

## TITLE I GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

### (TRANSFER OF FUNDS)

SEC. 102. 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 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. 103. In accordance with Executive Order 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, in 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. 104. 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 competitive grants for training individuals [over the age of 16 who are not currently enrolled in school within a local educational agency] 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 [: *Provided*, That the preceding limitation shall not apply to funding provided pursuant to solicitations for grant applications issued prior to January 15, 2014].

SEC. 105. None of the funds made available by 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 establish 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. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

[SEC. 106. The Secretary 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 WIA, 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]106. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees [ : *Provided*, That this section shall not apply to section 173A(f)(2) of the WIA].

(INCLUDING TRANSFER OF FUNDS)

SEC. [108]107.

(a) The Secretary may reserve not more than [0.5]1 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, [2015]2016: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Office of Job Corps", ["Community Service Employment for Older Americans",] "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", funding made available to the "Bureau of International Affairs" and "Women's Bureau" within the "Departmental Management, Salaries and Expenses" account, and "Veterans Employment and Training".

[SEC. 109. None of the funds made available by this Act may be used to promulgate the Definition of "Fiduciary" regulation (Regulatory Identification Number 1210-AB32) published by the Employee Benefits Security Administration of the Department of Labor on October 22, 2010 (75 Fed. Reg. 65263).]

[SEC. 110.

(a) Of the funds appropriated under section 272(b) of the Trade Act of 1974 for fiscal year 2014, the Secretary may reserve no more than 3 percent of such funds to conduct evaluations and provide technical assistance relating to the activities carried out under section 271 of such Act, including activities carried out under such section supported by the appropriations provided for fiscal years 2011 through 2013.

(b) Institutions of higher education awarded grants under section 271 of the Trade Act of 1974 may award subgrants to other institutions of higher education that meet the definition of "eligible institution" under section 271(b)(1)(A) of such Act, subject to the conditions applicable to such grants.]

[SEC. 111.

(a) Section 5315 of title 5, United States Code, is amended after the item relating to the Assistant Secretaries of Labor by inserting "Administrator, Wage and Hour Division, Department of Labor."

(b) Section 5316, title 5, United States Code, is amended by striking "Administrator, Wage and Hour and Public Contracts Division, Department of Labor." ]

[DIRECTIVE FOR THE SECRETARY OF LABOR]

[SEC. 112. In an investigation by the Department of substantial violations related to the admission of nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, if the employer of such nonimmigrants demonstrates, by a preponderance of the evidence, that an agent of the employer engaged in fraud or misrepresentation to the Department that was outside the scope of the authority conferred by the employer, the Secretary is authorized—

(1) to exclude the employer of such nonimmigrants from debarment proceedings under section 655.118 of title 20, Code of Federal Regulations, which were commenced on or after January 1, 2013; and

(2) to initiate or continue debarment proceedings against the agent who engaged in such fraud or misrepresentation.]

[SEC. 113.

(a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H-2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H-2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING. —The Secretary of Labor shall not consider an employer in the seafood industry who brings H-2B nonimmigrants into the United States during the 120-day period specified in

paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H-2B NONIMMIGRANTS DEFINED.—In this section, the term "H-2B nonimmigrants" means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

(c) This section shall be in effect until September 30, 2014.  
This title may be cited as the "Department of Labor Appropriations Act, 2014".]

(INCLUDING TRANSFER OF FUNDS)

*SEC. 108.*

*(a) The Secretary may reserve not more than 0.25 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out information technology purchases and upgrades for any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Information Officer within the Department of Labor, and shall be available for obligation through September 30, 2016: Provided, That such funds shall only be available if the Chief Information Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the purchases and upgrades to be carried out 15 days in advance of any transfer.*

*(b) The accounts referred to in subsection (a) are: "Employment and Training Administration Program Administration", "Office of Job Corps Administration", "Foreign Labor Certification Program Administration" "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", "Veterans Employment and Training", "Bureau of Labor Statistics", and "Office of Disability Employment Policy".  
(Department of Labor Appropriations Act, 2014.)*

## TITLE V GENERAL PROVISIONS

### (TRANSFER OF FUNDS)

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 or transferred pursuant to section 4002 of Public Law 111-148 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, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 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 the enactment of legislation, *or* appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative *and State-local* relationships *for presentation to any State or local legislature or legislative body itself*, or *for* participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

[(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.]

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. 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. 506.

(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.

SEC. 507.

(a) The limitations established in the preceding section shall not apply to an abortion—

- (1) if the pregnancy is the result of an act of rape or incest; or
- (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)

(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508.

(a) None of the funds made available in this Act may be used for—

- (1) the creation of a human embryo or embryos for research purposes; or
- (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on

fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

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

SEC. 509.

(a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

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

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew 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. 512. 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. [513]512. 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. 514.

(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 2014, 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 consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(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 2014, 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 consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.]

[SEC. 515.

(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 information that is deliberately false or misleading.]

[SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2014 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) accompanying this Act, or the fiscal year 2014 budget request.]

**SEC. 513. EXTENSION AND AMENDMENT OF AUTHORITY FOR CHIP PERFORMANCE BONUS PAYMENTS.**

(a) **EXTENSION OF AUTHORITY FOR PERFORMANCE BONUS PAYMENTS.** *Section 2105(a)(3)(A) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(A)) is amended by striking "ending with fiscal year 2013" and inserting "ending with fiscal year 2014".*

(b) **AUTHORITY TO TRANSFER UNOBLIGATED CHIP ALLOTMENTS FOR PERFORMANCE BONUS PAYMENTS.** *Section 2105(a)(3)(E)(ii) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(E)(ii)) is amended—*

*(1) in subclause (I) by inserting after item (cc) the following:*

*"(dd) FIRST HALF OF FISCAL YEAR 2015.—As of December 31 of fiscal year 2015, the portion, if any, of the sum of the amounts appropriated under section 2104(a)(18)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2009*



for the period beginning on October 1, 2014, and ending on March 31, 2015, that is unobligated for allotment to a State under section 2104(m) for such fiscal year.

"(ee) **SECOND HALF OF FISCAL YEAR 2015.**—As of June 30 of fiscal year 2015, the portion, if any, of the amount appropriated under section 2104(a)(18)(B) for the period beginning on April 1, 2015, and ending on September 30, 2015, that is unobligated for allotment to a State under section 2104(m) for such fiscal year."; and

(2) in subclauses (II) and (III), by striking "2013" and inserting "2015".

(c) **QUALIFYING CHILDREN DEFINED.**

(1) **EXCLUSION OF CERTAIN CHILDREN TRANSITIONED FROM CHIP TO MEDICAID UNDER THE AFFORDABLE CARE ACT.**—Section 2105(a)(3)(F)(iii) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(F)(iii)) is amended—

(A) by inserting a hyphen after "Such term does not include" and re-designating all text that follows as subclause (I) and indenting it appropriately;

(B) in subclause (I), as so re-designated, by striking all text after "section 1903(v)" and inserting a semi-colon; and

(C) by inserting after subclause (I), as so re-designated, the following new subclauses:

"(II) any children with family income from 100 to 133 percent of the federal poverty line that the Secretary determines are transitioned by the State on or after January 1, 2014, from the program under this title to the program under title XIX, in order to comply with applicable provisions regarding Medicaid coverage for the lowest income populations under section 2001 of Public Law 111–148; or

"(III) any children enrolled on or after October 1, 2014.".

(2) **CONFORMING AMENDMENT TO DETERMINATION OF PER CAPITA STATE MEDICAID EXPENDITURES.**—Section 2105(a)(3)(D) of the Social Security Act (42 U.S.C.1397ee)(a)(3)(D)) is amended—

(A) by designating all text after the caption as clause (i) and indenting it appropriately;

(B) in clause (i), as so designated, by inserting ", and subject to clause (ii)," after "For purposes of subparagraph (B)"; and

(C) by inserting at the end the following new clause:

"(ii) For purposes of the determination under clause (i), the average per capita expenditures for children under the State plan shall not include expenditures with respect to children described in subparagraph (F)(iii)(II).".

(d) **AMENDMENTS TO CRITERIA FOR STATE RECEIPT OF PERFORMANCE BONUS PAYMENTS.**—Section 2105(a) of the Social Security Act (42 U.S.C.1397ee(a)) is amended—

(1) in paragraph (4), by inserting "and subject to paragraph (5) with respect to fiscal year 2014," after "For purposes of paragraph (3)(A),"; and

(2) by inserting at the end the following new paragraph:

"(5) **BONUS PAYMENT CONDITION FOR FISCAL YEAR 2014.**

"(A) **IN GENERAL.**—For purposes of paragraph (3)(A), a State meets the condition of paragraph (4) for fiscal year 2014 if it is implementing, throughout the entire fiscal year, at least 5 of the following provisions, treating each subparagraph as a separate provision:

"(i) subparagraphs (A), (F), (G), and (H) of paragraph (4); and

*"(ii) subparagraphs (B) through (E) of this paragraph.*

*"(B) ELIMINATION OF CHIP WAITING PERIODS.—The State imposes no waiting period for purposes of meeting the requirement under section 2102(b)(3)(C) that the insurance provided under the State child health plan not substitute for coverage under group health plans.*

*"(C) REPORTING OF CHILDREN'S HEALTH CARE QUALITY MEASURES.—For reporting year 2014, the State reports to the Secretary under section 1139A(a) regarding the quality of care provided to children by the State under the programs under this title and title XIX, utilizing at least 80 percent of the initial core set of quality measures developed by the Secretary under such section 1139A(a).*

*"(D) INCREASED REPORTING OF CHILDREN'S HEALTH CARE QUALITY MEASURES FOR FISCAL YEAR 2014.—With respect to a State which reported information under section 1139A(a) for reporting year 2013, the State increases such reporting for reporting year 2014, by using at least 5 initial core quality measures under such section not previously utilized by the State in such reporting.*

*"(E) ELIMINATING THE 5-YEAR WAITING PERIOD FOR COVERAGE OF LAWFULLY RESIDING IMMIGRANT CHILDREN UNDER MEDICAID AND CHIP.—The State elects the options under sections 1903(v)(4)(A)(ii) and 2107(e)(1)(J) to provide medical assistance and child health assistance, as applicable, to immigrant children lawfully residing in the United States."*

#### **SEC. 514. WORKFORCE INNOVATION FUND.**

*(a) From funds appropriated under this Act for the Workforce Innovation Fund—*

*(1) amounts shall be available to support innovative new strategies and activities, or the replication and expansion of effective evidence-based strategies and activities, that are designed to align programs and strengthen the workforce development system in a State or region, in order to substantially improve education and employment outcomes for adults and youth served by such system, cost effectiveness, and the services provided to employers under such system; and*

*(2) amounts shall be available for awards to States or State agencies that are eligible for assistance under any program authorized under the Workforce Investment Act; consortia of States; or partnerships, including regional partnerships, which may include workforce investment boards, public agencies, or other entities, pursuant to criteria established by the Secretary of Labor.*

*(b) Amounts appropriated for the Workforce Innovation Fund shall be administered by the Secretary of Labor in consultation with the Secretary of Education and other heads of departments and agencies, as appropriate.*

*(c) Funds obligated for Workforce Innovation Fund projects may remain available until expended for disbursement, notwithstanding 31 U.S.C. 1552(a).*

*(d)*

*(1) In the case of any innovation or replication project which, in the judgment of the Secretary of Labor and the Secretary of Education, is likely to substantially improve the education and employment outcomes for adults and youth served by such system and the services provided to employers under such system and requires waiver of statutory or regulatory requirements to achieve those improvements, the Secretary of Labor, with respect to title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, and*

*the Secretary of Education, with respect to title II of the Workforce Investment Act of 1998 and title I of the Rehabilitation Act of 1973—*

*(A) may waive compliance with statutory or regulatory requirements under such Acts to the extent and for the period the respective Secretary determines necessary to carry out such project;*

*(B) may not waive any requirement related to nondiscrimination, wage and labor standards, or allocation of funds to State and sub-state levels.*

*(2) Waivers may only be provided to projects which include—*

*(A) a plan, approved by the relevant Secretary, to effectively evaluate the impact of the strategies being tested on outcomes for program participants, including target populations identified by the Secretaries;*

*(B) a strong accountability system, including performance measures which show outcomes for program participants and demonstrate that vulnerable populations, including individuals with disabilities, are being appropriately served by the workforce system; and*

*(C) other required elements, as established by the Secretaries in regulation or grant solicitation.*

*(3) Prior to granting a waiver, the Secretaries of Education and Labor will provide at least 60 days written notice to the Committees on Appropriations and other committees of jurisdiction in the House of Representatives and the Senate.*

**SEC. 515. TRANSFER OF OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM TO DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

*(a) IN GENERAL.—Notwithstanding any other provision of law, the Older American Community Service Employment (OACSE) program under title V of the Older Americans Act of 1965 (42 U.S.C. 3056), and the authority to administer such program, shall be permanently transferred from the Secretary of Labor to the Secretary of Health and Human Services, acting through the Assistant Secretary for Aging.*

*(b) TRANSFER OF FUNCTIONS, ASSETS, AND LIABILITIES.—The functions, assets, and liabilities of the Secretary of Labor relating to the OACSE program shall be transferred to the Secretary of Health and Human Services.*

*(c) EFFECTIVE DATE OF TRANSFER.—The transfer under this section shall be effective no later than the last day of the second full fiscal quarter following the quarter in which this section is enacted.*

**SEC. 516. EFFICIENT USE OF NATIONAL DIRECTORY OF NEW HIRES DATABASE FOR FEDERALLY-SPONSORED RESEARCH ASSESSING THE EFFECTIVENESS OF FEDERAL POLICIES AND PROGRAMS IN ACHIEVING POSITIVE LABOR MARKET OUTCOMES.**

*(a) Section 453 (42 U.S.C. 653) is amended—*

*(1) in subsection (i)(2)(A), by striking "24" and inserting "48"; and*

*(2) in subsection (j), by striking paragraph (5) and inserting the following:*

*"(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, the Secretary may provide access to data in each component of the Federal Parent Locator Service maintained under this section and to information reported by employers pursuant to section 453A(b), for—*

*"(i) research undertaken by a State or Federal agency (including through grant or contract) for purposes found by the Secretary to be likely to contribute to achieving the purposes of part A or this part; or*

*"(ii) an evaluation or statistical activity (including through grant or contract) undertaken to assess the effectiveness in achieving positive labor market outcomes of Federal policies and programs, or to provide demographic or economic estimates, by—*

*"(I) the Department of Health and Human Services;*

*"(II) the Social Security Administration;*

*"(III) the Department of Labor;*

*"(IV) the Department of Education;*

*"(V) the Department of Housing and Urban Development;*

*"(VI) the Department of Justice;*

*"(VII) the Department of Veterans Affairs;*

*"(VIII) the Bureau of the Census;*

*"(IX) the Department of Agriculture; or*

*"(X) the National Science Foundation.*

*"(B) PERSONAL IDENTIFIERS.—Data or information provided under this paragraph may include a personal identifier only if, in addition to meeting the requirements of subsections (l) and (m)—*

*"(i) the State or Federal agency conducting the research described in subparagraph (A)(i), or the Federal department or agency undertaking the evaluation or statistical analysis described in subparagraph (A)(ii), as applicable, enters into an agreement with the Secretary regarding the security and use of the data or information;*

*"(ii) the agreement includes such restrictions or conditions with respect to the use, safeguarding, disclosure, or redisclosure of the data or information (including by contractors or grantees) as the Secretary deems appropriate;*

*"(iii) the data or information is used exclusively for the purposes defined in the agreement; and*

*"(iv) the Secretary determines that the provision of data or information under this paragraph is the minimum amount needed to conduct the research, evaluation, or statistical analysis, as applicable, and will not interfere with the effective operation of the program under this part.*

*"(C) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF DATA. Any individual who willfully discloses a personal identifier (such as a name or social security number) provided under this paragraph, in any manner to an entity not entitled to receive the data or information, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both."*

[SEC. 517. 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 2014, 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. 518. 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.]

SEC. [519]517. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

*SEC. 518. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.*

*SEC. 519. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a federal agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.*

([RESCISSION] CANCELLATION)

[SEC. 520. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.]

SEC. [521]520. [Of the funds made available for performance bonus payments] *Of any amounts provided* under section 2105(a)(3)(E) of the Social Security Act and available as of

January 15, 2015, [~~\$6,317,000,000~~] \$1,751,000,000 are hereby [~~rescinded~~] *permanently cancelled*.

*SEC. 521. Amounts deposited or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.*

(CANCELLATION)

*SEC. 522. Of any available amounts appropriated under section 108 of Public Law 111-3, as amended, \$1,734,000,000 are hereby permanently cancelled.*

[(RESCISSION)]

SEC. [522]523. [Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.] *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. 523. Of the funds made available for fiscal year 2014 under section 3403 of Public Law 111-148, \$10,000,000 are rescinded.]

[SEC. 524. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: *Provided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.]

[(INCLUDING TRANSFER OF FUNDS)]

[SEC. 525.

(a) IN GENERAL.—The Health Education Assistance Loan ("HEAL") program under title VII, part A, subpart I of the PHS 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 permanently transferred from the Secretary of Health and Human Services to the Secretary of Education no later than the end of the first fiscal quarter that begins after the date of enactment of this Act.

(b) 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.

(c) 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 subsection (a), including the transfer of the functions, assets,

and liabilities specified in subsection (b), in the manner that they determine is most appropriate.

(d) USE OF AUTHORITIES UNDER HEA OF 1965. —In servicing, collecting, and enforcing the loans described in subsection (a), 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 HEA of 1965.

(e) CONFORMING AMENDMENTS. —Effective as of the date on which the transfer of the HEAL program under subsection (a) takes effect, section 719 of the PHS Act is amended by adding at the end the following new paragraph:

"(6) The term 'Secretary' means the Secretary of Education.".]

[(INCLUDING TRANSFER OF FUNDS)]

[SEC. 526.

(a) DEFINITIONS.—In this section,

(1) "Performance Partnership Pilot" (or "Pilot") is a project that seeks to identify, through a demonstration, cost-effective strategies for providing services at the State, regional, or local level that—

(A) involve two or more Federal programs (administered by one or more Federal agencies)—

(i) which have related policy goals, and

(ii) at least one of which is administered (in whole or in part) by a State, local, or tribal government; and

(B) achieve better results for regions, communities, or specific at-risk populations through making better use of the budgetary resources that are available for supporting such programs.

(2) "To improve outcomes for disconnected youth" means to increase the rate at which individuals between the ages of 14 and 24 (who are low-income and either homeless, in foster care, involved in the juvenile justice system, unemployed, or not enrolled in or at risk of dropping out of an educational institution) achieve success in meeting educational, employment, or other key goals.

(3) The "lead Federal administering agency" is the Federal agency, to be designated by the Director of the Office of Management and Budget (from among the participating Federal agencies that have statutory responsibility for the Federal discretionary funds that will be used in a Performance Partnership Pilot), that will enter into and administer the particular Performance Partnership Agreement on behalf of that agency and the other participating Federal agencies.

(b) USE OF DISCRETIONARY FUNDS IN FISCAL YEAR 2014.—Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall:

(1) be designed to improve outcomes for disconnected youth, and

(2) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services.

(c) PERFORMANCE PARTNERSHIP AGREEMENTS.—Federal agencies may use Federal discretionary funds, as authorized in subsection (b), to participate in a Performance

Partnership Pilot only in accordance with the terms of a Performance Partnership Agreement that—

(1) is entered into between—

(A) the head of the lead Federal administering agency, on behalf of all of the participating Federal agencies (subject to the head of the lead Federal administering agency having received from the heads of each of the other participating agencies their written concurrence for entering into the Agreement), and

(B) the respective representatives of all of the State, local, or tribal governments that are participating in the Agreement; and

(2) specifies, at a minimum, the following information:

(A) the length of the Agreement (which shall not extend beyond September 30, 2018);

(B) the Federal programs and federally funded services that are involved in the Pilot;

(C) the Federal discretionary funds that are being used in the Pilot (by the respective Federal account identifier, and the total amount from such account that is being used in the Pilot), and the period (or periods) of availability for obligation (by the Federal Government) of such funds;

(D) the non-Federal funds that are involved in the Pilot, by source (which may include private funds as well as governmental funds) and by amount;

(E) the State, local, or tribal programs that are involved in the Pilot; (F) the populations to be served by the Pilot;

(G) the cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(H) the cost-effective State, local, or tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

(I) the outcome (or outcomes) that the Pilot is designed to achieve;

(J) the appropriate, reliable, and objective outcome-measurement methodology that the Federal Government and the participating State, local, or tribal governments will use, in carrying out the Pilot, to determine whether the Pilot is achieving, and has achieved, the specified outcomes that the Pilot is designed to achieve;

(K) the statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the Pilot; and

(L) in cases where, during the course of the Pilot, it is determined that the Pilot is not achieving the specified outcomes that it is designed to achieve,

(i) the consequences that will result from such deficiencies with respect to the Federal discretionary funds that are being used in the Pilot, and

(ii) the corrective actions that will be taken in order to increase the likelihood that the Pilot, upon completion, will have achieved such specified outcomes.

(d) AGENCY HEAD DETERMINATIONS.—A Federal agency may participate in a Performance Partnership Pilot (including by providing Federal discretionary funds that have been appropriated to such agency) only upon the written determination by the head of such agency that the agency's participation in such Pilot—



(1) will not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency's programs and Federal discretionary funds that are involved in the Pilot, and

(2) based on the best available information, will not otherwise adversely affect vulnerable populations that are the recipients of such services. In making this determination, the head of the agency may take into consideration the other Federal discretionary funds that will be used in the Pilot as well as any non-Federal funds (including from private sources as well as governmental sources) that will be used in the Pilot.

(e) TRANSFER AUTHORITY.—For the purpose of carrying out the Pilot in accordance with the Performance Partnership Agreement, and subject to the written approval of the Director of the Office of Management and Budget, the head of each participating Federal agency may transfer Federal discretionary funds that are being used in the Pilot to an account of the lead Federal administering agency that includes Federal discretionary funds that are being used in the Pilot. Subject to the waiver authority under subsection (f), such transferred funds shall remain available for the same purposes for which such funds were originally appropriated: *Provided*, That such transferred funds shall remain available for obligation by the Federal Government until the expiration of the period of availability for those Federal discretionary funds (which are being used in the Pilot) that have the longest period of availability, except that any such transferred funds shall not remain available beyond September 30, 2018.

(f) WAIVER AUTHORITY.—In connection with a Federal agency's participation in a Performance Partnership Pilot, and subject to the other provisions of this section (including subsection (e)), the head of the Federal agency to which the Federal discretionary funds were appropriated may waive (in whole or in part) the application, solely to such discretionary funds that are being used in the Pilot, of any statutory, regulatory, or administrative requirement that such agency head—

(1) is otherwise authorized to waive (in accordance with the terms and conditions of such other authority), and

(2) is not otherwise authorized to waive, provided that in such case the agency head shall—

(A) not waive any requirement related to nondiscrimination, wage and labor standards, or allocation of funds to State and substate levels;

(B) issue a written determination, prior to granting the waiver, with respect to such discretionary funds that the granting of such waiver for purposes of the Pilot—

(i) is consistent with both—

(I) the statutory purposes of the Federal program for which such discretionary funds were appropriated, and

(II) the other provisions of this section, including the written determination by the agency head issued under subsection (d);

(ii) is necessary to achieve the outcomes of the Pilot as specified in the Performance Partnership Agreement, and is no broader in scope than is necessary to achieve such outcomes; and

(iii) will result in either—

- (I) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds, or
- (II) increasing the ability of individuals to obtain access to services that are provided by such discretionary funds; and
- (C) provide at least 60 days advance written notice to the Committees on Appropriations and other committees of jurisdiction in the House of Representatives and the Senate.]

SEC. 524.

*(a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall:*

- (1) be designed to improve outcomes for disconnected youth, and*
- (2) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services. Such Pilots shall be governed by the provisions of section 526 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014, except that in carrying out such Pilots section 526 shall be applied by substituting "FISCAL YEAR 2015" for "FISCAL YEAR 2014" in the title of subsection (b) and by substituting "September 30, 2019" for "September 30, 2018" each place it appears.*

*(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014.*

[SEC. 527. Each Federal agency, or in the case of an agency with multiple bureaus, each bureau (or operating division) funded under this Act that has research and development expenditures in excess of \$100,000,000 per year shall develop a Federal research public access policy that provides for—

- (1) the submission to the agency, agency bureau, or designated entity acting on behalf of the agency, a machine-readable version of the author's final peer-reviewed manuscripts that have been accepted for publication in peer-reviewed journals describing research supported, in whole or in part, from funding by the Federal Government;
- (2) free online public access to such final peer-reviewed manuscripts or published versions not later than 12 months after the official date of publication; and
- (3) compliance with all relevant copyright laws.]

SEC. [528]525.

(a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

*(Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014.)*