Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2016

Mr. COLE, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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, 2017, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as “WIOA”), and the Second Chance Act of 2007, $3,177,115,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,729,832,000 as follows:

(A) $815,556,000 for adult employment and training activities, of which $103,556,000 shall be available for the period July 1, 2017 through June 30, 2018, and of which
$712,000,000 shall be available for the period October 1, 2017 through June 30, 2018;

(B) $873,416,000 for youth activities, which shall be available for the period April 1, 2017 through June 30, 2018; and

(C) $1,040,860,000 for dislocated worker employment and training activities, of which $180,860,000 shall be available for the period July 1, 2017 through June 30, 2018, and of which $860,000,000 shall be available for the period October 1, 2017 through June 30, 2018:

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

(2) for national programs, $447,283,000 as follows:

(A) $120,000,000 for the dislocated workers assistance national reserve, which shall be available for the period October 1, 2016 through September 30, 2018: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have
been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That, of the funds provided under this subparagraph, $20,000,000 shall be made available for applications submitted in accordance with section 170 of the WIOA for training and employment assistance for workers dislocated from coal mines and coal-fired power plants;

(B) $52,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period April 1, 2017 through June 30, 2018;

(C) $81,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $75,885,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,517,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $494,000 for other discretionary purposes, which shall be available
for the period April 1, 2017 through June 30, 2018: Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $84,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2017 through June 30, 2018;

(E) $14,775,000 for technical assistance activities under section 168 of the WIOA, which shall be available for the period July 1, 2017 through June 30, 2018;

(F) $88,078,000 for ex-offender activities, under the authority of section 169 of the WIOA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2017 through June 30, 2018: Provided, That of this amount, $30,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employ-
ment, with a priority for projects serving high-
crime, high-poverty areas;

    (G) $6,000,000 for the Workforce Data
Quality Initiative, under the authority of section
169 of the WIOA, which shall be available for
the period July 1, 2017 through June 30,
2018.

    JOB CORPS

    (INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, includ-
ing Federal administrative expenses, the purchase and
hire of passenger motor vehicles, the construction, alter-
ation, and repairs of buildings and other facilities, and the
purchase of real property for training centers as author-
ized by the WIOA, $1,700,330,000, plus reimbursements,
as follows:

    (1) $1,583,000,000 for Job Corps Operations,
which shall be available for the period July 1, 2017
through June 30, 2018;

    (2) $85,000,000 for construction, rehabilitation
and acquisition of Job Corps Centers, which shall be
available for the period July 1, 2017 through June
30, 2020, and which may include the acquisition,
maintenance, and repair of major items of equip-
ment: Provided, That the Secretary of Labor (re-
ferred to in this title as “Secretary”) may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2018: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

(3) $32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2016 through September 30, 2017: Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as “OAA”), $434,371,000, which shall be available for the period April 1, 2017 through June 30, 2018, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.
For payments during fiscal year 2017 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, $849,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2017: Provided, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).
For authorized administrative expenses, $89,066,000, together with not to exceed $3,400,103,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,660,019,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $120,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and to provide reemployment services and referrals to training as appropriate, for claimants of unemployment insurance for ex-service members under 5 U.S.C. 8521 et. seq. and for the claimants of regular unemployment compensation who are profiled as most likely to exhaust their benefits in each State, and $5,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of
trade readjustment allowances, reemployment trade
adjustment assistance, and alternative trade adjust-
ment assistance under the Trade Act of 1974 and
under section 231(a) of the Trade Adjustment As-
sistance Extension Act of 2011 and section 405(a)
of the Trade Preferences Extension Act of 2015,
and shall be available for obligation by the States
through December 31, 2017, except that funds used
for automation shall be available for Federal obliga-
tion through December 31, 2017, and for State obli-
gation through September 30, 2019, or, if the auto-
mation is being carried out through consortia of
States, for State obligation through September 30,
2022, and for expenditure through September 30,
2023, and funds for competitive grants awarded to
States for improved operations and to conduct in-
person reemployment and eligibility assessments and
unemployment insurance improper payment reviews
and provide reemployment services and referrals to
training, as appropriate, shall be available for Fed-
eral obligation through December 31, 2017, and for
obligation by the States through September 30,
2019, and funds for the Unemployment Insurance
Integrity Center of Excellence shall be available for
obligation by the State through September 30, 2018,
and funds used for unemployment insurance work-
loads experienced by the States through September
30, 2017 shall be available for Federal obligation
through December 31, 2017;

(2) $14,547,000 from the Trust Fund is for na-
tional activities necessary to support the administra-
tion of the Federal-State unemployment insurance
system;

(3) $642,771,000 from the Trust Fund, to-
gether with $21,413,000 from the General Fund of
the Treasury, is for grants to States in accordance
with section 6 of the Wagner-Peyser Act, and shall
be available for Federal obligation for the period
July 1, 2017 through June 30, 2018;

(4) $19,818,000 from the Trust Fund is for na-
tional activities of the Employment Service, includ-
ing administration of the work opportunity tax cred-

it under section 51 of the Internal Revenue Code of
1986, and the provision of technical assistance and
staff training under the Wagner-Peyser Act;

(5) $62,948,000 from the Trust Fund is for the
administration of foreign labor certifications and re-
lated activities under the Immigration and Nation-
ality Act and related laws, of which $48,666,000
shall be available for the Federal administration of
such activities, and $14,282,000 shall be available for grants to States for the administration of such activities; and

(6) $67,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2017 through June 30, 2018:

Provided, That to the extent that the Average Weekly Insured Unemployment (‘‘AWIU’’) for fiscal year 2017 is projected by the Department of Labor to exceed 2,453,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary may use funds appropriated
for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: Provided further, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States under such grants, subject to the conditions applicable to the grants: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation
principles prescribed under the final rule entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” at part 200 of title 2, Code of Federal Regulations: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: Provided further, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2018, for such purposes.
ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2018.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $107,376,000, together with not to exceed $50,365,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $174,000,000.
PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2017, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2017 shall be available for obligations for administrative expenses in excess of $421,006,000: Provided further, That not to exceed $98,500,000 shall be available through September 30, 2021, for costs associated with the acquisition, occupancy, and related costs of headquarters space: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2017, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2018, for obligation for administrative expenses for every 20,000 additional terminated
participants: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

**Wage and Hour Division**

**Salaries and Expenses**

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $215,500,000.

**Office of Labor-Management Standards**

**Salaries and Expenses**

For necessary expenses for the Office of Labor-Management Standards, $41,129,000.

**Office of Federal Contract Compliance Programs**

**Salaries and Expenses**

For necessary expenses for the Office of Federal Contract Compliance Programs, $100,500,000.
Office of Workers’ Compensation Programs

Salaries and Expenses

For necessary expenses for the Office of Workers’ Compensation Programs, $117,000,000, 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. 2004); 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 Longshore and Harbor Workers’ Compensation Act, $220,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year,
for deposit into and to assume the attributes of the Employees’ Compensation Fund established under 5 U.S.C. 8147(a): Provided, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2016, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2017: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees’ Compensation Act, $63,975,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $22,740,000;
(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $22,968,000;

(3) For periodic roll disability management and medical review, $16,668,000;

(4) For program integrity, $1,401,000; and

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

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers’ Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $61,319,000, to remain available until expended.

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

For making benefit payments under title IV for the first quarter of fiscal year 2018, $16,000,000, to remain available until expended.
ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $59,846,000, to remain available until expended: Provided, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the “Fund”), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2017 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $38,246,000 for transfer to the Office of Workers’ Compensation Programs, “Salaries and Expenses”; not to exceed $31,994,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed $330,000
for transfer to Departmental Management, “Office of Inspector General”; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $534,442,000, including not to exceed $102,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the “Act”), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2017, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with
the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (“DART”) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;
(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

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

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

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

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

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.
MINESAFETYANDHEALTHADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $350,500,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: Provided, That amounts available for State assistance grants may be used for the purchase and maintenance of new equipment required by the final rule entitled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors" published by the Department of Labor in the Federal Register on May 1, 2014 (79 Fed. Reg. 24813 et seq.), for operators that demonstrate financial need as determined by the Secretary: Provided further, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: Provided further, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to
$2,499,000 from fees collected for the approval and cer-
tification of equipment, materials, and explosives for use
in mines, and may utilize such sums for such activities:

Provided further, That the Secretary is authorized to ac-
cept lands, buildings, equipment, and other contributions
from public and private sources and to prosecute projects
in cooperation with other agencies, Federal, State, or pri-

tate: Provided further, That the Mine Safety and Health
Administration is authorized to promote health and safety
education and training in the mining community through
cooperative programs with States, industry, and safety as-

sociations: Provided further, That the Secretary is author-
ized to recognize the Joseph A. Holmes Safety Association
as a principal safety association and, notwithstanding any
other provision of law, may provide funds and, with or
without reimbursement, personnel, including service of
Mine Safety and Health Administration officials as offi-
cers in local chapters or in the national organization: Pro-
vided further, That any funds available to the Department
of Labor may be used, with the approval of the Secretary,
to provide for the costs of mine rescue and survival oper-
ations in the event of a major disaster.
BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $544,000,000, together with not to exceed $65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $280,879,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That funds available to the Bureau of
International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That $9,000,000 shall be used for program evaluation and shall be available for obligation through September 30, 2018: Provided further, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: Provided further, That grants made for the purpose of evaluation shall be awarded through fair and open competition: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: Provided further, That the funds available to the Women’s Bureau may be used for grants to serve and promote the interests of women in the workforce: Provided further, That of the amounts made available to the Women’s Bureau, up to $1,244,000 may be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.
VETERANS EMPLOYMENT AND TRAINING

Not to exceed $235,520,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) $175,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans’ outreach program specialists under section 4103A of such title and local veterans’ employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2017, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: Provided, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment...
in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $14,600,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144;

(3) $42,506,000 is for Federal administration of chapters 41, 42, and 43 of title 38, United States Code; and

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

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

In addition, from the General Fund of the Treasury, $50,000,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code:

Provided, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2017, to provide services under such section: Provided further, That services provided under sec-
tion 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness.

**IT MODERNIZATION**

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $33,698,000.

**OFFICE OF INSPECTOR GENERAL**

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $85,840,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

**GENERAL PROVISIONS**

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

(TRANSFER OF FUNDS)

Sec. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appro-
appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

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

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than competitive grants for training individuals over the age of 16 who are not currently enrolled in school within a local
educational agency in the occupations and industries for
which employers are using H–1B visas to hire foreign
workers, and the related activities necessary to support
such training: Provided, That the preceding limitation
shall not apply to funding provided pursuant to solicita-
tions for grant applications issued prior to January 15,
2014.

SEC. 105. None of the funds made available by this
Act under the heading “Employment and Training Ad-
ministration” shall be used by a recipient or subrecipient
of such funds to pay the salary and bonuses of an indi-
vidual, either as direct costs or indirect costs, at a rate
in excess of Executive Level II. This limitation shall not
apply to vendors providing goods and services as defined
in Office of Management and Budget Circular A–133.
Where States are recipients of such funds, States may es-
tablish a lower limit for salaries and bonuses of those re-
ceiving salaries and bonuses from subrecipients of such
funds, taking into account factors including the relative
cost-of-living in the State, the compensation levels for
comparable State or local government employees, and the
size of the organizations that administer Federal pro-
grams involved including Employment and Training Ad-
ministration programs.
(TRANSFER OF FUNDS)

SEC. 106. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees: Provided, That this section shall not apply to section 171 of the WIOA.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2018: Provided, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.
(b) The accounts referred to in subsection (a) are:

“Training and Employment Services”, “Job Corps”,
“Community Service Employment for Older Americans”,
“State Unemployment Insurance and Employment Service
Operations”, “Employee Benefits Security Administra-
tion”, “Office of Workers’ Compensation Programs”,
“Wage and Hour Division”, “Office of Federal Contract
Compliance Programs”, “Office of Labor Management
Standards”, “Occupational Safety and Health Adminis-
tration”, “Mine Safety and Health Administration”, “Of-
office of Disability Employment Policy”, funding made
available to the “Bureau of International Labor Affairs”
and “Women’s Bureau” within the “Departmental Man-
agement, Salaries and Expenses” account, and “Veterans
Employment and Training”.

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

SEC. 109. None of the funds made available by this or any other Act providing funding for the Bureau of Land Management, National Park Service, and the Forest Service may be used to implement, administer, or enforce the Establishing a Minimum Wage for Contractors regulation published by the Department of Labor in the Federal Register on October 7, 2014 (79 Fed. Reg. 60634 et seq.), with respect to Federal contracts, permits, or other contract-like instruments entered into with the Federal Government in connection with Federal property or lands, specifically related to offering seasonal recreational services or seasonal recreation equipment rental for the general public: Provided, That this section shall not apply to lodging and food services associated with seasonal recreation services.

SEC. 110. Notwithstanding any other provision of law, no rule issued by the Department of Labor pursuant to the Employee Retirement Income Security Act of 1974 regarding the Definition of the Term “Fiduciary”; Conflict of Interest Rule-Retirement Investment Advice, including the final rule published by the Department of Labor in the Federal Register on April 8, 2016 (81 Fed.
Reg. 20945 et seq.), shall have an effective date or have any legal effect.

SEC. 111. None of the funds made available by this Act may be used to implement, administer, or enforce the final rule entitled “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees” published by the Department of Labor in the Federal Register on May 23, 2016 (81 Fed. Reg. 32391 et seq.).

SEC. 112. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS.—

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

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—
(A) completes a new assessment of the local labor market by—

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

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

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

(i) applies for the job; and

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

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term “H–2B nonimmigrants” means aliens admitted to the United States pursuant to section

Sec. 113. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B non-immigrant will be employed, based on the best information available at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

(RESCISSION)

Sec. 114. Of the funds made available under the heading “Employment and Training Administration—Training and Employment Services” in division H of Public Law 114-113, $200,000,000 is rescinded, to be derived from the amount made available in paragraph (2)(A) under such heading for the period October 1, 2016, through September 30, 2017.
This title may be cited as the “Department of Labor Appropriations Act, 2017”.

**TITLE II**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**HEALTH RESOURCES AND SERVICES ADMINISTRATION**

**PRIMARY HEALTH CARE**

For carrying out titles II and III of the Public Health 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, $1,491,822,000: Provided, That no more than $400,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: Provided further, That no more than $99,893,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law.

**HEALTH WORKFORCE**

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $823,706,000: Provided, That sections 747(c)(2), 751(j)(2), 762(k), and the
proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: Provided further, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: Provided further, That no funds shall be available for section 340G–1 of the PHS Act: Provided further, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: Provided further, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title
V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $845,117,000: Provided,

That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $77,093,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,322,781,000, of which $1,970,881,000 shall remain available to the Secretary through September 30, 2019, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $109,193,000, of which $122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center.
For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $169,571,000, of which $45,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: Provided, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $14,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: Provided further, That notwithstanding section 338J(k) of the PHS Act, $10,511,000 shall be available for State Offices of Rural Health.
For program support in the Health Resources and Services Administration, $155,000,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and Child Health”, “Ryan White HIV/AIDS Program”, “Health Care Systems”, and “Rural Health”.

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $8,350,000 shall be available from the Trust Fund to the Secretary.

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $410,766,000.
HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,122,278,000.

EMERGING AND ZOONOTIC INFECTIONOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $625,522,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $896,321,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: Provided further, That of the funds available under this heading, $10,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: Provided further, That the proportional

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funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

**BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH**

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $135,310,000.

**PUBLIC HEALTH SCIENTIFIC SERVICES**

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $485,397,000.

**ENVIRONMENTAL HEALTH**

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $143,300,000.

**INJURY PREVENTION AND CONTROL**

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $261,059,000: Provided, That of the funds provided under this heading, $90,000,000 shall be available for an evidence-based opioid drug overdose prevention program.

**NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH**

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
of the Federal Mine Safety and Health Act, section 13
of the Mine Improvement and New Emergency Response
Act, and sections 20, 21, and 22 of the Occupational Saf-
ety and Health Act, with respect to occupational safety and
health, $329,100,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

COMPENSATION PROGRAM

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

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS
Act with respect to global health, $556,721,000, of which
$128,421,000 for international HIV/AIDS shall remain
available through September 30, 2018: Provided, That
funds may be used for purchase and insurance of official
motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS
Act with respect to public health preparedness and re-
response, and for expenses necessary to support activities
related to countering potential biological, nuclear, radio-
logical, and chemical threats to civilian populations,
$1,485,800,000, of which $610,000,000 shall remain
available until expended for the Strategic National Stock-
pile: Provided, That in the event the Director of the CDC
activates the Emergency Operations Center, the Director
of the CDC may detail CDC staff without reimbursement
for up to 90 days to support the work of the CDC Emer-
gency Operations Center, so long as the Director provides
a notice to the Committees on Appropriations of the
House of Representatives and the Senate within 15 days
of the use of this authority and a full report within 30
days after use of this authority which includes the number
of staff and funding level broken down by the originating
center and number of days detailed: Provided further,
That funds appropriated under this heading may be used
to support a contract for the operation and maintenance
of an aircraft in direct support of activities throughout
CDC to ensure the agency is prepared to address public
health preparedness emergencies.

BUILDINGS AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construc-
tion, demolition, and renovation of facilities, $10,000,000,
which shall remain available until September 30, 2021:
Provided, That funds previously set-aside by CDC for re-
pair and upgrade of the Lake Lynn Experimental Mine
and Laboratory shall be used to acquire a replacement
mine safety research facility: Provided further, That in ad-
ddition, the prior year unobligated balance of any amounts
assigned to former employees in accounts of CDC made
available for Individual Learning Accounts shall be cred-
ited to and merged with the amounts made available under
this heading to support the replacement of the mine safety
research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, XVII and XIX, and
section 2821 of the PHS Act and for cross-cutting activi-
ties and program support for activities funded in other
appropriations included in this Act for the Centers for
Disease Control and Prevention, $413,570,000: Provided,
That paragraphs (1) through (3) of subsection (b) of sec-
tion 2821 of the PHS Act shall not apply to funds appro-
priated under this heading and in all other accounts of
the CDC: Provided further, That employees of CDC or the
Public Health Service, both civilian and commissioned of-
ficers, detailed to States, municipalities, or other organiza-
tions under authority of section 214 of the PHS Act, or
in overseas assignments, shall be treated as non-Federal
employees for reporting purposes only and shall not be in-
cluded within any personnel ceiling applicable to the Agen-
cy, Service, or HHS during the period of detail or assign-
ment: Provided further, That CDC may use up to $10,000
from amounts appropriated to CDC in this Act for official
reception and representation expenses when specifically
approved by the Director of CDC: Provided further, That
in addition, such sums as may be derived from authorized
user fees, which shall be credited to the appropriation
charged with the cost thereof: Provided further, That with
respect to the previous proviso, authorized user fees from
the Vessel Sanitation Program and the Respirator Certifi-
cation Program shall be available through September 30,
2018: Provided further, That of the total amount made
available under this heading, the Director of CDC shall
enter into an arrangement with the National Academy of
Medicine to develop a dietary reference intake report for
sodium that takes into consideration studies on all-cause
mortality: Provided further, That the CDC shall not carry
out or support population-wide sodium reduction activities
until after the date of publication of such report.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS
Act with respect to cancer, $5,338,444,000, of which up
to $50,000,000 may be used for facilities repairs and im-
provements at the National Cancer Institute—Frederick
Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE
For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,190,474,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH
For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $425,578,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES
For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,862,093,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $1,751,049,000.
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,738,883,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,583,851,000, of which $791,598,000 shall be from funds available under section 241 of the PHS Act: Provided, That not less than $333,340,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,373,408,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $735,576,000.
NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $710,387,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $1,982,102,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $555,181,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $434,126,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $150,008,000.
NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM
For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $480,330,000.

NATIONAL INSTITUTE ON DRUG ABUSE
For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,107,700,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,599,747,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE
For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $531,438,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING
For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $356,978,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH
For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $134,549,000.
NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $286,446,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $72,141,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $403,086,000: Provided, That of the amounts available for improvement of information systems, $4,000,000 shall be available until September 30, 2018: Provided further, That in fiscal year 2017, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”).

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $712,795,000: Provided, That up to $25,835,000 shall be available to im-
plement section 480 of the PHS Act, relating to the Cures Acceleration Network: Provided further, That at least $511,500,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,676,167,000, of which up to $30,000,000 may be used to carry out section 215 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $165,000,000 shall be for the National Children’s Study Follow-on: Provided further, That $763,039,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: Provided further, That up to $230,000,000 of
the funds provided to the Common Fund are available to support the trans-NIH Precision Medicine Initiative: Provided further, That, of the funds from Institute, Center, and Office of the Director accounts within “Department of Health and Human Services, National Institutes of Health,” in order to strengthen privacy protections for human research participants, NIH shall require investigators receiving NIH funding for new and competing research projects designed to generate and analyze data derived from human research participants to obtain a certificate of confidentiality.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of title 26, United States Code, for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $128,863,000, to remain available through September 30, 2021.
Substance Abuse and Mental Health Services Administration

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $1,126,628,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2017: Provided further, That notwithstanding section 565(b)(1) of the PHS Act, technical assistance may be provided to a public entity to establish or operate a system of comprehensive community mental health services to children with a serious emotional disturbance, without regard to
whether the public entity receives a grant under section 561(a) of such Act: Provided further, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: Provided further, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: Provided further, That of the funds made available under this heading, $15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa note).

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, $2,108,202,000: Provided, That in addition to amounts provided herein, $81,200,000 shall be available under section 241 of the PHS Act to supplement funds otherwise available for substance abuse treatment activities and to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activi-
ties, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX: **Provided further,** That none of the funds provided for section 1921 of the PHS Act shall be subject to section 241 of such Act.

**SUBSTANCE ABUSE PREVENTION**

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $194,148,000: **Provided,** That in addition to amounts provided herein, $17,000,000 shall be available under section 241 of the PHS Act to supplement funds otherwise available for substance abuse prevention activities.

In addition, for grants under title V of the PHS Act to States, political subdivisions of States, territories, tribes, and tribal organizations for the prevention and treatment of opioid abuse, including heroin abuse, and related health conditions, $500,000,000: **Provided,** That such amount shall not be subject to section 241 of the PHS Act: **Provided further,** That not more than 4 percent of such amount shall be available for Federal administrative expenses, training, technical assistance, and evaluation: **Provided further,** That in awarding such grants, the Administrator of the Substance Abuse and Mental Health Services Administration shall give highest priority to
States, political subdivisions of States, territories, tribes, and tribal organizations that have the highest rate of opioid-related overdose deaths: Provided further, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, and medical screening associated with such treatment.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention” in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $131,458,000: Provided, That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and
data analysis completed under title V of the PHS Act and
provided to a public or private entity upon request, which
shall be credited to this appropriation and shall remain
available until expended for such purposes: Provided fur-
ther, That amounts made available in this Act for carrying
out section 501(m) of the PHS Act shall remain available
through September 30, 2018: Provided further, That
funds made available under this heading may be used to
supplement program support funding provided under the
headings “Mental Health”, “Substance Abuse Treat-
ment”, and “Substance Abuse Prevention”.

Agency for Healthcare Research and Quality

For carrying out titles III and IX of the PHS Act,
part A of title XI of the Social Security Act, and section
1013 of the Medicare Prescription Drug, Improvement,
and Modernization Act of 2003, $280,240,000: Provided,
That section 947(c) of the PHS Act shall not apply in
fiscal year 2016: Provided further, That in addition,
amounts received from Freedom of Information Act fees,
reimbursable and interagency agreements, and the sale of
data shall be credited to this appropriation and shall re-
main available until September 30, 2017.
For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $262,003,967,000, to remain available until expended.

For making, after May 31, 2017, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2017 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2018, $125,219,452,000, to remain available until expended.

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

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections
103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $299,187,700,000.

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

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,093,690,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2018: Provided, That all funds derived in accordance with 31 U.S.C.
9701 from organizations established under title XIII of
the PHS Act shall be credited to and available for carrying
out the purposes of this appropriation: Provided further,
That the Secretary is directed to collect fees in fiscal year
2016 from Medicare Advantage organizations pursuant to
section 1857(e)(2) of the Social Security Act and from eli-
gible organizations with risk-sharing contracts under sec-
tion 1876 of that Act pursuant to section 1876(k)(4)(D)
of that Act: Provided further, That none of the funds made
available under this heading shall be used to support re-
search, demonstration, and evaluation activities: Provided
further, That of the total amount made available under
this heading, $1,985,823,000 shall be for Program Oper-
ations and $710,533,000 shall be for Federal Administra-
tion: Provided further, That none of the funds made avail-
able under this heading may be used to support the Center
for Consumer Information and Insurance Oversight or ac-
tivities developed, administered, or implemented by the
Center.

In addition, not more than $385,438,000, shall be de-

erived from offsetting collections through the Clinical Lab-
oratory Improvement Act, Medicare Advantage, and Re-
covery Audit Contractors and shall be credited to this ac-
count and remain available until September 30, 2018: Pro-
vided, That no funds shall be derived from offsetting col-

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lections through fees collected from qualified health plans offered through an Exchange established under Public Law 111–148 to operate such an Exchange: Provided further, That offsetting collections collected under this authority by such Recovery Audit Contractors under section 1893 of the Social Security Act shall be used only as additional funds to educate health care providers on how to appropriately reduce errors, to support the Office of Medicare Appeals to reduce its backlog, and to establish a process to provide educational feedback from the Office of Medicare Appeals to the Centers for Medicare and Medicaid Services to reduce the claims overturn rate from the claims that are elevated to the Office of Medicare Appeals.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $681,000,000, to remain available through September 30, 2018, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $486,120,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program
under Part D of the Social Security Act and for activities
described in section 1893(b) of such Act, of which
$67,200,000 shall be for the Department of Health and
Human Services Office of Inspector General to carry out
fraud and abuse activities authorized by section
1817(k)(3) of such Act, of which $67,200,000 shall be for
the Medicaid and Children’s Health Insurance Program
(“CHIP”) program integrity activities, and of which
$60,480,000 shall be for the Department of Justice to
carry out fraud and abuse activities authorized by section
1817(k)(3) of such Act: Provided, That the report re-
quired by section 1817(k)(5) of the Social Security Act
for fiscal year 2017 shall include measures of the oper-
tional efficiency and impact on fraud, waste, and abuse
in the Medicare, Medicaid, and CHIP programs for the
funds provided by this appropriation: Provided further,
That of the amount provided under this heading,
$311,000,000 is provided to meet the terms of section
251(b)(2)(C)(ii) of the Balanced Budget and Emergency
Deficit Control Act of 1985, as amended, and
$370,000,000 is additional new budget authority specified
for purposes of section 251(b)(2)(C) of such Act: Provided
further, That the Secretary shall support the full cost of
the Senior Medicare Patrol program to combat health care
fraud and abuse from the funds provided to this account.
ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT

ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $3,010,631,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2018, $1,400,000,000, to remain available until expended.

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

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,490,304,000: Provided, That all but $591,000,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2017 was less than $1,975,000,000: Provided further, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,988,000 of such amounts may be reserved by the Sec-
retary for technical assistance, training, and monitoring
of program activities for compliance with internal controls,
policies and procedures and may, in addition to the au-
thorities provided in section 2609A(a)(1), use such funds
through contracts with private entities that do not qualify
as nonprofit organizations.

REFUGEE AND ENTRANT ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant as-
sistance activities authorized by section 414 of the Immi-
gration and Nationality Act and section 501 of the Ref-
ugee Education Assistance Act of 1980, and for carrying
out section 462 of the Homeland Security Act of 2002,
section 235 of the William Wilberforce Trafficking Victims
Protection Reauthorization Act of 2008, the Trafficking
Victims Protection Act of 2000 (‘‘TVPA’’), and the Tortu-
ure Victims Relief Act of 1998, $1,674,691,000, of which
$1,645,201,000 shall remain available through September
30, 2019 for carrying out such sections 414, 501, 462,
and 235: Provided, That amounts available under this
heading to carry out the TVPA shall also be available for
research and evaluation with respect to activities under
such Act and for the national communications system
under section 107(b)(1)(B)(ii) of such Act (added under
section 603 of the Justice for Victims of Trafficking Act
of 2015, P.L. 114-22) to assist victims of severe forms of trafficking in persons: Provided further, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting “10 percent” for “3 percent”.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 2014 (‘‘CCDBG Act’’), $2,801,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: Provided further, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (“CSBG Act”), and the Assets for Independence Act; for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; and for the administration of prior year obligations made by the Administration for Children and
Families under the Developmental Disabilities Assistance and Bill of Rights Act and the Help America Vote Act of 2002, $11,382,896,000, of which $37,943,000, to remain available through September 30, 2018, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2017: Provided, That $9,309,724,000 shall be for making payments under the Head Start Act: Provided further, That of the amount in the previous proviso, $8,639,724,000 shall be available for payments under section 640 of the Head Start Act, of which $131,629,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: Provided further, That of the amount provided for making payments under the Head Start Act, $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act: Provided further, That notwithstanding such section 640, of the amount provided for making payments under the Head Start Act, and in addition to funds otherwise available under such section 640, $645,000,000 shall be avail-
able through March 31, 2018 for Early Head Start pro-
grams as described in section 645A of such Act, for con-
version of Head Start services to Early Head Start serv-
ices as described in section 645(a)(5)(A) of such Act, for
discretionary grants for high quality infant and toddler
care through Early Head Start-Child Care Partnerships,
to entities defined as eligible under section 645A(d) of
such Act, for training and technical assistance for such
activities, and for up to $14,000,000 in Federal costs of
administration and evaluation, and, notwithstanding sec-
tion 645A(c)(2) of such Act, these funds are available to
serve children under age 4: Provided further, That funds
described in the preceding two provisos shall not be in-
cluded in the calculation of “base grant” in subsequent
fiscal years, as such term is used in section 640(a)(7)(A)
of such Act: Provided further, That $250,000,000 shall be
available until December 31, 2017 for carrying out sec-
tions 9212 and 9213 of the Every Student Succeeds Act:
Provided further, That up to 3 percent of the funds in
the previous proviso shall be available for technical assist-
ance and evaluation related to grants awarded under such
section 9212: Provided further, That $752,383,000 shall
be for making payments under the CSBG Act: Provided
further, That $37,733,000 shall be for sections 680 and
678E(b)(2) of the CSBG Act, of which not less than
$29,883,000 shall be for section 680(a)(2) and not less
than $7,500,000 shall be for section 680(a)(3)(B) of such
Act: Provided further, That, notwithstanding section
675C(a)(3) of such Act to the extent Community Services
Block Grant funds are distributed as grant funds by a
State to an eligible entity as provided under such Act, and
have not been expended by such entity, they shall remain
with such entity for carryover into the next fiscal year for
expenditure by such entity consistent with program pur-
poses: Provided further, That the Secretary shall establish
procedures regarding the disposition of intangible assets
and program income that permit such assets acquired
with, and program income derived from, grant funds au-
thorized under section 680 of the CSBG Act to become
the sole property of such grantees after a period of not
more than 12 years after the end of the grant period for
any activity consistent with section 680(a)(2)(A) of the
CSBG Act: Provided further, That intangible assets in the
form of loans, equity investments and other debt instru-
ments, and program income may be used by grantees for
any eligible purpose consistent with section 680(a)(2)(A)
of the CSBG Act: Provided further, That these procedures
shall apply to such grant funds made available after No-
ember 29, 1999: Provided further, That funds appro-
piated for section 680(a)(2) of the CSBG Act shall be
available for financing construction and rehabilitation and
loans or investments in private business enterprises owned
by community development corporations: Provided further,
That the Secretary shall issue performance standards for
entities receiving funds from State and territorial grantees
under the CSBG Act, and such States and territories shall
assure the implementation of such standards prior to Sep-
tember 30, 2017, and include information on such imple-
mentation in the report required by section 678E(2) of
such Act: Provided further, That, to the extent funds for
the Assets for Independence (AFI) Act provided in this
Act are distributed as grant funds to a qualified entity
and have not been expended by such entity within 3 years
after the date of the award, such funds may be recaptured
and, during the fiscal year of such recapture, reallocated
among other qualified entities, to remain available to such
entities for 5 years: Provided further, That, notwith-
standing section 404(5)(A)(i) of such Act, contributions
to an individual development account shall be allowable
through any mechanism allowed by the financial institu-
tion at which the account is held: Provided further, That
$1,864,000 shall be for a human services case manage-
ment system for federally declared disasters, to include a
comprehensive national case management contract and
Federal costs of administering the system: Provided fur-
ther, That up to $2,000,000 shall be for improving the
Public Assistance Reporting Information System, includ-
ing grants to States to support data collection for a study
of the system’s effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, sec-
tion 436 of the Social Security Act, $325,000,000 and,
for carrying out, except as otherwise provided, section 437
of such Act, $79,765,000: Provided, That notwithstanding
sections 438(c)(3)(A) and 436(b)(2) of such Act,
$10,000,000 shall be available for such section 436(b)(2),
of which no funds shall be available for carrying out sec-
tions 438(c)(3)(A)(ii) and (iii) of such Act: Provided fur-
ther, That of the funds available to carry out such section
437, $20,000,000 shall be reserved for allotment to Indian
tribes or tribal consortia in accordance with subsection
(c)(1) of such section (in addition to amounts otherwise
reserved for such purpose under subsection (b)(3) of such
section): Provided further, That for the purposes of apply-
ing subsection (b) of such section 437, the amount appro-
priated pursuant to subsection (a) of such section for fis-
cal year 2017 shall be deemed to be $59,765,000: Pro-
vided further, That section 432(b)(2)(B) of such Act shall
not apply to funds provided under this heading for fiscal
year 2017: Provided further, That notwithstanding section
433(a) of such Act, each Indian tribe or tribal consortium with an approved plan shall receive an allotment of not less than $10,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $5,764,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2018, $2,500,000,000.

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

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (“OAA”), titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of
2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $1,929,160,000, together with $52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: Provided further, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: Provided further, That applicants shall provide an assurance that, and informa-
tion describing the manner in which, the alternative fi-
ncing program will expand and emphasize consumer
choice and control: Provided further, That State agencies
and community-based disability organizations that are di-
rected by and operated for individuals with disabilities
shall be eligible to compete: Provided further, That none
of the funds made available under this heading may be
used by an eligible system (as defined in section 102 of
the Protection and Advocacy for Individuals with Mental
Illness Act (42 U.S.C. 10802)) to continue to pursue any
legal action in a Federal or State court on behalf of an
individual or group of individuals with a developmental
disability (as defined in section 102(8)(A) of the Develop-
mental Disabilities and Assistance and Bill of Rights Act
of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to
a mental impairment (or a combination of mental and
physical impairments), that has as the requested remedy
the closure of State operated intermediate care facilities
for people with intellectual or developmental disabilities,
unless reasonable public notice of the action has been pro-
vided to such individuals (or, in the case of mental inca-
pacitation, the legal guardians who have been specifically
awarded authority by the courts to make healthcare and
residential decisions on behalf of such individuals) who are
affected by such action, within 90 days of instituting such
legal action, which informs such individuals (or such legal
guardians) of their legal rights and how to exercise such
rights consistent with current Federal Rules of Civil Pro-
cedure: Provided further, That the limitations in the imme-
diately preceding proviso shall not apply in the case of an
individual who is neither competent to consent nor has a
legal guardian, nor shall the proviso apply in the case of
individuals who are a ward of the State or subject to pub-
lic guardianship.

Office of the Secretary

General Departmental Management

For necessary expenses, not otherwise provided, for
general departmental management, including hire of six
passenger motor vehicles, and for carrying out titles III,
XVII, XXI, and section 229 of the PHS Act, the United
States-Mexico Border Health Commission Act, and re-
search studies under section 1110 of the Social Security
Act, $365,009,000, together with $58,028,000 from the
amounts available under section 241 of the PHS Act to
carry out national health or human services research and
evaluation activities: Provided, That of this amount,
$53,900,000 shall be for minority AIDS prevention and
treatment activities: Provided further, That of the funds
made available under this heading, $20,000,000 shall be
for making competitive grants which exclusively imple-
ment education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): Provided further, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: Provided further, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).
OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, $107,381,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $65,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $85,000,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,798,000.
RETIREMENT PAY AND MEDICAL BENEFITS FOR

COMMISSIONED OFFICERS

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $959,258,000, of which $520,000,000 shall remain available through September 30, 2018, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: Provided, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: Provided further, That products purchased with funds provided under this heading may, at

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the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: Provided further, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2019.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(e)(1)(B) of the PHS Act), $600,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $72,000,000; of which $40,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologies, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologies.

GENERAL PROVISIONS

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

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

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

SEC. 204. Notwithstanding section 241(a) of the
PHS Act, such portion as the Secretary shall determine,
but not more than 2.4 percent, of any amounts appro-
priated for programs authorized under such Act shall be
made available for the evaluation (directly, or by grants
or contracts) and the implementation and effectiveness of
programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discre-
tionary funds (pursuant to the Balanced Budget and
Emergency Deficit Control Act of 1985) which are appro-
appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2017 under section 338B of such Act.

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

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

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity’s enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program’s coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

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

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2017:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authori-
ties Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

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

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

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

Sec. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research,
Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

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

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

(TRANSFER OF FUNDS)

Sec. 217. Of the amounts made available for NIH,
1 percent of the amount made available for National Re-
search Service Awards (‘‘NRSA’’) shall be made available
to the Administrator of the Health Resources and Services
Administration to make NRSA awards for research in pri-
mary medical care to individuals affiliated with entities
who have received grants or contracts under sections 736,
739, or 747 of the PHS Act, and 1 percent of the amount
made available for NRSA shall be made available to the
Director of the Agency for Healthcare Research and Qual-
ity to make NRSA awards for health service research.

Sec. 218. In addition to amounts provided herein,
payments made for research organisms or substances, au-
thorized under section 301(a) of the PHS Act, shall be
retained and credited to the appropriations accounts of the
Institutes and Centers of the NIH making the substance
or organism available under section 301(a). Amounts cred-
ited to the account under this authority shall be available
for obligation through September 30, 2018.

Sec. 219. (a) The Biomedical Advanced Research
and Development Authority (‘‘BARDA’’) may enter into
a contract, for more than one but no more than 10 pro-
gram years, for purchase of research services or of security
countermeasures, as that term is defined in section 319F–
2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
if—

(1) funds are available and obligated—

(A) for the full period of the contract or

for the first fiscal year in which the contract is

in effect; and

(B) for the estimated costs associated with

a necessary termination of the contract; and

(2) the Secretary determines that a multi-year

contract will serve the best interests of the Federal

Government by encouraging full and open competi-
tion or promoting economy in administration, per-
formance, and operation of BARDA’s programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as de-
scribed by subsection (c) of section 3903 of title 41,

United States Code; and

(2) shall be subject to the congressional notice

requirement stated in subsection (d) of such section.

Sec. 220. (a) The Secretary shall establish a publicly

accessible Web site to provide information regarding the

uses of funds made available under section 4002 of the
Patient Protection and Affordable Care Act of 2010 ("ACA").

(b) With respect to funds provided under section 4002 of the ACA, the Secretary shall include on the Web site established under subsection (a) at a minimum the following information:

(1) In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of $25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.
(4) A report detailing the uses of all funds transferred under section 4002(e) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

(c) With respect to awards made in fiscal years 2013 through 2017, the Secretary shall also include on the Web site established under subsection (a), semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of $25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.

(d) In carrying out this section, the Secretary shall—

(1) present the information required in subsection (b)(1) on a single webpage or on a single database;

(2) ensure that all information required in this section is directly accessible from the single webpage or database; and

(3) ensure that all information required in this section is able to be organized by program or State.
Sec. 221. (a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading “Prevention and Public Health Fund” in the committee report accompanying this Act.

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

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

Sec. 222. (a) The Secretary shall publish in the fiscal year 2018 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:
(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

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

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

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

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

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

Sec. 223. The Secretary shall publish, as part of the fiscal year 2018 budget of the President submitted under section 1105(a) of title 31, United States Code, informa-
tion that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2018. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading “Health Insurance Exchange Transparency” committee report accompanying this Act.

SEC. 224. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

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

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

SEC. 225. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or
the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the “Centers for Medicare and Medicaid Services—Program Management” account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(RESCISSION)

SEC. 226. (a) The “Nonrecurring expenses fund” established in section 223 of division G of Public Law 110–161 is terminated, the amount of expired discretionary funds available for reappropriation by transfer into such Fund under such section is reduced to $0, and the unobligated balance of amounts available in such Fund is rescinded.

(b) Section 223 of division G of Public Law 110–161 is repealed.

(c) Subsections (a) and (b) shall take effect on October 1, 2016.

SEC. 227. Notwithstanding any other provision of law, none of the discretionary funds appropriated by this Act may be used to support any patient-centered outcomes research.

SEC. 228. None of the funds appropriated in this Act may be used to carry out title X of the PHS Act.
Sec. 229. None of the funds appropriated in this Act may be used to implement, further, enforce, or advance the Navigators program as provided under Section 1311(i) of Public Law 111–148 and title I and subtitle B of title II of Public Law 111–152.

Sec. 230. The Secretary shall include in the fiscal year 2018 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.

(TRANSFER OF FUNDS)

Sec. 231. There is established in the Treasury a reserve fund to be known as the “Infectious Diseases Rapid Response Reserve Fund” (the “Reserve Fund”): Provided, That of the funds provided under the heading “CDC-Wide Activities and Program Support”, up to $300,000,000, to remain available until expended, shall be available to the Director of the Centers for Disease Control and Prevention (the “CDC”) for deposit in the Reserve Fund: Provided further, That amounts in the Reserve Fund shall remain available until expended to carry out titles II, III, and XVII of the PHS Act to prevent, prepare for, or respond to an infectious disease emergency under this section, including, in connection with such activities, to purchase or lease and provide for the insurance of passenger motor vehicles for official use in foreign countries: Pro-
vided further, That amounts in the Reserve Fund may only be provided for an infectious disease emergency if the infectious disease emergency (1) is declared by the Secretary of Health and Human Services under section 319 of the PHS Act; or (2) as determined by the Secretary, has significant potential to imminently occur and potential, on occurrence, to affect national security or the health and security of United States citizens, domestically or internationally: Provided further, That amounts in the Reserve Fund may be transferred by the Director of the CDC to other accounts of the CDC, to accounts of the National Institutes of Health, or to the Public Health and Social Services Emergency Fund, to be merged with such accounts or Fund for the purposes provided in this section: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days prior to any transfer or obligation made under the authority provided in this section, including notification on the anticipated uses of such funds by program, project or activity: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall receive a report not later than 30 days after the end of each quarter in a fiscal year on the unobligated balances in the Reserve Fund and all actual obligations incurred for that fiscal year, including ob-
ligations by program, project or activity: Provided further,
That amounts in the Reserve Fund shall be in addition
to amounts otherwise available to the Department of
Health and Human Services for the purposes provided in
this section: Provided further, That the transfer authori-
ties in this section are in addition to any transfer author-
ity otherwise available to the Department of Health and
Human Services: Provided further, That products pur-
chased using amounts in the Reserve Fund may, at the
discretion of the Secretary of Health and Human Services,
be deposited in the Strategic National Stockpile under sec-
tion 319F–2 of the PHS Act: Provided further, That this
section shall be in effect as of the date of the enactment
of this Act through each fiscal year hereafter.

SEC. 232. Effective during the period beginning on
November 1, 2015 and ending January 1, 2019, any pro-
vision of law that refers (including through cross-reference
to another provision of law) to the current recommenda-
tions of the United States Preventive Services Task Force
with respect to breast cancer screening, mammography,
and prevention shall be administered by the Secretary in-
volved as if—

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

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2017”.

TITLE III
DEPARTMENT OF EDUCATION
EDUCATION FOR THE DISADVANTAGED
For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), $15,986,790,000, of which $4,897,006,000 shall become available on July 1, 2017, and shall remain available through September 30, 2018, and of which $11,041,177,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018, for academic year 2017–2018: Provided, That $6,909,401,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $3,984,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Sec-
retary”) on October 1, 2016, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: Provided further, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,544,050,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,544,050,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That $160,000,000 shall be for carrying out subpart 2 of part B of title II: Provided further, That $44,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,328,603,000, of which $1,191,233,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000, to remain available for obligation through September 30, 2018, shall be for construction under section 7007 (b), $66,813,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: Provided, That for purposes of computing the amount of
a payment for an eligible local educational agency under section 7003(a) for school year 2016–2017, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $4,799,912,000, of which $2,980,902,000 shall become available on July 1, 2017, and remain available through September 30, 2018, and
of which $1,681,441,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018, for academic year 2017–2018: Provided, That $300,000,000 shall be for part B of title I: Provided further, That $33,397,000 shall be for part B of title VI: Provided further, That $32,453,000 shall be for part C of title VI: Provided further, That $48,445,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: Provided further, That $16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: Provided further, That $175,840,000 shall be for part B of title V: Provided further, That $1,166,673,000 shall be for part B of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $174,939,000, of which $67,993,000 shall be for subpart
To divide part A of title VI and $6,565,000 shall be for subpart 3 of part A of title VI.

**INNOVATION AND IMPROVEMENT**

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and part C and subpart 4 of part F of title IV of the ESEA, $632,938,000: Provided, That $262,025,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b), and 2241: Provided further, That the funds available for part C and subpart 4 of part F of title IV shall be available without regard to sections 4311 and 4601: Provided further, That of the funds available for part C of title IV, the Secretary shall use not less than $26,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), not more than $60,000,000 to carry out section 4305(b), and not less than $16,000,000 to carry out the activities in section 4305(a)(3).

**SAFE SCHOOLS AND CITIZENSHIP EDUCATION**

For carrying out activities authorized by subpart 2 of part F of title IV of the ESEA, $73,254,000.

**ENGLISH LANGUAGE ACQUISITION**

For carrying out part A of title III of the ESEA, $737,400,000, which shall become available on July 1, 2017, and shall remain available through September 30,
2018, except that 6.5 percent of such amount shall be available on October 1, 2016, and shall remain available through September 30, 2018, to carry out activities under section 3111(c)(1)(C).

**SPECIAL EDUCATION**

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $13,406,517,000, of which $3,956,259,000 shall become available on July 1, 2017, and shall remain available through September 30, 2018, and of which $9,283,383,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018, for academic year 2017–2018: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2016, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2016: Provided further, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State’s allocation under section 611(d), from funds appropriated
under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States’ relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States’ relative populations of those children who are living in poverty: Provided further, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: Provided further, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): Provided further, That the amount by which a State’s allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: Provided further, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State’s allocation under section 611(d) is reduced for failure to comply with the
requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: Provided further, That the Secretary may, in any fiscal year in which a State’s allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: Provided further, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): Provided further, That the funds reserved under 611(e) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination,
quality, and use under parts B and C of the IDEA: Provided further, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart.

Rehabilitation Services
For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,534,027,000, of which $3,398,554,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act.

Special Institutions for Persons With Disabilities
American Printing House for the Blind
For carrying out the Act to promote the Education of the Blind of March 3, 1879, $25,431,000.

National Technical Institute for the Deaf
For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $70,016,000: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.
GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $121,275,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), $1,720,686,000, of which $929,686,000 shall become available on July 1, 2017, and shall remain available through September 30, 2018, and of which $791,000,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018: Provided, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $22,888,210,000, which shall remain available through September 30, 2018.
The maximum Pell Grant for which a student shall be eligible during award year 2017–2018 shall be $4,860.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $1,551,854,000, to remain available through September 30, 2018: Provided, That the Secretary shall, allocate new student loan borrower accounts to eligible student loan servicers on the basis of their performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles III, IV, V, VI, and VII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $1,976,666,000: Provided, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are partici-
pating in advanced foreign language training and interna-
tional studies in areas that are vital to United States
national security and who plan to apply their language
skills and knowledge of these countries in the fields of gov-
ergy, the professions, or international development:

Provided further, That of the funds referred to in the pre-
ceding proviso up to 1 percent may be used for program
evaluation, national outreach, and information dissemina-
tion activities: Provided further, That up to 1.5 percent
of the funds made available under chapter 2 of subpart
2 of part A of title IV of the HEA may be used for evalua-
tion.

HOWARD UNIVERSITY

For partial support of Howard University, $221,821,000, of which not less than $3,405,000 shall be
for a matching endowment grant pursuant to the Howard
University Endowment Act and shall remain available
until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Program

For Federal administrative expenses to carry out ac-
tivities related to existing facility loans pursuant to section
121 of the HEA, $435,000.
Historically Black College and University
Capital Financing Program Account

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2018: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $282,212,885: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

Institute of Education Sciences

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $536,049,000, which shall remain available
through September 30, 2018: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,000,000, of which up to $1,000,000, to remain available until expended, may be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $100,000,000.
For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $59,256,000.

GENERAL PROVISIONS

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

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

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

(TRANSFER OF FUNDS)

Sec. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.


Sec. 306. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of
the ESEA shall be available from July 1, 2017 through September 30, 2018.

Sec. 307. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2017 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

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

Sec. 308. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking “2016” and inserting “2017”.

Sec. 309. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking “2016” and inserting “2017”.

Sec. 310. None of the funds made available by this Act may be used to—

(1) implement, administer or enforce section 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or 668.43(b) of title 34, Code of Federal Regulations (relating to state authorization), as added or amend-
ed by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et. seq.);

(2) implement, administer, or enforce the final regulations on Program Integrity: Gainful Employment published by the Department of Education on October 31, 2014 (79 Fed. Reg. 64889 et seq.);

(3) promulgate or enforce any new regulation or rule with respect to the definition or application of the term gainful employment under the Higher Education Act of 1965 on or after the date of enactment of this Act;

(4) promulgate, implement, administer, or enforce the proposed rule establishing a teacher preparation program accountability system as published by the Department of Education in the Federal Register on December 3, 2014 (79 Fed. Reg. 71819 et seq.), or any new regulation or rule with respect to a teacher preparation program accountability system;

(5) implement, administer, or enforce the definition of the term credit hour in section 600.2 of title 34, Code of Federal Regulations, as added by the final regulations published by the Department of Education in the Federal Register on October 29,
2010 (75 Fed. Reg. 66946) and clauses (i)(A), (ii), and (iii) of subsection (k)(2) of section 668.8 of such title, as amended by such final regulations; or

(6) promulgate or enforce any new regulation or rule with respect to the definition or application of the term credit hour under the Higher Education Act of 1965 on or after the date of enactment of this Act.

SEC. 311. None of the funds made available by this Act to the Department of Education may be used to withhold Federal financial assistance to public educational institutions for alleged violations described in the letter dated May 13, 2016, issued jointly by the Department of Justice and the Department of Education, or substantially similar alleged violations, until such violations have been generally recognized by appropriate courts of the United States in final and unappealable judgments (including the exhaustion of or expiration of the time for any appeals), and such alleged violations have been determined by the applicable court to have occurred.

This title may be cited as the “Department of Education Appropriations Act, 2017”.
TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code, $8,597,000: Provided, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform contract requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: Provided further, That such agreement entered into under the preceding proviso shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: Provided further, That such agreement shall include the elements listed under this heading in the explanatory statement accompanying Public Law 114-113: Provided further, That a fee may not be charged under section 51–3.5 of title 41, Code of Federal Regulations, unless such fee is under the terms of the written agreement between the Committee and any
such central nonprofit agency: Provided further, That no less than $1,000,000 shall be available for the Office of Inspector General.

ADMINISTRATIVE PROVISION

Sec. 401. Not later than 30 days after the end of each fiscal year quarter, the Committee For Purchase From People Who Are Blind or Severely Disabled shall submit to the Committees on Oversight and Government Reform and Education and the Workforce of the House of Representatives, the Committees on Homeland Security and Governmental Affairs and Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate, the reports described under the heading “Committee For Purchase From People Who Are Blind or Severely Disabled—Requested Reports” in the committee report accompanying this Act.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), $787,929,000, notwith-
standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $50,000,000 shall be available for expenses to carry out section 198K of the 1990 Act; (3) $16,038,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (4) $30,000,000 shall be available to carry out subtitle E of the 1990 Act; and (5) $3,800,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: Provided further, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community: Provided further, That not to exceed 20 percent of funds made available under section 198K of the 1990 Act may be used for Social Innovation Fund Pilot Program-related performance-based awards for Pay for Success projects and shall remain available through September 30, 2018:
Provided further, That, with respect to the previous proviso, any funds obligated for such projects shall remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a): Provided further, That any funds deobligated from projects under section 198K of the 1990 Act shall immediately be available for activities authorized under section 198K of such Act.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $205,792,000, to remain available until expended: Provided, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).
SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $81,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,300,000.

ADMINISTRATIVE PROVISIONS

SEC. 402. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2017, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 403. AmeriCorps programs receiving grants under the National Service Trust program shall meet an
overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 404. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 405. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 406. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered “qualified entities” under
section 3 of the National Child Protection Act of 1993 ("NCPA"); and
(2) individuals described in such section shall be considered "volunteers" under section 3 of NCPA; and
(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2019, $445,000,000: Provided, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to CPB by this
Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: Provided further, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system, $10,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,488,000, including up to $750,000 to remain available through September 30, 2018, for activities authorized by the Labor-Management Cooperation Act of 1978: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign gov-
ernments and international organizations, and for arbitra-
tion services shall be credited to and merged with this ac-
count, and shall remain available until expended: Provided
further, That fees for arbitration services shall be available
only for education, training, and professional development
of the agency workforce: Provided further, That the Direc-
tor of the Service is authorized to accept and use on behalf
of the United States gifts of services and real, personal,
or other property in the aid of any projects or functions
within the Director's jurisdiction.

Federal Mine Safety and Health Review
Commission
Salaries and Expenses
For expenses necessary for the Federal Mine Safety
and Health Review Commission, $17,184,000.

Institute of Museum and Library Services
Office of Museum and Library Services: Grants
and Administration
For carrying out the Museum and Library Services
Act of 1996 and the National Museum of African Amer-
ican History and Culture Act, $230,000,000.
MEDICAID AND CHIP PAYMENT AND ACCESS

Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of
the Social Security Act, $7,000,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

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

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

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

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Rela-
tions Board to carry out the functions vested in it by the
Labor-Management Relations Act, 1947, and other laws,
$215,000,000: Provided, That no part of this appropria-
tion shall be available to organize or assist in organizing
agricultural laborers or used in connection with investiga-

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tions, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 407. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

SEC. 408. None of the funds made available by this Act may be used to implement or enforce any rule amending parts 101, 102, and 103 of title 29, Code of Federal Regulations (relating to the filing and processing of petitions pursuant to the representation of employees for the purposes of collective bargaining with their employer), including the final rule published by the National Labor Re-

SEC. 409. (a) None of the funds made available by this Act may be used to enforce the National Labor Relations Act (29 U.S.C. 152) against any Indian tribe, including any enterprise or institution owned and operated by an Indian tribe and located on its Indian lands.

(b) For purposes of this section—

(1) the term “Indian tribe” means any Indian tribe, band, nation, pueblo, Native Alaskan group, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(2) the term “Indian” means any individual who is a member of an Indian tribe; and

(3) the term “Indian lands’” means—

(A) all lands within the limits of any Indian reservation;

(B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation; and
(C) any lands in the State of Oklahoma that are within the boundaries of a former reservation (as defined by the Secretary of the Interior) of a federally recognized Indian tribe.

Sec. 410. None of the funds made available by this Act may be used to investigate, issue, enforce or litigate any administrative directive, regulation, representation issue or unfair labor practice proceeding or any other administrative complaint, charge, claim or proceeding that would change the interpretation or application of the standard to determine whether entities are “joint employers” in effect as of January 1, 2014.

Sec. 411. None of the funds in this Act may be used to implement, create, apply or enforce through prosecution, adjudication, rulemaking, or the issuing of any interpretation, opinion, certification, decision or policy, any standard for initial bargaining unit determinations that conflicts with the standard articulated in the majority opinion in Wheeling Island Gaming Inc. and United Food and Commercial Workers International Union, Local 23, 355 NLRB 127 (August 27, 2010) (including but not limited to the majority opinion in footnote 2), except for unit determinations currently governed by section 103.30 of title 34, Code of Federal Regulations for employers currently covered by such rules. Further, no funds in this
Act shall be used to implement, create, apply or enforce through prosecution, adjudication, rulemaking, or the issuing of any interpretation, opinion, certification, decision or policy, any standard for initial bargaining unit determinations that utilize the overwhelming community of interest test except in accretion cases.

National Mediation Board

Salaries and Expenses

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,300,000.

Occupational Safety and Health Review Commission

Salaries and Expenses

For expenses necessary for the Occupational Safety and Health Review Commission, $12,975,000.

Railroad Retirement Board

Dual Benefits Payments Account

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $25,000,000, which shall include amounts becoming available in fiscal year 2017 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the
amount by which the product of recipients and the average
benefit received exceeds the amount available for payment
of vested dual benefits: Provided, That the total amount
provided herein shall be credited in 12 approximately
equal amounts on the first day of each month in the fiscal
year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
ACCOUNTS

For payment to the accounts established in the
Treasury for the payment of benefits under the Railroad
Retirement Act for interest earned on unnegotiated
checks, $150,000, to remain available through September
30, 2018, which shall be the maximum amount available
for payment pursuant to section 417 of Public Law 98–
76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement
Board (“Board”) for administration of the Railroad Re-
tirement Act and the Railroad Unemployment Insurance
Act, $111,225,000, to be derived in such amounts as de-
termined by the Board from the railroad retirement ac-
counts and from moneys credited to the railroad unem-
ployment insurance administration fund: Provided, That
notwithstanding section 7(b)(9) of the Railroad Retire-
ment Act this limitation may be used to hire attorneys
only through the excepted service: Provided further, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,437,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,400,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $43,162,469,000, to remain available until expended: Pro-
vided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than $58,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2019.

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

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2018, $15,000,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $10,348,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: Provided, That not less than $2,300,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph
at the end of fiscal year 2017 not needed for fiscal year 2017 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and administrative expenses associated with information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work related continuing disability reviews to determine whether earnings derived from serv-
ices demonstrate an individual’s ability to engage in substantial gainful activity for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigations units, and for the cost associated with the Special Assistant United States Attorneys program which helps prosecute fraud cases in the programs and operations of the Social Security Administration, $1,426,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $1,153,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: Provided further, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $123,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act.
Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2017 exceed $123,000,000, the amounts shall be available in fiscal year 2018 only to the extent provided in advance in appropriations Acts.

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

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,787,000, together with not to exceed $75,713,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

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

TITLE V
GENERAL PROVISIONS
(TRANSFER OF FUNDS)

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

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

Sec. 503. (a) No part of any appropriation contained
in this Act or transferred pursuant to section 4002 of
Public Law 111–148 shall be used, other than for normal
and recognized executive-legislative relationships, for pub-
licity or propaganda purposes, for the preparation, dis-
tribution, or use of any kit, pamphlet, booklet, publication,
electronic communication, radio, television, or video pres-
entation designed to support or defeat the enactment of
legislation before the Congress or any State or local legis-
lature or legislative body, except in presentation to the
Congress or any State or local legislature itself, or de-
signed to support or defeat any proposed or pending regu-
lation, administrative action, or order issued by the execu-
tive branch of any State or local government, except in
presentation to the executive branch of any State or local
government itself.

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

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

SEC. 504. The Secretaries of Labor and Education
are authorized to make available not to exceed $28,000
and $20,000, respectively, from funds available for salar-
ies and expenses under titles I and III, respectively, for
official reception and representation expenses; the Direc-
tor of the Federal Mediation and Conciliation Service is
authorized to make available for official reception and rep-
resentation expenses not to exceed $5,000 from the funds
available for “Federal Mediation and Conciliation Service,
Salaries and Expenses”; and the Chairman of the Na-
tional Mediation Board is authorized to make available for
official reception and representation expenses not to ex-
ceed $5,000 from funds available for “National Mediation
Board, Salaries and Expenses”.

SEC. 505. When issuing statements, press releases,
requests for proposals, bid solicitations and other docu-
ments describing projects or programs funded in whole or
in part with Federal money, all grantees receiving Federal
funds included in this Act, including but not limited to
State and local governments and recipients of Federal re-
search grants, shall clearly state—
(1) the percentage of the total costs of the program or project which will be financed with Federal money;

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

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

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

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

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

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

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

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

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

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.
(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

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

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

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

Sec. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in
schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

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

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

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

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and
(2) such entity has not submitted a report as
required by that section for the most recent year for
which such requirement was applicable to such enti-
ty.

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

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

SEC. 514. (a) None of the funds provided under this
Act, or provided under previous appropriations Acts to the
agencies funded by this Act that remain available for obli-
gation or expenditure in fiscal year 2017, or provided from
any accounts in the Treasury of the United States derived
by the collection of fees available to the agencies funded
by this Act, shall be available for obligation or expenditure
through a reprogramming of funds that—

(1) creates new programs;
(2) eliminates a program, project, or activity;

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—
(1) augments existing programs, projects (including construction projects), or activities;

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

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

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.
SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2017 that are different than those specified in this Act, the accompanying detailed table in the committee report accompanying this Act, or the fiscal year 2017 budget request.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2017, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of So-
Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant’s number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 520. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation
with the Centers for Disease Control and Prevention, de-
termines that the State or local jurisdiction, as applicable,
is experiencing, or is at risk for, a significant increase in
hepatitis infections or an HIV outbreak due to injection
drug use, and such program is operating in accordance
with State and local law.

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

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

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

Sec. 523. For purposes of carrying out Executive
Order 13589, Office of Management and Budget Memo-
randum M–12–12 dated May 11, 2012, and requirements
contained in the annual appropriations bills relating to
conference attendance and expenditures:
(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 524. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 525. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the
amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 526. None of the funds made available in this Act may be used to implement, administer, enforce, or further any provision of Public Law 111–148 or title I or subtitle B of title II of Public Law 111–152 and the amendment made by such provision: Provided, That funds in this Act may be used to implement, administer, enforce, or further the rate setting process for calendar year 2017 and fiscal year 2018 for Medicare under title XVIII of the Social Security Act: Provided further, That funds in this Act may be used to implement, administer, enforce, or further the final rules for the provisions of (and amendments made by) sections 2501(c), 2501(d), and 2503 of Public Law 111–148, as amended by sections 1206(a) and 1101(c) of Public Law 111–152, insofar as each respective rule relates to calendar year 2017.

(RESCISSION)

SEC. 527. Of the funds made available for fiscal year 2017 [for the Independent Payment Advisory Board] under section 3403 of Public Law 111–148, $15,000,000 are rescinded.
(RESCISSION)

Sec. 528. Of the funds made available [for the Center for Medicare & Medicaid Innovation] under section 3021(a) of Public Law 111–148, $7,000,000,000 is rescinded.

(RESCISSION)

Sec. 529. Of the funds made available for fiscal year 2017 [for the Patient-Centered Outcomes Research Trust Fund] under section 6301(e) of Public Law 111–148, $150,000,000 is rescinded.

(RESCISSION)

Sec. 530. Amounts deposited in the Child Enrollment Contingency Fund from the appropriation to the Fund for the first semi-annual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

(RESCISSION)

Sec. 531. Of any available amounts appropriated under section 108 of Public Law 111-3, as amended, $541,900,000 are hereby rescinded.
(RESCISSION)

SEC. 532. Of the funds made available for purposes of carrying out section 2105(a)(3) of the Social Security Act, $195,640,000 are hereby rescinded.

SEC. 533. (a) SHORT TITLE.—This section may be cited as the “Health Care Conscience Rights Act”.

(b) FINDINGS.—Congress finds the following:

(1) As Thomas Jefferson declared to New London Methodists in 1809, “[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority”.

(2) Jefferson’s conviction on respect for conscience is deeply embedded in the history and traditions of our Nation, and codified in numerous Federal laws approved by congressional majorities and Presidents of both parties, including in the Public Health Service Act; the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act; the Religious Freedom Restoration Act; longstanding provisions on respect for conscience rights in the Federal Employees Health Benefits Program and District of Columbia appropriations; and laws to protect individuals from being forced to participate in Federal executions or prosecutions.
(3) Following enactment of the Patient Protection and Affordable Care Act (Public Law 111–148, in this section referred to as “PPACA”), the Federal Government has sought to impose specific requirements that infringe on the rights of conscience of those who offer or purchase health coverage.

(4) While PPACA provides an exemption for some religious groups that object to participation in health insurance generally, and exempts millions of Americans from most of the Act’s provisions, including the preventive services mandate, it fails to provide statutory protection for those seeking to offer and purchase health coverage who have a religious or moral objection only to specific items or services.

(5) Nurses and other health care providers have increasingly been subjected to discrimination for abiding by their conscience rather than providing, paying for, or referring for abortion.

(6) Conscience rights protections for health care providers are an important part of civil rights protections in Federal law and are indispensable to the continued viability of the health care system in the United States. The increasingly significant discrimination suffered by faith-based nonprofit health care providers risks undermining access to high-quality
compassionate care for some of the most vulnerable populations in our country.

(c) Applying Longstanding Policy on Conscience Rights to the Affordable Care Act.—

(1) In general.—Title I of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended—

(A) by redesignating the second section 1563 (relating to conforming amendments and as redesignated by section 10107(b)(1) of the Patient Protection and Affordable Care Act) as section 1564;

(B) by redesignating the third section 1563 (relating to the Sense of the Senate promoting fiscal responsibility) as section 1565;

and

(C) by adding at the end the following new section:

“SEC. 1566. RESPECTING CONSCIENCE RIGHTS IN HEALTH CARE COVERAGE.

“(a) In general.—Notwithstanding any other provision of this title, no provision of this title (and no amendment made by any such provision) shall—

“(1) require an individual to purchase individual health insurance coverage that includes cov-
verage of an abortion or other item or service to
which such individual has a moral or religious objec-
tion, or prevent an issuer from offering or issuing,
to such individual, individual health insurance cov-
erage that excludes such item or service;

“(2) require a sponsor (or, in the case of health
insurance coverage offered to students through an
institution of higher education, the institution of
higher education offering such coverage) to sponsor,
purchase, or provide any health benefits coverage or
group health plan that includes coverage of an abor-
tion or other item or service to which such sponsor
or institution, respectively, has a moral or religious
objection, or prevent an issuer from offering or
issuing to such sponsor or institution, respectively,
health insurance coverage that excludes such item or
service;

“(3) require an issuer of health insurance cov-
erage or the sponsor of a group health plan to in-
clude, in any such coverage or plan, coverage of an
abortion or other item or service to which such
issuer or sponsor has a moral or religious objection;
or

“(4) authorize the imposition of a tax, penalty,
fee, fine, or other sanction, or the imposition of cov-
erage of the item or service to which there is a moral
or religious objection, in relation to health insurance
coverage or a group health plan that excludes an
item or service pursuant to this section.

“(b) Restriction on Contrary Governmental
Action.—No provision in this title (or amendment made
by such provision) or law, regulation, guideline or other
governmental action that implements such provision or
amendment, or derives its authority therefrom, shall be
given legal effect to the extent that it violates this section.

“(c) No Effect on Other Laws.—Nothing in this
section shall be construed to preempt, modify, or otherwise
have any effect on—

“(1) the Civil Rights Act of 1964;
“(2) the Americans with Disabilities Act of
1990;
“(3) the Pregnancy Discrimination Act of 1978;
“(4) the Mental Health Parity Act of 1996; or
“(5) any other State or Federal law, other than
a provision in this title (or an amendment made by
such provision) or a law, regulation, guideline or
other governmental action that implements such pro-
vision or amendment or derives its authority there-
from.
“(d) Aggregate Actuarial Value.—Nothing in this section shall be construed to prohibit the Secretary from issuing regulations or other guidance to ensure that health insurance coverage or group health plans excluding abortion or other items or services under this section shall have an aggregate actuarial value at least equivalent to that of health insurance coverage or group health plans at the same level of coverage that do not exclude such items or services.

“(e) Continued Application of Nondiscrimination Rules.—Nothing in this section shall be construed to permit a health insurance issuer, group health plan, or other health care provider to act in a manner inconsistent with subparagraph (B) or (D) of section 1302(b)(4).”

(2) Clerical Amendment.—The table of contents of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended—

(A) by striking the following items:

“1563. Conforming amendments.
“1563. Sense of the Senate promoting fiscal responsibility.”;

and

(B) by inserting after the item relating to the section 1563 relating to small business procurement the following items:

“1564. Conforming amendments.
“1565. Sense of the Senate promoting fiscal responsibility.
“1565. Respecting conscience rights in health coverage.”.
(d) Nondiscrimination for Health Care Providers.—Section 245 of the Public Health Service Act (42 U.S.C. 238n) is amended—

(1) in the section heading, by striking “AND LICENSING OF PHYSICIANS” and inserting “, LICENSING, AND PRACTICE OF PHYSICIANS AND OTHER HEALTH CARE ENTITIES”;

(2) in subsection (a), by amending paragraph (1) to read as follows:

“(1) the entity refuses—

“(A) to undergo training in the performance of induced abortions;

“(B) to require or provide such training;

“(C) to perform, participate in, provide coverage of, or pay for induced abortions; or

“(D) to provide referrals for such training or such abortions;”;

(3) in subsection (b)(1), by striking “standards” and inserting “standard”; and

(4) in subsection (c), by amending paragraphs (1) and (2) to read as follows:

“(1) The term ‘financial assistance’, with respect to a government program, means governmental payments to cover the cost of health care services or benefits, or other Federal payments, grants, or loans
to promote or otherwise facilitate health-related activities.

“(2) The term ‘health care entity’ includes an individual physician or other health professional, a postgraduate physician training program, a participant in a program of training in the health professions, a hospital, a provider-sponsored organization as defined in section 1855(d) of the Social Security Act, a health maintenance organization, an accountable care organization, an issuer of health insurance coverage, any other kind of health care facility, organization, or plan, and an entity that provides or authorizes referrals for health care services.”;

(5) by adding at the end of subsection (c) the following new paragraph:

“(4) The term ‘State or local government that receives Federal financial assistance’ includes any agency or other governmental unit of a State or local government if such government receives Federal financial assistance.”;

(6) by redesignating subsection (c) as subsection (d); and

(7) by inserting after subsection (b) the following new subsection:
“(c) ADMINISTRATION.—The Secretary shall designate the Director of the Office for Civil Rights of the Department of Health and Human Services—

“(1) to receive complaints alleging a violation of this section, section 1566 of the Patient Protection and Affordable Care Act, or any of subsections (b) through (e) of section 401 of the Health Programs Extension Act of 1973; and

“(2) to pursue the investigation of such complaints, in coordination with the Attorney General.”.

(e) REMEDIES FOR VIOLATIONS OF FEDERAL CONSCIENCE LAWS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 245 the following:

“SEC. 245A. CIVIL ACTION FOR CERTAIN VIOLATIONS.

“(a) IN GENERAL.—A qualified party may, in a civil action, obtain appropriate relief with regard to a designated violation.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘qualified party’ means—

“(A) the Attorney General; or

“(B) any person or entity adversely affected by the designated violation; and

“(2) the term ‘designated violation’ means an actual or threatened violation of section 245 of this
Act, section 1566 of the Patient Protection and Affordable Care Act, or any of subsections (b) through (c) of section 401 of the Health Programs Extension Act of 1973.

“(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—An action under this section may be commenced, and relief may be granted, without regard to whether the party commencing the action has sought or exhausted available administrative remedies.

“(d) DEFENDANTS IN ACTIONS UNDER THIS SECTION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL AS OTHERS.—

“(1) IN GENERAL.—An action under this section may be maintained against, among others, a party that is a Federal or State governmental entity. Relief in an action under this section may include money damages even if the defendant is such a governmental entity.

“(2) DEFINITION.—For the purposes of this subsection, the term ‘State governmental entity’ means a State, a local government within a State, or any agency or other governmental unit or authority of a State or of such a local government.

“(e) NATURE OF RELIEF.—The court shall grant—
“(1) all necessary equitable and legal relief, including, where appropriate, declaratory relief and compensatory damages, to prevent the occurrence, continuance, or repetition of the designated violation and to compensate for losses resulting from the designated violation; and

“(2) to a prevailing plaintiff, reasonable attorneys’ fees and litigation expenses as part of the costs.”.

Sec. 534. Any funds made available by this Act or any other Act may be used by a health care delivery system that furnishes services predominantly through facilities of the Federal Government for payment for or delivery of in vitro fertilization treatments only if such treatments do not result in the discarding or destruction of viable human embryos before embryo transfer.

SPENDING REDUCTION ACCOUNT

Sec. 535. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2017”.

•HR 5926 RH
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, 2017, and for other purposes.

JULY 22, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.