

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000116TH CONGRESS
2^D SESSION**S. 0000****[Report No. 116-000]**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER _____, 2020

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, 2021, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Labor, Health and Human Services, and
4 Education, and related agencies for the fiscal year ending
5 September 30, 2021, and for other purposes, namely:

6

TITLE I

7

DEPARTMENT OF LABOR

8

EMPLOYMENT AND TRAINING ADMINISTRATION

9

TRAINING AND EMPLOYMENT SERVICES

10 For necessary expenses of the Workforce Innovation
11 and Opportunity Act (referred to in this Act as “WIOA”)
12 and the National Apprenticeship Act, \$3,585,200,000,
13 plus reimbursements, shall be available. Of the amounts
14 provided:

15 (1) for grants to States for adult employment
16 and training activities, youth activities, and dis-
17 located worker employment and training activities,
18 \$2,819,832,000 as follows:

19 (A) \$854,649,000 for adult employment
20 and training activities, of which \$142,649,000
21 shall be available for the period July 1, 2021
22 through June 30, 2022, and of which
23 \$712,000,000 shall be available for the period
24 October 1, 2021 through June 30, 2022;

1 (B) \$913,130,000 for youth activities,
2 which shall be available for the period April 1,
3 2021 through June 30, 2022; and

4 (C) \$1,052,053,000 for dislocated worker
5 employment and training activities, of which
6 \$192,053,000 shall be available for the period
7 July 1, 2021 through June 30, 2022, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2021 through June 30, 2022:

10 *Provided*, That the funds available for allotment to out-
11 lying areas to carry out subtitle B of title I of the WIOA
12 shall not be subject to the requirements of section
13 127(b)(1)(B)(ii) of such Act; and

14 (2) for national programs, \$765,368,000 as fol-
15 lows:

16 (A) \$230,859,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$30,859,000 shall be available for the period
19 July 1, 2021 through September 30, 2022, and
20 of which \$200,000,000 shall be available for the
21 period October 1, 2021 through September 30,
22 2022: *Provided*, That funds provided to carry
23 out section 132(a)(2)(A) of the WIOA may be
24 used to provide assistance to a State for state-
25 wide or local use in order to address cases

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

1 U.S.C. 14102(a)(1) and workers in the Lower
2 Mississippi, as defined in section 4(2) of the
3 Delta Development Act (Public Law 100–460,
4 102 Stat. 2246; 7 U.S.C. 2009aa(2));

5 (B) \$55,000,000 for Native American pro-
6 grams under section 166 of the WIOA, which
7 shall be available for the period July 1, 2021
8 through June 30, 2022;

9 (C) \$91,896,000 for migrant and seasonal
10 farmworker programs under section 167 of the
11 WIOA, including \$85,229,000 for formula
12 grants (of which not less than 70 percent shall
13 be for employment and training services),
14 \$6,122,000 for migrant and seasonal housing
15 (of which not less than 70 percent shall be for
16 permanent housing), and \$545,000 for other
17 discretionary purposes, which shall be available
18 for the period April 1, 2021 through June 30,
19 2022: *Provided*, That notwithstanding any
20 other provision of law or related regulation, the
21 Department of Labor shall take no action lim-
22 iting the number or proportion of eligible par-
23 ticipants receiving related assistance services or
24 discouraging grantees from providing such serv-
25 ices;

1 (D) \$94,534,000 for YouthBuild activities
2 as described in section 171 of the WIOA, which
3 shall be available for the period April 1, 2021
4 through June 30, 2022;

5 (E) \$98,079,000 for ex-offender activities,
6 under the authority of section 169 of the
7 WIOA, which shall be available for the period
8 April 1, 2021 through June 30, 2022: *Provided,*
9 That of this amount, \$25,000,000 shall be for
10 competitive grants to national and regional
11 intermediaries for activities that prepare young
12 ex-offenders and school dropouts for employ-
13 ment, with a priority for projects serving high-
14 crime, high-poverty areas;

15 (F) \$185,000,000 to expand opportunities
16 through apprenticeships only registered under
17 the National Apprenticeship Act and as referred
18 to in section 3(7)(B) of the WIOA, to be avail-
19 able to the Secretary to carry out activities
20 through grants, cooperative agreements, con-
21 tracts and other arrangements, with States and
22 other appropriate entities, which shall be avail-
23 able for the period July 1, 2021 through June
24 30, 2022; and

1 (G) \$10,000,000 to expand apprenticeship
2 opportunities through grants, cooperative agree-
3 ments, contracts, or other arrangements with
4 Standards Recognition Entities recognized by
5 the Department of Labor under the Industry
6 Recognized Apprenticeship Program authorized
7 by the National Apprenticeship Act, which shall
8 be available for the period July 1, 2021 through
9 June 30, 2022.

10 JOB CORPS

11 (INCLUDING TRANSFER OF FUNDS)

12 To carry out subtitle C of title I of the WIOA, includ-
13 ing Federal administrative expenses, the purchase and
14 hire of passenger motor vehicles, the construction, alter-
15 ation, and repairs of buildings and other facilities, and the
16 purchase of real property for training centers as author-
17 ized by the WIOA, \$1,743,655,000, plus reimbursements,
18 as follows:

19 (1) \$1,603,325,000 for Job Corps Operations,
20 which shall be available for the period July 1, 2021
21 through June 30, 2022;

22 (2) \$108,000,000 for construction, rehabilita-
23 tion and acquisition of Job Corps Centers, which
24 shall be available for the period July 1, 2021
25 through June 30, 2024, and which may include the

1 acquisition, maintenance, and repair of major items
2 of equipment: *Provided*, That the Secretary may
3 transfer up to 15 percent of such funds to meet the
4 operational needs of such centers or to achieve ad-
5 ministrative efficiencies: *Provided further*, That any
6 funds transferred pursuant to the preceding provi-
7 sion shall not be available for obligation after June
8 30, 2022: *Provided further*, That the Committees on
9 Appropriations of the House of Representatives and
10 the Senate are notified at least 15 days in advance
11 of any transfer; and

12 (3) \$32,330,000 for necessary expenses of Job
13 Corps, which shall be available for obligation for the
14 period October 1, 2020 through September 30,
15 2021:

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

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
20 AMERICANS

21 To carry out title V of the Older Americans Act of
22 1965 (referred to in this Act as “OAA”), \$305,000,000,
23 which shall be available for the period April 1, 2021
24 through June 30, 2022, and may be recaptured and reobli-
25 gated in accordance with section 517(c) of the OAA.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2021 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, and including benefit
10 payments, allowances, training, employment and case
11 management services, and related State administration
12 provided pursuant to section 231(a) of the Trade Adjust-
13 ment Assistance Extension Act of 2011 and section 405(a)
14 of the Trade Preferences Extension Act of 2015,
15 \$633,600,000 together with such amounts as may be nec-
16 essary to be charged to the subsequent appropriation for
17 payments for any period subsequent to September 15,
18 2021: *Provided*, That notwithstanding section 502 of this
19 Act, any part of the appropriation provided under this
20 heading may remain available for obligation beyond the
21 current fiscal year pursuant to the authorities of section
22 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$84,066,000, together with not to exceed \$3,321,583,000
5 which may be expended from the Employment Security
6 Administration Account in the Unemployment Trust Fund
7 (“the Trust Fund”), of which:

8 (1) \$2,565,816,000 from the Trust Fund is for
9 grants to States for the administration of State un-
10 employment insurance laws as authorized under title
11 III of the Social Security Act (including not less
12 than \$200,000,000 to carry out reemployment serv-
13 ices and eligibility assessments under section 306 of
14 such Act, any claimants of regular compensation, as
15 defined in such section, including those who are
16 profiled as most likely to exhaust their benefits, may
17 be eligible for such services and assessments: *Pro-*
18 *vided*, That of such amount, \$117,000,000 is speci-
19 fied for grants under section 306 of the Social Secu-
20 rity Act and is provided to meet the terms of section
21 251(b)(2)(E)(ii) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985, as amended, and
23 \$83,000,000 is additional new budget authority
24 specified for purposes of section 251(b)(2)(E)(i)(II)
25 of such Act; and \$9,000,000 for continued support

1 of the Unemployment Insurance Integrity Center of
2 Excellence), the administration of unemployment in-
3 surance for Federal employees and for ex-service
4 members as authorized under 5 U.S.C. 8501–8523,
5 and the administration of trade readjustment allow-
6 ances, reemployment trade adjustment assistance,
7 and alternative trade adjustment assistance under
8 the Trade Act of 1974 and under section 231(a) of
9 the Trade Adjustment Assistance Extension Act of
10 2011 and section 405(a) of the Trade Preferences
11 Extension Act of 2015, and shall be available for ob-
12 ligation by the States through December 31, 2021,
13 except that funds used for automation shall be avail-
14 able for Federal obligation through December 31,
15 2021, and for State obligation through September
16 30, 2023, or, if the automation is being carried out
17 through consortia of States, for State obligation
18 through September 30, 2027, and for expenditure
19 through September 30, 2028, and funds for competi-
20 tive grants awarded to States for improved oper-
21 ations and to conduct in-person reemployment and
22 eligibility assessments and unemployment insurance
23 improper payment reviews and provide reemploy-
24 ment services and referrals to training, as appro-
25 priate, shall be available for Federal obligation

1 through December 31, 2021, and for obligation by
2 the States through September 30, 2023, and funds
3 for the Unemployment Insurance Integrity Center of
4 Excellence shall be available for obligation by the
5 State through September 30, 2022, and funds used
6 for unemployment insurance workloads experienced
7 through September 30, 2021 shall be available for
8 Federal obligation through December 31, 2021;

9 (2) \$18,000,000 from the Trust Fund is for na-
10 tional activities necessary to support the administra-
11 tion of the Federal-State unemployment insurance
12 system;

13 (3) \$646,639,000 from the Trust Fund, to-
14 gether with \$21,413,000 from the General Fund of
15 the Treasury, is for grants to States in accordance
16 with section 6 of the Wagner-Peyser Act, and shall
17 be available for Federal obligation for the period
18 July 1, 2021 through June 30, 2022;

19 (4) \$22,318,000 from the Trust Fund is for na-
20 tional activities of the Employment Service, includ-
21 ing administration of the work opportunity tax cred-
22 it under section 51 of the Internal Revenue Code of
23 1986, and the provision of technical assistance and
24 staff training under the Wagner-Peyser Act;

1 (5) \$68,810,000 from the Trust Fund is for the
2 administration of foreign labor certifications and re-
3 lated activities under the Immigration and Nation-
4 ality Act and related laws, of which \$54,528,000
5 shall be available for the Federal administration of
6 such activities, and \$14,282,000 shall be available
7 for grants to States for the administration of such
8 activities; and

9 (6) \$62,653,000 from the General Fund is to
10 provide workforce information, national electronic
11 tools, and one-stop system building under the Wag-
12 ner-Peyser Act and shall be available for Federal ob-
13 ligation for the period July 1, 2021 through June
14 30, 2022:

15 *Provided*, That funds appropriated in this Act that are
16 allotted to a State to carry out activities under title III
17 of the Social Security Act may be used by such State to
18 assist other States in carrying out activities under such
19 title III if the other States include areas that have suffered
20 a major disaster declared by the President under the Rob-
21 ert T. Stafford Disaster Relief and Emergency Assistance
22 Act: *Provided further*, That the Secretary may use funds
23 appropriated for grants to States under title III of the
24 Social Security Act to make payments on behalf of States
25 for the use of the National Directory of New Hires under

1 section 453(j)(8) of such Act: *Provided further*, That the
2 Secretary may use funds appropriated for grants to States
3 under title III of the Social Security Act to make pay-
4 ments on behalf of States to the entity operating the State
5 Information Data Exchange System: *Provided further*,
6 That funds appropriated in this Act which are used to es-
7 tablish a national one-stop career center system, or which
8 are used to support the national activities of the Federal-
9 State unemployment insurance, employment service, or
10 immigration programs, may be obligated in contracts,
11 grants, or agreements with States and non-State entities:
12 *Provided further*, That States awarded competitive grants
13 for improved operations under title III of the Social Secu-
14 rity Act, or awarded grants to support the national activi-
15 ties of the Federal-State unemployment insurance system,
16 may award subgrants to other States and non-State enti-
17 ties under such grants, subject to the conditions applicable
18 to the grants: *Provided further*, That funds appropriated
19 under this Act for activities authorized under title III of
20 the Social Security Act and the Wagner-Peyser Act may
21 be used by States to fund integrated Unemployment In-
22 surance and Employment Service automation efforts, not-
23 withstanding cost allocation principles prescribed under
24 the final rule entitled “Uniform Administrative Require-
25 ments, Cost Principles, and Audit Requirements for Fed-

1 eral Awards” at part 200 of title 2, Code of Federal Regu-
2 lations: *Provided further*, That the Secretary, at the re-
3 quest of a State participating in a consortium with other
4 States, may reallocate funds allotted to such State under title
5 III of the Social Security Act to other States participating
6 in the consortium or to the entity operating the Unemploy-
7 ment Insurance Information Technology Support Center
8 in order to carry out activities that benefit the administra-
9 tion of the unemployment compensation law of the State
10 making the request: *Provided further*, That the Secretary
11 may collect fees for the costs associated with additional
12 data collection, analyses, and reporting services relating
13 to the National Agricultural Workers Survey requested by
14 State and local governments, public and private institu-
15 tions of higher education, and nonprofit organizations and
16 may utilize such sums, in accordance with the provisions
17 of 29 U.S.C. 9a, for the National Agricultural Workers
18 Survey infrastructure, methodology, and data to meet the
19 information collection and reporting needs of such entities,
20 which shall be credited to this appropriation and shall re-
21 main available until September 30, 2022, for such pur-
22 poses.

16

1 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
2 OTHER FUNDS

3 For repayable advances to the Unemployment Trust
4 Fund as authorized by sections 905(d) and 1203 of the
5 Social Security Act, and to the Black Lung Disability
6 Trust Fund as authorized by section 9501(c)(1) of the In-
7 ternal Revenue Code of 1986; and for nonrepayable ad-
8 vances to the revolving fund established by section 901(e)
9 of the Social Security Act, to the Unemployment Trust
10 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
11 Unemployment Benefits and Allowances” account, such
12 sums as may be necessary, which shall be available for
13 obligation through September 30, 2022.

14 PROGRAM ADMINISTRATION

15 For expenses of administering employment and train-
16 ing programs, \$108,674,000, together with not to exceed
17 \$49,982,000 which may be expended from the Employ-
18 ment Security Administration Account in the Unemploy-
19 ment Trust Fund.

20 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Employee Benefits
23 Security Administration, \$181,000,000, of which up to
24 \$3,000,000 shall be made available through September 30,

1 2022, for the procurement of expert witnesses for enforce-
2 ment litigation.

3 PENSION BENEFIT GUARANTY CORPORATION

4 PENSION BENEFIT GUARANTY CORPORATION FUND

5 The Pension Benefit Guaranty Corporation (“Cor-
6 poration”) is authorized to make such expenditures, in-
7 cluding financial assistance authorized by subtitle E of
8 title IV of the Employee Retirement Income Security Act
9 of 1974, within limits of funds and borrowing authority
10 available to the Corporation, and in accord with law, and
11 to make such contracts and commitments without regard
12 to fiscal year limitations, as provided by 31 U.S.C. 9104,
13 as may be necessary in carrying out the program, includ-
14 ing associated administrative expenses, through Sep-
15 tember 30, 2021, for the Corporation: *Provided*, That
16 none of the funds available to the Corporation for fiscal
17 year 2021 shall be available for obligations for administra-
18 tive expenses in excess of \$465,289,000: *Provided further*,
19 That to the extent that the number of new plan partici-
20 pants in plans terminated by the Corporation exceeds
21 100,000 in fiscal year 2021, an amount not to exceed an
22 additional \$9,200,000 shall be available through Sep-
23 tember 30, 2025, for obligations for administrative ex-
24 penses for every 20,000 additional terminated partici-
25 pants: *Provided further*, That obligations in excess of the

1 amounts provided for administrative expenses in this para-
2 graph may be incurred and shall be available through Sep-
3 tember 30, 2025 for obligation for unforeseen and extraor-
4 dinary pre-termination or termination expenses or extraor-
5 dinary multiemployer program related expenses after ap-
6 proval by the Office of Management and Budget and noti-
7 fication of the Committees on Appropriations of the House
8 of Representatives and the Senate: *Provided further*, That
9 an additional amount shall be available for obligation
10 through September 30, 2025 to the extent the Corpora-
11 tion's expenses exceed \$250,000 for the provision of credit
12 or identity monitoring to affected individuals upon suf-
13 fering a security incident or privacy breach, not to exceed
14 an additional \$100 per affected individual.

15 WAGE AND HOUR DIVISION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Wage and Hour Divi-
18 sion, including reimbursement to State, Federal, and local
19 agencies and their employees for inspection services ren-
20 dered, \$242,000,000.

21 OFFICE OF LABOR-MANAGEMENT STANDARDS

22 SALARIES AND EXPENSES

23 For necessary expenses for the Office of Labor-Man-
24 agement Standards, \$48,187,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, \$105,976,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

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

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the

1 Longshore and Harbor Workers' Compensation Act,
2 \$239,000,000, together with such amounts as may be nec-
3 essary to be charged to the subsequent fiscal year appro-
4 priation for the payment of compensation and other bene-
5 fits for any period subsequent to August 15 of the current
6 fiscal year, for deposit into and to assume the attributes
7 of the Employees' Compensation Fund established under
8 5 U.S.C. 8147(a): *Provided*, That amounts appropriated
9 may be used under 5 U.S.C. 8104 by the Secretary to
10 reimburse an employer, who is not the employer at the
11 time of injury, for portions of the salary of a re-employed,
12 disabled beneficiary: *Provided further*, That balances of re-
13 imbursements unobligated on September 30, 2020, shall
14 remain available until expended for the payment of com-
15 pensation, benefits, and expenses: *Provided further*, That
16 in addition there shall be transferred to this appropriation
17 from the Postal Service and from any other corporation
18 or instrumentality required under 5 U.S.C. 8147(c) to pay
19 an amount for its fair share of the cost of administration,
20 such sums as the Secretary determines to be the cost of
21 administration for employees of such fair share entities
22 through September 30, 2021: *Provided further*, That of
23 those funds transferred to this account from the fair share
24 entities to pay the cost of administration of the Federal

1 Employees' Compensation Act, \$80,257,000 shall be made
2 available to the Secretary as follows:

3 (1) For enhancement and maintenance of auto-
4 mated data processing systems operations and tele-
5 communications systems, \$27,220,000;

6 (2) For automated workload processing oper-
7 ations, including document imaging, centralized mail
8 intake, and medical bill processing, \$25,647,000;

9 (3) For periodic roll disability management and
10 medical review, \$25,648,000;

11 (4) For program integrity, \$1,742,000; and

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

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

20 SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety
22 and Health Act of 1977, as amended by Public Law 107-
23 275, \$40,970,000, to remain available until expended.

24 For making after July 31 of the current fiscal year,
25 benefit payments to individuals under title IV of such Act,

1 for costs incurred in the current fiscal year, such amounts
2 as may be necessary.

3 For making benefit payments under title IV for the
4 first quarter of fiscal year 2022, \$14,000,000, to remain
5 available until expended.

6 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

7 OCCUPATIONAL ILLNESS COMPENSATION FUND

8 For necessary expenses to administer the Energy
9 Employees Occupational Illness Compensation Program
10 Act, \$62,507,000, to remain available until expended: *Pro-*
11 *vided*, That the Secretary may require that any person fil-
12 ing a claim for benefits under the Act provide as part of
13 such claim such identifying information (including Social
14 Security account number) as may be prescribed.

15 BLACK LUNG DISABILITY TRUST FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 Such sums as may be necessary from the Black Lung
18 Disability Trust Fund (the “Fund”), to remain available
19 until expended, for payment of all benefits authorized by
20 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
21 enue Code of 1986; and repayment of, and payment of
22 interest on advances, as authorized by section 9501(d)(4)
23 of that Act. In addition, the following amounts may be
24 expended from the Fund for fiscal year 2021 for expenses
25 of operation and administration of the Black Lung Bene-

1 fits program, as authorized by section 9501(d)(5): not to
2 exceed \$40,643,000 for transfer to the Office of Workers'
3 Compensation Programs, "Salaries and Expenses"; not to
4 exceed \$33,033,000 for transfer to Departmental Manage-
5 ment, "Salaries and Expenses"; not to exceed \$333,000
6 for transfer to Departmental Management, "Office of In-
7 spector General"; and not to exceed \$356,000 for pay-
8 ments into miscellaneous receipts for the expenses of the
9 Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
11 SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$570,250,000, including not
14 to exceed \$108,575,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act (the "Act"),
17 which grants shall be no less than 50 percent of the costs
18 of State occupational safety and health programs required
19 to be incurred under plans approved by the Secretary
20 under section 18 of the Act; and, in addition, notwith-
21 standing 31 U.S.C. 3302, the Occupational Safety and
22 Health Administration may retain up to \$499,000 per fis-
23 cal year of training institute course tuition and fees, other-
24 wise authorized by law to be collected, and may utilize
25 such sums for occupational safety and health training and

1 education: *Provided*, That notwithstanding 31 U.S.C.
2 3302, the Secretary is authorized, during the fiscal year
3 ending September 30, 2021, to collect and retain fees for
4 services provided to Nationally Recognized Testing Lab-
5 oratories, and may utilize such sums, in accordance with
6 the provisions of 29 U.S.C. 9a, to administer national and
7 international laboratory recognition programs that ensure
8 the safety of equipment and products used by workers in
9 the workplace: *Provided further*, That none of the funds
10 appropriated under this paragraph shall be obligated or
11 expended to prescribe, issue, administer, or enforce any
12 standard, rule, regulation, or order under the Act which
13 is applicable to any person who is engaged in a farming
14 operation which does not maintain a temporary labor
15 camp and employs 10 or fewer employees: *Provided fur-*
16 *ther*, That no funds appropriated under this paragraph
17 shall be obligated or expended to administer or enforce
18 any standard, rule, regulation, or order under the Act with
19 respect to any employer of 10 or fewer employees who is
20 included within a category having a Days Away, Re-
21 stricted, or Transferred (“DART”) occupational injury
22 and illness rate, at the most precise industrial classifica-
23 tion code for which such data are published, less than the
24 national average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of the Act,
2 except—

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

6 (2) to conduct an inspection or investigation in
7 response to an employee complaint, to issue a cita-
8 tion for violations found during such inspection, and
9 to assess a penalty for violations which are not cor-
10 rected within a reasonable abatement period and for
11 any willful violations found;

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

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

16 (5) to take any action authorized by the Act
17 with respect to a report of an employment accident
18 which is fatal to one or more employees or which re-
19 sults in hospitalization of two or more employees,
20 and to take any action pursuant to such investiga-
21 tion authorized by the Act; and

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

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That not
5 less than \$3,500,000 shall be for Voluntary Protection
6 Programs.

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$379,816,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities and not less than
15 \$10,537,000 for State assistance grants: *Provided*, That
16 notwithstanding 31 U.S.C. 3302, not to exceed \$750,000
17 may be collected by the National Mine Health and Safety
18 Academy for room, board, tuition, and the sale of training
19 materials, otherwise authorized by law to be collected, to
20 be available for mine safety and health education and
21 training activities: *Provided further*, That notwithstanding
22 31 U.S.C. 3302, the Mine Safety and Health Administra-
23 tion is authorized to collect and retain up to \$2,499,000
24 from fees collected for the approval and certification of
25 equipment, materials, and explosives for use in mines, and

1 may utilize such sums for such activities: *Provided further,*
2 That the Secretary is authorized to accept lands, build-
3 ings, equipment, and other contributions from public and
4 private sources and to prosecute projects in cooperation
5 with other agencies, Federal, State, or private: *Provided*
6 *further,* That the Mine Safety and Health Administration
7 is authorized to promote health and safety education and
8 training in the mining community through cooperative
9 programs with States, industry, and safety associations:
10 *Provided further,* That the Secretary is authorized to rec-
11 ognize the Joseph A. Holmes Safety Association as a prin-
12 cipal safety association and, notwithstanding any other
13 provision of law, may provide funds and, with or without
14 reimbursement, personnel, including service of Mine Safe-
15 ty and Health Administration officials as officers in local
16 chapters or in the national organization: *Provided further,*
17 That any funds available to the Department of Labor may
18 be used, with the approval of the Secretary, to provide
19 for the costs of mine rescue and survival operations in the
20 event of a major disaster.

21 BUREAU OF LABOR STATISTICS

22 SALARIES AND EXPENSES

23 For necessary expenses for the Bureau of Labor Sta-
24 tistics, including advances or reimbursements to State,
25 Federal, and local agencies and their employees for serv-

1 ices rendered, \$573,000,000, together with not to exceed
2 \$68,000,000 which may be expended from the Employ-
3 ment Security Administration account in the Unemploy-
4 ment Trust Fund.

5 Within this amount, \$13,000,000 to remain available
6 until September 30, 2024, for costs associated with the
7 physical move of the Bureau of Labor Statistics' head-
8 quarters, including replication of space, furniture, fix-
9 tures, equipment, and related costs, as well as relocation
10 of the data center to a shared facility.

11 OFFICE OF DISABILITY EMPLOYMENT POLICY

12 SALARIES AND EXPENSES

13 For necessary expenses for the Office of Disability
14 Employment Policy to provide leadership, develop policy
15 and initiatives, and award grants furthering the objective
16 of eliminating barriers to the training and employment of
17 people with disabilities, \$38,500,000.

18 DEPARTMENTAL MANAGEMENT

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses for Departmental Manage-
22 ment, including the hire of three passenger motor vehicles,
23 \$350,056,000, together with not to exceed \$308,000,
24 which may be expended from the Employment Security
25 Administration account in the Unemployment Trust

1 Fund: *Provided*, That \$67,325,000 for the Bureau of
2 International Labor Affairs shall be available for obliga-
3 tion through December 31, 2021: *Provided further*, That
4 funds available to the Bureau of International Labor Af-
5 fairs may be used to administer or operate international
6 labor activities, bilateral and multilateral technical assist-
7 ance, and microfinance programs, by or through contracts,
8 grants, subgrants and other arrangements: *Provided fur-*
9 *ther*, That not more than \$53,825,000 shall be for pro-
10 grams to combat exploitative child labor internationally
11 and not less than \$13,500,000 shall be used to implement
12 model programs that address worker rights issues through
13 technical assistance in countries with which the United
14 States has free trade agreements or trade preference pro-
15 grams: *Provided further*, That \$8,040,000 shall be used
16 for program evaluation and shall be available for obliga-
17 tion through September 30, 2022: *Provided further*, That
18 funds available for program evaluation may be used to ad-
19 minister grants for the purpose of evaluation: *Provided*
20 *further*, That grants made for the purpose of evaluation
21 shall be awarded through fair and open competition: *Pro-*
22 *vided further*, That funds available for program evaluation
23 may be transferred to any other appropriate account in
24 the Department for such purpose: *Provided further*, That
25 the Committees on Appropriations of the House of Rep-

1 representatives and the Senate are notified at least 15 days
2 in advance of any transfer: *Provided further*, That the
3 funds available to the Women’s Bureau may be used for
4 grants to serve and promote the interests of women in the
5 workforce: *Provided further*, That of the amounts made
6 available to the Women’s Bureau, not less than
7 \$1,294,000 shall be used for grants authorized by the
8 Women in Apprenticeship and Nontraditional Occupations
9 Act.

10 VETERANS’ EMPLOYMENT AND TRAINING

11 Not to exceed \$261,341,000 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 expend-
23 iture by the States through September 30, 2023,
24 and not to exceed 3 percent for the necessary Fed-
25 eral expenditures for data systems and contract sup-

1 port to allow for the tracking of participant and per-
2 formance information: *Provided*, That, in addition,
3 such funds may be used to support such specialists
4 and 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) \$33,679,000 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) \$44,248,000 is for Federal administration
17 of chapters 41, 42, and 43 of title 38, and sections
18 2021, 2021A and 2023 of title 38, United States
19 Code: *Provided*, That, up to \$500,000 may be used
20 to carry out the Hire VETS Act (division O of Pub-
21 lic Law 115–31); and

22 (4) \$3,414,000 is for the National Veterans'
23 Employment and Training Services Institute under
24 38 U.S.C. 4109:

1 *Provided*, That the Secretary may reallocate among the
2 appropriations provided under paragraphs (1) through (4)
3 above an amount not to exceed 3 percent of the appropria-
4 tion from which such reallocation is made.

5 In addition, from the General Fund of the Treasury,
6 \$55,000,000 is for carrying out programs to assist home-
7 less veterans and veterans at risk of homelessness who are
8 transitioning from certain institutions under sections
9 2021, 2021A, and 2023 of title 38, United States Code:
10 *Provided*, That notwithstanding subsections (c)(3) and (d)
11 of section 2023, the Secretary may award grants through
12 September 30, 2021, to provide services under such sec-
13 tion: *Provided further*, That services provided under sec-
14 tions 2021 or under 2021A may include, in addition to
15 services to homeless veterans described in section
16 2002(a)(1), services to veterans who were homeless at
17 some point within the 60 days prior to program entry or
18 veterans who are at risk of homelessness within the next
19 60 days, and that services provided under section 2023
20 may include, in addition to services to the individuals de-
21 scribed in subsection (e) of such section, services to vet-
22 erans recently released from incarceration who are at risk
23 of homelessness: *Provided further*, That notwithstanding
24 paragraph (3) under this heading, funds appropriated in
25 this paragraph may be used for data systems and contract

1 support to allow for the tracking of participant and per-
2 formance information: *Provided further*, That notwith-
3 standing sections 2021(e)(2) and 2021A(f)(2) of title 38,
4 United States Code, such funds shall be available for ex-
5 penditure pursuant to 31 U.S.C. 1553.

6 In addition, fees may be assessed and deposited in
7 the HIRE Vets Medallion Award Fund pursuant to sec-
8 tion 5(b) of the HIRE Vets Act, and such amounts shall
9 be available to the Secretary to carry out the HIRE Vets
10 Medallion Award Program, as authorized by such Act, and
11 shall remain available until expended: *Provided*, That such
12 sums shall be in addition to any other funds available for
13 such purposes, including funds available under paragraph
14 (3) of this heading: *Provided further*, That section 2(d)
15 of division O of the Consolidated Appropriations Act, 2017
16 (Public Law 115–31; 38 U.S.C. 4100 note) shall not
17 apply.

18 IT MODERNIZATION

19 For necessary expenses for Department of Labor cen-
20 tralized infrastructure technology investment activities re-
21 lated to support systems and modernization, \$27,269,000,
22 which shall be available through September 30, 2022.

23 OFFICE OF INSPECTOR GENERAL

24 For salaries and expenses of the Office of Inspector
25 General in carrying out the provisions of the Inspector

1 General Act of 1978, \$85,187,000, together with not to
2 exceed \$5,660,000 which may be expended from the Em-
3 ployment Security Administration account in the Unem-
4 ployment Trust Fund.

5
6 GENERAL PROVISIONS

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

12
13 (TRANSFER OF FUNDS)

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

1 SEC. 103. In accordance with Executive Order
2 13126, none of the funds appropriated or otherwise made
3 available pursuant to this Act shall be obligated or ex-
4 pended for the procurement of goods mined, produced,
5 manufactured, or harvested or services rendered, in whole
6 or in part, by forced or indentured child labor in industries
7 and host countries already identified by the United States
8 Department of Labor prior to enactment of this Act.

9 SEC. 104. Except as otherwise provided in this sec-
10 tion, none of the funds made available to the Department
11 of Labor for grants under section 414(c) of the American
12 Competitiveness and Workforce Improvement Act of 1998
13 (29 U.S.C. 2916a) may be used for any purpose other
14 than competitive grants for training individuals who are
15 older than 16 years of age and are not currently enrolled
16 in school within a local educational agency in the occupa-
17 tions and industries for which employers are using H-1B
18 visas to hire foreign workers, and the related activities
19 necessary to support such training.

20 SEC. 105. None of the funds made available by this
21 Act under the heading “Employment and Training Ad-
22 ministration” shall be used by a recipient or subrecipient
23 of such funds to pay the salary and bonuses of an indi-
24 vidual, either as direct costs or indirect costs, at a rate
25 in excess of Executive Level II. This limitation shall not

1 apply to vendors providing goods and services as defined
2 in Office of Management and Budget Circular A-133.
3 Where States are recipients of such funds, States may es-
4 tablish a lower limit for salaries and bonuses of those re-
5 ceiving salaries and bonuses from subrecipients of such
6 funds, taking into account factors including the relative
7 cost-of-living in the State, the compensation levels for
8 comparable State or local government employees, and the
9 size of the organizations that administer Federal pro-
10 grams involved including Employment and Training Ad-
11 ministration programs.

12 (TRANSFER OF FUNDS)

13 SEC. 106. (a) Notwithstanding section 102, the Sec-
14 retary may transfer funds made available to the Employ-
15 ment and Training Administration by this Act, either di-
16 rectly or through a set-aside, for technical assistance serv-
17 ices to grantees to “Program Administration” when it is
18 determined that those services will be more efficiently per-
19 formed by Federal employees: *Provided*, That this section
20 shall not apply to section 171 of the WIOA.

21 (b) Notwithstanding section 102, the Secretary may
22 transfer not more than 0.5 percent of each discretionary
23 appropriation made available to the Employment and
24 Training Administration by this Act to “Program Admin-
25 istration” in order to carry out program integrity activities

1 relating to any of the programs or activities that are fund-
2 ed under any such discretionary appropriations: *Provided*,
3 That notwithstanding section 102 and the preceding pro-
4 viso, the Secretary may transfer not more than 0.5 percent
5 of funds made available in paragraphs (1) and (2) of the
6 “Office of Job Corps” account to paragraph (3) of such
7 account to carry out program integrity activities related
8 to the Job Corps program: *Provided further*, That funds
9 transferred under the authority provided by this sub-
10 section shall be available for obligation through September
11 30, 2022.

12 (TRANSFER OF FUNDS)

13 SEC. 107. (a) The Secretary may reserve not more
14 than 0.75 percent from each appropriation made available
15 in this Act identified in subsection (b) in order to carry
16 out evaluations of any of the programs or activities that
17 are funded under such accounts. Any funds reserved under
18 this section shall be transferred to “Departmental Man-
19 agement” for use by the Office of the Chief Evaluation
20 Officer within the Department of Labor, and shall be
21 available for obligation through September 30, 2022: *Pro-*
22 *vided*, That such funds shall only be available if the Chief
23 Evaluation Officer of the Department of Labor submits
24 a plan to the Committees on Appropriations of the House

1 of Representatives and the Senate describing the evalua-
2 tions to be carried out 15 days in advance of any transfer.

3 (b) The accounts referred to in subsection (a) are:
4 “Training and Employment Services”, “Job Corps”,
5 “Community Service Employment for Older Americans”,
6 “State Unemployment Insurance and Employment Service
7 Operations”, “Employee Benefits Security Administra-
8 tion”, “Office of Workers’ Compensation Programs”,
9 “Wage and Hour Division”, “Office of Federal Contract
10 Compliance Programs”, “Office of Labor Management
11 Standards”, “Occupational Safety and Health Adminis-
12 tration”, “Mine Safety and Health Administration”, “Of-
13 fice of Disability Employment Policy”, funding made
14 available to the “Bureau of International Labor Affairs”
15 and “Women’s Bureau” within the “Departmental Man-
16 agement, Salaries and Expenses” account, and “Veterans’
17 Employment and Training”.

18 SEC. 108. (a) Section 7 of the Fair Labor Standards
19 Act of 1938 (29 U.S.C. 207) shall be applied as if the
20 following text is part of such section:

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

24 “(A) employed to adjust or evaluate claims
25 resulting from or relating to such major dis-

1 aster, by an employer not engaged, directly or
2 through an affiliate, in underwriting, selling, or
3 marketing property, casualty, or liability insur-
4 ance policies or contracts;

5 “(B) who receives from such employer on
6 average weekly compensation of not less than
7 \$591.00 per week or any minimum weekly
8 amount established by the Secretary, whichever
9 is greater, for the number of weeks such em-
10 ployee is engaged in any of the activities de-
11 scribed in subparagraph (C); and

12 “(C) whose duties include any of the fol-
13 lowing:

14 “(i) interviewing insured individuals,
15 individuals who suffered injuries or other
16 damages or losses arising from or relating
17 to a disaster, witnesses, or physicians;

18 “(ii) inspecting property damage or
19 reviewing factual information to prepare
20 damage estimates;

21 “(iii) evaluating and making rec-
22 ommendations regarding coverage or com-
23 pensability of claims or determining liabil-
24 ity or value aspects of claims;

25 “(iv) negotiating settlements; or

1 “(v) making recommendations regard-
2 ing litigation.

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

5 “(3) For purposes of this subsection—

6 “(A) the term ‘major disaster’ means any
7 disaster or catastrophe declared or designated
8 by any State or Federal agency or department;

9 “(B) the term ‘employee employed to ad-
10 just or evaluate claims resulting from or relat-
11 ing to such major disaster’ means an individual
12 who timely secured or secures a license required
13 by applicable law to engage in and perform the
14 activities described in clauses (i) through (v) of
15 paragraph (1)(C) relating to a major disaster,
16 and is employed by an employer that maintains
17 worker compensation insurance coverage or pro-
18 tection for its employees, if required by applica-
19 ble law, and withholds applicable Federal,
20 State, and local income and payroll taxes from
21 the wages, salaries and any benefits of such em-
22 ployees; and

23 “(C) the term ‘affiliate’ means a company
24 that, by reason of ownership or control of 25
25 percent or more of the outstanding shares of

1 any class of voting securities of one or more
2 companies, directly or indirectly, controls, is
3 controlled by, or is under common control with,
4 another company.”.

5

6 (b) This section shall be effective on the
7 date of enactment of this Act.

8 SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE
9 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
10 SEAFOOD INDUSTRY.—

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

19 (2) REQUIREMENTS FOR CROSSINGS AFTER
20 90TH DAY.—An employer in the seafood industry
21 may not bring H-2B nonimmigrants into the United
22 States after the date that is 90 days after the start
23 date for which the employer is seeking the services
24 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. 110. 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. 111. 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. 112. 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, at a value deter-
5 mined by the Secretary, to apprenticeship programs for
6 the purpose of training apprentices in those programs.

7 SEC. 113. (a) The Act entitled “An Act to create a
8 Department of Labor”, approved March 4, 1913 (37 Stat.
9 736, chapter 141) shall be applied as if the following text
10 is part of such Act:

11 **“SEC. 12. SECURITY DETAIL.**

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

15 “(1) provide protection for the Secretary of
16 Labor during the workday of the Secretary and dur-
17 ing any activity that is preliminary or postliminary
18 to the performance of official duties by the Sec-
19 retary;

20 “(2) provide protection, incidental to the protec-
21 tion provided to the Secretary, to a member of the
22 immediate family of the Secretary who is partici-
23 pating in an activity or event relating to the official
24 duties of the Secretary;

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

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

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

17 “(1) carry firearms;

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

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

1 “(4) coordinate with local law enforcement
2 agencies; and

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

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

11 “(1) guidelines issued by the Attorney General;
12 and

13 “(2) guidelines prescribed by the Secretary of
14 Labor.”.

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

17 SEC. 114. The Secretary is authorized to dispose of
18 or divest, by any means the Secretary determines appro-
19 priate, including an agreement or partnership to construct
20 a new Job Corps center, all or a portion of the real prop-
21 erty on which the Treasure Island Job Corps Center is
22 situated. Any sale or other disposition will not be subject
23 to any requirement of any Federal law or regulation relat-
24 ing to the disposition of Federal real property, including
25 but not limited to subchapter III of chapter 5 of title 40

1 of the United States Code and subchapter V of chapter
2 119 of title 42 of the United States Code. The net pro-
3 ceeds of such a sale shall be transferred to the Secretary,
4 which shall be available until expended to carry out the
5 Job Corps Program on Treasure Island.

6 (RESCISSION)

7 SEC. 115. Of the unobligated funds available under
8 section 286(s)(2) of the Immigration and Nationality Act
9 (8 U.S.C. 1356(s)(2)), \$241,000,000 are hereby perma-
10 nently rescinded.

11 SEC. 116. None of the funds made available by this
12 Act may be used to—

13 (1) alter or terminate the Interagency Agree-
14 ment between the United States Department of
15 Labor and the United States Department of Agri-
16 culture; or

17 (2) close any of the Civilian Conservation Cen-
18 ters, except if such closure is necessary to prevent
19 the endangerment of the health and safety of the
20 students, the capacity of the program is retained,
21 and the requirements of section 159(j) of the Work-
22 force Innovation and Opportunity Act are met.

23 SEC. 117. Paragraph (1) under the heading “Depart-
24 ment of Labor—Veterans Employment and Training” of
25 Title I of Division A of Public Law 116–94 is amended

1 by striking “obligation by the States through December
2 31, 2020” and inserting “expenditure by the States
3 through September 30, 2022”.

4 SEC. 118. Not later than the 1st and 15th day of
5 each month, the Department of Labor shall provide the
6 Committee on Appropriations of the House of Representa-
7 tives and the Senate a report on travel, as described in
8 the explanatory statement accompanying this Act under
9 the heading “Departmental Management”.

10 This title may be cited as the “Department of Labor
11 Appropriations Act, 2021”.

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) of the PHS Act: Provided further,* That no more than
9 *\$120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the*
10 *Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law.*

19 HEALTH WORKFORCE

20 For carrying out titles III, VII, and VIII of the PHS
21 Act with respect to the health workforce, sections 1128E
22 and 1921 of the Social Security Act, and the Health Care
23 Quality Improvement Act of 1986, \$1,225,666,000: *Provided,* That sections 751(j)(2) and 762(k) of the PHS Act
24 and the proportional funding amounts in paragraphs (1)
25

1 through (4) of section 756(f) of the PHS Act shall not
2 apply to funds made available under this heading: *Pro-*
3 *vided further*, That for any program operating under sec-
4 tion 751 of the PHS Act on or before January 1, 2009,
5 the Secretary of Health and Human Services (referred to
6 in this title as the “Secretary”) may hereafter waive any
7 of the requirements contained in sections 751(d)(2)(A)
8 and 751(d)(2)(B) of such Act for the full project period
9 of a grant under such section: *Provided further*, That no
10 funds shall be available for section 340G–1 of the PHS
11 Act: *Provided further*, That fees collected for the disclosure
12 of information under section 427(b) of the Health Care
13 Quality Improvement Act of 1986 and sections
14 1128E(d)(2) and 1921 of the Social Security Act shall be
15 sufficient to recover the full costs of operating the pro-
16 grams authorized by such sections and shall remain avail-
17 able until expended for the National Practitioner Data
18 Bank: *Provided further*, That funds transferred to this ac-
19 count to carry out section 846 and subpart 3 of part D
20 of title III of the PHS Act may be used to make prior
21 year adjustments to awards made under such section and
22 subpart: *Provided further*, That \$120,000,000 shall re-
23 main available until expended for the purposes of pro-
24 viding primary health services, assigning National Health
25 Service Corps (“NHSC”) members to expand the delivery

1 of substance use disorder treatment services, notwith-
2 standing the assignment priorities and limitations under
3 sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of
4 the PHS Act, and making payments under the NHSC
5 Loan Repayment Program under section 338B of such
6 Act: *Provided further*, That, within the amount made
7 available in the previous proviso, \$15,000,000 shall re-
8 main available until expended for the purposes of making
9 payments under the NHSC Loan Repayment Program
10 under section 338B of the PHS Act to individuals partici-
11 pating in such program who provide primary health serv-
12 ices in Indian Health Service facilities, Tribally-Operated
13 638 Health Programs, and Urban Indian Health Pro-
14 grams (as those terms are defined by the Secretary), not-
15 withstanding the assignment priorities and limitations
16 under section 333(b) of such Act: *Provided further*, That
17 for purposes of the previous two provisos, section
18 331(a)(3)(D) of the PHS Act shall be applied as if the
19 term “primary health services” includes clinical substance
20 use disorder treatment services, including those provided
21 by masters level, licensed substance use disorder treat-
22 ment counselors.

23 Of the funds made available under this heading,
24 \$50,000,000 shall remain available until expended for
25 grants to public institutions of higher education to expand

1 or support graduate education for physicians provided by
2 such institutions: *Provided*, That, in awarding such
3 grants, the Secretary shall give priority to public institu-
4 tions of higher education located in States with a projected
5 primary care provider shortage in 2025, as determined by
6 the Secretary: *Provided further*, That grants so awarded
7 are limited to such public institutions of higher education
8 in States in the top quintile of States with a projected
9 primary care provider shortage in 2025, as determined by
10 the Secretary: *Provided further*, That the minimum
11 amount of a grant so awarded to such an institution shall
12 be not less than \$1,000,000 per year: *Provided further*,
13 That such a grant may be awarded for a period not to
14 exceed 5 years: *Provided further*, That amounts made
15 available in this paragraph shall be awarded as supple-
16 mental grants to recipients of grants awarded for this pur-
17 pose in fiscal years 2019 and 2020, pursuant to the terms
18 and conditions of each institution's initial grant agree-
19 ment, in an amount for each institution that will result
20 in every institution being awarded the same total grant
21 amount over fiscal years 2019 through 2021, provided the
22 institution can justify the expenditure of such funds: *Pro-*
23 *vided further*, That such a grant awarded with respect to
24 a year to such an institution shall be subject to a matching
25 requirement of non-Federal funds in an amount that is

1 not less than 10 percent of the total amount of Federal
2 funds provided in the grant to such institution with re-
3 spect to such year.

4 MATERNAL AND CHILD HEALTH

5 For carrying out titles III, XI, XII, and XIX of the
6 PHS Act with respect to maternal and child health and
7 title V of the Social Security Act, \$963,784,000: *Provided*,
8 That notwithstanding sections 502(a)(1) and 502(b)(1) of
9 the Social Security Act, not more than \$139,116,000 shall
10 be available for carrying out special projects of regional
11 and national significance pursuant to section 501(a)(2) of
12 such Act and \$10,276,000 shall be available for projects
13 described in subparagraphs (A) through (F) of section
14 501(a)(3) of such Act.

15 RYAN WHITE HIV/AIDS PROGRAM

16 For carrying out title XXVI of the PHS Act with
17 respect to the Ryan White HIV/AIDS program,
18 \$2,388,781,000, of which \$1,970,881,000 shall remain
19 available to the Secretary through September 30, 2023,
20 for parts A and B of title XXVI of the PHS Act, and
21 of which not less than \$900,313,000 shall be for State
22 AIDS Drug Assistance Programs under the authority of
23 section 2616 or 311(c) of such Act; and of which
24 \$70,000,000, to remain available until expended, shall be
25 available to the Secretary for carrying out a program of

1 grants and contracts under title XXVI or section 311(c)
2 of such Act focused on ending the nationwide HIV/AIDS
3 epidemic, with any grants issued under such section
4 311(c) administered in conjunction with title XXVI of the
5 PHS Act, including the limitation on administrative ex-
6 penses.

7 HEALTH CARE SYSTEMS

8 For carrying out titles III and XII of the PHS Act
9 with respect to health care systems, and the Stem Cell
10 Therapeutic and Research Act of 2005, \$130,593,000, of
11 which \$122,000 shall be available until expended for facili-
12 ties renovations at the Gillis W. Long Hansen's Disease
13 Center.

14 RURAL HEALTH

15 For carrying out titles III and IV of the PHS Act
16 with respect to rural health, section 427(a) of the Federal
17 Coal Mine Health and Safety Act of 1969, and sections
18 711 and 1820 of the Social Security Act, \$325,410,000,
19 of which \$54,000,000 from general revenues, notwith-
20 standing section 1820(j) of the Social Security Act, shall
21 be available for carrying out the Medicare rural hospital
22 flexibility grants program: *Provided*, That of the funds
23 made available under this heading for Medicare rural hos-
24 pital flexibility grants, \$19,981,000 shall be available for
25 the Small Rural Hospital Improvement Grant Program

1 for quality improvement and adoption of health informa-
2 tion technology and up to \$1,000,000 shall be to carry
3 out section 1820(g)(6) of the Social Security Act, with
4 funds provided for grants under section 1820(g)(6) avail-
5 able for the purchase and implementation of telehealth
6 services, including pilots and demonstrations on the use
7 of electronic health records to coordinate rural veterans
8 care between rural providers and the Department of Vet-
9 erans Affairs electronic health record system: *Provided*
10 *further*, That notwithstanding section 338J(k) of the PHS
11 Act, \$13,000,000 shall be available for State Offices of
12 Rural Health: *Provided further*, That \$10,000,000 shall
13 remain available through September 30, 2023, to support
14 the Rural Residency Development Program: *Provided fur-*
15 *ther*, That \$110,000,000 shall be for the Rural Commu-
16 nities Opioids Response Program.

17

FAMILY PLANNING

18 For carrying out the program under title X of the
19 PHS Act to provide for voluntary family planning
20 projects, \$286,479,000: *Provided*, That amounts provided
21 to said projects under such title shall not be expended for
22 abortions, that all pregnancy counseling shall be nondirec-
23 tive, and that such amounts shall not be expended for any
24 activity (including the publication or distribution of lit-
25 erature) that in any way tends to promote public support

1 or opposition to any legislative proposal or candidate for
2 public office.

3 PROGRAM MANAGEMENT

4 For program support in the Health Resources and
5 Services Administration, \$157,300,000: *Provided*, That
6 funds made available under this heading may be used to
7 supplement program support funding provided under the
8 headings “Primary Health Care”, “Health Workforce”,
9 “Maternal and Child Health”, “Ryan White HIV/AIDS
10 Program”, “Health Care Systems”, and “Rural Health”.

11 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

12 For payments from the Vaccine Injury Compensation
13 Program Trust Fund (the “Trust Fund”), such sums as
14 may be necessary for claims associated with vaccine-re-
15 lated injury or death with respect to vaccines administered
16 after September 30, 1988, pursuant to subtitle 2 of title
17 XXI of the PHS Act, to remain available until expended:
18 *Provided*, That for necessary administrative expenses, not
19 to exceed \$10,200,000 shall be available from the Trust
20 Fund to the Secretary.

21 CENTERS FOR DISEASE CONTROL AND PREVENTION

22 IMMUNIZATION AND RESPIRATORY DISEASES

23 For carrying out titles II, III, XVII, and XXI, and
24 section 2821 of the PHS Act, titles II and IV of the Immi-
25 gration and Nationality Act, and section 501 of the Ref-

1 Refugee Education Assistance Act, with respect to immuniza-
2 tion and respiratory diseases, \$469,805,000.

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

5 For carrying out titles II, III, XVII, and XXIII of
6 the PHS Act with respect to HIV/AIDS, viral hepatitis,
7 sexually transmitted diseases, and tuberculosis prevention,
8 \$1,278,556,000.

9 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

10 For carrying out titles II, III, and XVII, and section
11 2821 of the PHS Act, titles II and IV of the Immigration
12 and Nationality Act, and section 501 of the Refugee Edu-
13 cation Assistance Act, with respect to emerging and
14 zoonotic infectious diseases, \$590,772,000: *Provided*, That
15 of the amounts made available under this heading, up to
16 \$1,000,000 shall remain available until expended to pay
17 for the transportation, medical care, treatment, and other
18 related costs of persons quarantined or isolated under
19 Federal or State quarantine law.

20 CHRONIC DISEASE PREVENTION AND HEALTH
21 PROMOTION

22 For carrying out titles II, III, XI, XV, XVII, and
23 XIX of the PHS Act with respect to chronic disease pre-
24 vention and health promotion, \$994,714,000: *Provided*,
25 That funds made available under this heading may be

1 available for making grants under section 1509 of the
2 PHS Act for not less than 21 States, tribes, or tribal orga-
3 nizations: *Provided further*, That of the funds made avail-
4 able under this heading, \$15,000,000 shall be available to
5 continue and expand community specific extension and
6 outreach programs to combat obesity in counties with the
7 highest levels of obesity: *Provided further*, That the pro-
8 portional funding requirements under section 1503(a) of
9 the PHS Act shall not apply to funds made available
10 under this heading.

11 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
12 DISABILITIES AND HEALTH

13 For carrying out titles II, III, XI, and XVII of the
14 PHS Act with respect to birth defects, developmental dis-
15 abilities, disabilities and health, \$164,960,000.

16 PUBLIC HEALTH SCIENTIFIC SERVICES

17 For carrying out titles II, III, and XVII of the PHS
18 Act with respect to health statistics, surveillance, health
19 informatics, and workforce development, \$588,997,000.

20 ENVIRONMENTAL HEALTH

21 For carrying out titles II, III, and XVII of the PHS
22 Act with respect to environmental health, \$186,850,000.

1 INJURY PREVENTION AND CONTROL

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to injury prevention and control,
4 \$678,379,000.

5 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
6 HEALTH

7 For carrying out titles II, III, and XVII of the PHS
8 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
9 of the Federal Mine Safety and Health Act, section 13
10 of the Mine Improvement and New Emergency Response
11 Act, and sections 20, 21, and 22 of the Occupational Safe-
12 ty and Health Act, with respect to occupational safety and
13 health, \$343,800,000.

14 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
15 COMPENSATION PROGRAM

16 For necessary expenses to administer the Energy
17 Employees Occupational Illness Compensation Program
18 Act, \$55,358,000, to remain available until expended: *Pro-*
19 *vided*, That this amount shall be available consistent with
20 the provision regarding administrative expenses in section
21 151(b) of division B, title I of Public Law 106–554.

22 GLOBAL HEALTH

23 For carrying out titles II, III, and XVII of the PHS
24 Act with respect to global health, \$615,843,000, of which:
25 (1) \$128,421,000 shall remain available through Sep-

1 tember 30, 2022 for international HIV/AIDS; and (2)
2 \$218,400,000 shall remain available through September
3 30, 2023 for global disease detection and emergency re-
4 sponse: *Provided*, That funds may be used for purchase
5 and insurance of official motor vehicles in foreign coun-
6 tries.

7 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

8 For carrying out titles II, III, and XVII of the PHS
9 Act with respect to public health preparedness and re-
10 sponse, and for expenses necessary to support activities
11 related to countering potential biological, nuclear, radio-
12 logical, and chemical threats to civilian populations,
13 \$852,200,000: *Provided*, That the Director of the Centers
14 for Disease Control and Prevention (referred to in this
15 title as “CDC”) or the Administrator of the Agency for
16 Toxic Substances and Disease Registry may detail staff
17 without reimbursement to support an activation of the
18 CDC Emergency Operations Center, so long as the Direc-
19 tor or Administrator, as applicable, provides a notice to
20 the Committees on Appropriations of the House of Rep-
21 resentatives and the Senate within 15 days of the use of
22 this authority, a full report within 30 days after use of
23 this authority which includes the number of staff and
24 funding level broken down by the originating center and
25 number of days detailed, and an update of such report

1 every 180 days until staff are no longer on detail without
2 reimbursement to the CDC Emergency Operations Center.

3 BUILDINGS AND FACILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For acquisition of real property, equipment, construc-
6 tion, installation, demolition, and renovation of facilities,
7 \$30,000,000, which shall remain available until September
8 30, 2025: *Provided*, That funds made available to this ac-
9 count in this or any prior Act that are available for the
10 acquisition of real property or for construction or improve-
11 ment of facilities shall be available to make improvements
12 on non-federally owned property, provided that any im-
13 provements that are not adjacent to federally owned prop-
14 erty do not exceed \$2,500,000, and that the primary ben-
15 efit of such improvements accrues to CDC: *Provided fur-*
16 *ther*, That funds previously set-aside by CDC for repair
17 and upgrade of the Lake Lynn Experimental Mine and
18 Laboratory shall be used to acquire a replacement mine
19 safety research facility: *Provided further*, That in addition,
20 the prior year unobligated balance of any amounts as-
21 signed to former employees in accounts of CDC made
22 available for Individual Learning Accounts shall be cred-
23 ited to and merged with the amounts made available under
24 this heading to support the replacement of the mine safety
25 research facility.

1 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

2 For carrying out titles II, III, XVII and XIX, and
3 section 2821 of the PHS Act and for cross-cutting activi-
4 ties and program support for activities funded in other
5 appropriations included in this Act for the Centers for
6 Disease Control and Prevention, \$113,570,000: *Provided*,
7 That paragraphs (1) through (3) of subsection (b) of sec-
8 tion 2821 of the PHS Act shall not apply to funds appro-
9 priated under this heading and in all other accounts of
10 the CDC: *Provided further*, That funds appropriated under
11 this heading may be used to support a contract for the
12 operation and maintenance of an aircraft in direct support
13 of activities throughout CDC to ensure the agency is pre-
14 pared to address public health preparedness emergencies:
15 *Provided further*, That employees of CDC or the Public
16 Health Service, both civilian and commissioned officers,
17 detailed to States, municipalities, or other organizations
18 under authority of section 214 of the PHS Act, or in over-
19 seas assignments, shall be treated as non-Federal employ-
20 ees for reporting purposes only and shall not be included
21 within any personnel ceiling applicable to the Agency,
22 Service, or HHS during the period of detail or assignment:
23 *Provided further*, That CDC may use up to \$10,000 from
24 amounts appropriated to CDC in this Act for official re-
25 ception and representation expenses when specifically ap-

1 proved by the Director of CDC: *Provided further*, That in
2 addition, such sums as may be derived from authorized
3 user fees, which shall be credited to the appropriation
4 charged with the cost thereof: *Provided further*, That with
5 respect to the previous proviso, authorized user fees from
6 the Vessel Sanitation Program and the Respirator Certifi-
7 cation Program shall be available through September 30,
8 2022.

9 NATIONAL INSTITUTES OF HEALTH

10 NATIONAL CANCER INSTITUTE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to cancer, \$6,527,656,000, of which up
13 to \$30,000,000 may be used for facilities repairs and im-
14 provements at the National Cancer Institute—Frederick
15 Federally Funded Research and Development Center in
16 Frederick, Maryland.

17 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to cardiovascular, lung, and blood dis-
20 eases, and blood and blood products, \$3,728,307,000.

21 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

22 RESEARCH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to dental and craniofacial diseases,
25 \$493,234,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to diabetes and digestive and kidney dis-
5 ease, \$2,169,021,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
7 AND STROKE

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to neurological disorders and stroke,
10 \$2,476,245,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
12 DISEASES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to allergy and infectious diseases,
15 \$6,142,540,000.

16 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to general medical sciences,
19 \$3,046,962,000, of which \$1,585,847,000 shall be from
20 funds available under section 241 of the PHS Act: *Pro-*
21 *vided*, That not less than \$399,161,000 is provided for
22 the Institutional Development Awards program.

1 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
2 CHILD HEALTH AND HUMAN DEVELOPMENT

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to child health and human development,
5 \$1,657,606,000.

6 NATIONAL EYE INSTITUTE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to eye diseases and visual disorders,
9 \$850,135,000.

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
11 SCIENCES

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to environmental health sciences,
14 \$828,733,000.

15 NATIONAL INSTITUTE ON AGING

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to aging, \$4,015,333,000.

18 NATIONAL INSTITUTE OF ARTHRITIS AND

19 MUSCULOSKELETAL AND SKIN DISEASES

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to arthritis and musculoskeletal and skin
22 diseases, \$645,237,000.

66

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to deafness and other communication dis-
5 orders, \$506,670,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to nursing research, \$177,976,000.

9 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
10 ALCOHOLISM

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to alcohol abuse and alcoholism,
13 \$564,498,000.

14 NATIONAL INSTITUTE ON DRUG ABUSE

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to drug abuse, \$1,505,192,000.

17 NATIONAL INSTITUTE OF MENTAL HEALTH

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to mental health, \$2,089,491,000.

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to human genome research,
23 \$623,862,000.

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, \$417,815,000.

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 \$156,823,000.

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, \$391,747,000: *Provided*, That funds may be
16 used to implement a reorganization that is presented to
17 an advisory council in a public meeting and for which the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate have been notified 30 days in ad-
20 vance.

21 JOHN E. FOGARTY INTERNATIONAL CENTER

22 For carrying out the activities of the John E. Fogarty
23 International Center (described in subpart 2 of part E of
24 title IV of the PHS Act), \$83,460,000.

1 NATIONAL LIBRARY OF MEDICINE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to health information communications,
4 \$471,789,000: *Provided*, That of the amounts available for
5 improvement of information systems, \$4,000,000 shall be
6 available until September 30, 2022: *Provided further*, That
7 in fiscal year 2021, the National Library of Medicine may
8 enter into personal services contracts for the provision of
9 services in facilities owned, operated, or constructed under
10 the jurisdiction of the National Institutes of Health (re-
11 ferred to in this title as “NIH”).

12 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
13 SCIENCES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to translational sciences, \$890,009,000:
16 *Provided*, That up to \$60,000,000 shall be available to im-
17 plement section 480 of the PHS Act, relating to the Cures
18 Acceleration Network: *Provided further*, That at least
19 \$596,967,000 is provided to the Clinical and Translational
20 Sciences Awards program.

21 OFFICE OF THE DIRECTOR

22 (INCLUDING TRANSFER OF FUNDS)

23 For carrying out the responsibilities of the Office of
24 the Director, NIH, \$2,378,059,000: *Provided*, That fund-
25 ing shall be available for the purchase of not to exceed

1 29 passenger motor vehicles for replacement only: *Pro-*
2 *vided further*, That all funds credited to the NIH Manage-
3 ment Fund shall remain available for one fiscal year after
4 the fiscal year in which they are deposited: *Provided fur-*
5 *ther*, That \$180,000,000 shall be for the Environmental
6 Influences on Child Health Outcomes study: *Provided fur-*
7 *ther*, That \$646,912,000 shall be available for the Com-
8 mon Fund established under section 402A(c)(1) of the
9 PHS Act: *Provided further*, That of the funds provided,
10 \$10,000 shall be for official reception and representation
11 expenses when specifically approved by the Director of the
12 NIH: *Provided further*, That the Office of AIDS Research
13 within the Office of the Director of the NIH may spend
14 up to \$8,000,000 to make grants for construction or ren-
15 ovation of facilities as provided for in section
16 2354(a)(5)(B) of the PHS Act: *Provided further*, That
17 \$50,000,000 shall be used to carry out section 404I of
18 the PHS Act (42 U.S.C. 283K), relating to biomedical and
19 behavioral research facilities: *Provided further*, That
20 \$5,000,000 shall be transferred to and merged with the
21 appropriation for the “Office of Inspector General” for
22 oversight of grant programs and operations of the NIH,
23 including agency efforts to ensure the integrity of its grant
24 application evaluation and selection processes, and shall
25 be in addition to funds otherwise made available for over-

1 sight of the NIH: *Provided further*, That the funds pro-
2 vided in the previous proviso may be transferred from one
3 specified activity to another with 15 days prior approval
4 of the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate: *Provided further*, That the In-
6 spector General shall consult with the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate before submitting to the Committees an audit plan for
9 fiscal years 2021 and 2022 no later than 30 days after
10 the date of enactment of this Act.

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 2025.

1 NIH INNOVATION ACCOUNT, CURES ACT

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the purposes de-
4 scribed in section 1001(b)(4) of the 21st Century Cures
5 Act, in addition to amounts available for such purposes
6 in the appropriations provided to the NIH in this Act,
7 \$404,000,000, to remain available until expended: *Pro-*
8 *vided*, That such amounts are appropriated pursuant to
9 section 1001(b)(3) of such Act, are to be derived from
10 amounts transferred under section 1001(b)(2)(A) of such
11 Act, and may be transferred by the Director of the Na-
12 tional Institutes of Health to other accounts of the Na-
13 tional Institutes of Health solely for the purposes provided
14 in such Act: *Provided further*, That upon a determination
15 by the Director that funds transferred pursuant to the
16 previous proviso are not necessary for the purposes pro-
17 vided, such amounts may be transferred back to the Ac-
18 count: *Provided further*, That the transfer authority pro-
19 vided under this heading is in addition to any other trans-
20 fer authority provided by law.

21 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

22 ADMINISTRATION

23 MENTAL HEALTH

24 For carrying out titles III, V, and XIX of the PHS
25 Act with respect to mental health, and the Protection and

1 Advocacy for Individuals with Mental Illness Act,
2 \$1,739,985,000: *Provided*, That of the funds made avail-
3 able under this heading, \$68,887,000 shall be for the Na-
4 tional Child Traumatic Stress Initiative: *Provided further*,
5 That notwithstanding section 520A(f)(2) of the PHS Act,
6 no funds appropriated for carrying out section 520A shall
7 be available for carrying out section 1971 of the PHS Act:
8 *Provided further*, That in addition to amounts provided
9 herein, \$21,039,000 shall be available under section 241
10 of the PHS Act to carry out subpart I of part B of title
11 XIX of the PHS Act to fund section 1920(b) technical
12 assistance, national data, data collection and evaluation
13 activities, and further that the total available under this
14 Act for section 1920(b) activities shall not exceed 5 per-
15 cent of the amounts appropriated for subpart I of part
16 B of title XIX: *Provided further*, That up to 10 percent
17 of the amounts made available to carry out the Children's
18 Mental Health Services program may be used to carry out
19 demonstration grants or contracts for early interventions
20 with persons not more than 25 years of age at clinical
21 high risk of developing a first episode of psychosis: *Pro-*
22 *vided further*, That section 520E(b)(2) of the PHS Act
23 shall not apply to funds appropriated in this Act for fiscal
24 year 2021: *Provided further*, That States shall expend at
25 least 10 percent of the amount each receives for carrying

1 out section 1911 of the PHS Act to support evidence-
2 based programs that address the needs of individuals with
3 early serious mental illness, including psychotic disorders,
4 regardless of the age of the individual at onset: *Provided*
5 *further*, That \$250,000,000 shall be available until Sep-
6 tember 30, 2023 for grants to communities and commu-
7 nity organizations who meet criteria for Certified Commu-
8 nity Behavioral Health Clinics pursuant to section 223(a)
9 of Public Law 113–93: *Provided further*, That none of the
10 funds provided for section 1911 of the PHS Act shall be
11 subject to section 241 of such Act: *Provided further*, That
12 of the funds made available under this heading,
13 \$24,000,000 shall be to carry out section 224 of the Pro-
14 tecting Access to Medicare Act of 2014 (Public Law 113–
15 93; 42 U.S.C. 290aa 22 note).

16 SUBSTANCE ABUSE TREATMENT

17 For carrying out titles III and V of the PHS Act
18 with respect to substance abuse treatment and title XIX
19 of such Act with respect to substance abuse treatment and
20 prevention, and the SUPPORT for Patients and Commu-
21 nities Act, \$3,778,556,000: *Provided*, That
22 \$1,500,000,000 shall be for State Opioid Response Grants
23 for carrying out activities pertaining to opioids and stimu-
24 lants undertaken by the State agency responsible for ad-
25 ministering the substance abuse prevention and treatment

1 block grant under subpart II of part B of title XIX of
2 the PHS Act (42 U.S.C. 300x-21 et seq.): *Provided fur-*
3 *ther*, That of such amount \$50,000,000 shall be made
4 available to Indian Tribes or tribal organizations: *Provided*
5 *further*, That 15 percent of the remaining amount shall
6 be for the States with the highest mortality rate related
7 to opioid use disorders: *Provided further*, That of the
8 amounts provided for State Opioid Response Grants not
9 more than 2 percent shall be available for Federal admin-
10 istrative expenses, training, technical assistance, and eval-
11 uation: *Provided further*, That of the amount not reserved
12 by the previous three provisos, the Secretary shall make
13 allocations to States, territories, and the District of Co-
14 lumbia according to a formula using national survey re-
15 sults that the Secretary determines are the most objective
16 and reliable measure of drug use and drug-related deaths:
17 *Provided further*, That the Secretary shall submit the for-
18 mula methodology to the Committees on Appropriations
19 of the House of Representatives and the Senate not less
20 than 15 days prior to publishing a Funding Opportunity
21 Announcement: *Provided further*, That prevention and
22 treatment activities funded through such grants may in-
23 clude education, treatment (including the provision of
24 medication), behavioral health services for individuals in
25 treatment programs, referral to treatment services, recov-

1 ery support, and medical screening associated with such
2 treatment: *Provided further*, That each State, as well as
3 the District of Columbia, shall receive not less than
4 \$4,000,000: *Provided further*, That in addition to amounts
5 provided herein, the following amounts shall be available
6 under section 241 of the PHS Act: (1) \$79,200,000 to
7 carry out subpart II of part B of title XIX of the PHS
8 Act to fund section 1935(b) technical assistance, national
9 data, data collection and evaluation activities, and further
10 that the total available under this Act for section 1935(b)
11 activities shall not exceed 5 percent of the amounts appro-
12 priated for subpart II of part B of title XIX; and (2)
13 \$2,000,000 to evaluate substance abuse treatment pro-
14 grams: *Provided further*, That none of the funds provided
15 for section 1921 of the PHS Act or State Opioid Response
16 Grants shall be subject to section 241 of such Act.

17 SUBSTANCE ABUSE PREVENTION

18 For carrying out titles III and V of the PHS Act
19 with respect to substance abuse prevention, \$206,469,000.

20 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

21 For program support and cross-cutting activities that
22 supplement activities funded under the headings “Mental
23 Health”, “Substance Abuse Treatment”, and “Substance
24 Abuse Prevention” in carrying out titles III, V, and XIX
25 of the PHS Act and the Protection and Advocacy for Indi-

1 viduals with Mental Illness Act in the Substance Abuse
2 and Mental Health Services Administration,
3 \$128,830,000: *Provided*, That in addition to amounts pro-
4 vided herein, \$31,428,000 shall be available under section
5 241 of the PHS Act to supplement funds available to
6 carry out national surveys on drug abuse and mental
7 health, to collect and analyze program data, and to con-
8 duct public awareness and technical assistance activities:
9 *Provided further*, That, in addition, fees may be collected
10 for the costs of publications, data, data tabulations, and
11 data analysis completed under title V of the PHS Act and
12 provided to a public or private entity upon request, which
13 shall be credited to this appropriation and shall remain
14 available until expended for such purposes: *Provided fur-*
15 *ther*, That amounts made available in this Act for carrying
16 out section 501(o) of the PHS Act shall remain available
17 through September 30, 2022: *Provided further*, That
18 funds made available under this heading may be used to
19 supplement program support funding provided under the
20 headings “Mental Health”, “Substance Abuse Treat-
21 ment”, and “Substance Abuse Prevention”.

22 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
23 HEALTHCARE RESEARCH AND QUALITY

24 For carrying out titles III and IX of the PHS Act,
25 part A of title XI of the Social Security Act, and section

1 1013 of the Medicare Prescription Drug, Improvement,
2 and Modernization Act of 2003, \$256,660,000: *Provided*,
3 That section 947(c) of the PHS Act shall not apply in
4 fiscal year 2021: *Provided further*, That in addition,
5 amounts received from Freedom of Information Act fees,
6 reimbursable and interagency agreements, and the sale of
7 data shall be credited to this appropriation and shall re-
8 main available until September 30, 2022.

9 CENTERS FOR MEDICARE & MEDICAID SERVICES

10 GRANTS TO STATES FOR MEDICAID

11 For carrying out, except as otherwise provided, titles
12 XI and XIX of the Social Security Act, \$313,904,098,000,
13 to remain available until expended.

14 For making, after May 31, 2021, payments to States
15 under title XIX or in the case of section 1928 on behalf
16 of States under title XIX of the Social Security Act for
17 the last quarter of fiscal year 2021 for unanticipated costs
18 incurred for the current fiscal year, such sums as may be
19 necessary.

20 For making payments to States or in the case of sec-
21 tion 1928 on behalf of States under title XIX of the Social
22 Security Act for the first quarter of fiscal year 2022,
23 \$148,732,315,000, to remain available until expended.

24 Payment under such title XIX may be made for any
25 quarter with respect to a State plan or plan amendment

1 in effect during such quarter, if submitted in or prior to
2 such quarter and approved in that or any subsequent
3 quarter.

4 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

5 For payment to the Federal Hospital Insurance
6 Trust Fund and the Federal Supplementary Medical In-
7 surance Trust Fund, as provided under sections 217(g),
8 1844, and 1860D–16 of the Social Security Act, sections
9 103(c) and 111(d) of the Social Security Amendments of
10 1965, section 278(d)(3) of Public Law 97–248, and for
11 administrative expenses incurred pursuant to section
12 201(g) of the Social Security Act, \$439,514,000,000.

13 In addition, for making matching payments under
14 section 1844 and benefit payments under section 1860D–
15 16 of the Social Security Act that were not anticipated
16 in budget estimates, such sums as may be necessary.

17 PROGRAM MANAGEMENT

18 For carrying out, except as otherwise provided, titles
19 XI, XVIII, XIX, and XXI of the Social Security Act, titles
20 XIII and XXVII of the PHS Act, the Clinical Laboratory
21 Improvement Amendments of 1988, and other responsibil-
22 ities of the Centers for Medicare & Medicaid Services, not
23 to exceed \$3,669,744,000, to be transferred from the Fed-
24 eral Hospital Insurance Trust Fund and the Federal Sup-
25 plementary Medical Insurance Trust Fund, as authorized

1 by section 201(g) of the Social Security Act; together with
2 all funds collected in accordance with section 353 of the
3 PHS Act and section 1857(e)(2) of the Social Security
4 Act, funds retained by the Secretary pursuant to section
5 1893(h) of the Social Security Act, and such sums as may
6 be collected from authorized user fees and the sale of data,
7 which shall be credited to this account and remain avail-
8 able until expended: *Provided*, That all funds derived in
9 accordance with 31 U.S.C. 9701 from organizations estab-
10 lished under title XIII of the PHS Act shall be credited
11 to and available for carrying out the purposes of this ap-
12 propriation: *Provided further*, That the Secretary is di-
13 rected to collect fees in fiscal year 2021 from Medicare
14 Advantage organizations pursuant to section 1857(e)(2)
15 of the Social Security Act and from eligible organizations
16 with risk-sharing contracts under section 1876 of that Act
17 pursuant to section 1876(k)(4)(D) of that Act: *Provided*
18 *further*, That amounts available under this heading to sup-
19 port quality improvement organizations (as defined in sec-
20 tion 1152 of the Social Security Act) shall not exceed the
21 amount specifically provided for such purpose under this
22 heading in division H of the Consolidated Appropriations
23 Act, 2018 (Public Law 115–141): *Provided further*, That
24 CMS shall administer section 223 of Public Law 113–93

1 and consult with the Substance Abuse and Mental Health
2 Services Administration, as necessary.

3 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

4 In addition to amounts otherwise available for pro-
5 gram integrity and program management, \$807,000,000,
6 to remain available through September 30, 2022, to be
7 transferred from the Federal Hospital Insurance Trust
8 Fund and the Federal Supplementary Medical Insurance
9 Trust Fund, as authorized by section 201(g) of the Social
10 Security Act, of which \$617,000,000 shall be for the Cen-
11 ters for Medicare & Medicaid Services program integrity
12 activities, of which \$100,000,000 shall be for the Depart-
13 ment of Health and Human Services Office of Inspector
14 General to carry out fraud and abuse activities authorized
15 by section 1817(k)(3) of such Act, and of which
16 \$90,000,000 shall be for the Department of Justice to
17 carry out fraud and abuse activities authorized by section
18 1817(k)(3) of such Act: *Provided*, That the report re-
19 quired by section 1817(k)(5) of the Social Security Act
20 for fiscal year 2021 shall include measures of the oper-
21 ational efficiency and impact on fraud, waste, and abuse
22 in the Medicare, Medicaid, and CHIP programs for the
23 funds provided by this appropriation: *Provided further*,
24 That of the amount provided under this heading,
25 \$311,000,000 is provided to meet the terms of section

1 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985, as amended, and
3 \$496,000,000 is additional new budget authority specified
4 for purposes of section 251(b)(2)(C) of such Act: *Provided*
5 *further*, That the Secretary shall provide not less than
6 \$18,000,000 for the Senior Medicare Patrol program to
7 combat health care fraud and abuse from the funds pro-
8 vided to this account.

9 ADMINISTRATION FOR CHILDREN AND FAMILIES

10 PAYMENTS TO STATES FOR CHILD SUPPORT

11 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

12 For carrying out, except as otherwise provided, titles
13 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
14 and the Act of July 5, 1960, \$3,039,000,000, to remain
15 available until expended; and for such purposes for the
16 first quarter of fiscal year 2022, \$1,400,000,000, to re-
17 main available until expended.

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

1 LOW INCOME HOME ENERGY ASSISTANCE

2 For making payments under subsections (b) and (d)
3 of section 2602 of the Low-Income Home Energy Assist-
4 ance Act of 1981 (42 U.S.C. 8621 et seq.),
5 \$3,740,304,000: *Provided*, That notwithstanding section
6 2609A(a) of such Act, not more than \$2,988,000 may be
7 reserved by the Secretary of Health and Human Services
8 for technical assistance, training, and monitoring of pro-
9 gram activities for compliance with internal controls, poli-
10 cies and procedures and the Secretary may, in addition
11 to the authorities provided in section 2609A(a)(1), use
12 such funds through contracts with private entities that do
13 not qualify as nonprofit organizations: *Provided further*,
14 That all but \$753,000,000 of the amount appropriated
15 under this heading shall be allocated as though the total
16 appropriation for such payments for fiscal year 2021 was
17 less than \$1,975,000,000: *Provided further*, That, after
18 applying all applicable provisions of section 2604 of such
19 Act and the previous proviso, each State or territory that
20 would otherwise receive an allocation that is less than 97
21 percent of the amount that it received under this heading
22 for fiscal year 2020 from amounts appropriated in Public
23 Law 116–94 shall have its allocation increased to that 97
24 percent level, with the portions of other States’ and terri-
25 tories’ allocations that would exceed 100 percent of the

1 amounts they respectively received in such fashion for fis-
2 cal year 2020 being ratably reduced.

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, \$1,832,760,000, of which
14 \$1,789,005,000 shall remain available through September
15 30, 2023 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 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For carrying out the Child Care and Development
4 Block Grant Act of 1990 (“CCDBG Act”),
5 \$5,876,000,000 shall be used to supplement, not supplant
6 State general revenue funds for child care assistance for
7 low-income families: *Provided*, That technical assistance
8 under section 658I(a)(3) of such Act may be provided di-
9 rectly, or through the use of contracts, grants, cooperative
10 agreements, or interagency agreements: *Provided further*,
11 That all funds made available to carry out section 418
12 of the Social Security Act (42 U.S.C. 618), including
13 funds appropriated for that purpose in such section 418
14 or any other provision of law, shall be subject to the res-
15 ervation of funds authority in paragraphs (4) and (5) of
16 section 658O(a) of the CCDBG Act: *Provided further*,
17 That in addition to the amounts required to be reserved
18 by the Secretary under section 658O(a)(2)(A) of such Act,
19 \$176,280,000 shall be for Indian tribes and tribal organi-
20 zations.

21 SOCIAL SERVICES BLOCK GRANT

22 For making grants to States pursuant to section
23 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
24 *vided*, That notwithstanding subparagraph (B) of section
25 404(d)(2) of such Act, the applicable percent specified

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 \$12,962,269,000, of which \$75,000,000, to remain avail-
24 able through September 30, 2022, 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, 2021: *Pro-*
4 *vided*, That \$10,713,095,000 shall be for making pay-
5 ments under the Head Start Act, including for Early Head
6 Start-Child Care Partnerships, and, of which, notwith-
7 standing section 640 of such Act:

8 (1) \$100,000,000 shall be available for a cost
9 of living adjustment, and with respect to any con-
10 tinuing appropriations act, funding available for a
11 cost of living adjustment shall not be construed as
12 an authority or condition under this Act;

13 (2) \$25,000,000 shall be available for allocation
14 by the Secretary to supplement activities described
15 in paragraphs (7)(B) and (9) of section 641(c) of
16 the Head Start Act under the Designation Renewal
17 System, established under the authority of sections
18 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
19 and such funds shall not be included in the calcula-
20 tion of “base grant” in subsequent fiscal years, as
21 such term is used in section 640(a)(7)(A) of such
22 Act; and

23 (3) \$19,000,000 shall be available to supple-
24 ment funding otherwise available for research, eval-
25 uation, and Federal administrative costs:

1 *Provided further*, That the Secretary may reduce the res-
2 ervation of funds under section 640(a)(2)(C) of such Act
3 in lieu of reducing the reservation of funds under sections
4 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such
5 Act: *Provided further*, That \$275,000,000 shall be avail-
6 able until December 31, 2021 for carrying out sections
7 9212 and 9213 of the Every Student Succeeds Act: *Pro-*
8 *vided further*, That up to 3 percent of the funds in the
9 preceding proviso shall be available for technical assist-
10 ance and evaluation related to grants awarded under such
11 section 9212: *Provided further*, That \$750,000,000 shall
12 be for making payments under the CSBG Act: *Provided*
13 *further*, That \$10,000,000 shall be for section
14 680(a)(3)(B) of the CSBG Act: *Provided further*, That,
15 notwithstanding section 675C(a)(3) of the CSBG Act, to
16 the extent Community Services Block Grant funds are dis-
17 tributed as grant funds by a State to an eligible entity
18 as provided under such Act, and have not been expended
19 by such entity, they shall remain with such entity for car-
20 ryover into the next fiscal year for expenditure by such
21 entity 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 \$175,000,000 shall be for carrying out section 303(a) of
17 the Family Violence Prevention and Services Act, of which
18 \$7,000,000 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, \$92,515,000: *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, \$10,000,000, in addition
21 to funds otherwise appropriated in section 436 for such
22 purposes, shall be for competitive grants to regional part-
23 nerships as described in section 437(f), and \$2,750,000,
24 in addition to funds otherwise appropriated in section 476
25 for such purposes, for the Family First Clearinghouse:

1 *Provided further*, That section 437(b)(1) shall be applied
2 to amounts in the previous proviso by substituting “5 per-
3 cent” for “3.3 percent”, and notwithstanding section
4 436(b)(1), such reserved amounts may be used for identi-
5 fying, establishing, and disseminating practices to meet
6 the criteria specified in section 471(e)(4)(C): *Provided fur-*
7 *ther*, That the reservation in section 437(b)(2) and the
8 limitations in section 437(d) shall not apply to funds spec-
9 ified in the second proviso: *Provided further*, That the min-
10 imum grant award for kinship navigator programs in the
11 case of States and territories shall be \$200,000, and, in
12 the case of tribes, shall 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, \$7,012,000,000.

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 2022, \$3,000,000,000.

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”), the
6 RAISE Family Caregivers Act, the Supporting Grand-
7 parents Raising Grandchildren Act, titles III and XXIX
8 of the PHS Act, sections 1252 and 1253 of the PHS Act,
9 section 119 of the Medicare Improvements for Patients
10 and Providers Act of 2008, title XX–B of the Social Secu-
11 rity Act, the Developmental Disabilities Assistance and
12 Bill of Rights Act, parts 2 and 5 of subtitle D of title
13 II of the Help America Vote Act of 2002, the Assistive
14 Technology Act of 1998, titles II and VII (and section
15 14 with respect to such titles) of the Rehabilitation Act
16 of 1973, and for Department-wide coordination of policy
17 and program activities that assist individuals with disabil-
18 ities, \$2,183,100,000, together with \$52,115,000 to be
19 transferred from the Federal Hospital Insurance Trust
20 Fund and the Federal Supplementary Medical Insurance
21 Trust Fund to carry out section 4360 of the Omnibus
22 Budget Reconciliation Act of 1990: *Provided*, That
23 amounts appropriated under this heading may be used for
24 grants to States under section 361 of the OAA only for
25 disease prevention and health promotion programs and ac-

1 tivities which have been demonstrated through rigorous
2 evaluation to be evidence-based and effective: *Provided*
3 *further*, That of amounts made available under this head-
4 ing to carry out sections 311, 331, and 336 of the OAA,
5 up to one percent of such amounts shall be available for
6 developing and implementing evidence-based practices for
7 enhancing senior nutrition, including medically-tailored
8 meals: *Provided further*, That notwithstanding any other
9 provision of this Act, funds made available under this
10 heading to carry out section 311 of the OAA may be trans-
11 ferred to the Secretary of Agriculture in accordance with
12 such section: *Provided further*, That \$2,000,000 shall be
13 for competitive grants to support alternative financing
14 programs that provide for the purchase of assistive tech-
15 nology devices, such as a low-interest loan fund; an inter-
16 est buy-down program; a revolving loan fund; a loan guar-
17 antee; or an insurance program: *Provided further*, That
18 applicants shall provide an assurance that, and informa-
19 tion describing the manner in which, the alternative fi-
20 nancing program will expand and emphasize consumer
21 choice and control: *Provided further*, That State agencies
22 and community-based disability organizations that are di-
23 rected by and operated for individuals with disabilities
24 shall be eligible to compete: *Provided further*, That none
25 of the funds made available under this heading may be

1 used by an eligible system (as defined in section 102 of
2 the Protection and Advocacy for Individuals with Mental
3 Illness Act (42 U.S.C. 10802)) to continue to pursue any
4 legal action in a Federal or State court on behalf of an
5 individual or group of individuals with a developmental
6 disability (as defined in section 102(8)(A) of the Develop-
7 mental Disabilities and Assistance and Bill of Rights Act
8 of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to
9 a mental impairment (or a combination of mental and
10 physical impairments), that has as the requested remedy
11 the closure of State operated intermediate care facilities
12 for people with intellectual or developmental disabilities,
13 unless reasonable public notice of the action has been pro-
14 vided to such individuals (or, in the case of mental inca-
15 pacitation, the legal guardians who have been specifically
16 awarded authority by the courts to make healthcare and
17 residential decisions on behalf of such individuals) who are
18 affected by such action, within 90 days of instituting such
19 legal action, which informs such individuals (or such legal
20 guardians) of their legal rights and how to exercise such
21 rights consistent with current Federal Rules of Civil Pro-
22 cedure: *Provided further*, That the limitations in the imme-
23 diately preceding proviso shall not apply in the case of an
24 individual who is neither competent to consent nor has a
25 legal guardian, nor shall the proviso apply in the case of

1 individuals who are a ward of the State or subject to pub-
2 lic guardianship.

3 OFFICE OF THE SECRETARY

4 GENERAL DEPARTMENTAL MANAGEMENT

5 For necessary expenses, not otherwise provided, for
6 general departmental management, including hire of six
7 passenger motor vehicles, and for carrying out titles III,
8 XVII, XXI, and section 229 of the PHS Act, the United
9 States-Mexico Border Health Commission Act, and re-
10 search studies under section 1110 of the Social Security
11 Act, \$489,879,000, together with \$64,828,000 from the
12 amounts available under section 241 of the PHS Act to
13 carry out national health or human services research and
14 evaluation activities: *Provided*, That of this amount,
15 \$53,900,000 shall be for minority AIDS prevention and
16 treatment activities: *Provided further*, That of the funds
17 made available under this heading, \$101,000,000 shall be
18 for making competitive contracts and grants to public and
19 private entities to fund medically accurate and age appro-
20 priate programs that reduce teen pregnancy and for the
21 Federal costs associated with administering and evalu-
22 ating such contracts and grants, of which not more than
23 10 percent of the available funds shall be for training and
24 technical assistance, evaluation, outreach, and additional
25 program support activities, and of the remaining amount

1 75 percent shall be for replicating programs that have
2 been proven effective through rigorous evaluation to re-
3 duce teenage pregnancy, behavioral risk factors underlying
4 teenage pregnancy, or other associated risk factors, and
5 25 percent shall be available for research and demonstra-
6 tion grants to develop, replicate, refine, and test additional
7 models and innovative strategies for preventing teenage
8 pregnancy: *Provided further*, That of the amounts pro-
9 vided under this heading from amounts available under
10 section 241 of the PHS Act, \$6,800,000 shall be available
11 to carry out evaluations (including longitudinal evalua-
12 tions) of teenage pregnancy prevention approaches: *Pro-*
13 *vided further*, That of the funds made available under this
14 heading, \$45,000,000 shall be for making competitive
15 grants which exclusively implement education in sexual
16 risk avoidance (defined as voluntarily refraining from non-
17 marital sexual activity): *Provided further*, That funding for
18 such competitive grants for sexual risk avoidance shall use
19 medically accurate information referenced to peer-re-
20 viewed publications by educational, scientific, govern-
21 mental, or health organizations; implement an evidence-
22 based approach integrating research findings with prac-
23 tical implementation that aligns with the needs and de-
24 sired outcomes for the intended audience; and teach the
25 benefits associated with self-regulation, success sequenc-

1 ing for poverty prevention, healthy relationships, goal set-
2 ting, and resisting sexual coercion, dating violence, and
3 other youth risk behaviors such as underage drinking or
4 illicit drug use without normalizing teen sexual activity:
5 *Provided further*, That no more than 10 percent of the
6 funding for such competitive grants for sexual risk avoid-
7 ance shall be available for technical assistance and admin-
8 istrative costs of such programs: *Provided further*, That
9 funds provided in this Act for embryo adoption activities
10 may be used to provide to individuals adopting embryos,
11 through grants and other mechanisms, medical and ad-
12 ministrative services deemed necessary for such adoptions:
13 *Provided further*, That such services shall be provided con-
14 sistent with 42 CFR 59.5(a)(4): *Provided further*, That
15 of the funds made available under this heading,
16 \$5,000,000 shall be for carrying out prize competitions
17 sponsored by the Office of the Secretary to accelerate in-
18 novation in the prevention, diagnosis, and treatment of
19 kidney diseases (as authorized by section 24 of the Steven-
20 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
21 3719)).

22 MEDICARE HEARINGS AND APPEALS

23 For expenses necessary for Medicare hearings and
24 appeals in the Office of the Secretary, \$191,881,000 shall
25 remain available until September 30, 2022, to be trans-

1 ferred in appropriate part from the Federal Hospital In-
2 surance Trust Fund and the Federal Supplementary Med-
3 ical Insurance Trust Fund.

4 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
5 INFORMATION TECHNOLOGY

6 For expenses necessary for the Office of the National
7 Coordinator for Health Information Technology, including
8 grants, contracts, and cooperative agreements for the de-
9 velopment and advancement of interoperable health infor-
10 mation technology, \$60,367,000.

11 OFFICE OF INSPECTOR GENERAL

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

20 OFFICE FOR CIVIL RIGHTS

21 For expenses necessary for the Office for Civil
22 Rights, \$38,798,000.

1 RETIREMENT PAY AND MEDICAL BENEFITS FOR
2 COMMISSIONED OFFICERS

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

10 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
11 FUND

12 For expenses necessary to support activities related
13 to countering potential biological, nuclear, radiological,
14 chemical, and cybersecurity threats to civilian populations,
15 and for other public health emergencies, \$1,039,458,000,
16 of which \$561,700,000 shall remain available through
17 September 30, 2022, for expenses necessary to support
18 advanced research and development pursuant to section
19 319L of the PHS Act and other administrative expenses
20 of the Biomedical Advanced Research and Development
21 Authority: *Provided*, That funds provided under this head-
22 ing for the purpose of acquisition of security counter-
23 measures shall be in addition to any other funds available
24 for such purpose: *Provided further*, That products pur-
25 chased with funds provided under this heading may, at

1 the discretion of the Secretary, be deposited in the Stra-
2 tegic National Stockpile pursuant to section 319F-2 of
3 the PHS Act: *Provided further*, That \$5,000,000 of the
4 amounts made available to support emergency operations
5 shall remain available through September 30, 2023.

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

10 For expenses necessary to carry out section 319F-
11 2(a) of the PHS Act, \$705,000,000, to remain available
12 until expended.

13 For an additional amount for expenses necessary to
14 prepare for or respond to an influenza pandemic,
15 \$260,000,000; of which \$225,000,000 shall be available
16 until expended, for activities including the development
17 and purchase of vaccine, antivirals, necessary medical sup-
18 plies, diagnostics, and other surveillance tools: *Provided*,
19 That notwithstanding section 496(b) of the PHS Act,
20 funds may be used for the construction or renovation of
21 privately owned facilities for the production of pandemic
22 influenza vaccines and other biologics, if the Secretary
23 finds such construction or renovation necessary to secure
24 sufficient supplies of such vaccines or biologics.

1 GENERAL PROVISIONS

2 SEC. 201. Funds appropriated in this title shall be
3 available for not to exceed \$50,000 for official reception
4 and representation expenses when specifically approved by
5 the Secretary.

6 SEC. 202. None of the funds appropriated in this title
7 shall be used to pay the salary of an individual, through
8 a grant or other extramural mechanism, at a rate in excess
9 of Executive Level II: *Provided*, That none of the funds
10 appropriated in this title shall be used to prevent the NIH
11 from paying up to 100 percent of the salary of an indi-
12 vidual at this rate.

13 SEC. 203. None of the funds appropriated in this Act
14 may be expended pursuant to section 241 of the PHS Act,
15 except for funds specifically provided for in this Act, or
16 for other taps and assessments made by any office located
17 in HHS, prior to the preparation and submission of a re-
18 port by the Secretary to the Committees on Appropria-
19 tions of the House of Representatives and the Senate de-
20 tailing the planned uses of such funds.

21 SEC. 204. Notwithstanding section 241(a) of the
22 PHS Act, such portion as the Secretary shall determine,
23 but not more than 3 percent, of any amounts appropriated
24 for programs authorized under such Act shall be made
25 available for the evaluation (directly, or by grants or con-

1 tracts) and the implementation and effectiveness of pro-
2 grams funded in this title.

3 (TRANSFER OF FUNDS)

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

17 SEC. 206. In lieu of the timeframe specified in section
18 338E(c)(2) of the PHS Act, terminations described in
19 such section may occur up to 60 days after the effective
20 date of a contract awarded in fiscal year 2021 under sec-
21 tion 338B of such Act, or at any time if the individual
22 who has been awarded such contract has not received
23 funds due under the contract.

24 SEC. 207. None of the funds appropriated in this Act
25 may be made available to any entity under title X of the

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

6 SEC. 208. Notwithstanding any other provision of
7 law, no provider of services under title X of the PHS Act
8 shall be exempt from any State law requiring notification
9 or the reporting of child abuse, child molestation, sexual
10 abuse, rape, or incest.

11 SEC. 209. None of the funds appropriated by this Act
12 (including funds appropriated to any trust fund) may be
13 used to carry out the Medicare Advantage program if the
14 Secretary denies participation in such program to an oth-
15 erwise eligible entity (including a Provider Sponsored Or-
16 ganization) because the entity informs the Secretary that
17 it will not provide, pay for, provide coverage of, or provide
18 referrals for abortions: *Provided*, That the Secretary shall
19 make appropriate prospective adjustments to the capita-
20 tion payment to such an entity (based on an actuarially
21 sound estimate of the expected costs of providing the serv-
22 ice to such entity's enrollees): *Provided further*, That noth-
23 ing in this section shall be construed to change the Medi-
24 care program's coverage for such services and a Medicare
25 Advantage organization described in this section shall be

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

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

6 SEC. 211. The Secretary shall make available through
7 assignment not more than 60 employees of the Public
8 Health Service to assist in child survival activities and to
9 work in AIDS programs through and with funds provided
10 by the Agency for International Development, the United
11 Nations International Children's Emergency Fund or the
12 World Health Organization.

13 SEC. 212. In order for HHS to carry out inter-
14 national health activities, including HIV/AIDS and other
15 infectious disease, chronic and environmental disease, and
16 other health activities abroad during fiscal year 2021:

17 (1) The Secretary may exercise authority equiv-
18 alent to that available to the Secretary of State in
19 section 2(c) of the State Department Basic Authori-
20 ties Act of 1956. The Secretary shall consult with
21 the Secretary of State and relevant Chief of Mission
22 to ensure that the authority provided in this section
23 is exercised in a manner consistent with section 207
24 of the Foreign Service Act of 1980 and other appli-

1 cable statutes administered by the Department of
2 State.

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

24 (3) The Secretary is authorized to provide to
25 personnel appointed or assigned by the Secretary to

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

18 (TRANSFER OF FUNDS)

19 SEC. 213. The Director of the NIH, jointly with the
 20 Director of the Office of AIDS Research, may transfer up
 21 to 3 percent among institutes and centers from the total
 22 amounts identified by these two Directors as funding for
 23 research pertaining to the human immunodeficiency virus:
 24 *Provided*, That the Committees on Appropriations of the

1 House of Representatives and the Senate are notified at
2 least 15 days in advance of any transfer.

3 (TRANSFER OF FUNDS)

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

12 SEC. 215. (a) AUTHORITY.—Notwithstanding any
13 other provision of law, the Director of NIH (“Director”)
14 may use funds authorized under section 402(b)(12) of the
15 PHS Act to enter into transactions (other than contracts,
16 cooperative agreements, or grants) to carry out research
17 identified pursuant to or research and activities described
18 in such section 402(b)(12).

19 (b) PEER REVIEW.—In entering into transactions
20 under subsection (a), the Director may utilize such peer
21 review procedures (including consultation with appropriate
22 scientific experts) as the Director determines to be appro-
23 priate to obtain assessments of scientific and technical
24 merit. Such procedures shall apply to such transactions
25 in lieu of the peer review and advisory council review pro-

1 cedures that would otherwise be required under sections
2 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
3 and 494 of the PHS Act.

4 SEC. 216. Up to 1 percent of funds appropriated by
5 this Act to the Institutes and Centers of the National In-
6 stitutes of Health may be used for alteration, repair, im-
7 provement, construction, or demolition of facilities, as nec-
8 essary for the proper and efficient conduct of the activities
9 authorized herein. Such use of funds shall be subject to
10 a centralized prioritization and governance process and
11 shall be in addition to any other funds available for such
12 purposes. NIH shall provide the Committees on Appro-
13 priations of the House of Representatives and the Senate
14 quarterly updates of its Buildings and Facilities mainte-
15 nance and construction plans, including specific milestones
16 for advancing projects, status of the project, cost, and pri-
17 ority. These updates should also highlight and explain any
18 potential cost and schedule changes affecting projects.

19 (TRANSFER OF FUNDS)

20 SEC. 217. Of the amounts made available for NIH,
21 1 percent of the amount made available for National Re-
22 search Service Awards (“NRSA”) shall be made available
23 to the Administrator of the Health Resources and Services
24 Administration to make NRSA awards for research in pri-
25 mary medical care to individuals affiliated with entities

1 who have received grants or contracts under sections 736,
2 739, or 747 of the PHS Act, and 1 percent of the amount
3 made available for NRSA shall be made available to the
4 Director of the Agency for Healthcare Research and Qual-
5 ity to make NRSA awards for health service research.

6 SEC. 218. (a) The Biomedical Advanced Research
7 and Development Authority (“BARDA”) may enter into
8 a contract, for more than one but no more than 10 pro-
9 gram years, for purchase of research services or of security
10 countermeasures, as that term is defined in section 319F-
11 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)),
12 if—

13 (1) funds are available and obligated—

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

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

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

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

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

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

6 SEC. 219. (a) The Secretary shall publish in the fiscal
7 year 2022 budget justification and on Departmental Web
8 sites information concerning the employment of full-time
9 equivalent Federal employees or contractors for the pur-
10 poses of implementing, administering, enforcing, or other-
11 wise carrying out the provisions of the ACA, and the
12 amendments made by that Act, in the proposed fiscal year
13 and each fiscal year since the enactment of the ACA.

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

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

1 (2) For each such fiscal year, the number of
2 full-time equivalent employees or contracted employ-
3 ees assigned to each authorized and funded provision
4 detailed in accordance with paragraph (1).

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

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

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

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

16 SEC. 220. The Secretary shall publish, as part of the
17 fiscal year 2022 budget of the President submitted under
18 section 1105(a) of title 31, United States Code, informa-
19 tion that details the uses of all funds used by the Centers
20 for Medicare & Medicaid Services specifically for Health
21 Insurance Exchanges for each fiscal year since the enact-
22 ment of the ACA and the proposed uses for such funds
23 for fiscal year 2022. Such information shall include, for
24 each such fiscal year, the amount of funds used for each
25 activity specified under the heading “Health Insurance

1 Exchange Transparency” in the explanatory statement ac-
2 companying this Act.

3 SEC. 221. None of the funds made available by this
4 Act from the Federal Hospital Insurance Trust Fund or
5 the Federal Supplemental Medical Insurance Trust Fund,
6 or transferred from other accounts funded by this Act to
7 the “Centers for Medicare & Medicaid Services—Program
8 Management” account, may be used for payments under
9 section 1342(b)(1) of Public Law 111–148 (relating to
10 risk corridors).

11 (TRANSFER OF FUNDS)

12 SEC. 222. (a) Within 45 days of enactment of this
13 Act, the Secretary shall transfer funds appropriated under
14 section 4002 of the ACA to the accounts specified, in the
15 amounts specified, and for the activities specified under
16 the heading “Prevention and Public Health Fund” in the
17 explanatory statement accompanying this Act.

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

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

23 SEC. 223. Effective during the period beginning on
24 November 1, 2015 and ending January 1, 2023, any pro-
25 vision of law that refers (including through cross-reference

1 to another provision of law) to the current recommenda-
2 tions of the United States Preventive Services Task Force
3 with respect to breast cancer screening, mammography,
4 and prevention shall be administered by the Secretary in-
5 volved as if—

6 (1) such reference to such current recommenda-
7 tions were a reference to the recommendations of
8 such Task Force with respect to breast cancer
9 screening, mammography, and prevention last issued
10 before 2009; and

11 (2) such recommendations last issued before
12 2009 applied to any screening mammography modal-
13 ity under section 1861(jj) of the Social Security Act
14 (42 U.S.C. 1395x(jj)).

15 SEC. 224. In making Federal financial assistance, the
16 provisions relating to indirect costs in part 75 of title 45,
17 Code of Federal Regulations, including with respect to the
18 approval of deviations from negotiated rates, shall con-
19 tinue to apply to the National Institutes of Health to the
20 same extent and in the same manner as such provisions
21 were applied in the third quarter of fiscal year 2017. None
22 of the funds appropriated in this or prior Acts or otherwise
23 made available to the Department of Health and Human
24 Services or to any department or agency may be used to
25 develop or implement a modified approach to such provi-

1 sions, or to intentionally or substantially expand the fiscal
2 effect of the approval of such deviations from negotiated
3 rates beyond the proportional effect of such approvals in
4 such quarter.

5 (TRANSFER OF FUNDS)

6 SEC. 225. The NIH Director may transfer funds for
7 opioid addiction, opioid alternatives, stimulant misuse and
8 addiction, pain management, and addiction treatment to
9 other Institutes and Centers of the NIH to be used for
10 the same purpose 15 days after notifying the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: *Provided*, That the transfer authority provided in
13 the previous proviso is in addition to any other transfer
14 authority provided by law.

15 SEC. 226. (a) The Secretary shall provide to the
16 Committees on Appropriations of the House of Represent-
17 atives and the Senate:

18 (1) Detailed monthly enrollment figures from
19 the Exchanges established under the Patient Protec-
20 tion and Affordable Care Act of 2010 pertaining to
21 enrollments during the open enrollment period; and

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

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

5 SEC. 227. In addition to the amounts otherwise avail-
6 able for “Centers for Medicare & Medicaid Services, Pro-
7 gram Management”, the Secretary of Health and Human
8 Services may transfer up to \$305,000,000 to such account
9 from the Federal Hospital Insurance Trust Fund and the
10 Federal Supplementary Medical Insurance Trust Fund to
11 support program management activity related to the Medi-
12 care Program: *Provided*, That except for the foregoing
13 purpose, such funds may not be used to support any provi-
14 sion of Public Law 111–148 or Public Law 111–152 (or
15 any amendment made by either such Public Law) or to
16 supplant any other amounts within such account.

17 SEC. 228. The Department of Health and Human
18 Services shall provide the Committees on Appropriations
19 of the House of Representatives and Senate a biannual
20 report 30 days after enactment of this Act on staffing de-
21 scribed in the explanatory statement accompanying this
22 Act.

23 SEC. 229. Funds appropriated in this Act that are
24 available for salaries and expenses of employees of the De-
25 partment of Health and Human Services shall also be

1 available to pay travel and related expenses of such an
2 employee or of a member of his or her family, when such
3 employee is assigned to duty, in the United States or in
4 a U.S. territory, during a period and in a location that
5 are the subject of a determination of a public health emer-
6 gency under section 319 of the Public Health Service Act
7 and such travel is necessary to obtain medical care for
8 an illness, injury, or medical condition that cannot be ade-
9 quately addressed in that location at that time. For pur-
10 poses of this section, the term “U.S. territory” means
11 Guam, the Commonwealth of Puerto Rico, the Northern
12 Mariana Islands, the Virgin Islands, American Samoa, or
13 the Trust Territory of the Pacific Islands.

14 SEC. 230. The Department of Health and Human
15 Services may accept donations from the private sector,
16 nongovernmental organizations, and other groups inde-
17 pendent of the Federal Government for the care of unac-
18 companied alien children (as defined in section 462(g)(2)
19 of the Homeland Security Act of 2002 (6 U.S.C.
20 279(g)(2))) in the care of the Office of Refugee Resettle-
21 ment of the Administration for Children and Families, in-
22 cluding medical goods and services, which may include
23 early childhood developmental screenings, school supplies,
24 toys, clothing, and any other items intended to promote
25 the wellbeing of such children.

1 SEC. 231. (a) None of the funds provided by this or
2 any prior appropriations Act may be used to reverse
3 changes in procedures made by operational directives
4 issued to providers by the Office of Refugee Resettlement
5 on December 18, 2018, March 23, 2019, and June 10,
6 2019 regarding the Memorandum of Agreement on Infor-
7 mation Sharing executed April 13, 2018.

8 (b) Notwithstanding subsection (a), the Secretary
9 may make changes to such operational directives upon
10 making a determination that such changes are necessary
11 to prevent unaccompanied alien children from being placed
12 in danger, and the Secretary shall provide a written jus-
13 tification to Congress and the Inspector General of the
14 Department of Health and Human Services in advance of
15 implementing such changes.

16 (c) Within 15 days of the Secretary's communication
17 of the justification, the Inspector General of the Depart-
18 ment of Health and Human Services shall provide an as-
19 sessment, in writing, to the Secretary and to Committees
20 on Appropriations of the House of Representatives and the
21 Senate of whether such changes to operational directives
22 are necessary to prevent unaccompanied children from
23 being placed in danger.

24 SEC. 232. None of the funds made available in this
25 Act under the heading "Department of Health and

1 Human Services—Administration for Children and Fami-
2 lies—Refugee and Entrant Assistance” may be obligated
3 to a grantee or contractor to house unaccompanied alien
4 children (as such term is defined in section 462(g)(2) of
5 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))
6 in any facility that is not State-licensed for the care of
7 unaccompanied alien children, except in the case that the
8 Secretary determines that housing unaccompanied alien
9 children in such a facility is necessary on a temporary
10 basis due to an influx of such children or an emergency,
11 provided that—

12 (1) the terms of the grant or contract for the
13 operations of any such facility that remains in oper-
14 ation for more than six consecutive months shall re-
15 quire compliance with—

16 (A) the same requirements as licensed
17 placements, as listed in Exhibit 1 of the Flores
18 Settlement Agreement that the Secretary deter-
19 mines are applicable to non-State licensed facili-
20 ties; and

21 (B) staffing ratios of one (1) on-duty
22 Youth Care Worker for every eight (8) children
23 or youth during waking hours, one (1) on-duty
24 Youth Care Worker for every sixteen (16) chil-
25 dren or youth during sleeping hours, and clini-

1 cian ratios to children (including mental health
2 providers) as required in grantee cooperative
3 agreements;

4 (2) the Secretary may grant a 60-day waiver
5 for a contractor's or grantee's non-compliance with
6 paragraph (1) if the Secretary certifies and provides
7 a report to Congress on the contractor's or grantee's
8 good-faith efforts and progress towards compliance;

9 (3) not more than four consecutive waivers
10 under paragraph (2) may be granted to a contractor
11 or grantee with respect to a specific facility;

12 (4) ORR shall ensure full adherence to the
13 monitoring requirements set forth in section 5.5 of
14 its Policies and Procedures Guide as of May 15,
15 2019;

16 (5) for any such unlicensed facility in operation
17 for more than three consecutive months, ORR shall
18 conduct a minimum of one comprehensive moni-
19 toring visit during the first three months of oper-
20 ation, with quarterly monitoring visits thereafter;
21 and

22 (6) not later than 60 days after the date of en-
23 actment of this Act, ORR shall brief the Committees
24 on Appropriations of the House of Representatives
25 and the Senate outlining the requirements of ORR

1 for influx facilities including any requirement listed
2 in paragraph (1)(A) that the Secretary has deter-
3 mined are not applicable to non-State licensed facili-
4 ties.

5 SEC. 233. In addition to the existing Congressional
6 notification for formal site assessments of potential influx
7 facilities, the Secretary shall notify the Committees on Ap-
8 propriations of the House of Representatives and the Sen-
9 ate at least 15 days before operationalizing an unlicensed
10 facility, and shall (1) specify whether the facility is hard-
11 sided or soft-sided, and (2) provide analysis that indicates
12 that, in the absence of the influx facility, the likely out-
13 come is that unaccompanied alien children will remain in
14 the custody of the Department of Homeland Security for
15 longer than 72 hours or that unaccompanied alien children
16 will be otherwise placed in danger. Within 60 days of
17 bringing such a facility online, and monthly thereafter, the
18 Secretary shall provide to the Committees on Appropria-
19 tions of the House of Representatives and the Senate a
20 report detailing the total number of children in care at
21 the facility, the average length of stay and average length
22 of care of children at the facility, and, for any child that
23 has been at the facility for more than 60 days, their length
24 of stay and reason for delay in release.

1 SEC. 234. None of the funds made available in this
2 Act may be used to prevent a United States Senator or
3 Member of the House of Representatives from entering,
4 for the purpose of conducting oversight, any facility in the
5 United States used for the purpose of maintaining custody
6 of, or otherwise housing, unaccompanied alien children (as
7 defined in section 462(g)(2) of the Homeland Security Act
8 of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator
9 or Member has coordinated the oversight visit with the
10 Office of Refugee Resettlement not less than two business
11 days in advance to ensure that such visit would not inter-
12 fere with the operations (including child welfare and child
13 safety operations) of such facility.

14 SEC. 235. Not later than 14 days after the date of
15 enactment of this Act, and monthly thereafter, the Sec-
16 retary shall submit to the Committees on Appropriations
17 of the House of Representatives and the Senate, and make
18 publicly available online, a report with respect to children
19 who were separated from their parents or legal guardians
20 by the Department of Homeland Security (DHS) (regard-
21 less of whether or not such separation was pursuant to
22 an option selected by the children, parents, or guardians),
23 subsequently classified as unaccompanied alien children,
24 and transferred to the care and custody of ORR during

1 the previous month. Each report shall contain the fol-
2 lowing information:

3 (1) the number and ages of children so sepa-
4 rated subsequent to apprehension at or between
5 ports of entry, to be reported by sector where sepa-
6 ration occurred; and

7 (2) the documented cause of separation, as re-
8 ported by DHS when each child was referred.

9 SEC. 236. Funds appropriated in this Act that are
10 available for salaries and expenses of employees of the
11 Centers for Disease Control and Prevention shall also be
12 available for the primary and secondary schooling of eligi-
13 ble dependents of personnel stationed in a U.S. territory
14 as defined in section 229 of this Act at costs not in excess
15 of those paid for or reimbursed by the Department of De-
16 fense.

17 SEC. 237. Of the unobligated balances available in
18 the “Nonrecurring Expenses Fund” established in section
19 223 of division G of Public Law 110–161, and in addition
20 to any funds otherwise made available for such purposes
21 in this, prior, or subsequent fiscal years, the following
22 amounts shall be available for the following purposes dur-
23 ing the period of availability of the Fund: (1)
24 \$87,000,000, for activities in the Health Center program
25 under section 330 of the PHS Act focused on ending the

1 nationwide HIV/AIDS epidemic; (2) \$50,000,000 for ac-
2 tivities in the Ryan White HIV/AIDS Program under sec-
3 tion 311 or title XXVI of such Act focused on ending the
4 nationwide HIV/AIDS epidemic; (3) \$60,000,000 for ac-
5 tivities in CDC HIV prevention programs under title III
6 of such Act focused on ending the nationwide HIV/AIDS
7 epidemic; (4) \$229,000,000 for buildings and facilities at
8 the National Institutes of Health under title IV of such
9 Act; (5) \$24,000,000 for the Hospital Preparedness Pro-
10 gram under section 319C-2 of such Act; (6) \$50,000,000
11 for expenses necessary to carry out section 319F-2(a) of
12 such Act; (7) \$50,000,000 for expenses necessary to sup-
13 port advanced research and development pursuant to sec-
14 tion 319L of the PHS Act; and (8) \$50,000,000 for ex-
15 penses necessary for the Secretary to prepare for or re-
16 spond to an influenza pandemic.

17 SEC. 238. Not later than the 1st and 15th day of
18 each month, the Department of Health and Human Serv-
19 ices shall provide the Committees on Appropriations of the
20 House of Representatives and the Senate a report on trav-
21 el, as described in the explanatory statement accom-
22 panying this Act under the heading “Office of the Sec-
23 retary”.

24 SEC. 239. (a) The Chamblee Research Support
25 Building (Building 108) at the Centers for Disease Con-

1 trol and Prevention is hereby renamed as the Johnny Isak-
2 son Public Health Research Building.

3 (b) Section 238 of division A of the Further Consoli-
4 dated Appropriations Act, 2020 (Public Law 116–94) is
5 amended by inserting “during the period of availability of
6 the Fund” after “shall be available” and by inserting
7 “moving expenses,” after “renovation of facilities,”.

8 This title may be cited as the “Department of Health
9 and Human Services Appropriations Act, 2022”.

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”), \$17,121,790,000, of which
9 \$6,202,990,000 shall become available on July 1, 2021,
10 and shall remain available through September 30, 2022,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2021, and shall remain available through Sep-
13 tember 30, 2022, for academic year 2021–2022: *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, 2020, 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 \$4,306,550,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$4,306,550,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$219,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$45,623,000
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, \$1,506,112,000, of which \$1,359,242,000 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 through September 30, 2022, shall be for con-
13 struction under section 7007(b), \$76,313,000 shall be for
14 Federal property payments under section 7002, and
15 \$4,835,000, to remain available until expended, shall be
16 for facilities maintenance under section 7008: *Provided*,
17 That for purposes of computing the amount of a payment
18 for an eligible local educational agency under section
19 7003(a) for school year 2020–2021, children enrolled in
20 a school of such agency that would otherwise be eligible
21 for payment under section 7003(a)(1)(B) of such Act, but
22 due to the deployment of both parents or legal guardians,
23 or a parent or legal guardian having sole custody of such
24 children, or due to the death of a military parent or legal
25 guardian while on active duty (so long as such children

1 reside on Federal property as described in section
2 7003(a)(1)(B)), are no longer eligible under such section,
3 shall be considered as eligible students under such section,
4 provided such students remain in average daily attendance
5 at a school in the same local educational agency they at-
6 tended 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, \$5,449,967,000, of which
16 \$3,619,402,000 shall become available on July 1, 2021,
17 and remain available through September 30, 2022, and
18 of which \$1,681,441,000 shall become available on Octo-
19 ber 1, 2021, and shall remain available through September
20 30, 2022, for academic year 2021–2022: *Provided*, That
21 \$378,000,000 shall be for part B of title I: *Provided fur-*
22 *ther*, That \$1,249,673,000 shall be for part B of title IV:
23 *Provided further*, That \$36,897,000 shall be for part B
24 of title VI, which may be used for construction, renova-
25 tion, and modernization of any public elementary school,

1 secondary school, or structure related to a public elemen-
2 tary school or secondary school that serves a predomi-
3 nantly Native Hawaiian student body, and that the 5 per-
4 cent limitation in section 6205(b) of the ESEA on the use
5 of funds for administrative purposes shall apply only to
6 direct administrative costs: *Provided further*, That
7 \$36,953,000 shall be for part C of title VI, which shall
8 be awarded on a competitive basis, and may be used for
9 construction, and that the 5 percent limitation in section
10 6305 of the ESEA on the use of funds for administrative
11 purposes shall apply only to direct administrative costs:
12 *Provided further*, That \$52,000,000 shall be available to
13 carry out section 203 of the Educational Technical Assist-
14 ance Act of 2002 and the Secretary shall make such ar-
15 rangements as determined to be necessary to ensure that
16 the Bureau of Indian Education has access to services pro-
17 vided under this section: *Provided further*, That
18 \$16,699,000 shall be available to carry out the Supple-
19 mental Education Grants program for the Federated
20 States of Micronesia and the Republic of the Marshall Is-
21 lands: *Provided further*, That the Secretary may reserve
22 up to 5 percent of the amount referred to in the previous
23 proviso to provide technical assistance in the implementa-
24 tion of these grants: *Provided further*, That \$189,840,000
25 shall be for part B of title V: *Provided further*, That

1 \$1,250,000,000 shall be available for grants under sub-
2 part 1 of part A of title IV.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title VI, part A of the ESEA,
6 \$180,739,000, of which \$67,993,000 shall be for subpart
7 2 of part A of title VI and \$7,365,000 shall be for subpart
8 3 of part A of title VI: *Provided*, That the 5 percent limita-
9 tion in sections 6115(d), 6121(e), and 6133(g) of the
10 ESEA on the use of funds for administrative purposes
11 shall apply only to direct administrative costs.

12 INNOVATION AND IMPROVEMENT

13 For carrying out activities authorized by subparts 1,
14 3 and 4 of part B of title II, and parts C, D, and E and
15 subparts 1 and 4 of part F of title IV of the ESEA,
16 \$1,058,815,000: *Provided*, That \$284,815,000 shall be for
17 subparts 1, 3 and 4 of part B of title II and shall be made
18 available without regard to sections 2201, 2231(b) and
19 2241: *Provided further*, That \$644,000,000 shall be for
20 parts C, D, and E and subpart 4 of part F of title IV,
21 and shall be made available without regard to sections
22 4311, 4409(a), and 4601 of the ESEA: *Provided further*,
23 That section 4303(d)(3)(A)(i) shall not apply to the funds
24 available for part C of title IV: *Provided further*, That of
25 the funds available for part C of title IV, the Secretary

1 shall use \$70,000,000 to carry out section 4304, of which
2 not more than \$10,000,000 shall be available to carry out
3 section 4304(k), \$150,000,000, to remain available
4 through March 31, 2022, to carry out section 4305(b),
5 and not more than \$15,000,000 to carry out the activities
6 in section 4305(a)(3): *Provided further*, That notwith-
7 standing section 4601(b), \$130,000,000 shall be available
8 through December 31, 2021 for subpart 1 of part F of
9 title IV.

10 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

11 For carrying out activities authorized by subparts 2
12 and 3 of part F of title IV of the ESEA, \$210,000,000:
13 *Provided*, That \$105,000,000 shall be available for section
14 4631, of which up to \$5,000,000, to remain available until
15 expended, shall be for the Project School Emergency Re-
16 sponse to Violence (Project SERV) program: *Provided fur-*
17 *ther*, That \$25,000,000 shall be available for section 4625:
18 *Provided further*, That \$80,000,000 shall be available
19 through December 31, 2021, for section 4624.

20 ENGLISH LANGUAGE ACQUISITION

21 For carrying out part A of title III of the ESEA,
22 \$787,400,000, which shall become available on July 1,
23 2021, and shall remain available through September 30,
24 2022, except that 6.5 percent of such amount shall be
25 available on October 1, 2020, and shall remain available

1 through September 30, 2022, to carry out activities under
2 section 3111(c)(1)(C).

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities
5 Education Act (IDEA) and the Special Olympics Sport
6 and Empowerment Act of 2004, \$14,012,728,000, of
7 which \$4,477,129,000 shall become available on July 1,
8 2021, and shall remain available through September 30,
9 2022, and of which \$9,283,383,000 shall become available
10 on October 1, 2021, and shall remain available through
11 September 30, 2022, for academic year 2021–2022: *Pro-*
12 *vided*, That the amount for section 611(b)(2) of the IDEA
13 shall be equal to the lesser of the amount available for
14 that activity during fiscal year 2020, increased by the
15 amount of inflation as specified in section 619(d)(2)(B)
16 of the IDEA, or the percent change in the funds appro-
17 priated under section 611(i) of the IDEA, but not less
18 than the amount for that activity during fiscal year 2020:
19 *Provided further*, That the Secretary shall, without regard
20 to section 611(d) of the IDEA, distribute to all other
21 States (as that term is defined in section 611(g)(2)), sub-
22 ject to the third proviso, any amount by which a State’s
23 allocation under section 611, from funds appropriated
24 under this heading, is reduced under section
25 612(a)(18)(B), according to the following: 85 percent on

1 the basis of the States' relative populations of children
2 aged 3 through 21 who are of the same age as children
3 with disabilities for whom the State ensures the avail-
4 ability of a free appropriate public education under this
5 part, and 15 percent to States on the basis of the States'
6 relative populations of those children who are living in pov-
7 erty: *Provided further*, That the Secretary may not dis-
8 tribute any funds under the previous proviso to any State
9 whose reduction in allocation from funds appropriated
10 under this heading made funds available for such a dis-
11 tribution: *Provided further*, That the States shall allocate
12 such funds distributed under the second proviso to local
13 educational agencies in accordance with section 611(f):
14 *Provided further*, That the amount by which a State's allo-
15 cation under section 611(d) of the IDEA is reduced under
16 section 612(a)(18)(B) and the amounts distributed to
17 States under the previous provisos in fiscal year 2012 or
18 any subsequent year shall not be considered in calculating
19 the awards under section 611(d) for fiscal year 2013 or
20 for any subsequent fiscal years: *Provided further*, That,
21 notwithstanding the provision in section 612(a)(18)(B) re-
22 garding the fiscal year in which a State's allocation under
23 section 611(d) is reduced for failure to comply with the
24 requirement of section 612(a)(18)(A), the Secretary may
25 apply the reduction specified in section 612(a)(18)(B) over

1 a period of consecutive fiscal years, not to exceed 5, until
2 the entire reduction is applied: *Provided further*, That the
3 Secretary may, in any fiscal year in which a State's alloca-
4 tion under section 611 is reduced in accordance with sec-
5 tion 612(a)(18)(B), reduce the amount a State may re-
6 serve under section 611(e)(1) by an amount that bears
7 the same relation to the maximum amount described in
8 that paragraph as the reduction under section
9 612(a)(18)(B) bears to the total allocation the State
10 would have received in that fiscal year under section
11 611(d) in the absence of the reduction: *Provided further*,
12 That the Secretary shall either reduce the allocation of
13 funds under section 611 for any fiscal year following the
14 fiscal year for which the State fails to comply with the
15 requirement of section 612(a)(18)(A) as authorized by
16 section 612(a)(18)(B), or seek to recover funds under sec-
17 tion 452 of the General Education Provisions Act (20
18 U.S.C. 1234a): *Provided further*, That the funds reserved
19 under 611(c) of the IDEA may be used to provide tech-
20 nical assistance to States to improve the capacity of the
21 States to meet the data collection requirements of sections
22 616 and 618 and to administer and carry out other serv-
23 ices and activities to improve data collection, coordination,
24 quality, and use under parts B and C of the IDEA: *Pro-*
25 *vided further*, That the Secretary may use funds made

1 available for the State Personnel Development Grants pro-
2 gram under part D, subpart 1 of IDEA to evaluate pro-
3 gram performance under such subpart: *Provided further*,
4 That States may use funds reserved for other State-level
5 activities under sections 611(e)(2) and 619(f) of the IDEA
6 to make subgrants to local educational agencies, institu-
7 tions of higher education, other public agencies, and pri-
8 vate non-profit organizations to carry out activities au-
9 thorized by those sections: *Provided further*, That, not-
10 withstanding section 643(e)(2)(A) of the IDEA, if 5 or
11 fewer States apply for grants pursuant to section 643(e)
12 of such Act, the Secretary shall provide a grant to each
13 State in an amount equal to the maximum amount de-
14 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*
15 *ther*, That if more than 5 States apply for grants pursuant
16 to section 643(e) of the IDEA, the Secretary shall award
17 funds to those States on the basis of the States' relative
18 populations of infants and toddlers except that no such
19 State shall receive a grant in excess of the amount de-
20 scribed in section 643(e)(2)(B) of such Act.

21 REHABILITATION SERVICES

22 For carrying out, to the extent not otherwise pro-
23 vided, the Rehabilitation Act of 1973 and the Helen Keller
24 National Center Act, \$3,805,500,000, of which
25 \$3,667,801,000 shall be for grants for vocational rehabili-

1 tation services under title I of the Rehabilitation Act: *Pro-*
2 *vided*, That the Secretary may use amounts provided in
3 this Act that remain available subsequent to the reallocot-
4 ment of funds to States pursuant to section 110(b) of the
5 Rehabilitation Act for innovative activities aimed at im-
6 proving the outcomes of individuals with disabilities as de-
7 fined in section 7(20)(B) of the Rehabilitation Act, includ-
8 ing activities aimed at improving the education and post-
9 school outcomes of children receiving Supplemental Secu-
10 rity Income (“SSI”) and their families that may result
11 in long-term improvement in the SSI child recipient’s eco-
12 nomic status and self-sufficiency: *Provided further*, That
13 States may award subgrants for a portion of the funds
14 to other public and private, nonprofit entities: *Provided*
15 *further*, That any funds made available subsequent to real-
16 lotment for innovative activities aimed at improving the
17 outcomes of individuals with disabilities shall remain avail-
18 able until September 30, 2022.

19 SPECIAL INSTITUTIONS FOR PERSONS WITH
20 DISABILITIES

21 AMERICAN PRINTING HOUSE FOR THE BLIND

22 For carrying out the Act to Promote the Education
23 of the Blind of March 3, 1879, \$34,431,000.

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, \$81,500,000: *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, \$140,361,000:
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 (“Perkins Act”) and the Adult Edu-
20 cation and Family Literacy Act (“AEFLA”),
21 \$2,035,686,000, of which \$1,244,686,000 shall become
22 available on July 1, 2021, and shall remain available
23 through September 30, 2022, and of which \$791,000,000
24 shall become available on October 1, 2021, and shall re-
25 main available through September 30, 2022: *Provided*,

1 That of the amounts made available for AEFLA,
2 \$13,712,000 shall be for national leadership activities
3 under section 242.

4 STUDENT FINANCIAL ASSISTANCE

5 For carrying out subparts 1, 3, and 10 of part A,
6 and part C of title IV of the HEA, \$24,520,352,000 which
7 shall remain available through September 30, 2022.

8 The maximum Pell Grant for which a student shall
9 be eligible during award year 2021–2022 shall be \$5,435.

10 STUDENT AID ADMINISTRATION

11 For Federal administrative expenses to carry out part
12 D of title I, and subparts 1, 3, 9, and 10 of part A, and
13 parts B, C, D, and E of title IV of the HEA, and subpart
14 1 of part A of title VII of the Public Health Service Act,
15 \$1,868,943,000, to remain available through September
16 30, 2022: *Provided*, That the Secretary shall allocate new
17 student loan borrower accounts to eligible student loan
18 servicers on the basis of their past performance compared
19 to all loan servicers utilizing established common metrics,
20 and on the basis of the capacity of each servicer to process
21 new and existing accounts: *Provided further*, That for stu-
22 dent loan contracts awarded prior to October 1, 2017, the
23 Secretary shall allow student loan borrowers who are con-
24 solidating Federal student loans to select from any stu-
25 dent loan servicer to service their new consolidated student

1 loan: *Provided further*, That in order to promote account-
2 ability and high-quality service to borrowers, the Secretary
3 shall not award funding for any contract solicitation for
4 a new Federal student loan servicing environment, includ-
5 ing the solicitation for the Federal Student Aid (FSA)
6 Next Generation Processing and Servicing Environment,
7 unless such an environment provides for the participation
8 of multiple student loan servicers that contract directly
9 with the Department of Education to manage a unique
10 portfolio of borrower accounts and the full life-cycle of
11 loans from disbursement to pay-off with certain limited
12 exceptions, and allocates student loan borrower accounts
13 to eligible student loan servicers based on performance:
14 *Provided further*, That the Department shall re-allocate
15 accounts from servicers for recurring non-compliance with
16 FSA guidelines, contractual requirements, and applicable
17 laws, including for failure to sufficiently inform borrowers
18 of available repayment options: *Provided further*, That
19 such servicers shall be evaluated based on their ability to
20 meet contract requirements (including an understanding
21 of Federal and State law), future performance on the con-
22 tracts, and history of compliance with applicable consumer
23 protections laws: *Provided further*, That to the extent FSA
24 permits student loan servicing subcontracting, FSA shall
25 hold prime contractors accountable for meeting the re-

1 requirements of the contract, and the performance and ex-
2 pectations of subcontractors shall be accounted for in the
3 prime contract and in the overall performance of the prime
4 contractor: *Provided further*, That FSA shall ensure that
5 the Next Generation Processing and Servicing Environ-
6 ment, or any new Federal loan servicing environment,
7 incentivize more support to borrowers at risk of delin-
8 quency or default: *Provided further*, That FSA shall en-
9 sure that in such environment contractors have the capac-
10 ity to meet and are held accountable for performance on
11 service levels; are held accountable for and have a history
12 of compliance with applicable consumer protection laws;
13 and have relevant experience and demonstrated effective-
14 ness: *Provided further*, That the Secretary shall provide
15 quarterly briefings to the Committees on Appropriations
16 and Education and Labor of the House of Representatives
17 and the Committees on Appropriations and Health, Edu-
18 cation, Labor, and Pensions of the Senate on general
19 progress related to solicitations for Federal student loan
20 servicing contracts: *Provided further*, That FSA shall
21 strengthen transparency through expanded publication of
22 aggregate data on student loan and servicer performance.

23 HIGHER EDUCATION

24 For carrying out, to the extent not otherwise pro-
25 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA;

1 the Mutual Educational and Cultural Exchange Act of
2 1961; and section 117 of the Perkins Act,
3 \$2,488,157,000, of which \$17,500,000 shall remain avail-
4 able through December 31, 2021: *Provided*, That notwith-
5 standing any other provision of law, funds made available
6 in this Act to carry out title VI of the HEA and section
7 102(b)(6) of the Mutual Educational and Cultural Ex-
8 change Act of 1961 may be used to support visits and
9 study in foreign countries by individuals who are partici-
10 pating in advanced foreign language training and inter-
11 national studies in areas that are vital to United States
12 national security and who plan to apply their language
13 skills and knowledge of these countries in the fields of gov-
14 ernment, the professions, or international development:
15 *Provided further*, That of the funds referred to in the pre-
16 ceding proviso up to 1 percent may be used for program
17 evaluation, national outreach, and information dissemina-
18 tion activities: *Provided further*, That up to 1.5 percent
19 of the funds made available under chapter 2 of subpart
20 2 of part A of title IV of the HEA may be used for evalua-
21 tion.

22 HOWARD UNIVERSITY

23 For partial support of Howard University,
24 \$244,018,000, of which not less than \$3,405,000 shall be
25 for a matching endowment grant pursuant to the Howard

1 University Endowment Act and shall remain available
2 until expended.

3

4 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
5 PROGRAM

6 For Federal administrative expenses to carry out ac-
7 tivities related to existing facility loans pursuant to section
8 121 of the HEA, \$435,000.

9 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
10 CAPITAL FINANCING PROGRAM ACCOUNT

11 For the cost of guaranteed loans, \$20,150,000, as au-
12 thorized pursuant to part D of title III of the HEA, which
13 shall remain available through September 30, 2022: Pro-
14 vided, That such costs, including the cost of modifying
15 such loans, shall be as defined in section 502 of the Con-
16 gressional Budget Act of 1974: *Provided further*, That
17 these funds are available to subsidize total loan principal,
18 any part of which is to be guaranteed, not to exceed
19 \$220,000,000: *Provided further*, That these funds may be
20 used to support loans to public and private Historically
21 Black Colleges and Universities without regard to the limi-
22 tations within section 344(a) of the HEA.

23 In addition, \$16,000,000 shall be made available to
24 provide for the deferment of loans made under part D of
25 title III of the HEA to eligible institutions that are private

1 Historically Black Colleges and Universities, which apply
2 for the deferment of such a loan and demonstrate financial
3 need for such deferment by having a score of 2.6 or less
4 on the Department of Education's financial responsibility
5 test: *Provided*, That the loan has not been paid in full and
6 is not paid in full during the period of deferment: *Provided*
7 *further*, That during the period of deferment of such a
8 loan, interest on the loan will not accrue or be capitalized,
9 and the period of deferment shall be for at least a period
10 of 3-fiscal years and not more than 6-fiscal years: *Pro-*
11 *vided further*, That funds available under this paragraph
12 shall be used to fund eligible deferment requests submitted
13 for this purpose in fiscal year 2018: *Provided further*, That
14 the Secretary shall create and execute an outreach plan
15 to work with States and the Capital Financing Advisory
16 Board to improve outreach to States and help additional
17 public Historically Black Colleges and Universities partici-
18 pate in the program.

19 In addition, \$10,000,000 shall be made available to
20 provide for the deferment of loans made under part D of
21 title III of the HEA to eligible institutions that are public
22 Historically Black Colleges and Universities, which apply
23 for the deferment of such a loan and demonstrate financial
24 need for such deferment, which shall be determined by the
25 Secretary of Education based on factors including, but not

1 limited to, equal to or greater than 5 percent of the
2 school's operating revenue relative to its annual debt serv-
3 ice payment: *Provided*, That during the period of
4 deferment of such a loan, interest on the loan will not ac-
5 crue or be capitalized, and the period of deferment shall
6 be for at least a period of 3-fiscal years and not more
7 than 6-fiscal years.

8 In addition, for administrative expenses to carry out
9 the Historically Black College and University Capital Fi-
10 nancing Program entered into pursuant to part D of title
11 III of the HEA, \$334,000.

12 INSTITUTE OF EDUCATION SCIENCES

13 For carrying out activities authorized by the Edu-
14 cation Sciences Reform Act of 2002, the National Assess-
15 ment of Educational Progress Authorization Act, section
16 208 of the Educational Technical Assistance Act of 2002,
17 and section 664 of the Individuals with Disabilities Edu-
18 cation Act, \$635,462,000, which shall remain available
19 through September 30, 2022: *Provided*, That funds avail-
20 able to carry out section 208 of the Educational Technical
21 Assistance Act may be used to link Statewide elementary
22 and secondary data systems with early childhood, postsec-
23 ondary, and workforce data systems, or to further develop
24 such systems: *Provided further*, That up to \$6,000,000 of
25 the funds available to carry out section 208 of the Edu-

1 cational Technical Assistance Act may be used for awards
2 to public or private organizations or agencies to support
3 activities to improve data coordination, quality, and use
4 at the local, State, and national levels.

5 DEPARTMENTAL MANAGEMENT

6 PROGRAM ADMINISTRATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Department of Education Organization Act, in-
9 cluding rental of conference rooms in the District of Co-
10 lumbia and hire of three passenger motor vehicles,
11 \$430,000,000: *Provided*, That, notwithstanding any other
12 provision of law, none of the funds provided by this Act
13 or provided by previous Appropriations Acts to the De-
14 partment of Education available for obligation or expendi-
15 ture in the current fiscal year may be used for any activity
16 relating to implementing a reorganization that decentral-
17 izes, reduces the staffing level, or alters the responsibil-
18 ities, structure, authority, or functionality of the Budget
19 Service of the Department of Education, relative to the
20 organization and operation of the Budget Service as in
21 effect on January 1, 2018.

22 OFFICE FOR CIVIL RIGHTS

23 For expenses necessary for the Office for Civil
24 Rights, as authorized by section 203 of the Department
25 of Education Organization Act, \$130,000,000.

1 OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General, as authorized by section 212 of the Department
4 of Education Organization Act, \$63,000,000.

5 GENERAL PROVISIONS

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

9 (TRANSFER OF FUNDS)

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

23 SEC. 303. Funds appropriated in this Act and con-
24 solidated for evaluation purposes under section 8601(c) of

1 the ESEA shall be available from July 1, 2021, through
2 September 30, 2022.

3 SEC. 304. (a) An institution of higher education that
4 maintains an endowment fund supported with funds ap-
5 propriated for title III or V of the HEA for fiscal year
6 2021 may use the income from that fund to award schol-
7 arships to students, subject to the limitation in section
8 331(c)(3)(B)(i) of the HEA. The use of such income for
9 such purposes, prior to the enactment of this Act, shall
10 be considered to have been an allowable use of that in-
11 come, subject to that limitation.

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

14 SEC. 305. Section 114(f) of the HEA (20 U.S.C.
15 1011c(f)) is amended by striking “2020” and inserting
16 “2021”.

17 SEC. 306. Section 458(a) of the HEA (20 U.S.C.
18 1087h(a)) is amended in paragraph (4) by striking
19 “2020” and inserting “2021”.

20 SEC. 307. Funds appropriated in this Act under the
21 heading “Student Aid Administration” may be available
22 for payments for student loan servicing to an institution
23 of higher education that services outstanding Federal Per-
24 kins Loans under part E of title IV of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1087aa et seq.).

1 (RESCISSION)

2 SEC. 308. Of the unobligated balances available
3 under the heading “Student Financial Assistance” for car-
4 rying out subpart 1 of part A of title IV of the HEA,
5 \$300,000,000 are hereby rescinded.

6 (RESCISSION)

7 SEC. 309. Of the amounts appropriated under Sec-
8 tion 401(b)(7)(A)(iv)(XI) of the Higher Education Act of
9 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year
10 2021, \$28,000,000 are hereby rescinded.

11 SEC. 310. Of the amounts made available under this
12 title under the heading “Student Aid Administration”,
13 \$2,300,000 shall be used by the Secretary of Education
14 to conduct outreach to borrowers of loans made under part
15 D of title IV of the Higher Education Act of 1965 who
16 may intend to qualify for loan cancellation under section
17 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
18 borrowers are meeting the terms and conditions of such
19 loan cancellation: *Provided*, That the Secretary shall spe-
20 cifically conduct outreach to assist borrowers who would
21 qualify for loan cancellation under section 455(m) of such
22 Act except that the borrower has made some, or all, of
23 the 120 required payments under a repayment plan that
24 is not described under section 455(m)(A) of such Act, to
25 encourage borrowers to enroll in a qualifying repayment

1 plan: *Provided further*, That the Secretary shall also com-
2 municate to all Direct Loan borrowers the full require-
3 ments of section 455(m) of such Act and improve the fil-
4 ing of employment certification by providing improved out-
5 reach and information such as outbound calls, electronic
6 communications, ensuring prominent access to program
7 requirements and benefits on each servicer’s website, and
8 creating an option for all borrowers to complete the entire
9 payment certification process electronically and on a cen-
10 tralized website.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 311. There is hereby established in the Treasury
13 of the United States a fund to be known as the “Depart-
14 ment of Education Nonrecurring Expenses Fund” (the
15 Fund): *Provided*, That unobligated balances of expired
16 discretionary funds appropriated for this or any suc-
17 ceeding fiscal year from the General Fund of the Treasury
18 to the Department of Education by this or any other Act
19 may be transferred (not later than the end of the fifth
20 fiscal year after the last fiscal year for which such funds
21 are available for the purposes for which appropriated) into
22 the Fund: *Provided further*, That amounts deposited in the
23 Fund shall be available until expended, and in addition
24 to such other funds as may be available for such purposes,
25 for information and business technology system mod-

1 ernization and facilities infrastructure improvements nec-
2 essary for the operation of the Department, subject to ap-
3 proval by the Office of Management and Budget: *Provided*
4 *further*, That amounts in the Fund may be obligated only
5 after the Committees on Appropriations of the House of
6 Representatives and the Senate are notified at least 15
7 days in advance of the planned use of funds.

8 SEC. 312. Not later than the 1st and 15th day of
9 each month, the Department of Education shall provide
10 the Committee on Appropriations of the House of Rep-
11 resentatives and the Senate a report on travel, as de-
12 scribed in the explanatory statement accompanying this
13 Act under the heading “Departmental Management”.

14 This title may be cited as the “Department of Edu-
15 cation Appropriations Act, 2021”.

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 (referred to in this title as “the Committee”) established
9 under section 8502 of title 41, United States Code,
10 \$12,000,000: *Provided*, That in order to authorize any
11 central nonprofit agency designated pursuant to section
12 8503(c) of title 41, United States Code, to perform re-
13 quirements of the Committee as prescribed under section
14 51–3.2 of title 41, Code of Federal Regulations, the Com-
15 mittee shall enter into a written agreement with any such
16 central nonprofit agency: *Provided further*, That such
17 agreement shall contain such auditing, oversight, and re-
18 porting provisions as necessary to implement chapter 85
19 of title 41, United States Code: *Provided further*, That
20 such agreement shall include the elements listed under the
21 heading “Committee For Purchase From People Who Are
22 Blind or Severely Disabled—Written Agreement Ele-
23 ments” in the explanatory statement described in section
24 4 of Public Law 114–113 (in the matter preceding division
25 A of that consolidated Act): *Provided further*, That any

1 such central nonprofit agency may not charge a fee under
2 section 51–3.5 of title 41, Code of Federal Regulations,
3 prior to executing a written agreement with the Com-
4 mittee: *Provided further*, That no less than \$2,500,000
5 shall be available for the Office of Inspector General.

6 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
7 OPERATING EXPENSES

8 For necessary expenses for the Corporation for Na-
9 tional and Community Service (referred to in this title as
10 “CNCS”) to carry out the Domestic Volunteer Service Act
11 of 1973 (referred to in this title as “1973 Act”) and the
12 National and Community Service Act of 1990 (referred
13 to in this title as “1990 Act”), \$848,529,000, notwith-
14 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
15 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
16 amounts provided under this heading: (1) up to 1 percent
17 of program grant funds may be used to defray the costs
18 of conducting grant application reviews, including the use
19 of outside peer reviewers and electronic management of
20 the grants cycle; (2) \$18,538,000 shall be available to pro-
21 vide assistance to State commissions on national and com-
22 munity service, under section 126(a) of the 1990 Act and
23 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
24 \$33,500,000 shall be available to carry out subtitle E of
25 the 1990 Act; and (4) \$6,400,000 shall be available for

1 expenses authorized under section 501(a)(4)(F) of the
2 1990 Act, which, notwithstanding the provisions of section
3 198P shall be awarded by CNCS on a competitive basis:
4 *Provided further*, That for the purposes of carrying out
5 the 1990 Act, satisfying the requirements in section
6 122(c)(1)(D) may include a determination of need by the
7 local community.

8 PAYMENT TO THE NATIONAL SERVICE TRUST
9 (INCLUDING TRANSFER OF FUNDS)

10 For payment to the National Service Trust estab-
11 lished under subtitle D of title I of the 1990 Act,
12 \$213,342,000, to remain available until expended: *Pro-*
13 *vided*, That CNCS may transfer additional funds from the
14 amount provided within “Operating Expenses” allocated
15 to grants under subtitle C of title I of the 1990 Act to
16 the National Service Trust upon determination that such
17 transfer is necessary to support the activities of national
18 service participants and after notice is transmitted to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate: *Provided further*, That amounts ap-
21 propriated for or transferred to the National Service Trust
22 may be invested under section 145(b) of the 1990 Act
23 without regard to the requirement to apportion funds
24 under 31 U.S.C. 1513(b).

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1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(5) of the 1990 Act and under section
4 504(a) of the 1973 Act, including payment of salaries, au-
5 thorized travel, hire of passenger motor vehicles, the rental
6 of conference rooms in the District of Columbia, the em-
7 ployment of experts and consultants authorized under 5
8 U.S.C. 3109, and not to exceed \$2,500 for official recep-
9 tion and representation expenses, \$86,237,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$6,250,000.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. CNCS shall make any significant changes
16 to program requirements, service delivery or policy only
17 through public notice and comment rulemaking. For fiscal
18 year 2021, during any grant selection process, an officer
19 or employee of CNCS shall not knowingly disclose any cov-
20 ered grant selection information regarding such selection,
21 directly or indirectly, to any person other than an officer
22 or employee of CNCS that is authorized by CNCS to re-
23 ceive such information.

24 SEC. 402. AmeriCorps programs receiving grants
25 under the National Service Trust program shall meet an

1 overall minimum share requirement of 24 percent for the
2 first 3 years that they receive AmeriCorps funding, and
3 thereafter shall meet the overall minimum share require-
4 ment as provided in section 2521.60 of title 45, Code of
5 Federal Regulations, without regard to the operating costs
6 match requirement in section 121(e) or the member sup-
7 port Federal share limitations in section 140 of the 1990
8 Act, and subject to partial waiver consistent with section
9 2521.70 of title 45, Code of Federal Regulations.

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

16 SEC. 404. In addition to the requirements in section
17 146(a) of the 1990 Act, use of an educational award for
18 the purpose described in section 148(a)(4) shall be limited
19 to individuals who are veterans as defined under section
20 101 of the Act.

21 SEC. 405. For the purpose of carrying out section
22 189D of the 1990 Act—

23 (1) entities described in paragraph (a) of such
24 section shall be considered “qualified entities” under

1 section 3 of the National Child Protection Act of
2 1993 (“NCPA”);

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

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

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

18 CORPORATION FOR PUBLIC BROADCASTING

19 For payment to the Corporation for Public Broad-
20 casting (“CPB”), as authorized by the Communications
21 Act of 1934, an amount which shall be available within
22 limitations specified by that Act, for the fiscal year 2023,
23 \$465,000,000: *Provided*, That none of the funds made
24 available to CPB by this Act shall be used to pay for re-
25 ceptions, parties, or similar forms of entertainment for

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

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

18 SERVICE

19 SALARIES AND EXPENSES

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

1 to carry out the functions vested in it by the Civil Service
2 Reform Act, \$47,200,000, including up to \$900,000 to re-
3 main available through September 30, 2022, for activities
4 authorized by the Labor-Management Cooperation Act of
5 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
6 fees charged, up to full-cost recovery, for special training
7 activities and other conflict resolution services and tech-
8 nical assistance, including those provided to foreign gov-
9 ernments and international organizations, and for arbitra-
10 tion services shall be credited to and merged with this ac-
11 count, and shall remain available until expended: *Provided*
12 *further*, That fees for arbitration services shall be available
13 only for education, training, and professional development
14 of the agency workforce: *Provided further*, That the Direc-
15 tor of the Service is authorized to accept and use on behalf
16 of the United States gifts of services and real, personal,
17 or other property in the aid of any projects or functions
18 within the Director's jurisdiction.

19 FEDERAL MINE SAFETY AND HEALTH REVIEW

20 COMMISSION

21 SALARIES AND EXPENSES

22 For expenses necessary for the Federal Mine Safety
23 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, \$257,000,000.

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, \$8,780,000.

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, \$3,350,000.

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 \$264,224,000: *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, \$14,050,000.

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, \$13,000,000, which shall include
18 amounts becoming available in fiscal year 2021 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, 2022, 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, \$120,225,000, 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 notwithstanding section 7(b)(9) of the
2 Railroad Retirement Act, this limitation may be used to
3 hire students attending qualifying educational institutions
4 or individuals who have recently completed qualifying edu-
5 cational programs using current excepted hiring authori-
6 ties established by the Office of Personnel Management:
7 *Provided further*, That \$5,725,000, to remain available
8 until expended, shall be used to supplement, not supplant,
9 existing resources devoted to operations and improvements
10 for the Board's Information Technology Investment Initia-
11 tives.

12 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

13 For expenses necessary for the Office of Inspector
14 General for audit, investigatory and review activities, as
15 authorized by the Inspector General Act of 1978, not more
16 than \$11,000,000, to be derived from the railroad retire-
17 ment accounts and railroad unemployment insurance ac-
18 count.

19 SOCIAL SECURITY ADMINISTRATION

20 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

21 For payment to the Federal Old-Age and Survivors
22 Insurance Trust Fund and the Federal Disability Insur-
23 ance Trust Fund, as provided under sections 201(m) and
24 1131(b)(2) of the Social Security Act, \$11,000,000.

1 SUPPLEMENTAL SECURITY INCOME PROGRAM

2 For carrying out titles XI and XVI of the Social Se-
3 curity Act, section 401 of Public Law 92–603, section 212
4 of Public Law 93–66, as amended, and section 405 of
5 Public Law 95–216, including payment to the Social Secu-
6 rity trust funds for administrative expenses incurred pur-
7 suant to section 201(g)(1) of the Social Security Act,
8 \$40,136,324,000, to remain available until expended: *Pro-*
9 *vided*, That any portion of the funds provided to a State
10 in the current fiscal year and not obligated by the State
11 during that year shall be returned to the Treasury: *Pro-*
12 *vided further*, That not more than \$86,000,000 shall be
13 available for research and demonstrations under sections
14 1110, 1115, and 1144 of the Social Security Act, and re-
15 main available through September 30, 2023.

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

20 For making benefit payments under title XVI of the
21 Social Security Act for the first quarter of fiscal year
22 2022, \$19,600,000,000, to remain available until ex-
23 pended.

1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$20,000 for offi-
4 cial reception and representation expenses, not more than
5 \$12,732,945,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act, from any one
7 or all of the trust funds referred to in such section: *Pro-*
8 *vided*, That not less than \$2,500,000 shall be for the So-
9 cial Security Advisory Board: *Provided further*, That unob-
10 ligated balances of funds provided under this paragraph
11 at the end of fiscal year 2021 not needed for fiscal year
12 2021 shall remain available until expended to invest in the
13 Social Security Administration information technology
14 and telecommunications hardware and software infra-
15 structure, including related equipment and non-payroll ad-
16 ministrative expenses associated solely with this informa-
17 tion technology and telecommunications infrastructure:
18 *Provided further*, That the Commissioner of Social Secu-
19 rity shall notify the Committees on Appropriations of the
20 House of Representatives and the Senate prior to making
21 unobligated balances available under the authority in the
22 previous proviso: *Provided further*, That reimbursement to
23 the trust funds under this heading for expenditures for
24 official time for employees of the Social Security Adminis-
25 tration pursuant to 5 U.S.C. 7131, and for facilities or

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

7 Of the total amount made available in the first para-
8 graph under this heading, not more than \$1,575,000,000,
9 to remain available through March 31, 2022, is for the
10 costs associated with continuing disability reviews under
11 titles II and XVI of the Social Security Act, including
12 work-related continuing disability reviews to determine
13 whether earnings derived from services demonstrate an in-
14 dividual's ability to engage in substantial gainful activity,
15 for the cost associated with conducting redeterminations
16 of eligibility under title XVI of the Social Security Act,
17 for the cost of co-operative disability investigation units,
18 and for the cost associated with the prosecution of fraud
19 in the programs and operations of the Social Security Ad-
20 ministration by Special Assistant United States Attorneys:
21 *Provided*, That, of such amount, \$273,000,000 is provided
22 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985, as amended, and \$1,302,000,000 is additional new
25 budget authority specified for purposes of section

1 251(b)(2)(B) of such Act: *Provided further*, That, of the
2 additional new budget authority described in the preceding
3 proviso, up to \$10,000,000 may be transferred to the “Of-
4 fice of Inspector General”, Social Security Administration,
5 for the cost of jointly operated co-operative disability in-
6 vestigation units: *Provided further*, That such transfer au-
7 thority is in addition to any other transfer authority pro-
8 vided by law: *Provided further*, That the Commissioner
9 shall provide to the Congress (at the conclusion of the fis-
10 cal year) a report on the obligation and expenditure of
11 these funds, similar to the reports that were required by
12 section 103(d)(2) of Public Law 104–121 for fiscal years
13 1996 through 2002.

14 In addition, \$135,000,000 to be derived from admin-
15 istration fees in excess of \$5.00 per supplementary pay-
16 ment collected pursuant to section 1616(d) of the Social
17 Security Act or section 212(b)(3) of Public Law 93–66,
18 which shall remain available until expended: *Provided*,
19 That to the extent that the amounts collected pursuant
20 to such sections in fiscal year 2021 exceed \$135,000,000,
21 the amounts shall be available in fiscal year 2022 only
22 to the extent provided in advance in appropriations Acts.

23 In addition, up to \$1,000,000 to be derived from fees
24 collected pursuant to section 303(c) of the Social Security

1 Protection Act, which shall remain available until ex-
2 pended.

3 OFFICE OF INSPECTOR GENERAL
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, \$30,000,000, together with not to
8 exceed \$75,500,000, to be transferred and expended as
9 authorized by section 201(g)(1) of the Social Security Act
10 from the Federal Old-Age and Survivors Insurance Trust
11 Fund and the Federal Disability Insurance Trust Fund.

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

1 TITLE V
2 GENERAL PROVISIONS
3 (TRANSFER OF FUNDS)

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

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

14 SEC. 503. (a) No part of any appropriation contained
15 in this Act or transferred pursuant to section 4002 of
16 Public Law 111–148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 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
23 entity" includes an individual physician or other
24 health care professional, a hospital, a provider-spon-
25 sored organization, a health maintenance organiza-

1 tion, a health insurance plan, or any other kind of
2 health care facility, organization, or 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 2021, 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 2021, 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 2021 that are different than those specified

1 in this Act, the detailed table in the explanatory statement
2 accompanying this Act, or the fiscal year 2021 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, individually or in total for a
10 particular project, activity, or programmatic initiative, in
11 value and awarded by the Department on a non-competi-
12 tive basis during each quarter of fiscal year 2021, but not
13 to include grants awarded on a formula basis or directed
14 by law. Such report shall include the name of the con-
15 tractor or grantee, the amount of funding, the govern-
16 mental purpose, including a justification for issuing the
17 award on a non-competitive basis. Such report shall be
18 transmitted to the Committees within 30 days after the
19 end of the quarter for which the report is submitted.

20 SEC. 518. None of the funds appropriated in this Act
21 shall be expended or obligated by the Commissioner of So-
22 cial Security, for purposes of administering Social Security
23 benefit payments under title II of the Social Security Act,
24 to process any claim for credit for a quarter of coverage
25 based on work performed under a social security account

1 number that is not the claimant's number and the per-
2 formance of such work under such number has formed the
3 basis for a conviction of the claimant of a violation of sec-
4 tion 208(a)(6) or (7) of the Social Security Act.

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

15 SEC. 520. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network blocks the viewing,
18 downloading, and exchanging of pornography.

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

23 SEC. 521. None of the funds made available under
24 this or any other Act, or any prior Appropriations Act,
25 may be provided to the Association of Community Organi-

1 zations for Reform Now (ACORN), or any of its affiliates,
2 subsidiaries, allied organizations, or successors.

3 SEC. 522. For purposes of carrying out Executive
4 Order 13589, Office of Management and Budget Memo-
5 randum M-12-12 dated May 11, 2012, and requirements
6 contained in the annual appropriations bills relating to
7 conference attendance and expenditures:

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

10 (2) attendance at and support for scientific con-
11 ferences shall be tabulated separately from and not
12 included in agency totals.

13 SEC. 523. Federal agencies funded under this Act
14 shall clearly state within the text, audio, or video used for
15 advertising or educational purposes, including emails or
16 Internet postings, that the communication is printed, pub-
17 lished, or produced and disseminated at U.S. taxpayer ex-
18 pense. The funds used by a Federal agency to carry out
19 this requirement shall be derived from amounts made
20 available to the agency for advertising or other commu-
21 nications regarding the programs and activities of the
22 agency.

23 SEC. 524. (a) Federal agencies may use Federal dis-
24 cretionary funds that are made available in this Act to
25 carry out up to 10 Performance Partnership Pilots. Such

1 Pilots shall be governed by the provisions of section 526
2 of division H of Public Law 113–76, except that in car-
3 rying out such Pilots section 526 shall be applied by sub-
4 stituting “Fiscal Year 2021” for “Fiscal Year 2014” in
5 the title of subsection (b) and by substituting “September
6 30, 2025” for “September 30, 2018” each place it ap-
7 pears: *Provided*, That such pilots shall include commu-
8 nities that have experienced civil unrest.

9 (b) In addition, Federal agencies may use Federal
10 discretionary funds that are made available in this Act to
11 participate in Performance Partnership Pilots that are
12 being carried out pursuant to the authority provided by
13 section 526 of division H of Public Law 113–76, section
14 524 of division G of Public Law 113–235, section 525 of
15 division H of Public Law 114–113, section 525 of division
16 H of Public Law 115–31, section 525 of division H of
17 Public Law 115–141, and section 524 of division A of
18 Public Law 116–94.

19 (c) Pilot sites selected under authorities in this Act
20 and prior appropriations Acts may be granted by relevant
21 agencies up to an additional 5 years to operate under such
22 authorities.

23 SEC. 525. Not later than 30 days after the end of
24 each calendar quarter, beginning with the first month of
25 fiscal year 2021 the Departments of Labor, Health and

1 Human Services and Education and the Social Security
2 Administration shall provide the Committees on Appro-
3 priations of the House of Representatives and Senate a
4 report on the status of balances of appropriations: *Pro-*
5 *vided*, That for balances that are unobligated and uncom-
6 mitted, committed, and obligated but unexpended, the
7 monthly reports shall separately identify the amounts at-
8 tributable to each source year of appropriation (beginning
9 with fiscal year 2012, or, to the extent feasible, earlier
10 fiscal years) from which balances were derived.

11 SEC. 526. The Departments of Labor, Health and
12 Human Services, or Education shall provide to the Com-
13 mittees on Appropriations of the House of Representatives
14 and the Senate a comprehensive list of any new or com-
15 petitive grant award notifications, including supplements,
16 issued at the discretion of such Departments not less than
17 3 full business days before any entity selected to receive
18 a grant award is announced by the Department or its of-
19 fices (other than emergency response grants at any time
20 of the year or for grant awards made during the last 10
21 business days of the fiscal year, or if applicable, of the
22 program year).

23 SEC. 527. Notwithstanding any other provision of
24 this Act, no funds appropriated in this Act shall be used
25 to purchase sterile needles or syringes for the hypodermic

1 injection of any illegal drug: *Provided*, That such limita-
2 tion does not apply to the use of funds for elements of
3 a program other than making such purchases if the rel-
4 evant State or local health department, in consultation
5 with the Centers for Disease Control and Prevention, de-
6 termines that the State or local jurisdiction, as applicable,
7 is experiencing, or is at risk for, a significant increase in
8 hepatitis infections or an HIV outbreak due to injection
9 drug use, and such program is operating in accordance
10 with State and local law.

11 SEC. 528. Each department and related agency fund-
12 ed through this Act shall provide answers to questions
13 submitted for the record by members of the Committee
14 within 45 business days after receipt.

15 (RESCISSION)

16 SEC. 529. Of amounts deposited in the Child Enroll-
17 ment Contingency Fund prior to the beginning of fiscal
18 year 2021 under section 2104(n)(2) of the Social Security
19 Act and the income derived from investment of those
20 funds pursuant to section 2104(n)(2)(C) of that Act,
21 \$10,601,000,000 shall not be available for obligation in
22 this fiscal year.

23 This Act may be cited as the “Departments of Labor,
24 Health and Human Services, and Education, and Related
25 Agencies Appropriations Act, 2021”.