious diseases,
10 \$4,485,097,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to general medical sciences,
14 \$2,527,189,000: *Provided*, That not less than
15 \$376,480,000 is provided for the Institutional Develop-
16 ment Awards program.

17 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
18 CHILD HEALTH AND HUMAN DEVELOPMENT

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to child health and human development,
21 \$1,319,825,000.

22 NATIONAL EYE INSTITUTE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to eye diseases and visual disorders,
25 \$701,876,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$684,755,000: *Provided*, That none of the funds made
6 available under this heading may be used by the National
7 Toxicology Program (NTP) for purposes of the Report on
8 Carcinogens (ROC) unless and until 30 days after the Na-
9 tional Academy of Sciences (NAS) peer review of the ROC
10 process and listing criteria requested in the joint explana-
11 tory statement accompanying Public Law 112-74 has
12 been completed.

13 NATIONAL INSTITUTE ON AGING

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to aging, \$1,102,128,000.

16 NATIONAL INSTITUTE OF ARTHRITIS AND
17 MUSCULOSKELETAL AND SKIN DISEASES

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to arthritis and musculoskeletal and skin
20 diseases, \$535,148,000.

21 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
22 COMMUNICATION DISORDERS

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to deafness and other communication dis-
25 orders, \$415,778,000.

1 NATIONAL INSTITUTE OF NURSING RESEARCH

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to nursing research, \$144,597,000.

4 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND

5 ALCOHOLISM

6 For carrying out section 301 and title IV of the PHS
7 Act with respect to alcohol abuse and alcoholism,
8 \$458,972,000.

9 NATIONAL INSTITUTE ON DRUG ABUSE

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to drug abuse, \$1,052,114,000.

12 NATIONAL INSTITUTE OF MENTAL HEALTH

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to mental health, \$1,461,702,000.

15 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to human genome research,
18 \$512,263,000.

19 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND

20 BIOENGINEERING

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to biomedical imaging and bioengineering
23 research, \$337,954,000.

1 NATIONAL CENTER FOR COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to complementary and alternative medi-
5 cine, \$127,904,000.

6 NATIONAL INSTITUTE ON MINORITY HEALTH AND
7 HEALTH DISPARITIES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to minority health and health disparities
10 research, \$276,111,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities of the John E. Fogarty
13 International Center (described in subpart 2 of part E of
14 title IV of the PHS Act), \$69,539,000.

15 NATIONAL LIBRARY OF MEDICINE

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to health information communications,
18 \$366,508,000: *Provided*, That in fiscal year 2013, the Na-
19 tional Library of Medicine may enter into personal serv-
20 ices contracts for the provision of services in facilities
21 owned, operated, or constructed under the jurisdiction of
22 the National Institutes of Health (referred to in this title
23 as “NIH”).

1 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to translational sciences, \$574,713,000:
5 *Provided*, That up to \$10,000,000 shall be available to im-
6 plement section 402C of the PHS Act (relating to the
7 Cures Acceleration Network) after NIH has published in
8 the Federal Register a notice of proposed rulemaking and
9 request for comments with respect to a rule to ensure that
10 all programs, projects, and activities of the National Cen-
11 ter for Advancing Translational Sciences do not create du-
12 plication, redundancy or competition with industry: *Pro-*
13 *vided further*, That at least \$487,767,000 is provided to
14 the Clinical and Translational Sciences Awards (CTSA)
15 program: *Provided further*, That no changes shall be made
16 to the CTSA program until the date on which the Institute
17 of Medicine (referred to in this title as “IOM”) review de-
18 scribed in the joint explanatory statement accompanying
19 Public Law 112–74 is completed.

20 OFFICE OF THE DIRECTOR

21 For carrying out the responsibilities of the Office of
22 the Director, NIH, \$1,372,717,000, of which up to
23 \$25,000,000 shall be used to carry out section 212 of this
24 Act: *Provided*, That funding shall be available for the pur-
25 chase of not to exceed 29 passenger motor vehicles for re-

1 placement only: *Provided further*, That NIH is authorized
2 to collect third-party payments for the cost of clinical serv-
3 ices that are incurred in NIH research facilities and that
4 such payments shall be credited to the NIH Management
5 Fund: *Provided further*, That all funds credited to the
6 NIH Management Fund shall remain available for one fis-
7 cal year after the fiscal year in which they are deposited:
8 *Provided further*, That \$175,000,000 shall be available for
9 continuation of the National Children's Study with no
10 changes to the current design or Vanguard pilot structure
11 until at least 90 days after the IOM conducts a review
12 of the proposed changes and impact on the results: *Pro-*
13 *vided further*, That \$544,930,000 shall be available for the
14 Common Fund established under section 402A(c)(1) of
15 the PHS Act: *Provided further*, That of the funds provided
16 under this heading up to \$10,000 shall be for official re-
17 ception and representation expenses when specifically ap-
18 proved by the Director of the NIH: *Provided further*, That
19 the Office of AIDS Research within the Office of the Di-
20 rector of the NIH may spend up to \$8,000,000 to make
21 grants for construction or renovation of facilities as pro-
22 vided for in section 2354(a)(5)(B) of the PHS Act: *Pro-*
23 *vided further*, That no funds shall be available for the Di-
24 rector's Discretionary Fund: *Provided further*, That the
25 Director of the NIH shall ensure that at least 16,670 new

1 and competing Ruth L. Kirschstein National Research
2 Service Awards are funded in fiscal year 2013 from all
3 Institute, Center, and Office of the Director accounts
4 within the “Department of Health and Human Services,
5 National Institutes of Health”: *Provided further*, That the
6 Director of the NIH shall, with respect to the aggregate
7 amount of funds appropriated to the NIH by this Act,
8 maintain an allocation of 90 percent to extramural activi-
9 ties, 10 percent for intramural activities, and at least 55
10 percent toward basic science activities: *Provided further*,
11 That none of the funds made available under this heading
12 may be used by the immediate office of the Director of
13 the NIH for travel until the Director implements the pilot
14 study under the heading “Third Party Collections 3-Year
15 Pilot” and the trans-NIH review required under the head-
16 ing “Clinical Trials” in the joint explanatory statement
17 accompanying Public Law 112–74, and notifies the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate of such implementation: *Provided further*,
20 That none of the funds from all Institute, Center, and Of-
21 fice of the Director accounts within the “Department of
22 Health and Human Services, National Institutes of
23 Health” shall be used for any economic research pro-
24 grams, projects, or activities.

1 BUILDINGS AND FACILITIES

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

6 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

7 ADMINISTRATION

8 MENTAL HEALTH

9 For carrying out titles III, V, and XIX of the PHS
10 Act with respect to mental health, and the Protection and
11 Advocacy for Individuals with Mental Illness Act,
12 \$826,730,000: *Provided*, That notwithstanding section
13 520A(f)(2) of the PHS Act, no funds appropriated for car-
14 rying out section 520A of the PHS Act shall be available
15 for carrying out section 1971 of the PHS Act: *Provided*
16 *further*, That section 520E(b)(2) of the PHS Act shall not
17 apply to funds appropriated under this Act for fiscal year
18 2013: *Provided further*, That of the amount appropriated
19 under this heading, \$20,700,000 shall be for the National
20 Child Traumatic Stress Initiative as described in section
21 582 of the PHS Act.

22 SUBSTANCE ABUSE TREATMENT

23 For carrying out titles III, V, and XIX of the PHS
24 Act with respect to substance abuse treatment and section

1 1922(a) of the PHS Act with respect to substance abuse
2 prevention, \$2,065,271,000.

3 SUBSTANCE ABUSE PREVENTION

4 For carrying out titles III and V of the PHS Act
5 with respect to substance abuse prevention, \$120,756,000.

6 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

7 For program support and cross-cutting activities that
8 supplement activities funded under the headings “Mental
9 Health”, “Substance Abuse Treatment”, and “Substance
10 Abuse Prevention” in carrying out titles III, V, and XIX
11 of the PHS Act and the Protection and Advocacy for Indi-
12 viduals with Mental Illness Act in the Substance Abuse
13 and Mental Health Services Administration,
14 \$140,000,000: *Provided*, That funds made available under
15 this heading may be used to supplement program support
16 funding provided under the headings “Mental Health”,
17 “Substance Abuse Treatment”, and “Substance Abuse
18 Prevention”.

19 CENTERS FOR MEDICARE AND MEDICAID SERVICES

20 GRANTS TO STATES FOR MEDICAID

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

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

1 of States under title XIX of the Social Security Act for
2 the last quarter of fiscal year 2013 for unanticipated costs
3 incurred for the current fiscal year, such sums as may be
4 necessary.

5 For making payments to States or in the case of sec-
6 tion 1928 on behalf of States under title XIX of the Social
7 Security Act for the first quarter of fiscal year 2014,
8 \$106,335,631,000, to remain available until expended.

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

14 PAYMENTS TO HEALTH CARE TRUST FUNDS

15 For payment to the Federal Hospital Insurance
16 Trust Fund and the Federal Supplementary Medical In-
17 surance Trust Fund, as provided under sections 217(g),
18 1844, and 1860D–16 of the Social Security Act, sections
19 103(c) and 111(d) of the Social Security Amendments of
20 1965, section 278(d)(3) of Public Law 97–248, and for
21 administrative expenses incurred pursuant to section
22 201(g) of the Social Security Act, \$251,359,000,000.

23 In addition, for making matching payments under
24 section 1844 and benefit payments under section 1860D–

1 16 of the Social Security Act that were not anticipated
2 in budget estimates, such sums as may be necessary.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles
5 XI, XVIII, XIX, and XXI of the Social Security Act, titles
6 XIII and XXVII of the PHS Act, and the Clinical Labora-
7 tory Improvement Amendments of 1988, not to exceed
8 \$3,462,873,000, to be transferred from the Federal Hos-
9 pital Insurance Trust Fund and the Federal Supple-
10 mentary Medical Insurance Trust Fund, as authorized by
11 section 201(g) of the Social Security Act; together with
12 all funds collected in accordance with section 353 of the
13 PHS Act and section 1857(e)(2) of the Social Security
14 Act, funds retained by the Secretary pursuant to section
15 302 of the Tax Relief and Health Care Act of 2006; and
16 such sums as may be collected from authorized user fees
17 and the sale of data, which shall be credited to this ac-
18 count and remain available until September 30, 2014: *Pro-*
19 *vided*, That none of the funds made available under this
20 heading shall be used to support research, demonstration,
21 and evaluation activities: *Provided further*, That of the
22 total amount made available under this heading,
23 \$2,444,830,000 shall be for Program Operations and
24 \$608,686,000 shall be for Federal Administration: *Pro-*
25 *vided further*, That none of the funds made available under

1 this heading shall be used to support the Center for Con-
2 sumer Information and Insurance Oversight or activities
3 developed, administered, or implemented by the Center:
4 *Provided further*, That all funds derived in accordance
5 with 31 U.S.C. 9701 from organizations established under
6 title XIII of the PHS Act shall be credited to and available
7 for carrying out the purposes of this appropriation: *Pro-*
8 *vided further*, That \$11,150,000, to remain available
9 through September 30, 2014, shall be for contract costs
10 for the Healthcare Integrated General Ledger Accounting
11 System: *Provided further*, That the Secretary is directed
12 to collect fees in fiscal year 2013 from Medicare Advan-
13 tage organizations pursuant to section 1857(e)(2) of the
14 Social Security Act and from eligible organizations with
15 risk-sharing contracts under section 1876 of that Act pur-
16 suant to section 1876(k)(4)(D) of that Act: *Provided fur-*
17 *ther*, That \$22,004,000 shall be available for the State
18 high-risk health insurance pool program as authorized by
19 the State High Risk Pool Funding Extension Act of 2006.

20 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

21 In addition to amounts otherwise available for pro-
22 gram integrity and program management, \$309,790,000,
23 to remain available through September 30, 2014, to be
24 transferred from the Federal Hospital Insurance Trust
25 Fund and the Federal Supplementary Medical Insurance

1 Trust Fund, as authorized by section 201(g) of the Social
2 Security Act, of which \$219,463,000 shall be for the Medi-
3 care Integrity Program at the Centers for Medicare and
4 Medicaid Services, including administrative costs, to con-
5 duct oversight activities for Medicare Advantage under
6 Part C and the Medicare Prescription Drug Program
7 under Part D of title XVIII the Social Security Act and
8 for activities described in section 1893(b) of such Act, of
9 which \$29,674,000 shall be for the Department of Health
10 and Human Services Office of Inspector General to carry
11 out fraud and abuse activities authorized by section
12 1817(k)(3) of such Act, of which \$30,979,000 shall be for
13 the Medicaid and Children’s Health Insurance Program
14 (referred to in this title as “CHIP”) program integrity
15 activities, and of which \$29,674,000 shall be for the De-
16 partment of Justice to carry out fraud and abuse activities
17 authorized by section 1817(k)(3) of such Act: *Provided*
18 *further*, That the report required by section 1817(k)(5) of
19 the Social Security Act for fiscal year 2013 shall include
20 measures of the operational efficiency and impact on
21 fraud, waste, and abuse in the Medicare, Medicaid, and
22 CHIP programs for the funds provided by this appropria-
23 tion: *Provided further*, That the Secretary shall support
24 the full cost of the Senior Medicare Patrol program to

1 combat health care fraud and abuse from the funds pro-
2 vided to this account.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For making payments to States or other non-Federal
7 entities under titles I, IV–D, X, XI, XIV, and XVI of the
8 Social Security Act and the Act of July 5, 1960,
9 \$2,756,485,000, to remain available until expended; and
10 for such purposes for the first quarter of fiscal year 2014,
11 \$1,100,000,000, to remain available until expended.

12 For making payments to each State for carrying out
13 the program of Aid to Families with Dependent Children
14 under title IV–A of the Social Security Act before the ef-
15 fective date of the program of Temporary Assistance for
16 Needy Families with respect to such State, such sums as
17 may be necessary: *Provided*, That the sum of the amounts
18 available to a State with respect to expenditures under
19 such title IV–A in fiscal year 1997 under this appropria-
20 tion and under such title IV–A as amended by the Per-
21 sonal Responsibility and Work Opportunity Reconciliation
22 Act of 1996 shall not exceed the limitations under section
23 116(b) of such Act.

24 For making, after May 31 of the current fiscal year,
25 payments to States or other non-Federal entities under

1 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
2 Act and the Act of July 5, 1960, for the last 3 months
3 of the current fiscal year for unanticipated costs, incurred
4 for the current fiscal year, such sums as may be necessary.

5 LOW INCOME HOME ENERGY ASSISTANCE

6 For making payments under subsections (b) and (d)
7 of section 2602 of the Low Income Home Energy Assist-
8 ance Act of 1981, \$3,471,672,000: *Provided*, That not-
9 withstanding section 2609A(a) of such Act, of the
10 amounts appropriated under section 2602(b) of such Act,
11 not more than \$2,000,000 may be reserved by the Sec-
12 retary for technical assistance, training, and monitoring
13 of program activities for compliance with internal controls,
14 policies, and procedures.

15 REFUGEE AND ENTRANT ASSISTANCE

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

1 1998, \$658,203,000, of which up to \$9,700,000 shall be
2 available to carry out the Trafficking Victims Protection
3 Act of 2000: *Provided*, That funds appropriated under this
4 heading pursuant to section 414(a) of the Immigration
5 and Nationality Act, section 462 of the Homeland Secu-
6 rity Act of 2002, section 235 of the William Wilberforce
7 Trafficking Victims Protection Reauthorization Act of
8 2008, and the Trafficking Victims Protection Act of 2000
9 for fiscal year 2013 shall be available for the costs of as-
10 sistance provided and other activities to remain available
11 through September 30, 2015.

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

14 For carrying out the Child Care and Development
15 Block Grant Act of 1990, \$2,303,313,000 shall be used
16 to supplement, not supplant State general revenue funds
17 for child care assistance for low-income families: *Provided*,
18 That \$19,609,000 shall be available for child care resource
19 and referral and school-aged child care activities, of which
20 \$1,000,000 shall be available to the Secretary for a com-
21 petitive grant for the operation of a national toll-free hot-
22 line and Web site to develop and disseminate child care
23 consumer education information for parents and to help
24 parents access child care in their local community: *Pro-*
25 *vided further*, That, in addition to the amounts otherwise

1 required to be reserved by the States under section 658G
2 of such Act, \$293,887,000 shall be reserved by the States
3 for activities authorized under such section, of which
4 \$107,781,000 shall be for activities that improve the qual-
5 ity of infant and toddler care.

6 SOCIAL SERVICES BLOCK GRANT

7 For making grants to States pursuant to section
8 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
9 *vided*, That notwithstanding subparagraph (B) of section
10 404(d)(2) of such Act, the applicable percent specified
11 under such subparagraph for a State to carry out State
12 programs pursuant to subtitle A of title XX of such Act
13 shall be 10 percent.

14 CHILDREN AND FAMILIES SERVICES PROGRAMS

15 For carrying out, except as otherwise provided, the
16 Runaway and Homeless Youth Act, the Developmental
17 Disabilities Assistance and Bill of Rights Act, the Head
18 Start Act, the Child Abuse Prevention and Treatment Act,
19 sections 303 and 313 of the Family Violence Prevention
20 and Services Act, the Native American Programs Act of
21 1974, title II of the Child Abuse Prevention and Treat-
22 ment and Adoption Reform Act of 1978 (adoption oppor-
23 tunities), the Abandoned Infants Assistance Act of 1988,
24 part B-1 of title IV and sections 413, 1110, and 1115
25 of the Social Security Act; for making payments under the

1 Community Services Block Grant Act (referred to in this
2 title as “CSBG Act”), sections 473B and 477(I) of the
3 Social Security Act, and the Assets for Independence Act;
4 and for necessary administrative expenses to carry out
5 such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX
6 of the Social Security Act, the Act of July 5, 1960, the
7 Low Income Home Energy Assistance Act of 1981, title
8 IV of the Immigration and Nationality Act, and section
9 501 of the Refugee Education Assistance Act of 1980,
10 \$9,885,104,000, of which \$39,000,000, to remain avail-
11 able through September 30, 2014, shall be for grants to
12 States for adoption incentive payments, as authorized by
13 section 473A of the Social Security Act and may be made
14 for adoptions completed before September 30, 2013: *Pro-*
15 *vided*, That \$8,014,000,000 shall be for making payments
16 under the Head Start Act: *Provided further*, That of the
17 amount in the previous proviso, \$7,968,544,000 shall be
18 available for payments under section 640 of the Head
19 Start Act at the same level of such payments for fiscal
20 year 2012; of which \$45,456,000 shall be available for car-
21 rying out the cost-of-living adjustment described in section
22 640(a)(3)(A)(ii)(II)(aa) of such Act: *Provided further*,
23 That \$677,357,000 shall be for making payments under
24 the CSBG Act: *Provided further*, That \$34,924,000 shall
25 be for sections 680 and 678E(b)(2) of the CSBG Act, of

1 which not less than \$29,943,000 shall be for section
2 680(a)(2) and not less than \$4,981,000 shall be for sec-
3 tion 680(a)(3)(B) of such Act: *Provided further*, That, to
4 the extent funds provided in this Act for the Assets for
5 Independence Act are distributed as grant funds to a
6 qualified entity and have not been expended by such entity
7 within three years after the date of award, such funds may
8 be recaptured and reallocated among other qualified enti-
9 ties, to remain available for five years: *Provided further*,
10 That to the extent Community Services Block Grant funds
11 are distributed as grant funds by a State to an eligible
12 entity as provided under the CSBG Act, and have not been
13 expended by such entity, they shall remain with such enti-
14 ty for carryover into the next fiscal year for expenditure
15 by such entity consistent with program purposes: *Provided*
16 *further*, That the Secretary shall establish procedures re-
17 garding the disposition of intangible assets and program
18 income that permit such assets acquired with, and pro-
19 gram income derived from, grant funds authorized under
20 section 680 of the CSBG Act to become the sole property
21 of such grantees after a period of not more than 12 years
22 after the end of the grant period for any activity consistent
23 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
24 *ther*, That intangible assets in the form of loans, equity
25 investments and other debt instruments, and program in-

1 come may be used by grantees for any eligible purpose
2 consistent with section 680(a)(2)(A) of the CSBG Act:
3 *Provided further*, That these procedures shall apply to
4 such grant funds made available after November 29, 1999:
5 *Provided further*, That funds appropriated for section
6 680(a)(2) of the CSBG Act shall be available for financing
7 construction and rehabilitation and loans or investments
8 in private business enterprises owned by community devel-
9 opment corporations: *Provided further*, That \$1,990,000
10 shall be for a human services case management system
11 for federally declared disasters, to include a comprehensive
12 national case management contract and Federal costs of
13 administering the system: *Provided further*, That section
14 303(a)(2)(A)(I) of the Family Violence Prevention and
15 Services Act shall not apply to amounts provided herein:
16 *Provided further*, That up to \$2,000,000 shall be for im-
17 proving the Public Assistance Reporting Information Sys-
18 tem, including grants to States to support data collection
19 for a study of the system's effectiveness.

20 PROMOTING SAFE AND STABLE FAMILIES

21 For carrying out section 436 of the Social Security
22 Act, \$345,000,000 and section 437 of such Act,
23 \$60,065,000.

1 PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

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

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

14 ADMINISTRATION ON AGING

15 AGING SERVICES PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For carrying out, to the extent not otherwise pro-
18 vided, the Older Americans Act of 1965 (“OAA”), section
19 398 and title XXIX of the PHS Act, and section 119 of
20 the Medicare Improvements for Patients and Providers
21 Act of 2008, \$1,440,442,000: *Provided*, That amounts ap-
22 propriated under this heading may be used for grants to
23 States under section 361 of the OAA only for disease pre-
24 vention and health promotion programs and activities
25 which have been demonstrated through rigorous evalua-

1 tion to be evidence-based and effective: *Provided further,*
2 That none of the funds provided shall be used to carry
3 out sections 1701 and 1703 of the PHS Act (with respect
4 to chronic disease self-management activity grants), ex-
5 cept that such funds may be used for necessary expenses
6 associated with administering any such grants awarded
7 prior to the date of the enactment of this Act: *Provided*
8 *further,* That the total amount available for fiscal year
9 2013 under this and any other Act to carry out activities
10 related to Aging and Disability Resource Centers under
11 subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the
12 OAA shall not exceed the amount obligated for such pur-
13 poses for fiscal year 2010 from funds available under Pub-
14 lic Law 111–117: *Provided further,* That notwithstanding
15 any other provision of this Act, funds made available
16 under this heading to carry out section 311 of the OAA
17 may be transferred to the Secretary of Agriculture in ac-
18 cordance with such section: *Provided further,* the reorga-
19 nization described in the notice titled “Statement of Orga-
20 nizations, Functions, and Delegations of Authority; Ad-
21 ministration for Community Living” published by the De-
22 partment of Health and Human Services in the Federal
23 Register on April 18, 2012, shall not be effective during
24 fiscal year 2013. Such reorganization shall not be effective
25 in fiscal year 2014, unless, during fiscal year 2013, the

1 Secretary undertakes the procedure described in the re-
2 port of the Committee on Appropriations of the House of
3 Representatives to accompany this Act.

4 OFFICE OF THE SECRETARY

5 GENERAL DEPARTMENTAL MANAGEMENT

6 For necessary expenses, not otherwise provided, for
7 general departmental management, including hire of six
8 passenger motor vehicles, and for carrying out titles III,
9 XVII, and XXI of the PHS Act, the United States-Mexico
10 Border Health Commission Act, and research studies
11 under section 1110 of the Social Security Act,
12 \$370,405,000: *Provided*, That of this amount,
13 \$53,681,000 shall be for minority AIDS prevention and
14 treatment activities: *Provided further*, That of the funds
15 made available under this heading, \$40,000,000 shall be
16 for making competitive contracts and grants to public and
17 private entities to fund age appropriate programs that re-
18 duce teen pregnancy and for the Federal costs associated
19 with administering and evaluating such contracts and
20 grants, of which \$20,000,000 shall be for making competi-
21 tive grants to provide abstinence education (as defined by
22 subparagraphs (A) through (H) of section 510(b)(2) of
23 the Social Security Act) to adolescents, and for Federal
24 costs of administering the grant: *Provided further*, That
25 grants made under the authority of section 510(a) of the

1 Social Security Act shall be made only to public and pri-
2 vate entities that agree that, with respect to an adolescent
3 to whom the entities provide abstinence education under
4 such grant, the entities will not provide to that adolescent
5 any other education regarding sexual conduct, except that,
6 in the case of an entity expressly required by law to pro-
7 vide health information or services the adolescent shall not
8 be precluded from seeking health information or services
9 from the entity in a different setting than the setting in
10 which abstinence education was provided: *Provided fur-*
11 *ther*, That of the total amount made available under this
12 heading, \$1,000,000 shall be for strengthening the capac-
13 ity and capabilities of the acquisition workforce (as de-
14 fined in section 1703 of title 41, United States Code) of
15 HHS, including for training, recruitment, and hiring and
16 retention of members of the acquisition workforce; infor-
17 mation technology in support of acquisition workforce ef-
18 fectiveness; and management solutions to improve acquisi-
19 tion management: *Provided further*, That funds provided
20 in this Act for embryo adoption activities may be used to
21 provide to individuals adopting embryos, through grants
22 and other mechanisms, medical and administrative serv-
23 ices deemed necessary for such adoptions: *Provided fur-*
24 *ther*, That such services shall be provided consistent with
25 42 CFR 59.5(a)(4).

1 OFFICE OF MEDICARE HEARINGS AND APPEALS

2 For expenses necessary for administrative law judges
3 responsible for hearing cases under title XVIII of the So-
4 cial Security Act (and related provisions of title XI of such
5 Act), \$80,000,000, to be transferred in appropriate part
6 from the Federal Hospital Insurance Trust Fund and the
7 Federal Supplementary Medical Insurance Trust Fund.

8 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
9 INFORMATION TECHNOLOGY

10 For expenses necessary for the Office of the National
11 Coordinator for Health Information Technology, including
12 grants, contracts, and cooperative agreements for the de-
13 velopment and advancement of interoperable health infor-
14 mation technology, \$16,415,000: *Provided*, That in addi-
15 tion to amounts provided herein, \$44,811,000 shall be
16 available from amounts available under section 241 of the
17 PHS Act.

18 OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General, including the hire of passenger motor vehicles for
21 investigations, in carrying out the provisions of the Inspec-
22 tor General Act of 1978, \$50,083,000: *Provided*, That of
23 such amount, necessary sums shall be available for pro-
24 viding protective services to the Secretary and inves-
25 tigating non-payment of child support cases for which non-

1 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
2 *vided further*, That at least 40 percent of the funds pro-
3 vided in this Act for the Office of Inspector General shall
4 be used only for investigations, audits, and evaluations
5 pertaining to the discretionary programs funded in this
6 Act.

7 OFFICE FOR CIVIL RIGHTS

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

10 RETIREMENT PAY AND MEDICAL BENEFITS FOR

11 COMMISSIONED OFFICERS

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

19 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

20 FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses necessary to support activities related
23 to countering potential biological, nuclear, radiological,
24 chemical, and cybersecurity threats to civilian populations,
25 and for other public health emergencies, \$511,576,000; of

1 which \$10,000,000 shall remain available until September
2 30, 2015, to support emergency operations.

3 From funds transferred to this account pursuant to
4 the fourth paragraph under this heading in Public Law
5 111–117, up to \$415,000,000 shall be available for ex-
6 penses necessary to support advanced research and devel-
7 opment pursuant to section 319L of the PHS Act, and
8 other administrative expenses of the Biomedical Advanced
9 Research and Development Authority to support addi-
10 tional advanced research and development.

11 GENERAL PROVISIONS

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

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

23 SEC. 203. None of the funds appropriated in this title
24 shall be used to pay the salary of an individual, through

1 a grant or other extramural mechanism, at a rate in excess
2 of Executive Level III.

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

11 (TRANSFER OF FUNDS)

12 SEC. 205. Not to exceed 1 percent of any discre-
13 tionary funds (pursuant to the Balanced Budget and
14 Emergency Deficit Control Act of 1985) which are appro-
15 priated for the current fiscal year for HHS in this Act
16 may be transferred between appropriations, but no such
17 appropriation shall be increased by more than 3 percent
18 by any such transfer: *Provided*, That the transfer author-
19 ity granted by this section shall not be used to create any
20 new program or to fund any project or activity for which
21 no funds are provided in this Act: *Provided further*, That
22 the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate shall be notified at least 15
24 days in advance of any such transfer and approve such
25 transfer.

1 (TRANSFER OF FUNDS)

2 SEC. 206. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate shall be notified
9 at least 15 days in advance of any transfer.

10 (TRANSFER OF FUNDS)

11 SEC. 207. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act:
19 *Provided further*, That the Committees on Appropriations
20 of the House of Representatives and the Senate are noti-
21 fied at least 15 days in advance of any transfer and ap-
22 prove such transfer.

23 SEC. 208. None of the funds appropriated in this Act
24 may be made available to any entity under title X of the
25 PHS Act unless the applicant for the award certifies to

1 the Secretary that it encourages family participation in
2 the decision of minors to seek family planning services and
3 that it provides counseling to minors on how to resist at-
4 tempts to coerce minors into engaging in sexual activities.

5 SEC. 209. Notwithstanding any other provision of
6 law, no provider of services under title X of the PHS Act
7 shall be exempt from any State law requiring notification
8 or the reporting of child abuse, child molestation, sexual
9 abuse, rape, or incest.

10 SEC. 210. None of the funds appropriated by this Act
11 (including funds appropriated to any trust fund) may be
12 used to carry out the Medicare Advantage program if the
13 Secretary denies participation in such program to an oth-
14 erwise eligible entity (including a Provider Sponsored Or-
15 ganization) because the entity informs the Secretary that
16 it will not provide, pay for, provide coverage of, or provide
17 referrals for abortions: *Provided*, That the Secretary shall
18 make appropriate prospective adjustments to the capita-
19 tion payment to such an entity (based on an actuarially
20 sound estimate of the expected costs of providing the serv-
21 ice to such entity's enrollees): *Provided further*, That noth-
22 ing in this section shall be construed to change the Medi-
23 care program's coverage for such services and a Medicare
24 Advantage organization described in this section shall be

1 responsible for informing enrollees where to obtain infor-
2 mation about all Medicare covered services.

3 SEC. 211. In order for HHS to carry out inter-
4 national health activities, including HIV/AIDS and other
5 infectious disease, chronic and environmental disease, and
6 other health activities abroad during fiscal year 2013:

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

17 (2) The Secretary is authorized to provide such
18 funds by advance or reimbursement to the Secretary
19 of State as may be necessary to pay the costs of ac-
20 quisition, lease, alteration, renovation, and manage-
21 ment of facilities outside of the United States for
22 the use of HHS. The Department of State shall co-
23 operate fully with the Secretary to ensure that HHS
24 has secure, safe, functional facilities that comply
25 with applicable regulation governing location, set-

1 back, and other facilities requirements and serve the
2 purposes established by this Act. The Secretary is
3 authorized, in consultation with the Secretary of
4 State, through grant or cooperative agreement, to
5 make available to public or nonprofit private institu-
6 tions or agencies in participating foreign countries,
7 funds to acquire, lease, alter, or renovate facilities in
8 those countries as necessary to conduct programs of
9 assistance for international health activities, includ-
10 ing activities relating to HIV/AIDS and other infec-
11 tious diseases, chronic and environmental diseases,
12 and other health activities abroad.

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

1 the District of Columbia. Leaves of absence for per-
2 sonnel under this subsection shall be on the same
3 basis as that provided under subchapter I of chapter
4 63 of title 5, United States Code, or section 903 of
5 the Foreign Service Act of 1980, to individuals serv-
6 ing in the Foreign Service.

7 SEC. 212. (a) AUTHORITY.—Notwithstanding any
8 other provision of law, the Director of NIH (“Director”)
9 may use funds available under section 402(b)(7) or
10 402(b)(12) of the PHS Act to enter into transactions
11 (other than contracts, cooperative agreements, or grants)
12 to carry out research identified pursuant to such section
13 402(b)(7) (pertaining to the Common Fund) or research
14 and activities described in 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 SEC. 213. Not to exceed \$45,000,000 of funds appro-
2 priated by this Act to the institutes and centers of the
3 National Institutes of Health may be used for alteration,
4 repair, or improvement of facilities, as necessary for the
5 proper and efficient conduct of the activities authorized
6 herein, at not to exceed \$3,500,000 per project.

7 (TRANSFER OF FUNDS)

8 SEC. 214. Of the amounts made available for NIH,
9 1 percent of the amount made available for National Re-
10 search Service Awards (“NRSA”) shall be made available
11 to the Administrator of the Health Resources and Services
12 Administration to make NRSA awards for research in pri-
13 mary medical care to individuals affiliated with entities
14 who have received grants or contracts under section 747
15 of the PHS Act for health service research.

16 SEC. 215. None of the funds appropriated by this Act
17 may be made available for sections 4001, 4004, and 4201
18 of Public Law 111-148.

19 SEC. 216. None of the funds made available in this
20 title may be used, in whole or in part, to advocate or pro-
21 mote gun control.

22 SEC. 217. Notwithstanding any other provision of
23 law, none of the discretionary funds appropriated by this
24 Act may be used to support any patient-centered outcomes
25 research.

1 SEC. 218. None of the funds appropriated in this Act
2 may be used for the Healthy Foods Financing Initiative.

3 SEC. 219. None of the funds appropriated in this Act
4 may be used to carry out title X of the PHS Act.

5 SEC. 220. Hereafter, the provisions of title II of the
6 PHS Act shall not be used as authority for appointment
7 and compensation of continuing, full-time employees, in-
8 cluding special consultant employees, of HHS, except with
9 respect to direct scientific employees already receiving
10 compensation under such provisions as of the date of the
11 enactment of this Act. This section applies to both definite
12 and indefinite appointments. The rate of base compensa-
13 tion to any direct scientific employee under such provi-
14 sions is limited to no more than the rate of such com-
15 pensation received by such employee in fiscal year 2012.
16 This section does not apply to personnel of the Commis-
17 sioned Corps or the National Health Service Corps of the
18 Public Health Service.

19 (INCLUDING RESCISSION)

20 SEC. 221. (a) The “Nonrecurring expenses fund” es-
21 tablished in section 223 of division G of Public Law 110–
22 161 is terminated, the amount of expired discretionary
23 funds available for reappropriation by transfer into such
24 Fund under such section is reduced to \$0, and the unobli-

1 gated balance of amounts available in such Fund is re-
2 scinded.

3 (b) Section 223 of division G of Public Law 110–161
4 is repealed.

5 (c) Subsections (a) and (b) shall take effect on Octo-
6 ber 1, 2012.

7 SEC. 222. The remaining unobligated balances of the
8 amount appropriated for fiscal year 2013 by section
9 510(d) of the Social Security Act (42 U.S.C. 710(d)) for
10 which no application has been received by the Funding
11 Opportunity Announcement deadline, shall be made avail-
12 able to States that require the implementation of each ele-
13 ment described in subparagraphs (A) through (H) of the
14 definition of abstinence education in section 510(b)(2).
15 The remaining unobligated balances shall be reallocated
16 to such States that submit a valid application consistent
17 with the original formula for this funding.

18 SEC. 223. None of the funds made available in this
19 title may be used for any program, project, or activity re-
20 lated to research until—

21 (1) the agency head or director of the program
22 office submits to the Secretary a document that con-
23 tains—

24 (A) certification that—

1 (i) the program, project, or activity is
2 of significantly high scientific value; and

3 (ii) the impact of the program,
4 project, or activity on public health is
5 measurable; and

6 (B) justification for the certification under
7 subparagraph (A), including an explanation of
8 how the success of the program, project, or ac-
9 tivity will be measured with respect to its im-
10 pact on public health; and

11 (2) the Secretary submits to such agency head
12 or director a written document approving the docu-
13 ment submitted under paragraph (1).

14 SEC. 224. (a) The Secretary shall establish a publicly
15 accessible website to provide information regarding the
16 uses of funds made available under section 4002 of Public
17 Law 111–148.

18 (b) With respect to funds provided for fiscal year
19 2013, the Secretary shall include on the website estab-
20 lished under subsection (a) at a minimum the following
21 information:

22 (1) In the case of each transfer of funds under
23 section 4002(c), a statement indicating the program
24 or activity receiving funds, the operating division or
25 office that will administer the funds, and the

1 planned uses of the funds, to be posted not later
2 than the day after the transfer is made.

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

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

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

20 (5) Semi-annual reports from each entity
21 awarded a grant, cooperative agreement, or contract
22 from such funds with a value of \$25,000 or more,
23 summarizing the activities undertaken and identi-
24 fying any sub-grants or sub-contracts awarded (in-
25 cluding the purpose of the award and the identity of

1 the recipient), to be posted not later than 30 days
2 after the end of each 6-month period.

3 SEC. 225. (a) Notwithstanding any other provision
4 of law that authorizes the retention and use by NIH or
5 CDC of proceeds from user fees, reimbursable agreements,
6 or Cooperative Research and Development Agreements,
7 such proceeds received by NIH or CDC in fiscal year 2013
8 shall only be available for the current fiscal year, up to
9 the maximum amount provided in subsection (b).

10 (b) The maximum amount of proceeds under sub-
11 section (a) that may be retained and used by NIH or
12 CDC—

13 (1) from a user fee, is the amount necessary to
14 reimburse such agency for the costs of the activities
15 or services for which such fee is imposed;

16 (2) under any agreement, is the amount nec-
17 essary to reimburse such agency for the costs of the
18 activities and services required under, or that other-
19 wise support, such agreement (such as the costs of
20 the research and development of, and of securing or
21 maintaining rights in, intellectual property for which
22 proceeds are received under a licensing agreement);
23 and

24 (3) to offset an appropriation, is the amount of
25 such appropriation.

1 (c) Any proceeds under subsection (a) in excess of
2 the maximum amount provided in subsection (b) shall be
3 deposited in the general fund of the Treasury.

4 SEC. 226. (a) Not later than 180 days after the date
5 of the enactment of this Act, the Secretary shall take all
6 corrective action (including adjustment of accounts) nec-
7 essary to remedy, to the fullest possible extent, each viola-
8 tion of the Antideficiency Act (31 U.S.C. 1341-1342;
9 1349-1351) reported in the letter dated July 14, 2011,
10 from the Secretary to the Comptroller General of the
11 United States, regardless of any determination by the Sec-
12 retary that such action would have serious programmatic
13 repercussions.

14 (b) In fiscal year 2013 and each fiscal year there-
15 after, the requirements in subsection (a) for corrective ac-
16 tion shall apply with respect to all Antideficiency Act viola-
17 tions of HHS.

18 SEC. 227. (a) TERMINATION.—Effective October 1,
19 2012, the Agency for Healthcare Research and Quality is
20 terminated.

21 (b) ACTIVITIES IN CONNECTION WITH TERMI-
22 NATION.—

23 (1) IN GENERAL.—The Secretary—

1 (A) shall take such actions as may be nec-
2 essary for orderly termination of the Agency for
3 Healthcare Research and Quality; and

4 (B) to support such actions, shall use dis-
5 cretionary amounts made available by this Act
6 for accounts of HHS, to be derived on a pro-
7 portional basis from all such accounts.

8 (2) UNOBLIGATED BALANCES.—Any unobli-
9 gated balances of funds appropriated to the Agency
10 for Healthcare Research and Quality are hereby re-
11 scinded.

12 (c) ACTIVITIES BY OTHER AGENCIES.—An agency
13 may carry out an activity that, at the time of the enact-
14 ment of this Act, is being carried out by the Agency for
15 Healthcare Research and Quality only if—

16 (1) the agency has authority to carry out such
17 activity under other provisions of law;

18 (2) the head of such agency determines that
19 such activity—

20 (A) incorporates high-quality activities that
21 support the mission of the agency; and

22 (B) does not expand the authority of such
23 agency or duplicate ongoing efforts of such
24 agency; and

25 (3) the activity relates to—

1 (A) in the case of the NIH, biomedical re-
2 search;

3 (B) in the case of the CDC, disease control
4 and prevention activities;

5 (C) in the case of the Office of the Na-
6 tional Coordinator for Health Information
7 Technology, health information technology ac-
8 tivities; and

9 (D) in the case of the Office of the Assist-
10 ant Secretary for Health, patient safety activi-
11 ties.

12 (d) TRANSFER OF PREVENTIVE SERVICES TASK
13 FORCE.—Subsection (a) of section 915 of the PHS Act
14 (42 U.S.C. 299b-4)—

15 (1) is amended to read as such subsection was
16 in effect on March 1, 2010;

17 (2) is further amended—

18 (A) in paragraph (1), by striking “The Di-
19 rector” and inserting “The Assistance Sec-
20 retary for Health”; and

21 (B) in paragraph (2)—

22 (I) by striking “AGENCY” and insert-
23 ing “ASSISTANT SECRETARY”; and

1 (ii) by striking “The Agency” and in-
2 serting “The Assistant Secretary for
3 Health”;

4 (3) is redesignated as subsection (n); and

5 (4) is transferred to the end of section 317 of
6 the PHS Act (42 U.S.C. 274b).

7 SEC. 228. None of the funds appropriated in this Act
8 may be obligated or expended to support travel in the Of-
9 fice of the Secretary of HHS until the Secretary provides
10 a report explaining how HHS is fully implementing Sec-
11 tion 505 of Public Law 112-10 for fiscal year 2012 to
12 the Committees on Appropriations of the House of Rep-
13 resentatives and Senate.

14 SEC. 229. None of the funds appropriated in this Act
15 may be obligated or expended to support travel in the Of-
16 fice of the Secretary of HHS until the Secretary fully and
17 completely answers all questions submitted by the Com-
18 mittee on Appropriations of the House of Representatives
19 to the Secretary related to the fiscal year 2013 appropria-
20 tions process.

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

1 TITLE III—DEPARTMENT OF EDUCATION

2 EDUCATION FOR THE DISADVANTAGED

3 For carrying out title I of the Elementary and Sec-
4 ondary Education Act of 1965 (referred to in this Act as
5 “ESEA”) and section 418A of the Higher Education Act
6 of 1965 (referred to in this Act as “HEA”),
7 \$15,159,342,000, of which \$4,274,461,000 shall become
8 available on July 1, 2013, and shall remain available
9 through September 30, 2014, and of which
10 \$10,841,177,000 shall become available on October 1,
11 2013, and shall remain available through September 30,
12 2014, for academic year 2013–2014: *Provided*, That
13 \$6,577,904,000 shall be for basic grants under section
14 1124 of the ESEA: *Provided further*, That up to
15 \$4,000,000 of these funds shall be available to the Sec-
16 retary of Education (referred to in this title as “Sec-
17 retary”) on October 1, 2012, to obtain annually updated
18 local educational agency-level census poverty data from
19 the Bureau of the Census: *Provided further*, That
20 \$1,362,301,000 shall be for concentration grants under
21 section 1124A of the ESEA: *Provided further*, That
22 \$3,288,126,000 shall be for targeted grants under section
23 1125 of the ESEA: *Provided further*, That
24 \$3,288,126,000 shall be for education finance incentive
25 grants under section 1125A of the ESEA: *Provided fur-*

1 *ther*, That \$3,194,000 shall be to carry out sections 1501
2 and 1503 of the ESEA: *Provided further*, That
3 \$159,698,000 shall be available under section 1502 of the
4 ESEA for a comprehensive literacy development and edu-
5 cation program to advance literacy skills, including pre-
6 literacy skills, reading, and writing, for students from
7 birth through grade 12, including limited-English-pro-
8 ficient students and students with disabilities, of which
9 one-half of 1 percent shall be reserved for the Secretary
10 of the Interior for such a program at schools funded by
11 the Bureau of Indian Education, one-half of 1 percent
12 shall be reserved for grants to the outlying areas for such
13 a program, up to 5 percent may be reserved for national
14 activities, and the remainder shall be used to award com-
15 petitive grants to State educational agencies for such a
16 program, of which a State educational agency may reserve
17 up to 5 percent for State leadership activities, including
18 technical assistance and training, data collection, report-
19 ing, and administration, and shall subgrant not less than
20 95 percent to local educational agencies or, in the case
21 of early literacy, to local educational agencies or other
22 nonprofit providers of early childhood education that part-
23 ner with a public or private nonprofit organization or
24 agency with a demonstrated record of effectiveness in im-
25 proving the early literacy development of children from

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

19 IMPACT AID

20 For carrying out programs of financial assistance to
21 federally affected schools authorized by title VIII of the
22 ESEA, \$1,311,186,000, of which \$1,173,540,000 shall be
23 for basic support payments under section 8003(b),
24 \$48,413,000 shall be for payments for children with dis-
25 abilities under section 8003(d), \$17,441,000 shall be for

1 construction under section 8007(a), \$66,947,000 shall be
2 for Federal property payments under section 8002, and
3 \$4,845,000, 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 2012–2013, 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 \$4,414,880,000, of which \$2,590,379,000 shall become
4 available on July 1, 2013, and remain available through
5 September 30, 2014, and of which \$1,681,441,000 shall
6 become available on October 1, 2013, and shall remain
7 available through September 30, 2014, for academic year
8 2013–2014: *Provided*, That funds made available to carry
9 out part C of title VII of the ESEA shall be awarded on
10 a competitive basis: *Provided further*, That \$51,113,000
11 shall be available to carry out section 203 of the Edu-
12 cational Technical Assistance Act of 2002: *Provided fur-*
13 *ther*, That \$17,619,000 shall be available to carry out the
14 Supplemental Education Grants program for the Fed-
15 erated States of Micronesia and the Republic of the Mar-
16 shall Islands: *Provided further*, That up to 5 percent of
17 these amounts may be reserved by the Federated States
18 of Micronesia and the Republic of the Marshall Islands
19 to administer the Supplemental Education Grants pro-
20 grams and to obtain technical assistance, oversight and
21 consultancy services in the administration of these grants
22 and to reimburse the United States Departments of
23 Labor, Health and Human Services, and Education for
24 such services.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, title VII, part A of the ESEA,
4 \$130,779,000.

5 INNOVATION AND IMPROVEMENT
6 (INCLUDING RESCISSION)

7 For carrying out activities authorized by parts B, C,
8 and D of title V of the ESEA, \$663,080,000: *Provided*,
9 That \$299,433,000 of the funds for subpart 1 of part D
10 of title V of the ESEA shall be for competitive grants to
11 local educational agencies, including charter schools that
12 are local educational agencies, or States, or partnerships
13 of: (1) a local educational agency, a State, or both; and
14 (2) at least one nonprofit organization to develop and im-
15 plement performance-based compensation systems for
16 teachers, principals, and other personnel in high-need
17 schools: *Provided further*, That such performance-based
18 compensation systems must consider gains in student aca-
19 demic achievement as well as classroom evaluations con-
20 ducted multiple times during each school year among
21 other factors and provide educators with incentives to take
22 on additional responsibilities and leadership roles: *Pro-*
23 *vided further*, That up to 5 percent of such funds for com-
24 petitive grants shall be available for technical assistance,
25 training, peer review of applications, program outreach,

1 and evaluation activities and that 95 percent shall become
2 available on July 1, 2013, and remain available through
3 September 30, 2014, for competitive grants: *Provided fur-*
4 *ther*, That of the funds available for part B of title V of
5 the ESEA, the Secretary shall use not less than
6 \$28,000,000 to carry out activities under section 5205(b)
7 and under subpart 2: *Provided further*, That of the funds
8 available for subpart 1 of part B of title V of the ESEA,
9 and notwithstanding section 5205(a), the Secretary may
10 reserve up to \$55,000,000 to make multiple awards to
11 non-profit charter management organizations and other
12 entities that are not-for-profit entities for the replication
13 and expansion of successful charter school models and
14 shall reserve up to \$15,000,000 to carry out the activities
15 described in section 5205(a), including improving quality
16 and oversight of charter schools and providing technical
17 assistance and grants to authorized public chartering
18 agencies in order to increase the number of high-per-
19 forming charter schools: *Provided further*, That each appli-
20 cation submitted pursuant to section 5203(a) shall de-
21 scribe a plan to monitor and hold accountable authorized
22 public chartering agencies through such activities as pro-
23 viding technical assistance or establishing a professional
24 development program, which may include evaluation, plan-
25 ning, training, and systems development for staff of au-

1 thORIZED public chartering agencies to improve the capacity
2 of such agencies in the State to authorize, monitor, and
3 hold accountable charter schools: *Provided further*, That
4 each application submitted pursuant to section 5203(a)
5 shall contain assurances that State law, regulations, or
6 other policies require that: (1) each authorized charter
7 school in the State operate under a legally binding charter
8 or performance contract between itself and the school's
9 authorized public chartering agency that describes the ob-
10 ligations and responsibilities of the school and the public
11 chartering agency; conduct annual, timely, and inde-
12 pendent audits of the school's financial statements that
13 are filed with the school's authorized public chartering
14 agency; and demonstrate improved student academic
15 achievement; and (2) authorized public chartering agen-
16 cies use increases in student academic achievement for all
17 groups of students described in section 1111(b)(2)(C)(v)
18 of the ESEA as the most important factor when deter-
19 mining to renew or revoke a school's charter, in accord-
20 ance with State charter laws: *Provided further*, That each
21 application submitted pursuant to section 5203(a) may
22 use the funds to make multiple awards for grants and sub-
23 grants to not-for-profit charter management organizations
24 and other not-for-profit entities for the replication and ex-
25 pansion of successful charter school models, in addition

1 to supporting new charter schools models: *Provided fur-*
2 *ther*, That States with previously approved applications
3 shall submit an amendment to demonstrate how the State
4 will support both expansion and replication of successful
5 charter school models and new charter school models: *Pro-*
6 *vided further*, That of the unobligated balances available
7 under this heading for activities authorized by section
8 14006 of division A of the American Recovery and Rein-
9 vestment Act of 2009, \$400,000,000 is hereby rescinded.

10 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

11 For carrying out activities authorized by part A of
12 title IV and subpart 1 of part D of title V of the ESEA,
13 \$108,487,000: *Provided*, That \$59,887,000 shall be avail-
14 able for Promise Neighborhoods and shall be available
15 through December 31, 2013.

16 ENGLISH LANGUAGE ACQUISITION

17 For carrying out part A of title III of the ESEA,
18 \$732,144,000, which shall become available on July 1,
19 2013, and shall remain available through September 30,
20 2014, except that 6.5 percent of such amount shall be
21 available on October 1, 2012, and shall remain available
22 through September 30, 2014, to carry out activities under
23 section 3111(c)(1)(C): *Provided*, That the Secretary shall
24 use estimates of the American Community Survey child

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

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (“IDEA”) \$13,138,713,000, of which
6 \$3,609,828,000 shall become available on July 1, 2013,
7 and shall remain available through September 30, 2014,
8 and of which \$9,283,383,000 shall become available on
9 October 1, 2013, and shall remain available through Sep-
10 tember 30, 2014, for academic year 2013–2014: *Provided*,
11 That the amount for section 611(b)(2) of the IDEA shall
12 be equal to the lesser of the amount available for that ac-
13 tivity during fiscal year 2012, increased by the amount
14 of inflation as specified in section 619(d)(2)(B) of the
15 IDEA, or the percent change in the funds appropriated
16 under section 611(I) of the IDEA, but not less than the
17 amount for that activity during fiscal year 2012: *Provided*
18 *further*, That the Secretary shall, without regard to section
19 611(d) of the IDEA, distribute to all other States (as that
20 term is defined in section 611(g)(2)), subject to the third
21 proviso, any amount by which a State’s allocation under
22 section 611(d), from funds appropriated under this head-
23 ing, is reduced under section 612(a)(18)(B), according to
24 the following: 85 percent on the basis of the States’ rel-
25 ative populations of children aged 3 through 21 who are

1 of the same age as children with disabilities for whom the
2 State ensures the availability of a free appropriate public
3 education under this part, and 15 percent to States on
4 the basis of the States' relative populations of those chil-
5 dren who are living in poverty: *Provided further*, That the
6 Secretary may not distribute any funds under the previous
7 proviso to any State whose reduction in allocation from
8 funds appropriated under this heading made funds avail-
9 able for such a distribution: *Provided further*, That the
10 States shall allocate such funds distributed under the sec-
11 ond proviso to local educational agencies in accordance
12 with section 611(f): *Provided further*, That the amount by
13 which a State's allocation under section 611(d) of the
14 IDEA is reduced under section 612(a)(18)(B) and the
15 amounts distributed to States under the previous provisos
16 for fiscal year 2012 or any subsequent year shall not be
17 considered in calculating the awards under section 611(d)
18 for fiscal year 2013 or for any subsequent fiscal years.

19 REHABILITATION SERVICES AND DISABILITY RESEARCH

20 For carrying out, to the extent not otherwise pro-
21 vided, the Rehabilitation Act of 1973, the Assistive Tech-
22 nology Act of 1998, and the Helen Keller National Center
23 Act, \$3,617,309,000: *Provided*, That \$2,000,000 shall be
24 for competitive grants to support alternative financing
25 programs that provide for the purchase of assistive tech-

1 nology devices, such as a low-interest loan fund; an inter-
2 est buy-down program; a revolving loan fund; a loan guar-
3 antee; or insurance program: *Provided further*, That appli-
4 cants shall provide an assurance that, and information de-
5 scribing the manner in which, the alternative financing
6 program will expand and emphasize consumer choice and
7 control: *Provided further*, That State agencies and commu-
8 nity-based disability organizations that are directed by
9 and operated for individuals with disabilities shall be eligi-
10 ble to compete.

11 SPECIAL INSTITUTIONS FOR PERSONS WITH
12 DISABILITIES

13 AMERICAN PRINTING HOUSE FOR THE BLIND

14 For carrying out the Act of March 3, 1879,
15 \$24,505,000.

16 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

23 GALLAUDET UNIVERSITY

24 For the Kendall Demonstration Elementary School,
25 the Model Secondary School for the Deaf, and the partial

1 support of Gallaudet University under titles I and II of
2 the Education of the Deaf Act of 1986, \$124,541,000, of
3 which \$7,000,000 shall be for construction and shall re-
4 main available until expended: *Provided*, That from the
5 total amount available, the University may at its discre-
6 tion use funds for the endowment program as authorized
7 under section 207 of such Act.

8 CAREER, TECHNICAL, AND ADULT EDUCATION

9 For carrying out, to the extent not otherwise pro-
10 vided, the Carl D. Perkins Career and Technical Edu-
11 cation Act of 2006 and the Adult Education and Family
12 Literacy Act (referred to in this Act as the “AEFLA”),
13 \$1,737,154,000, of which \$946,154,000 shall become
14 available on July 1, 2013, and shall remain available
15 through September 30, 2014, and of which \$791,000,000
16 shall become available on October 1, 2013, and shall re-
17 main available through September 30, 2014: *Provided*,
18 That of the amount provided for Adult Education State
19 Grants, \$74,709,000 shall be made available for inte-
20 grated English literacy and civics education services to im-
21 migrants and other limited-English-proficient populations:
22 *Provided further*, That of the amount reserved for inte-
23 grated English literacy and civics education, notwith-
24 standing section 211 of the AEFLA, 65 percent shall be
25 allocated to States based on a State’s absolute need as

1 determined by calculating each State's share of a 10-year
2 average of the United States Citizenship and Immigration
3 Services data for immigrants admitted for legal permanent
4 residence for the 10 most recent years, and 35 percent
5 allocated to States that experienced growth as measured
6 by the average of the 3 most recent years for which United
7 States Citizenship and Immigration Services data for im-
8 migrants admitted for legal permanent residence are avail-
9 able, except that no State shall be allocated an amount
10 less than \$60,000: *Provided further*, That, of the amounts
11 made available for AEFLLA, \$11,302,000 shall be for na-
12 tional leadership activities under section 243.

13 STUDENT FINANCIAL ASSISTANCE

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

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

19 STUDENT AID ADMINISTRATION

20 For Federal administrative expenses to carry out part
21 D of title I, and subparts 1, 3, 4, 9, and 10 of part A,
22 and parts B, C, D, and E of title IV of the HEA,
23 \$1,106,363,000, to remain available until September 30,
24 2014.

1 HIGHER EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
4 the Mutual Educational and Cultural Exchange Act of
5 1961, and section 117 of the Carl D. Perkins Career and
6 Technical Education Act of 2006, \$1,812,372,000: *Pro-*
7 *vided*, That \$607,000 shall be for data collection and eval-
8 uation activities for programs under the HEA, including
9 such activities needed to comply with the Government Per-
10 formance and Results Act of 1993: *Provided further*, That
11 notwithstanding any other provision of law, funds made
12 available under this heading to carry out title VI of the
13 HEA and section 102(b)(6) of the Mutual Educational
14 and Cultural Exchange Act of 1961 may be used to sup-
15 port visits and study in foreign countries by individuals
16 who are participating in advanced foreign language train-
17 ing and international studies in areas that are vital to
18 United States national security and who plan to apply
19 their language skills and knowledge of these countries in
20 the fields of government, the professions, or international
21 development: *Provided further*, That of the funds referred
22 to in the preceding proviso up to 1 percent may be used
23 for program evaluation, national outreach, and informa-
24 tion dissemination activities.

1 HOWARD UNIVERSITY

2 For partial support of Howard University,
3 \$234,063,000, of which not less than \$3,593,000 shall be
4 for a matching endowment grant pursuant to the Howard
5 University Endowment Act and shall remain available
6 until expended.

7 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
8 PROGRAM

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

12 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
13 CAPITAL FINANCING PROGRAM ACCOUNT

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

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

5 INSTITUTE OF EDUCATION SCIENCES

6 For carrying out activities authorized by the Edu-
7 cation Sciences Reform Act of 2002, the National Assess-
8 ment of Educational Progress Authorization Act, section
9 208 of the Educational Technical Assistance Act of 2002,
10 and section 664 of the Individuals with Disabilities Edu-
11 cation Act, \$593,664,000, which shall remain available
12 through September 30, 2014: *Provided*, That up to
13 \$10,000,000 of the funds available to carry out section
14 208 of the Educational Technical Assistance Act may be
15 used for State data coordinators and for awards to public
16 or private organizations or agencies to improve data co-
17 ordination and quality.

18 DEPARTMENTAL MANAGEMENT

19 PROGRAM ADMINISTRATION

20 For carrying out, to the extent not otherwise pro-
21 vided, the Department of Education Organization Act, in-
22 cluding rental of conference rooms in the District of Co-
23 lumbia and hire of three passenger motor vehicles,
24 \$448,470,000, of which \$2,211,000, to remain available

1 until expended, shall be for relocation of, and renovation
2 of buildings occupied by, Department staff.

3 OFFICE FOR CIVIL RIGHTS

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

7 OFFICE OF THE INSPECTOR GENERAL

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

11 GENERAL PROVISIONS

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

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

1 Civil Rights Act of 1964. For the purpose of this section
2 an indirect requirement of transportation of students in-
3 cludes the transportation of students to carry out a plan
4 involving the reorganization of the grade structure of
5 schools, the pairing of schools, or the clustering of schools,
6 or any combination of grade restructuring, pairing, or
7 clustering. The prohibition described in this section does
8 not include the establishment of magnet schools.

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

12 (TRANSFER OF FUNDS)

13 SEC. 304. Not to exceed 1 percent of any discre-
14 tionary funds (pursuant to the Balanced Budget and
15 Emergency Deficit Control Act of 1985) which are appro-
16 priated for the Department of Education in this Act may
17 be transferred between appropriations, but no such appro-
18 priation shall be increased by more than 3 percent by any
19 such transfer: *Provided*, That the transfer authority
20 granted by this section shall not be used to create any
21 new program or to fund any project or activity for which
22 no funds are provided in this Act: *Provided further*, That
23 the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate are notified at least 15 days
25 in advance of any transfer and approve such transfer.

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 ESEA.

4 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
5 of Free Association Amendments Act of 2003 (48 U.S.C.
6 1921d(f)(1)(B)(ix)) shall be applied by substituting
7 “2013” for “2009”.

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

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

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

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

3 (1) implement, administer, or enforce the final
4 regulations on “Program Integrity: Gainful Employ-
5 ment-New Programs” published by the Department
6 of Education in the Federal Register on October 29,
7 2010 (75 Fed. Reg. 66665 et seq.);

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

12 (3) implement, administer, or enforce section
13 668.6 of title 34, Code of Federal Regulations (re-
14 lating to gainful employment), as amended by the
15 final regulations published by the Department of
16 Education in the Federal Register on October 29,
17 2010 (75 Fed. Reg. 66832 et seq.); or

18 (4) promulgate or enforce any new regulation
19 or rule with respect to the definition or application
20 of the term “gainful employment” under the Higher
21 Education Act of 1965 on or after the date of enact-
22 ment of this Act.

23 SEC. 309. Section 163(b) of the Continuing Appro-
24 priations Act, 2011 (Public Law 111–242), is amended
25 by striking “2012-2013” and inserting “2014-2015”.

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

3 TITLE IV—RELATED AGENCIES

4 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

5 BLIND OR SEVERELY DISABLED

6 SALARIES AND EXPENSES

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

10 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

11 OPERATING EXPENSES

12 For necessary expenses for the Corporation for Na-
13 tional and Community Service (referred to in this title as
14 “CNCS”) to carry out title II of the Domestic Volunteer
15 Service Act of 1973 (referred to in this title as “1973
16 Act”) \$207,491,000: *Provided*, that notwithstanding any
17 other provision of law, only funds provided by this Act
18 may be used to reimburse programs associated with the
19 Corporation for National and Community Service and the
20 National Civilian Community Corps.

21 SALARIES AND EXPENSES

22 For close-out activities of the CNCS, as provided
23 under section 501(a)(5) of the 1990 Act and under section
24 504(a) of the 1973 Act, \$60,000,000.

1 OFFICE OF INSPECTOR GENERAL

2 For close-out activities of the Office of Inspector Gen-
3 eral in carrying out the Inspector General Act of 1978,
4 \$4,000,000.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 401. AmeriCorps programs receiving grants
7 under the National Service Trust program shall meet an
8 overall minimum share requirement of 24 percent for the
9 first 3 years that they receive AmeriCorps funding, and
10 thereafter shall meet the overall minimum share require-
11 ment as provided in section 2521.60 of title 45, Code of
12 Federal Regulations, without regard to the operating costs
13 match requirement in section 121(e) or the member sup-
14 port Federal share limitations in section 140 of the 1990
15 Act, and subject to partial waiver consistent with section
16 2521.70 of title 45, Code of Federal Regulations.

17 CORPORATION FOR PUBLIC BROADCASTING

18 (RESCISSIONS)

19 Of the funds made available for “Corporation for
20 Public Broadcasting” by Public Law 112–10 for fiscal
21 year 2013, \$111,250,000 is rescinded: *Provided*, That of
22 the funds made available for “Corporation for Public
23 Broadcasting” in title IV of division F of Public Law 112–
24 74 for fiscal year 2014, \$222,500,000 is rescinded. *Pro-*
25 *vided further*, That none of the funds made available to

1 the “Corporation for Public Broadcasting” in Public Law
2 112-10 for fiscal year 2013 may be used to pay dues to,
3 acquire programs from, or otherwise support National
4 Public Radio.

5 FEDERAL MEDIATION AND CONCILIATION SERVICE
6 SALARIES AND EXPENSES

7 For expenses necessary for the Federal Mediation
8 and Conciliation Service (“Service”) to carry out the func-
9 tions vested in it by the Labor-Management Relations Act,
10 1947, including hire of passenger motor vehicles; for ex-
11 penses necessary for the Labor-Management Cooperation
12 Act of 1978; and for expenses necessary for the Service
13 to carry out the functions vested in it by the Civil Service
14 Reform Act, \$46,250,000, including \$400,000 to remain
15 available through September 30, 2014, for activities au-
16 thorized by the Labor-Management Cooperation Act of
17 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
18 fees charged, up to full-cost recovery, for special training
19 activities and other conflict resolution services and tech-
20 nical assistance, including those provided to foreign gov-
21 ernments and international organizations, and for arbitra-
22 tion services shall be credited to and merged with this ac-
23 count, and shall remain available until expended: *Provided*
24 *further*, That fees for arbitration services shall be available
25 only for education, training, and professional development

1 of the agency workforce: *Provided further*, That the Direc-
2 tor of the Service is authorized to accept and use on behalf
3 of the United States gifts of services and real, personal,
4 or other property in the aid of any projects or functions
5 within the Director's jurisdiction.

6 FEDERAL MINE SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

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

11 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

12 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

13 AND ADMINISTRATION

14 For carrying out the Museum and Library Services
15 Act of 1996 and the National Museum of African Amer-
16 ican History and Culture Act, \$227,317,000: *Provided*,
17 That none of the funds made available under this heading
18 shall be used to pay indirect cost rates on a contract,
19 grant, or cooperative agreement (or similar arrangement)
20 entered into by the Institute of Museum and Library Serv-
21 ices in excess of 25 percent of the total direct cost of the
22 contract, grant, or agreement (or similar arrangement).

1 MEDICARE PAYMENT ADVISORY COMMISSION

2 SALARIES AND EXPENSES

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

8 MEDICAID AND CHIP PAYMENT AND ACCESS

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary to carry out section 1900 of
12 the Social Security Act, \$5,989,000.

13 NATIONAL COUNCIL ON DISABILITY

14 SALARIES AND EXPENSES

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

18 NATIONAL LABOR RELATIONS BOARD

19 SALARIES AND EXPENSES

20 For expenses necessary for the National Labor Rela-
21 tions Board to carry out the functions vested in it by the
22 Labor-Management Relations Act, 1947, and other laws,
23 \$258,306,000: *Provided*, That no part of this appropria-
24 tion shall be available to organize or assist in organizing
25 agricultural laborers or used in connection with investiga-

1 tions, hearings, directives, or orders concerning bargaining
2 units composed of agricultural laborers as referred to in
3 section 2(3) of the Act of July 5, 1935, and as amended
4 by the Labor-Management Relations Act, 1947, and as de-
5 fined in section 3(f) of the Act of June 25, 1938, and
6 including in said definition employees engaged in the
7 maintenance and operation of ditches, canals, reservoirs,
8 and waterways when maintained or operated on a mutual,
9 nonprofit basis and at least 95 percent of the water stored
10 or supplied thereby is used for farming purposes.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 402. None of the funds made available by this
13 Act may be used to implement, create, apply, or enforce
14 through prosecution, adjudication, rulemaking, or the
15 issuing of any interpretation, opinion, certification, deci-
16 sion, or policy, any standard for initial bargaining unit de-
17 terminations that conflicts with the standard articulated
18 in the majority opinion in *Wheeling Island Gaming Inc.*
19 and *United Food and Commercial Workers International*
20 *Union, Local 23*, 355 NLRB No. 127 (August 27, 2010)
21 (including the majority opinion in footnote 2), except for
22 unit determinations currently governed by NLRB Rule
23 Sec. 103.30 for employers currently covered by such rules.

24 SEC. 403. None of the funds made available by this
25 Act may be used to implement, create, apply, or enforce

1 through prosecution, adjudication, rulemaking, or the
2 issuing of any interpretation, opinion, certification, deci-
3 sion, or policy, any standard for secret-ballot elections that
4 conflicts with the standard articulated in the majority
5 opinion in *Dana Corp.*, 351 NLRB 434 (2007).

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

14 SEC. 405. None of the funds made available by this
15 Act may be used to promulgate or implement a final rule
16 amending parts 101, 102, and 103 of title 29, Code of
17 Federal Regulations, (relating to the filing and processing
18 of petitions related to the representation of employees for
19 the purposes of collective bargaining with their employer),
20 including the proposed rulemaking published by the Na-
21 tional Labor Relations Board in the Federal Register on
22 June 22, 2011 (76 Fed. Reg. 36812 et seq.).

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, including emergency boards ap-
5 pointed by the President, \$13,411,000.

6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

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

11 RAILROAD RETIREMENT BOARD

12 DUAL BENEFITS PAYMENTS ACCOUNT

13 For payment to the Dual Benefits Payments Ac-
14 count, authorized under section 15(d) of the Railroad Re-
15 tirement Act of 1974, \$45,001,000, which shall include
16 amounts becoming available in fiscal year 2013 pursuant
17 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
18 tion, an amount, not to exceed 2 percent of the amount
19 provided herein, shall be available proportional to the
20 amount by which the product of recipients and the average
21 benefit received exceeds the amount available for payment
22 of vested dual benefits: *Provided*, That the total amount
23 provided herein shall be credited in 12 approximately
24 equal amounts on the first day of each month in the fiscal
25 year.

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

2 ACCOUNTS

3 For payment to the accounts established in the
4 Treasury for the payment of benefits under the Railroad
5 Retirement Act for interest earned on unnegotiated
6 checks, \$150,000, to remain available through September
7 30, 2014, which shall be the maximum amount available
8 for payment pursuant to section 417 of Public Law 98–
9 76.

10 LIMITATION ON ADMINISTRATION

11 For necessary expenses for the Railroad Retirement
12 Board (“Board”) for administration of the Railroad Re-
13 tirement Act and the Railroad Unemployment Insurance
14 Act, \$108,649,000 to be derived in such amounts as deter-
15 mined by the Board from the railroad retirement accounts
16 and from moneys credited to the railroad unemployment
17 insurance administration fund.

18 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

3 For payment to the Federal Old-Age and Survivors
4 Insurance Trust Fund and the Federal Disability Insur-
5 ance Trust Fund, as provided under sections 201(m),
6 228(g), and 1131(b)(2) of the Social Security Act,
7 \$20,402,000.

8 SUPPLEMENTAL SECURITY INCOME PROGRAM

9 For carrying out titles XI and XVI of the Social Se-
10 curity Act, section 401 of Public Law 92–603, section 212
11 of Public Law 93–66, as amended, and section 405 of
12 Public Law 95–216, including payment to the Social Secu-
13 rity trust funds for administrative expenses incurred pur-
14 suant to section 201(g)(1) of the Social Security Act,
15 \$39,335,614,000 to remain available until expended: *Pro-*
16 *vided*, That any portion of the funds provided to a State
17 in the current fiscal year and not obligated by the State
18 during that year shall be returned to the Treasury: *Pro-*
19 *vided further*, That not more than \$8,000,000 shall be
20 available for research and demonstrations under sections
21 1110 and 1144 of the Social Security Act and remain
22 available through September 30, 2014.

23 For making, after June 15 of the current fiscal year,
24 benefit payments to individuals under title XVI of the So-

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

3 For making benefit payments under title XVI of the
4 Social Security Act for the first quarter of fiscal year
5 2014, \$19,300,000,000, to remain available until ex-
6 pended.

7 LIMITATION ON ADMINISTRATIVE EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses, including the hire of two pas-
10 senger motor vehicles, and not to exceed \$20,000 for offi-
11 cial reception and representation expenses, not more than
12 \$10,241,414,000 may be expended, as authorized by sec-
13 tion 201(g)(1) of the Social Security Act, from any one
14 or all of the trust funds referred to in such section: *Pro-*
15 *vided*, That not less than \$2,150,000 shall be for the So-
16 cial Security Advisory Board: *Provided further*, That up
17 to half of a percent of these funds may be transferred to
18 support the Program Integrity account: *Provided further*,
19 That unobligated balances of funds provided under this
20 paragraph at the end of fiscal year 2013 not needed for
21 fiscal year 2013 shall remain available until expended to
22 invest in the Social Security Administration information
23 technology and telecommunications hardware and soft-
24 ware infrastructure, including related equipment and non-
25 payroll administrative expenses associated solely with this

1 information technology and telecommunications infra-
2 structure: *Provided further*, That the Commissioner of So-
3 cial Security shall notify the Committees on Appropria-
4 tions of the House of Representatives and the Senate prior
5 to making unobligated balances available under the au-
6 thority in the previous proviso: *Provided further*, That re-
7 imbursement to the trust funds under this heading for ex-
8 penditures for official time for employees of the Social Se-
9 curity Administration pursuant to 5 U.S.C. 7131, and for
10 facilities or support services for labor organizations pursu-
11 ant to policies, regulations, or procedures referred to in
12 section 7135(b) of such title shall be made by the Sec-
13 retary of the Treasury, with interest, from amounts in the
14 general fund not otherwise appropriated, as soon as pos-
15 sible after such expenditures are made: *Provided further*,
16 That the Commissioner of Social Security shall seek to
17 enter into a contract with the National Academy of Public
18 Administration for purposes of developing and submitting
19 the report with respect to a long-range strategic plan for
20 the Social Security Administration, as described in the
21 joint explanatory statement accompanying Public Law
22 112-74.

23 In addition, \$170,000,000, to be derived from admin-
24 istration fees in excess of \$5.00 per supplementary pay-
25 ment collected pursuant to section 1616(d) of the Social

1 Security Act or section 212(b)(3) of Public Law 93–66,
2 which shall remain available until expended. To the extent
3 that the amounts collected pursuant to such sections in
4 fiscal year 2013 exceed \$170,000,000, the amounts shall
5 be available in fiscal year 2014 only to the extent provided
6 in advance in appropriations Acts.

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

11 PROGRAM INTEGRITY

12 For necessary expenses, not more than \$272,000,000
13 may be expended, as authorized by section 201(g)(1) of
14 the Social Security Act, from any one or all of the trust
15 funds referred to therein: *Provided*, That such funds may
16 only be used for the costs associated with conducting con-
17 tinuing disability reviews under titles II and XVI of the
18 Social Security Act and for the costs associated with con-
19 ducting redeterminations of eligibility under title XVI of
20 the Social Security Act: *Provided further*, That the Com-
21 missioner shall provide to the Congress (at the conclusion
22 of the fiscal year) a report on the obligation and expendi-
23 ture of these funds, similar to the reports that were re-
24 quired by section 103(d)(2) of Public Law 104–121 for
25 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, \$28,887,000, together with not to
6 exceed \$77,600,000, 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 three percent
11 of the total provided in this appropriation may be trans-
12 ferred from the “Limitation on Administrative Expenses”,
13 Social Security Administration, to be merged with this ac-
14 count, to be available for the time and purposes for which
15 this account is available: *Provided*, That notice of such
16 transfers shall be transmitted promptly to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate at least 15 days in advance of any transfer.

19 TITLE V—GENERAL PROVISIONS

20 (TRANSFER OF FUNDS)

21 SEC. 501. The Secretaries of Labor, Health and
22 Human Services, and Education are authorized to transfer
23 unexpended balances of prior appropriations to accounts
24 corresponding to current appropriations provided in this
25 Act. Such transferred balances shall be used for the same

1 purpose, and for the same periods of time, for which they
2 were originally appropriated.

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

6 SEC. 503. (a) No part of any appropriation contained
7 in this Act or transferred pursuant to section 4002 of
8 Public Law 111–148 shall be used, other than for normal
9 and recognized executive-legislative relationships, for pub-
10 licity 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 de-
17 signed to support or defeat any proposed or pending regu-
18 lation, administrative action, or order issued by the execu-
19 tive branch of any State or local government, except in
20 presentation to the executive branch of any State or local
21 government itself.

22 (b) No part of any appropriation contained in this
23 Act or transferred pursuant to section 4002 of Public Law
24 111–148 shall be used to pay the salary or expenses of
25 any grant or contract recipient, or agent acting for such

1 recipient, related to any activity designed to influence the
2 enactment of legislation, or appropriations, regulation, ad-
3 ministrative action, or Executive order proposed or pend-
4 ing before the Congress or any State government, State
5 legislature or local legislature or legislative body, other
6 than for normal and recognized executive-legislative rela-
7 tionships or participation by an agency or officer of a
8 State, local or tribal government in policymaking and ad-
9 ministrative processes within the executive branch of that
10 government.

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

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

1 available for “Federal Mediation and Conciliation Service,
2 Salaries and Expenses”; and the Chairman of the Na-
3 tional Mediation Board is authorized to make available for
4 official reception and representation expenses not to ex-
5 ceed \$5,000 from funds available for “National Mediation
6 Board, Salaries and Expenses”.

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

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

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

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

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

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

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

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

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

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

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

24 (c) Nothing in the preceding section shall be con-
25 strued as restricting the ability of any managed care pro-

1 vider from offering abortion coverage or the ability of a
2 State or locality to contract separately with such a pro-
3 vider for such coverage with State funds (other than a
4 State's or locality's contribution of Medicaid matching
5 funds).

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

13 (2) In this subsection, the term "health care entity"
14 includes an individual physician or other health care pro-
15 fessional, a hospital, a provider-sponsored organization, a
16 health maintenance organization, a health insurance plan,
17 or any other kind of health care facility, organization, or
18 plan.

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

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

23 (2) research in which a human embryo or em-
24 bryos are destroyed, discarded, or knowingly sub-
25 jected to risk of injury or death greater than that

1 allowed for research on fetuses in utero under 45
2 CFR 46.204(b) and section 498(b) of the Public
3 Health Service Act (42 U.S.C. 289g(b)).

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

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

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

22 SEC. 510. None of the funds made available in this
23 Act may be used to promulgate or adopt any final stand-
24 ard under section 1173(b) of the Social Security Act pro-
25 viding for, or providing for the assignment of, a unique

1 health identifier for an individual (except in an individ-
2 ual's capacity as an employer or a health care provider),
3 until legislation is enacted specifically approving the
4 standard.

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

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

13 (2) such entity has not submitted a report as
14 required by that section for the most recent year for
15 which such requirement was applicable to such enti-
16 ty.

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

22 SEC. 513. None of the funds made available by this
23 Act to carry out the Library Services and Technology Act
24 may be made available to any library covered by para-
25 graph (1) of section 224(f) of such Act, as amended by

1 the Children's Internet Protection Act, unless such library
2 has made the certifications required by paragraph (4) of
3 such section.

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

13 SEC. 515. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2013, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;
2 (5) reorganizes or renames offices;
3 (6) reorganizes programs or activities; or
4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;
6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are notified 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier.

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

20 (1) augments existing programs, projects (in-
21 cluding construction projects), or activities;

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

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress;
5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are notified 15 days in
7 advance of such reprogramming, the Committees approve
8 such reprogramming, and such reprogramming does not
9 increase or decrease funding for a program, project, or
10 activity by more than 3 percent.

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 2013 that are different than those specified

1 in this Act, the accompanying detailed table described in
2 the report of the Committee on Appropriations of the
3 House of Representatives to accompany this Act, or the
4 fiscal year 2013 budget request.

5 SEC. 518. The Secretaries of Labor, Health and
6 Human Services, and Education shall each prepare and
7 submit to the Committees on Appropriations of the House
8 of Representatives and the Senate a report on the number
9 and amount of contracts, grants, and cooperative agree-
10 ments exceeding \$500,000 in value and awarded by the
11 Department on a non-competitive basis during each quar-
12 ter of fiscal year 2013, but not to include grants awarded
13 on a formula basis or directed by law. Such report shall
14 include the name of the contractor or grantee, the amount
15 of funding, the governmental purpose, including a jus-
16 tification for issuing the award on a non-competitive basis.
17 Such report shall be transmitted to the Committees within
18 30 days after the end of the quarter for which the report
19 is submitted.

20 SEC. 519. None of the funds appropriated or other-
21 wise made available by this Act may be used to enter into
22 a contract in an amount greater than \$5,000,000 or to
23 award a grant in excess of such amount unless the pro-
24 spective contractor or grantee certifies in writing to the
25 agency awarding the contract or grant that, to the best

1 of its knowledge and belief, the contractor or grantee has
2 filed all Federal tax returns required during the 3 years
3 preceding the certification, has not been convicted of a
4 criminal offense under the Internal Revenue Code of 1986,
5 and has not, more than 90 days prior to certification, been
6 notified of any unpaid Federal tax assessment for which
7 the liability remains unsatisfied, unless the assessment is
8 the subject of an installment agreement or offer in com-
9 promise that has been approved by the Internal Revenue
10 Service and is not in default, or the assessment is the sub-
11 ject of a non-frivolous administrative or judicial pro-
12 ceeding.

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

23 SEC. 521. None of the funds appropriated by this Act
24 may be used by the Commissioner of Social Security or
25 the Social Security Administration to pay the compensa-

1 tion of employees of the Social Security Administration
2 to administer Social Security benefit payments, under any
3 agreement between the United States and Mexico estab-
4 lishing totalization arrangements between the social secu-
5 rity system established by title II of the Social Security
6 Act and the social security system of Mexico, which would
7 not otherwise be payable but for such agreement.

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

13 SEC. 523. None of the funds appropriated under this
14 Act may be used for the consolidation, restructuring, or
15 elimination of categorical budget lines.

16 SEC. 524. Not later than 30 days after the end of
17 each calendar quarter, beginning with the first quarter of
18 fiscal year 2013, the Departments of Labor, Health and
19 Human Services and Education and the Social Security
20 Administration shall provide the Committees on Appro-
21 priations of the House of Representatives and Senate a
22 quarterly report on the status of balances of appropria-
23 tions: *Provided*, That for balances that are unobligated
24 and uncommitted, committed, and obligated but unex-
25 pended, the quarterly reports shall separately identify the

1 amounts attributable to each source year of appropriation
2 (beginning with fiscal year 2012, or, to the extent feasible,
3 earlier fiscal years) from which balances were derived.

4 SEC. 525. None of the funds made available by this
5 Act may be used to enter into a contract, memorandum
6 of understanding, or cooperative agreement with, make a
7 grant to, or provide a loan or loan guarantee to any cor-
8 poration that was convicted (or had an officer or agent
9 of such corporation acting on behalf of the corporation
10 convicted) of a felony criminal violation under any Federal
11 law within the preceding 24 months, where the awarding
12 agency is aware of the conviction, unless the agency has
13 considered suspension or debarment of the corporation, or
14 such officer or agent, and made a determination that this
15 further action is not necessary to protect the interests of
16 the Government.

17 SEC. 526. None of the funds made available by this
18 Act may be used to enter into a contract, memorandum
19 of understanding, or cooperative agreement with, make a
20 grant to, or provide a loan or loan guarantee to, any cor-
21 poration that any unpaid Federal tax liability that has
22 been assessed, for which all judicial and administrative
23 remedies have been exhausted or have lapsed, and that
24 is not being paid in a timely manner pursuant to an agree-
25 ment with the authority responsible for collecting the tax

1 liability, where the awarding agency is aware of the unpaid
2 tax liability, unless the agency has considered suspension
3 or debarment of the corporation and made a determination
4 that this further action is not necessary to protect the in-
5 terests of the Government.

6 SEC. 527. None of the funds in this Act may be used
7 to support, maintain, or establish a computer network,
8 software, or website that permits or enables viewing,
9 downloading, or exchanging pornography: *Provided*, That
10 not later than 60 days after the date of the enactment
11 of this Act, the Secretary shall submit to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate a report on the implementation of this section: *Pro-*
14 *vided further*, That such report shall include a certification
15 that no activity prohibited by this section is occurring.

16 SEC. 528. None of the funds made available by this
17 Act may be used to enforce the National Labor Relations
18 Act (29 U.S.C. 152) against any enterprise or institution
19 owned and operated by an Indian tribe and located on its
20 Indian lands.

21 (a) For purposes of this section—

22 (1) the term “Indian tribe” means any Indian
23 tribe, band, nation, pueblo, or other organized group
24 or community which is recognized as eligible for the
25 special programs and services provided by the

1 United States to Indians because of their status as
2 Indians;

3 (2) the term “Indian” means any individual
4 who is a member of an Indian tribe; and

5 (3) the term “Indian lands’ ” means—

6 (A) all lands within the limits of any In-
7 dian reservation;

8 (B) any lands title to which is either held
9 in trust by the United States for the benefit of
10 any Indian tribe or individual or held by any
11 Indian tribe or individual subject to restriction
12 by the United States against alienation; and

13 (C) any lands in the State of Oklahoma
14 that are within the boundaries of a former res-
15 ervation (as defined by the Secretary of the In-
16 terior) of a federally recognized Indian tribe.

17 SEC. 529. 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): *Provided*, That
22 funds in this Act may be used to implement, administer,
23 enforce, or further the rate setting process for calendar
24 year 2013 and fiscal year 2014 for Medicare under title
25 XVIII of the Social Security Act: *Provided further*, That

1 funds in this Act may be used to implement, administer,
2 enforce, or further the final rules for the provisions of
3 (and amendments made by) sections 2501(c), 2501(d),
4 and 2503 of Public Law 111–148, as amended by sections
5 1206(a) and 1101(c) of Public Law 111–152, insofar as
6 each respective rule relates to calendar year 2013.

7 (RESCISSION)

8 SEC. 530. Of the funds made available [for the Con-
9 sumer Operated and Oriented Plan] under section 1322
10 of Public Law 111–148, \$3,000,000,000 is rescinded.

11 (RESCISSION)

12 SEC. 531. Of the funds made available [for the Cen-
13 ter for Medicare & Medicaid Innovation] under section
14 3021(a) of Public Law 111–148, \$1,590,100,000 is re-
15 scinded.

16 (RESCISSION)

17 SEC. 532. Of the funds made available for fiscal year
18 2013 [for the Independent Payment Advisory Board]
19 under section 3403 of Public Law 111–148, \$15,000,000
20 is rescinded.

21 (RESCISSION)

22 SEC. 533. Of the funds made available for fiscal year
23 2013 [for the Community Health Centers Fund] under
24 section 10503(b)(1) of Public Law 111–148,
25 \$300,000,000 is rescinded.

1 (RESCISSION)

2 SEC. 534. Of the funds made available for fiscal year
3 2013 [for the Prevention and Public Health Fund] under
4 section 4002 of Public Law 111–148, \$1,000,000,000 is
5 rescinded.

6 (RESCISSION)

7 SEC. 535. Of the funds made available for fiscal year
8 2013 [for the Patient-Centered Outcomes Research Trust
9 Fund] under section 6301(e) of Public Law 111–148,
10 \$150,000,000 is rescinded.

11 SEC. 536. (a) None of the funds made available by
12 this Act may be made available for any purpose to Planned
13 Parenthood Federation of America, Inc. or any affiliate
14 or clinic of Planned Parenthood Federation of America,
15 Inc. unless such entities certify that Planned Parenthood
16 Federation of America affiliates and clinics will not per-
17 form, and will not provide any funds to any other entity
18 that performs, an abortion.

19 (b) This limitation shall not apply to an abortion—

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

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness
24 that would, as certified by a physician, place the
25 woman in danger of death unless an abortion is per-

1 formed, including a life-endangering physical condi-
2 tion caused by or arising from the pregnancy itself.

3 (c) The Secretary of Health and Human Services
4 shall seek repayment of any Federal assistance received
5 by Planned Parenthood Federation of America, Inc., or
6 any affiliate or clinic of Planned Parenthood Federation
7 of America, Inc., if it violates the terms of the certification
8 required by this section.

9 SEC. 537. (a)(1) None of the funds made available
10 under this Act, or under any Act appropriating funds to
11 the Departments of Labor or Health and Human Services,
12 shall be used to assess fines or penalties or otherwise en-
13 force any provision of P.L. 111-148 or P.L. 111-152, or
14 any regulation or guidance based on such provision,
15 that—

16 (A) requires a health plan, group health plan,
17 or group or individual health insurance policy to
18 cover abortion or other items or services, if the
19 issuer or purchaser of the policy or sponsor of the
20 health plan or group health plan (or, in the case of
21 student health insurance, institution of higher edu-
22 cation) objects to such items or services on the basis
23 of religious beliefs or moral convictions; or

24 (B) requires the objecting issuer, purchaser,
25 sponsor (or, in the case of student health insurance,

1 institution of higher education) to offer, purchase,
2 provide or facilitate such coverage.

3 (2) Nothing in this subsection shall be construed to
4 prohibit the Secretary from issuing regulations or other
5 guidance to ensure that health plans or group health plans
6 excluding abortion or other items or services under this
7 subsection shall have an aggregate actuarial value at least
8 equivalent to that of plans at the same level of coverage
9 that do not exclude such items or services.

10 (3) Nothing in this subsection shall be construed to
11 permit a health plan or provider to act in a manner incon-
12 sistent with either of subparagraph (B) or (D) of section
13 1302(b)(4) of Public Law 111-148.

14 (b)(1) The Attorney General, or any person or entity
15 adversely affected by an actual or threatened violation of
16 subsection (a), may, in a civil action, obtain appropriate
17 relief with regard to such actual or threatened violation.

18 (2) An action under this section may be commenced
19 without regard to whether the party commencing the ac-
20 tion has sought or exhausted available administrative rem-
21 edies.

22 (3)(A) An action under this section may be main-
23 tained against a party who is a Federal or State govern-
24 mental entity. Money damages and any other relief may
25 be awarded against State and Federal governmental enti-

1 ties to the same extent as they may be awarded against
2 other persons and entities.

3 (B) For the purposes of this subsection—

4 (i) the term “State governmental entity” means
5 a state, or any agency or other governmental unit or
6 authority of a State; and

7 (ii) the term “State” shall have the same mean-
8 ing in this section as in 42 USC § 201.

9 (4) In an action under this section, the court shall
10 grant—

11 (A) all necessary equitable and legal relief, in-
12 cluding, where appropriate, declaratory relief and
13 compensatory damages, to prevent the occurrence,
14 continuance, or repetition of the designated violation
15 and to compensate for losses resulting from the des-
16 ignated violation; and

17 (B) to a prevailing plaintiff, reasonable attor-
18 neys’ fees and litigation expenses as part of the
19 costs.

20 SEC. 538. (a) IN GENERAL.—Section 245 of the Pub-
21 lic Health Service Act (42 U.S.C. 238n) is amended—

22 (1) in the section heading, by striking “**AND**
23 **LICENSING OF PHYSICIANS**” and inserting “**, LI-**
24 **CENSING, AND PRACTICE OF PHYSICIANS AND**
25 **OTHER HEALTH CARE ENTITIES**”;

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

3 “(1) the entity refuses—

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

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

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

9 “(D) to provide referrals for such training
10 or such abortions;”;

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

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

16 “(1) The term ‘financial assistance’, with re-
17 spect to a government program, means governmental
18 payments to cover the cost of health care services or
19 benefits, or other Federal payments, grants, or loans
20 to promote or otherwise facilitate health-related ac-
21 tivities.

22 “(2) The term ‘health care entity’ includes an
23 individual physician or other health professional, a
24 postgraduate physician training program, a partici-
25 pant in a program of training in the health profes-

1 sions, a hospital, a provider sponsored organization,
2 a health maintenance organization, an accountable
3 care organization, a health insurance plan, any other
4 kind of health care facility, organization, or plan,
5 and an entity that provides or authorizes referrals
6 for health care services.”;

7 (5) in subsection (c), by adding at the end the
8 following:

9 “(4) The term ‘State or local government that
10 receives Federal financial assistance’ includes any
11 agency or other governmental unit of a State or
12 local government if such government receives Fed-
13 eral financial assistance.”;

14 (6) by redesignating subsection (c) as sub-
15 section (d); and

16 (7) by inserting after subsection (b) the fol-
17 lowing:

18 “(c) ADMINISTRATION.—The Secretary shall des-
19 ignate the Director of the Office for Civil Rights of the
20 Department of Health and Human Services—

21 “(1) to receive complaints alleging a violation of
22 this section; and

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

1 (b) REMEDIES.—Title II of the Public Health Service
2 Act (42 U.S.C. 202 et seq.) is amended by inserting after
3 section 245 the following:

4 **“SEC. 245A. CIVIL ACTION FOR CERTAIN VIOLATIONS.**

5 “(a) IN GENERAL.—A qualified party may, in a civil
6 action, obtain appropriate relief with regard to a des-
7 ignated violation.

8 “(b) DEFINITIONS.—In this section—

9 “(1) the term ‘qualified party’ means—

10 “(A) the Attorney General; or

11 “(B) any person or entity adversely af-
12 fected by the designated violation; and

13 “(2) the term ‘designated violation’ means an
14 actual or threatened violation of section 245 of this
15 Act or any of subsections (b) through (e) of section
16 401 of the Health Programs Extension Act of 1973.

17 “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—
18 An action under this section may be commenced without
19 regard to whether the party commencing the action has
20 sought or exhausted available administrative remedies.

21 “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-
22 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL
23 AS OTHERS.—

24 “(1) GENERALLY.—An action under this sec-
25 tion may be maintained against a party who is a

1 Federal or State governmental entity. Money dam-
2 ages and any other relief may be awarded against
3 State and Federal governmental entities to the same
4 extent as they may be awarded against other per-
5 sons and entities.

6 “(2) DEFINITION.—For the purposes of this
7 subsection, the term ‘State governmental entity’
8 means a State, a local government within a State,
9 or any agency or other governmental unit or author-
10 ity of a State or of such a local government.

11 “(e) NATURE OF RELIEF.—The court shall grant—

12 “(1) all necessary equitable and legal relief, in-
13 cluding, where appropriate, declaratory relief and
14 compensatory damages, to prevent the occurrence,
15 continuance, or repetition of the designated violation
16 and to compensate for losses resulting from the des-
17 ignated violation; and

18 “(2) to a prevailing plaintiff, reasonable attor-
19 neys fees and litigation expenses as part of the
20 costs.”.

21 SPENDING REDUCTION ACCOUNT

22 SEC. 539. The amount by which the applicable alloca-
23 tion of new budget authority made by the Committee on
24 Appropriations of the House of Representatives under sec-

1 tion 302(b) of the Congressional Budget Act of 1974 ex-
2 ceeds the amount of proposed new budget authority is \$0.

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

[FULL COMMITTEE PRINT]

Union Calendar No. _____

112TH CONGRESS
2^D Session

H. R. _____

[Report No. 112-_____] _____

A BILL

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

, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed