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# Calendar No. 504

111TH CONGRESS
2D SESSION

# S. 3686

**[Report No. 111–243]**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2010

Mr. HARKIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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# 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, 2011, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and

Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, namely:

# TITLE I

# DEPARTMENT OF LABOR

## EMPLOYMENT AND TRAINING ADMINISTRATION

### TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (''WIA''), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,877,478,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, dislocated worker employment and training activities, and for workforce innovation activities, $3,133,031,000 as follows:

(A) $896,884,000 for adult employment and training activities, of which not more than $35,000,000, shall be available for workforce innovation activities to carry out projects au-

thorized under section 171(b) of the WIA that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for program beneficiaries, and of which $184,884,000 shall be available for the period July 1, 2011, through June 30, 2012, and of which $712,000,000 shall be available for the period October 1, 2011 through June 30, 2012;

(B) $995,000,000 for youth activities, which shall be available for the period April 1, 2011 through June 30, 2012; and of which not more than $95,000,000 shall be for workforce innovation activities to carry out projects authorized under section 171(b) of the WIA that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for youth: *Provided,* That for purposes of section 127(b) of the WIA, funds available for youth activities shall be used and allotted as if the total amount

available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further,* That notwithstanding section 128(a)(1) of the WIA the amount available to the Governor for statewide activities shall not exceed 10 percent of the amount allotted to the State from the appropriation under this subparagraph: *Provided further,* That of the funds reserved in this subparagraph for workforce innovation activities not less than 30 percent shall be for projects providing summer employment activities for youth; and

(C) $1,241,147,000 for dislocated worker employment and training activities, of which not more than $55,000,000 shall be for workforce innovation activities to carry out projects authorized under section 171(b) of the WIA that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for program beneficiaries, and of which $381,147,000 shall be available for the period July 1, 2011 through June 30, 2012, and of

which $860,000,000 shall be available for the period October 1, 2011 through June 30, 2012: *Provided,* That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of funds allocated to a local area from appropriations under subparagraphs (A) and (C) may be transferred by a local board if approved by the Governor: *Provided further*, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: *Provided further,* That projects carried out with funds available for workforce innovation activities shall not be subject to the requirements of section 171(b)(2)(B) of the WIA and shall be administered by the Secretary of Labor in cooperation with the Secretary of Education and, as appropriate, other heads of departments and agencies: *Provided further,* That of the funds available for workforce innovation activities, not more than 5 percent shall be for technical assistance and evaluations related to the projects carried out with these funds;

(2) for federally administered programs, $482,538,000 as follows:

(A) $229,160,000 for the dislocated workers assistance national reserve, of which $29,160,000 shall be available for the period July 1, 2011 through June 30, 2012, and of which $200,000,000 shall be available for the period October 1, 2011 through June 30, 2012: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $55,000,000 for Native American programs, which shall be available for the period July 1, 2011 through June 30, 2012;

(C) $87,378,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $80,868,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $6,000,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $510,000 for other discretionary purposes, which shall be available for the period July 1, 2011 through June 30, 2012: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2011 through June 30, 2012; and

(E) $110,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2011 through June 30, 2012;

(3) for national activities, $261,909,000 as follows:

(A) $73,559,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2011 through June 30, 2012, of which $40,000,000 shall be for Transitional Jobs activities, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, and that up to 10 percent of the amount available for Transitional Jobs activities may be used for evaluation of such projects or transferred to the Department of Health and Human Services and/or the Department of Justice for support of Transitional Jobs activities; and of which $27,003,000 shall be used for the projects, and in the amounts, specified under the heading ''Training and Employment Services'' in the committee report of the Senate accompanying this Act: *Provided*, That funding provided to carry out such projects shall not be subject to the requirements

of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $65,000,000 for activities that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2011 through June 30, 2012, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D);

(C) $98,000,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2011 through June 30, 2012, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA;

(D) $11,600,000 for Evaluation, which shall be available for the period July 1, 2011 through June 30, 2012; and

(E) $13,750,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2011 through June 30, 2012, and which shall not be subject to the requirements of section 171(c)(4)(D).

OFFICE OF JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,712,205,000, plus reimbursements, as follows:

(1) $1,577,095,000 for Job Corps Operations, of which $986,095,000 shall be available for obligation for the period July 1, 2011 through June 30, 2012 and of which $591,000,000 shall be available for obligation for the period October 1, 2011 through June 30, 2012;

(2) $105,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $5,000,000 shall be available for the period July 1,

2011 through June 30, 2014 and $100,000,000 shall be available for the period October 1, 2011 through June 30, 2014: *Provided,* That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of such centers: *Provided further,* That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2012; and

(3) $30,110,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2010 through September 30, 2011:

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

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (''OAA''), $600,425,000, which shall be available for the period July 1, 2011 through June 30, 2012: *Provided*, That funds made available under this heading may, in accordance with section 517(c) of the OAA, be recaptured and reobligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2011 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, $1,938,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2011.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $91,403,000, together with not to exceed $4,348,924,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $3,570,079,000 from the Trust Fund is for grants to States for the administration of State un-

employment insurance laws as authorized under title III of the Social Security Act (including $65,000,000 to conduct in-person re-employment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, re-employment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2011, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2013, and funds used for unemployment insurance workloads experienced by the States through September 30, 2011, shall be available for Federal obligation through December 31, 2011: *Provided,* That funds awarded to States under the misclassification initiative or to conduct re-employment and eligibility assessment and improper payment reviews shall be

available for obligation by the States through September 30, 2013;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $680,893,000 from the Trust Fund, together with $22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2011 through June 30, 2012;

(4) $20,994,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $65,648,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nation-

ality Act and related laws, of which $50,519,000 shall be available for the Federal administration of such activities, and $15,129,000 shall be available for grants to States for the administration of such activities; and

(6) $68,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2011 through June 30, 2012:

*Provided*, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2011 is projected by the Department of Labor to exceed 6,051,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster

declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: *Provided further,* That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the

administration of the unemployment compensation law of the State making the request.

STATE PAID LEAVE FUND

For grants to assist in the start-up of paid leave programs in the States, $10,000,000, shall be available for obligation for the period of July 1, 2011 through June 30, 2013: *Provided,* That the Secretary of Labor may reserve not more than 1 percent for administration related to such grants.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal Unemployment Benefits and Allowances'' account, such sums as may be necessary, which shall be available for obligation through September 30, 2012.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $104,904,000, together with not to exceed $57,138,000, which may be expended from the Employ-

ment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $161,995,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2011, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2011 shall be available for obligations for administrative expenses in excess of $466,301,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2011, an amount not to exceed an

additional $9,200,000 shall be available through September 30, 2012 for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available through September 30, 2012, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

## WAGE AND HOUR DIVISION

### SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $244,240,000.

OFFICE OF LABOR MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor Management Standards, $45,181,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $112,433,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $124,165,000, together with $2,181,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $53,778,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (in-

cluding Social Security account number) as may be prescribed.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $183,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2010, shall remain available until expended for

the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2011: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $58,364,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $17,318,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $25,973,000;

(3) For periodic roll management and medical review, $15,073,000; and

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

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits

under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $158,220,000, to remain available until expended.

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

For making benefit payments under title IV for the first quarter of fiscal year 2012, $41,000,000, to remain available until expended.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2011, such sums as may be necessary from the Black Lung Disability Trust Fund (''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year

2010 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $33,075,000 for transfer to the Office of Workers' Compensation Programs, ''Salaries and Expenses''; not to exceed $25,394,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $327,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $574,096,000, including not to exceed $105,893,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize

such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2011, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently pub-

lished by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

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

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

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

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

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

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

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $11,000,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $377,000,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, and $1,500,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and ex-

plosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

## BUREAU OF LABOR STATISTICS

### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $567,413,000, together with not to exceed

$67,438,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $44,138,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three sedans, $432,297,000, together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That the Secretary of Labor may transfer up to $7,200,000 of the funds available under this heading for legal services to the ''Mine Safety and Health Administration'' for activities related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commis-

sion, which may include case management of civil penalties, assignment of Pattern of Violations (''POV'') status, and enhanced enforcement under the POV process: *Provided further,* That $66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2011: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That $40,000,000 shall be for the United States' contribution to the International Labour Organization's International Program on the Elimination of Child Labor: *Provided further*, That up to $26,500,000 shall be used to implement model programs that address worker rights issues through technical assistance or other programs in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, may be allocated to agencies of the Department by the Department's Chief Information Officer: *Provided further,* That $36,300,000 shall be used for program evaluation, of

which $26,300,000 shall be available for obligation through September 30, 2012: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $211,523,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2011, of which $2,449,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $50,971,000, of which $9,641,000 shall be available for obligation for the period July 1, 2011 through June 30, 2012.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $79,090,000, together with not to

exceed $5,992,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 102. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or

in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 103. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 104. None of the funds available in this Act or available to the Secretary of Labor from other sources for grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a noncompetitive basis.

SEC. 105. (a) None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may es-

tablish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(b) Notwithstanding subsection (a), none of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

SEC. 106. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the

preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 107. Funds available to the Employment and Training Administration, either directly or through a set-aside, for technical assistance services to grantees may be transferred to ''Program Administration'' when it is determined that those services will be more efficiently performed by Federal staff.

(INCLUDING TRANSFER OF FUNDS)

SEC. 108. For an additional amount for the ''Departmental Management, Working Capital Fund'' account, $4,536,900, to increase the Department's acquisition workforce capacity and capabilities: *Provided,* That such funds may be transferred by the Secretary of Labor to any other account in the Department to carry out the purposes provided herein: *Provided further,* That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further,* That such funds

shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further,* That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended: *Provided further,* That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management: *Provided further,* That the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 15 days prior to any such transfer.

(RESCISSION OF FUNDS)

SEC. 109. The language under the ''Working Capital Fund'' heading in Public Law 85–67, as amended, is further amended by deleting the following: '': *Provided further,* That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses

accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action'': *Provided,* That $3,900,000 in unobligated balances for the IRF is rescinded: *Provided further,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the ''Department of Labor Appropriations Act, 2011''.

## TITLE II

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, XX, XXVI, and XXVIII of the Public Health

Service Act (''PHS Act''), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, 1820, and 1886 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, the Stem Cell Therapeutic and Research Act of 2005, the Medicare Prescription Drug Improvement and Modernization Act of 2003, and the Patient Protection and Affordable Care Act of 2010, $7,490,663,000, of which $41,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided,* That of the funds made available under this heading for Medicare rural hospital flexibility grants, $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for such grants available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: *Provided further*, That of the funds made available under this heading, $129,000 shall be

available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further,* That no more than $100,000,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (''HHS'') pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $327,356,000 shall be for the program under title X

of the PHS Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $1,982,865,000 shall remain available to the Secretary of HHS through September 30, 2013, for parts A and B of title XXVI of the PHS Act: *Provided further*, That $885,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further,* That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $93,999,263 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $11,810,915 shall be available for projects described in paragraphs (A)

through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $34,927,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: *Provided further,* That, notwithstanding section 747(c)(2) of the PHS Act, not less than 15 percent of funds provided for section 747 of such Act shall be for physician assistant programs: *Provided further,* That notwithstanding section 756(e) of the PHS Act, $8,672,000 shall be available for grants authorized in section 756 of such Act: *Provided further,* That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior-year adjustments to awards made under these sections: *Provided further*, That of the amount appropriated in this paragraph, $156,329,000 shall be used for the projects financing the construction and renovation (including equipment) of healthcare and other facilities and for other health-related activities, and in the amounts, specified under the heading ''Health Resources and Services'' in the committee report of the Senate accompanying this Act, and of which up to 1 percent of the amount for each project may be used for related agency administrative expenses: *Provided further,* That notwithstanding section 338J(k) of the PHS Act, $10,075,000 shall be available

for State Offices of Rural Health: *Provided further,* That of the funds provided, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program: *Provided further,* That notwithstanding section 399BB(g) of the PHS Act, funds made available under this heading for section 399BB of the PHS Act are for carrying out the program as authorized under section 399BB(a)–(f) of such Act unless otherwise authorized subsequent to enactment of this Act.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $6,502,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act, $2,500,000, to remain available until expended: *Provided,* That amounts appropriated to this account shall also be available for related administrative ex-

penses and costs under the Smallpox Emergency Personal Protection Act of 2003.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act (''PHS Act''), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, titles II and IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 4001, 4004, and 4201 of the Patient Protection and Affordable Care Act of 2010, section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,527,235,000, of which $12,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities, including necessary repairs and

1 improvements to laboratories leased or operated by the
2 Centers for Disease Control and Prevention; of which
3 $523,533,000 shall remain available until expended for
4 the Strategic National Stockpile under section 319F–2 of
5 the PHS Act; of which $25,000,000 shall remain available
6 through September 30, 2012 for chronic disease grants;
7 of which $4,700,000 shall be used for the projects, and
8 in the amounts, specified under the heading ''Disease Con-
9 trol, Research, and Training'' in the committee report of
10 the Senate accompanying this Act; of which $118,092,000
11 for international HIV/AIDS shall remain available
12 through September 30, 2012; and of which $150,137,000
13 shall be available until expended to provide screening and
14 treatment for first response emergency services personnel,
15 residents, students, and others related to the September
16 11, 2001 terrorist attacks on the World Trade Center:
17 *Provided,* That in addition, such sums as may be derived
18 from authorized user fees, which shall be credited to this
19 account: *Provided further*, That with respect to the pre-
20 vious proviso, authorized user fees from the Vessel Sanita-
21 tion Program shall be available through September 30,
22 2012: *Provided further*, That in addition to amounts pro-
23 vided herein, the following amounts shall be available from
24 amounts available under section 241 of the PHS Act: (1)
25 $12,864,000 to carry out the National Immunization Sur-

1 veys; (2) $8,683,000 to carry out the National Center for
2 Health Statistics surveys; (3) $16,881,000 for Public
3 Health Informatics; (4) $47,036,000 for Health Mar-
4 keting; (5) $31,170,000 to carry out Public Health Re-
5 search; and (6) $21,724,000 to carry out research activi-
6 ties within the National Occupational Research Agenda:
7 *Provided further,* That none of the funds made available
8 for injury prevention and control at the Centers for Dis-
9 ease Control and Prevention may be used, in whole or in
10 part, to advocate or promote gun control: *Provided further*,
11 That of the funds made available under this heading, up
12 to $1,000 per eligible employee of the Centers for Disease
13 Control and Prevention shall be made available until ex-
14 pended for Individual Learning Accounts: *Provided fur-*
15 *ther*, That the Director may redirect the total amount
16 made available under authority of Public Law 101–502,
17 section 3, dated November 3, 1990, to activities the Direc-
18 tor may so designate: *Provided further*, That the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate are to be notified promptly of any such
21 redirection: *Provided further,* That not to exceed
22 $20,787,000 may be available for making grants under
23 section 1509 of the PHS Act to not less than 21 States,
24 tribes, or tribal organizations: *Provided further*, That not-
25 withstanding any other provision of law, the Centers for

Disease Control and Prevention may award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further,* That notwithstanding section 399AA(e) of the PHS Act, funds made available under this heading for section 399AA of the PHS Act are for carrying out the program as authorized under section 399AA(a)–(d) of such Act unless otherwise authorized

subsequent to enactment of this Act: *Provided further,* That, notwithstanding section 2821(b) of the PHS Act, no funds made available under this heading shall be made available for section 2821 of the PHS Act: *Provided further,* That, notwithstanding section 516 of this Act, no activity funded under this heading or funded through transfers to ''Disease Control, Research, and Training'' that has a funding amount specifically identified in the committee report of the Senate accompanying this Act may be eliminated, increased by more than 3 percent or reduced by more than 1 percent through any administrative action.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: *Provided,* That this amount shall be available consistent with the

provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

## NATIONAL INSTITUTES OF HEALTH

### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $5,256,409,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,182,524,000.

### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $422,845,000.

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

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,854,674,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,678,696,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,969,301,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $2,121,783,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,366,750,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $723,220,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $706,227,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,140,547,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $554,846,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $428,331,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $149,963,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $473,904,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,092,369,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,537,942,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $533,127,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $325,415,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,306,695,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $131,796,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $218,705,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $72,914,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (''PHS Act'') with respect to health information communications, $364,254,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2011, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health (''NIH''), $1,268,580,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the NIH is authorized to collect third

party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $194,400,000 shall be available for continuation of the National Children's Study: *Provided further*, That $561,629,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (''PHS Act''): *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further,* That $50,000,000 shall be available to implement section 402c of the PHS Act, relating to the Cures Acceleration Network.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of

real property, $125,420,000, to remain available until expended.

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, $3,536,184,000, of which $3,400,000 shall be used for the projects, and in the amounts, specified under the heading ''Substance Abuse and Mental Health Services'' in the committee report of the Senate accompanying this Act: *Provided,* That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2)

$21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $23,399,000 to carry out national surveys on drug abuse and mental health; and (4) $8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2011.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act (''PHS Act''), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 947(c) of the PHS Act shall not exceed $397,053,000.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, $173,143,799,000,
5 to remain available until expended.

6 For making, after May 31, 2011, payments to States
7 or in the case of section 1928 on behalf of States under
8 title XIX of the Social Security Act for the last quarter
9 of fiscal year 2011 for unanticipated costs, incurred for
10 the current fiscal year, such sums as may be necessary.

11 For making payments to States or in the case of sec-
12 tion 1928 on behalf of States under title XIX of the Social
13 Security Act for the first quarter of fiscal year 2012,
14 $86,445,289,000, to remain available until expended.

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

19 PAYMENTS TO HEALTHCARE TRUST FUNDS

20 For payment to the Federal Hospital Insurance
21 Trust Fund and the Federal Supplementary Medical In-
22 surance Trust Fund, as provided under sections 217(g),
23 1844, and 1860D–16 of the Social Security Act, sections
24 103(c) and 111(d) of the Social Security Amendments of
25 1965, section 278(d) of Public Law 97–248, and for ad-

ministrative expenses incurred pursuant to section 201(g) of the Social Security Act, $229,664,000,000.

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

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act (''PHS Act''), the Clinical Laboratory Improvement Amendments of 1988, the Patient Protection and Affordable Care Act of 2010, and the Health Care and Education Reconciliation Act of 2010, not to exceed $3,574,527,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Pro-*

*vided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That $37,687,000, to remain available through September 30, 2012, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further,* That $9,120,000, to remain available through September 30, 2012, shall be for the Centers for Medicare and Medicaid Services (''CMS'') Medicare contracting reform activities: *Provided further,* That $110,000,000, to remain available through September 30, 2012, shall be for the Centers for Medicare and Medicaid Service's Health Care Data Improvement Initiative: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2011 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That $1,300,000 shall be used for the projects, and in the amounts, specified under the heading ''Program Management'' in the committee report of the Senate accompanying this Act.

1 HEALTHCARE FRAUD AND ABUSE CONTROL ACCOUNT

2 In addition to amounts otherwise available for pro-
3 gram integrity and program management, $561,000,000,
4 to remain available through September 30, 2012, to be
5 transferred from the Federal Hospital Insurance Trust
6 Fund and the Federal Supplementary Medical Insurance
7 Trust Fund, as authorized by section 201(g) of the Social
8 Security Act, of which $376,167,000 shall be for the Cen-
9 ters for Medicare and Medicaid Services Program Integ-
10 rity Activities, including administrative costs, to conduct
11 oversight activities for Medicare Advantage and the Medi-
12 care Prescription Drug Program authorized in title XVIII
13 of the Social Security Act and for activities listed in sec-
14 tion 1893 of such Act and for Medicaid and Children's
15 Health Insurance Program (''CHIP'') program integrity
16 activities; of which $94,830,000 shall be for the Depart-
17 ment of Health and Human Services Office of Inspector
18 General to carry out fraud and abuse activities authorized
19 by section 1817(k)(3) of such Act; and of which
20 $90,003,000 shall be for the Department of Justice to
21 carry out fraud and abuse activities authorized by section
22 1817(k)(3) of such Act: *Provided*, That the report re-
23 quired by section 1817(k)(5) of the Social Security Act
24 for fiscal year 2011 shall include measures of the oper-
25 ational efficiency and impact on fraud, waste, and abuse

in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,482,814,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2012, $1,200,000,000, to remain available until expended.

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

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

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

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,300,000,000, of which $2,709,672,000 shall be for payments under subsections (b) and (d) of such section; and of which $590,328,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: *Provided*, That all but $504,596,000 of the amount provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2011 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2605(b)(2)(B)(ii) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2011, and any allotment from funds appropriated in this Act or any other appropriations Act for fiscal year 2011, to provide assistance to households whose income does not exceed 75 percent of the State median income.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $834,602,000, of which up to $10,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2011 shall be available for the costs of assistance provided and other activities, to remain available through September 30, 2013: *Provided further,* That amounts available herein for refugee school impact grants under title IV of the Immigration and Nationality Act shall also be available for grants by the Secretary of

Health and Human Services to States for the purpose of assisting school districts serving significant numbers of children who entered the United States from Haiti during the period January 12, 2010 through May 31, 2010 and who are United States citizens or Haitian nationals, to meet the educational and related needs of such children.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $3,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $26,805,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $398,994,000 shall be reserved by the States for activities authorized under section 658G, of which $146,328,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (''CSBG Act''), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for

1 necessary administrative expenses to carry out such Acts
2 and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social
3 Security Act, the Act of July 5, 1960, the Low Income
4 Home Energy Assistance Act of 1981, title IV of the Im-
5 migration and Nationality Act, section 501 of the Refugee
6 Education Assistance Act of 1980, and section 505 of the
7 Family Support Act of 1988, $10,359,727,000, of which
8 $42,000,000, to remain available through September 30,
9 2012, shall be for grants to States for adoption incentive
10 payments, as authorized by section 473A of the Social Se-
11 curity Act and may be made for adoptions completed be-
12 fore September 30, 2011: *Provided,* That $8,223,958,000
13 shall be for making payments under the Head Start Act:
14 *Provided further*, That for purposes of allocating funds de-
15 scribed by the immediately preceding proviso, the following
16 provisions shall apply: (1) the term ''base grant'' as used
17 in section 640(a)(7)(A) of such Act with respect to fund-
18 ing provided to a Head Start agency (including each Early
19 Head Start agency) for fiscal year 2010 shall be deemed
20 to include funds appropriated in the American Recovery
21 and Reinvestment Act of 2009 and provided to such agen-
22 cy for carrying out expansion of Head Start programs,
23 as that phrase is used in subsection (a)(4)(D) of such sec-
24 tion 640(a), and provided to such agency as the ongoing
25 funding level for operations in the 12-month budget period

beginning in fiscal year 2010; (2) the amount reserved under subsection (a)(1)(C) of such section shall be less than the amount that would be reserved under such subparagraph absent this proviso by a sum of $5,131,935; and (3) the text of paragraph (4)(B)(i) of such section shall be applied by substituting the following language: ''Under the circumstances described in clause (ii), from the balance, the Secretary shall reserve remaining amounts, to be allotted to each Head Start agency (including each Early Head Start agency) in an amount that bears the same ratio to such remaining amounts as the funds appropriated in the American Recovery and Reinvestment Act of 2009 and provided to such agency for carrying out quality improvement of Head Start programs, as that phrase is used in paragraph (5) of this section (which funds shall be referred to in this proviso as such agency's 'ARRA quality improvement funds') bear to the total of all such agencies' ARRA quality improvement funds, to carry out such quality improvement activities.'': *Provided further*, That $765,000,000 shall be for making payments under the CSBG Act, of which $55,000,000 shall be for section 680(a)(2) of the CSBG Act: *Provided further,* That not less than $10,000,000 shall be for section 680(a)(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, $5,762,000

shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section

680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $2,000,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That of the funds appropriated under this heading, $1,500,000 shall be transferred to the National Commission on Children and Disasters to carry out title VI of division G of Public Law 110–161: *Provided further,* That $8,188,000 shall be used for the projects, and in the amounts, specified under the heading ''Children and Families Services Programs'' in the committee report of the Senate accompanying this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,311,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,366,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2012, $1,850,000,000.

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

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (''OAA''), section 398 and title XXIX of the Public Health Service Act (''PHS Act''), and section 119 of the Medicare Improvements for Patients and Providers Act of 2008 and for necessary administrative expenses to carry out title XVII of

the PHS Act, $1,659,383,000: *Provided*, That $1,650,000 shall be used for the projects, and in the amounts, specified under the heading ''Aging Services Programs'' in the committee report of the Senate accompanying this Act: *Provided further,* That amounts under this heading shall be available for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated to the satisfaction of the Secretary of Health and Human Services to be evidence-based and effective: *Provided further,* That amounts otherwise available under this heading to carry out activities relating to Aging and Disability Resource Centers, under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA, shall be reduced by any amounts made available for fiscal year 2011 for such purposes under section 2405 of the Patient Protection and Affordable Care Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, IV, XVII, XX, and XXI of the Public Health Service Act (''PHS Act''), the United States-Mexico Border Health Commission Act, and

research studies under section 1110 of the Social Security Act, $514,697,000 and $69,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $53,891,000 shall be for minority AIDS prevention and treatment activities; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: *Provided further*, That none of the funds made available under this heading shall be available for carrying out activities specified under section 2003(b)(2) or (3) of title XX of the PHS Act: *Provided further,* That of the funds made available under this heading, $110,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and dem-

onstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That $1,150,000 shall be used for the projects, and in the amounts, specified under the heading ''General Departmental Management'' in the committee report of the Senate accompanying this Act: *Provided further,* That $10,000,000 of the funds made available under this heading shall be available for health and wellness pilot initiatives for Federal employees, of which up to $5,000,000 may be transferred to other agencies, with the approval of the Director of the Office of Management and Budget,

to assist those agencies in the implementation of such initiatives.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $77,798,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $59,323,000: *Provided*, That in addition to amounts provided herein, $19,011,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $54,754,000: *Provided,* That of such amount, necessary sums shall be available for pro-

viding protective services to the Secretary of Health and Human Services and investigating nonpayment of child support cases for which nonpayment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $44,382,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $610,023,000; of which $38,059,000 shall be to support preparedness and emergency operations, of which $15,000,000, to support

1 expenses due to response efforts, shall remain available
2 until expended; and of which $10,000,000, to remain
3 available through September 30, 2012, shall be to support
4 the delivery of medical countermeasures: *Provided,* That
5 of the amount made available herein for the delivery of
6 medical countermeasures, up to $8,000,000 may be trans-
7 ferred to the U.S. Postal Service to support delivery of
8 medical countermeasures.

9 From funds transferred to this account pursuant to
10 the fourth paragraph under this heading in Public Law
11 111–117, up to $476,194,000 shall be available for ex-
12 penses necessary to support advanced research and devel-
13 opment pursuant to section 319L of the Public Health
14 Service Act and other administrative expenses of Bio-
15 medical Advanced Research and Development Authority.

16 For expenses necessary to prepare for and respond
17 to an influenza pandemic, $65,578,000.

18 For expenses necessary for fit-out and other costs re-
19 lated to a competitive lease procurement to renovate or
20 replace the existing headquarters building for Public
21 Health Service agencies and other components of the De-
22 partment of Health and Human Services, $35,000,000, to
23 remain available until expended, and, in addition, for fit-
24 out and other costs related to the consolidation of office
25 space for the Office of the Assistant Secretary for Pre-

paredness and Response, $10,000,000, to remain available until expended.

GENERAL PROVISIONS

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

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

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided

for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

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

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used

to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research Office'' account. The Director of the Office of AIDS Research shall transfer from such account amounts

1 necessary to carry out section 2353(d)(3) of the Public
2 Health Service Act.

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

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

16 SEC. 211. None of the funds appropriated by this Act
17 (including funds appropriated to any trust fund) may be
18 used to carry out the Medicare Advantage program if the
19 Secretary of Health and Human Services denies participa-
20 tion in such program to an otherwise eligible entity (in-
21 cluding a Provider Sponsored Organization) because the
22 entity informs the Secretary that it will not provide, pay
23 for, provide coverage of, or provide referrals for abortions:
24 *Provided*, That the Secretary shall make appropriate pro-
25 spective adjustments to the capitation payment to such an

1 entity (based on an actuarially sound estimate of the ex-
2 pected costs of providing the service to such entity's enroll-
3 ees): *Provided further*, That nothing in this section shall
4 be construed to change the Medicare program's coverage
5 for such services and a Medicare Advantage organization
6 described in this section shall be responsible for informing
7 enrollees where to obtain information about all Medicare
8 covered services.

9 SEC. 212. In order for the Department of Health and
10 Human Services to carry out international health activi-
11 ties, including HIV/AIDS and other infectious disease,
12 chronic and environmental disease, and other health ac-
13 tivities abroad during fiscal year 2011:

14 (1) The Secretary of Health and Human Serv-
15 ices may exercise authority equivalent to that avail-
16 able to the Secretary of State in section 2(c) of the
17 State Department Basic Authorities Act of 1956.
18 The Secretary of Health and Human Services shall
19 consult with the Secretary of State and relevant
20 Chief of Mission to ensure that the authority pro-
21 vided in this section is exercised in a manner con-
22 sistent with section 207 of the Foreign Service Act
23 of 1980 and other applicable statutes administered
24 by the Department of State.

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

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

SEC. 213. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (''Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (''PHS Act'') to enter into trans-

actions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

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

SEC. 214. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (''CDC'') and the Agency for Toxic Substances and Disease Registry (''ATSDR'') may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 215. Notwithstanding any other provisions of law, funds made available in this Act may be used to con-

tinue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 216. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. Henceforth, no funds appropriated for a fiscal year in this or any other any subsequent Act shall be subject to the allocation requirements of section 1707A(e) of the Public Health Service Act.

SEC. 219. Henceforth, no funds appropriated in an appropriations Act for fiscal year 2011, or in any previous or subsequent appropriations Act, shall be available for transfer under section 274 of the Public Health Service Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. For an additional amount for the ''General Departmental Management'' account, $7,000,000, to increase the Department's acquisition workforce capacity and capabilities: *Provided,* That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further,* That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further,* That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further,* That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended: *Provided further,* That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 221. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the Patient Protection and Affordable Care Act of 2010 to the accounts specified, in the amounts specified, and for the activities specified under the heading ''Prevention and Public Health Fund'' in the committee report of the Senate accompanying this Act.

(b) Notwithstanding section 4002(c) of the Patient Protection and Affordable Care Act of 2010, the Secretary may further transfer only amounts specified for ''Public health and prevention outreach, coordination and strategic planning, including media activities''.

(c) Funds transferred for activities authorized under section 2821 of the Public Health Service Act shall be made available without reference to section 2821(b) of such Act.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2011''.

## TITLE III

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA''), section 308 of this Act and section 418A of the Higher Education Act of 1965, $16,726,579,000, of which $5,717,423,000 shall

1 become available on July 1, 2011, and shall remain avail-
2 able through September 30, 2012, and of which
3 $10,841,176,000 shall become available on October 1,
4 2011, and shall remain available through September 30,
5 2012, for academic year 2011–2012: *Provided*, That
6 $6,597,946,000 shall be for basic grants under section
7 1124 of the ESEA: *Provided further*, That up to
8 $4,000,000 of these funds shall be available to the Sec-
9 retary of Education on October 1, 2010, to obtain annu-
10 ally updated local educational-agency-level census poverty
11 data from the Bureau of the Census: *Provided further*,
12 That $1,365,031,000 shall be for concentration grants
13 under section 1124A of the ESEA: *Provided further*, That
14 $3,489,712,000 shall be for targeted grants under section
15 1125 of the ESEA: *Provided further*, That
16 $3,489,712,000 shall be for education finance incentive
17 grants under section 1125A of the ESEA: *Provided fur-*
18 *ther,* That $300,000,000 shall be available to carry out
19 section 308 of this Act: *Provided further*, That $8,167,000
20 shall be to carry out sections 1501 and 1503 of the ESEA:
21 *Provided further*, That $625,000,000 shall be available for
22 school improvement grants under section 1003(g) of the
23 ESEA, which shall be allocated by the Secretary through
24 the formula described in section 1003(g)(2) and shall be
25 used consistent with the requirements of section 1003(g),

except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates: *Provided further*, That each State educational agency shall ensure that 40 percent of its allocation under such formula is spent on improvement activities in middle and high schools, unless the State educational agency determines that all title I, part A-eligible middle and high schools that have not made adequate yearly progress for at least 2 years or are in the State's lowest quintile of performance based on proficiency rates can be served with a lesser amount: *Provided further*, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds: *Provided further*, That $250,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a

program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to $21,000,000 may be used to continue the initiative on adolescent literacy, $10,000,000 shall be reserved for formula grants to States based on each State's relative share of funds under part A of title I of the ESEA for fiscal year 2010, except that no State shall receive less than $150,000, to support a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 to assist the State in developing a comprehensive literacy plan, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten

entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: *Provided further*, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: *Provided further*, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,296,183,000, of which $1,153,000,000 shall be for basic support payments under section 8003(b), $50,602,000 shall be for payments for children with dis-

abilities under section 8003(d), $18,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2012, $69,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2010–2011, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status: *Provided further,* That for the purpose of determining eligibility for housing claimed under section 8003(a)(4) of such Act, the Secretary of the applicable Federal agency shall for fiscal years 2007, 2008, 2009, and 2010 deem eligible all unoc-

cupied housing identified to be demolished as certified by the designated representative of the Secretary of the applicable Federal agency, notwithstanding the availability of funds designated for the project being demolished for a period not to exceed 3 years: *Provided further,* That the Secretary of Education shall deem each local educational agency that received a fiscal year 2009 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of such Act as eligible to receive fiscal year 2010 and 2011 basic support payments for heavily impacted local educational agencies under such section and make a payment to such local educational agency under such section for fiscal years 2010 and 2011.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subpart 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; part Z of title VIII of the Higher Education Act (''HEA''); and the Civil Rights Act of 1964, $5,388,173,000, of which $7,000,000 shall become available on October 1, 2010 and

remain available through September 30, 2011, $3,518,185,000 shall become available on July 1, 2011, and remain available through September 30, 2012, and of which $1,681,441,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012, for academic year 2011–2012: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That from the funds referred to in the second preceding proviso, $500,000 shall be for part Z of title VIII of the HEA: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of

title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That funds made available under this heading for section 2421 of the ESEA may be used for activities authorized under section 802 of the Higher Education Opportunity Act: *Provided further,* That State educational agencies may subgrant funds available under part B of title IV of the ESEA for expanded-learning-time programs that significantly increase the number of hours in a regular school schedule and comprehensively redesign the school schedule for all students in the school: *Provided further,* That such expanded-learning-time programs shall provide additional time for instruction in the core academic and other subjects, and for enrichment activities: *Provided further,* That $61,313,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $26,928,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States

of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That up to $11,500,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages: *Provided further*, That of the funds available for section 2103(a) of the ESEA, not less than $5,000,000 shall be available to continue a national school leadership partnership initiative and up to $7,000,000 may be used to carry out a national teacher recruitment campaign, as described in the committee report of the Senate accompanying this Act.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $129,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, and by part F of title VIII of the Higher Education Act of 1965, $2,224,843,000, of which $675,000,000 shall become available on July 1, 2011 and shall remain available through September 30, 2012: *Provided*, That the Secretary of Education may use funds available in this Act for section 14006 of division A of the American Recovery and Reinvestment Act of 2009 to make awards to States or to local educational agencies, or both, in accordance with the applicable requirements of that section, as determined by the Secretary: *Provided further,* That the Secretary may use funds available in this Act for section 14007 of division A of the American Recovery and Reinvestment Act of 2009 to make awards in accordance with applicable requirements of that section, as determined by

the Secretary: *Provided further,* That $10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further,* That, in carrying out section 2151(b) of the ESEA, the Secretary shall establish priorities for eligible entities that prepare school leaders to turn around low-performing schools, and for eligible entities that prepare school leaders to serve in schools in rural areas: *Provided further*, That $578,987,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That $37,797,000 shall be used for the projects, and in the amounts, specified in the committee report of the Senate accompanying this Act: *Provided further*, That $400,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further*, That such performance-based

compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That recipients of such grants shall demonstrate that such performance-based systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: *Provided further*, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: *Provided further*, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V of the ESEA, the Secretary shall use up to

$23,031,000 to carry out activities under section 5205(b) and under subpart 2: *Provided further*, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $55,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and may reserve up to $10,000,000 to carry out the activities described in section 5205(a), including by providing technical assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under

a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, subpart 2 of part A of title IV, and subparts 1, 2, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, $426,053,000: *Provided*, That $229,053,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $157,000,000 shall be available to carry out part D of title V: *Provided further,* That funds available to carry out subpart 3 of part C of title II, shall be allocated, notwithstanding the distribution requirements of section 2343(b)(1) and (2) of the ESEA, as follows:

$17,660,000 shall be used for section 2344, $13,383,000 shall be used for section 2345, $6,000,000 shall be available to the Secretary of Education for competitive grants to nonprofit organizations that have demonstrated effectiveness in the development, implementation, or research and evaluation of civic learning programs, and $2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures: *Provided further,* That, in administering the competition for grants to develop and implement civic learning programs described in the preceding proviso, the Secretary shall establish priorities for eligible entities that demonstrate innovation, scalability, accountability, and a focus on services to underserved populations.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $800,000,000, which shall become available on July 1, 2011, and shall remain available through September 30, 2012, except that 6.5 percent of such amount shall be available on October 1, 2010, and shall remain available through September 30, 2012, to carry out activities under section 3111(c)(1)(C): *Provided,* That the Secretary of Education may use estimates of the American Community Survey child counts

for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $13,035,490,000, of which $4,166,354,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012, and of which $8,592,383,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012, for academic year 2011–2012: *Provided*, That $13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of accessible educational materials: *Provided further,* That $737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2010, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the per-

cent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2010: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,542,510,000: *Provided,* That $1,650,000 shall be used for the projects, and in the amounts, specified under the heading ''Rehabilitation Services and Disability Research'' in the committee report of the Senate accompanying this Act: *Provided further,* That, of the amounts provided under this heading, $27,000,000 shall be available under title II of the Rehabilitation Act to the Secretary of Education in cooperation with the Secretary of Labor and, as appropriate, other heads of departments and agencies, to identify and validate innovative strategies or replicate effective evidence-based strategies, including strategies that align and strengthen the workforce investment system in order to improve program delivery and em-

ployment and education outcomes for individuals with disabilities.

## SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,600,000.

### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $64,677,000, of which $1,640,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $128,000,000, of which $10,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act (''AEFLA''), and title VIII–D of the Higher Education Amendments of 1998, $1,942,541,000, of which $1,151,541,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012, and of which $791,000,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012: *Provided*, That of the amount provided for Adult Education State Grants, $75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further,* That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Im-

migration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for AEFLA, $41,346,000 shall be for national leadership activities under section 243 and, of that amount, $30,000,000 shall be available to the Secretary of Education in cooperation with the Secretary of Labor and, as appropriate, other heads of departments and agencies, to identify and validate innovative strategies or replicate effective evidence-based strategies, including strategies that align and strengthen the workforce investment system, in order to improve program delivery and education and employment outcomes for program beneficiaries.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING RESCISSION OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, and part C of title IV of the Higher Education Act of 1965, $19,453,809,000, which shall remain available through September 30, 2012: *Provided,* That, notwithstanding section 406(b) of H. Con. Res. 95 (109th Congress), the amount of new budget authority for the Federal Pell Grant program for fiscal year 2011 counted against this Act shall be equal to the appropriation provided under this heading.

The maximum Pell Grant for which a student shall be eligible during award year 2011–2012 shall be $4,860.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, $617,000,000 is rescinded.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9, and 10 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $1,048,078,000: *Provided,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2011 not needed for fiscal year 2011 shall remain available until expended to invest in Federal Student Aid information technology hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated with this information technology infrastructure.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965 (''HEA''), the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,243,895,000: *Provided*, That $9,687,000, to remain available through September 30, 2012, shall be

available to fund fellowships for academic year 2012–2013 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That, of the funds appropriated under this heading, not less than $2,000,000 shall be made available for the Department of Education to expand study abroad, pursuant to section 604(b) of the HEA and that the Secretary of Education may waive limi-

tations of grants to awardees under 604(c)(2) of that Act: *Provided further,* That, of the funds referred to in the preceding proviso, notwithstanding section 635 of the HEA, the Secretary may use up to 10 percent of available funds for program administration including national outreach and evaluation: *Provided further,* That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act (''HEOA''), that would have otherwise received a continuation award for fiscal year 2011 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further,* That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further*, That $40,561,000 shall be used for the projects, and in the amounts, specified under the heading ''Higher Education'' in the committee report of the Senate accompanying this Act: *Provided further*, That $1,750,000 shall be used for the programs specified under the ''Fund for the Improvement of Post Secondary Education'' in the

committee report of the Senate accompanying this Act in accordance with the specified sections: *Provided,* That notwithstanding section 721(c) of the HEA, funds to carry out the Thurgood Marshall Legal Education Opportunity Program under section 721 shall be awarded competitively, and any recipient shall be authorized to award subcontracts and subgrants under section 721(f).

HOWARD UNIVERSITY

For partial support of Howard University, $234,977,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,228,000, as authorized pursuant to part D of title III of the Higher Education Act of 1965 (''HEA''): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of

1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $279,393,000.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $722,756,000, to remain available through September 30, 2012: *Provided,* That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: *Provided further,* That up to $10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use: *Provided further,* That notwithstanding section 174(d) and (e) of the Education

Sciences Reform Act of 2002, $72,650,000 may be used to continue the contracts for the Regional Educational Laboratories for one additional year.

## DEPARTMENTAL MANAGEMENT

### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $489,791,900, of which $19,275,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $105,700,000.

### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $65,238,000.

## GENERAL PROVISIONS

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

system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

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

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appro-

priated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 306. For an additional amount for the ''Program Administration'' account, $2,696,100, to increase the Department's acquisition workforce capacity and capabilities: *Provided,* That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further,* That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further,* That such funds shall be available only to supplement and

not to supplant existing acquisition workforce activities: *Provided further,* That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended: *Provided further,* That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management: *Provided further,* That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

SEC. 307. Notwithstanding any other provision of law—

(1) IN GENERAL.—The Health Education Assistance Loan (HEAL) program under title VII, part A, subpart I of the Public Health Service Act, and the authority to administer such program, including servicing, collecting, and enforcing any loans that were made under such program that remain outstanding, shall be transferred from the Secretary of Health and Human Services to the Secretary of Education;

(2) TRANSFER OF FUNCTIONS, ASSETS, AND LIABILITIES.—The functions, assets, and liabilities of

the Secretary of Health and Human Services relating to such program shall be transferred to the Secretary of Education;

(3) INTERDEPARTMENTAL COORDINATION OF TRANSFER.—The Secretary of Health and Human Services and the Secretary of Education shall carry out the transfer of the HEAL program described in paragraph (1), including the transfer of the functions, assets, and liabilities specified in paragraph (2), in the manner that they determine is most appropriate; and

(4) USE OF AUTHORITIES UNDER HIGHER EDUCATION ACT OF 1965.—In servicing, collecting, and enforcing the loans described in paragraph (1), the Secretary of Education shall have available any and all authorities available to such Secretary in servicing, collecting, or enforcing a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965.

SEC. 308. (a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish an Early Learning Challenge Fund to award competitive grants to States that propose to provide an integrated system of high-quality early learning programs and services and to develop, implement or advance

a statewide quality rating and improvement system for early learning programs.

(b) STATE APPLICATIONS.—In order to be considered for a grant under this section, a State's application shall include a plan that includes the following—

(1) A description of the quantifiable goals and benchmarks that the State will establish to demonstrate that receiving a grant under this section will lead to a greater number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers enrolled in high-quality early learning programs, and an increase in the number of high-quality early learning programs in low-income communities.

(2) A description of how the State will implement a governance structure and an integrated system of high-quality early learning programs and services that includes the following components—

(A) State early learning standards and program quality standards;

(B) A tiered program quality rating and improvement system;

(C) A comprehensive plan that promotes nutrition and wellness for children in early learning programs;

(D) A comprehensive plan for supporting professional preparation and the ongoing professional development of an effective, well-compensated early learning workforce; and

(E) Strategies to ensure the active engagement of parents and families in the learning and development of their children including their understanding of the State's quality rating and improvement system.

(3) An assurance that the State will continue to participate in section 619, of part B and part C of the Individuals with Disabilities Education Act for the duration of the grant.

(4) An assurance that grant funds received will be used only to supplement, and not supplant, Federal, State, and local funds otherwise available to support early learning programs and services.

(5) An assurance that for each fiscal year for which a State receives funds under this section the expenditures by the State on early learning programs for such fiscal year shall not be less than the level of expenditures for such programs for fiscal year 2011.

(c) CRITERIA USED IN AWARDING GRANTS.—In awarding grants to States under this section, the Sec-

1 retary shall evaluate applications and award grants under
2 such section on a competitive basis based on—
3 (1) The quality of the application submitted;
4 (2) Evidence of significant progress in estab-
5 lishing and committing to maintain a high-quality
6 system of early learning for children that integrates
7 the components described in section (b)(2); and
8 (3) The State's capacity to fully implement
9 such system.
10 (d) STATES USES OF FUNDS.—A State receiving a
11 grant under this section shall use the grant (and may
12 make subgrants) to develop and enhance the components
13 of the high-quality early learning system described in sub-
14 section (b)(2) to improve the quality of early learning pro-
15 grams and services serving disadvantaged children.
16 (e) RESERVATIONS OF FEDERAL FUNDS.—The Sec-
17 retary shall reserve not more than 2 percent to administer
18 this section jointly with the Secretary of Health and
19 Human Services for expenses of both agencies.
20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated, $300,000,000 to carry out
22 this section in fiscal year 2011.
23 SEC. 309. (a) Section 206 of the Department of Edu-
24 cation Organization Act (20 U.S.C. 3416) is amended—

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

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

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

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

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

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

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

(c) Section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by striking

out the entry for section 206 and inserting ''Sec. 206. Office of Career, Technical, and Adult Education.''.

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

This title may be cited as the ''Department of Education Appropriations Act, 2011''.

## TITLE IV

## RELATED AGENCIES

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

#### SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,771,000.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (''the Corporation'') to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $982,400,000, and notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and

501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $60,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $11,000,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $6,000,000 shall be available for grants to public or private nonprofit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; (5) $18,000,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; and (6) $10,000,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $271,186,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehi-

cles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $103,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $9,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. The Corporation for National and Community Service (''the Corporation'') shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2011, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 402. Donations made to the Corporation for National and Community Service under section 196 of the National and Community Service Act of 1990 (''1990 Act'') for the purposes of financing programs and oper-

ations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 403. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (''Corporation''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, $460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used

to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose: *Provided further,* That for fiscal year 2011, in addition to the amounts provided above, $36,000,000 shall be provided for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $48,025,000, including $750,000, to remain available through September 30, 2012, for activities au-

thorized by the Labor-Management Cooperation Act of 1978: *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $15,755,000.

## INSTITUTE OF MUSEUM AND LIBRARY SERVICES

### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

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

ican History and Culture Act, $270,619,000, of which $4,750,000 shall be used for the projects, and in the amounts, specified under the heading ''Office of Museum and Library Services: Grants and Administration'' in the committee report of the Senate accompanying this Act.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $12,700,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,337,000.

NATIONAL HEALTH CARE WORKFORCE COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the National Health Care Workforce Commission as authorized by section 5101 of the Patient Protection and Affordable Care Act, as amended, $3,000,000.

## NATIONAL LABOR RELATIONS BOARD

### SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $287,100,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

## NATIONAL MEDIATION BOARD

### SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,772,000.

## Occupational Safety and Health Review Commission

### SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $12,051,000.

## Railroad Retirement Board

### DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $57,000,000, which shall include amounts becoming available in fiscal year 2011 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

### FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

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

checks, $150,000, to remain available through September 30, 2012, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $110,573,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,936,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

228(g), and 1131(b)(2) of the Social Security Act, $21,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $40,513,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

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

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2012, $13,400,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for offi-

cial reception and representation expenses, not more than $12,191,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2011 not needed for fiscal year 2011 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $796,000,000 shall be available for the cost asso-

ciated with conducting continuing disability reviews under titles II and XVI of the Social Security Act, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, and to complete implementation of asset verification initiatives: *Provided,* That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $185,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2011 exceed $185,000,000, the amounts shall be available in fiscal year 2012 only to the extent provided in advance in appropriations Acts.

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

Upon enactment of this Act, $250,000,000 of the unobligated balances of funds that were provided under this

heading in prior appropriation Acts (other than Public Law 111–5) shall be made part of and merged with funds available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure, and of such funds, $250,000,000 are rescinded.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,000,000, together with not to exceed $76,122,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

# TITLE V

## GENERAL PROVISIONS

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

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

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation

or appropriations pending before the Congress or any State legislature.

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

SEC. 505. None of the funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or

in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

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

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

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

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

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

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

1 SEC. 508. (a) The limitations established in the pre-
2 ceding section shall not apply to an abortion—
3 (1) if the pregnancy is the result of an act of
4 rape or incest; or
5 (2) in the case where a woman suffers from a
6 physical disorder, physical injury, or physical illness,
7 including a life-endangering physical condition
8 caused by or arising from the pregnancy itself, that
9 would, as certified by a physician, place the woman
10 in danger of death unless an abortion is performed.
11 (b) Nothing in the preceding section shall be con-
12 strued as prohibiting the expenditure by a State, locality,
13 entity, or private person of State, local, or private funds
14 (other than a State's or locality's contribution of Medicaid
15 matching funds).
16 (c) Nothing in the preceding section shall be con-
17 strued as restricting the ability of any managed care pro-
18 vider from offering abortion coverage or the ability of a
19 State or locality to contract separately with such a pro-
20 vider for such coverage with State funds (other than a
21 State's or locality's contribution of Medicaid matching
22 funds).
23 (d)(1) None of the funds made available in this Act
24 may be made available to a Federal agency or program,
25 or to a State or local government, if such agency, program,

1 or government subjects any institutional or individual
2 healthcare entity to discrimination on the basis that the
3 healthcare entity does not provide, pay for, provide cov-
4 erage of, or refer for abortions.

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

11 SEC. 509. (a) None of the funds made available in
12 this Act may be used for—

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

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

21 (b) For purposes of this section, the term ''human
22 embryo or embryos'' includes any organism, not protected
23 as a human subject under 45 CFR 46 as of the date of
24 the enactment of this Act, that is derived by fertilization,

1 parthenogenesis, cloning, or any other means from one or
2 more human gametes or human diploid cells.

3 SEC. 510. (a) None of the funds made available in
4 this Act may be used for any activity that promotes the
5 legalization of any drug or other substance included in
6 schedule I of the schedules of controlled substances estab-
7 lished under section 202 of the Controlled Substances Act
8 except for normal and recognized executive-congressional
9 communications.

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

15 SEC. 511. None of the funds made available in this
16 Act may be used to promulgate or adopt any final stand-
17 ard under section 1173(b) of the Social Security Act pro-
18 viding for, or providing for the assignment of, a unique
19 health identifier for an individual (except in an individ-
20 ual's capacity as an employer or a healthcare provider),
21 until legislation is enacted specifically approving the
22 standard.

23 SEC. 512. None of the funds made available in this
24 Act may be obligated or expended to enter into or renew
25 a contract with an entity if—

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

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

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by para-

graph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

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

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in

advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

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

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

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

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement

of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

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

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2011, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within

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

SEC. 519. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.124 of title 41, Code of Federal Regulations.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the 3 years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(INCLUDING TRANSFER OF FUNDS)

SEC. 521. For an additional amount for the ''Social Security Administration Limitation on Administrative Expenses'' account, $1,863,280, to increase the Social Security Administration's acquisition workforce capacity and capabilities: *Provided,* That such funds may be transferred by the Commissioner to any other account in the Social Security Administration to carry out the purposes provided herein: *Provided further,* That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further,* That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further,* That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended: *Provided further,* That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2011''

**Calendar No. 504**

111TH CONGRESS
2D SESSION

# S. 3686

**[Report No. 111–243]**

# 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, 2011, and for other purposes.

AUGUST 2, 2010

Reported with an amendment