

Calendar No. 497115TH CONGRESS
2^D SESSION**S. 3158****[Report No. 115–289]**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
2 September 30, 2019, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 For necessary expenses of the Workforce Innovation
8 and Opportunity Act (referred to in this Act as “WIOA”),
9 the Second Chance Act of 2007, and the National Appren-
10 ticeship Act, \$3,501,200,000, plus reimbursements, shall
11 be available. Of the amounts provided:

12 (1) for grants to States for adult employment
13 and training activities, youth activities, and dis-
14 located worker employment and training activities,
15 \$2,789,832,000 as follows:

16 (A) \$845,556,000 for adult employment
17 and training activities, of which \$133,556,000
18 shall be available for the period July 1, 2019
19 through June 30, 2020, and of which
20 \$712,000,000 shall be available for the period
21 October 1, 2019 through June 30, 2020;

22 (B) \$903,416,000 for youth activities,
23 which shall be available for the period April 1,
24 2019 through June 30, 2020; and

1 (C) \$1,040,860,000 for dislocated worker
2 employment and training activities, of which
3 \$180,860,000 shall be available for the period
4 July 1, 2019 through June 30, 2020, and of
5 which \$860,000,000 shall be available for the
6 period October 1, 2019 through June 30, 2020:
7 *Provided*, That the funds available for allotment to
8 outlying areas to carry out subtitle B of title I of the
9 WIOA shall not be subject to the requirements of
10 section 127(b)(1)(B)(ii) of such Act; and

11 (2) for national programs, \$711,368,000 as fol-
12 lows:

13 (A) \$220,859,000 for the dislocated work-
14 ers assistance national reserve, of which
15 \$20,859,000 shall be available for the period
16 July 1, 2019 through September 30, 2020, and
17 of which \$200,000,000 shall be available for the
18 period October 1, 2019 through September 30,
19 2020: *Provided*, That funds provided to carry
20 out section 132(a)(2)(A) of the WIOA may be
21 used to provide assistance to a State for state-
22 wide or local use in order to address cases
23 where there have been worker dislocations
24 across multiple sectors or across multiple local
25 areas and such workers remain dislocated; co-

1 ordinate the State workforce development plan
2 with emerging economic development needs; and
3 train such eligible dislocated workers: *Provided*
4 *further*, That funds provided to carry out sec-
5 tions 168(b) and 169(c) of the WIOA may be
6 used for technical assistance and demonstration
7 projects, respectively, that provide assistance to
8 new entrants in the workforce and incumbent
9 workers: *Provided further*, That notwithstanding
10 section 168(b) of the WIOA, of the funds pro-
11 vided under this subparagraph, the Secretary of
12 Labor (referred to in this title as “Secretary”)
13 may reserve not more than 10 percent of such
14 funds to provide technical assistance and carry
15 out additional activities related to the transition
16 to the WIOA: *Provided further*, That of the
17 funds provided under this subparagraph,
18 \$30,000,000 shall be for training and employ-
19 ment assistance under sections 168(b), 169(c)
20 (notwithstanding the 10 percent limitation in
21 such section) and 170 of the WIOA for workers
22 in the Appalachian region, as defined by 40
23 U.S.C. 14102(a)(1) and workers in the Lower
24 Mississippi, as defined in section 4(2) of the

1 Delta Development Act (Public Law 100–460,
2 102 Stat. 2246; 7 U.S.C. 2009aa(2));

3 (B) \$54,000,000 for Native American pro-
4 grams under section 166 of the WIOA, which
5 shall be available for the period July 1, 2019
6 through June 30, 2020;

7 (C) \$87,896,000 for migrant and seasonal
8 farmworker programs under section 167 of the
9 WIOA, including \$81,447,000 for formula
10 grants (of which not less than 70 percent shall
11 be for employment and training services),
12 \$5,922,000 for migrant and seasonal housing
13 (of which not less than 70 percent shall be for
14 permanent housing), and \$527,000 for other
15 discretionary purposes, which shall be available
16 for the period July 1, 2019 through June 30,
17 2020: *Provided*, That notwithstanding any
18 other provision of law or related regulation, the
19 Department of Labor shall take no action lim-
20 iting the number or proportion of eligible par-
21 ticipants receiving related assistance services or
22 discouraging grantees from providing such serv-
23 ices;

24 (D) \$89,534,000 for YouthBuild activities
25 as described in section 171 of the WIOA, which

1 shall be available for the period April 1, 2019
2 through June 30, 2020;

3 (E) \$93,079,000 for ex-offender activities,
4 under the authority of section 169 of the WIOA
5 and section 212 of the Second Chance Act of
6 2007, which shall be available for the period
7 April 1, 2019 through June 30, 2020: *Provided*,
8 That of this amount, \$25,000,000 shall be for
9 competitive grants to national and regional
10 intermediaries for activities that prepare young
11 ex-offenders and school dropouts for employ-
12 ment, with a priority for projects serving high-
13 crime, high-poverty areas;

14 (F) \$6,000,000 for the Workforce Data
15 Quality Initiative, under the authority of section
16 169 of the WIOA, which shall be available for
17 the period July 1, 2019 through June 30,
18 2020; and

19 (G) \$160,000,000 to expand opportunities
20 relating to apprenticeship programs registered
21 under the National Apprenticeship Act, to be
22 available to the Secretary to carry out activities
23 through grants, cooperative agreements, con-
24 tracts and other arrangements, with States and
25 other appropriate entities, which shall be avail-

1 *vided further*, That the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate are notified at least 15 days in advance of any
4 transfer; and

5 (3) \$32,330,000 for necessary expenses of Job
6 Corps, which shall be available for obligation for the
7 period October 1, 2018 through September 30,
8 2019:

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

12 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
13 AMERICANS

14 To carry out title V of the Older Americans Act of
15 1965 (referred to in this Act as “OAA”), \$400,000,000,
16 which shall be available for the period April 1, 2019
17 through June 30, 2020, and may be recaptured and reobli-
18 gated in accordance with section 517(c) of the OAA.

19 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

20 For payments during fiscal year 2019 of trade ad-
21 justment benefit payments and allowances under part I
22 of subchapter B of chapter 2 of title II of the Trade Act
23 of 1974, and section 246 of that Act; and for training,
24 employment and case management services, allowances for
25 job search and relocation, and related State administrative

1 expenses under part II of subchapter B of chapter 2 of
2 title II of the Trade Act of 1974, and including benefit
3 payments, allowances, training, employment and case
4 management services, and related State administration
5 provided pursuant to section 231(a) of the Trade Adjust-
6 ment Assistance Extension Act of 2011 and section 405(a)
7 of the Trade Preferences Extension Act of 2015,
8 \$790,000,000 together with such amounts as may be nec-
9 essary to be charged to the subsequent appropriation for
10 payments for any period subsequent to September 15,
11 2019: *Provided*, That notwithstanding section 502 of this
12 Act, any part of the appropriation provided under this
13 heading may remain available for obligation beyond the
14 current fiscal year pursuant to the authorities of section
15 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

16 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
17 SERVICE OPERATIONS

18 For authorized administrative expenses,
19 \$84,066,000, together with not to exceed \$3,254,944,000
20 which may be expended from the Employment Security
21 Administration Account in the Unemployment Trust Fund
22 (“the Trust Fund”), of which:

- 23 (1) \$2,515,816,000 from the Trust Fund is for
24 grants to States for the administration of State un-
25 employment insurance laws as authorized under title

1 III of the Social Security Act (including not less
2 than \$150,000,000 to carry out reemployment serv-
3 ices and eligibility assessments under section 306 of
4 such Act, any claimants of regular compensation, as
5 defined in such section, including those who are
6 profiled as most likely to exhaust their benefits, may
7 be eligible for such services and assessments: *Pro-*
8 *vided*, That of such amount, \$117,000,000 is speci-
9 fied for grants under section 306 of the Social Secu-
10 rity Act and is provided to meet the terms of section
11 251(b)(2)(E)(ii) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985, as amended, and
13 \$33,000,000 is additional new budget authority
14 specified for purposes of section 251(b)(2)(E)(i)(II)
15 of such Act; and \$9,000,000 for continued support
16 of the Unemployment Insurance Integrity Center of
17 Excellence), the administration of unemployment in-
18 surance for Federal employees and for ex-service
19 members as authorized under 5 U.S.C. 8501–8523,
20 and the administration of trade readjustment allow-
21 ances, reemployment trade adjustment assistance,
22 and alternative trade adjustment assistance under
23 the Trade Act of 1974 and under section 231(a) of
24 the Trade Adjustment Assistance Extension Act of
25 2011 and section 405(a) of the Trade Preferences

1 Extension Act of 2015, and shall be available for ob-
2 ligation by the States through December 31, 2019,
3 except that funds used for automation shall be avail-
4 able for Federal obligation through December 31,
5 2019, and for State obligation through September
6 30, 2021, or, if the automation is being carried out
7 through consortia of States, for State obligation
8 through September 30, 2024, and for expenditure
9 through September 30, 2025, and funds for competi-
10 tive grants awarded to States for improved oper-
11 ations and to conduct in-person reemployment and
12 eligibility assessments and unemployment insurance
13 improper payment reviews and provide reemploy-
14 ment services and referrals to training, as appro-
15 priate, shall be available for Federal obligation
16 through December 31, 2019, and for obligation by
17 the States through September 30, 2021, and funds
18 for the Unemployment Insurance Integrity Center of
19 Excellence shall be available for obligation by the
20 State through September 30, 2020, and funds used
21 for unemployment insurance workloads experienced
22 through September 30, 2019 shall be available for
23 Federal obligation through December 31, 2019;

24 (2) \$12,000,000 from the Trust Fund is for na-
25 tional activities necessary to support the administra-

1 tion of the Federal-State unemployment insurance
2 system;

3 (3) \$645,000,000 from the Trust Fund, to-
4 gether with \$21,413,000 from the General Fund of
5 the Treasury, is for grants to States in accordance
6 with section 6 of the Wagner-Peyser Act, and shall
7 be available for Federal obligation for the period
8 July 1, 2019 through June 30, 2020;

9 (4) \$19,818,000 from the Trust Fund is for na-
10 tional activities of the Employment Service, includ-
11 ing administration of the work opportunity tax cred-
12 it under section 51 of the Internal Revenue Code of
13 1986, and the provision of technical assistance and
14 staff training under the Wagner-Peyser Act;

15 (5) \$62,310,000 from the Trust Fund is for the
16 administration of foreign labor certifications and re-
17 lated activities under the Immigration and Nation-
18 ality Act and related laws, of which \$48,028,000
19 shall be available for the Federal administration of
20 such activities, and \$14,282,000 shall be available
21 for grants to States for the administration of such
22 activities; and

23 (6) \$62,653,000 from the General Fund is to
24 provide workforce information, national electronic
25 tools, and one-stop system building under the Wag-

1 ner-Peyser Act and shall be available for Federal ob-
2 ligation for the period July 1, 2019 through June
3 30, 2020:

4 *Provided*, That to the extent that the Average Weekly In-
5 sured Unemployment (“AWIU”) for fiscal year 2019 is
6 projected by the Department of Labor to exceed
7 2,030,000, an additional \$28,600,000 from the Trust
8 Fund shall be available for obligation for every 100,000
9 increase in the AWIU level (including a pro rata amount
10 for any increment less than 100,000) to carry out title
11 III of the Social Security Act: *Provided further*, That
12 funds appropriated in this Act that are allotted to a State
13 to carry out activities under title III of the Social Security
14 Act may be used by such State to assist other States in
15 carrying out activities under such title III if the other
16 States include areas that have suffered a major disaster
17 declared by the President under the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act: *Provided*
19 *further*, That the Secretary may use funds appropriated
20 for grants to States under title III of the Social Security
21 Act to make payments on behalf of States for the use of
22 the National Directory of New Hires under section
23 453(j)(8) of such Act: *Provided further*, That the Sec-
24 retary may use funds appropriated for grants to States
25 under title III of the Social Security Act to make pay-

1 ments on behalf of States to the entity operating the State
2 Information Data Exchange System: *Provided further*,
3 That funds appropriated in this Act which are used to es-
4 tablish a national one-stop career center system, or which
5 are used to support the national activities of the Federal-
6 State unemployment insurance, employment service, or
7 immigration programs, may be obligated in contracts,
8 grants, or agreements with States and non-State entities:
9 *Provided further*, That States awarded competitive grants
10 for improved operations under title III of the Social Secu-
11 rity Act, or awarded grants to support the national activi-
12 ties of the Federal-State unemployment insurance system,
13 may award subgrants to other States and non-State enti-
14 ties under such grants, subject to the conditions applicable
15 to the grants: *Provided further*, That funds appropriated
16 under this Act for activities authorized under title III of
17 the Social Security Act and the Wagner-Peyser Act may
18 be used by States to fund integrated Unemployment In-
19 surance and Employment Service automation efforts, not-
20 withstanding cost allocation principles prescribed under
21 the final rule entitled “Uniform Administrative Require-
22 ments, Cost Principles, and Audit Requirements for Fed-
23 eral Awards” at part 200 of title 2, Code of Federal Regu-
24 lations: *Provided further*, That the Secretary, at the re-
25 quest of a State participating in a consortium with other

1 States, may reallocate funds allotted to such State under title
2 III of the Social Security Act to other States participating
3 in the consortium in order to carry out activities that ben-
4 efit the administration of the unemployment compensation
5 law of the State making the request: *Provided further*,
6 That the Secretary may collect fees for the costs associ-
7 ated with additional data collection, analyses, and report-
8 ing services relating to the National Agricultural Workers
9 Survey requested by State and local governments, public
10 and private institutions of higher education, and nonprofit
11 organizations and may utilize such sums, in accordance
12 with the provisions of 29 U.S.C. 9a, for the National Agri-
13 cultural Workers Survey infrastructure, methodology, and
14 data to meet the information collection and reporting
15 needs of such entities, which shall be credited to this ap-
16 propriation and shall remain available until September 30,
17 2020, for such purposes.

18 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND

19 OTHER FUNDS

20 For repayable advances to the Unemployment Trust
21 Fund as authorized by sections 905(d) and 1203 of the
22 Social Security Act, and to the Black Lung Disability
23 Trust Fund as authorized by section 9501(e)(1) of the In-
24 ternal Revenue Code of 1986; and for nonrepayable ad-
25 vances to the revolving fund established by section 901(e)

1 of the Social Security Act, to the Unemployment Trust
2 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
3 Unemployment Benefits and Allowances” account, such
4 sums as may be necessary, which shall be available for
5 obligation through September 30, 2020.

6 PROGRAM ADMINISTRATION

7 For expenses of administering employment and train-
8 ing programs, \$108,674,000, together with not to exceed
9 \$49,982,000 which may be expended from the Employ-
10 ment Security Administration Account in the Unemploy-
11 ment Trust Fund.

12 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Employee Benefits
15 Security Administration, \$186,500,000, of which up to
16 \$3,000,000 shall be made available through September 30,
17 2020, for the procurement of expert witnesses for enforce-
18 ment litigation.

19 PENSION BENEFIT GUARANTY CORPORATION

20 PENSION BENEFIT GUARANTY CORPORATION FUND

21 The Pension Benefit Guaranty Corporation (“Cor-
22 poration”) is authorized to make such expenditures, in-
23 cluding financial assistance authorized by subtitle E of
24 title IV of the Employee Retirement Income Security Act
25 of 1974, within limits of funds and borrowing authority

1 available to the Corporation, and in accord with law, and
2 to make such contracts and commitments without regard
3 to fiscal year limitations, as provided by 31 U.S.C. 9104,
4 as may be necessary in carrying out the program, includ-
5 ing associated administrative expenses, through Sep-
6 tember 30, 2019, for the Corporation: *Provided*, That
7 none of the funds available to the Corporation for fiscal
8 year 2019 shall be available for obligations for administra-
9 tive expenses in excess of \$445,363,000: *Provided further*,
10 That to the extent that the number of new plan partici-
11 pants in plans terminated by the Corporation exceeds
12 100,000 in fiscal year 2019, an amount not to exceed an
13 additional \$9,200,000 shall be available through Sep-
14 tember 30, 2020, for obligation for administrative ex-
15 penses for every 20,000 additional terminated partici-
16 pants: *Provided further*, That obligations in excess of the
17 amounts provided in this paragraph may be incurred for
18 unforeseen and extraordinary pretermination expenses or
19 extraordinary multiemployer program related expenses
20 after approval by the Office of Management and Budget
21 and notification of the Committees on Appropriations of
22 the House of Representatives and the Senate.

1 WAGE AND HOUR DIVISION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Wage and Hour Divi-
4 sion, including reimbursement to State, Federal, and local
5 agencies and their employees for inspection services ren-
6 dered, \$229,000,000.

7 OFFICE OF LABOR-MANAGEMENT STANDARDS

8 SALARIES AND EXPENSES

9 For necessary expenses for the Office of Labor-Man-
10 agement Standards, \$40,187,000.

11 OFFICE OF FEDERAL CONTRACT COMPLIANCE

12 PROGRAMS

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Federal Con-
15 tract Compliance Programs, \$103,476,000.

16 OFFICE OF WORKERS' COMPENSATION PROGRAMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the Office of Workers'
19 Compensation Programs, \$115,424,000, together with
20 \$2,177,000 which may be expended from the Special Fund
21 in accordance with sections 39(c), 44(d), and 44(j) of the
22 Longshore and Harbor Workers' Compensation Act.

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

3 For the payment of compensation, benefits, and ex-
4 penses (except administrative expenses) accruing during
5 the current or any prior fiscal year authorized by 5 U.S.C.
6 81; continuation of benefits as provided for under the
7 heading “Civilian War Benefits” in the Federal Security
8 Agency Appropriation Act, 1947; the Employees’ Com-
9 pensation Commission Appropriation Act, 1944; section
10 5(f) of the War Claims Act (50 U.S.C. App. 2012); obliga-
11 tions incurred under the War Hazards Compensation Act
12 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
13 compensation and benefits required by section 10(h) of the
14 Longshore and Harbor Workers’ Compensation Act,
15 \$230,000,000, together with such amounts as may be nec-
16 essary to be charged to the subsequent year appropriation
17 for the payment of compensation and other benefits for
18 any period subsequent to August 15 of the current year,
19 for deposit into and to assume the attributes of the Em-
20 ployees’ Compensation Fund established under 5 U.S.C.
21 8147(a): *Provided*, That amounts appropriated may be
22 used under 5 U.S.C. 8104 by the Secretary to reimburse
23 an employer, who is not the employer at the time of injury,
24 for portions of the salary of a re-employed, disabled bene-
25 ficiary: *Provided further*, That balances of reimbursements

1 unobligated on September 30, 2018, shall remain available
2 until expended for the payment of compensation, benefits,
3 and expenses: *Provided further*, That in addition there
4 shall be transferred to this appropriation from the Postal
5 Service and from any other corporation or instrumentality
6 required under 5 U.S.C. 8147(c) to pay an amount for
7 its fair share of the cost of administration, such sums as
8 the Secretary determines to be the cost of administration
9 for employees of such fair share entities through Sep-
10 tember 30, 2019: *Provided further*, That of those funds
11 transferred to this account from the fair share entities to
12 pay the cost of administration of the Federal Employees'
13 Compensation Act, \$74,777,000 shall be made available
14 to the Secretary as follows:

15 (1) For enhancement and maintenance of auto-
16 mated data processing systems operations and tele-
17 communications systems, \$24,540,000;

18 (2) For automated workload processing oper-
19 ations, including document imaging, centralized mail
20 intake, and medical bill processing, \$22,968,000;

21 (3) For periodic roll disability management and
22 medical review, \$25,535,000;

23 (4) For program integrity, \$1,734,000; and

24 (5) The remaining funds shall be paid into the
25 Treasury as miscellaneous receipts:

1 *Provided further*, That the Secretary may require that any
2 person filing a notice of injury or a claim for benefits
3 under 5 U.S.C. 81, or the Longshore and Harbor Work-
4 ers' Compensation Act, provide as part of such notice and
5 claim, such identifying information (including Social Secu-
6 rity account number) as such regulations may prescribe.

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

8 For carrying out title IV of the Federal Mine Safety
9 and Health Act of 1977, as amended by Public Law 107-
10 275, \$10,319,000, to remain available until expended.

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

15 For making benefit payments under title IV for the
16 first quarter of fiscal year 2020, \$14,000,000, to remain
17 available until expended.

18 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

19 OCCUPATIONAL ILLNESS COMPENSATION FUND

20 For necessary expenses to administer the Energy
21 Employees Occupational Illness Compensation Program
22 Act, \$59,098,000, to remain available until expended: *Pro-*
23 *vided*, That the Secretary may require that any person fil-
24 ing a claim for benefits under the Act provide as part of

1 such claim such identifying information (including Social
2 Security account number) as may be prescribed.

3 BLACK LUNG DISABILITY TRUST FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 Such sums as may be necessary from the Black Lung
6 Disability Trust Fund (the “Fund”), to remain available
7 until expended, for payment of all benefits authorized by
8 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
9 enue Code of 1986; and repayment of, and payment of
10 interest on advances, as authorized by section 9501(d)(4)
11 of that Act. In addition, the following amounts may be
12 expended from the Fund for fiscal year 2019 for expenses
13 of operation and administration of the Black Lung Bene-
14 fits program, as authorized by section 9501(d)(5): not to
15 exceed \$38,246,000 for transfer to the Office of Workers’
16 Compensation Programs, “Salaries and Expenses”; not to
17 exceed \$31,994,000 for transfer to Departmental Manage-
18 ment, “Salaries and Expenses”; not to exceed \$330,000
19 for transfer to Departmental Management, “Office of In-
20 spector General”; and not to exceed \$356,000 for pay-
21 ments into miscellaneous receipts for the expenses of the
22 Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$556,787,000, including not
5 to exceed \$102,850,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act; and, in addition, notwith-
12 standing 31 U.S.C. 3302, the Occupational Safety and
13 Health Administration may retain up to \$499,000 per fis-
14 cal year of training institute course tuition and fees, other-
15 wise authorized by law to be collected, and may utilize
16 such sums for occupational safety and health training and
17 education: *Provided*, That notwithstanding 31 U.S.C.
18 3302, the Secretary is authorized, during the fiscal year
19 ending September 30, 2019, to collect and retain fees for
20 services provided to Nationally Recognized Testing Lab-
21 oratories, and may utilize such sums, in accordance with
22 the provisions of 29 U.S.C. 9a, to administer national and
23 international laboratory recognition programs that ensure
24 the safety of equipment and products used by workers in
25 the workplace: *Provided further*, That none of the funds

1 appropriated under this paragraph shall be obligated or
2 expended to prescribe, issue, administer, or enforce any
3 standard, rule, regulation, or order under the Act which
4 is applicable to any person who is engaged in a farming
5 operation which does not maintain a temporary labor
6 camp and employs 10 or fewer employees: *Provided fur-*
7 *ther*, That no funds appropriated under this paragraph
8 shall be obligated or expended to administer or enforce
9 any standard, rule, regulation, or order under the Act with
10 respect to any employer of 10 or fewer employees who is
11 included within a category having a Days Away, Re-
12 stricted, or Transferred (“DART”) occupational injury
13 and illness rate, at the most precise industrial classifica-
14 tion code for which such data are published, less than the
15 national average rate as such rates are most recently pub-
16 lished by the Secretary, acting through the Bureau of
17 Labor Statistics, in accordance with section 24 of the Act,
18 except—

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

22 (2) to conduct an inspection or investigation in
23 response to an employee complaint, to issue a cita-
24 tion for violations found during such inspection, and
25 to assess a penalty for violations which are not cor-

1 rected within a reasonable abatement period and for
2 any willful violations found;

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

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

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

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

16 *Provided further*, That the foregoing proviso shall not
17 apply to any person who is engaged in a farming operation
18 which does not maintain a temporary labor camp and em-
19 ploys 10 or fewer employees: *Provided further*, That
20 \$10,537,000 shall be available for Susan Harwood train-
21 ing grants, of which the Secretary shall reserve not less
22 than \$4,500,000 for Susan Harwood Training Capacity
23 Building Developmental grants, as described in Funding
24 Opportunity Number SHTG-GY-16-02 (referenced in
25 the notice of availability of funds published in the Federal

1 Register on May 3, 2016 (81 Fed. Reg. 30568)) for pro-
2 gram activities starting not later than September 30, 2019
3 and lasting for a period of 12 months: *Provided further*,
4 That not less than \$3,500,000 shall be for Voluntary Pro-
5 tection Programs.

6 MINE SAFETY AND HEALTH ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Mine Safety and
9 Health Administration, \$373,816,000, including purchase
10 and bestowal of certificates and trophies in connection
11 with mine rescue and first-aid work, and the hire of pas-
12 senger motor vehicles, including up to \$2,000,000 for
13 mine rescue and recovery activities and not less than
14 \$10,537,000 for State assistance grants: *Provided*, That
15 amounts available for State assistance grants may be used
16 for the purchase and maintenance of new equipment re-
17 quired by the final rule entitled “Lowering Miners’ Expo-
18 sure to Respirable Coal Mine Dust, Including Continuous
19 Personal Dust Monitors” published by the Department of
20 Labor in the Federal Register on May 1, 2014 (79 Fed.
21 Reg. 24813 et seq.), for operators that demonstrate finan-
22 cial need as determined by the Secretary: *Provided further*,
23 That notwithstanding 31 U.S.C. 3302, not to exceed
24 \$750,000 may be collected by the National Mine Health
25 and Safety Academy for room, board, tuition, and the sale

1 of training materials, otherwise authorized by law to be
2 collected, to be available for mine safety and health edu-
3 cation and training activities: *Provided further*, That not-
4 withstanding 31 U.S.C. 3302, the Mine Safety and Health
5 Administration is authorized to collect and retain up to
6 \$2,499,000 from fees collected for the approval and cer-
7 tification of equipment, materials, and explosives for use
8 in mines, and may utilize such sums for such activities:
9 *Provided further*, That the Secretary is authorized to ac-
10 cept lands, buildings, equipment, and other contributions
11 from public and private sources and to prosecute projects
12 in cooperation with other agencies, Federal, State, or pri-
13 vate: *Provided further*, That the Mine Safety and Health
14 Administration is authorized to promote health and safety
15 education and training in the mining community through
16 cooperative programs with States, industry, and safety as-
17 sociations: *Provided further*, That the Secretary is author-
18 ized to recognize the Joseph A. Holmes Safety Association
19 as a principal safety association and, notwithstanding any
20 other provision of law, may provide funds and, with or
21 without reimbursement, personnel, including service of
22 Mine Safety and Health Administration officials as offi-
23 cers in local chapters or in the national organization: *Pro-*
24 *vided further*, That any funds available to the Department
25 of Labor may be used, with the approval of the Secretary,

1 to provide for the costs of mine rescue and survival oper-
2 ations in the event of a major disaster.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
6 tistics, including advances or reimbursements to State,
7 Federal, and local agencies and their employees for serv-
8 ices rendered, \$550,000,000, together with not to exceed
9 \$65,000,000 which may be expended from the Employ-
10 ment Security Administration account in the Unemploy-
11 ment Trust Fund.

12 OFFICE OF DISABILITY EMPLOYMENT POLICY

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Disability
15 Employment Policy to provide leadership, develop policy
16 and initiatives, and award grants furthering the objective
17 of eliminating barriers to the training and employment of
18 people with disabilities, \$38,203,000.

19 DEPARTMENTAL MANAGEMENT

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for Departmental Manage-
23 ment, including the hire of three passenger motor vehicles,
24 \$337,536,000, together with not to exceed \$308,000,
25 which may be expended from the Employment Security

1 Administration account in the Unemployment Trust
2 Fund: *Provided*, That \$59,825,000 for the Bureau of
3 International Labor Affairs shall be available for obliga-
4 tion through December 31, 2019: *Provided further*, That
5 funds available to the Bureau of International Labor Af-
6 fairs may be used to administer or operate international
7 labor activities, bilateral and multilateral technical assist-
8 ance, and microfinance programs, by or through contracts,
9 grants, subgrants and other arrangements: *Provided fur-*
10 *ther*, That not more than \$53,825,000 shall be for pro-
11 grams to combat exploitative child labor internationally
12 and not less than \$6,000,000 shall be used to implement
13 model programs that address worker rights issues through
14 technical assistance in countries with which the United
15 States has free trade agreements or trade preference pro-
16 grams: *Provided further*, That \$8,040,000 shall be used
17 for program evaluation and shall be available for obliga-
18 tion through September 30, 2020: *Provided further*, That
19 funds available for program evaluation may be used to ad-
20 minister grants for the purpose of evaluation: *Provided*
21 *further*, That grants made for the purpose of evaluation
22 shall be awarded through fair and open competition: *Pro-*
23 *vided further*, That funds available for program evaluation
24 may be transferred to any other appropriate account in
25 the Department for such purpose: *Provided further*, That

1 the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate are notified at least 15 days
3 in advance of any transfer: *Provided further*, That the
4 funds available to the Women’s Bureau may be used for
5 grants to serve and promote the interests of women in the
6 workforce: *Provided further*, That of the amounts made
7 available to the Women’s Bureau, \$994,000 shall be used
8 for grants authorized by the Women in Apprenticeship
9 and Nontraditional Occupations Act.

10 VETERANS EMPLOYMENT AND TRAINING

11 Not to exceed \$250,041,000 may be derived from the
12 Employment Security Administration account in the Un-
13 employment Trust Fund to carry out the provisions of
14 chapters 41, 42, and 43 of title 38, United States Code,
15 of which:

16 (1) \$180,000,000 is for Jobs for Veterans State
17 grants under 38 U.S.C. 4102A(b)(5) to support dis-
18 abled veterans’ outreach program specialists under
19 section 4103A of such title and local veterans’ em-
20 ployment representatives under section 4104(b) of
21 such title, and for the expenses described in section
22 4102A(b)(5)(C), which shall be available for obliga-
23 tion by the States through December 31, 2019, and
24 not to exceed 3 percent for the necessary Federal ex-
25 penditures for data systems and contract support to

1 allow for the tracking of participant and perform-
2 ance information: *Provided*, That, in addition, such
3 funds may be used to support such specialists and
4 representatives in the provision of services to
5 transitioning members of the Armed Forces who
6 have participated in the Transition Assistance Pro-
7 gram and have been identified as in need of inten-
8 sive services, to members of the Armed Forces who
9 are wounded, ill, or injured and receiving treatment
10 in military treatment facilities or warrior transition
11 units, and to the spouses or other family caregivers
12 of such wounded, ill, or injured members;

13 (2) \$24,500,000 is for carrying out the Transi-
14 tion Assistance Program under 38 U.S.C. 4113 and
15 10 U.S.C. 1144;

16 (3) \$42,127,000 is for Federal administration
17 of chapters 41, 42, and 43 of title 38, United States
18 Code: *Provided*, That, up to \$500,000 may be used
19 to carry out the Hire VETS Act (division O of Pub-
20 lic Law 115–31); and

21 (4) \$3,414,000 is for the National Veterans'
22 Employment and Training Services Institute under
23 38 U.S.C. 4109:

24 *Provided*, That the Secretary may reallocate among the
25 appropriations provided under paragraphs (1) through (4)

1 above an amount not to exceed 3 percent of the appropria-
2 tion from which such reallocation is made.

3 In addition, from the General Fund of the Treasury,
4 \$50,000,000 is for carrying out programs to assist home-
5 less veterans and veterans at risk of homelessness who are
6 transitioning from certain institutions under sections
7 2021, 2021A, and 2023 of title 38, United States Code:
8 *Provided*, That notwithstanding subsections (c)(3) and (d)
9 of section 2023, the Secretary may award grants through
10 September 30, 2019, to provide services under such sec-
11 tion: *Provided further*, That services provided under sec-
12 tion 2023 may include, in addition to services to the indi-
13 viduals described in subsection (e) of such section, services
14 to veterans recently released from incarceration who are
15 at risk of homelessness.

16 In addition, fees may be assessed and deposited in
17 the HIRE Vets Medallion Award Fund pursuant to sec-
18 tion 5(b) of the HIRE Vets Act, and such amounts shall
19 be available to the Secretary to carry out the HIRE Vets
20 Medallion Award Program, as authorized by such Act, and
21 shall remain available until expended: *Provided*, That such
22 sums shall be in addition to any other funds available for
23 such purposes, including funds available under paragraph
24 (3) of this heading: *Provided further*, That section 2(d)
25 of division O of the Consolidated Appropriations Act, 2017

1 (Public Law 115–31; 38 U.S.C. 4100 note) shall not
2 apply.

3 IT MODERNIZATION

4 For necessary expenses for Department of Labor cen-
5 tralized infrastructure technology investment activities re-
6 lated to support systems and modernization, \$20,769,000,
7 which shall be available until expended.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$83,487,000, together with not to
12 exceed \$5,660,000 which may be expended from the Em-
13 ployment Security Administration account in the Unem-
14 ployment Trust Fund.

15 GENERAL PROVISIONS

16 SEC. 101. None of the funds appropriated by this Act
17 for the Job Corps shall be used to pay the salary and bo-
18 nuses of an individual, either as direct costs or any prora-
19 tion as an indirect cost, at a rate in excess of Executive
20 Level II.

21 (TRANSFER OF FUNDS)

22 SEC. 102. Not to exceed 1 percent of any discre-
23 tionary funds (pursuant to the Balanced Budget and
24 Emergency Deficit Control Act of 1985) which are appro-
25 priated for the current fiscal year for the Department of

1 Labor in this Act may be transferred between a program,
2 project, or activity, but no such program, project, or activ-
3 ity shall be increased by more than 3 percent by any such
4 transfer: *Provided*, That the transfer authority granted by
5 this section shall not be used to create any new program
6 or to fund any project or activity for which no funds are
7 provided in this Act: *Provided further*, That the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate are notified at least 15 days in advance
10 of any transfer.

11 SEC. 103. In accordance with Executive Order
12 13126, none of the funds appropriated or otherwise made
13 available pursuant to this Act shall be obligated or ex-
14 pended for the procurement of goods mined, produced,
15 manufactured, or harvested or services rendered, in whole
16 or in part, by forced or indentured child labor in industries
17 and host countries already identified by the United States
18 Department of Labor prior to enactment of this Act.

19 SEC. 104. Except as otherwise provided in this sec-
20 tion, none of the funds made available to the Department
21 of Labor for grants under section 414(c) of the American
22 Competitiveness and Workforce Improvement Act of 1998
23 (29 U.S.C. 2916a) may be used for any purpose other
24 than competitive grants for training individuals who are
25 older than 16 years of age and are not currently enrolled

1 rectly or through a set-aside, for technical assistance serv-
2 ices to grantees to “Program Administration” when it is
3 determined that those services will be more efficiently per-
4 formed by Federal employees: *Provided*, That this section
5 shall not apply to section 171 of the WIOA.

6 (b) Notwithstanding section 102, the Secretary may
7 transfer not more than 0.5 percent of each discretionary
8 appropriation made available to the Employment and
9 Training Administration by this Act to “Program Admin-
10 istration” in order to carry out program integrity activities
11 relating to any of the programs or activities that are fund-
12 ed under any such discretionary appropriations: *Provided*,
13 That notwithstanding section 102 and the preceding pro-
14 viso, the Secretary may transfer not more than 0.5 percent
15 of funds made available in paragraphs (1) and (2) of the
16 “Office of Job Corps” account to paragraph (3) of such
17 account to carry out program integrity activities related
18 to the Job Corps program: *Provided further*, That funds
19 transferred under the authority provided by this sub-
20 section shall be available for obligation through September
21 30, 2020.

22 (TRANSFER OF FUNDS)

23 SEC. 107. (a) The Secretary may reserve not more
24 than 0.75 percent from each appropriation made available
25 in this Act identified in subsection (b) in order to carry

1 out evaluations of any of the programs or activities that
2 are funded under such accounts. Any funds reserved under
3 this section shall be transferred to “Departmental Man-
4 agement” for use by the Office of the Chief Evaluation
5 Officer within the Department of Labor, and shall be
6 available for obligation through September 30, 2020: *Pro-*
7 *vided*, That such funds shall only be available if the Chief
8 Evaluation Officer of the Department of Labor submits
9 a plan to the Committees on Appropriations of the House
10 of Representatives and the Senate describing the evalua-
11 tions to be carried out 15 days in advance of any transfer.

12 (b) The accounts referred to in subsection (a) are:
13 “Training and Employment Services”, “Job Corps”,
14 “Community Service Employment for Older Americans”,
15 “State Unemployment Insurance and Employment Service
16 Operations”, “Employee Benefits Security Administra-
17 tion”, “Office of Workers’ Compensation Programs”,
18 “Wage and Hour Division”, “Office of Federal Contract
19 Compliance Programs”, “Office of Labor Management
20 Standards”, “Occupational Safety and Health Adminis-
21 tration”, “Mine Safety and Health Administration”, “Of-
22 fice of Disability Employment Policy”, funding made
23 available to the “Bureau of International Labor Affairs”
24 and “Women’s Bureau” within the “Departmental Man-

1 agement, Salaries and Expenses” account, and “Veterans
2 Employment and Training”.

3 SEC. 108. Notwithstanding any other provision of
4 law, beginning October 1, 2017, the Secretary of Labor,
5 in consultation with the Secretary of Agriculture may se-
6 lect an entity to operate a Civilian Conservation Center
7 on a competitive basis in accordance with section 147 of
8 the WIOA, if the Secretary of Labor determines such Cen-
9 ter has had consistently low performance under the per-
10 formance accountability system in effect for the Job Corps
11 program prior to July 1, 2016, or with respect to expected
12 levels of performance established under section 159(c) of
13 such Act beginning July 1, 2016.

14 SEC. 109. (a) Section 7 of the Fair Labor Standards
15 Act of 1938 (29 U.S.C. 207) shall be applied as if the
16 following text is part of such section:

17 “(s)(1) The provisions of this section shall not apply
18 for a period of 2 years after the occurrence of a major
19 disaster to any employee—

20 “(A) employed to adjust or evaluate claims re-
21 sulting from or relating to such major disaster, by
22 an employer not engaged, directly or through an af-
23 filiate, in underwriting, selling, or marketing prop-
24 erty, casualty, or liability insurance policies or con-
25 tracts;

1 “(B) who receives from such employer on aver-
2 age weekly compensation of not less than \$591.00
3 per week or any minimum weekly amount estab-
4 lished by the Secretary, whichever is greater, for the
5 number of weeks such employee is engaged in any
6 of the activities described in subparagraph (C); and

7 “(C) whose duties include any of the following:

8 “(i) interviewing insured individuals, indi-
9 viduals who suffered injuries or other damages
10 or losses arising from or relating to a disaster,
11 witnesses, or physicians;

12 “(ii) inspecting property damage or review-
13 ing factual information to prepare damage esti-
14 mates;

15 “(iii) evaluating and making recommenda-
16 tions regarding coverage or compensability of
17 claims or determining liability or value aspects
18 of claims;

19 “(iv) negotiating settlements; or

20 “(v) making recommendations regarding
21 litigation.

22 “(2) The exemption in this subsection shall not affect
23 the exemption provided by section 13(a)(1).

24 “(3) For purposes of this subsection—

1 “(A) the term ‘major disaster’ means any dis-
2 aster or catastrophe declared or designated by any
3 State or Federal agency or department;

4 “(B) the term ‘employee employed to adjust or
5 evaluate claims resulting from or relating to such
6 major disaster’ means an individual who timely se-
7 cured or secures a license required by applicable law
8 to engage in and perform the activities described in
9 clauses (i) through (v) of paragraph (1)(C) relating
10 to a major disaster, and is employed by an employer
11 that maintains worker compensation insurance cov-
12 erage or protection for its employees, if required by
13 applicable law, and withholds applicable Federal,
14 State, and local income and payroll taxes from the
15 wages, salaries and any benefits of such employees;
16 and

17 “(C) the term ‘affiliate’ means a company that,
18 by reason of ownership or control of 25 percent or
19 more of the outstanding shares of any class of voting
20 securities of one or more companies, directly or indi-
21 rectly, controls, is controlled by, or is under common
22 control with, another company.”.

23 (b) This section shall be effective on the date of en-
24 actment of this Act.

(RESCISSION)

1
2 SEC. 110. Of the funds made available under the
3 heading “Employment and Training Administration—
4 Training and Employment Services” in division H of Pub-
5 lic Law 115–141, \$34,000,000 is rescinded, to be derived
6 from the amount made available in paragraph (2)(A)
7 under such heading for the period October 1, 2018,
8 through September 30, 2019.

9 SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE
10 CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE
11 SEAFOOD INDUSTRY.—

12 (1) IN GENERAL.—Subject to paragraph (2), if
13 a petition for H–2B nonimmigrants filed by an em-
14 ployer in the seafood industry is granted, the em-
15 ployer may bring the nonimmigrants described in
16 the petition into the United States at any time dur-
17 ing the 120-day period beginning on the start date
18 for which the employer is seeking the services of the
19 nonimmigrants without filing another petition.

20 (2) REQUIREMENTS FOR CROSSINGS AFTER
21 90TH DAY.—An employer in the seafood industry
22 may not bring H–2B nonimmigrants into the United
23 States after the date that is 90 days after the start
24 date for which the employer is seeking the services
25 of the nonimmigrants unless the employer—

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

3 (i) listing job orders in local news-
4 papers on 2 separate Sundays; and

5 (ii) posting the job opportunity on the
6 appropriate Department of Labor Elec-
7 tronic Job Registry and at the employer's
8 place of employment; and

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

11 (i) applies for the job; and

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

14 (3) EXEMPTION FROM RULES WITH RESPECT
15 TO STAGGERING.—The Secretary of Labor shall not
16 consider an employer in the seafood industry who
17 brings H-2B nonimmigrants into the United States
18 during the 120-day period specified in paragraph (1)
19 to be staggering the date of need in violation of sec-
20 tion 655.20(d) of title 20, Code of Federal Regula-
21 tions, or any other applicable provision of law.

22 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-
23 tion, the term “H-2B nonimmigrants” means aliens ad-
24 mitted to the United States pursuant to section

1 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
2 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

3 SEC. 112. The determination of prevailing wage for
4 the purposes of the H-2B program shall be the greater
5 of—(1) the actual wage level paid by the employer to other
6 employees with similar experience and qualifications for
7 such position in the same location; or (2) the prevailing
8 wage level for the occupational classification of the posi-
9 tion in the geographic area in which the H-2B non-
10 immigrant will be employed, based on the best information
11 available at the time of filing the petition. In the deter-
12 mination of prevailing wage for the purposes of the H-
13 2B program, the Secretary shall accept private wage sur-
14 veys even in instances where Occupational Employment
15 Statistics survey data are available unless the Secretary
16 determines that the methodology and data in the provided
17 survey are not statistically supported.

18 SEC. 113. None of the funds in this Act shall be used
19 to enforce the definition of corresponding employment
20 found in 20 CFR 655.5 or the three-fourths guarantee
21 rule definition found in 20 CFR 655.20, or any references
22 thereto. Further, for the purpose of regulating admission
23 of temporary workers under the H-2B program, the defi-
24 nition of temporary need shall be that provided in 8 CFR
25 214.2(h)(6)(ii)(B).

1 SEC. 114. Notwithstanding any other provision of
2 law, the Secretary may furnish through grants, coopera-
3 tive agreements, contracts, and other arrangements, up to
4 \$2,000,000 of excess personal property to apprenticeship
5 programs for the purpose of training apprentices in those
6 programs.

7 SEC. 115. The proviso at the end of paragraph (1)
8 under the heading “Department of Labor—Employment
9 and Training Administration—State Unemployment In-
10 surance and Employment Service Operations” in title I
11 of division G of Public Law 113–235 shall be applied in
12 fiscal year 2019 by substituting “seven” for “six”.

13 SEC. 116. (a) The Act entitled “An Act to create a
14 Department of Labor”, approved March 4, 1913 (37 Stat.
15 736, chapter 141) shall be applied as if the following text
16 is part of such Act:

17 **“SEC. 12. SECURITY DETAIL.**

18 “(a) IN GENERAL.—The Secretary of Labor is au-
19 thorized to employ law enforcement officers or special
20 agents to—

21 “(1) provide protection for the Secretary of
22 Labor during the workday of the Secretary and dur-
23 ing any activity that is preliminary or postliminary
24 to the performance of official duties by the Sec-
25 retary;

1 “(2) provide protection, incidental to the protec-
2 tion provided to the Secretary, to a member of the
3 immediate family of the Secretary who is partici-
4 pating in an activity or event relating to the official
5 duties of the Secretary;

6 “(3) provide continuous protection to the Sec-
7 retary (including during periods not described in
8 paragraph (1)) and to the members of the imme-
9 diate family of the Secretary if there is a unique and
10 articulable threat of physical harm, in accordance
11 with guidelines established by the Secretary; and

12 “(4) provide protection to the Deputy Secretary
13 of Labor or another senior officer representing the
14 Secretary of Labor at a public event if there is a
15 unique and articulable threat of physical harm, in
16 accordance with guidelines established by the Sec-
17 retary.

18 “(b) AUTHORITIES.—The Secretary of Labor may
19 authorize a law enforcement officer or special agent em-
20 ployed under subsection (a), for the purpose of performing
21 the duties authorized under subsection (a), to—

22 “(1) carry firearms;

23 “(2) make arrests without a warrant for any of-
24 fense against the United States committed in the
25 presence of such officer or special agent;

1 “(3) perform protective intelligence work, in-
2 cluding identifying and mitigating potential threats
3 and conducting advance work to review security mat-
4 ters relating to sites and events;

5 “(4) coordinate with local law enforcement
6 agencies; and

7 “(5) initiate criminal and other investigations
8 into potential threats to the security of the Sec-
9 retary, in coordination with the Inspector General of
10 the Department of Labor.

11 “(c) COMPLIANCE WITH GUIDELINES.—A law en-
12 forcement officer or special agent employed under sub-
13 section (a) shall exercise any authority provided under this
14 section in accordance with any—

15 “(1) guidelines issued by the Attorney General;
16 and

17 “(2) guidelines prescribed by the Secretary of
18 Labor.”.

19 (b) This section shall be effective on the date of en-
20 actment of this Act.

21 SEC. 117. The Secretary is authorized to dispose of
22 or divest, by any means the Secretary determines appro-
23 priate, including an agreement or partnership to construct
24 a new Job Corps center, all or a portion of the real prop-
25 erty on which the Treasure Island Job Corps Center is

1 situated. Any sale or other disposition will not be subject
2 to any requirement of any Federal law or regulation relat-
3 ing to the disposition of Federal real property, including
4 but not limited to subchapter III of chapter 5 of title 40
5 of the United States Code and subchapter V of chapter
6 119 of title 42 of the United States Code. The net pro-
7 ceeds of such a sale shall be transferred to the Secretary,
8 which shall be available until expended to carry out the
9 Job Corps Program.

10 This title may be cited as the “Department of Labor
11 Appropriations Act, 2019”.

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

6 For carrying out titles II and III of the Public Health
7 Service Act (referred to in this Act as the “PHS Act”) *with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,626,522,000: Provided,*
8 *That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o)*
9 *of the PHS Act: Provided further, That no more than*
10 *\$114,893,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section*
11 *224 of the PHS Act, and for expenses incurred by the*
12 *Department of Health and Human Services (referred to*
13 *in this Act as “HHS”) pertaining to administrative claims*
14 *made under such law: Provided further, That of funds provided for the Health Centers program, as defined by section*
15 *330 of the PHS Act, by this Act or any other Act*
16 *for fiscal year 2019, not less than \$200,000,000 shall be*
17 *obligated in fiscal year 2019 for improving quality of care*
18 *or expanded service grants under section 330 of the PHS*
19 *Act to support and enhance behavioral health, mental*
20 *health, or substance use disorder services.*

HEALTH WORKFORCE

1
2 For carrying out titles III, VII, and VIII of the PHS
3 Act with respect to the health workforce, sections 1128E
4 and 1921 of the Social Security Act, and the Health Care
5 Quality Improvement Act of 1986, \$1,072,695,000, of
6 which \$111,916,000 shall be available to carry out sec-
7 tions 755 and 756 of the PHS Act: *Provided*, That sec-
8 tions 747(c)(2), 751(j)(2), 762(k), and the proportional
9 funding amounts in paragraphs (1) through (4) of section
10 756(f) of the PHS Act shall not apply to funds made avail-
11 able under this heading: *Provided further*, That for any
12 program operating under section 751 of the PHS Act on
13 or before January 1, 2009, the Secretary of Health and
14 Human Services (referred to in this title as the “Sec-
15 retary”) may hereafter waive any of the requirements con-
16 tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such
17 Act for the full project period of a grant under such sec-
18 tion: *Provided further*, That no funds shall be available
19 for section 340G–1 of the PHS Act: *Provided further*,
20 That fees collected for the disclosure of information under
21 section 427(b) of the Health Care Quality Improvement
22 Act of 1986 and sections 1128E(d)(2) and 1921 of the
23 Social Security Act shall be sufficient to recover the full
24 costs of operating the programs authorized by such sec-
25 tions and shall remain available until expended for the Na-

1 tional Practitioner Data Bank: *Provided further*, That
2 funds transferred to this account to carry out section 846
3 and subpart 3 of part D of title III of the PHS Act may
4 be used to make prior year adjustments to awards made
5 under such sections: *Provided further*, That \$105,000,000
6 shall remain available until expended for the purposes of
7 providing primary health services, be used to assign Na-
8 tional Health Service Corps (“NHSC”) members to ex-
9 pand the delivery of substance use disorder treatment
10 services, notwithstanding the assignment priorities and
11 limitations in or under sections 333(a)(1)(D), 333(b), and
12 333A(a)(1)(B)(ii) of the PHS Act, and to make NHSC
13 Loan Repayment Program awards under section 338B of
14 such Act: *Provided further*, That for purposes of the pre-
15 vious proviso, section 331(a)(3)(D) of the PHS Act shall
16 be applied as if the term “primary health services” in-
17 cludes clinical substance use disorder treatment services,
18 including those provided by masters level, licensed sub-
19 stance use disorder treatment counselors.

20 MATERNAL AND CHILD HEALTH

21 For carrying out titles III, XI, XII, and XIX of the
22 PHS Act with respect to maternal and child health, title
23 V of the Social Security Act, and section 712 of the Amer-
24 ican Jobs Creation Act of 2004, \$924,789,000, of which
25 \$10,000,000 shall be available for carrying out section

1 330M of the PHS Act: *Provided*, That notwithstanding
2 sections 502(a)(1) and 502(b)(1) of the Social Security
3 Act, not more than \$109,593,000 shall be available for
4 carrying out special projects of regional and national sig-
5 nificance pursuant to section 501(a)(2) of such Act and
6 \$10,276,000 shall be available for projects described in
7 subparagraphs (A) through (F) of section 501(a)(3) of
8 such Act.

9 RYAN WHITE HIV/AIDS PROGRAM

10 For carrying out title XXVI of the PHS Act with
11 respect to the Ryan White HIV/AIDS program,
12 \$2,318,781,000, of which \$1,970,881,000 shall remain
13 available to the Secretary through September 30, 2021,
14 for parts A and B of title XXVI of the PHS Act, and
15 of which not less than \$900,313,000 shall be for State
16 AIDS Drug Assistance Programs under the authority of
17 section 2616 or 311(c) of such Act.

18 HEALTH CARE SYSTEMS

19 For carrying out titles III and XII of the PHS Act
20 with respect to health care systems, and the Stem Cell
21 Therapeutic and Research Act of 2005, \$113,693,000, of
22 which \$122,000 shall be available until expended for facili-
23 ties renovations at the Gillis W. Long Hansen's Disease
24 Center.

RURAL HEALTH

1
2 For carrying out titles III and IV of the PHS Act
3 with respect to rural health, section 427(a) of the Federal
4 Coal Mine Health and Safety Act of 1969, and sections
5 711 and 1820 of the Social Security Act, \$318,794,000,
6 of which \$49,609,000 from general revenues, notwith-
7 standing section 1820(j) of the Social Security Act, shall
8 be available for carrying out the Medicare rural hospital
9 flexibility grants program: *Provided*, That of the funds
10 made available under this heading for Medicare rural hos-
11 pital flexibility grants, \$15,942,000 shall be available for
12 the Small Rural Hospital Improvement Grant Program
13 for quality improvement and adoption of health informa-
14 tion technology and up to \$1,000,000 shall be to carry
15 out section 1820(g)(6) of the Social Security Act, with
16 funds provided for grants under section 1820(g)(6) avail-
17 able for the purchase and implementation of telehealth
18 services, including pilots and demonstrations on the use
19 of electronic health records to coordinate rural veterans
20 care between rural providers and the Department of Vet-
21 erans Affairs electronic health record system: *Provided*
22 *further*, That notwithstanding section 338J(k) of the PHS
23 Act, \$10,000,000 shall be available for State Offices of
24 Rural Health: *Provided further*, That \$15,000,000 shall
25 remain available through September 30, 2021 to support

1 the Rural Residency Development Program: *Provided fur-*
 2 *ther*, That \$120,000,000 shall be for the Rural Commu-
 3 nities Opioids Response Program.

4 FAMILY PLANNING

5 For carrying out the program under title X of the
 6 PHS Act to provide for voluntary family planning
 7 projects, \$286,479,000: *Provided*, That amounts provided
 8 to said projects under such title shall not be expended for
 9 abortions, that all pregnancy counseling shall be nondirec-
 10 tive, and that such amounts shall not be expended for any
 11 activity (including the publication or distribution of lit-
 12 erature) that in any way tends to promote public support
 13 or opposition to any legislative proposal or candidate for
 14 public office.

15 PROGRAM MANAGEMENT

16 For program support in the Health Resources and
 17 Services Administration, \$155,000,000: *Provided*, That
 18 funds made available under this heading may be used to
 19 supplement program support funding provided under the
 20 headings “Primary Health Care”, “Health Workforce”,
 21 “Maternal and Child Health”, “Ryan White HIV/AIDS
 22 Program”, “Health Care Systems”, and “Rural Health”.

23 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

24 For payments from the Vaccine Injury Compensation
 25 Program Trust Fund (the “Trust Fund”), such sums as

1 may be necessary for claims associated with vaccine-re-
 2 lated injury or death with respect to vaccines administered
 3 after September 30, 1988, pursuant to subtitle 2 of title
 4 XXI of the PHS Act, to remain available until expended:
 5 *Provided*, That for necessary administrative expenses, not
 6 to exceed \$9,200,000 shall be available from the Trust
 7 Fund to the Secretary.

8 CENTERS FOR DISEASE CONTROL AND PREVENTION
 9 IMMUNIZATION AND RESPIRATORY DISEASES

10 For carrying out titles II, III, XVII, and XXI, and
 11 section 2821 of the PHS Act, titles II and IV of the Immi-
 12 gration and Nationality Act, and section 501 of the Ref-
 13 ugee Education Assistance Act, with respect to immuniza-
 14 tion and respiratory diseases, \$474,055,000.

15 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED
 16 DISEASES, AND TUBERCULOSIS PREVENTION

17 For carrying out titles II, III, XVII, and XXIII of
 18 the PHS Act with respect to HIV/AIDS, viral hepatitis,
 19 sexually transmitted diseases, and tuberculosis prevention,
 20 \$1,132,278,000.

21 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

22 For carrying out titles II, III, and XVII, and section
 23 2821 of the PHS Act, titles II and IV of the Immigration
 24 and Nationality Act, and section 501 of the Refugee Edu-

1 PUBLIC HEALTH SCIENTIFIC SERVICES

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to health statistics, surveillance, health
4 informatics, and workforce development, \$492,397,000.

5 ENVIRONMENTAL HEALTH

6 For carrying out titles II, III, and XVII of the PHS
7 Act with respect to environmental health, \$188,750,000.

8 INJURY PREVENTION AND CONTROL

9 For carrying out titles II, III, and XVII of the PHS
10 Act with respect to injury prevention and control,
11 \$648,559,000, of which \$475,579,000 shall remain avail-
12 able until September 30, 2020 for an evidence-based
13 opioid drug overdose prevention program.

14 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
15 HEALTH

16 For carrying out titles II, III, and XVII of the PHS
17 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
18 of the Federal Mine Safety and Health Act, section 13
19 of the Mine Improvement and New Emergency Response
20 Act, and sections 20, 21, and 22 of the Occupational Safe-
21 ty and Health Act, with respect to occupational safety and
22 health, \$335,300,000.

1 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
2 COMPENSATION PROGRAM

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

9 GLOBAL HEALTH

10 For carrying out titles II, III, and XVII of the PHS
11 Act with respect to global health, \$488,621,000, of which:
12 (1) \$128,421,000 shall remain available through Sep-
13 tember 30, 2020 for international HIV/AIDS; and (2)
14 \$50,000,000 shall remain available through September
15 30, 2021 for Global Disease Detection and Emergency Re-
16 sponse: *Provided*, That funds may be used for purchase
17 and insurance of official motor vehicles in foreign coun-
18 tries.

19 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

20 For carrying out titles II, III, and XVII of the PHS
21 Act with respect to public health preparedness and re-
22 sponse, and for expenses necessary to support activities
23 related to countering potential biological, nuclear, radio-
24 logical, and chemical threats to civilian populations,
25 \$1,470,000,000, of which \$610,000,000 shall remain

1 available until expended for the Strategic National Stock-
2 pile: *Provided*, That in the event the Director of the Cen-
3 ters for Disease Control and Prevention (referred to in
4 this title as “CDC”) activates the Emergency Operations
5 Center, the Director of the CDC may detail CDC staff
6 without reimbursement for up to 90 days to support the
7 work of the CDC Emergency Operations Center, so long
8 as the Director provides a notice to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate within 15 days of the use of this authority and
11 a full report within 30 days after use of this authority
12 which includes the number of staff and funding level bro-
13 ken down by the originating center and number of days
14 detailed: *Provided further*, That funds appropriated under
15 this heading may be used to support a contract for the
16 operation and maintenance of an aircraft in direct support
17 of activities throughout CDC to ensure the agency is pre-
18 pared to address public health preparedness emergencies.

19 BUILDINGS AND FACILITIES

20 (INCLUDING TRANSFER OF FUNDS)

21 For acquisition of real property, equipment, construc-
22 tion, demolition, and renovation of facilities, \$30,000,000,
23 which shall remain available until September 30, 2023:
24 *Provided*, That funds previously set-aside by CDC for re-
25 pair and upgrade of the Lake Lynn Experimental Mine

1 and Laboratory shall be used to acquire a replacement
2 mine safety research facility: *Provided further*, That in ad-
3 dition, the prior year unobligated balance of any amounts
4 assigned to former employees in accounts of CDC made
5 available for Individual Learning Accounts shall be cred-
6 ited to and merged with the amounts made available under
7 this heading to support the replacement of the mine safety
8 research facility.

9 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

10 For carrying out titles II, III, XVII and XIX, and
11 section 2821 of the PHS Act and for cross-cutting activi-
12 ties and program support for activities funded in other
13 appropriations included in this Act for the Centers for
14 Disease Control and Prevention, \$113,570,000: *Provided*,
15 That paragraphs (1) through (3) of subsection (b) of sec-
16 tion 2821 of the PHS Act shall not apply to funds appro-
17 priated under this heading and in all other accounts of
18 the CDC: *Provided further*, That employees of CDC or the
19 Public Health Service, both civilian and commissioned of-
20 ficers, detailed to States, municipalities, or other organiza-
21 tions under authority of section 214 of the PHS Act, or
22 in overseas assignments, shall be treated as non-Federal
23 employees for reporting purposes only and shall not be in-
24 cluded within any personnel ceiling applicable to the Agen-
25 cy, Service, or HHS during the period of detail or assign-

1 ment: *Provided further*, That CDC may use up to \$10,000
2 from amounts appropriated to CDC in this Act for official
3 reception and representation expenses when specifically
4 approved by the Director of CDC: *Provided further*, That
5 in addition, such sums as may be derived from authorized
6 user fees, which shall be credited to the appropriation
7 charged with the cost thereof: *Provided further*, That with
8 respect to the previous proviso, authorized user fees from
9 the Vessel Sanitation Program and the Respirator Certifi-
10 cation Program shall be available through September 30,
11 2020.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to cancer, \$5,747,125,000, of which up
16 to \$30,000,000 may be used for facilities repairs and im-
17 provements at the National Cancer Institute—Frederick
18 Federally Funded Research and Development Center in
19 Frederick, Maryland.

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to cardiovascular, lung, and blood dis-
23 eases, and blood and blood products, \$3,490,171,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to dental and craniofacial diseases,
5 \$462,024,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$2,030,892,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to neurological disorders and stroke,
15 \$2,218,080,000: *Provided*, That \$250,000,000 shall be for
16 research related to opioid addiction, development of opioid
17 alternatives, pain management, and addiction treatment:
18 *Provided further*, That each for-profit recipient of funds
19 provided in the previous proviso shall be subject to a
20 matching requirement of funds or documented in-kind
21 contributions of not less than 50 percent of the total funds
22 awarded to such entity.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$5,506,190,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,874,292,000, of which \$1,018,321,000 shall be from
10 funds available under section 241 of the PHS Act: *Pro-*
11 *vided*, That not less than \$361,763,000 is provided for
12 the Institutional Development Awards program.

13 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
14 CHILD HEALTH AND HUMAN DEVELOPMENT

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to child health and human development,
17 \$1,507,251,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to eye diseases and visual disorders,
21 \$796,955,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$775,115,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to aging, \$3,084,809,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to arthritis and musculoskeletal and skin
13 diseases, \$605,383,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to deafness and other communication dis-
18 orders, \$474,653,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$163,076,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$525,867,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,420,591,000: *Provided*,
9 That \$250,000,000 shall be for research related to opioid
10 addiction, development of opioid alternatives, pain man-
11 agement, and addiction treatment: *Provided further*, That
12 each for-profit recipient of funds provided in the previous
13 proviso shall be subject to a matching requirement of
14 funds or documented in-kind contributions of not less than
15 50 percent of the total funds awarded to such entity.

16 NATIONAL INSTITUTE OF MENTAL HEALTH

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to mental health, \$1,813,750,000.

19 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to human genome research,
22 \$575,882,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$389,672,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$146,550,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to minority health and health disparities
15 research, \$314,845,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities of the John E. Fogarty
18 International Center (described in subpart 2 of part E of
19 title IV of the PHS Act), \$78,150,000.

20 NATIONAL LIBRARY OF MEDICINE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to health information communications,
23 \$442,230,000: *Provided*, That of the amounts available for
24 improvement of information systems, \$4,000,000 shall be
25 available until September 30, 2020: *Provided further*, That

1 in fiscal year 2019, the National Library of Medicine may
 2 enter into personal services contracts for the provision of
 3 services in facilities owned, operated, or constructed under
 4 the jurisdiction of the National Institutes of Health (re-
 5 ferred to in this title as “NIH”).

6 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
 7 SCIENCES

8 For carrying out section 301 and title IV of the PHS
 9 Act with respect to translational sciences, \$806,787,000:
 10 *Provided*, That up to \$80,000,000 shall be available to im-
 11 plement section 480 of the PHS Act, relating to the Cures
 12 Acceleration Network: *Provided further*, That at least
 13 \$560,031,000 is provided to the Clinical and Translational
 14 Sciences Awards program.

15 OFFICE OF THE DIRECTOR

16 For carrying out the responsibilities of the Office of
 17 the Director, NIH, \$1,910,060,000: *Provided*, That fund-
 18 ing shall be available for the purchase of not to exceed
 19 29 passenger motor vehicles for replacement only: *Pro-
 20 vided further*, That all funds credited to the NIH Manage-
 21 ment Fund shall remain available for one fiscal year after
 22 the fiscal year in which they are deposited: *Provided fur-
 23 ther*, That \$606,885,000 shall be available for the Com-
 24 mon Fund established under section 402A(c)(1) of the
 25 PHS Act: *Provided further*, That of the funds provided,

1 \$10,000 shall be for official reception and representation
2 expenses when specifically approved by the Director of the
3 NIH: *Provided further*, That the Office of AIDS Research
4 within the Office of the Director of the NIH may spend
5 up to \$8,000,000 to make grants for construction or ren-
6 ovation of facilities as provided for in section
7 2354(a)(5)(B) of the PHS Act: *Provided further*, That
8 \$50,000,000 shall be used to carry out section 404I of
9 the PHS Act (42 U.S.C. 283K), relating to biomedical and
10 behavioral research facilities.

11 In addition to other funds appropriated for the Com-
12 mon Fund established under section 402A(c) of the PHS
13 Act, \$12,600,000 is appropriated to the Common Fund
14 from the 10-year Pediatric Research Initiative Fund de-
15 scribed in section 9008 of title 26, United States Code,
16 for the purpose of carrying out section 402(b)(7)(B)(ii)
17 of the PHS Act (relating to pediatric research), as author-
18 ized in the Gabriella Miller Kids First Research Act.

19 BUILDINGS AND FACILITIES

20 For the study of, construction of, demolition of, ren-
21 ovation of, and acquisition of equipment for, facilities of
22 or used by NIH, including the acquisition of real property,
23 \$200,000,000, to remain available through September 30,
24 2023.

1 NIH INNOVATION ACCOUNT, CURES ACT

2 For necessary expenses to carry out the purposes de-
3 scribed in section 1001(b)(4) of the 21st Century Cures
4 Act, in addition to amounts available for such purposes
5 in the appropriations provided to the NIH in this Act,
6 \$711,000,000, to remain available until expended: *Pro-*
7 *vided*, That such amounts are appropriated pursuant to
8 section 1001(b)(3) of such Act, are to be derived from
9 amounts transferred under section 1001(b)(2)(A) of such
10 Act, and may be transferred by the Director of the Na-
11 tional Institutes of Health to other accounts of the Na-
12 tional Institutes of Health solely for the purposes provided
13 in such Act: *Provided further*, That upon a determination
14 by the Director that funds transferred pursuant to the
15 previous proviso are not necessary for the purposes pro-
16 vided, such amounts may be transferred back to the Ac-
17 count: *Provided further*, That the transfer authority pro-
18 vided under this heading is in addition to any other trans-
19 fer authority provided by law.

20 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

21 ADMINISTRATION

22 MENTAL HEALTH

23 For carrying out titles III, V, and XIX of the PHS
24 Act with respect to mental health, and the Protection and
25 Advocacy for Individuals with Mental Illness Act,

1 \$1,532,972,000: *Provided*, That notwithstanding section
2 520A(f)(2) of the PHS Act, no funds appropriated for car-
3 rying out section 520A shall be available for carrying out
4 section 1971 of the PHS Act: *Provided further*, That in
5 addition to amounts provided herein, \$21,039,000 shall be
6 available under section 241 of the PHS Act to carry out
7 subpart I of part B of title XIX of the PHS Act to fund
8 section 1920(b) technical assistance, national data, data
9 collection and evaluation activities, and further that the
10 total available under this Act for section 1920(b) activities
11 shall not exceed 5 percent of the amounts appropriated
12 for subpart I of part B of title XIX: *Provided further*, That
13 up to 10 percent of the amounts made available to carry
14 out the Children’s Mental Health Services program may
15 be used to carry out demonstration grants or contracts
16 for early interventions with persons not more than 25
17 years of age at clinical high risk of developing a first epi-
18 sode of psychosis: *Provided further*, That section
19 520E(b)(2) of the PHS Act shall not apply to funds ap-
20 propriated in this Act for fiscal year 2019: *Provided fur-*
21 *ther*, That States shall expend at least 10 percent of the
22 amount each receives for carrying out section 1911 of the
23 PHS Act to support evidence-based programs that address
24 the needs of individuals with early serious mental illness,
25 including psychotic disorders, regardless of the age of the

1 individual at onset: *Provided further*, That \$150,000,000
2 shall be available until September 30, 2021 for grants to
3 communities and community organizations who meet cri-
4 teria for Certified Community Behavioral Health Clinics
5 pursuant to section 223(a) of Public Law 113–93: *Pro-*
6 *vided further*, That none of the funds provided for section
7 1911 of the PHS Act shall be subject to section 241 of
8 such Act: *Provided further*, That of the funds made avail-
9 able under this heading, \$15,000,000 shall be to carry out
10 section 224 of the Protecting Access to Medicare Act of
11 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

12 SUBSTANCE ABUSE TREATMENT

13 For carrying out titles III and V of the PHS Act
14 with respect to substance abuse treatment and title XIX
15 of such Act with respect to substance abuse treatment and
16 prevention, \$3,730,806,000: *Provided*, That
17 \$1,500,000,000 shall be for State Opioid Response Grants
18 for carrying out activities pertaining to opioids undertaken
19 by the State agency responsible for administering the sub-
20 stance abuse prevention and treatment block grant under
21 subpart II of part B of title XIX of the PHS Act (42
22 U.S.C. 300x–21 et seq.): *Provided further*, That of such
23 amount \$50,000,000 shall be made available to Indian
24 Tribes or tribal organizations: *Provided further*, That 15
25 percent of the remaining amount shall be for the States

1 with the highest mortality rate related to opioid use dis-
2 orders: *Provided further*, That of the amounts provided for
3 State Opioid Response Grants not more than 2 percent
4 shall be available for Federal administrative expenses,
5 training, technical assistance, and evaluation: *Provided*
6 *further*, That of the amount not reserved by the previous
7 three provisos, the Secretary shall make allocations to
8 States, territories, and the District of Columbia according
9 to a formula using national survey results that the Sec-
10 retary determines are the most objective and reliable
11 measure of drug use and drug-related deaths: *Provided*
12 *further*, That the Secretary shall submit the formula meth-
13 odology to the Committees on Appropriations of the House
14 of Representatives and the Senate not less than 15 days
15 prior to publishing a Funding Opportunity Announce-
16 ment: *Provided further*, That prevention and treatment ac-
17 tivities funded through such grants may include education,
18 treatment (including the provision of medication), behav-
19 ioral health services for individuals in treatment programs,
20 referral to treatment services, recovery support, and med-
21 ical screening associated with such treatment: *Provided*
22 *further*, That each State, as well as the District of Colum-
23 bia, shall receive not less than \$4,000,000: *Provided fur-*
24 *ther*, That in addition to amounts provided herein, the fol-
25 lowing amounts shall be available under section 241 of the

1 PHS Act: (1) \$79,200,000 to carry out subpart II of part
2 B of title XIX of the PHS Act to fund section 1935(b)
3 technical assistance, national data, data collection and
4 evaluation activities, and further that the total available
5 under this Act for section 1935(b) activities shall not ex-
6 ceed 5 percent of the amounts appropriated for subpart
7 II of part B of title XIX; and (2) \$2,000,000 to evaluate
8 substance abuse treatment programs: *Provided further*,
9 That none of the funds provided for section 1921 of the
10 PHS Act or State Opioid Response Grants shall be subject
11 to section 241 of such Act.

12 SUBSTANCE ABUSE PREVENTION

13 For carrying out titles III and V of the PHS Act
14 with respect to substance abuse prevention, \$200,219,000.

15 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

16 For program support and cross-cutting activities that
17 supplement activities funded under the headings “Mental
18 Health”, “Substance Abuse Treatment”, and “Substance
19 Abuse Prevention” in carrying out titles III, V, and XIX
20 of the PHS Act and the Protection and Advocacy for Indi-
21 viduals with Mental Illness Act in the Substance Abuse
22 and Mental Health Services Administration,
23 \$128,830,000: *Provided*, That in addition to amounts pro-
24 vided herein, \$31,428,000 shall be available under section
25 241 of the PHS Act to supplement funds available to

1 carry out national surveys on drug abuse and mental
2 health, to collect and analyze program data, and to con-
3 duct public awareness and technical assistance activities:
4 *Provided further*, That, in addition, fees may be collected
5 for the costs of publications, data, data tabulations, and
6 data analysis completed under title V of the PHS Act and
7 provided to a public or private entity upon request, which
8 shall be credited to this appropriation and shall remain
9 available until expended for such purposes: *Provided fur-*
10 *ther*, That amounts made available in this Act for carrying
11 out section 501(m) of the PHS Act shall remain available
12 through September 30, 2020: *Provided further*, That funds
13 made available under this heading may be used to supple-
14 ment program support funding provided under the head-
15 ings “Mental Health”, “Substance Abuse Treatment”,
16 and “Substance Abuse Prevention”.

17 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

18 HEALTHCARE RESEARCH AND QUALITY

19 For carrying out titles III and IX of the PHS Act,
20 part A of title XI of the Social Security Act, and section
21 1013 of the Medicare Prescription Drug, Improvement,
22 and Modernization Act of 2003, \$334,000,000: *Provided*,
23 That section 947(c) of the PHS Act shall not apply in
24 fiscal year 2019: *Provided further*, That in addition,
25 amounts received from Freedom of Information Act fees,

1 reimbursable and interagency agreements, and the sale of
2 data shall be credited to this appropriation and shall re-
3 main available until September 30, 2020.

4 CENTERS FOR MEDICARE AND MEDICAID SERVICES
5 GRANTS TO STATES FOR MEDICAID

6 For carrying out, except as otherwise provided, titles
7 XI and XIX of the Social Security Act, \$276,236,212,000,
8 to remain available until expended.

9 For making, after May 31, 2019, payments to States
10 under title XIX or in the case of section 1928 on behalf
11 of States under title XIX of the Social Security Act for
12 the last quarter of fiscal year 2019 for unanticipated costs
13 incurred for the current fiscal year, such sums as may be
14 necessary.

15 For making payments to States or in the case of sec-
16 tion 1928 on behalf of States under title XIX of the Social
17 Security Act for the first quarter of fiscal year 2020,
18 \$137,931,797,000, to remain available until expended.

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

1 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

2 For payment to the Federal Hospital Insurance
3 Trust Fund and the Federal Supplementary Medical In-
4 surance Trust Fund, as provided under sections 217(g),
5 1844, and 1860D–16 of the Social Security Act, sections
6 103(e) and 111(d) of the Social Security Amendments of
7 1965, section 278(d)(3) of Public Law 97–248, and for
8 administrative expenses incurred pursuant to section
9 201(g) of the Social Security Act, \$378,343,800,000.

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

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the PHS Act, the Clinical Laboratory
18 Improvement Amendments of 1988, and other responsibil-
19 ities of the Centers for Medicare and Medicaid Services,
20 not to exceed \$3,669,744,000, to be transferred from the
21 Federal Hospital Insurance Trust Fund and the Federal
22 Supplementary Medical Insurance Trust Fund, as author-
23 ized by section 201(g) of the Social Security Act; together
24 with all funds collected in accordance with section 353 of
25 the PHS Act and section 1857(e)(2) of the Social Security

1 Act, funds retained by the Secretary pursuant to section
2 1893(h) of the Social Security Act, and such sums as may
3 be collected from authorized user fees and the sale of data,
4 which shall be credited to this account and remain avail-
5 able until expended: *Provided*, That all funds derived in
6 accordance with 31 U.S.C. 9701 from organizations estab-
7 lished under title XIII of the PHS Act shall be credited
8 to and available for carrying out the purposes of this ap-
9 propriation: *Provided further*, That the Secretary is di-
10 rected to collect fees in fiscal year 2019 from Medicare
11 Advantage organizations pursuant to section 1857(e)(2)
12 of the Social Security Act and from eligible organizations
13 with risk-sharing contracts under section 1876 of that Act
14 pursuant to section 1876(k)(4)(D) of that Act.

15 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

16 In addition to amounts otherwise available for pro-
17 gram integrity and program management, \$765,000,000,
18 to remain available through September 30, 2020, to be
19 transferred from the Federal Hospital Insurance Trust
20 Fund and the Federal Supplementary Medical Insurance
21 Trust Fund, as authorized by section 201(g) of the Social
22 Security Act, of which \$600,464,000 shall be for the Cen-
23 ters for Medicare and Medicaid Services Program integrity
24 activities, of which \$86,664,000 shall be for the Depart-
25 ment of Health and Human Services Office of Inspector

1 General to carry out fraud and abuse activities authorized
 2 by section 1817(k)(3) of such Act, and of which
 3 \$77,872,000 shall be for the Department of Justice to
 4 carry out fraud and abuse activities authorized by section
 5 1817(k)(3) of such Act: *Provided*, That the report re-
 6 quired by section 1817(k)(5) of the Social Security Act
 7 for fiscal year 2019 shall include measures of the oper-
 8 ational efficiency and impact on fraud, waste, and abuse
 9 in the Medicare, Medicaid, and CHIP programs for the
 10 funds provided by this appropriation: *Provided further*,
 11 That of the amount provided under this heading,
 12 \$311,000,000 is provided to meet the terms of section
 13 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
 14 Deficit Control Act of 1985, as amended, and
 15 \$454,000,000 is additional new budget authority specified
 16 for purposes of section 251(b)(2)(C) of such Act: *Provided*
 17 *further*, That the Secretary shall provide not less than
 18 \$17,621,000 for the Senior Medicare Patrol program to
 19 combat health care fraud and abuse from the funds pro-
 20 vided to this account.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 PAYMENTS TO STATES FOR CHILD SUPPORT

23 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

24 For carrying out, except as otherwise provided, titles
 25 I, IV–D, X, XI, XIV, and XVI of the Social Security Act

1 and the Act of July 5, 1960, \$2,922,247,000, to remain
2 available until expended; and for such purposes for the
3 first quarter of fiscal year 2020, \$1,400,000,000, to re-
4 main available until expended.

5 For carrying out, after May 31 of the current fiscal
6 year, except as otherwise provided, titles I, IV–D, X, XI,
7 XIV, and XVI of the Social Security Act and the Act of
8 July 5, 1960, for the last 3 months of the current fiscal
9 year for unanticipated costs, incurred for the current fiscal
10 year, such sums as may be necessary.

11 LOW INCOME HOME ENERGY ASSISTANCE

12 For making payments under subsections (b) and (d)
13 of section 2602 of the Low Income Home Energy Assist-
14 ance Act of 1981, \$3,690,304,000: *Provided*, That all but
15 \$716,000,000 of this amount shall be allocated as though
16 the total appropriation for such payments for fiscal year
17 2019 was less than \$1,975,000,000: *Provided further*,
18 That notwithstanding section 2609A(a), of the amounts
19 appropriated under section 2602(b), not more than
20 \$2,988,000 of such amounts may be reserved by the Sec-
21 retary for technical assistance, training, and monitoring
22 of program activities for compliance with internal controls,
23 policies and procedures and may, in addition to the au-
24 thorities provided in section 2609A(a)(1), use such funds

1 through contracts with private entities that do not qualify
2 as nonprofit organizations.

3 REFUGEE AND ENTRANT ASSISTANCE

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for refugee and entrant as-
6 sistance activities authorized by section 414 of the Immi-
7 gration and Nationality Act and section 501 of the Ref-
8 ugee Education Assistance Act of 1980, and for carrying
9 out section 462 of the Homeland Security Act of 2002,
10 section 235 of the William Wilberforce Trafficking Victims
11 Protection Reauthorization Act of 2008, the Trafficking
12 Victims Protection Act of 2000 (“TVPA”), and the Tor-
13 ture Victims Relief Act of 1998, \$1,905,201,000, of which
14 \$1,864,446,000 shall remain available through September
15 30, 2021 for carrying out such sections 414, 501, 462,
16 and 235: *Provided*, That amounts available under this
17 heading to carry out the TVPA shall also be available for
18 research and evaluation with respect to activities under
19 such Act: *Provided further*, That the limitation in section
20 205 of this Act regarding transfers increasing any appro-
21 priation shall apply to transfers to appropriations under
22 this heading by substituting “15 percent” for “3 percent”.

1 under such subparagraph for a State to carry out State
2 programs pursuant to title XX–A of such Act shall be 10
3 percent.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For carrying out, except as otherwise provided, the
6 Runaway and Homeless Youth Act, the Head Start Act,
7 the Every Student Succeeds Act, the Child Abuse Preven-
8 tion and Treatment Act, sections 303 and 313 of the
9 Family Violence Prevention and Services Act, the Native
10 American Programs Act of 1974, title II of the Child
11 Abuse Prevention and Treatment and Adoption Reform
12 Act of 1978 (adoption opportunities), part B–1 of title IV
13 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
14 of the Social Security Act, and the Community Services
15 Block Grant Act (“CSBG Act”); and for necessary admin-
16 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
17 XVI, and XX–A of the Social Security Act, the Act of
18 July 5, 1960, the Low-Income Home Energy Assistance
19 Act of 1981, the Child Care and Development Block Grant
20 Act of 1990, the Assets for Independence Act, title IV of
21 the Immigration and Nationality Act, and section 501 of
22 the Refugee Education Assistance Act of 1980,
23 \$12,288,225,000, of which \$75,000,000, to remain avail-
24 able through September 30, 2020, shall be for grants to
25 States for adoption and legal guardianship incentive pay-

1 ments, as defined by section 473A of the Social Security
2 Act and may be made for adoptions and legal
3 guardianships completed before September 30, 2019: *Pro-*
4 *vided*, That \$10,113,095,000, of which \$132,000,000
5 shall be available through March 31, 2020, shall be for
6 making payments under the Head Start Act, of which:

7 (1) \$215,000,000 shall be available for a cost
8 of living adjustment notwithstanding section
9 640(a)(3)(A) of such Act, and with respect to any
10 continuing appropriations act, funding available for
11 a cost of living adjustment shall not be construed as
12 an authority or condition under this Act;

13 (2) \$16,000,000 shall be available to supple-
14 ment funding otherwise available for research, eval-
15 uation, and Federal administrative costs;

16 (3) \$25,000,000 shall be available for allocation
17 by the Secretary to supplement activities described
18 in paragraphs (7)(B) and (9) of section 641(c) of
19 the Head Start Act under the Designation Renewal
20 System, established under the authority of sections
21 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
22 and such funds shall not be included in the calcula-
23 tion of “base grant” in subsequent fiscal years, as
24 such term is used in section 640(a)(7)(A) of such
25 Act; and

1 (4) \$35,000,000 of the amount available
2 through March 31, 2020 shall be available for award
3 by the Secretary to grantees that apply for supple-
4 mental funding to increase their hours of program
5 operations and for training and technical assistance
6 for such activities (of which up to one percent may
7 be reserved for research and evaluation in addition
8 to amounts described in paragraph (2)):

9 *Provided further*, That notwithstanding the sixth proviso
10 under this heading in division H of Public Law 115–141,
11 any amount issued through a grant for the purposes de-
12 scribed in the following proviso shall be included in any
13 calculation of “base grant”, as such term is used in section
14 640(a)(7)(A) of the Head Start Act, that affects the allo-
15 cation of funds appropriated in this Act: *Provided further*,
16 That the previous proviso applies to funds granted for
17 Early Head Start programs as described in section 645A
18 of the Head Start Act, for conversion of Head Start serv-
19 ices to Early Head Start services as described in section
20 645(a)(5)(A) of such Act, and for discretionary grants for
21 high quality infant and toddler care through Early Head
22 Start-Child Care Partnerships, to entities defined as eligi-
23 ble under section 645A(d) of such Act: *Provided further*,
24 That the Secretary may reduce the reservation of funds
25 under section 640(a)(2)(C) of such Act in lieu of reducing

1 the reservation of funds under sections 640(a)(2)(B),
2 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided fur-*
3 *ther*, That \$250,000,000 shall be available until December
4 31, 2019 for carrying out sections 9212 and 9213 of the
5 Every Student Succeeds Act: *Provided further*, That up
6 to 3 percent of the funds in the preceding proviso shall
7 be available for technical assistance and evaluation related
8 to grants awarded under such section 9212: *Provided fur-*
9 *ther*, That \$752,883,000 shall be for making payments
10 under the CSBG Act: *Provided further*, That \$28,233,000
11 shall be for sections 680 and 678E(b)(2) of the CSBG
12 Act, of which not less than \$19,883,000 shall be for sec-
13 tion 680(a)(2) and not less than \$8,000,000 shall be for
14 section 680(a)(3)(B) of such Act: *Provided further*, That,
15 notwithstanding section 675C(a)(3) of such Act, to the ex-
16 tent Community Services Block Grant funds are distrib-
17 uted as grant funds by a State to an eligible entity as
18 provided under such Act, and have not been expended by
19 such entity, they shall remain with such entity for carry-
20 over into the next fiscal year for expenditure by such enti-
21 ty consistent with program purposes: *Provided further*,
22 That the Secretary shall establish procedures regarding
23 the disposition of intangible assets and program income
24 that permit such assets acquired with, and program in-
25 come derived from, grant funds authorized under section

1 680 of the CSBG Act to become the sole property of such
2 grantees after a period of not more than 12 years after
3 the end of the grant period for any activity consistent with
4 section 680(a)(2)(A) of the CSBG Act: *Provided further,*
5 That intangible assets in the form of loans, equity invest-
6 ments and other debt instruments, and program income
7 may be used by grantees for any eligible purpose con-
8 sistent with section 680(a)(2)(A) of the CSBG Act: *Pro-*
9 *vided further,* That these procedures shall apply to such
10 grant funds made available after November 29, 1999: *Pro-*
11 *vided further,* That funds appropriated for section
12 680(a)(2) of the CSBG Act shall be available for financing
13 construction and rehabilitation and loans or investments
14 in private business enterprises owned by community devel-
15 opment corporations: *Provided further,* That
16 \$165,000,000 shall be for carrying out section 303(a) of
17 the Family Violence Prevention and Services Act, of which
18 \$5,000,000 shall be allocated notwithstanding section
19 303(a)(2) of such Act for carrying out section 309 of such
20 Act: *Provided further,* That the percentages specified in
21 section 112(a)(2) of the Child Abuse Prevention and
22 Treatment Act shall not apply to funds appropriated
23 under this heading: *Provided further* That \$1,864,000
24 shall be for a human services case management system
25 for federally declared disasters, to include a comprehensive

1 national case management contract and Federal costs of
2 administering the system: *Provided further*, That up to
3 \$2,000,000 shall be for improving the Public Assistance
4 Reporting Information System, including grants to States
5 to support data collection for a study of the system's effec-
6 tiveness.

7 PROMOTING SAFE AND STABLE FAMILIES

8 For carrying out, except as otherwise provided, sec-
9 tion 436 of the Social Security Act, \$345,000,000 and,
10 for carrying out, except as otherwise provided, section 437
11 of such Act, \$99,765,000: *Provided*, That of the funds
12 available to carry out section 437, \$59,765,000 shall be
13 allocated consistent with subsections (b) through (d) of
14 such section: *Provided further*, That of the funds available
15 to carry out section 437, to assist in meeting the require-
16 ments described in section 471(e)(4)(C), \$20,000,000
17 shall be for grants to each State, territory, and Indian
18 tribe operating title IV–E plans for developing, enhancing,
19 or evaluating kinship navigator programs, as described in
20 section 427(a)(1) of such Act, and \$20,000,000, in addi-
21 tion to funds otherwise appropriated in section 436 for
22 such purposes, shall be for competitive grants to regional
23 partnerships as described in section 437(f) and for devel-
24 oping enhancing, or evaluating family-focused residential
25 treatment programs: *Provided further*, That section

1 437(b)(1) shall be applied to amounts in the previous pro-
2 viso by substituting “5 percent” for “3.3 percent”, and
3 notwithstanding section 436(b)(1), such reserved amounts
4 may be used for identifying, establishing, and dissemi-
5 nating practices to meet the criteria specified in section
6 471(e)(4)(C): *Provided further*, That the reservation in
7 section 437(b)(2) and the limitations in section 437(d)
8 shall not apply to funds specified in the second proviso:
9 *Provided further*, That the minimum grant award for kin-
10 ship navigator programs in the case of States and terri-
11 tories shall be \$200,000, and, in the case of tribes, shall
12 be \$25,000.

13 PAYMENTS FOR FOSTER CARE AND PERMANENCY

14 For carrying out, except as otherwise provided, title
15 IV–E of the Social Security Act, \$6,035,000,000.

16 For carrying out, except as otherwise provided, title
17 IV–E of the Social Security Act, for the first quarter of
18 fiscal year 2020, \$2,800,000,000.

19 For carrying out, after May 31 of the current fiscal
20 year, except as otherwise provided, section 474 of title IV–
21 E of the Social Security Act, for the last 3 months of the
22 current fiscal year for unanticipated costs, incurred for the
23 current fiscal year, such sums as may be necessary.

1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out, to the extent not otherwise pro-
5 vided, the Older Americans Act of 1965 (“OAA”), titles
6 III and XXIX of the PHS Act, sections 1252 and 1253
7 of the PHS Act, section 119 of the Medicare Improve-
8 ments for Patients and Providers Act of 2008, title XX–
9 B of the Social Security Act, the Developmental Disabil-
10 ities Assistance and Bill of Rights Act, parts 2 and 5 of
11 subtitle D of title II of the Help America Vote Act of
12 2002, the Assistive Technology Act of 1998, titles II and
13 VII (and section 14 with respect to such titles) of the Re-
14 habilitation Act of 1973, and for Department-wide coordi-
15 nation of policy and program activities that assist individ-
16 uals with disabilities, \$2,100,400,000, together with
17 \$49,115,000 to be transferred from the Federal Hospital
18 Insurance Trust Fund and the Federal Supplementary
19 Medical Insurance Trust Fund to carry out section 4360
20 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
21 *vided*, That amounts appropriated under this heading may
22 be used for grants to States under section 361 of the OAA
23 only for disease prevention and health promotion pro-
24 grams and activities which have been demonstrated
25 through rigorous evaluation to be evidence-based and ef-

1 fective: *Provided further*, That of amounts made available
2 under this heading to carry out sections 311, 331, and
3 336 of the OAA, up to one percent of such amounts shall
4 be available for developing and implementing evidence-
5 based practices for enhancing senior nutrition: *Provided*
6 *further*, That notwithstanding any other provision of this
7 Act, funds made available under this heading to carry out
8 section 311 of the OAA may be transferred to the Sec-
9 retary of Agriculture in accordance with such section: *Pro-*
10 *vided further*, That \$2,000,000 shall be for competitive
11 grants to support alternative financing programs that pro-
12 vide for the purchase of assistive technology devices, such
13 as a low-interest loan fund; an interest buy-down program;
14 a revolving loan fund; a loan guarantee; or an insurance
15 program: *Provided further*, That applicants shall provide
16 an assurance that, and information describing the manner
17 in which, the alternative financing program will expand
18 and emphasize consumer choice and control: *Provided fur-*
19 *ther*, That State agencies and community-based disability
20 organizations that are directed by and operated for indi-
21 viduals with disabilities shall be eligible to compete: *Pro-*
22 *vided further*, That none of the funds made available under
23 this heading may be used by an eligible system (as defined
24 in section 102 of the Protection and Advocacy for Individ-
25 uals with Mental Illness Act (42 U.S.C. 10802)) to con-

1 tinue to pursue any legal action in a Federal or State
2 court on behalf of an individual or group of individuals
3 with a developmental disability (as defined in section
4 102(8)(A) of the Developmental Disabilities and Assist-
5 ance and Bill of Rights Act of 2000 (20 U.S.C.
6 15002(8)(A)) that is attributable to a mental impairment
7 (or a combination of mental and physical impairments),
8 that has as the requested remedy the closure of State op-
9 erated intermediate care facilities for people with intellec-
10 tual or developmental disabilities, unless reasonable public
11 notice of the action has been provided to such individuals
12 (or, in the case of mental incapacitation, the legal guard-
13 ians who have been specifically awarded authority by the
14 courts to make healthcare and residential decisions on be-
15 half of such individuals) who are affected by such action,
16 within 90 days of instituting such legal action, which in-
17 forms such individuals (or such legal guardians) of their
18 legal rights and how to exercise such rights consistent with
19 current Federal Rules of Civil Procedure: *Provided further*,
20 That the limitations in the immediately preceding proviso
21 shall not apply in the case of an individual who is neither
22 competent to consent nor has a legal guardian, nor shall
23 the proviso apply in the case of individuals who are a ward
24 of the State or subject to public guardianship.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

1 For necessary expenses, not otherwise provided, for
2 general departmental management, including hire of six
3 passenger motor vehicles, and for carrying out titles III,
4 XVII, XXI, and section 229 of the PHS Act, the United
5 States-Mexico Border Health Commission Act, and re-
6 search studies under section 1110 of the Social Security
7 Act, \$480,629,000, together with \$64,828,000 from the
8 amounts available under section 241 of the PHS Act to
9 carry out national health or human services research and
10 evaluation activities: *Provided*, That of this amount,
11 \$53,900,000 shall be for minority AIDS prevention and
12 treatment activities: *Provided further*, That of the funds
13 made available under this heading, \$101,000,000 shall be
14 for making competitive contracts and grants to public and
15 private entities to fund medically accurate and age appro-
16 priate programs that reduce teen pregnancy and for the
17 Federal costs associated with administering and evalu-
18 ating such contracts and grants, of which not more than
19 10 percent of the available funds shall be for training and
20 technical assistance, evaluation, outreach, and additional
21 program support activities, and of the remaining amount
22 75 percent shall be for replicating programs that have
23 been proven effective through rigorous evaluation to re-

1 duce teenage pregnancy, behavioral risk factors underlying
2 teenage pregnancy, or other associated risk factors, and
3 25 percent shall be available for research and demonstra-
4 tion grants to develop, replicate, refine, and test additional
5 models and innovative strategies for preventing teenage
6 pregnancy: *Provided further*, That of the amounts pro-
7 vided under this heading from amounts available under
8 section 241 of the PHS Act, \$6,800,000 shall be available
9 to carry out evaluations (including longitudinal evalua-
10 tions) of teenage pregnancy prevention approaches: *Pro-*
11 *vided further*, That of the funds made available under this
12 heading, \$35,000,000 shall be for making competitive
13 grants which exclusively implement education in sexual
14 risk avoidance (defined as voluntarily refraining from non-
15 marital sexual activity): *Provided further*, That funding for
16 such competitive grants for sexual risk avoidance shall use
17 medically accurate information referenced to peer-re-
18 viewed publications by educational, scientific, govern-
19 mental, or health organizations; implement an evidence-
20 based approach integrating research findings with prac-
21 tical implementation that aligns with the needs and de-
22 sired outcomes for the intended audience; and teach the
23 benefits associated with self-regulation, success sequene-
24 ing for poverty prevention, healthy relationships, goal set-
25 ting, and resisting sexual coercion, dating violence, and

1 other youth risk behaviors such as underage drinking or
2 illicit drug use without normalizing teen sexual activity:
3 *Provided further*, That no more than 10 percent of the
4 funding for such competitive grants for sexual risk avoid-
5 ance shall be available for technical assistance and admin-
6 istrative costs of such programs: *Provided further*, That
7 funds provided in this Act for embryo adoption activities
8 may be used to provide to individuals adopting embryos,
9 through grants and other mechanisms, medical and ad-
10 ministrative services deemed necessary for such adoptions:
11 *Provided further*, That such services shall be provided con-
12 sistent with 42 CFR 59.5(a)(4).

13 OFFICE OF MEDICARE HEARINGS AND APPEALS

14 For expenses necessary for the Office of Medicare
15 Hearings and Appeals, \$182,381,000 shall remain avail-
16 able until September 30, 2020, to be transferred in appro-
17 priate part from the Federal Hospital Insurance Trust
18 Fund and the Federal Supplementary Medical Insurance
19 Trust Fund.

20 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
21 INFORMATION TECHNOLOGY

22 For expenses necessary for the Office of the National
23 Coordinator for Health Information Technology, including
24 grants, contracts, and cooperative agreements for the de-

1 velopment and advancement of interoperable health infor-
2 mation technology, \$60,367,000.

3 OFFICE OF INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector
5 General, including the hire of passenger motor vehicles for
6 investigations, in carrying out the provisions of the Inspec-
7 tor General Act of 1978, \$80,000,000: *Provided*, That of
8 such amount, necessary sums shall be available for pro-
9 viding protective services to the Secretary and inves-
10 tigating non-payment of child support cases for which non-
11 payment is a Federal offense under 18 U.S.C. 228.

12 OFFICE FOR CIVIL RIGHTS

13 For expenses necessary for the Office for Civil
14 Rights, \$38,798,000.

15 RETIREMENT PAY AND MEDICAL BENEFITS FOR

16 COMMISSIONED OFFICERS

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

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
2 FUND

3 For expenses necessary to support activities related
4 to countering potential biological, nuclear, radiological,
5 chemical, and cybersecurity threats to civilian populations,
6 and for other public health emergencies, \$1,026,458,000,
7 of which \$561,700,000 shall remain available through
8 September 30, 2020, for expenses necessary to support
9 advanced research and development pursuant to section
10 319L of the PHS Act and other administrative expenses
11 of the Biomedical Advanced Research and Development
12 Authority: *Provided*, That funds provided under this head-
13 ing for the purpose of acquisition of security counter-
14 measures shall be in addition to any other funds available
15 for such purpose: *Provided further*, That products pur-
16 chased with funds provided under this heading may, at
17 the discretion of the Secretary, be deposited in the Stra-
18 tegic National Stockpile pursuant to section 319F-2 of
19 the PHS Act: *Provided further*, That \$5,000,000 of the
20 amounts made available to support emergency operations
21 shall remain available through September 30, 2021.

22 For expenses necessary for procuring security coun-
23 termeasures (as defined in section 319F-2(c)(1)(B) of the
24 PHS Act), \$735,000,000, to remain available until ex-
25 pended.

1 For an additional amount for expenses necessary to
2 prepare for or respond to an influenza pandemic,
3 \$285,000,000; of which \$250,000,000 shall be available
4 until expended, for activities including the development
5 and purchase of vaccine, antivirals, necessary medical sup-
6 plies, diagnostics, and other surveillance tools: *Provided*,
7 That notwithstanding section 496(b) of the PHS Act,
8 funds may be used for the construction or renovation of
9 privately owned facilities for the production of pandemic
10 influenza vaccines and other biologics, if the Secretary
11 finds such construction or renovation necessary to secure
12 sufficient supplies of such vaccines or biologics.

13 GENERAL PROVISIONS

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

18 SEC. 202. None of the funds appropriated in this title
19 shall be used to pay the salary of an individual, through
20 a grant or other extramural mechanism, at a rate in excess
21 of Executive Level II.

22 SEC. 203. None of the funds appropriated in this Act
23 may be expended pursuant to section 241 of the PHS Act,
24 except for funds specifically provided for in this Act, or
25 for other taps and assessments made by any office located

1 SEC. 206. In lieu of the timeframe specified in section
2 338E(c)(2) of the PHS Act, terminations described in
3 such section may occur up to 60 days after the execution
4 of a contract awarded in fiscal year 2019 under section
5 338B of such Act.

6 SEC. 207. None of the funds appropriated in this Act
7 may be made available to any entity under title X of the
8 PHS Act unless the applicant for the award certifies to
9 the Secretary that it encourages family participation in
10 the decision of minors to seek family planning services and
11 that it provides counseling to minors on how to resist at-
12 tempts to coerce minors into engaging in sexual activities.

13 SEC. 208. Notwithstanding any other provision of
14 law, no provider of services under title X of the PHS Act
15 shall be exempt from any State law requiring notification
16 or the reporting of child abuse, child molestation, sexual
17 abuse, rape, or incest.

18 SEC. 209. None of the funds appropriated by this Act
19 (including funds appropriated to any trust fund) may be
20 used to carry out the Medicare Advantage program if the
21 Secretary denies participation in such program to an oth-
22 erwise eligible entity (including a Provider Sponsored Or-
23 ganization) because the entity informs the Secretary that
24 it will not provide, pay for, provide coverage of, or provide
25 referrals for abortions: *Provided*, That the Secretary shall

1 make appropriate prospective adjustments to the capita-
2 tion payment to such an entity (based on an actuarially
3 sound estimate of the expected costs of providing the serv-
4 ice to such entity's enrollees): *Provided further*, That noth-
5 ing in this section shall be construed to change the Medi-
6 care program's coverage for such services and a Medicare
7 Advantage organization described in this section shall be
8 responsible for informing enrollees where to obtain infor-
9 mation about all Medicare covered services.

10 SEC. 210. None of the funds made available in this
11 title may be used, in whole or in part, to advocate or pro-
12 mote gun control.

13 SEC. 211. The Secretary shall make available through
14 assignment not more than 60 employees of the Public
15 Health Service to assist in child survival activities and to
16 work in AIDS programs through and with funds provided
17 by the Agency for International Development, the United
18 Nations International Children's Emergency Fund or the
19 World Health Organization.

20 SEC. 212. In order for HHS to carry out inter-
21 national health activities, including HIV/AIDS and other
22 infectious disease, chronic and environmental disease, and
23 other health activities abroad during fiscal year 2019:

24 (1) The Secretary may exercise authority equiv-
25 alent to that available to the Secretary of State in

1 section 2(c) of the State Department Basic Authori-
2 ties Act of 1956. The Secretary shall consult with
3 the Secretary of State and relevant Chief of Mission
4 to ensure that the authority provided in this section
5 is exercised in a manner consistent with section 207
6 of the Foreign Service Act of 1980 and other appli-
7 cable statutes administered by the Department of
8 State.

9 (2) The Secretary is authorized to provide such
10 funds by advance or reimbursement to the Secretary
11 of State as may be necessary to pay the costs of ac-
12 quisition, lease, alteration, renovation, and manage-
13 ment of facilities outside of the United States for
14 the use of HHS. The Department of State shall co-
15 operate fully with the Secretary to ensure that HHS
16 has secure, safe, functional facilities that comply
17 with applicable regulation governing location, set-
18 back, and other facilities requirements and serve the
19 purposes established by this Act. The Secretary is
20 authorized, in consultation with the Secretary of
21 State, through grant or cooperative agreement, to
22 make available to public or nonprofit private institu-
23 tions or agencies in participating foreign countries,
24 funds to acquire, lease, alter, or renovate facilities in
25 those countries as necessary to conduct programs of

1 assistance for international health activities, includ-
2 ing activities relating to HIV/AIDS and other infec-
3 tious diseases, chronic and environmental diseases,
4 and other health activities abroad.

5 (3) The Secretary is authorized to provide to
6 personnel appointed or assigned by the Secretary to
7 serve abroad, allowances and benefits similar to
8 those provided under chapter 9 of title I of the For-
9 eign Service Act of 1980, and 22 U.S.C. 4081
10 through 4086 and subject to such regulations pre-
11 scribed by the Secretary. The Secretary is further
12 authorized to provide locality-based comparability
13 payments (stated as a percentage) up to the amount
14 of the locality-based comparability payment (stated
15 as a percentage) that would be payable to such per-
16 sonnel under section 5304 of title 5, United States
17 Code if such personnel's official duty station were in
18 the District of Columbia. Leaves of absence for per-
19 sonnel under this subsection shall be on the same
20 basis as that provided under subchapter I of chapter
21 63 of title 5, United States Code, or section 903 of
22 the Foreign Service Act of 1980, to individuals serv-
23 ing in the Foreign Service.

(TRANSFER OF FUNDS)

1

2 SEC. 213. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate are notified at
9 least 15 days in advance of any transfer.

10

(TRANSFER OF FUNDS)

11 SEC. 214. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act.

19 SEC. 215. (a) AUTHORITY.—Notwithstanding any
20 other provision of law, the Director of NIH (“Director”)
21 may use funds authorized under section 402(b)(12) of the
22 PHS Act to enter into transactions (other than contracts,
23 cooperative agreements, or grants) to carry out research
24 identified pursuant to or research and activities described
25 in such section 402(b)(12).

1 (b) PEER REVIEW.—In entering into transactions
2 under subsection (a), the Director may utilize such peer
3 review procedures (including consultation with appropriate
4 scientific experts) as the Director determines to be appro-
5 priate to obtain assessments of scientific and technical
6 merit. Such procedures shall apply to such transactions
7 in lieu of the peer review and advisory council review pro-
8 cedures that would otherwise be required under sections
9 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
10 and 494 of the PHS Act.

11 SEC. 216. Not to exceed \$45,000,000 of funds appro-
12 priated by this Act to the institutes and centers of the
13 National Institutes of Health may be used for alteration,
14 repair, or improvement of facilities, as necessary for the
15 proper and efficient conduct of the activities authorized
16 herein, at not to exceed \$3,500,000 per project.

17 (TRANSFER OF FUNDS)

18 SEC. 217. Of the amounts made available for NIH,
19 1 percent of the amount made available for National Re-
20 search Service Awards (“NRSA”) shall be made available
21 to the Administrator of the Health Resources and Services
22 Administration to make NRSA awards for research in pri-
23 mary medical care to individuals affiliated with entities
24 who have received grants or contracts under sections 736,
25 739, or 747 of the PHS Act, and 1 percent of the amount

1 made available for NRSA shall be made available to the
2 Director of the Agency for Healthcare Research and Qual-
3 ity to make NRSA awards for health service research.

4 SEC. 218. (a) The Biomedical Advanced Research
5 and Development Authority (“BARDA”) may enter into
6 a contract, for more than one but no more than 10 pro-
7 gram years, for purchase of research services or of security
8 countermeasures, as that term is defined in section 319F-
9 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)),
10 if—

11 (1) funds are available and obligated—

12 (A) for the full period of the contract or
13 for the first fiscal year in which the contract is
14 in effect; and

15 (B) for the estimated costs associated with
16 a necessary termination of the contract; and

17 (2) the Secretary determines that a multi-year
18 contract will serve the best interests of the Federal
19 Government by encouraging full and open competi-
20 tion or promoting economy in administration, per-
21 formance, and operation of BARDA’s programs.

22 (b) A contract entered into under this section—

23 (1) shall include a termination clause as de-
24 scribed by subsection (c) of section 3903 of title 41,
25 United States Code; and

1 (2) shall be subject to the congressional notice
2 requirement stated in subsection (d) of such section.

3 SEC. 219. (a) The Secretary shall publish in the fiscal
4 year 2020 budget justification and on Departmental Web
5 sites information concerning the employment of full-time
6 equivalent Federal employees or contractors for the pur-
7 poses of implementing, administering, enforcing, or other-
8 wise carrying out the provisions of the ACA, and the
9 amendments made by that Act, in the proposed fiscal year
10 and each fiscal year since the enactment of the ACA.

11 (b) With respect to employees or contractors sup-
12 ported by all funds appropriated for purposes of carrying
13 out the ACA (and the amendments made by that Act),
14 the Secretary shall include, at a minimum, the following
15 information:

16 (1) For each such fiscal year, the section of
17 such Act under which such funds were appropriated,
18 a statement indicating the program, project, or ac-
19 tivity receiving such funds, the Federal operating di-
20 vision or office that administers such program, and
21 the amount of funding received in discretionary or
22 mandatory appropriations.

23 (2) For each such fiscal year, the number of
24 full-time equivalent employees or contracted employ-

1 ees assigned to each authorized and funded provision
2 detailed in accordance with paragraph (1).

3 (c) In carrying out this section, the Secretary may
4 exclude from the report employees or contractors who—

5 (1) are supported through appropriations en-
6 acted in laws other than the ACA and work on pro-
7 grams that existed prior to the passage of the ACA;

8 (2) spend less than 50 percent of their time on
9 activities funded by or newly authorized in the ACA;
10 or

11 (3) work on contracts for which FTE reporting
12 is not a requirement of their contract, such as fixed-
13 price contracts.

14 SEC. 220. The Secretary shall publish, as part of the
15 fiscal year 2020 budget of the President submitted under
16 section 1105(a) of title 31, United States Code, informa-
17 tion that details the uses of all funds used by the Centers
18 for Medicare and Medicaid Services specifically for Health
19 Insurance Exchanges for each fiscal year since the enact-
20 ment of the ACA and the proposed uses for such funds
21 for fiscal year 2020. Such information shall include, for
22 each such fiscal year, the amount of funds used for each
23 activity specified under the heading “Health Insurance
24 Exchange Transparency” in the report accompanying this
25 Act.

1 SEC. 221. (a) The Secretary shall provide to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate:

4 (1) Detailed monthly enrollment figures from
5 the Exchanges established under the Patient Protec-
6 tion and Affordable Care Act of 2010 pertaining to
7 enrollments during the open enrollment period; and

8 (2) Notification of any new or competitive grant
9 awards, including supplements, authorized under
10 section 330 of the Public Health Service Act.

11 (b) The Committees on Appropriations of the House
12 and Senate must be notified at least 2 business days in
13 advance of any public release of enrollment information
14 or the award of such grants.

15 SEC. 222. None of the funds made available by this
16 Act from the Federal Hospital Insurance Trust Fund or
17 the Federal Supplemental Medical Insurance Trust Fund,
18 or transferred from other accounts funded by this Act to
19 the “Centers for Medicare and Medicaid Services—Pro-
20 gram Management” account, may be used for payments
21 under section 1342(b)(1) of Public Law 111–148 (relating
22 to risk corridors).

23 SEC. 223. The Secretary shall include in the fiscal
24 year 2020 budget justification an analysis of how section

1 2713 of the PHS Act will impact eligibility for discre-
2 tionary HHS programs.

3 (TRANSFER OF FUNDS)

4 SEC. 224. (a) Within 45 days of enactment of this
5 Act, the Secretary shall transfer funds appropriated under
6 section 4002 of the ACA to the accounts specified, in the
7 amounts specified, and for the activities specified under
8 the heading “Prevention and Public Health Fund” in the
9 report accompanying this Act.

10 (b) Notwithstanding section 4002(c) of the ACA, the
11 Secretary may not further transfer these amounts.

12 (c) Funds transferred for activities authorized under
13 section 2821 of the PHS Act shall be made available with-
14 out reference to section 2821(b) of such Act.

15 SEC. 225. Effective during the period beginning on
16 November 1, 2015 and ending January 1, 2021, any pro-
17 vision of law that refers (including through cross-reference
18 to another provision of law) to the current recommenda-
19 tions of the United States Preventive Services Task Force
20 with respect to breast cancer screening, mammography,
21 and prevention shall be administered by the Secretary in-
22 volved as if—

23 (1) such reference to such current recommenda-
24 tions were a reference to the recommendations of
25 such Task Force with respect to breast cancer

1 screening, mammography, and prevention last issued
2 before 2009; and

3 (2) such recommendations last issued before
4 2009 applied to any screening mammography modal-
5 ity under section 1861(jj) of the Social Security Act
6 (42 U.S.C. 1395x(jj)).

7 SEC. 226. In making Federal financial assistance, the
8 provisions relating to indirect costs in part 75 of title 45,
9 Code of Federal Regulations, including with respect to the
10 approval of deviations from negotiated rates, shall con-
11 tinue to apply to the National Institutes of Health to the
12 same extent and in the same manner as such provisions
13 were applied in the third quarter of fiscal year 2017. None
14 of the funds appropriated in this or prior Acts or otherwise
15 made available to the Department of Health and Human
16 Services or to any department or agency may be used to
17 develop or implement a modified approach to such provi-
18 sions, or to intentionally or substantially expand the fiscal
19 effect of the approval of such deviations from negotiated
20 rates beyond the proportional effect of such approvals in
21 such quarter.

22 SEC. 227. In addition to the amounts otherwise avail-
23 able for “Centers for Medicare and Medicaid Services,
24 Program Management”, the Secretary of Health and
25 Human Services may transfer up to \$305,000,000 to such

1 account from the Federal Hospital Insurance Trust Fund
2 and the Federal Supplementary Medical Insurance Trust
3 Fund to support program management activity related to
4 the Medicare Program: *Provided*, That except for the fore-
5 going purpose, such funds may not be used to support any
6 provision of Public Law 111–148 or Public Law 111–152
7 (or any amendment made by either such Public Law) or
8 to supplant any other amounts within such account.

9 (TRANSFER OF FUNDS)

10 SEC. 228. The NIH Director may transfer funds spe-
11 cifically appropriated for opioid addiction, opioid alter-
12 natives, pain management, and addiction treatment to
13 other Institutes and Centers of the NIH to be used for
14 the same purpose 15 days after notifying the Committees
15 on Appropriations: *Provided*, That the transfer authority
16 provided in the previous proviso is in addition to any other
17 transfer authority provided by law.

18 SEC. 229. None of the funds made available by this
19 Act to carry out the Child Care and Development Block
20 Grant Act of 1990 may be provided to any child care pro-
21 vider if a list of providers (as mentioned in part 98 of
22 title 45 of the Code of Federal Regulations, applicable to
23 the Department of Health and Human Services, Adminis-
24 tration of Children and Families, and in the final rule pub-
25 lished in the Federal Register, Vol. 81, No. 190, on Sept.

1 30, 2016) indicates that a serious injury or death occurred
2 at the provider due to a substantiated health or safety vio-
3 lation.

4 (RESCISSION)

5 SEC. 230. Of the unobligated balances available in
6 the “Nonrecurring Expenses Fund” established in section
7 223 of division G of Public Law 110–161, \$350,000,000
8 are hereby rescinded.

9 SEC. 231. Not later than the 15th day of each month,
10 the Department of Health and Human Services shall pro-
11 vide the Committees on Appropriations of the House of
12 Representatives and Senate a report on staffing described
13 in the report accompanying this Act.

14 SEC. 232. Funds appropriated in this Act that are
15 available for salaries and expenses of employees of the De-
16 partment of Health and Human Services shall also be
17 available to pay travel and related expenses of such an
18 employee or of a member of his or her family, when such
19 employee is assigned to duty, in the United States or in
20 a U.S. territory, during a period and in a location that
21 are the subject of a determination of a public health emer-
22 gency under section 319 of the Public Health Service Act
23 and such travel is necessary to obtain medical care for
24 an illness, injury, or medical condition that cannot be ade-
25 quately addressed in that location at that time. For pur-

1 poses of this section, the term “U.S. territory” means
2 Guam, the Commonwealth of Puerto Rico, the Northern
3 Mariana Islands, the Virgin Islands, American Samoa, or
4 the Trust Territory of the Pacific Islands.

5 This title may be cited as the “Department of Health
6 and Human Services Appropriations Act, 2019”.

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I and subpart 2 of part B of
5 title II of the Elementary and Secondary Education Act
6 of 1965 (referred to in this Act as “ESEA”) and section
7 418A of the Higher Education Act of 1965 (referred to
8 in this Act as “HEA”), \$16,568,790,000, of which
9 \$5,650,990,000 shall become available on July 1, 2019,
10 and shall remain available through September 30, 2020,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2019, and shall remain available through Sep-
13 tember 30, 2020, for academic year 2019–2020: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2018, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$4,031,550,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$4,031,550,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$217,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$44,623,000
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,439,112,000, of which \$1,294,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000, to remain
12 available for obligation through September 30, 2020, shall
13 be for construction under section 7007(b), \$74,313,000
14 shall be for Federal property payments under section
15 7002, and \$4,835,000, to remain available until expended,
16 shall be for facilities maintenance under section 7008:
17 *Provided*, That for purposes of computing the amount of
18 a payment for an eligible local educational agency under
19 section 7003(a) for school year 2018–2019, children en-
20 rolled in a school of such agency that would otherwise be
21 eligible for payment under section 7003(a)(1)(B) of such
22 Act, but due to the deployment of both parents or legal
23 guardians, or a parent or legal guardian having sole cus-
24 tody of such children, or due to the death of a military
25 parent or legal guardian while on active duty (so long as

1 such children reside on Federal property as described in
2 section 7003(a)(1)(B)), are no longer eligible under such
3 section, shall be considered as eligible students under such
4 section, provided such students remain in average daily
5 attendance at a school in the same local educational agen-
6 cy they attended prior to their change in eligibility status.

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by part B of title I, part A of title II, subpart
10 1 of part A of title IV, part B of title IV, part B of title
11 V, and parts B and C of title VI of the ESEA; the McKin-
12 ney-Vento Homeless Assistance Act; section 203 of the
13 Educational Technical Assistance Act of 2002; the Com-
14 pact of Free Association Amendments Act of 2003; and
15 the Civil Rights Act of 1964, \$5,291,967,000, of which
16 \$3,463,402,000 shall become available on July 1, 2019,
17 and remain available through September 30, 2020, and
18 of which \$1,681,441,000 shall become available on Octo-
19 ber 1, 2019, and shall remain available through September
20 30, 2020, for academic year 2019–2020: *Provided*, That
21 \$378,000,000 shall be for part B of title I: *Provided fur-*
22 *ther*, That \$1,211,673,000 shall be for part B of title IV:
23 *Provided further*, That \$36,397,000 shall be for part B
24 of title VI and may be used for construction, renovation,
25 and modernization of any elementary school, secondary

1 school, or structure related to an elementary school or sec-
2 ondary school, run by the Department of Education of the
3 State of Hawaii, that serves a predominantly Native Ha-
4 waiian student body: *Provided further*, That \$35,453,000
5 shall be for part C of title VI and shall be awarded on
6 a competitive basis, and also may be used for construction:
7 *Provided further*, That \$52,000,000 shall be available to
8 carry out section 203 of the Educational Technical Assist-
9 ance Act of 2002 and the Secretary shall make such ar-
10 rangements as determined to be necessary to ensure that
11 the Bureau of Indian Education has access to services pro-
12 vided under this section: *Provided further*, That
13 \$16,699,000 shall be available to carry out the Supple-
14 mental Education Grants program for the Federated
15 States of Micronesia and the Republic of the Marshall Is-
16 lands: *Provided further*, That the Secretary may reserve
17 up to 5 percent of the amount referred to in the previous
18 proviso to provide technical assistance in the implementa-
19 tion of these grants: *Provided further*, That \$180,840,000
20 shall be for part B of title V: *Provided further*, That
21 \$1,225,000,000 shall be available for grants under sub-
22 part 1 of part A of title IV.

23 INDIAN EDUCATION

24 For expenses necessary to carry out, to the extent
25 not otherwise provided, title VI, part A of the ESEA,

1 \$180,239,000, of which \$67,993,000 shall be for subpart
2 2 of part A of title VI and \$6,865,000 shall be for subpart
3 3 of part A of title VI.

4 INNOVATION AND IMPROVEMENT

5 For carrying out activities authorized by subparts 1,
6 3 and 4 of part B of title II, and parts C, D, and E and
7 subparts 1 and 4 of part F of title IV of the ESEA,
8 \$1,042,256,000: *Provided*, That \$278,515,000 shall be for
9 subparts 1, 3 and 4 of part B of title II and shall be made
10 available without regard to sections 2201, 2231(b) and
11 2241: *Provided further*, That \$628,741,000 shall be for
12 parts C, D, and E and subpart 4 of part F of title IV,
13 and shall be made available without regard to sections
14 4311, 4409(a), and 4601 of the ESEA: *Provided further*,
15 That section 4303(d)(3)(A)(i) shall not apply to the funds
16 available for part C of title IV: *Provided further*, That of
17 the funds available for part C of title IV, the Secretary
18 shall use \$55,000,000 to carry out section 4304, of which
19 not more than \$10,000,000 shall be available to carry out
20 section 4304(k), \$140,000,000, to remain available
21 through March 31, 2020, to carry out section 4305(b),
22 and not more than \$15,000,000 to carry out the activities
23 in section 4305(a)(3): *Provided further*, That notwith-
24 standing section 4601(b), \$135,000,000 shall be available

1 through December 31, 2019 for subpart 1 of part F of
2 title IV.

3 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

4 For carrying out activities authorized by subparts 2
5 and 3 of part F of title IV of the ESEA, \$190,754,000:
6 *Provided*, That \$95,000,000 shall be available for section
7 4631, of which up to \$5,000,000, to remain available until
8 expended, shall be for the Project School Emergency Re-
9 sponse to Violence (“Project SERV”) program: *Provided*
10 *further*, That \$17,500,000 shall be available for section
11 4625: *Provided further*, That \$78,254,000 shall be avail-
12 able through December 31, 2019, for section 4624.

13 ENGLISH LANGUAGE ACQUISITION

14 For carrying out part A of title III of the ESEA,
15 \$737,400,000, which shall become available on July 1,
16 2019, and shall remain available through September 30,
17 2020, except that 6.5 percent of such amount shall be
18 available on October 1, 2018, and shall remain available
19 through September 30, 2020, to carry out activities under
20 section 3111(c)(1)(C).

21 SPECIAL EDUCATION

22 For carrying out the Individuals with Disabilities
23 Education Act (IDEA) and the Special Olympics Sport
24 and Empowerment Act of 2004, \$13,493,684,000, of
25 which \$3,970,585,000 shall become available on July 1,

1 2019, and shall remain available through September 30,
2 2020, and of which \$9,283,383,000 shall become available
3 on October 1, 2019, and shall remain available through
4 September 30, 2020, for academic year 2019–2020: *Pro-*
5 *vided*, That the amount for section 611(b)(2) of the IDEA
6 shall be equal to the lesser of the amount available for
7 that activity during fiscal year 2018, increased by the
8 amount of inflation as specified in section 619(d)(2)(B)
9 of the IDEA, or the percent change in the funds appro-
10 priated under section 611(i) of the IDEA, but not less
11 than the amount for that activity during fiscal year 2018:
12 *Provided further*, That the Secretary shall, without regard
13 to section 611(d) of the IDEA, distribute to all other
14 States (as that term is defined in section 611(g)(2)), sub-
15 ject to the third proviso, any amount by which a State’s
16 allocation under section 611, from funds appropriated
17 under this heading, is reduced under section
18 612(a)(18)(B), according to the following: 85 percent on
19 the basis of the States’ relative populations of children
20 aged 3 through 21 who are of the same age as children
21 with disabilities for whom the State ensures the avail-
22 ability of a free appropriate public education under this
23 part, and 15 percent to States on the basis of the States’
24 relative populations of those children who are living in pov-
25 erty: *Provided further*, That the Secretary may not dis-

1 tribute any funds under the previous proviso to any State
2 whose reduction in allocation from funds appropriated
3 under this heading made funds available for such a dis-
4 tribution: *Provided further*, That the States shall allocate
5 such funds distributed under the second proviso to local
6 educational agencies in accordance with section 611(f):
7 *Provided further*, That the amount by which a State's allo-
8 cation under section 611(d) of the IDEA is reduced under
9 section 612(a)(18)(B) and the amounts distributed to
10 States under the previous provisos in fiscal year 2012 or
11 any subsequent year shall not be considered in calculating
12 the awards under section 611(d) for fiscal year 2013 or
13 for any subsequent fiscal years: *Provided further*, That,
14 notwithstanding the provision in section 612(a)(18)(B) re-
15 garding the fiscal year in which a State's allocation under
16 section 611(d) is reduced for failure to comply with the
17 requirement of section 612(a)(18)(A), the Secretary may
18 apply the reduction specified in section 612(a)(18)(B) over
19 a period of consecutive fiscal years, not to exceed five,
20 until the entire reduction is applied: *Provided further*,
21 That the Secretary may, in any fiscal year in which a
22 State's allocation under section 611 is reduced in accord-
23 ance with section 612(a)(18)(B), reduce the amount a
24 State may reserve under section 611(e)(1) by an amount
25 that bears the same relation to the maximum amount de-

1 scribed in that paragraph as the reduction under section
2 612(a)(18)(B) bears to the total allocation the State
3 would have received in that fiscal year under section
4 611(d) in the absence of the reduction: *Provided further*,
5 That the Secretary shall either reduce the allocation of
6 funds under section 611 for any fiscal year following the
7 fiscal year for which the State fails to comply with the
8 requirement of section 612(a)(18)(A) as authorized by
9 section 612(a)(18)(B), or seek to recover funds under sec-
10 tion 452 of the General Education Provisions Act (20
11 U.S.C. 1234a): *Provided further*, That the funds reserved
12 under 611(c) of the IDEA may be used to provide tech-
13 nical assistance to States to improve the capacity of the
14 States to meet the data collection requirements of sections
15 616 and 618 and to administer and carry out other serv-
16 ices and activities to improve data collection, coordination,
17 quality, and use under parts B and C of the IDEA: *Pro-*
18 *vided further*, That the Secretary may use funds made
19 available for the State Personnel Development Grants pro-
20 gram under part D, subpart 1 of IDEA to evaluate pro-
21 gram performance under such subpart.

22 REHABILITATION SERVICES

23 For carrying out, to the extent not otherwise pro-
24 vided, the Rehabilitation Act of 1973 and the Helen Keller
25 National Center Act, \$3,656,189,000, of which

1 \$3,521,990,000 shall be for grants for vocational rehabili-
 2 tation services under title I of the Rehabilitation Act: *Pro-*
 3 *vided*, That the Secretary may use amounts provided in
 4 this Act that remain available subsequent to the reallocot-
 5 ment of funds to States pursuant to section 110(b) of the
 6 Rehabilitation Act for innovative activities aimed at im-
 7 proving the outcomes of individuals with disabilities as de-
 8 fined in section 7(20)(B) of the Rehabilitation Act, includ-
 9 ing activities aimed at improving the education and post-
 10 school outcomes of children receiving Supplemental Secu-
 11 rity Income (“SSI”) and their families that may result
 12 in long-term improvement in the SSI child recipient’s eco-
 13 nomic status and self-sufficiency: *Provided further*, That
 14 States may award subgrants for a portion of the funds
 15 to other public and private, nonprofit entities: *Provided*
 16 *further*, That any funds made available subsequent to real-
 17 lotment for innovative activities aimed at improving the
 18 outcomes of individuals with disabilities shall remain avail-
 19 able until September 30, 2020.

20 SPECIAL INSTITUTIONS FOR PERSONS WITH
 21 DISABILITIES

22 AMERICAN PRINTING HOUSE FOR THE BLIND

23 For carrying out the Act to promote the Education
 24 of the Blind of March 3, 1879, \$30,431,000.

1 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

2 For the National Technical Institute for the Deaf
3 under titles I and II of the Education of the Deaf Act
4 of 1986, \$76,500,000: *Provided*, That from the total
5 amount available, the Institute may at its discretion use
6 funds for the endowment program as authorized under
7 section 207 of such Act.

8 GALLAUDET UNIVERSITY

9 For the Kendall Demonstration Elementary School,
10 the Model Secondary School for the Deaf, and the partial
11 support of Gallaudet University under titles I and II of
12 the Education of the Deaf Act of 1986, \$133,000,000:
13 *Provided*, That from the total amount available, the Uni-
14 versity may at its discretion use funds for the endowment
15 program as authorized under section 207 of such Act.

16 CAREER, TECHNICAL, AND ADULT EDUCATION

17 For carrying out, to the extent not otherwise pro-
18 vided, the Carl D. Perkins Career and Technical Edu-
19 cation Act of 2006 and the Adult Education and Family
20 Literacy Act (“AEFLA”), \$1,855,686,000, of which
21 \$1,064,686,000 shall become available on July 1, 2019,
22 and shall remain available through September 30, 2020,
23 and of which \$791,000,000 shall become available on Oc-
24 tober 1, 2019, and shall remain available through Sep-
25 tember 30, 2020: *Provided*, That of the amounts made

1 available for AEFLA, \$13,712,000 shall be for national
2 leadership activities under section 242.

3 STUDENT FINANCIAL ASSISTANCE

4 For carrying out subparts 1, 3, and 10 of part A,
5 and part C of title IV of the HEA, \$24,445,352,000,
6 which shall remain available through September 30, 2020.

7 The maximum Pell Grant for which a student shall
8 be eligible during award year 2019–2020 shall be \$5,135.

9 STUDENT AID ADMINISTRATION

10 For Federal administrative expenses to carry out part
11 D of title I, and subparts 1, 3, 9, and 10 of part A, and
12 parts B, C, D, and E of title IV of the HEA, and subpart
13 1 of part A of title VII of the Public Health Service Act,
14 \$1,678,943,000, to remain available through September
15 30, 2020: *Provided*, That the Secretary shall allocate new
16 student loan borrower accounts to eligible student loan
17 servicers on the basis of their performance compared to
18 all loan servicers utilizing established common metrics,
19 and on the basis of the capacity of each servicer to process
20 new and existing accounts: *Provided further*, That the Sec-
21 retary shall allow student loan borrowers who are consoli-
22 dating Federal student loans to select from any student
23 loan servicer to service their new consolidated student loan
24 under the current student loan servicing contracts: *Pro-*
25 *vided further*, That in order to promote accountability and

1 high-quality service to borrowers, the Secretary shall not
2 award funding for any contract solicitation for a new Fed-
3 eral student loan servicing environment, including the so-
4 licitation for the FSA Next Generation Processing and
5 Servicing Environment as amended by the Department of
6 Education on February 20, 2018, unless such an environ-
7 ment provides for the participation of multiple student
8 loan servicers that contract directly with the Department
9 of Education to manage a unique portfolio of borrower ac-
10 counts and the full life-cycle of loans from disbursement
11 to pay-off with certain limited exceptions, and allocates
12 student loan borrower accounts to eligible student loan
13 servicers based on performance: *Provided further*, That
14 such servicers described in the previous proviso shall be
15 evaluated based on their ability to meet contract require-
16 ments, future performance on the contracts, and history
17 of compliance with applicable consumer protections laws:
18 *Provided further*, That to the extent Federal Student Aid
19 (FSA) permits student loan servicing subcontracting, FSA
20 shall hold such subcontractors accountable for meeting the
21 requirements of the contract: *Provided further*, That FSA
22 shall create a fee structure with contractors that provides
23 more support to borrowers at risk of being distressed.

HIGHER EDUCATION

1
2 For carrying out, to the extent not otherwise pro-
3 vided, titles II, III, IV, V, VI, and VII of the HEA, the
4 Mutual Educational and Cultural Exchange Act of 1961,
5 and section 117 of the Carl D. Perkins Career and Tech-
6 nical Education Act of 2006, \$2,260,551,000: *Provided*,
7 That notwithstanding any other provision of law, funds
8 made available in this Act to carry out title VI of the HEA
9 and section 102(b)(6) of the Mutual Educational and Cul-
10 tural Exchange Act of 1961 may be used to support visits
11 and study in foreign countries by individuals who are par-
12 ticipating in advanced foreign language training and inter-
13 national studies in areas that are vital to United States
14 national security and who plan to apply their language
15 skills and knowledge of these countries in the fields of gov-
16 ernment, the professions, or international development:
17 *Provided further*, That of the funds referred to in the pre-
18 ceding proviso up to 1 percent may be used for program
19 evaluation, national outreach, and information dissemina-
20 tion activities: *Provided further*, That up to 1.5 percent
21 of the funds made available under chapter 2 of subpart
22 2 of part A of title IV of the HEA may be used for evalua-
23 tion.

1 In addition, \$10,000,000 shall be made available to
2 provide for the deferment of loans made under part D of
3 title III of the HEA to eligible institutions that are private
4 Historically Black Colleges and Universities, which apply
5 for the deferment of such a loan and demonstrate financial
6 need for such deferment by having a score of 2.6 or less
7 on the Department of Education's financial responsibility
8 test: *Provided*, That during the period of deferment of
9 such a loan, interest on the loan will not accrue or be cap-
10 italized, and the period of deferment shall be for at least
11 a period of 3-fiscal years and not more than 6-fiscal years:
12 *Provided further*, That when determining priority for such
13 institutions to receive such a deferment, the Secretary
14 shall give priority to institutions that operated in a finan-
15 cial deficit for at least one of the previous 5 years accord-
16 ing to audits provided to the Department, or were sanc-
17 tioned for financial related reasons by the agency or asso-
18 ciation that accredited such institutions: *Provided further*,
19 That the Secretary shall create and execute an outreach
20 plan to work with States and the Capital Financing Advi-
21 sory Board to improve outreach to States and help addi-
22 tional public Historically Black Colleges and Universities
23 participate in the program.

24 In addition, for administrative expenses to carry out
25 the Historically Black College and University Capital Fi-

1 nancing Program entered into pursuant to part D of title
 2 III of the HEA, \$334,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by the Edu-
 5 cation Sciences Reform Act of 2002, the National Assess-
 6 ment of Educational Progress Authorization Act, section
 7 208 of the Educational Technical Assistance Act of 2002,
 8 and section 664 of the Individuals with Disabilities Edu-
 9 cation Act, \$615,462,000, which shall remain available
 10 through September 30, 2020: *Provided*, That funds avail-
 11 able to carry out section 208 of the Educational Technical
 12 Assistance Act may be used to link Statewide elementary
 13 and secondary data systems with early childhood, postsec-
 14 ondary, and workforce data systems, or to further develop
 15 such systems: *Provided further*, That up to \$6,000,000 of
 16 the funds available to carry out section 208 of the Edu-
 17 cational Technical Assistance Act may be used for awards
 18 to public or private organizations or agencies to support
 19 activities to improve data coordination, quality, and use
 20 at the local, State, and national levels.

21 DEPARTMENTAL MANAGEMENT

22 PROGRAM ADMINISTRATION

23 For carrying out, to the extent not otherwise pro-
 24 vided, the Department of Education Organization Act, in-
 25 cluding rental of conference rooms in the District of Co-

1 lumbia and hire of three passenger motor vehicles,
2 \$430,000,000: *Provided*, That, notwithstanding any other
3 provision of law, none of the funds provided by this Act
4 or provided by previous Appropriations Acts to the De-
5 partment of Education available for obligation or expendi-
6 ture in the current fiscal year may be used for any activity
7 relating to implementing a reorganization that decentral-
8 izes, reduces the staffing level, or alters the responsibil-
9 ities, structure, authority, or functionality of the Budget
10 Service of the Department of Education, relative to the
11 organization and operation of the Budget Service as in
12 effect on January 1, 2018.

13 OFFICE FOR CIVIL RIGHTS

14 For expenses necessary for the Office for Civil
15 Rights, as authorized by section 203 of the Department
16 of Education Organization Act, \$125,000,000.

17 OFFICE OF INSPECTOR GENERAL

18 For expenses necessary for the Office of Inspector
19 General, as authorized by section 212 of the Department
20 of Education Organization Act, \$61,143,000.

21 GENERAL PROVISIONS

22 SEC. 301. No funds appropriated in this Act may be
23 used to prevent the implementation of programs of vol-
24 untary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

1
2 SEC. 302. Not to exceed 1 percent of any discre-
3 tionary funds (pursuant to the Balanced Budget and
4 Emergency Deficit Control Act of 1985) which are appro-
5 priated for the Department of Education in this Act may
6 be transferred between appropriations, but no such appro-
7 priation shall be increased by more than 3 percent by any
8 such transfer: *Provided*, That the transfer authority
9 granted by this section shall not be used to create any
10 new program or to fund any project or activity for which
11 no funds are provided in this Act: *Provided further*, That
12 the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate are notified at least 15 days
14 in advance of any transfer.

15 SEC. 303. Section 105(f)(1)(B)(ix) of the Compact
16 of Free Association Amendments Act of 2003 (48 U.S.C.
17 1921d(f)(1)(B)(ix)) shall be applied by substituting
18 “2019” for “2009”.

19 SEC. 304. Funds appropriated in this Act and con-
20 solidated for evaluation purposes under section 8601(c) of
21 the ESEA shall be available from July 1, 2019, through
22 September 30, 2020.

23 SEC. 305. (a) An institution of higher education that
24 maintains an endowment fund supported with funds ap-
25 propriated for title III or V of the HEA for fiscal year

1 2019 may use the income from that fund to award schol-
2 arships to students, subject to the limitation in section
3 331(e)(3)(B)(i) of the HEA. The use of such income for
4 such purposes, prior to the enactment of this Act, shall
5 be considered to have been an allowable use of that in-
6 come, subject to that limitation.

7 (b) Subsection (a) shall be in effect until titles III
8 and V of the HEA are reauthorized.

9 SEC. 306. Section 114(f) of the HEA (20 U.S.C.
10 1011c(f)) is amended by striking “2018” and inserting
11 “2019”.

12 SEC. 307. Section 458(a) of the HEA (20 U.S.C.
13 1087h(a)) is amended in paragraph (4) by striking
14 “2018” and inserting “2019”.

15 (RESCISSION)

16 SEC. 308. Of the unobligated balances available
17 under the heading “Student Financial Assistance” for car-
18 rying out subpart 1 of part A of title IV of the HEA,
19 \$600,000,000 are hereby rescinded.

20 SEC. 309. Section 401(b)(7)(A)(iv)(IX) of the Higher
21 Education Act of 1965 (20 U.S.C.
22 1070a(b)(7)(A)(iv)(IX)) is amended by striking
23 “\$1,409,000,000” and inserting “\$1,370,000,000”.

24 SEC. 310. (a) An institution of higher education may,
25 with explicit written consent of an applicant who has com-

1 pleted a FAFSA under such section 483(a), provide such
2 information collected from the applicant’s FAFSA as is
3 necessary to a scholarship granting organization, includ-
4 ing a tribal organization (defined in section 4 of the Indian
5 Self-Determination and Education Assistance Act (25
6 U.S.C. 5304)), or to an organization assisting the appli-
7 cant in applying for and receiving Federal, State, local,
8 or tribal assistance, that is designated by the applicant
9 to assist the applicant in applying for and receiving finan-
10 cial assistance for any component of the applicant’s cost
11 of attendance (defined in section 472 of the HEA) at that
12 institution.

13 (b) An organization that receives information pursu-
14 ant to subsection (a) shall not sell or otherwise share such
15 information.

16 (c) This section shall be in effect until title IV of the
17 HEA is reauthorized.

18 SEC. 311. For an additional amount for “Department
19 of Education—Federal Direct Student Loan Program Ac-
20 count”, \$350,000,000, to remain available until expended,
21 shall be for the cost, as defined under section 502 of the
22 Congressional Budget Act of 1974, of the Secretary of
23 Education providing loan cancellation in the same manner
24 as under section 455(m) of the Higher Education Act of
25 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made

1 under part D of title IV of such Act who would qualify
2 for loan cancellation under section 455(m) except some,
3 or all, of the 120 required payments under section
4 455(m)(1)(A) do not qualify for purposes of the program
5 because they were monthly payments made in accordance
6 with graduated or extended repayment plans as described
7 under subparagraph (B) or (C) of section 455(d)(1) or
8 the corresponding repayment plan for a consolidation loan
9 made under section 455(g) and that were less than the
10 amount calculated under section 455(d)(1)(A), based on
11 a 10-year repayment period: *Provided*, That the monthly
12 payment made 12 months before the borrower applied for
13 loan cancellation as described in the matter preceding this
14 proviso and the most recent monthly payment made by
15 the borrower at the time of such application were each
16 not less than the monthly amount that would be calculated
17 under, and for which the borrower would otherwise qualify
18 for, clause (i) or (iv) of section 455(m)(1)(A) regarding
19 income-based or income-contingent repayment plans, with
20 exception for a borrower who would have otherwise been
21 eligible under this section but demonstrates an unusual
22 fluctuation of income over the past 5 years: *Provided fur-*
23 *ther*, That the total loan volume, including outstanding
24 principal, fees, capitalized interest, or accrued interest, at
25 application that is eligible for such loan cancellation by

1 such borrowers shall not exceed \$500,000,000: *Provided*
2 *further*, That the Secretary shall develop and make avail-
3 able a simple method for borrowers to apply for loan can-
4 cellation under this section within 60 days of enactment
5 of this Act: *Provided further*, That the Secretary shall pro-
6 vide loan cancellation under this section to eligible bor-
7 rowers on a first-come, first-serve basis, based on the date
8 of application and subject to both the limitation on total
9 loan volume at application for such loan cancellation speci-
10 fied in the second proviso and the availability of appropria-
11 tions under this section: *Provided further*, That no bor-
12 rower may, for the same service, receive a reduction of
13 loan obligations under both this section and section 428J,
14 428K, 428L, or 460 of such Act.

15 SEC. 312. Of the amounts made available under this
16 title under the heading “Student Aid Administration”,
17 \$2,300,000 shall be used by the Secretary of Education
18 to conduct outreach to borrowers of loans made under part
19 D of title IV of the Higher Education Act of 1965 who
20 may intend to qualify for loan cancellation under section
21 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
22 borrowers are meeting the terms and conditions of such
23 loan cancellation: *Provided*, That the Secretary shall spe-
24 cifically conduct outreach to assist borrowers who would
25 qualify for loan cancellation under section 455(m) of such

1 Act except that the borrower has made some, or all, of
2 the 120 required payments under a repayment plan that
3 is not described under section 455(m)(A) of such Act, to
4 encourage borrowers to enroll in a qualifying repayment
5 plan: *Provided further*, That the Secretary shall also com-
6 municate to all Direct Loan borrowers the full require-
7 ments of section 455(m) of such Act and improve the fil-
8 ing of employment certification by providing improved out-
9 reach and information such as outbound calls, electronic
10 communications, ensuring prominent access to program
11 requirements and benefits on each servicer’s website, and
12 creating an option for all borrowers to complete the entire
13 payment certification process electronically and on a cen-
14 tralized website.

15 This title may be cited as the “Department of Edu-
16 cation Appropriations Act, 2019”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established under section 8502 of title 41, United States
9 Code, \$8,250,000: *Provided*, That in order to authorize
10 any central nonprofit agency designated pursuant to sec-
11 tion 8503(e) of title 41, United States Code, to perform
12 contract requirements of the Committee as prescribed
13 under section 51–3.2 of title 41, Code of Federal Regula-
14 tions, the Committee shall enter into a written agreement
15 with any such central nonprofit agency: *Provided further*,
16 That such agreement entered into under the preceding
17 proviso shall contain such auditing, oversight, and report-
18 ing provisions as necessary to implement chapter 85 of
19 title 41, United States Code: *Provided further*, That such
20 agreement shall include the elements listed under this
21 heading in the explanatory statement accompanying Pub-
22 lic Law 114–113: *Provided further*, That a fee may not
23 be charged under section 51–3.5 of title 41, Code of Fed-
24 eral Regulations, unless such fee is under the terms of
25 the written agreement between the Committee and any

1 such central nonprofit agency: *Provided further*, That no
2 less than \$1,250,000 shall be available for the Office of
3 Inspector General.

4 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
5 OPERATING EXPENSES

6 For necessary expenses for the Corporation for Na-
7 tional and Community Service (referred to in this title as
8 “CNCS”) to carry out the Domestic Volunteer Service Act
9 of 1973 (referred to in this title as “1973 Act”) and the
10 National and Community Service Act of 1990 (referred
11 to in this title as “1990 Act”), \$770,629,000, notwith-
12 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
13 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
14 amounts provided under this heading: (1) up to 1 percent
15 of program grant funds may be used to defray the costs
16 of conducting grant application reviews, including the use
17 of outside peer reviewers and electronic management of
18 the grants cycle; (2) \$17,538,000 shall be available to pro-
19 vide assistance to State commissions on national and com-
20 munity service, under section 126(a) of the 1990 Act and
21 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
22 \$32,000,000 shall be available to carry out subtitle E of
23 the 1990 Act; and (4) \$5,400,000 shall be available for
24 expenses authorized under section 501(a)(4)(F) of the
25 1990 Act, which, notwithstanding the provisions of section

1 198P shall be awarded by CNCS on a competitive basis:
2 *Provided further*, That for the purposes of carrying out
3 the 1990 Act, satisfying the requirements in section
4 122(c)(1)(D) may include a determination of need by the
5 local community.

6 PAYMENT TO THE NATIONAL SERVICE TRUST

7 (INCLUDING TRANSFER OF FUNDS)

8 For payment to the National Service Trust estab-
9 lished under subtitle D of title I of the 1990 Act,
10 \$198,163,000, to remain available until expended: *Pro-*
11 *vided*, That CNCS may transfer additional funds from the
12 amount provided within “Operating Expenses” allocated
13 to grants under subtitle C of title I of the 1990 Act to
14 the National Service Trust upon determination that such
15 transfer is necessary to support the activities of national
16 service participants and after notice is transmitted to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate: *Provided further*, That amounts ap-
19 propriated for or transferred to the National Service Trust
20 may be invested under section 145(b) of the 1990 Act
21 without regard to the requirement to apportion funds
22 under 31 U.S.C. 1513(b).

23 SALARIES AND EXPENSES

24 For necessary expenses of administration as provided
25 under section 501(a)(5) of the 1990 Act and under section

1 504(a) of the 1973 Act, including payment of salaries, au-
2 thorized travel, hire of passenger motor vehicles, the rental
3 of conference rooms in the District of Columbia, the em-
4 ployment of experts and consultants authorized under 5
5 U.S.C. 3109, and not to exceed \$2,500 for official recep-
6 tion and representation expenses, \$83,737,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the Inspector General Act of 1978,
10 \$5,750,000.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. CNCS shall make any significant changes
13 to program requirements, service delivery or policy only
14 through public notice and comment rulemaking. For fiscal
15 year 2019, during any grant selection process, an officer
16 or employee of CNCS shall not knowingly disclose any cov-
17 ered grant selection information regarding such selection,
18 directly or indirectly, to any person other than an officer
19 or employee of CNCS that is authorized by CNCS to re-
20 ceive such information.

21 SEC. 402. AmeriCorps programs receiving grants
22 under the National Service Trust program shall meet an
23 overall minimum share requirement of 24 percent for the
24 first 3 years that they receive AmeriCorps funding, and
25 thereafter shall meet the overall minimum share require-

1 ment as provided in section 2521.60 of title 45, Code of
2 Federal Regulations, without regard to the operating costs
3 match requirement in section 121(e) or the member sup-
4 port Federal share limitations in section 140 of the 1990
5 Act, and subject to partial waiver consistent with section
6 2521.70 of title 45, Code of Federal Regulations.

7 SEC. 403. Donations made to CNCS under section
8 196 of the 1990 Act for the purposes of financing pro-
9 grams and operations under titles I and II of the 1973
10 Act or subtitle B, C, D, or E of title I of the 1990 Act
11 shall be used to supplement and not supplant current pro-
12 grams and operations.

13 SEC. 404. In addition to the requirements in section
14 146(a) of the 1990 Act, use of an educational award for
15 the purpose described in section 148(a)(4) shall be limited
16 to individuals who are veterans as defined under section
17 101 of the Act.

18 SEC. 405. For the purpose of carrying out section
19 189D of the 1990 Act—

20 (1) entities described in paragraph (a) of such
21 section shall be considered “qualified entities” under
22 section 3 of the National Child Protection Act of
23 1993 (“NCPA”);

1 (2) individuals described in such section shall
2 be considered “volunteers” under section 3 of
3 NCPA; and

4 (3) State Commissions on National and Com-
5 munity Service established pursuant to section 178
6 of the 1990 Act, are authorized to receive criminal
7 history record information, consistent with Public
8 Law 92–544.

9 SEC. 406. Notwithstanding sections 139(b), 146 and
10 147 of the 1990 Act, an individual who successfully com-
11 pletes a term of service of not less than 1,200 hours dur-
12 ing a period of not more than one year may receive a na-
13 tional service education award having a value of 70 per-
14 cent of the value of a national service education award
15 determined under section 147(a) of the Act.

16 CORPORATION FOR PUBLIC BROADCASTING

17 For payment to the Corporation for Public Broad-
18 casting (“CPB”), as authorized by the Communications
19 Act of 1934, an amount which shall be available within
20 limitations specified by that Act, for the fiscal year 2021,
21 \$445,000,000: *Provided*, That none of the funds made
22 available to CPB by this Act shall be used to pay for re-
23 ceptions, parties, or similar forms of entertainment for
24 Government officials or employees: *Provided further*, That
25 none of the funds made available to CPB by this Act shall

1 be available or used to aid or support any program or ac-
2 tivity from which any person is excluded, or is denied ben-
3 efits, or is discriminated against, on the basis of race,
4 color, national origin, religion, or sex: *Provided further*,
5 That none of the funds made available to CPB by this
6 Act shall be used to apply any political test or qualification
7 in selecting, appointing, promoting, or taking any other
8 personnel action with respect to officers, agents, and em-
9 ployees of CPB: *Provided further*, That none of the funds
10 made available to CPB by this Act shall be used to support
11 the Television Future Fund or any similar purpose.

12 In addition, for the costs associated with replacing
13 and upgrading the public broadcasting interconnection
14 system and other technologies and services that create in-
15 frastructure and efficiencies within the public media sys-
16 tem, \$20,000,000.

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service (“Service”) to carry out the func-
21 tions vested in it by the Labor-Management Relations Act,
22 1947, including hire of passenger motor vehicles; for ex-
23 penses necessary for the Labor-Management Cooperation
24 Act of 1978; and for expenses necessary for the Service
25 to carry out the functions vested in it by the Civil Service

1 Reform Act, \$46,650,000, including up to \$900,000 to re-
2 main available through September 30, 2020, for activities
3 authorized by the Labor-Management Cooperation Act of
4 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
5 fees charged, up to full-cost recovery, for special training
6 activities and other conflict resolution services and tech-
7 nical assistance, including those provided to foreign gov-
8 ernments and international organizations, and for arbitra-
9 tion services shall be credited to and merged with this ac-
10 count, and shall remain available until expended: *Provided*
11 *further*, That fees for arbitration services shall be available
12 only for education, training, and professional development
13 of the agency workforce: *Provided further*, That the Direc-
14 tor of the Service is authorized to accept and use on behalf
15 of the United States gifts of services and real, personal,
16 or other property in the aid of any projects or functions
17 within the Director's jurisdiction.

18 FEDERAL MINE SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Federal Mine Safety
22 and Health Review Commission, \$17,184,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$242,000,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$8,480,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$12,545,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, \$3,250,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$274,224,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 407. None of the funds provided by this Act
21 or previous Acts making appropriations for the National
22 Labor Relations Board may be used to issue any new ad-
23 ministrative directive or regulation that would provide em-
24 ployees any means of voting through any electronic means

1 in an election to determine a representative for the pur-
2 poses of collective bargaining.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions
6 of the Railway Labor Act, including emergency boards ap-
7 pointed by the President, \$13,800,000.

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Occupational Safety
12 and Health Review Commission, \$13,225,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$19,000,000, which shall include
18 amounts becoming available in fiscal year 2019 pursuant
19 to section 224(e)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

1 equal amounts on the first day of each month in the fiscal
2 year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2020, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$123,500,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013: *Pro-*

1 *vided further*, That \$10,000,000, to remain available until
2 expended, shall be used to supplement, not supplant, exist-
3 ing resources devoted to operations and improvements for
4 the Board's Information Technology Investment Initia-
5 tives.

6 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General for audit, investigatory and review activities, as
9 authorized by the Inspector General Act of 1978, not more
10 than \$11,000,000, to be derived from the railroad retire-
11 ment accounts and railroad unemployment insurance ac-
12 count.

13 SOCIAL SECURITY ADMINISTRATION

14 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

15 For payment to the Federal Old-Age and Survivors
16 Insurance Trust Fund and the Federal Disability Insur-
17 ance Trust Fund, as provided under sections 201(m) and
18 1131(b)(2) of the Social Security Act, \$11,000,000.

19 SUPPLEMENTAL SECURITY INCOME PROGRAM

20 For carrying out titles XI and XVI of the Social Se-
21 curity Act, section 401 of Public Law 92-603, section 212
22 of Public Law 93-66, as amended, and section 405 of
23 Public Law 95-216, including payment to the Social Secu-
24 rity trust funds for administrative expenses incurred pur-
25 suant to section 201(g)(1) of the Social Security Act,

1 \$41,390,721,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury: *Pro-*
5 *vided further*, That not more than \$101,000,000 shall be
6 available for research and demonstrations under sections
7 1110, 1115, and 1144 of the Social Security Act, and re-
8 main available through September 30, 2021.

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

13 For making benefit payments under title XVI of the
14 Social Security Act for the first quarter of fiscal year
15 2020, \$19,700,000,000, to remain available until ex-
16 pended.

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 For necessary expenses, including the hire of two pas-
19 senger motor vehicles, and not to exceed \$20,000 for offi-
20 cial reception and representation expenses, not more than
21 \$12,816,945,000 may be expended, as authorized by sec-
22 tion 201(g)(1) of the Social Security Act, from any one
23 or all of the trust funds referred to in such section: *Pro-*
24 *vided*, That not less than \$2,300,000 shall be for the So-
25 cial Security Advisory Board: *Provided further*, That

1 \$85,000,000 shall remain available until expended for in-
2 formation technology modernization, including related
3 hardware and software infrastructure and equipment, and
4 for administrative expenses directly associated with infor-
5 mation technology modernization: *Provided further*, That
6 \$100,000,000 shall remain available through September
7 30, 2020, for activities to address the disability hearings
8 backlog within the Office of Hearings Operations: *Pro-*
9 *vided further*, That unobligated balances of funds provided
10 under this paragraph at the end of fiscal year 2019 not
11 needed for fiscal year 2019 shall remain available until
12 expended to invest in the Social Security Administration
13 information technology and telecommunications hardware
14 and software infrastructure, including related equipment
15 and non-payroll administrative expenses associated solely
16 with this information technology and telecommunications
17 infrastructure: *Provided further*, That the Commissioner
18 of Social Security shall notify the Committees on Appro-
19 priations of the House of Representatives and the Senate
20 prior to making unobligated balances available under the
21 authority in the previous proviso: *Provided further*, That
22 reimbursement to the trust funds under this heading for
23 expenditures for official time for employees of the Social
24 Security Administration pursuant to 5 U.S.C. 7131, and
25 for facilities or support services for labor organizations

1 pursuant to policies, regulations, or procedures referred
2 to in section 7135(b) of such title shall be made by the
3 Secretary of the Treasury, with interest, from amounts in
4 the general fund not otherwise appropriated, as soon as
5 possible after such expenditures are made.

6 Of the total amount made available under this head-
7 ing, not more than \$1,683,000,000, to remain available
8 through March 31, 2020, is for the costs associated with
9 continuing disability reviews under titles II and XVI of
10 the Social Security Act, including work-related continuing
11 disability reviews to determine whether earnings derived
12 from services demonstrate an individual's ability to engage
13 in substantial gainful activity, for the cost associated with
14 conducting redeterminations of eligibility under title XVI
15 of the Social Security Act, for the cost of co-operative dis-
16 ability investigation units, and for the cost associated with
17 the prosecution of fraud in the programs and operations
18 of the Social Security Administration by Special Assistant
19 United States Attorneys: *Provided*, That, of such amount,
20 \$273,000,000 is provided to meet the terms of section
21 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985, as amended, and
23 \$1,410,000,000 is additional new budget authority speci-
24 fied for purposes of section 251(b)(2)(B) of such Act: *Pro-*
25 *vided further*, That the Commissioner shall provide to the

1 Congress (at the conclusion of the fiscal year) a report
2 on the obligation and expenditure of these funds, similar
3 to the reports that were required by section 103(d)(2) of
4 Public Law 104–121 for fiscal years 1996 through 2002.

5 In addition, \$134,000,000 to be derived from admin-
6 istration fees in excess of \$5.00 per supplementary pay-
7 ment collected pursuant to section 1616(d) of the Social
8 Security Act or section 212(b)(3) of Public Law 93–66,
9 which shall remain available until expended. To the extent
10 that the amounts collected pursuant to such sections in
11 fiscal year 2019 exceed \$134,000,000, the amounts shall
12 be available in fiscal year 2020 only to the extent provided
13 in advance in appropriations Acts.

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

18 OFFICE OF INSPECTOR GENERAL

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$30,000,000, together with not to
23 exceed \$75,500,000, to be transferred and expended as
24 authorized by section 201(g)(1) of the Social Security Act

1 from the Federal Old-Age and Survivors Insurance Trust
2 Fund and the Federal Disability Insurance Trust Fund.

3 In addition, an amount not to exceed 3 percent of
4 the total provided in this appropriation may be transferred
5 from the “Limitation on Administrative Expenses”, Social
6 Security Administration, to be merged with this account,
7 to be available for the time and purposes for which this
8 account is available: *Provided*, That notice of such trans-
9 fers shall be transmitted promptly to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

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

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

11 SEC. 503. (a) No part of any appropriation contained
12 in this Act or transferred pursuant to section 4002 of
13 Public Law 111–148 shall be used, other than for normal
14 and recognized executive-legislative relationships, for pub-
15 licity or propaganda purposes, for the preparation, dis-
16 tribution, or use of any kit, pamphlet, booklet, publication,
17 electronic communication, radio, television, or video pres-
18 entation designed to support or defeat the enactment of
19 legislation before the Congress or any State or local legis-
20 lature or legislative body, except in presentation to the
21 Congress or any State or local legislature itself, or de-
22 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111–148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

19 (c) The prohibitions in subsections (a) and (b) shall
20 include any activity to advocate or promote any proposed,
21 pending or future Federal, State or local tax increase, or
22 any proposed, pending, or future requirement or restric-
23 tion on any legal consumer product, including its sale or
24 marketing, including but not limited to the advocacy or
25 promotion of gun control.

1 SEC. 504. The Secretaries of Labor and Education
2 are authorized to make available not to exceed \$28,000
3 and \$20,000, respectively, from funds available for sala-
4 ries and expenses under titles I and III, respectively, for
5 official reception and representation expenses; the Direc-
6 tor of the Federal Mediation and Conciliation Service is
7 authorized to make available for official reception and rep-
8 resentation expenses not to exceed \$5,000 from the funds
9 available for “Federal Mediation and Conciliation Service,
10 Salaries and Expenses”; and the Chairman of the Na-
11 tional Mediation Board is authorized to make available for
12 official reception and representation expenses not to ex-
13 ceed \$5,000 from funds available for “National Mediation
14 Board, Salaries and Expenses”.

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

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

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

6 SEC. 506. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

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

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

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

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

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

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

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

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

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

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

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

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

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

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

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

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

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2019, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

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

1 (4) relocates an office or employees;

2 (5) reorganizes or renames offices;

3 (6) reorganizes programs or activities; or

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

6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are consulted 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier, and are notified in writing 10 days in advance
11 of such reprogramming.

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2019, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

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

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

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress;
5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are consulted 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier, and are notified in writing 10 days in advance
10 of such reprogramming.

11 SEC. 515. (a) None of the funds made available in
12 this Act may be used to request that a candidate for ap-
13 pointment to a Federal scientific advisory committee dis-
14 close the political affiliation or voting history of the can-
15 didate or the position that the candidate holds with re-
16 spect to political issues not directly related to and nec-
17 essary for the work of the committee involved.

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

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2019 that are different than those specified

1 in this Act, the accompanying detailed table in the report
2 accompanying this Act or the fiscal year 2019 budget re-
3 quest.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000 in value and awarded by the
10 Department on a non-competitive basis during each quar-
11 ter of fiscal year 2019, but not to include grants awarded
12 on a formula basis or directed by law. Such report shall
13 include the name of the contractor or grantee, the amount
14 of funding, the governmental purpose, including a jus-
15 tification for issuing the award on a non-competitive basis.
16 Such report shall be transmitted to the Committees within
17 30 days after the end of the quarter for which the report
18 is submitted.

19 SEC. 518. None of the funds appropriated in this Act
20 shall be expended or obligated by the Commissioner of So-
21 cial Security, for purposes of administering Social Security
22 benefit payments under title II of the Social Security Act,
23 to process any claim for credit for a quarter of coverage
24 based on work performed under a social security account
25 number that is not the claimant's number and the per-

1 formance of such work under such number has formed the
2 basis for a conviction of the claimant of a violation of sec-
3 tion 208(a)(6) or (7) of the Social Security Act.

4 SEC. 519. None of the funds appropriated by this Act
5 may be used by the Commissioner of Social Security or
6 the Social Security Administration to pay the compensa-
7 tion of employees of the Social Security Administration
8 to administer Social Security benefit payments, under any
9 agreement between the United States and Mexico estab-
10 lishing totalization arrangements between the social secu-
11 rity system established by title II of the Social Security
12 Act and the social security system of Mexico, which would
13 not otherwise be payable but for such agreement.

14 SEC. 520. Notwithstanding any other provision of
15 this Act, no funds appropriated in this Act shall be used
16 to purchase sterile needles or syringes for the hypodermic
17 injection of any illegal drug: *Provided*, That such limita-
18 tion does not apply to the use of funds for elements of
19 a program other than making such purchases if the rel-
20 evant State or local health department, in consultation
21 with the Centers for Disease Control and Prevention, de-
22 termines that the State or local jurisdiction, as applicable,
23 is experiencing, or is at risk for, a significant increase in
24 hepatitis infections or an HIV outbreak due to injection

1 drug use, and such program is operating in accordance
2 with State and local law.

3 SEC. 521. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

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

11 SEC. 522. None of the funds made available under
12 this or any other Act, or any prior Appropriations Act,
13 may be provided to the Association of Community Organi-
14 zations for Reform Now (ACORN), or any of its affiliates,
15 subsidiaries, allied organizations, or successors.

16 SEC. 523. For purposes of carrying out Executive
17 Order 13589, Office of Management and Budget Memo-
18 randum M-12-12 dated May 11, 2012, and requirements
19 contained in the annual appropriations bills relating to
20 conference attendance and expenditures:

21 (1) the operating divisions of HHS shall be con-
22 sidered independent agencies; and

23 (2) attendance at and support for scientific con-
24 ferences shall be tabulated separately from and not
25 included in agency totals.

1 SEC. 524. Federal agencies funded under this Act
2 shall clearly state within the text, audio, or video used for
3 advertising or educational purposes, including emails or
4 Internet postings, that the communication is printed, pub-
5 lished, or produced and disseminated at U.S. taxpayer ex-
6 pense. The funds used by a Federal agency to carry out
7 this requirement shall be derived from amounts made
8 available to the agency for advertising or other commu-
9 nications regarding the programs and activities of the
10 agency.

11 SEC. 525. (a) Federal agencies may use Federal dis-
12 cretionary funds that are made available in this Act to
13 carry out up to 10 Performance Partnership Pilots. Such
14 Pilots shall be governed by the provisions of section 526
15 of division H of Public Law 113–76, except that in car-
16 rying out such Pilots section 526 shall be applied by sub-
17 stituting “FISCAL YEAR 2019” for “FISCAL YEAR 2014”
18 in the title of subsection (b) and by substituting “Sep-
19 tember 30, 2023” for “September 30, 2018” each place
20 it appears: *Provided*, That such pilots shall include com-
21 munities that have experienced civil unrest.

22 (b) In addition, Federal agencies may use Federal
23 discretionary funds that are made available in this Act to
24 participate in Performance Partnership Pilots that are
25 being carried out pursuant to the authority provided by

1 section 526 of division H of Public Law 113–76, section
2 524 of division G of Public Law 113–235, section 525 of
3 division H of Public Law 114–113, section 525 of division
4 H of Public Law 115–31, and section 525 of division H
5 of Public Law 115–141.

6 (c) Pilot sites selected under authorities in this Act
7 and prior appropriations Acts may be granted by relevant
8 agencies up to an additional 5 years to operate under such
9 authorities.

10 SEC. 526. Not later than 30 days after the end of
11 each calendar quarter, beginning with the first month of
12 fiscal year 2019, the Departments of Labor, Health and
13 Human Services and Education and the Social Security
14 Administration shall provide the Committees on Appro-
15 priations of the House of Representatives and Senate a
16 report on the status of balances of appropriations: *Pro-*
17 *vided*, That for balances that are unobligated and uncom-
18 mitted, committed, and obligated but unexpended, the
19 monthly reports shall separately identify the amounts at-
20 tributable to each source year of appropriation (beginning
21 with fiscal year 2012, or, to the extent feasible, earlier
22 fiscal years) from which balances were derived.

23 (RESCISSION)

24 SEC. 527. Of any available amounts appropriated
25 under section 2104(a)(22) of the Social Security Act (42

1 U.S.C. 1397dd) that are unobligated as of September 25,
2 2019, \$3,345,000,000 are hereby rescinded as of such
3 date.

4 SEC. 528. Of the amounts deposited in the Child En-
5 rollment Contingency Fund for fiscal year 2019 under sec-
6 tion 2104(n)(2) of the Social Security Act and the income
7 derived from investment of those funds pursuant to sec-
8 tion 2104(n)(2)(C) of that Act, \$3,398,000,000 shall not
9 be available for obligation in this fiscal year.

10 This Act may be cited as the “Departments of Labor,
11 Health and Human Services, and Education, and Related
12 Agencies Appropriations Act, 2019”.

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115TH CONGRESS
2^D SESSION

S. 3158

[Report No. 115-289]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

JUNE 28, 2018

Read twice and placed on the calendar