

Senate Report 112-84  
Accompanying the Consolidated Appropriations Act, 2012,  
P.L. 112-74, enacted 12/23/11  
(see bookmarks)

## Calendar No. 178

112TH CONGRESS } <i>1st Session</i>	SENATE	{ REPORT 112-84
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DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2012

SEPTEMBER 22, 2011.—Ordered to be printed

Mr. HARKIN, from the Committee on Appropriations,  
submitted the following

### REPORT

[To accompany S. 1599]

The Committee on Appropriations reports the bill (S. 1599) making appropriations for Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, reports favorably thereon and recommends that the bill do pass.

*Amount of budget authority*

Total of bill as reported to the Senate .....	\$742,432,508,000
Amount of 2011 appropriations .....	722,738,724,000
Amount of 2012 budget estimate .....	758,715,002,000
Bill as recommended to Senate compared to—	
2011 appropriations .....	+ 19,693,784,000
2012 budget estimate .....	– 16,282,494,000

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Title I  
Department of Labor

TITLE I  
DEPARTMENT OF LABOR  
EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES

Appropriations, 2011 .....	\$3,344,497,000
Budget estimate, 2012 .....	3,626,947,000
Committee recommendation .....	3,310,247,000

The Committee recommends \$3,310,247,000 for this account, which provides funding primarily for activities under the Workforce Investment Act [WIA]. The fiscal year 2011 comparable amount is \$3,344,497,000 and the budget request provides \$3,626,947,000 for this purpose.

The training and employment services account is comprised of programs designed to enhance the employment and earnings of economically disadvantaged and dislocated workers, operated through a decentralized system of skill training and related services. Funds provided for fiscal year 2012 will support the program from July 1, 2012, through June 30, 2013. A portion of this account’s funding, \$1,772,000,000, is available on October 1, 2012, for the 2012 program year.

Pending reauthorization of WIA, the Committee is acting on the basis of current law.

The Committee recommendation includes bill language requiring that the Department take no action to amend, through regulatory or other administrative action, the definition established in 20 CFR 677.220 for functions and activities under title I of WIA until such time as legislation reauthorizing the act is enacted.

*Grants to States*

The Committee recommends \$2,660,268,000 for Training and Employment Services Grants to States. The fiscal year 2011 level for these grants is \$2,785,018,000 and includes funding for the Workforce Innovation Fund [WIF]. The budget request is \$2,959,043,000. Funding for WIF in fiscal year 2012 is provided under federally administered programs.

The bill includes legislative language that allows a local workforce board to transfer up to 30 percent between the adult and dislocated worker assistance State grant programs, if such transfer is approved by the Governor. This language was proposed in the budget request. In addition, the bill includes language that allows a local board to 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 cus-

tomter choice. This language was also included in the budget request.

*Adult Employment and Training.*—For Adult Employment and Training activities, the Committee recommends \$770,922,000. This is the same amount provided in fiscal year 2011. The budget request provides \$860,527,000 for this purpose and includes an 8 percent set-aside, \$68,842,000, for WIF.

This program is funded by formula to States and further distributed to local workforce investment areas. Three types of services for adults are provided through the one-stop system: core services, intensive services and job training. Core services are available to all adults with no eligibility requirements. Intensive services are provided to unemployed individuals who are not able to find jobs through core services alone. Training services may be available to adults who have been determined unable to obtain or retain employment through intensive services. Most customers receiving a training service will use their individual training accounts to determine which programs and providers fit their needs.

The Committee commends the Employment and Training Administration for its collaborative work with the Institute for Museum and Library Services [IMLS] to integrate the education, employment and training services provided by and/or supported through public libraries into the workforce investment system. According to a survey conducted by IMLS and the Gates Foundation, 30 million people used public library computers to help address their career and employment needs and an estimated 3.7 million Americans found work with the support of their public libraries in 2009. The Committee encourages the Department to continue to invest in building and strengthening partnerships between the one-stop system and public libraries.

The Committee is greatly concerned about the low level of literacy and numeracy skills among adult workers, as 1 in 7 adults do not have basic literacy skills to succeed in tomorrow's industries and jobs. The Committee encourages the Department to work with the Department of Education to examine and publish best practices from local organizations that integrate adult literacy and workforce development skills to help adults with the lowest literacy levels improve their overall skills and employment opportunities.

Funds made available in this bill support program year 2012 activities that occur from July 1, 2012, through June 30, 2013. The bill provides that \$58,922,000 is available for obligation on July 1, 2012, and that \$712,000,000 is available on October 1, 2012. Both categories of funding are available for obligation through June 30, 2013.

*Youth Training.*—For youth training programs, the Committee recommends \$825,914,000, the same as the fiscal year 2011 comparable amount. The budget request provides \$923,913,000 for this purpose and includes an 8 percent set-aside, \$73,913,000, for WIF.

The purpose of this program is to provide eligible youth with assistance in achieving academic and employment success through improved education and skill competencies, connections to employers, mentoring, training and supportive services. The program also supports summer employment directly linked to academic and occupational learning, incentives for recognition and achievement,

and activities related to leadership development, citizenship and community service. Funds made available for youth training support program year 2012 activities, which occur from April 1, 2012, through June 30, 2013.

*Dislocated Worker Assistance.*—For Dislocated Worker Assistance, the Committee recommends \$1,063,432,000, the same as the fiscal year 2011 comparable amount. The budget request provides \$1,174,603,000 for this purpose and includes an 8 percent set-aside, \$93,968,000, for WIF.

This program is a State-operated effort that provides core and intensive services, training and support to help permanently separated workers return to productive, unsubsidized employment. In addition, States must use statewide reserve funds for rapid response assistance to help workers affected by mass layoffs and plant closures. Also, States must use these funds to carry out additional statewide employment and training activities such as providing technical assistance to certain low-performing local areas, evaluating State programs and assisting with the operation of one-stop delivery systems. States may also use funds for implementing innovative incumbent and dislocated worker training programs.

Funds made available in this bill support program year 2012 activities, which occur from July 1, 2012, through June 30, 2013. The bill provides that \$203,432,000 is available for obligation on July 1, 2012, and that \$860,000,000 is available on October 1, 2012. Both categories of funding are available for obligation through June 30, 2013.

#### *Federally Administered Programs*

*Dislocated Worker Assistance National Reserve.*—The Committee recommends \$224,112,000 for the Dislocated Worker National Reserve, which is available to the Secretary for activities such as responding to mass layoffs, plant and/or military base closings and natural disasters that cannot be otherwise anticipated as well as for technical assistance, training, and demonstration projects. This amount is the same as the fiscal year 2011 level. The budget request includes \$229,160,000.

Funds made available in this bill support activities in program year 2012, which occurs from July 1, 2012, through June 30, 2013. The bill provides that \$24,112,000 is available for obligation on July 1, 2012, and that \$200,000,000 is available on October 1, 2012. Both categories of funding are available for obligation through June 30, 2013.

The Committee bill includes language authorizing the use of funds under the dislocated workers program for projects that provide assistance to new entrants in the workforce or incumbent workers and assistance where there have been dislocations across multiple sectors or local areas of a State. This language was included in the budget request.

*Native American Programs.*—The Committee recommends \$52,652,000, the same amount provided in fiscal year 2011, for Native American programs. The budget request is \$54,158,000. This program is designed to improve the economic well-being of Native Americans (Indians, Eskimos, Aleuts, and Native Hawaiians) through the provision of training, work experience and other em-

ployment-related services and opportunities that are intended to aid the participants in securing permanent, unsubsidized employment.

*Migrant and Seasonal Farmworker Programs.*—The Committee recommends \$84,451,000, the same amount as fiscal year 2011, for migrant and seasonal farmworkers. The budget request is \$86,620,000 for this program. Authorized by WIA, this program is designed to serve members of economically disadvantaged families whose principal livelihood is derived from migratory and other forms of seasonal farmwork, fishing or logging activities. Enrollees and their families are provided with employment, training and related services intended to prepare them for stable, year-round employment within and outside of the agriculture industry.

The Committee recommendation provides that \$78,253,000 be used for State service area grants. The Committee recommendation also includes bill language directing that \$5,689,000 be used for migrant and seasonal farmworker housing grants, of which not less than 70 percent shall be for permanent housing. The principal purpose of these funds is to continue the network of local farmworker housing organizations working on permanent housing solutions for migrant and seasonal farmworkers. The Committee recommendation also includes \$509,000 to be used for section 167 training, technical assistance and related activities, including funds for migrant rest center activities.

*Women in Apprenticeship.*—The Committee recommends \$998,000 for program year 2012 activities as authorized under the Women in Apprenticeship and Non-Traditional Occupations [WANTO] Act of 1992. This amount is the same as the fiscal year 2011 level. The budget request includes \$1,000,000. These funds provide for technical assistance to employers and unions to assist them in training, placing and retraining women in nontraditional jobs and occupations.

*YouthBuild.*—The Committee recommends \$79,840,000, the same as the fiscal year 2011 level, for the YouthBuild program. The budget request includes \$115,000,000 for this purpose. YouthBuild targets at-risk, high-school dropouts and prepares them with the skills and knowledge they need to succeed in a knowledge-based economy.

*Workforce Innovation Fund.*—The Committee recommends \$100,000,000 in fiscal year 2012 funding for WIF to make competitive awards for workforce innovation activities. The comparable fiscal year 2011 level is \$124,750,000. The budget request includes \$378,704,000 for this initiative by designating a portion of funds from the WIA formula programs and Department of Education Rehabilitation Services and Adult Education States Grants accounts.

The Committee provided initial support for this initiative in fiscal year 2011 and requests that the Department brief the Committee not less than 30 days prior to the release of a solicitation of grant applications for this program. The Committee also encourages the Department to implement WIF in a manner consistent with the bipartisan framework that the Senate Health, Education, Labor and Pensions Committee developed for WIA reauthorization.

The Committee continues its support for activities within the WIF that are intended to test innovative strategies, replicate prov-

en practices or promote workforce system reform. Among those activities are those that will improve services for youth who are transitioning from school to post-school activities, with the goal of improving employment outcomes. Within activities for youth, the Committee is particularly interested in addressing services to youth with disabilities.

WIF awards should be made either to States, in partnership with local workforce investment boards, or to local workforce investment boards or consortia of such boards that serve a regional labor market. Priority should be given to applicants that demonstrate significant alignment across workforce development and supportive services at the State, regional or local level and that support economic development goals and improved employment outcomes for participants, particularly those who are hardest to serve. Awards should also prioritize applicants that demonstrate comprehensive strategic planning and coordination at the State, regional or local level.

In addition, the Committee believes that a component of the WIF should include the promising results of pay-for-performance models. These models have been particularly successful at reaching populations with the most significant barriers to employment. The Committee encourages the Secretary to use innovation funds to replicate pay-for-performance models with proven track records of helping hard-to-serve workers in additional sites.

#### *National Activities*

*Pilots, Demonstrations and Research.*—The Committee recommends \$10,480,000 for pilots, demonstrations and research authorized by section 171 of WIA. The comparable fiscal year 2011 amount is \$9,980,000. The budget request includes \$6,616,000 for this purpose. These funds support grants or contracts to conduct research, pilots or demonstrations that foster promising practices for national policy application or launch pilot projects on a broader scale.

The Committee recognizes the importance of building stronger linkages between title I job training programs and title II adult education and literacy programs in WIA in order to create career pathways that enhance participants' long-term economic success. The Committee urges the Department to expand funding to programs that have successfully implemented strategies for delivering basic literacy instruction together with employment training so that they may document and disseminate best practices related to this goal.

The Committee recommends \$500,000 for a competitive grant to a national intermediary to support local initiatives that improve mobility and promote employment by improving transportation assistance. Lack of mobility is an obstacle for people living in small towns and farming communities as well as low-income people living in small cities and people with disabilities who are looking for work or seeking employment and training assistance. The grant award should allow for the demonstration of the effectiveness of specialized methods and activities that address employment and training needs of individuals by improving coordination between local government, employment and training agencies, and transit providers; providing technical assistance on revising routes and schedules;

and conducting demonstration programs that encourage partnerships between community-based transportation organizations and local job training and welfare departments.

*Green Jobs Innovation Fund.*—The Committee does not recommend funding for the Green Jobs Innovation Fund, which was eliminated in fiscal year 2011. The budget request includes \$60,000,000 for competitive grants to help workers access green training and green career pathways.

*Reintegration of Ex-offenders.*—The Committee recommends \$75,390,000 for the Reintegration of Ex-offenders program. The comparable fiscal year 2011 level is \$85,390,000 and the budget request includes \$90,000,000 for this program. The Reintegration of Ex-offenders program helps prepare and assist ex-offenders return to their communities through pre-release services, mentoring and case management. The program also provides support, opportunities, education and training to youth who are involved in court and on probation, in aftercare, on parole or who would benefit from alternatives to incarceration or diversion from formal judicial proceedings. Programs are carried out directly through State and local governmental entities and community-based organizations, as well as indirectly through intermediary organizations.

The Committee recommendation includes \$20,000,000 for competitive grants to national or regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment. Priority should be given to projects that serve high-crime, high-poverty areas. The budget request also includes this set-aside.

*Evaluation.*—The Committee recommends \$9,581,000, the same as the fiscal year 2011 level, to provide for new and continuing rigorous evaluations of programs conducted under WIA, as well as of federally funded employment-related activities under other provisions of law. The budget requests \$11,600,000 for this purpose.

*Workforce Data Quality Initiative.*—The Committee recommends \$12,475,000, the same as the fiscal year 2011 level, for the Workforce Data Quality Initiative. The budget request includes \$13,750,000. Funds are used to assist States with incorporating comprehensive workforce information into longitudinal data systems being developed in part with the support of funding provided by the Department of Education. The initiative is also intended to help improve the quality and accessibility of performance data being produced by training providers.

OFFICE OF JOB CORPS

Appropriations, 2011 .....	\$1,706,171,000
Budget estimate, 2012 .....	1,699,747,000
Committee recommendation .....	1,706,171,000

For Job Corps, the Committee recommends \$1,706,171,000. This is the same level provided in fiscal year 2011. The budget request includes \$1,699,747,000 for Job Corps.

The recommendation for operations of Job Corps centers is \$1,572,049,000, comprised of \$981,049,000 in fiscal year 2012 funds and \$591,000,000 in advance appropriations provided in fiscal year 2011. The Committee also recommends fiscal year 2013 advance funding of \$591,000,000, which will become available on October 1, 2012. The budget request provides \$1,589,817,000, comprised of

\$998,817,000 in fiscal year 2012 funds and \$591,000,000 in advance appropriations provided in fiscal year 2011. The budget request also includes \$591,000,000 for fiscal year 2013 advance funding.

The Committee recommendation for administration costs is \$29,132,000, the same amount as the fiscal year 2011 level. The budget request includes \$31,430,000.

The Committee also recommends a total of \$104,990,000 in construction, renovation and acquisition [CRA] funds. Of this amount, \$4,990,000 is available from July 1, 2012, to June 30, 2015. In addition, the Committee recommends \$100,000,000 in advance appropriations, which will become available on October 1, 2012, through June 30, 2015.

As requested by the administration, the Committee again includes bill language allowing the Secretary to transfer up to 15 percent of CRA funds, if necessary, to meet the operational needs of Job Corps centers or to achieve administrative efficiencies.

Since fiscal year 2008, the Committee has highlighted the fact that a number of large metropolitan areas remain underserved by Job Corps and has called on the Department to establish a process for opening new centers. In fiscal year 2011, as a first step in initiating a competition for a new Job Corps center, the Department completed a study to determine needs around the country. The Committee urges the Department to continue to prepare for a future competition to expand Job Corps services in large, underserved metropolitan areas.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Appropriations, 2011 .....	\$449,100,000
Budget estimate, 2012 .....	450,000,000
Committee recommendation .....	449,100,000

The Committee recommends \$449,100,000, the same as the fiscal year 2011 level, for the Community Service Employment for Older Americans [CSEOA] program. The budget request is \$450,000,000.

This program, authorized by title V of the Older Americans Act [OAA], provides part-time employment in community service activities for unemployed, low-income persons aged 55 and over.

CSEOA provides a direct, efficient and quick means to assist economically disadvantaged older workers. Administrative costs for the program are low and the vast majority of the money goes directly to low-income seniors as wages and fringe benefits.

Senior enrollees provide necessary and valuable services at Head Start centers, schools, hospitals, libraries, elderly nutrition sites, senior centers and elsewhere in the community.

A large proportion of senior enrollees use their work experience and training to obtain employment in the private sector. This not only increases our Nation's tax base but also enables more low-income seniors to participate in the program.

The budget proposes to transfer the program to the Administration on Aging in the Department of Health and Human Services. The Committee does not recommend transferring the program. As authorized under OAA, CSEOA's purpose is to foster individual economic self-sufficiency, which the Committee views as an employment activity. Additionally, the Senate authorizing committee with

jurisdiction over OAA is in the process of reauthorizing this law. As a result, the Committee recommendation follows current law.

The Committee strongly encourages grantees to develop and implement research-based curriculum designed specifically for older adults.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

Appropriations, 2011 .....	\$721,312,000
Budget estimate, 2012 .....	1,100,100,000
Committee recommendation .....	1,100,100,000

The Committee recommends \$1,100,100,000, the same as the budget request, in mandatory funds for Federal unemployment benefits and allowances. The fiscal year 2011 comparable amount is \$721,312,000.

This program assists trade-impacted workers with services including: training, income support, employment, case management and assistance with health insurance coverage. The program also includes a wage insurance option for certain workers at least 50 years old. These benefits and services are designed to help trade-impacted participants find a path back into middle class jobs, improve earnings and increase credential and education rates.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Appropriations, 2011 .....	\$4,102,672,000
Budget estimate, 2012 .....	4,202,057,000
Committee recommendation .....	4,094,672,000

The Committee recommends \$4,094,672,000 for this account. The recommendation includes \$4,008,441,000 authorized to be drawn from the Employment Security Administration account of the unemployment trust fund and \$86,231,000 to be provided from the general fund of the Treasury.

The funds in this account are used to provide administrative grants and assistance to State agencies that administer Federal and State unemployment compensation laws and operate the public employment service.

The Committee bill continues language that enables States to use funds appropriated under this account to assist other States if they are impacted by a major disaster declared by the President; at the request of one or more States, authorizes the Secretary to reallocate funds for States to carry out activities that benefit the administration of unemployment compensation laws of a requesting State; and permits the Secretary to use funds to make payments on behalf of States for the use of the National Directory of New Hires.

The Committee recommends a total of \$3,242,441,000 for unemployment insurance activities. The fiscal year 2011 level is \$3,250,441,000 and the budget requests \$3,286,920,000.

For unemployment insurance [UI] State operations, the Committee recommends \$3,231,154,000. The fiscal year 2011 level is \$3,239,154,000 and the budget request is \$3,275,610,000. These funds are available for obligation by States through December 31, 2012. However, funds used for automation acquisitions or for competitive grants to be awarded to States to address worker

misclassification, system improvements or improper payments are available for obligation by States through September 30, 2014.

The recommendation includes \$59,900,000, the same as the fiscal year 2011 level, to conduct in-person re-employment and eligibility assessments [REAs] and unemployment insurance improper payment reviews. The budget requests \$70,000,000 for this purpose. The recommendation will support continuation of the REA initiative. This important program integrity initiative has been shown to help claimants exit the UI program faster and avoid exhausting UI benefits. The Committee intends for a portion of the funds to be used for additional technology-based overpayment prevention, detection and collection activities.

The administration's budget includes \$24,711,000 for a new initiative to address the issue of employee misclassification, allowing States to compete for grants to increase their capacity in this area and provide funds to pilot high-performance awards to incentivize States to improve their misclassification efforts.

The budget request also includes \$10,000,000 for a new program to provide incentives for States to improve their UI operations, supplementing the current system of nonmonetary awards with grants for improved performance.

The Committee recommendation for UI State operations does not explicitly include funds for expansion of REAs or for either of the new initiatives requested above. However, the projected improvement in the economy and resulting declines in State UI workload should result in sufficient funding being available for these activities. The Committee recommends that funds not required for workload be used to increase REA funding and other activities to address improper payments, to fund State requests for technology improvement funding, and to initiate the misclassification and performance improvement grants proposed in the budget.

The Committee recommendation provides for a contingency reserve amount should the unemployment workload exceed an average weekly insured claims volume of 4,832,000, as proposed in the budget request. This contingency amount would fund the administrative costs of the unemployment insurance workload over the level of 4,832,000 insured unemployed persons per week at a rate of \$28,600,000 per 100,000 insured unemployed persons, with a pro rata amount granted for amounts of less than 100,000 insured unemployed persons.

For UI national activities, the Committee recommends \$11,287,000, the same level provided in fiscal year 2011. The budget requests \$11,310,000. These funds are directed to activities that benefit the State/Federal unemployment insurance program including helping States adopt common technology-based solutions to improve efficiency and performance and supporting training and contracting for actuarial support for State trust fund management.

For the Employment Service allotments to States, the Committee recommends \$702,169,000, which includes \$22,638,000 in general funds together with an authorization to spend \$679,531,000 from the Employment Security Administration account of the unemployment trust fund. This amount is the same as the fiscal year 2011 level. The budget requests \$764,757,000 and includes an 8 percent set-aside, \$61,181,000, for WIF.

The Committee also recommends \$20,952,000, the same as the fiscal year 2011 level, for Employment Service national activities. The budget request includes \$20,994,000 for this purpose. The administration of the work opportunity tax credit accounts for \$18,520,000 of the recommended amount and the balance is for technical assistance, training and the Federal share of State Workforce Agencies Retirement System payments.

WOTC funding

For carrying out the Department's responsibilities related to foreign labor certification activities, the Committee recommends \$65,517,000, the same amount provided in fiscal year 2011. The budget requests \$65,666,000. In addition, 5 percent of the revenue from H-1B fees is available to the Department for costs associated with processing H-1B alien labor certification applications.

For One-Stop Career Centers and Labor Market Information, the Committee recommends \$63,593,000, the same as the fiscal year 2011 level. The budget request includes \$63,720,000. The Committee recommendation includes \$11,976,000 for ETA, in collaboration with the Office of Disability Employment Policy [ODEP], to continue to implement their joint plan for improving effective and meaningful participation of persons with disabilities in the workforce. The Committee expects that these funds, in combination with funding available to ODEP, will improve the accessibility and accountability of the public workforce development system for individuals with disabilities. The Committee further expects these funds to continue promising practices implemented by disability program navigators. Such practices include the effective deployment of staff in selected States to improve coordination and collaboration among employment and training and asset development programs carried out at a State and local level, including the Ticket to Work program; and to build effective community partnerships that leverage public and private resources to better serve individuals with disabilities and improve employment outcomes.

Disability  
Employment  
Initiative  
funding

STATE PAID LEAVE FUND

Appropriations, 2011 .....	.....
Budget estimate, 2012 .....	\$23,000,000
Committee recommendation .....	.....

Because of budget constraints, the Committee does not recommend funding to create a new State Paid Leave Fund, which would help States establish paid leave programs. The budget request includes \$23,000,000 for this purpose.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

Appropriations, 2011 .....	\$290,000,000
Budget estimate, 2012 .....	.....
Committee recommendation .....	.....

The Committee recommends and the budget requests such sums as are necessary in mandatory funds for this account. The budget estimates that there will be no net costs in fiscal year 2012 because of expected repaid advances to the trust fund. The appropriation is available to provide advances to several accounts for purposes authorized under various Federal and State unemployment compensation laws and the Black Lung Disability Trust Fund, whenever balances in such accounts prove insufficient.

GENERAL PROVISIONS

General provision bill language is included to:

Limit the use of Job Corps funding for compensation of an individual that is not a Federal employee at a rate not to exceed Executive Level I (sec. 101).

Provide for general transfer authority (sec. 102).

Prohibit funding for the procurement of goods and services utilizing forced or indentured child labor in industries and host countries already identified by the Labor Department in accordance with Executive Order 13126 (sec. 103).

Require that funds available under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may only be used for training in occupations and industries for which employers are using H-1B visas to hire foreign workers (sec. 104).

Require the Secretary to award competitively funds available for section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (sec. 105).

Prohibit the Secretary from taking any action to alter the procedure for redesignating local areas under subtitle B of title I of the Workforce Investment Act (sec. 106).

Provide the Employment and Training Administration with authority to transfer funds provided for technical assistance services to grantees to program administration when it is determined that those services will be more efficiently performed by Federal employees (sec. 107).

Allow up to 0.5 percent of discretionary appropriations provided in this act for all DOL agencies, except the Employment and Training Administration, to be used by the Office of the Chief Evaluation Officer for evaluation purposes consistent with the terms and conditions in this act applicable to such Office (sec. 108).

Prohibit funding for the enforcement of the rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program" (76 Fed. Reg. 3452 (January 19, 2011)) (sec. 109).

**TITLE II**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**HEALTH RESOURCES AND SERVICES ADMINISTRATION**

Activities of the Health Resources and Services Administration [HRSA] support programs to provide healthcare services for mothers and infants; the underserved, elderly and homeless; migrant farm workers; and disadvantaged minorities. This agency supports cooperative programs in community health, AIDS care, healthcare provider training, and healthcare delivery systems and facilities.

**HEALTH RESOURCES AND SERVICES**

Appropriations, 2011 .....	\$6,287,241,000
Budget estimate, 2012 .....	7,081,685,000
Committee recommendation .....	6,229,517,000

The Committee provides a program level of \$6,229,517,000 for Health Resources and Services. The Committee recommendation includes \$6,204,517,000 in budget authority and an additional

## TITLE V—GENERAL PROVISIONS

The Committee recommendation includes provisions which: authorize transfers of unexpended balances (sec. 501); limit funding to 1 year availability unless otherwise specified (sec. 502); limit lobbying and related activities (sec. 503); limit official representation expenses (sec. 504); prohibit funding of any program to carry out distribution of sterile needles for the hypodermic injection of any illegal drug without the approval of appropriate local officials (sec. 505); clarify Federal funding as a component of State and local grant funds (sec. 506); limit use of funds for abortion (sec. 507 and sec. 508); restrict human embryo research (sec. 509); limit the use of funds for promotion of legalization of controlled substances (sec. 510); prohibit the use of funds to promulgate regulations regarding the individual health identifier (sec. 511); limit use of funds to enter into or review contracts with entities subject to the requirement in section 4212(d) of title 38, United States Code, if the report required by that section has not been submitted (sec. 512); prohibit transfer of funds made available in this act to any department, agency, or instrumentality of the U.S. Government, except as otherwise provided by this or any other act (sec. 513); prohibit Federal funding in this act for libraries unless they are in compliance with the Children's Internet Protection Act (sec. 514); maintain a procedure for reprogramming of funds (sec. 515); prohibit candidates for scientific advisory committees from having to disclose their political activities (sec. 516); require each department and related agency to submit an operating plan (sec. 517); require the Secretaries of Labor, Health and Human Services, and Education to submit a report on the number and amounts of contracts, grants, and cooperative agreements awarded by the Departments on a noncompetitive basis (sec. 518); prohibit the use of funds for first-class travel (sec. 519); prohibit the use of funds for a grant or contract exceeding \$5,000,000 unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability (sec. 520); and a provision rescinding funds from the State Children's Health Insurance Program performance bonus fund (sec. 521).

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2012  
 [In thousands of dollars]

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
TITLE I — DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Adult Training, current year	58,922	148,527	58,922		
Advance from prior year	(710,576)	(712,000)	(712,000)	(+ 1,424)	-89,605
FY 2013	712,000	712,000	712,000		
Subtotal	770,922	860,527	770,922		-89,605
Youth Training	825,914	923,913	825,914		-97,999
Dislocated Worker Assistance, current year	203,432	314,603	203,432		-111,171
Advance from prior year	(858,280)	(860,000)	(860,000)	(+ 1,720)	
FY 2013	860,000	860,000	860,000		
Subtotal	1,063,432	1,174,603	1,063,432		-111,171
Subtotal, Grants to States	2,660,268	2,959,043	2,660,268		-298,775
Current Year	(1,088,268)	(1,387,043)	(1,088,268)		(- 298,775)
FY 2013	(1,572,000)	(1,572,000)	(1,572,000)		
Federally Administered Programs:					
Dislocated Worker Assistance National Reserve:					
Current year	24,112	29,160	24,112		-5,048
Advance from prior year	(199,600)	(200,000)	(200,000)	(+ 400)	
FY 2013	200,000	200,000	200,000		
Subtotal	224,112	229,160	224,112		-5,048
Subtotal, Dislocated Worker Assistance	1,287,544	1,403,763	1,287,544		-116,219

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2012—Continued  
(In thousands of dollars)

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
Native Americans .....	52,652	54,158	52,652	.....	- 1,506
Migrant and Seasonal Farmworkers .....	84,451	86,620	84,451	.....	- 2,169
Women in Apprenticeship .....	998	1,000	998	.....	- 2
YouthBuild .....	79,840	115,000	79,840	.....	- 35,160
Workforce Innovation Fund .....	124,750	.....	100,000	- 24,750	+ 100,000
<b>Subtotal, Federally Administered Programs (FAP) .....</b>	<b>566,803</b>	<b>485,938</b>	<b>542,053</b>	<b>- 24,750</b>	<b>+ 56,115</b>
Current Year .....	(366,803)	(285,938)	(342,053)	(- 24,750)	(+ 56,115)
FY 2013 .....	(200,000)	(200,000)	(200,000)	.....	.....
<b>National Activities:</b>					
Pilots, Demonstrations and Research .....	9,980	6,616	10,480	+ 500	+ 3,864
Green Jobs Innovation Fund .....	.....	60,000	.....	.....	- 60,000
Reintegration of Ex-Offenders .....	85,390	90,000	75,390	- 10,000	- 14,610
Evaluation .....	9,581	11,600	9,581	.....	- 2,019
Workforce Data Quality Initiative .....	12,475	13,750	12,475	.....	- 1,275
<b>Subtotal .....</b>	<b>117,426</b>	<b>181,966</b>	<b>107,926</b>	<b>- 9,500</b>	<b>- 74,040</b>
<b>Total, Training and Employment Services (TES) .....</b>	<b>3,344,497</b>	<b>3,626,947</b>	<b>3,310,247</b>	<b>- 34,250</b>	<b>- 316,700</b>
Current Year .....	(1,572,497)	(1,854,947)	(1,538,247)	(- 34,250)	(- 316,700)
FY 2013 .....	(1,772,000)	(1,772,000)	(1,772,000)	.....	.....
<b>OFFICE OF JOB CORPS</b>					
Administration .....	29,132	31,430	29,132	.....	- 2,298
Operations .....	981,049	998,817	981,049	.....	- 17,768
Advance from prior year .....	(589,818)	(591,000)	(591,000)	(+ 1,182)	.....
FY 2013 .....	591,000	591,000	591,000	.....	.....
Construction and Renovation .....	4,990	3,500	4,990	.....	+ 1,490
Advance from prior year .....	(99,800)	(100,000)	(100,000)	(+ 200)	.....

	100,000	75,000	100,000	.....	+ 25,000
FY 2013 .....	100,000	75,000	100,000	.....	+ 25,000
Total, Office of Job Corps .....	1,706,171	1,699,747	1,706,171	.....	+ 6,424
Current Year .....	(1,015,171)	(1,033,747)	(1,015,171)	.....	(- 18,576)
FY 2013 .....	(691,000)	(666,000)	(691,000)	.....	(+ 25,000)
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS <sup>1</sup> .....	449,100	450,000	449,100	.....	- 900
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES .....	721,312	1,100,100	1,100,100	+ 378,788	.....
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation (UI):					
State Operations .....	3,239,154	3,275,610	3,231,154	- 8,000	- 44,456
National Activities .....	11,287	11,310	11,287	.....	- 23
Subtotal, Unemployment Compensation .....	3,250,441	3,286,920	3,242,441	- 8,000	- 44,479
Employment Service (ES):					
Allotments to States:					
Federal Funds .....	22,638	83,864	22,638	.....	- 61,226
Trust Funds .....	679,531	680,893	679,531	.....	- 1,362
Subtotal .....	702,169	764,757	702,169	.....	- 62,588
ES National Activities .....	20,952	20,994	20,952	.....	- 42
Subtotal, Employment Service .....	723,121	785,751	723,121	.....	- 62,630
Federal Funds .....	(22,638)	(83,864)	(22,638)	.....	(- 61,226)
Trust Funds .....	(700,483)	(701,887)	(700,483)	.....	(- 1,404)
Foreign Labor Certification:					
Federal Administration .....	50,418	50,537	50,418	.....	- 119
Grants to States .....	15,099	15,129	15,099	.....	- 30
Subtotal, Foreign Labor Certification .....	65,517	65,666	65,517	.....	- 149
One-Stop Career Centers/Labor Market Information .....	63,593	63,720	63,593	.....	- 127
Total, State UI and ES .....	4,102,672	4,202,057	4,094,672	- 8,000	- 107,385
Federal Funds .....	(86,231)	(147,584)	(86,231)	.....	(- 61,353)
Trust Funds .....	(4,016,441)	(4,054,473)	(4,008,441)	(- 8,000)	(- 46,032)
STATE PAID LEAVE FUND .....		23,000		.....	- 23,000
ADVANCES TO THE UI AND OTHER TRUST FUNDS <sup>2</sup> .....	290,000			- 290,000	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2011 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2012—Continued  
(In thousands of dollars)

Item	2011 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2011 appropriation	Budget estimate
<b>PROGRAM ADMINISTRATION</b>					
Adult Employment and Training	46,765	51,577	46,765		-4,812
Trust Funds	8,536	9,960	8,536		-1,424
Youth Employment and Training	12,283	14,442	12,283		-2,159
Employment Security	3,483	4,713	3,483		-1,230
Trust Funds	39,417	41,298	39,417		-1,881
Apprenticeship Services	27,728	28,718	27,728		-990
Executive Direction	7,061	7,083	7,061		-22
Trust Funds	2,087	2,091	2,087		-4
Total, Program Administration	147,360	159,882	147,360		-12,522
Federal Funds	(97,320)	(106,533)	(97,320)		(-9,213)
Trust Funds	(50,040)	(53,349)	(50,040)		(-3,309)
Total, Employment and Training Administration (ETA)	10,761,112	11,261,733	10,807,650	+46,538	-454,083
Federal Funds	6,694,631	7,153,911	6,749,169	+54,538	-404,742
Current Year	(4,231,631)	(4,715,911)	(4,286,169)	(+54,538)	(-429,742)
FY 2013	(2,463,000)	(2,438,000)	(2,463,000)		(+25,000)
Trust Funds	4,066,481	4,107,822	4,058,481	-8,000	-49,341
<b>EMPLOYEE BENEFITS SECURITY ADMINISTRATION</b>					
<b>SALARIES AND EXPENSES</b>					
Enforcement and Participant Assistance	131,137	149,884	149,884	+18,747	
Policy and Compliance Assistance	21,571	40,926	38,926	+17,355	-2,000
Executive Leadership, Program Oversight and Admin	6,655	6,718	6,718	+63	
Total, EBSA	159,363	197,528	195,528	+36,165	-2,000
<b>PENSION BENEFIT GUARANTY CORPORATION (PBGC)</b>					
Pension Insurance Activities	(74,506)	(86,023)	(86,023)	(+11,517)	