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114TH CONGRESS
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S. 1695

[Report No. 114–74]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2015

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

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

1 Education, and related agencies for the fiscal year ending
2 September 30, 2016, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF LABOR

5 EMPLOYMENT AND TRAINING ADMINISTRATION

6 TRAINING AND EMPLOYMENT SERVICES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Workforce Innovation
9 and Opportunity Act (referred to in this Act as “WIOA”),
10 and the Second Chance Act of 2007, \$2,936,244,000, plus
11 reimbursements, shall be available. Of the amounts pro-
12 vided:

13 (1) for grants to States for adult employment
14 and training activities, youth activities, and dis-
15 located worker employment and training activities,
16 \$2,492,000,000 as follows:

17 (A) \$737,000,000 for adult employment
18 and training activities, of which \$25,000,000
19 shall be available for the period July 1, 2016,
20 through June 30, 2017, and of which
21 \$712,000,000 shall be available for the period
22 October 1, 2016, through June 30, 2017;

23 (B) \$790,000,000 for youth activities,
24 which shall be available for the period April 1,
25 2016, through June 30, 2017; and

1 (C) \$965,000,000 for dislocated worker
2 employment and training activities, of which
3 \$105,000,000 shall be available for the period
4 July 1, 2016, through June 30, 2017, and of
5 which \$860,000,000 shall be available for the
6 period October 1, 2016, through June 30,
7 2017:

8 *Provided*, That pursuant to section 128(a)(1) of the
9 WIOA, the amount available to the Governor for statewide
10 workforce investment activities shall not exceed 15 percent
11 of the amount allotted to the State from each of the appro-
12 priations under the preceding subparagraphs; and

13 (2) for national programs, \$444,244,000 as fol-
14 lows:

15 (A) \$200,000,000 for the dislocated work-
16 ers assistance national reserve, which shall be
17 available for the period October 1, 2016
18 through September 30, 2017: *Provided*, That
19 funds provided to carry out section
20 132(a)(2)(A) of the WIOA may be used to pro-
21 vide assistance to a State for statewide or local
22 use in order to address cases where there have
23 been worker dislocations across multiple sectors
24 or across multiple local areas and such workers
25 remain dislocated; coordinate the State work-

1 force development plan with emerging economic
2 development needs; and train such eligible dis-
3 located workers: *Provided further*, That funds
4 provided to carry out sections 168(b) and
5 169(c) of the WIOA may be used for technical
6 assistance and demonstration projects, respec-
7 tively, that provide assistance to new entrants
8 in the workforce and incumbent workers: *Pro-*
9 *vided further*, That notwithstanding section
10 168(b) of the WIOA, of the funds provided
11 under this subparagraph, the Secretary of
12 Labor (referred to in this title as “Secretary”)
13 may reserve not more than 10 percent of such
14 funds to provide technical assistance and carry
15 out additional activities related to the transition
16 to the WIOA: *Provided further*, That, of the
17 funds provided under this subparagraph,
18 \$19,000,000 shall be made available for appli-
19 cations submitted in accordance with section
20 170 of the WIOA for training and employment
21 assistance for workers dislocated from coal
22 mines and coal-fired power plants;

23 (B) \$40,500,000 for Native American pro-
24 grams under section 166 of the WIOA, which

1 shall be available for the period July 1, 2016,
2 through June 30, 2017;

3 (C) \$23,750,000, which shall be available
4 for the period October 1, 2015, through Sep-
5 tember 30, 2016, for necessary expenses for the
6 Office of Disability Employment Policy to de-
7 velop policy and initiatives furthering the objec-
8 tive of eliminating barriers to the training and
9 employment of people with disabilities, includ-
10 ing funds for competitive grants: *Provided,*
11 That, not later than 180 days after the date of
12 enactment of this Act, the Office of Disability
13 Employment Policy in the Department of Labor
14 shall be placed in the Employment and Train-
15 ing Administration, and the functions and du-
16 ties previously assigned to the Assistant Sec-
17 retary for Disability Employment Policy shall
18 hereafter be assigned to the Assistant Secretary
19 for Employment and Training.

20 (D) \$73,000,000 for migrant and seasonal
21 farmworker programs under section 167 of the
22 WIOA, including \$67,306,000 for formula
23 grants (of which not less than 70 percent shall
24 be for employment and training services),
25 \$5,200,000 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 July 1, 2016, through June 30, 2017: *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;

(E) \$79,689,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2016, through June 30, 2017;

(F) \$1,000,000 for technical assistance activities under section 168 of the WIOA, which shall be available for the period July 1, 2016 through June 30, 2017;

(G) \$22,305,000 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, 2016, through June 30, 2017: *Provided*, That such funds shall be for competitive

grants to national and regional intermediaries for activities that prepare adult and young ex-offenders and school dropouts for employment, with a priority for projects serving high crime, high-poverty areas and communities that have recently experienced significant unrest;

(H) \$4,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2016 through June 30, 2017.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, \$1,683,155,000, plus reimbursements, as follows:

(1) \$1,578,008,000 for Job Corps Operations, which shall be available for the period July 1, 2016, through June 30, 2017;

(2) \$74,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be

1 available for the period July 1, 2016, through June
 2 30, 2019, and which may include the acquisition,
 3 maintenance, and repair of major items of equip-
 4 ment: *Provided*, That the Secretary may transfer up
 5 to 15 percent of such funds to meet the operational
 6 needs of such centers or to achieve administrative ef-
 7 ficiencies: *Provided further*, That any funds trans-
 8 ferred pursuant to the preceding proviso shall not be
 9 available for obligation after June 30, 2017: *Pro-*
 10 *vided further*, That the Committees on Appropria-
 11 tions of the House of Representatives and the Sen-
 12 ate are notified at least 15 days in advance of any
 13 transfer; and

14 (3) \$31,147,000 for necessary expenses of Job
 15 Corps, which shall be available for obligation for the
 16 period October 1, 2015 through September 30,
 17 2016:

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

21 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

22 AMERICANS

23 To carry out title V of the Older Americans Act of
 24 1965 (referred to in this Act as “OAA”), \$400,000,000,
 25 which shall be available for the period July 1, 2016

1 through June 30, 2017, and may be recaptured and reobli-
 2 gated in accordance with section 517(c) of the OAA.

3 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

4 For payments during fiscal year 2016 of trade ad-
 5 justment benefit payments and allowances under part I
 6 of subchapter B of chapter 2 of title II of the Trade Act
 7 of 1974, and section 246 of that Act; and for training,
 8 employment and case management services, allowances for
 9 job search and relocation, and related State administrative
 10 expenses under part II of subchapter B of chapter 2 of
 11 title II of the Trade Act of 1974, and including benefit
 12 payments, allowances, training, employment and case
 13 management services, and related State administration
 14 provided pursuant to section 231(a) and section 233(b)
 15 of the Trade Adjustment Assistance Extension Act of
 16 2011, \$664,200,000, together with such amounts as may
 17 be necessary to be charged to the subsequent appropria-
 18 tion for payments for any period subsequent to September
 19 15, 2016.

20 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

21 SERVICE OPERATIONS

22 For authorized administrative expenses,
 23 \$86,428,000, together with not to exceed \$3,413,133,000
 24 which may be expended from the Employment Security

1 Administration Account in the Unemployment Trust Fund
2 (“the Trust Fund”), of which:

3 (1) \$2,705,550,000 from the Trust Fund is for
4 grants to States for the administration of State un-
5 employment insurance laws as authorized under title
6 III of the Social Security Act (including not less
7 than \$80,000,000 to conduct in-person reemploy-
8 ment and eligibility assessments and unemployment
9 insurance improper payment reviews, and to provide
10 reemployment services and referrals to training as
11 appropriate, and \$3,000,000 for continued support
12 of the Unemployment Insurance Integrity Center of
13 Excellence), the administration of unemployment in-
14 surance for Federal employees and for ex-service
15 members as authorized under 5 U.S.C. 8501–8523,
16 and the administration of trade readjustment allow-
17 ances, reemployment trade adjustment assistance,
18 and alternative trade adjustment assistance under
19 the Trade Act of 1974 and under sections 231(a)
20 and 233(b) of the Trade Adjustment Assistance Ex-
21 tension Act of 2011, and shall be available for obli-
22 gation by the States through December 31, 2016,
23 except that funds used for automation acquisitions
24 shall be available for Federal obligation through De-
25 cember 31, 2016, and for State obligation through

1 September 30, 2018, or, if the automation acquisi-
2 tion is being carried out through consortia of States,
3 for State obligation through September 30, 2021,
4 and for expenditure through September 30, 2022,
5 and funds for competitive grants awarded to States
6 for improved operations and to conduct in-person as-
7 sessments and reviews and provide reemployment
8 services and referrals shall be available for Federal
9 obligation through December 31, 2016, and for obli-
10 gation by the States through September 30, 2018,
11 and funds used for unemployment insurance work-
12 loads experienced by the States through September
13 30, 2016, shall be available for Federal obligation
14 through December 31, 2016;

15 (2) \$12,892,000 from the Trust Fund is for na-
16 tional activities necessary to support the administra-
17 tion of the Federal-State unemployment insurance
18 system;

19 (3) \$614,000,000 from the Trust Fund, to-
20 gether with \$20,775,000 from the General Fund of
21 the Treasury, is for grants to States in accordance
22 with section 6 of the Wagner-Peyser Act, and shall
23 be available for Federal obligation for the period
24 July 1, 2016 through June 30, 2017;

1 (4) \$19,000,000 from the Trust Fund is for na-
2 tional activities of the Employment Service, includ-
3 ing administration of the work opportunity tax cred-
4 it under section 51 of the Internal Revenue Code of
5 1986, and the provision of technical assistance and
6 staff training under the Wagner-Peyser Act;

7 (5) \$61,691,000 from the Trust Fund is for the
8 administration of foreign labor certifications and re-
9 lated activities under the Immigration and Nation-
10 ality Act and related laws, of which \$47,691,000
11 shall be available for the Federal administration of
12 such activities, and \$14,000,000 shall be available
13 for grants to States for the administration of such
14 activities; and

15 (6) \$65,653,000 from the General Fund is to
16 provide workforce information, national electronic
17 tools, and one-stop system building under the Wag-
18 ner-Peyser Act, including \$7,500,000 for grants re-
19 lating to occupational licensing, and shall be avail-
20 able for Federal obligation for the period July 1,
21 2016 through June 30, 2017:

22 *Provided*, That to the extent that the Average Weekly In-
23 sured Unemployment (“AWIU”) for fiscal year 2016 is
24 projected by the Department of Labor to exceed
25 2,957,000, an additional \$28,600,000 from the Trust

1 Fund shall be available for obligation for every 100,000
2 increase in the AWIU level (including a pro rata amount
3 for any increment less than 100,000) to carry out title
4 III of the Social Security Act: *Provided further*, That
5 funds appropriated in this Act that are allotted to a State
6 to carry out activities under title III of the Social Security
7 Act may be used by such State to assist other States in
8 carrying out activities under such title III if the other
9 States include areas that have suffered a major disaster
10 declared by the President under the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act: *Provided*
12 *further*, That the Secretary may use funds appropriated
13 for grants to States under title III of the Social Security
14 Act to make payments on behalf of States for the use of
15 the National Directory of New Hires under section
16 453(j)(8) of such Act: *Provided further*, That the Sec-
17 retary may use funds appropriated for grants to States
18 under title III of the Social Security Act to make pay-
19 ments on behalf of States to the entity operating the State
20 Information Data Exchange System: *Provided further*,
21 That funds appropriated in this Act which are used to es-
22 tablish a national one-stop career center system, or which
23 are used to support the national activities of the Federal-
24 State unemployment insurance, employment service, or
25 immigration programs, may be obligated in contracts,

1 grants, or agreements with States and non-State entities:
 2 *Provided further*, That States awarded competitive grants
 3 for improved operations under title III of the Social Secu-
 4 rity Act, or awarded grants to support the national activi-
 5 ties of the Federal-State unemployment insurance system,
 6 may award subgrants to other States under such grants,
 7 subject to the conditions applicable to the grants: *Provided*
 8 *further*, That funds appropriated under this Act for activi-
 9 ties authorized under title III of the Social Security Act
 10 and the Wagner-Peyser Act may be used by States to fund
 11 integrated Unemployment Insurance and Employment
 12 Service automation efforts, notwithstanding cost allocation
 13 principles prescribed under the Office of Management and
 14 Budget Circular A-87: *Provided further*, That the Sec-
 15 retary, at the request of a State participating in a consor-
 16 tium with other States, may reallocate funds allotted to such
 17 State under title III of the Social Security Act to other
 18 States participating in the consortium in order to carry
 19 out activities that benefit the administration of the unem-
 20 ployment compensation law of the State making the re-
 21 quest: *Provided further*, That the Secretary may collect
 22 fees for the costs associated with additional data collec-
 23 tion, analyses, and reporting services relating to the Na-
 24 tional Agricultural Workers Survey requested by State
 25 and local governments, public and private institutions of

18 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
19 OTHER FUNDS

•S 1695 PCS

1 of the Social Security Act, to the Unemployment Trust
 2 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
 3 Unemployment Benefits and Allowances” account, such
 4 sums as may be necessary, which shall be available for
 5 obligation through September 30, 2017.

6 PROGRAM ADMINISTRATION

7 For expenses of administering employment and train-
 8 ing programs, \$97,733,000, together with not to exceed
 9 \$46,284,000 which may be expended from the Employ-
 10 ment Security Administration Account in the Unemploy-
 11 ment Trust Fund.

12 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Employee Benefits
 15 Security Administration, \$168,930,000.

16 PENSION BENEFIT GUARANTY CORPORATION

17 PENSION BENEFIT GUARANTY CORPORATION FUND

18 The Pension Benefit Guaranty Corporation (“Cor-
 19 poration”) is authorized to make such expenditures, in-
 20 cluding financial assistance authorized by subtitle E of
 21 title IV of the Employee Retirement Income Security Act
 22 of 1974, within limits of funds and borrowing authority
 23 available to the Corporation, and in accord with law, and
 24 to make such contracts and commitments without regard
 25 to fiscal year limitations, as provided by 31 U.S.C. 9104,

1 as may be necessary in carrying out the program, includ-
 2 ing associated administrative expenses, through Sep-
 3 tember 30, 2016, for the Corporation: *Provided*, That
 4 none of the funds available to the Corporation for fiscal
 5 year 2016 shall be available for obligations for administra-
 6 tive expenses in excess of \$431,799,000: *Provided further*,
 7 That to the extent that the number of new plan partici-
 8 pants in plans terminated by the Corporation exceeds
 9 100,000 in fiscal year 2016, an amount not to exceed an
 10 additional \$9,200,000 shall be available through Sep-
 11 tember 30, 2017, for obligation for administrative ex-
 12 penses for every 20,000 additional terminated partici-
 13 pants: *Provided further*, That obligations in excess of the
 14 amounts provided in this paragraph may be incurred for
 15 unforeseen and extraordinary pretermination expenses or
 16 extraordinary multiemployer program related expenses
 17 after approval by the Office of Management and Budget
 18 and notification of the Committees on Appropriations of
 19 the House of Representatives and the Senate.

20 WAGE AND HOUR DIVISION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Wage and Hour Divi-
 23 sion, including reimbursement to State, Federal, and local
 24 agencies and their employees for inspection services ren-
 25 dered, \$210,000,000.

1 OFFICE OF LABOR-MANAGEMENT STANDARDS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Office of Labor-Man-
4 agement Standards, \$36,000,000.

5 OFFICE OF FEDERAL CONTRACT COMPLIANCE

6 PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Federal Con-
9 tract Compliance Programs, \$96,000,000.

10 OFFICE OF WORKERS' COMPENSATION PROGRAMS

11 SALARIES AND EXPENSES

12 For necessary expenses for the Office of Workers'
13 Compensation Programs, \$107,500,000, together with
14 \$2,177,000 which may be expended from the Special Fund
15 in accordance with sections 39(c), 44(d), and 44(j) of the
16 Longshore and Harbor Workers' Compensation Act.

17 SPECIAL BENEFITS

18 (INCLUDING TRANSFER OF FUNDS)

19 For the payment of compensation, benefits, and ex-
20 penses (except administrative expenses) accruing during
21 the current or any prior fiscal year authorized by 5 U.S.C.
22 81; continuation of benefits as provided for under the
23 heading "Civilian War Benefits" in the Federal Security
24 Agency Appropriation Act, 1947; the Employees' Com-
25 pensation Commission Appropriation Act, 1944; section

1 5(f) of the War Claims Act (50 U.S.C. App. 2004); obliga-
2 tions incurred under the War Hazards Compensation Act
3 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
4 compensation and benefits required by section 10(h) of the
5 Longshore and Harbor Workers' Compensation Act,
6 \$210,000,000, together with such amounts as may be nec-
7 essary to be charged to the subsequent year appropriation
8 for the payment of compensation and other benefits for
9 any period subsequent to August 15 of the current year,
10 for deposit into and to assume the attributes of the Em-
11 ployees' Compensation Fund established under 5 U.S.C.
12 8147(a): *Provided*, That amounts appropriated may be
13 used under 5 U.S.C. 8104 by the Secretary to reimburse
14 an employer, who is not the employer at the time of injury,
15 for portions of the salary of a re-employed, disabled bene-
16 ficiary: *Provided further*, That balances of reimbursements
17 unobligated on September 30, 2015, shall remain available
18 until expended for the payment of compensation, benefits,
19 and expenses: *Provided further*, That in addition there
20 shall be transferred to this appropriation from the Postal
21 Service and from any other corporation or instrumentality
22 required under 5 U.S.C. 8147(c) to pay an amount for
23 its fair share of the cost of administration, such sums as
24 the Secretary determines to be the cost of administration
25 for employees of such fair share entities through Sep-

1 tember 30, 2016: *Provided further*, That of those funds
2 transferred to this account from the fair share entities to
3 pay the cost of administration of the Federal Employees'
4 Compensation Act, \$62,170,000 shall be made available
5 to the Secretary as follows—

6 (1) for enhancement and maintenance of auto-
7 mated data processing systems operations and tele-
8 communications systems, \$21,140,000;

9 (2) for automated workload processing oper-
10 ations, including document imaging, centralized mail
11 intake, and medical bill processing, \$22,968,000;

12 (3) for periodic roll disability management and
13 medical review, \$16,668,000;

14 (4) for program integrity, \$1,394,000; and

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

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

1 SPECIAL BENEFITS FOR DISABLED COAL MINERS

2 For carrying out title IV of the Federal Mine Safety
3 and Health Act of 1977, as amended by Public Law 107–
4 275, \$69,302,000, to remain available until expended.

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

9 For making benefit payments under title IV for the
10 first quarter of fiscal year 2017, \$19,000,000, to remain
11 available until expended.

12 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

13 OCCUPATIONAL ILLNESS COMPENSATION FUND

14 For necessary expenses to administer the Energy
15 Employees Occupational Illness Compensation Program
16 Act, \$58,552,000, to remain available until expended: *Pro-*
17 *vided*, That the Secretary may require that any person fil-
18 ing a claim for benefits under the Act provide as part of
19 such claim such identifying information (including Social
20 Security account number) as may be prescribed.

21 BLACK LUNG DISABILITY TRUST FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 Such sums as may be necessary from the Black Lung
24 Disability Trust Fund (the “Fund”), to remain available
25 until expended, for payment of all benefits authorized by

1 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
 2 enue Code of 1986; and repayment of, and payment of
 3 interest on advances, as authorized by section 9501(d)(4)
 4 of that Act. In addition, the following amounts may be
 5 expended from the Fund for fiscal year 2016 for expenses
 6 of operation and administration of the Black Lung Bene-
 7 fits program, as authorized by section 9501(d)(5): not to
 8 exceed \$35,244,000 for transfer to the Office of Workers’
 9 Compensation Programs, “Salaries and Expenses”; not to
 10 exceed \$30,279,000 for transfer to Departmental Manage-
 11 ment, “Salaries and Expenses”; not to exceed \$327,000
 12 for transfer to Departmental Management, “Office of In-
 13 spector General”; and not to exceed \$356,000 for pay-
 14 ments into miscellaneous receipts for the expenses of the
 15 Department of the Treasury.

16 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 17 SALARIES AND EXPENSES

18 For necessary expenses for the Occupational Safety
 19 and Health Administration, \$524,476,000, including not
 20 to exceed \$98,746,000 which shall be the maximum
 21 amount available for grants to States under section 23(g)
 22 of the Occupational Safety and Health Act (the “Act”),
 23 which grants shall be no less than 50 percent of the costs
 24 of State occupational safety and health programs required
 25 to be incurred under plans approved by the Secretary

1 under section 18 of the Act; and, in addition, notwith-
2 standing 31 U.S.C. 3302, the Occupational Safety and
3 Health Administration may retain up to \$499,000 per fis-
4 cal year of training institute course tuition and fees, other-
5 wise authorized by law to be collected, and may utilize
6 such sums for occupational safety and health training and
7 education: *Provided*, That notwithstanding 31 U.S.C.
8 3302, the Secretary is authorized, during the fiscal year
9 ending September 30, 2016, to collect and retain fees for
10 services provided to Nationally Recognized Testing Lab-
11 oratories, and may utilize such sums, in accordance with
12 the provisions of 29 U.S.C. 9a, to administer national and
13 international laboratory recognition programs that ensure
14 the safety of equipment and products used by workers in
15 the workplace: *Provided further*, That none of the funds
16 appropriated under this paragraph shall be obligated or
17 expended to prescribe, issue, administer, or enforce any
18 standard, rule, regulation, or order under the Act which
19 is applicable to any person who is engaged in a farming
20 operation which does not maintain a temporary labor
21 camp and employs 10 or fewer employees: *Provided fur-*
22 *ther*, That no funds appropriated under this paragraph
23 shall be obligated or expended to administer or enforce
24 any standard, rule, regulation, or order under the Act with
25 respect to any employer of 10 or fewer employees who is

1 included within a category having a Days Away, Re-
2 stricted, or Transferred (“DART”) occupational injury
3 and illness rate, at the most precise industrial classifica-
4 tion code for which such data are published, less than the
5 national average rate as such rates are most recently pub-
6 lished by the Secretary, acting through the Bureau of
7 Labor Statistics, in accordance with section 24 of the Act,
8 except—

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

12 (2) to conduct an inspection or investigation in
13 response to an employee complaint, to issue a cita-
14 tion for violations found during such inspection, and
15 to assess a penalty for violations which are not cor-
16 rected within a reasonable abatement period and for
17 any willful violations found;

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

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

22 (5) to take any action authorized by the Act
23 with respect to a report of an employment accident
24 which is fatal to one or more employees or which re-
25 sults in hospitalization of two or more employees,

1 and to take any action pursuant to such investiga-
2 tion authorized by the Act; and

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

6 *Provided further*, That the foregoing proviso shall not
7 apply to any person who is engaged in a farming operation
8 which does not maintain a temporary labor camp and em-
9 ploys 10 or fewer employees: *Provided further*, That
10 \$10,149,000 shall be available for Susan Harwood train-
11 ing grants: *Provided further*, That not less than
12 \$3,500,000 shall be available for Voluntary Protection
13 Programs.

14 MINE SAFETY AND HEALTH ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses for the Mine Safety and
17 Health Administration, \$356,878,000, including purchase
18 and bestowal of certificates and trophies in connection
19 with mine rescue and first-aid work, and the hire of pas-
20 senger motor vehicles, including up to \$2,000,000 for
21 mine rescue and recovery activities and not less than
22 \$8,229,975 for state assistance grants: *Provided*, That
23 notwithstanding 31 U.S.C. 3302, not to exceed \$750,000
24 may be collected by the National Mine Health and Safety
25 Academy for room, board, tuition, and the sale of training

1 materials, otherwise authorized by law to be collected, to
2 be available for mine safety and health education and
3 training activities: *Provided further*, That notwithstanding
4 31 U.S.C. 3302, the Mine Safety and Health Administra-
5 tion is authorized to collect and retain up to \$2,499,000
6 from fees collected for the approval and certification of
7 equipment, materials, and explosives for use in mines, and
8 may utilize such sums for such activities: *Provided further*,
9 That the Secretary is authorized to accept lands, build-
10 ings, equipment, and other contributions from public and
11 private sources and to prosecute projects in cooperation
12 with other agencies, Federal, State, or private: *Provided*
13 *further*, That the Mine Safety and Health Administration
14 is authorized to promote health and safety education and
15 training in the mining community through cooperative
16 programs with States, industry, and safety associations:
17 *Provided further*, That the Secretary is authorized to rec-
18 ognize the Joseph A. Holmes Safety Association as a prin-
19 cipal safety association and, notwithstanding any other
20 provision of law, may provide funds and, with or without
21 reimbursement, personnel, including service of Mine Safe-
22 ty and Health Administration officials as officers in local
23 chapters or in the national organization: *Provided further*,
24 That any funds available to the Department of Labor may
25 be used, with the approval of the Secretary, to provide

1 for the costs of mine rescue and survival operations in the
 2 event of a major disaster.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
 6 tistics, including advances or reimbursements to State,
 7 Federal, and local agencies and their employees for serv-
 8 ices rendered, \$515,494,000, together with not to exceed
 9 \$63,700,000 which may be expended from the Employ-
 10 ment Security Administration account in the Unemploy-
 11 ment Trust Fund.

12 DEPARTMENTAL MANAGEMENT

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for Departmental Manage-
 16 ment, including the hire of three passenger motor vehicles,
 17 \$258,727,000, together with not to exceed \$293,000,
 18 which may be expended from the Employment Security
 19 Administration account in the Unemployment Trust
 20 Fund: *Provided*, That funds available to the Bureau of
 21 International Labor Affairs may be used to administer or
 22 operate international labor activities, bilateral and multi-
 23 lateral technical assistance, and microfinance programs,
 24 by or through contracts, grants, subgrants and other ar-
 25 rangements: *Provided further*, That \$7,236,000 shall be

1 used for program evaluation and shall be available for obli-
 2 gation through September 30, 2017: *Provided further*,
 3 That funds available for program evaluation may be trans-
 4 ferred to any other appropriate account in the Department
 5 for such purpose: *Provided further*, That the Committees
 6 on Appropriations of the House of Representatives and the
 7 Senate are notified at least 15 days in advance of any
 8 transfer: *Provided further*, That the funds available to the
 9 Women’s Bureau may be used for grants to serve and pro-
 10 mote the interests of women in the workforce.

11 VETERANS EMPLOYMENT AND TRAINING

12 Not to exceed \$231,872,000 may be derived from the
 13 Employment Security Administration account in the Un-
 14 employment Trust Fund to carry out the provisions of
 15 chapters 41, 42, and 43 of title 38, United States Code,
 16 of which:

17 (1) \$175,000,000 is for Jobs for Veterans State
 18 grants under 38 U.S.C. 4102A(b)(5) to support dis-
 19 abled veterans’ outreach program specialists under
 20 section 4103A of such title and local veterans’ em-
 21 ployment representatives under section 4104(b) of
 22 such title, and for the expenses described in section
 23 4102A(b)(5)(C), which shall be available for obliga-
 24 tion by the States through December 31, 2016, and
 25 not to exceed 3 percent for the necessary Federal ex-

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

14 (2) \$14,000,000 is for carrying out the Transi-
15 tion Assistance Program under 38 U.S.C. 4113 and
16 10 U.S.C. 1144;

17 (3) \$39,458,000 is for Federal administration
18 of chapters 41, 42, and 43 of title 38, United States
19 Code; and

20 (4) \$3,414,000 is for the National Veterans'
21 Employment and Training Services Institute under
22 38 U.S.C. 4109:

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

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

3 In addition, from the General Fund of the Treasury,
 4 \$38,109,000 is for carrying out programs to assist home-
 5 less veterans and veterans at risk of homelessness who are
 6 transitioning from certain institutions under sections
 7 2021, 2021A, and 2023 of title 38, United States Code:
 8 *Provided*, That notwithstanding subsections (c)(3) and (d)
 9 of section 2023, the Secretary may award grants through
 10 September 30, 2016, to provide services under such sec-
 11 tion: *Provided further*, That services provided under sec-
 12 tion 2023 may include, in addition to services to the indi-
 13 viduals described in subsection (e) of such section, services
 14 to veterans recently released from incarceration who are
 15 at risk of homelessness.

16 IT MODERNIZATION

17 For necessary expenses for Department of Labor cen-
 18 tralized infrastructure technology investment activities re-
 19 lated to support systems and modernization, \$12,898,000.

20 OFFICE OF INSPECTOR GENERAL

21 For salaries and expenses of the Office of Inspector
 22 General in carrying out the provisions of the Inspector
 23 General Act of 1978, \$73,721,000, together with not to
 24 exceed \$5,590,000 which may be expended from the Em-

1 ployment Security Administration account in the Unem-
 2 ployment Trust Fund.

3 GENERAL PROVISIONS

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

9 (TRANSFER OF FUNDS)

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

24 SEC. 103. In accordance with Executive Order
 25 13126, none of the funds appropriated or otherwise made

1 available pursuant to this Act shall be obligated or ex-
2 pended for the procurement of goods mined, produced,
3 manufactured, or harvested or services rendered, in whole
4 or in part, by forced or indentured child labor in industries
5 and host countries already identified by the United States
6 Department of Labor prior to enactment of this Act.

7 SEC. 104. Except as otherwise provided in this sec-
8 tion, none of the funds made available to the Department
9 of Labor for grants under section 414(c) of the American
10 Competitiveness and Workforce Improvement Act of 1998
11 (29 U.S.C. 2916a) may be used for any purpose other
12 than competitive grants for training individuals who are
13 older than 16 years of age and are not currently enrolled
14 in school within a local educational agency in the occupa-
15 tions and industries for which employers are using H-1B
16 visas to hire foreign workers, and the related activities
17 necessary to support such training: *Provided*, That
18 \$13,000,000 of such funds shall be used in fiscal year
19 2016 to process permanent foreign labor certifications
20 under section 212(a)(5)(A) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1182(a)(5)(A)): *Provided further*,
22 That the funding limitation under this section shall not
23 apply to funding provided pursuant to solicitations for
24 grant applications issued before January 15, 2014.

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

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 106. Notwithstanding section 102, the Sec-
20 retary may transfer funds made available to the Employ-
21 ment and Training Administration by this Act, either di-
22 rectly or through a set-aside, for technical assistance serv-
23 ices to grantees to “Program Administration” when it is
24 determined that those services will be more efficiently per-

1 formed by Federal employees: *Provided*, That this section
 2 shall not apply to section 171 of the WIOA.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 107. (a) The Secretary may reserve not more
 5 than 0.5 percent from each appropriation made available
 6 in this Act identified in subsection (b) in order to carry
 7 out evaluations of any of the programs or activities that
 8 are funded under such accounts. Any funds reserved under
 9 this section shall be transferred to “Departmental Man-
 10 agement” for use by the Office of the Chief Evaluation
 11 Officer within the Department of Labor, and shall be
 12 available for obligation through September 30, 2017: *Pro-*
 13 *vided*, That such funds shall only be available if the Chief
 14 Evaluation Officer of the Department of Labor submits
 15 a plan to the Committees on Appropriations of the House
 16 of Representatives and the Senate describing the evalua-
 17 tions to be carried out 15 days in advance of any transfer.

18 (b) The accounts referred to in subsection (a) are:
 19 “Training and Employment Services”, “Job Corps”,
 20 “Community Service Employment for Older Americans”,
 21 “State Unemployment Insurance and Employment Service
 22 Operations”, “Employee Benefits Security Administra-
 23 tion”, “Office of Workers’ Compensation Programs”,
 24 “Wage and Hour Division”, “Office of Federal Contract
 25 Compliance Programs”, “Office of Labor Management

1 Standards”, “Occupational Safety and Health Adminis-
 2 tration”, “Mine Safety and Health Administration”, fund-
 3 ing made available to the “Bureau of International Af-
 4 fairs” and “Women’s Bureau” within the “Departmental
 5 Management, Salaries and Expenses” account, and “Vet-
 6 erans Employment and Training”.

7 SEC. 108. Section 7 of the Fair Labor Standards Act
 8 of 1938 (29 U.S.C. 207) is amended by adding the fol-
 9 lowing text to such section:

10 “(s)(1) The provisions of this section shall not apply
 11 for a period of 2 years after the occurrence of a major
 12 disaster, as defined herein, to any employee—

13 “(A) employed to adjust or evaluate claims re-
 14 sulting from or relating to such major disaster, by
 15 an employer not engaged, directly or through an af-
 16 filiate, in underwriting, selling, or marketing prop-
 17 erty, casualty, or liability insurance policies or con-
 18 tracts;

19 “(B) who receives on average weekly compensa-
 20 tion of not less than \$591.00 per week or any min-
 21 imum weekly amount established by the Secretary,
 22 whichever is greater, over the number of weeks such
 23 employee is engaged in any of the activities de-
 24 scribed in subparagraph (C); and

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

1 “(i) interviewing insured individuals, indi-
2 viduals who suffered injuries or other damages
3 or losses arising from or relating to a disaster,
4 witnesses, or physicians;

5 “(ii) inspecting property damage or review-
6 ing factual information to prepare damage esti-
7 mates;

8 “(iii) evaluating and making recommenda-
9 tions regarding coverage or compensability of
10 claims or determining liability or value aspects
11 of claims;

12 “(iv) negotiating settlements; or

13 “(v) making recommendations regarding
14 litigation.

15 “(2) Notwithstanding any other provision of section
16 18, in the event of a major disaster, this Act exclusively
17 shall govern the payment of overtime to all employees de-
18 scribed in paragraph (1) above, and shall supersede any
19 other Federal, State, or local law, regulation, or order.

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

22 “(4) For purposes of this subsection—

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

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

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

20 SEC. 109. Notwithstanding any other provision of
21 law, beginning October 1, 2015, the Secretary of Labor,
22 in consultation with the Secretary of Agriculture may se-
23 lect an entity to operate a Civilian Conservation Center
24 on a competitive basis in accordance with section 147 of
25 the WIOA, if the Secretary of Labor determines such Cen-

1 ter has had consistently low performance under the per-
2 formance accountability system in effect for the Job Corps
3 program prior to July 1, 2016, or with respect to expected
4 levels of performance established under section 159(c) of
5 such Act beginning July 1, 2016.

6 SEC. 110. None of the funds made available by this
7 Act may be used to finalize, implement, administer, or en-
8 force the proposed Definition of the Term “Fiduciary”;
9 Conflict of Interest Rule—Retirement Investment Advice
10 regulation published by the Department of Labor in the
11 Federal Register on April 20, 2015 (80 Fed. Reg. 21928
12 et seq.).

13 SEC. 111. The determination of prevailing wage for
14 the purposes of the H-2B program shall be the greater
15 of—(1) the actual wage level paid by the employer to other
16 employees with similar experience and qualifications for
17 such position in the same location; or (2) the prevailing
18 wage level for the occupational classification of the posi-
19 tion in the geographic area in which the H-2B non-
20 immigrant will be employed, based on the best information
21 available at the time of filing the petition. In the deter-
22 mination of prevailing wage for the purposes of the H-
23 2B program, the Secretary shall accept private wage sur-
24 veys even in instances where Occupational Employment
25 Statistics survey data are available unless the Secretary

1 determines that the methodology and data in the provided
2 survey are not statistically supported.

3 SEC. 112. None of the funds in this Act shall be used
4 to enforce the definition of corresponding employment
5 found in 20 CFR 655.5 or the three-fourths guarantee
6 rule definition found in 20 CFR 655.20, or any references
7 thereto. Further, for the purpose of regulating admission
8 of temporary workers under the H-2B program, the defi-
9 nition of temporary need shall be that provided in 8 CFR
10 214.2(h)(6)(ii)(B).

11 SEC. 113. None of the funds in this Act shall be used
12 to implement 20 CFR 655.70 and 20 CFR 655.71.

13 SEC. 114. (a) FLEXIBILITY WITH RESPECT TO THE
14 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
15 SEAFOOD INDUSTRY.—

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

24 (2) REQUIREMENTS FOR CROSSINGS AFTER
25 90TH DAY.—An employer in the seafood industry

1 may not bring H-2B nonimmigrants into the United
 2 States after the date that is 90 days after the start
 3 date for which the employer is seeking the services
 4 of the nonimmigrants unless the employer—

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

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

9 (ii) posting the job opportunity on the
 10 appropriate Department of Labor Elec-
 11 tronic Job Registry and at the employer's
 12 place of employment; and

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

15 (i) applies for the job; and

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

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

1 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-
2 tion, the term “H-2B nonimmigrants” means aliens ad-
3 mitted to the United States pursuant to section
4 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
5 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

6 SEC. 115. (a) Subject to the requirement under sub-
7 section (b), none of the funds appropriated or otherwise
8 made available by this Act may be used to promulgate or
9 implement any rule, standard, or policy amending part
10 1910, 1915, or 1926 of title 29, Code of Federal Regula-
11 tions (as in effect on the day before the date of enactment
12 of this Act), related to occupational exposure to respirable
13 crystalline silica, including the proposed rulemaking by the
14 Occupational Safety and Health Administration of the De-
15 partment of Labor issued on September 12, 2013 (78 Fed.
16 Reg. 56274), until—

17 (1) a review is conducted after the date of en-
18 actment of this Act by a small business advocacy re-
19 view panel, pursuant to the Small Business Regu-
20 latory Enforcement Fairness Act of 1996 (5 U.S.C.
21 601 note), and the panel delivers a report on the re-
22 view to the Assistant Secretary of Labor for Occupa-
23 tional Safety and Health;

24 (2) the Secretary, acting through the Assistant
25 Secretary of Labor for Occupational Safety and

1 Health, commissions an independent study, to be
2 conducted by the National Academy of Sciences, ex-
3 amining—

4 (A) the epidemiological justification of the
5 Occupational Safety and Health Administration
6 for proposing to reduce the occupational expo-
7 sure limits to respirable crystalline silica, estab-
8 lished by such Administration and in effect on
9 the day before the date of enactment of this
10 Act, including consideration of the prevalence
11 or lack of disease and mortality associated with
12 such occupational exposure limits;

13 (B) the ability of sampling methods to col-
14 lect samples of respirable crystalline silica and
15 laboratories to measure such samples (in a
16 manner that meets the criteria for accuracy and
17 precision contained in the most recent publica-
18 tion of the NIOSH Manual of Analytical Meth-
19 ods, published by the National Institute for Oc-
20 cupational Safety and Health) to determine oc-
21 cupational exposures to respirable crystalline
22 silica that are less than or equal to the occupa-
23 tional exposure limits and action levels for res-
24 pirable crystalline silica proposed by the Occu-
25 pational Safety and Health Administration as

1 of the day before the date of enactment of this
2 Act;

3 (C) the ability of regulated industries to
4 comply with such occupational exposure limits
5 or action levels;

6 (D) the steady decline in silicosis related
7 mortality rates based on data maintained by the
8 Centers for Disease Control and Prevention;

9 (E) the ability of various types of personal
10 protective equipment to protect employees from
11 occupational exposure to respirable crystalline
12 silica; and

13 (F) the costs of the different types of such
14 personal protective equipment as compared to
15 the costs of engineering and work practice con-
16 trols related to such equipment; and

17 (3) the Secretary, acting through such Assist-
18 ant Secretary, submits to the Committee on Appro-
19 priations, and the Committee on Health, Education,
20 Labor, and Pensions, of the Senate, a report con-
21 taining the results of the independent study con-
22 ducted under paragraph (2).

23 (b) Notwithstanding the funding limitation under
24 subsection (a), from the funds appropriated to the Occu-
25 pational Safety and Health Administration for safety and

1 health standards, \$800,000 shall be made available to con-
2 duct the independent study under subsection (a)(2) and
3 submit the report under subsection (a)(3), which report
4 shall be submitted by not later than 1 year after the date
5 of enactment of this Act.

6 This title may be cited as the “Department of Labor
7 Appropriations Act, 2016”.

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

6 For carrying out titles II and III of the Public Health
7 Services Act (referred to in this Act as the “PHS Act”)
8 with respect to primary health care and the Native Hawai-
9 ian Health Care Act of 1988, \$1,630,100,000 (in addition
10 to the \$3,600,000,000 previously appropriated to the
11 Community Health Center Fund for fiscal year 2016):
12 *Provided*, That \$1,491,522,000 is appropriated from the
13 general fund, and \$138,478,000, to remain available until
14 expended, is derived from available unobligated balances
15 of amounts transferred from the Community Health Cen-
16 ter Fund in prior fiscal years: *Provided further*, That no
17 part of the unobligated balances from amounts appro-
18 priated in 42 U.S.C. 254b–2(b)(1) for prior fiscal years
19 shall be available to the Secretary of Health and Human
20 Services for obligation in fiscal year 2016 except as pro-
21 vided for in this Act: *Provided further*, That no more than
22 \$100,000 shall be available until expended for carrying
23 out the provisions of section 224(o) of the PHS Act: *Pro-*
24 *vided further*, That no more than \$99,893,000 shall be
25 available until expended for carrying out the provisions of

1 Public Law 104–73 and for expenses incurred by the De-
 2 partment of Health and Human Services (referred to in
 3 this Act as “HHS”) pertaining to administrative claims
 4 made under such law: *Provided further*, That of funds pro-
 5 vided for the Health Centers program, as defined by sec-
 6 tion 330 of the PHS Act, by this Act or any other Act
 7 for fiscal year 2016, not less than \$50,000,000 shall be
 8 obligated in fiscal year 2016 to support new access points,
 9 grants to expand medical services, behavioral health, oral
 10 health, pharmacy, or vision services, and not less than
 11 \$40,000,000 shall be obligated in fiscal year 2016 for con-
 12 struction and capital improvement costs: *Provided further*,
 13 That the time limitation in section 330(e)(3) of the PHS
 14 Act shall not apply in fiscal year 2016.

15 HEALTH WORKFORCE

16 For carrying out titles III, VII, and VIII of the PHS
 17 Act with respect to the health workforce, section 1128E
 18 of the Social Security Act, and the Health Care Quality
 19 Improvement Act of 1986, \$720,970,000: *Provided*, That
 20 sections 747(c)(2), 751(j)(2), 762(k), and the proportional
 21 funding amounts in paragraphs (1) through (4) of section
 22 756(e) of the PHS Act shall not apply to funds made
 23 available under this heading: *Provided further*, That for
 24 any program operating under section 751 of the PHS Act
 25 on or before January 1, 2009, the Secretary may hereafter

1 waive any of the requirements contained in sections
 2 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full
 3 project period of a grant under such section: *Provided fur-*
 4 *ther*, That no funds shall be available for section 340G–
 5 1 of the PHS Act: *Provided further*, That fees collected
 6 for the disclosure of information under section 427(b) of
 7 the Health Care Quality Improvement Act of 1986 and
 8 sections 1128E(d)(2) and 1921 of the Social Security Act
 9 shall be sufficient to recover the full costs of operating
 10 the programs authorized by such sections and shall remain
 11 available until expended for the National Practitioner
 12 Data Bank: *Provided further*, That funds transferred to
 13 this account to carry out section 846 and subpart 3 of
 14 part D of title III of the PHS Act may be used to make
 15 prior year adjustments to awards made under such sec-
 16 tions: *Provided further*, That from amounts made available
 17 under this heading for the Public Health Training Centers
 18 Program, 50 percent of such amounts shall be transferred
 19 and made available for the Preventive Medicine Residency
 20 Program.

21 MATERNAL AND CHILD HEALTH

22 For carrying out titles III, XI, XII, and XIX of the
 23 PHS Act with respect to maternal and child health, title
 24 V of the Social Security Act, and section 712 of the Amer-
 25 ican Jobs Creation Act of 2004, \$828,014,000: *Provided*,

1 That notwithstanding sections 502(a)(1) and 502(b)(1) of
 2 the Social Security Act, not more than \$50,000,000 shall
 3 be available for carrying out special projects of regional
 4 and national significance pursuant to section 501(a)(2) of
 5 such Act and \$10,276,000 shall be available for projects
 6 described in subparagraphs (A) through (F) of section
 7 501(a)(3) of such Act: *Provided further*, That notwith-
 8 standing section 502(c) of the Social Security Act, not less
 9 than \$555,000,000 shall be available for the State Block
 10 Grant Awards.

11 RYAN WHITE HIV/AIDS PROGRAM

12 For carrying out title XXVI of the PHS Act with
 13 respect to the Ryan White HIV/AIDS program,
 14 \$2,293,781,000, of which \$1,970,881,000 shall remain
 15 available to the Secretary through September 30, 2018,
 16 for parts A and B of title XXVI of the PHS Act, and
 17 of which not less than \$900,313,000 shall be for State
 18 AIDS Drug Assistance Programs under the authority of
 19 section 2616 or 311(c) of such Act.

20 HEALTH CARE SYSTEMS

21 For carrying out titles III and XII of the PHS Act
 22 with respect to health care systems, and the Stem Cell
 23 Therapeutic and Research Act of 2005, \$103,193,000, of
 24 which \$122,000 shall be available until expended for facili-
 25 ties renovations at the Gillis W. Long Hansen's Disease

1 Center: *Provided*, That the Secretary may collect a fee of
 2 0.1 percent of each purchase of 340B drugs from entities
 3 participating in the Drug Pricing Program pursuant to
 4 section 340B of the PHS Act to pay for the operating
 5 costs of such program: *Provided further*, That fees pursu-
 6 ant to the 340B Drug Pricing Program shall be collected
 7 by the Secretary based on sales data that shall be sub-
 8 mitted by drug manufacturers and shall be credited to this
 9 account, to remain available until expended.

10

RURAL HEALTH

11 For carrying out titles III and IV of the PHS Act
 12 with respect to rural health, section 427(a) of the Federal
 13 Coal Mine Health and Safety Act of 1969, and sections
 14 711 and 1820 of the Social Security Act, \$150,571,000,
 15 of which \$41,609,000 from general revenues, notwith-
 16 standing section 1820(j) of the Social Security Act, shall
 17 be available for carrying out the Medicare rural hospital
 18 flexibility grants program: *Provided*, That of the funds
 19 made available under this heading for Medicare rural hos-
 20 pital flexibility grants, \$14,942,000 shall be available for
 21 the Small Rural Hospital Improvement Grant Program
 22 for quality improvement and adoption of health informa-
 23 tion technology and up to \$1,000,000 shall be to carry
 24 out section 1820(g)(6) of the Social Security Act, with
 25 funds provided for grants under section 1820(g)(6) avail-

1 able for the purchase and implementation of telehealth
 2 services, including pilots and demonstrations on the use
 3 of electronic health records to coordinate rural veterans
 4 care between rural providers and the Department of Vet-
 5 erans Affairs electronic health record system: *Provided*
 6 *further*, That notwithstanding section 338J(k) of the PHS
 7 Act, \$9,511,000 shall be available for State Offices of
 8 Rural Health.

9 FAMILY PLANNING

10 For carrying out the program under title X of the
 11 PHS Act to provide for voluntary family planning
 12 projects, \$257,832,000: *Provided*, That amounts provided
 13 to said projects under such title shall not be expended for
 14 abortions, that all pregnancy counseling shall be nondirec-
 15 tive, and that such amounts shall not be expended for any
 16 activity (including the publication or distribution of lit-
 17 erature) that in any way tends to promote public support
 18 or opposition to any legislative proposal or candidate for
 19 public office.

20 PROGRAM MANAGEMENT

21 For program support in the Health Resources and
 22 Services Administration, \$151,000,000: *Provided*, That
 23 funds made available under this heading may be used to
 24 supplement program support funding provided under the
 25 headings “Primary Health Care”, “Health Workforce”,

1 “Maternal and Child Health”, “Ryan White HIV/AIDS
2 Program”, “Health Care Systems”, and “Rural Health”.

3 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

4 For payments from the Vaccine Injury Compensation
5 Program Trust Fund (the “Trust Fund”), such sums as
6 may be necessary for claims associated with vaccine-re-
7 lated injury or death with respect to vaccines administered
8 after September 30, 1988, pursuant to subtitle 2 of title
9 XXI of the PHS Act, to remain available until expended:
10 *Provided*, That for necessary administrative expenses, not
11 to exceed \$7,500,000 shall be available from the Trust
12 Fund to the Secretary.

13 CENTERS FOR DISEASE CONTROL AND PREVENTION

14 IMMUNIZATION AND RESPIRATORY DISEASES

15 For carrying out titles II, III, XVII, and XXI, and
16 section 2821 of the PHS Act, titles II and IV of the Immi-
17 gration and Nationality Act, and section 501 of the Ref-
18 ugee Education Assistance Act, with respect to immuniza-
19 tion and respiratory diseases, \$573,105,000.

20 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED

21 DISEASES, AND TUBERCULOSIS PREVENTION

22 For carrying out titles II, III, XVII, and XXIII of
23 the PHS Act with respect to HIV/AIDS, viral hepatitis,
24 sexually transmitted diseases, and tuberculosis prevention,
25 \$1,090,609,000.

7 CHRONIC DISEASE PREVENTION AND HEALTH

9 For carrying out titles II, III, XI, XV, XVII, and
10 XIX of the PHS Act with respect to chronic disease pre-
11 vention and health promotion, \$595,272,000: *Provided*,
12 That funds appropriated under this account may be avail-
13 able for making grants under section 1509 of the PHS
14 Act for not less than 21 States, tribes, or tribal organiza-
15 tions: *Provided further*, That of the funds available under
16 this heading, \$8,500,000 shall be available to continue and
17 expand community specific extension and outreach pro-
18 grams to combat obesity in counties with the highest levels
19 of obesity: *Provided further*, That the proportional funding
20 requirements under section 1503(a) of the PHS Act shall
21 not apply to funds made available under this Act.

6 PUBLIC HEALTH SCIENTIFIC SERVICES

10 ENVIRONMENTAL HEALTH

13 INJURY PREVENTION AND CONTROL

19 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
20 HEALTH

•S 1695 PCS

ty and Health Act, with respect to occupational safety and health, \$305,887,000.

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: *Provided*, 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, \$411,758,000, of which \$128,421,000 for international HIV/AIDS shall remain available through September 30, 2017: *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 response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, \$1,340,118,000, of which \$534,343,000 shall remain available until expended for the Strategic National Stock-

1 pile: *Provided*, That in the event the Director of the CDC
 2 activates the Emergency Operations Center, the Director
 3 of the CDC may detail staff without reimbursement for
 4 up to 120 days to support the work of the CDC Emer-
 5 gency Operations Center, so long as the Director provides
 6 a notice to the Committees on Appropriations of the
 7 House of Representatives and the Senate within 15 days
 8 of the use of this authority and a full report within 30
 9 days after use of this authority which includes the number
 10 of staff and funding level broken down by the originating
 11 center and number of days detailed.

12 BUILDINGS AND FACILITIES

13 For acquisition of real property, equipment, construc-
 14 tion, demolition, and renovation of facilities, \$10,000,000,
 15 which shall remain available until September 30, 2020:
 16 *Provided*, That funds previously set-aside by CDC for re-
 17 pair and upgrade of the Lake Lynn Experimental Mine
 18 and Laboratory shall be used to acquire a replacement
 19 mine safety research facility: *Provided further*, That funds
 20 made available by prior appropriations Acts for CDC for
 21 construction and renovation of facilities may also be used,
 22 in fiscal year 2016, for the construction of a replacement
 23 freezer building in the Fort Collins, Colorado, area.

1 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

2 (INCLUDING TRANSFER OF FUNDS)

3 For carrying out titles II, III, XVII and XIX, and
4 section 2821 of the PHS Act and for cross-cutting activi-
5 ties and program support for activities funded in other
6 appropriations included in this Act for the Centers for
7 Disease Control and Prevention, \$107,892,000: *Provided*,
8 That paragraphs (1) through (3) of subsection (b) of sec-
9 tion 2821 of the PHS Act shall not apply to funds appro-
10 priated under this heading and in all other accounts of
11 the CDC: *Provided further*, That funds appropriated under
12 this heading and in all other accounts of CDC may be
13 used to support the hire, maintenance, and operation of
14 aircraft in direct support of activities throughout CDC
15 and to ensure the agency is prepared to address public
16 health preparedness emergencies: *Provided further*, That
17 employees of CDC or the Public Health Service, both civil-
18 ian and commissioned officers, detailed to States, munici-
19 palities, or other organizations under authority of section
20 214 of the PHS Act, or in overseas assignments, shall be
21 treated as non-Federal employees for reporting purposes
22 only and shall not be included within any personnel ceiling
23 applicable to the Agency, Service, or HHS during the pe-
24 riod of detail or assignment: *Provided further*, That CDC
25 may use up to \$10,000 from amounts appropriated to

1 CDC in this Act for official reception and representation
 2 expenses when specifically approved by the Director of
 3 CDC: *Provided further*, That in addition, such sums as
 4 may be derived from authorized user fees, which shall be
 5 credited to the appropriation charged with the cost there-
 6 of: *Provided further*, That with respect to the previous pro-
 7 viso, authorized user fees from the Vessel Sanitation Pro-
 8 gram and the Respirator Certification Program shall be
 9 available through September 30, 2017: *Provided further*,
 10 That of the funds made available under this heading and
 11 in all other accounts of CDC, up to \$1,000 per eligible
 12 employee of CDC shall be made available until expended
 13 for Individual Learning Accounts.

14 NATIONAL INSTITUTES OF HEALTH

15 NATIONAL CANCER INSTITUTE

16 For carrying out section 301 and title IV of the PHS
 17 Act with respect to cancer, \$5,204,058,000, of which up
 18 to \$16,000,000 may be used for facilities repairs and im-
 19 provements at the National Cancer Institute—Frederick
 20 Federally Funded Research and Development Center in
 21 Frederick, Maryland.

22 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

23 For carrying out section 301 and title IV of the PHS
 24 Act with respect to cardiovascular, lung, and blood dis-
 25 eases, and blood and blood products, \$3,135,519,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to dental and craniofacial diseases,
5 \$415,169,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$1,825,162,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to neurological disorders and stroke,
15 \$1,694,758,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
17 DISEASES

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to allergy and infectious diseases,
20 \$4,710,342,000.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to general medical sciences,
24 \$2,511,431,000, of which \$940,000,000 shall be from
25 funds available under section 241 of the PHS Act: *Pro-*

1 *vided*, That not less than \$300,000,000 is provided for
 2 the Institutional Development Awards program.

3 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
 4 CHILD HEALTH AND HUMAN DEVELOPMENT

5 For carrying out section 301 and title IV of the PHS
 6 Act with respect to child health and human development,
 7 \$1,345,355,000.

8 NATIONAL EYE INSTITUTE

9 For carrying out section 301 and title IV of the PHS
 10 Act with respect to eye diseases and visual disorders,
 11 \$709,549,000.

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
 13 SCIENCES

14 For carrying out section 301 and title IV of the PHS
 15 Act with respect to environmental health sciences,
 16 \$695,900,000.

17 NATIONAL INSTITUTE ON AGING

18 For carrying out section 301 and title IV of the PHS
 19 Act with respect to aging, \$1,548,494,000.

20 NATIONAL INSTITUTE OF ARTHRITIS AND
 21 MUSCULOSKELETAL AND SKIN DISEASES

22 For carrying out section 301 and title IV of the PHS
 23 Act with respect to arthritis and musculoskeletal and skin
 24 diseases, \$544,274,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

9 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
10 ALCOHOLISM

14 NATIONAL INSTITUTE ON DRUG ABUSE

17 NATIONAL INSTITUTE OF MENTAL HEALTH

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

•S 1695 PCS

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$344,299,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$130,162,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$287,379,000.

16 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), \$70,944,000.

20 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
21 SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$699,319,000: *Provided*, That up to \$25,835,000 shall be available to implement section 480 of the PHS Act, relating to the Cures

1 Acceleration Network: *Provided further*, That at least
 2 \$499,746,000 is provided to the Clinical and Translational
 3 Sciences Awards program.

4 NATIONAL LIBRARY OF MEDICINE

5 For carrying out section 301 and title IV of the PHS
 6 Act with respect to health information communications,
 7 \$402,251,000: *Provided*, That of the amounts available for
 8 improvement of information systems, \$4,000,000 shall be
 9 available until September 30, 2017: *Provided further*, That
 10 in fiscal year 2016, the National Library of Medicine may
 11 enter into personal services contracts for the provision of
 12 services in facilities owned, operated, or constructed under
 13 the jurisdiction of the National Institutes of Health (re-
 14 ferred to in this title as “NIH”).

15 OFFICE OF THE DIRECTOR

16 (INCLUDING TRANSFER OF FUNDS)

17 For carrying out the responsibilities of the Office of
 18 the Director, NIH, \$860,937,000, of which up to
 19 \$30,000,000 may be used to carry out section 212 of this
 20 Act: *Provided*, That funding shall be available for the pur-
 21 chase of not to exceed 29 passenger motor vehicles for re-
 22 placement only: *Provided further*, That all funds credited
 23 to the NIH Management Fund shall remain available for
 24 one fiscal year after the fiscal year in which they are de-
 25 posited: *Provided further*, That \$165,000,000 shall be for

1 longitudinal studies related to environmental influences on
2 child health and development as a follow-on to the Na-
3 tional Children's Study, and may be transferred to and
4 merged with the accounts for the various Institutes and
5 Centers to support activities related to this goal: *Provided*
6 *further*, That NIH shall submit a spend plan and research
7 strategy to the Committees on Appropriations of the
8 House of Representatives and the Senate not later than
9 90 days after the date of enactment of this Act: *Provided*
10 *further*, That \$544,077,000 shall be available for the Com-
11 mon Fund established under section 402A(c)(1) of the
12 PHS Act: *Provided further*, That of the funds provided,
13 \$10,000 shall be for official reception and representation
14 expenses when specifically approved by the Director of the
15 NIH: *Provided further*, That the Office of AIDS Research
16 within the Office of the Director of the NIH may spend
17 up to \$8,000,000 to make grants for construction or ren-
18 ovation of facilities as provided for in section
19 2354(a)(5)(B) of the PHS Act: *Provided further*, That
20 \$50,000,000 shall be used to carry out section 404I of
21 the PHS Act (42 U.S.C. 283k), relating to biomedical and
22 behavioral research facilities: Of the amount provided to
23 the NIH, the Director of NIH shall enter into an agree-
24 ment with the National Academy of Sciences, as part of
25 the studies conducted under section 489 of the PHSA, to

1 conduct a comprehensive study on policies affecting the
 2 next generation of researchers in the United States: *Pro-*
 3 *vided further*, That the Director may direct up to 1 per-
 4 cent of the total made available in this or any other Act
 5 to all NIH appropriations to activities that the Director
 6 may so designate: *Provided further*, That no such appro-
 7 priation shall be decreased by more than 1 percent by any
 8 such transfers and that the Committees on Appropriations
 9 of the House of Representatives and the Senate are noti-
 10 fied at least 15 days in advance of any transfer.

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

19 BUILDINGS AND FACILITIES

20 For the study of, construction or demolition of, ren-
 21 ovation of, and acquisition of equipment for, facilities of
 22 or used by NIH, including the acquisition of real property,
 23 \$128,863,000, to remain available through September 30,
 24 2020.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 MENTAL HEALTH

4 For carrying out titles III, V, and XIX of the PHS
5 Act with respect to mental health, and the Protection and
6 Advocacy for Individuals with Mental Illness Act,
7 \$1,021,301,000: *Provided*, That notwithstanding section
8 520A(f)(2) of the PHS Act, no funds appropriated for car-
9 rying out section 520A shall be available for carrying out
10 section 1971 of the PHS Act: *Provided further*, That in
11 addition to amounts provided herein, \$21,039,000 shall be
12 available under section 241 of the PHS Act to carry out
13 subpart I of part B of title XIX of the PHS Act to fund
14 section 1920(b) technical assistance, national data, data
15 collection and evaluation activities, and further that the
16 total available under this Act for section 1920(b) activities
17 shall not exceed 5 percent of the amounts appropriated
18 for subpart I of part B of title XIX: *Provided further*, That
19 section 520E(b)(2) of the PHS Act shall not apply to
20 funds appropriated in this Act for fiscal year 2016: *Pro-*
21 *vided further*, That of the amount appropriated under this
22 heading, \$45,887,000 shall be for the National Child
23 Traumatic Stress Initiative as described in section 582 of
24 the PHS Act: *Provided further*, That notwithstanding sec-
25 tion 565(b)(1) of the PHS Act, technical assistance may

1 be provided to a public entity to establish or operate a
 2 system of comprehensive community mental health serv-
 3 ices to children with a serious emotional disturbance, with-
 4 out regard to whether the public entity receives a grant
 5 under section 561(a) of such Act: *Provided further*, That
 6 States shall expend at least 5 percent of the amount each
 7 receives for carrying out section 1911 of the PHS Act to
 8 support evidence-based programs that address the needs
 9 of individuals with early serious mental illness, including
 10 psychotic disorders, regardless of the age of the individual
 11 at onset: *Provided further*, That none of the funds pro-
 12 vided for section 1911 of the PHS Act shall be subject
 13 to section 241 of such Act.

14 SUBSTANCE ABUSE TREATMENT

15 For carrying out titles III, V, and XIX of the PHS
 16 Act with respect to substance abuse treatment and section
 17 1922(a) of the PHS Act with respect to substance abuse
 18 prevention, \$1,972,916,000: *Provided*, That in addition to
 19 amounts provided herein, the following amounts shall be
 20 available under section 241 of the PHS Act: (1)
 21 \$79,200,000 to carry out subpart II of part B of title XIX
 22 of the PHS Act to fund section 1935(b) technical assist-
 23 ance, national data, data collection and evaluation activi-
 24 ties, and further that the total available under this Act
 25 for section 1935(b) activities shall not exceed 5 percent

1 of the amounts appropriated for subpart II of part B of
 2 title XIX; and (2) \$2,000,000 to evaluate substance abuse
 3 treatment programs: *Provided further*, That none of the
 4 funds provided for section 1921 of the PHS Act shall be
 5 subject to section 241 of such Act.

6 SUBSTANCE ABUSE PREVENTION

7 For carrying out titles III and V of the PHS Act
 8 with respect to substance abuse prevention, \$182,731,000.

9 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

10 For program support and cross-cutting activities that
 11 supplement activities funded under the headings “Mental
 12 Health”, “Substance Abuse Treatment”, and “Substance
 13 Abuse Prevention” in carrying out titles III, V, and XIX
 14 of the PHS Act and the Protection and Advocacy for Indi-
 15 viduals with Mental Illness Act in the Substance Abuse
 16 and Mental Health Services Administration,
 17 \$137,869,000: *Provided*, That in addition to amounts pro-
 18 vided herein, \$31,428,000 shall be available under section
 19 241 of the PHS Act to supplement funds available to
 20 carry out national surveys on drug abuse and mental
 21 health, to collect and analyze program data, and to con-
 22 duct public awareness and technical assistance activities:
 23 *Provided further*, That, in addition, fees may be collected
 24 for the costs of publications, data, data tabulations, and
 25 data analysis completed under title V of the PHS Act and

1 provided to a public or private entity upon request, which
 2 shall be credited to this appropriation and shall remain
 3 available until expended for such purposes: *Provided fur-*
 4 *ther*, That amounts made available in this Act for carrying
 5 out section 501(m) of the PHS Act shall remain available
 6 through September 30, 2017: *Provided further*, That funds
 7 made available under this heading may be used to supple-
 8 ment program support funding provided under the head-
 9 ings “Mental Health”, “Substance Abuse Treatment”,
 10 and “Substance Abuse Prevention”.

11 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

12 HEALTHCARE RESEARCH AND QUALITY

13 For carrying out titles III and IX of the PHS Act,
 14 part A of title XI of the Social Security Act, and section
 15 1013 of the Medicare Prescription Drug, Improvement,
 16 and Modernization Act of 2003, \$236,001,000: *Provided*,
 17 That section 947(c) of the PHS Act shall not apply in
 18 fiscal year 2016: *Provided further*, That in addition,
 19 amounts received from Freedom of Information Act fees,
 20 reimbursable and interagency agreements, and the sale of
 21 data shall be credited to this appropriation and shall re-
 22 main available until September 30, 2017.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$243,545,410,000,
5 to remain available until expended.

6 For making, after May 31, 2016, payments to States
7 under title XIX or in the case of section 1928 on behalf
8 of States under title XIX of the Social Security Act for
9 the last quarter of fiscal year 2016 for unanticipated costs
10 incurred for the current fiscal year, such sums as may be
11 necessary.

12 For making payments to States or in the case of sec-
13 tion 1928 on behalf of States under title XIX of the Social
14 Security Act for the first quarter of fiscal year 2017,
15 \$115,582,502,000, to remain available until expended.

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

21 PAYMENTS TO HEALTH CARE TRUST FUNDS

22 For payment to the Federal Hospital Insurance
23 Trust Fund and the Federal Supplementary Medical In-
24 surance Trust Fund, as provided under sections 217(g),
25 1844, and 1860D–16 of the Social Security Act, sections

1 103(c) and 111(d) of the Social Security Amendments of
 2 1965, section 278(d)(3) of Public Law 97–248, and for
 3 administrative expenses incurred pursuant to section
 4 201(g) of the Social Security Act, \$283,171,800,000.

5 In addition, for making matching payments under
 6 section 1844 and benefit payments under section 1860D–
 7 16 of the Social Security Act that were not anticipated
 8 in budget estimates, such sums as may be necessary.

9 PROGRAM MANAGEMENT

10 For carrying out, except as otherwise provided, titles
 11 XI, XVIII, XIX, and XXI of the Social Security Act, titles
 12 XIII and XXVII of the PHS Act, the Clinical Laboratory
 13 Improvement Amendments of 1988, and other responsibil-
 14 ities of the Centers for Medicare and Medicaid Services,
 15 not to exceed \$3,027,590,000, to be transferred from the
 16 Federal Hospital Insurance Trust Fund and the Federal
 17 Supplementary Medical Insurance Trust Fund, as author-
 18 ized by section 201(g) of the Social Security Act; together
 19 with all funds collected in accordance with section 353 of
 20 the PHS Act and section 1857(e)(2) of the Social Security
 21 Act, funds retained by the Secretary pursuant to section
 22 302 of the Tax Relief and Health Care Act of 2006; and
 23 such sums as may be collected from authorized user fees
 24 and the sale of data, which shall be credited to this ac-
 25 count and remain available until September 30, 2021: *Pro-*

1 *vided*, That all funds derived in accordance with 31 U.S.C.
 2 9701 from organizations established under title XIII of
 3 the PHS Act shall be credited to and available for carrying
 4 out the purposes of this appropriation: *Provided further*,
 5 That the Secretary is directed to collect fees in fiscal year
 6 2016 from Medicare Advantage organizations pursuant to
 7 section 1857(e)(2) of the Social Security Act and from eli-
 8 gible organizations with risk-sharing contracts under sec-
 9 tion 1876 of that Act pursuant to section 1876(k)(4)(D)
 10 of that Act.

11 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

12 In addition to amounts otherwise available for pro-
 13 gram integrity and program management, \$706,000,000,
 14 to remain available through September 30, 2017, to be
 15 transferred from the Federal Hospital Insurance Trust
 16 Fund and the Federal Supplementary Medical Insurance
 17 Trust Fund, as authorized by section 201(g) of the Social
 18 Security Act, of which \$474,175,000 shall be for the Medi-
 19 care Integrity Program at the Centers for Medicare and
 20 Medicaid Services, including administrative costs, to con-
 21 duct oversight activities for Medicare Advantage under
 22 Part C and the Medicare Prescription Drug Program
 23 under Part D of the Social Security Act and for activities
 24 described in section 1893(b) of such Act, of which
 25 \$77,275,000 shall be for the Department of Health and

1 Human Services Office of Inspector General to carry out
 2 fraud and abuse activities authorized by section
 3 1817(k)(3) of such Act, of which \$77,275,000 shall be for
 4 the Medicaid and Children’s Health Insurance Program
 5 (“CHIP”) program integrity activities, and of which
 6 \$77,275,000 shall be for the Department of Justice to
 7 carry out fraud and abuse activities authorized by section
 8 1817(k)(3) of such Act: *Provided*, That the report re-
 9 quired by section 1817(k)(5) of the Social Security Act
 10 for fiscal year 2016 shall include measures of the oper-
 11 ational efficiency and impact on fraud, waste, and abuse
 12 in the Medicare, Medicaid, and CHIP programs for the
 13 funds provided by this appropriation: *Provided further*,
 14 That of the amount provided under this heading,
 15 \$311,000,000 is provided to meet the terms of section
 16 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
 17 Deficit Control Act of 1985, as amended, and
 18 \$395,000,000 is additional new budget authority specified
 19 for purposes of section 251(b)(2)(C) of such Act.

20 ADMINISTRATION FOR CHILDREN AND FAMILIES

21 PAYMENTS TO STATES FOR CHILD SUPPORT

22 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

23 For carrying out, except as otherwise provided, titles
 24 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
 25 and the Act of July 5, 1960, \$2,944,906,000, to remain

1 available until expended; and for such purposes for the
 2 first quarter of fiscal year 2017, \$1,300,000,000, to re-
 3 main available until expended.

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

10 LOW INCOME HOME ENERGY ASSISTANCE

11 For making payments under subsections (b) and (d)
 12 of section 2602 of the Low Income Home Energy Assist-
 13 ance Act of 1981, \$3,390,304,000: *Provided*, That all but
 14 \$491,000,000 of this amount shall be allocated as though
 15 the total appropriation for such payments for fiscal year
 16 2016 was less than \$1,975,000,000: *Provided further*,
 17 That notwithstanding section 2609A(a), of the amounts
 18 appropriated under section 2602(b), not more than
 19 \$2,988,000 of such amounts may be reserved by the Sec-
 20 retary for technical assistance, training, and monitoring
 21 of program activities for compliance with internal controls,
 22 policies and procedures and may, in addition to the au-
 23 thorities provided in section 2609A(a)(1), use such funds
 24 through contracts with private entities that do not qualify
 25 as nonprofit organizations.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee 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”), section 203 of the Trafficking Victims Protection Reauthorization Act of 2005, and the Torture Victims Relief Act of 1998, \$1,405,367,000, of which \$1,378,877,000 shall remain available through September 30, 2018 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out such section 203 and the TVPA shall also be available for research and evaluation with respect to activities under those authorities: *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”.

20 SOCIAL SERVICES BLOCK GRANT

•S 1695 PCS

1 programs pursuant to title XX–A of such Act shall be 10
 2 percent.

3 CHILDREN AND FAMILIES SERVICES PROGRAMS

4 For carrying out, except as otherwise provided, the
 5 Runaway and Homeless Youth Act, the Head Start Act,
 6 the Child Abuse Prevention and Treatment Act, sections
 7 303 and 313 of the Family Violence Prevention and Serv-
 8 ices Act, the Native American Programs Act of 1974, title
 9 II of the Child Abuse Prevention and Treatment and
 10 Adoption Reform Act of 1978 (adoption opportunities),
 11 part B–1 of title IV and sections 413, 429, 473A, 477(i),
 12 1110, 1114A, and 1115 of the Social Security Act; for
 13 making payments under the Community Services Block
 14 Grant Act (“CSBG Act”), sections 473B and 477(i) of
 15 the Social Security Act, and the Assets for Independence
 16 Act; for necessary administrative expenses to carry out ti-
 17 tles I, IV, V, X, XI, XIV, XVI, and XX of the Social Secu-
 18 rity Act, the Act of July 5, 1960, the Low Income Home
 19 Energy Assistance Act of 1981, title IV of the Immigra-
 20 tion and Nationality Act, and section 501 of the Refugee
 21 Education Assistance Act of 1980; and for the administra-
 22 tion of prior year obligations made by the Administration
 23 for Children and Families under the Developmental Dis-
 24 abilities Assistance and Bill of Rights Act and the Help
 25 America Vote Act of 2002, \$10,388,620,000, of which

1 \$37,943,000, to remain available through September 30,
2 2017, shall be for grants to States for adoption and legal
3 guardianship incentive payments, as defined by section
4 473A of the Social Security Act and may be made for
5 adoptions completed before September 30, 2015: *Provided*,
6 That \$8,698,095,000 shall be for making payments under
7 the Head Start Act: *Provided further*, That of the amount
8 in the previous proviso, \$8,073,095,000 shall be available
9 for payments under section 640 of the Head Start Act:
10 *Provided further*, That of the amount provided for making
11 payments under the Head Start Act, \$25,000,000 shall
12 be available for allocation by the Secretary to supplement
13 activities described in paragraphs (7)(B) and (9) of sec-
14 tion 641(c) of such Act under the Designation Renewal
15 System, established under the authority of sections
16 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Pro-*
17 *vided further*, That notwithstanding such section 640, of
18 the amount provided for making payments under the
19 Head Start Act, and in addition to funds otherwise avail-
20 able under such section 640 for such purposes,
21 \$600,000,000 shall be available for Early Head Start pro-
22 grams as described in section 645A of such Act, for con-
23 version of Head Start services to Early Head Start serv-
24 ices as described in section 645(a)(5)(A) of such Act, for
25 discretionary grants for high quality infant and toddler

1 care through Early Head Start-Child Care Partnerships,
2 to entities defined as eligible under section 645A(d) of
3 such Act, for training and technical assistance for such
4 activities, and for up to \$14,000,000 in Federal costs of
5 administration and evaluation, and, notwithstanding sec-
6 tion 645A(c)(2) of such Act, these funds are available to
7 serve children under age 4: *Provided further*, That funds
8 described in the preceding two provisos shall not be in-
9 cluded in the calculation of “base grant” in subsequent
10 fiscal years, as such term is used in section 640(a)(7)(A)
11 of such Act: *Provided further*, That \$674,000,000 shall be
12 for making payments under the CSBG Act: *Provided fur-*
13 *ther*, That not more than \$350,000 shall be reserved under
14 section 674(b)(3) of the CSBG Act, all of which shall be
15 solely for carrying out section 678(b)(2) of such Act: *Pro-*
16 *vided further*, That section 303(a)(2)(A)(i) of the Family
17 Violence Prevention and Services Act shall not apply to
18 amounts provided herein: *Provided further*, That
19 \$1,864,000 shall be for a human services case manage-
20 ment system for federally declared disasters, to include a
21 comprehensive national case management contract and
22 Federal costs of administering the system: *Provided fur-*
23 *ther*, That up to \$2,000,000 shall be for improving the
24 Public Assistance Reporting Information System, includ-

1 ing grants to States to support data collection for a study
 2 of the system's effectiveness.

3 PROMOTING SAFE AND STABLE FAMILIES

4 For carrying out, except as otherwise provided, sec-
 5 tion 436 of the Social Security Act, \$345,000,000 and,
 6 for carrying out, except as otherwise provided, section 437
 7 of such Act, \$59,765,000.

8 PAYMENTS FOR FOSTER CARE AND PERMANENCY

9 For carrying out, except as otherwise provided, title
 10 IV-E of the Social Security Act, \$5,298,000,000.

11 For carrying out, except as otherwise provided, title
 12 IV-E of the Social Security Act, for the first quarter of
 13 fiscal year 2017, \$2,300,000,000.

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

19 ADMINISTRATION FOR COMMUNITY LIVING

20 AGING AND DISABILITY SERVICES PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For carrying out, to the extent not otherwise pro-
 23 vided, the OAA, titles III and XXIX of the PHS Act, sec-
 24 tion 119 of the Medicare Improvements for Patients and
 25 Providers Act of 2008, title XX-B of the Social Security

1 Act, the Developmental Disabilities Assistance and Bill of
 2 Rights Act, parts 2 and 5 of subtitle D of title II of the
 3 Help America Vote Act of 2002, the Assistive Technology
 4 Act of 1998, titles II and VII (and section 14 with respect
 5 to such titles) of the Rehabilitation Act of 1973, and for
 6 Department-wide coordination of policy and program ac-
 7 tivities that assist individuals with disabilities,
 8 \$1,831,089,000, together with \$30,000,000 to be trans-
 9 ferred from the Federal Hospital Insurance Trust Fund
 10 and the Federal Supplementary Medical Insurance Trust
 11 Fund to carry out section 4360 of the Omnibus Budget
 12 Reconciliation Act of 1990: *Provided*, That amounts ap-
 13 propriated under this heading may be used for grants to
 14 States under section 361 of the OAA only for disease pre-
 15 vention and health promotion programs and activities
 16 which have been demonstrated through rigorous evalua-
 17 tion to be evidence-based and effective: *Provided further*,
 18 That notwithstanding any other provision of this Act,
 19 funds made available under this heading to carry out sec-
 20 tion 311 of the OAA may be transferred to the Secretary
 21 of Agriculture in accordance with such section.

22 OFFICE OF THE SECRETARY

23 GENERAL DEPARTMENTAL MANAGEMENT

24 For necessary expenses, not otherwise provided, for
 25 general departmental management, including hire of six

1 passenger motor vehicles, and for carrying out titles III,
2 XVII, XXI, and section 229 of the PHS Act, the United
3 States-Mexico Border Health Commission Act, and re-
4 search studies under section 1110 of the Social Security
5 Act, \$301,500,000, together with \$46,762,000 from the
6 amounts available under section 241 of the PHS Act to
7 carry out national health or human services research and
8 evaluation activities: *Provided*, That of the funds made
9 available under this heading, \$20,000,000 shall be for
10 making competitive contracts and grants to public and pri-
11 vate entities to fund medically accurate and age appro-
12 priate programs that reduce teen pregnancy and for the
13 Federal costs associated with administering and evalu-
14 ating such contracts and grants, of which not more than
15 10 percent of the available funds shall be for training and
16 technical assistance, evaluation, outreach, and additional
17 program support activities, and of the remaining amount
18 75 percent shall be for replicating programs that have
19 been proven effective through rigorous evaluation to re-
20 duce teenage pregnancy, behavioral risk factors underlying
21 teenage pregnancy, or other associated risk factors, and
22 25 percent shall be available for research and demonstra-
23 tion grants to develop, replicate, refine, and test additional
24 models and innovative strategies for preventing teenage
25 pregnancy: *Provided further*, That of the funds made avail-

1 able under this heading, \$1,750,000 is for strengthening
2 the Department's acquisition workforce capacity and capa-
3 bilities: *Provided further*, That with respect to the previous
4 proviso, such funds shall be available for training, recruit-
5 ing, retaining, and hiring members of the acquisition
6 workforce as defined by 41 U.S.C. 1703, for information
7 technology in support of acquisition workforce effective-
8 ness and for management solutions to improve acquisition
9 management: *Provided further*, That of the funds made
10 available under this heading, \$20,000,000 shall be for
11 making competitive grants to provide abstinence education
12 (as defined by section 510(b)(2)(A)–(H) of the Social Se-
13 curity Act) to adolescents, and for Federal costs of admin-
14 istering the grant: *Provided further*, That grants made
15 under the authority of section 510(b)(2)(A)–(H) of the
16 Social Security Act shall be made only to public and pri-
17 vate entities that agree that, with respect to an adolescent
18 to whom the entities provide abstinence education under
19 such grant, the entities will not provide to that adolescent
20 any other education regarding sexual conduct, except that,
21 in the case of an entity expressly required by law to pro-
22 vide health information or services the adolescent shall not
23 be precluded from seeking health information or services
24 from the entity in a different setting than the setting in
25 which abstinence education was provided: *Provided fur-*

1 *ther*, That funds provided in this Act for embryo adoption
 2 activities may be used to provide to individuals adopting
 3 embryos, through grants and other mechanisms, medical
 4 and administrative services deemed necessary for such
 5 adoptions: *Provided further*, That such services shall be
 6 provided consistent with 42 CFR 59.5(a)(4).

7 OFFICE OF MEDICARE HEARINGS AND APPEALS

8 For expenses necessary for the Office of Medicare
 9 Hearings and Appeals, \$97,381,000, to be transferred in
 10 appropriate part from the Federal Hospital Insurance
 11 Trust Fund and the Federal Supplementary Medical In-
 12 surance Trust Fund.

13 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
 14 INFORMATION TECHNOLOGY

15 For expenses necessary for the Office of the National
 16 Coordinator for Health Information Technology, including
 17 grants, contracts, and cooperative agreements for the de-
 18 velopment and advancement of interoperable health infor-
 19 mation technology, \$60,367,000.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
 22 General, including the hire of passenger motor vehicles for
 23 investigations, in carrying out the provisions of the Inspec-
 24 tor General Act of 1978, \$71,000,000: *Provided*, That of
 25 such amount, necessary sums shall be available for pro-

1 viding protective services to the Secretary and inves-
 2 tigating non-payment of child support cases for which non-
 3 payment is a Federal offense under 18 U.S.C. 228.

4 OFFICE FOR CIVIL RIGHTS

5 For expenses necessary for the Office for Civil
 6 Rights, \$38,798,000.

7 RETIREMENT PAY AND MEDICAL BENEFITS FOR

8 COMMISSIONED OFFICERS

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

16 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

17 FUND

18 For expenses necessary to support activities related
 19 to countering potential biological, nuclear, radiological,
 20 chemical, and cybersecurity threats to civilian populations,
 21 and for other public health emergencies, \$900,362,000, of
 22 which \$473,000,000 shall remain available through Sep-
 23 tember 30, 2017, for expenses necessary to support ad-
 24 vanced research and development pursuant to section
 25 319L of the PHS Act and other administrative expenses

1 of the Biomedical Advanced Research and Development
2 Authority: *Provided*, That funds provided under this head-
3 ing for the purpose of acquisition of security counter-
4 measures shall be in addition to any other funds available
5 for such purpose: *Provided further*, That products pur-
6 chased with funds provided under this heading may, at
7 the discretion of the Secretary, be deposited in the Stra-
8 tegic National Stockpile pursuant to section 319F–2 of
9 the PHS Act: *Provided further*, That \$5,000,000 of the
10 amounts made available to support emergency operations
11 shall remain available through September 30, 2018.

12 For expenses necessary for procuring security coun-
13 termeasures (as defined in section 319F–2(c)(1)(B) of the
14 PHS Act), \$255,000,000, to remain available until ex-
15 pended.

16 For an additional amount for expenses necessary to
17 prepare for or respond to an influenza pandemic,
18 \$71,915,000; of which \$39,906,000 shall be available until
19 expended, for activities including the development and
20 purchase of vaccine, antivirals, necessary medical supplies,
21 diagnostics, and other surveillance tools: *Provided*, That
22 notwithstanding section 496(b) of the PHS Act, funds
23 may be used for the construction or renovation of privately
24 owned facilities for the production of pandemic influenza
25 vaccines and other biologics, if the Secretary finds such

1 construction or renovation necessary to secure sufficient
2 supplies of such vaccines or biologics.

3 GENERAL PROVISIONS

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

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

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

20 SEC. 204. Notwithstanding section 241(a) of the
21 PHS Act, such portion as the Secretary shall determine,
22 but not more than 2.5 percent, of any amounts appro-
23 priated for programs authorized under such Act shall be
24 made available for the evaluation (directly, or by grants

1 or contracts) and the implementation and effectiveness of
2 programs funded in this title.

3 (TRANSFER OF FUNDS)

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

17 SEC. 206. In lieu of the timeframe specified in section
18 338E(c)(2) of the PHS Act, terminations described in
19 such section may occur up to 60 days after the execution
20 of a contract awarded in fiscal year 2016 under section
21 338B of such Act.

22 SEC. 207. None of the funds appropriated in this Act
23 may be made available to any entity under title X of the
24 PHS Act unless the applicant for the award certifies to
25 the Secretary that it encourages family participation in

1 the decision of minors to seek family planning services and
2 that it provides counseling to minors on how to resist at-
3 tempts to coerce minors into engaging in sexual activities.

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

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

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

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

11 SEC. 212. In order for HHS to carry out inter-
12 national health activities, including HIV/AIDS and other
13 infectious disease, chronic and environmental disease, and
14 other health activities abroad during fiscal year 2016:

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

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

22 (3) The Secretary is authorized to provide to
23 personnel appointed or assigned by the Secretary to
24 serve abroad, allowances and benefits similar to
25 those provided under chapter 9 of title I of the For-

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

16 SEC. 213. Funds which are available for Individual
17 Learning Accounts for employees of CDC and the Agency
18 for Toxic Substances and Disease Registry ("ATSDR")
19 may be transferred to appropriate accounts of CDC, to
20 be available only for Individual Learning Accounts: *Pro-*
21 *vided*, That such funds may be used for any individual
22 full-time equivalent employee while such employee is em-
23 ployed either by CDC or ATSDR.

(TRANSFER OF FUNDS)

1
2 SEC. 214. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate are notified at
9 least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

10
11 SEC. 215. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act.

19 SEC. 216. (a) AUTHORITY.—Notwithstanding any
20 other provision of law, the Director of NIH (“Director”)
21 may use funds available under section 402(b)(7) or
22 402(b)(12) of the PHS Act to enter into transactions
23 (other than contracts, cooperative agreements, or grants)
24 to carry out research identified pursuant to such section

1 402(b)(7) (pertaining to the Common Fund) or research
 2 and activities described in such section 402(b)(12).

3 (b) PEER REVIEW.—In entering into transactions
 4 under subsection (a), the Director may utilize such peer
 5 review procedures (including consultation with appropriate
 6 scientific experts) as the Director determines to be appro-
 7 priate to obtain assessments of scientific and technical
 8 merit. Such procedures shall apply to such transactions
 9 in lieu of the peer review and advisory council review pro-
 10 cedures that would otherwise be required under sections
 11 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
 12 and 494 of the PHS Act.

13 SEC. 217. Not to exceed \$45,000,000 of funds appro-
 14 priated by this Act to the institutes and centers of the
 15 National Institutes of Health may be used for alteration,
 16 repair, or improvement of facilities, as necessary for the
 17 proper and efficient conduct of the activities authorized
 18 herein, at not to exceed \$3,500,000 per project.

19 (TRANSFER OF FUNDS)

20 SEC. 218. Of the amounts made available for NIH,
 21 1 percent of the amount made available for National Re-
 22 search Service Awards (“NRSA”) shall be made available
 23 to the Administrator of the Health Resources and Services
 24 Administration to make NRSA awards for research in pri-
 25 mary medical care to individuals affiliated with entities

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

6 SEC. 219. Section 461(b)(1) of the Public Health
 7 Service Act (42 U.S.C. 285k(b)(1)) is amended—

8 (1) in subparagraph (B), by striking “and be-
 9 havioral research” and all that follows through the
 10 period and inserting “or behavioral research and are
 11 located in a State that is at or below the median of
 12 all States with respect to the aggregate NIH fund-
 13 ing received by entities in that State.”; and

14 (2) by adding at the end the following:

15 “(D) Entities that are designated as Pri-
 16 marily Undergraduate Institutions and that are
 17 not eligible for funding under the Individuals
 18 with Disabilities Education Act, but that have
 19 been eligible for participation in the National
 20 Science Foundation Experimental Program to
 21 Stimulate Competitive Research (EPSCoR) pro-
 22 gram for the past 2 consecutive years, may
 23 apply to an entity that currently holds an IDeA
 24 Networks of Biomedical Research Excellence
 25 award for inclusion in their Network.”.

1 SEC. 220. Public Law 110–161, division G, title II,
2 section 223 is amended by inserting, after “shall be avail-
3 able” and before “until expended”, “to the Office of the
4 Director, National Institutes of Health”; striking, after
5 “may be available for” and before “, subject to approval”,
6 “such purposes, for capital acquisition necessary to the op-
7 eration of the Department, including facilities infrastruc-
8 ture and information technology infrastructure”, and in-
9 serting “all necessary expenses related to carrying out sec-
10 tion 301 and title IV of the Public Health Service Act”.

11 SEC. 221. In addition to amounts provided herein,
12 payments made for research organisms or substances, au-
13 thorized under section 301(a) of the PHS Act, shall be
14 retained and credited to the appropriations accounts of the
15 Institutes and Centers of the NIH making the substance
16 or organism available under section 301(a). Amounts cred-
17 ited to the account under this authority shall be available
18 for obligation through September 30, 2017.

19 SEC. 222. (a) The Biomedical Advanced Research
20 and Development Authority (“BARDA”) may enter into
21 a contract, for more than one but no more than 10 pro-
22 gram years, for purchase of research services or of security
23 countermeasures, as that term is defined in section 319F–
24 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
25 if—

1 (1) funds are available and obligated—

2 (A) for the full period of the contract or
3 for the first fiscal year in which the contract is
4 in effect; and

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

7 (2) the Secretary determines that a multi-year
8 contract will serve the best interests of the Federal
9 Government by encouraging full and open competi-
10 tion or promoting economy in administration, per-
11 formance, and operation of BARDA's programs.

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

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

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

18 SEC. 223. (a) The Secretary shall establish a publicly
19 accessible Web site to provide information regarding the
20 uses of funds made available under section 4002 of the
21 Patient Protection and Affordable Care Act of 2010
22 (“ACA”).

23 (b) With respect to funds provided under section
24 4002 of the ACA, the Secretary shall include on the Web

1 site established under subsection (a) at a minimum the
2 following information:

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

9 (2) Identification (along with a link to the full
10 text) of each funding opportunity announcement, re-
11 quest for proposals, or other announcement or solici-
12 tation of proposals for grants, cooperative agree-
13 ments, or contracts intended to be awarded using
14 such funds, to be posted not later than the day after
15 the announcement or solicitation is issued.

16 (3) Identification of each grant, cooperative
17 agreement, or contract with a value of \$25,000 or
18 more awarded using such funds, including the pur-
19 pose of the award and the identity of the recipient,
20 to be posted not later than 5 days after the award
21 is made.

22 (4) A report detailing the uses of all funds
23 transferred under section 4002(c) during the fiscal
24 year, to be posted not later than 90 days after the
25 end of the fiscal year.

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

(3) ensure that all information required in this section is able to be organized by program or State.

21 SEC. 224. (a) Within 45 days of enactment of this
22 Act, the Secretary shall transfer funds appropriated under
23 section 4002 of the ACA to the accounts specified, in the
24 amounts specified, and for the activities specified under

1 the heading “Prevention and Public Health Fund” in the
2 report accompanying this Act.

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

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

8 SEC. 225. (a) The Secretary shall publish in the fiscal
9 year 2017 budget justification and on Departmental Web
10 sites information concerning the employment of full-time
11 equivalent Federal employees or contractors for the pur-
12 poses of implementing, administering, enforcing, or other-
13 wise carrying out the provisions of the ACA, and the
14 amendments made by that Act, in the proposed fiscal year
15 and each fiscal year since the enactment of the ACA.

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

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

1 the amount of funding received in discretionary or
2 mandatory appropriations.

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

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

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

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

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

18 SEC. 226. The Secretary shall publish, as part of the
19 fiscal year 2017 budget of the President submitted under
20 section 1105(a) of title 31, United States Code, informa-
21 tion that details the uses of all funds used by the Centers
22 for Medicare and Medicaid Services specifically for Health
23 Insurance Exchanges for each fiscal year since the enact-
24 ment of the ACA and the proposed uses for such funds
25 for fiscal year 2017. Such information shall include, for

1 each such fiscal year, the amount of funds used for each
2 activity specified under the heading “Health Insurance
3 Exchange Transparency” in the report accompanying this
4 Act.

5 SEC. 227. The Secretary shall provide to the Commit-
6 tees on Appropriations of the House of Representatives
7 and the Senate detailed, monthly enrollment figures from
8 the Exchanges established under the Patient Protection
9 and Affordable Care Act of 2010 pertaining to enrollments
10 during the open enrollment period: *Provided*, That the
11 Committees on Appropriations of the House of Represent-
12 atives and the Senate must be notified and provided with
13 the enrollment figures at least 2 business days in advance
14 of any public release of the information.

15 SEC. 228. None of the funds made available by this
16 Act from the Federal Hospital Insurance Trust Fund or
17 the Federal Supplemental Medical Insurance Trust Fund,
18 or transferred from other accounts funded by this Act to
19 the “Centers for Medicare and Medicaid Services—Pro-
20 gram Management” account, may be used for payments
21 under section 1342(b)(1) of Public Law 111–148 (relating
22 to risk corridors).

23 SEC. 229. None of the funds made available by this
24 Act from the Federal Hospital Insurance Trust Fund or
25 the Federal Supplemental Medical Insurance Trust Fund,

1 or transferred from other accounts funded by this Act to
 2 the “Centers for Medicare and Medicaid Services—Pro-
 3 gram Management” account, may be used to support the
 4 operation of an Exchange established under section 1311
 5 of Public Law 111–148.

6 SEC. 230. None of the funds appropriated in this Act
 7 may be used to issue, promulgate, or otherwise implement
 8 the 2015 Dietary Guidelines for Americans edition unless
 9 the information and guidelines in the report are solely nu-
 10 tritional and dietary in nature; and based only on a pre-
 11 ponderance of nutritional and dietary scientific evidence
 12 and not extraneous information.

13 (RESCISSION)

14 SEC. 231. The following unobligated balances of
 15 amounts appropriated prior to fiscal year 2007 for “De-
 16 partment of Health and Human Services, Health Re-
 17 sources and Services Administration” are hereby re-
 18 scinded:

19 (1) \$281,003 appropriated to carry out section
 20 1610(b) of the PHS Act;

21 (2) \$3,611 appropriated to carry out section
 22 1602(c) of the PHS Act;

23 (3) \$105,576 appropriated in section 167 of di-
 24 vision H of Public Law 108–199; and

4 SEC. 232. Of the funds made available under prior
5 year Appropriation Acts for the Centers for Disease Con-
6 trol and Prevention for Individual Learning Accounts,
7 \$12,592,000 are hereby rescinded.

9 SEC. 233. Of the unobligated balances available from
10 prior appropriations Acts under the heading “Department
11 of Health and Human Services—Administration for Chil-
12 dren and Families—Refugee and Entrant Assistance” for
13 carrying out section 462 of the Homeland Security Act
14 of 2002 and section 235 of William Wilberforce Traf-
15 ficking Victims Protection Reauthorization Act of 2008,
16 \$250,000,000 are hereby rescinded.

17 This title may be cited as the “Department of Health
18 and Human Services Appropriations Act, 2016”.

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED
4 For carrying out title I of the Elementary and Sec-
5 ondary Education Act of 1965 (referred to in this Act as
6 “ESEA”) and section 418A of the Higher Education Act
7 of 1965 (referred to in this Act as “HEA”),
8 \$15,455,802,000, of which \$4,575,641,000 shall become
9 available on July 1, 2016, and shall remain available
10 through September 30, 2017, and of which
11 \$10,841,177,000 shall become available on October 1,
12 2016, and shall remain available through September 30,
13 2017, for academic year 2016–2017: *Provided*, That
14 \$6,459,401,000 shall be for basic grants under section
15 1124 of the ESEA: *Provided further*, That up to
16 \$3,984,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2015, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$3,369,050,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,369,050,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That funds available under sections 1124, 1124A,
3 1125 and 1125A of the ESEA may be used to provide
4 homeless children and youths with services not ordinarily
5 provided to other students under those sections, including
6 supporting the liaison designated pursuant to section
7 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assist-
8 ance Act, and providing transportation pursuant to section
9 722(g)(1)(J)(iii) of such Act: *Provided further*, That
10 \$450,000,000 shall be available for school improvement
11 grants under section 1003(g) of the ESEA, which shall
12 be allocated by the Secretary through the formula de-
13 scribed in section 1003(g)(2) and shall be used consistent
14 with the requirements of section 1003(g), except that
15 State and local educational agencies may use such funds
16 to serve any school eligible to receive assistance under part
17 A of title I that has not made adequate yearly progress
18 for at least 2 years or is in the State's lowest quintile of
19 performance based on proficiency rates and, in the case
20 of secondary schools, priority shall be given to those
21 schools with graduation rates below 60 percent: *Provided*
22 *further*, That notwithstanding section 1003(g)(5)(C) of
23 the ESEA, the Secretary may permit a State educational
24 agency to establish an award period of up to 5 years for
25 each participating local educational agency: *Provided fur-*

1 *ther*, That funds available for school improvement grants
2 for fiscal year 2014 and thereafter may be used by a local
3 educational agency to implement a whole-school reform
4 strategy for a school using an evidence-based strategy that
5 ensures whole-school reform is undertaken in partnership
6 with a strategy developer offering a whole-school reform
7 program that is based on at least a moderate level of evi-
8 dence that the program will have a statistically significant
9 effect on student outcomes, including at least one well-
10 designed and well-implemented experimental or quasi-ex-
11 perimental study: *Provided further*, That funds available
12 for school improvement grants may be used by a local edu-
13 cational agency to implement an alternative State-deter-
14 mined school improvement strategy that has been estab-
15 lished by a State educational agency with the approval of
16 the Secretary: *Provided further*, That a local educational
17 agency that is determined to be eligible for services under
18 subpart 1 or 2 of part B of title VI of the ESEA may
19 modify not more than one element of a school improve-
20 ment grant model: *Provided further*, That notwithstanding
21 section 1003(g)(5)(A), each State educational agency may
22 establish a maximum subgrant size of not more than
23 \$2,000,000 for each participating school applicable to
24 such funds: *Provided further*, That the Secretary may re-
25 serve up to 5 percent of the funds available for section

1 1003(g) of the ESEA to carry out activities to build State
 2 and local educational agency capacity to implement effec-
 3 tively the school improvement grants program: *Provided*
 4 *further*, That \$35,000,000 shall be for carrying out section
 5 418A of the HEA.

6 IMPACT AID

7 For carrying out programs of financial assistance to
 8 federally affected schools authorized by title VIII of the
 9 ESEA, \$1,288,603,000, of which \$1,151,233,000 shall be
 10 for basic support payments under section 8003(b),
 11 \$48,316,000 shall be for payments for children with dis-
 12 abilities under section 8003(d), \$17,406,000 shall be for
 13 construction under section 8007(b) and be available for
 14 obligation through September 30, 2017, \$66,813,000 shall
 15 be for Federal property payments under section 8002, and
 16 \$4,835,000, to remain available until expended, shall be
 17 for facilities maintenance under section 8008: *Provided*,
 18 That for purposes of computing the amount of a payment
 19 for an eligible local educational agency under section
 20 8003(a) for school year 2015–2016, children enrolled in
 21 a school of such agency that would otherwise be eligible
 22 for payment under section 8003(a)(1)(B) of such Act, but
 23 due to the deployment of both parents or legal guardians,
 24 or a parent or legal guardian having sole custody of such
 25 children, or due to the death of a military parent or legal

1 guardian while on active duty (so long as such children
 2 reside on Federal property as described in section
 3 8003(a)(1)(B)), are no longer eligible under such section,
 4 shall be considered as eligible students under such section,
 5 provided such students remain in average daily attendance
 6 at a school in the same local educational agency they at-
 7 tended prior to their change in eligibility status.

8 SCHOOL IMPROVEMENT PROGRAMS

9 For carrying out school improvement activities au-
 10 thorized by parts A and B of title II, part B of title IV,
 11 parts A and B of title VI, and parts B and C of title VII
 12 of the ESEA; the McKinney-Vento Homeless Assistance
 13 Act; section 203 of the Educational Technical Assistance
 14 Act of 2002; the Compact of Free Association Amend-
 15 ments Act of 2003; and the Civil Rights Act of 1964,
 16 \$4,134,746,000, of which \$2,326,181,000 shall become
 17 available on July 1, 2016, and remain available through
 18 September 30, 2017, and of which \$1,681,441,000 shall
 19 become available on October 1, 2016, and shall remain
 20 available through September 30, 2017, for academic year
 21 2016–2017: *Provided*, That funds made available to carry
 22 out part B of title VII of the ESEA may be used for con-
 23 struction, renovation, and modernization of any elemen-
 24 tary school, secondary school, or structure related to an
 25 elementary school or secondary school, run by the Depart-

1 ment of Education of the State of Hawaii, that serves a
 2 predominantly Native Hawaiian student body: *Provided*
 3 *further*, That funds made available to carry out part C
 4 of title VII of the ESEA shall be awarded on a competitive
 5 basis, and also may be used for construction: *Provided fur-*
 6 *ther*, That \$40,000,000 shall be available to carry out sec-
 7 tion 203 of the Educational Technical Assistance Act of
 8 2002 and the Secretary shall make such arrangements as
 9 determined to be necessary to ensure that the Bureau of
 10 Indian Education has access to services provided under
 11 this section: *Provided further*, That \$16,699,000 shall be
 12 available to carry out the Supplemental Education Grants
 13 program for the Federated States of Micronesia and the
 14 Republic of the Marshall Islands: *Provided further*, That
 15 the Secretary may reserve up to 5 percent of the amount
 16 referred to in the previous proviso to provide technical as-
 17 sistance in the implementation of these grants: *Provided*
 18 *further*, That up to 5.0 percent of the funds for subpart
 19 1 of part A of title II of the ESEA shall be reserved by
 20 the Secretary for competitive awards for teacher or prin-
 21 cipal recruitment and training or professional enhance-
 22 ment activities, including for civic education instruction,
 23 to national not-for-profit organizations, of which up to 8
 24 percent may only be used for research, dissemination, eval-
 25 uation, and technical assistance for competitive awards

1 carried out under this proviso: *Provided further*, That
 2 \$141,299,000 shall be to carry out part B of title II of
 3 the ESEA.

4 INDIAN EDUCATION

5 For expenses necessary to carry out, to the extent
 6 not otherwise provided, title VII, part A of the ESEA,
 7 \$123,939,000.

8 INNOVATION AND IMPROVEMENT

9 For carrying out activities authorized by part G of
 10 title I, part D of title II, parts B, C, and D of title V
 11 of the ESEA, \$694,616,000: *Provided*, That
 12 \$225,000,000 of the funds for subpart 1 of part D of title
 13 V of the ESEA shall be for competitive grants to local
 14 educational agencies, including charter schools that are
 15 local educational agencies, or States, or partnerships of:
 16 (1) a local educational agency, a State, or both; and (2)
 17 at least one nonprofit organization to develop and imple-
 18 ment performance-based compensation systems for teach-
 19 ers, principals, and other personnel in high-need schools:
 20 *Provided further*, That such performance-based compensa-
 21 tion systems must consider gains in student academic
 22 achievement as well as classroom evaluations conducted
 23 multiple times during each school year among other fac-
 24 tors and provide educators with incentives to take on addi-
 25 tional responsibilities and leadership roles: *Provided fur-*

1 *ther*, That recipients of such grants shall demonstrate that
 2 such performance-based compensation systems are devel-
 3 oped with the input of teachers and school leaders in the
 4 schools and local educational agencies to be served by the
 5 grant: *Provided further*, That recipients of such grants
 6 may use such funds to develop or improve systems and
 7 tools (which may be developed and used for the entire local
 8 educational agency or only for schools served under the
 9 grant) that would enhance the quality and success of the
 10 compensation system, such as high-quality teacher evalua-
 11 tions and tools to measure growth in student achievement:
 12 *Provided further*, That applications for such grants shall
 13 include a plan to sustain financially the activities con-
 14 ducted and systems developed under the grant once the
 15 grant period has expired: *Provided further*, That up to 5
 16 percent of such funds for competitive grants shall be avail-
 17 able for technical assistance, training, peer review of appli-
 18 cations, program outreach, and evaluation activities: *Pro-*
 19 *vided further*, That of the funds available for part B of
 20 title V of the ESEA, the Secretary shall use up to
 21 \$9,000,000 to carry out activities under section 5205(b)
 22 and shall use not less than \$13,000,000 for subpart 2:
 23 *Provided further*, That of the funds available for subpart
 24 1 of part B of title V of the ESEA, and notwithstanding
 25 section 5205(a), the Secretary shall reserve up to

1 \$85,000,000 to make multiple awards to nonprofit charter
2 management organizations and other entities that are not
3 for-profit entities for the replication and expansion of suc-
4 cessful charter school models and shall reserve not less
5 than \$11,000,000 to carry out the activities described in
6 section 5205(a), including improving quality and oversight
7 of charter schools and providing technical assistance and
8 grants to authorized public chartering agencies in order
9 to increase the number of high-performing charter schools:
10 *Provided further*, That funds available for part B of title
11 V of the ESEA may be used for grants that support pre-
12 school education in charter schools: *Provided further*, That
13 each application submitted pursuant to section 5203(a)
14 shall describe a plan to monitor and hold accountable au-
15 thorized public chartering agencies through such activities
16 as providing technical assistance or establishing a profes-
17 sional development program, which may include evalua-
18 tion, planning, training, and systems development for staff
19 of authorized public chartering agencies to improve the ca-
20 pacity of such agencies in the State to authorize, monitor,
21 and hold accountable charter schools: *Provided further*,
22 That each application submitted pursuant to section
23 5203(a) shall contain assurances that State law, regula-
24 tions, or other policies require that: (1) each authorized
25 charter school in the State operate under a legally binding

1 charter or performance contract between itself and the
 2 school's authorized public chartering agency that describes
 3 the rights and responsibilities of the school and the public
 4 chartering agency; conduct annual, timely, and inde-
 5 pendent audits of the school's financial statements that
 6 are filed with the school's authorized public chartering
 7 agency; and demonstrate improved student academic
 8 achievement; and (2) authorized public chartering agen-
 9 cies use increases in student academic achievement for all
 10 groups of students described in section 1111(b)(2)(C)(v)
 11 of the ESEA as one of the most important factors when
 12 determining to renew or revoke a school's charter.

13 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

14 For carrying out activities authorized by part A of
 15 title IV and subparts 1 and 2 of part D of title V of the
 16 ESEA, \$120,314,000: *Provided*, That \$60,000,000 shall
 17 be available for subpart 2 of part A of title IV, of which
 18 up to \$5,000,000, to remain available until expended, shall
 19 be for the Project School Emergency Response to Violence
 20 ("Project SERV") program to provide education-related
 21 services to local educational agencies and institutions of
 22 higher education in which the learning environment has
 23 been disrupted due to a violent or traumatic crisis: *Pro-*
 24 *vided further*, That \$37,000,000 shall be available through
 25 December 31, 2016 for Promise Neighborhoods.

1 ENGLISH LANGUAGE ACQUISITION

2 For carrying out part A of title III of the ESEA,
 3 \$712,021,000, which shall become available on July 1,
 4 2016, and shall remain available through September 30,
 5 2017, except that 6.5 percent of such amount shall be
 6 available on October 1, 2015, and shall remain available
 7 through September 30, 2017, to carry out activities under
 8 section 3111(c)(1)(C): *Provided*, That the Secretary shall
 9 use estimates of the American Community Survey child
 10 counts for the most recent 3-year period available to cal-
 11 culate allocations under such part.

12 SPECIAL EDUCATION

13 For carrying out the Individuals with Disabilities
 14 Education Act (IDEA) and the Special Olympics Sport
 15 and Empowerment Act of 2004, \$12,636,817,000, of
 16 which \$3,131,259,000 shall become available on July 1,
 17 2016, and shall remain available through September 30,
 18 2017, and of which \$9,283,383,000 shall become available
 19 on October 1, 2016, and shall remain available through
 20 September 30, 2017, for academic year 2016–2017: *Pro-*
 21 *vided*, That the amount for section 611(b)(2) of the IDEA
 22 shall be equal to the lesser of the amount available for
 23 that activity during fiscal year 2015, increased by the
 24 amount of inflation as specified in section 619(d)(2)(B)
 25 of the IDEA, or the percent change in the funds appro-

1 priated under section 611(i) of the IDEA, but not less
2 than the amount for that activity during fiscal year 2015:
3 *Provided further*, That the Secretary shall, without regard
4 to section 611(d) of the IDEA, distribute to all other
5 States (as that term is defined in section 611(g)(2)), sub-
6 ject to the third proviso, any amount by which a State's
7 allocation under section 611(d), from funds appropriated
8 under this heading, is reduced under section
9 612(a)(18)(B), according to the following: 85 percent on
10 the basis of the States' relative populations of children
11 aged 3 through 21 who are of the same age as children
12 with disabilities for whom the State ensures the avail-
13 ability of a free appropriate public education under this
14 part, and 15 percent to States on the basis of the States'
15 relative populations of those children who are living in pov-
16 erty: *Provided further*, That the Secretary may not dis-
17 tribute any funds under the previous proviso to any State
18 whose reduction in allocation from funds appropriated
19 under this heading made funds available for such a dis-
20 tribution: *Provided further*, That the States shall allocate
21 such funds distributed under the second proviso to local
22 educational agencies in accordance with section 611(f):
23 *Provided further*, That the amount by which a State's allo-
24 cation under section 611(d) of the IDEA is reduced under
25 section 612(a)(18)(B) and the amounts distributed to

1 States under the previous provisos in fiscal year 2012 or
2 any subsequent year shall not be considered in calculating
3 the awards under section 611(d) for fiscal year 2013 or
4 for any subsequent fiscal years: *Provided further*, That,
5 notwithstanding the provision in section 612(a)(18)(B) re-
6 garding the fiscal year in which a State's allocation under
7 section 611(d) is reduced for failure to comply with the
8 requirement of section 612(a)(18)(A), the Secretary may
9 apply the reduction specified in section 612(a)(18)(B) over
10 a period of consecutive fiscal years, not to exceed five,
11 until the entire reduction is applied: *Provided further*,
12 That the Secretary may, in any fiscal year in which a
13 State's allocation under section 611 is reduced in accord-
14 ance with section 612(a)(18)(B), reduce the amount a
15 State may reserve under section 611(e)(1) by an amount
16 that bears the same relation to the maximum amount de-
17 scribed in that paragraph as the reduction under section
18 612(a)(18)(B) bears to the total allocation the State
19 would have received in that fiscal year under section
20 611(d) in the absence of the reduction: *Provided further*,
21 That the Secretary shall either reduce the allocation of
22 funds under section 611 for any fiscal year following the
23 fiscal year for which the State fails to comply with the
24 requirement of section 612(a)(18)(A) as authorized by
25 section 612(a)(18)(B), or seek to recover funds under sec-

tion 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) 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 level of effort a local educational agency must meet under section 613(a)(2)(A)(iii) of the IDEA, in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the LEA's reduced level of expenditures: *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 AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, \$3,487,864,000, of which \$3,391,770,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocot-

1 ment of funds to States pursuant to section 110(b) of the
 2 Rehabilitation Act for innovative activities aimed at im-
 3 proving the outcomes of individuals with disabilities as de-
 4 fined in section 7(20)(B) of the Rehabilitation Act, includ-
 5 ing activities aimed at improving the education and post-
 6 school outcomes of children receiving Supplemental Secu-
 7 rity Income (“SSI”) and their families that may result
 8 in long-term improvement in the SSI child recipient’s eco-
 9 nomic status and self-sufficiency: *Provided further*, That
 10 States may award subgrants for a portion of the funds
 11 to other public and private, nonprofit entities: *Provided*
 12 *further*, That any funds made available subsequent to real-
 13 lotment for innovative activities aimed at improving the
 14 outcomes of individuals with disabilities shall remain avail-
 15 able until September 30, 2017.

16 SPECIAL INSTITUTIONS FOR PERSONS WITH
 17 DISABILITIES

18 AMERICAN PRINTING HOUSE FOR THE BLIND

19 For carrying out the Act of March 3, 1879,
 20 \$24,931,000.

21 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

22 For the National Technical Institute for the Deaf
 23 under titles I and II of the Education of the Deaf Act
 24 of 1986, \$69,016,000: *Provided*, That from the total
 25 amount available, the Institute may at its discretion use

1 funds for the endowment program as authorized under
2 section 207 of such Act.

3 GALLAUDET UNIVERSITY

4 For the Kendall Demonstration Elementary School,
5 the Model Secondary School for the Deaf, and the partial
6 support of Gallaudet University under titles I and II of
7 the Education of the Deaf Act of 1986, \$120,275,000:
8 *Provided*, That from the total amount available, the Uni-
9 versity may at its discretion use funds for the endowment
10 program as authorized under section 207 of such Act.

11 CAREER, TECHNICAL, AND ADULT EDUCATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Carl D. Perkins Career and Technical Edu-
14 cation Act of 2006 and the Adult Education and Family
15 Literacy Act (“AEFLA”), \$1,669,731,000, of which
16 \$878,731,000 shall become available on July 1, 2016, and
17 shall remain available through September 30, 2017, and
18 of which \$791,000,000 shall become available on October
19 1, 2016, and shall remain available through September 30,
20 2017: *Provided*, That of the amounts made available for
21 AEFLA, \$7,712,000 shall be for national leadership ac-
22 tivities under section 242.

1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1, 3, and 10 of part A,
3 and part C of title IV of the HEA, \$24,129,352,000,
4 which shall remain available through September 30, 2017.

5 The maximum Pell Grant for which a student shall
6 be eligible during award year 2016–2017 shall be \$4,860.

7 STUDENT AID ADMINISTRATION

8 For Federal administrative expenses to carry out part
9 D of title I, and subparts 1, 3, 9, and 10 of part A, and
10 parts B, C, D, and E of title IV of the HEA, and subpart
11 1 of part A of title VII of the Public Health Service Act,
12 \$1,361,700,000, to remain available through September
13 30, 2017: *Provided*, That the Secretary shall, no later than
14 December 31, 2015, allocate no less than 50 percent of
15 new student loan borrower accounts among eligible not-
16 for-profit student loan servicers, excluding those eligible
17 as title IV additional servicers.

18 HIGHER EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, titles II, III, IV, V, VI, and VII of the HEA, the
21 Mutual Educational and Cultural Exchange Act of 1961,
22 and section 117 of the Carl D. Perkins Career and Tech-
23 nical Education Act of 2006, \$1,783,510,000: *Provided*,
24 That notwithstanding any other provision of law, funds
25 made available in this Act to carry out title VI of the HEA

1 and section 102(b)(6) of the Mutual Educational and Cul-
2 tural Exchange Act of 1961 may be used to support visits
3 and study in foreign countries by individuals who are par-
4 ticipating in advanced foreign language training and inter-
5 national studies in areas that are vital to United States
6 national security and who plan to apply their language
7 skills and knowledge of these countries in the fields of gov-
8 ernment, the professions, or international development:
9 *Provided further*, That of the funds referred to in the pre-
10 ceding proviso up to 1 percent may be used for program
11 evaluation, national outreach, and information dissemina-
12 tion activities: *Provided further*, That up to 1.5 percent
13 of the funds made available under chapter 2 of subpart
14 2 of part A of title IV of the HEA may be used for evalua-
15 tion.

16 HOWARD UNIVERSITY

17 For partial support of Howard University,
18 \$219,500,000, of which not less than \$3,350,000 shall be
19 for a matching endowment grant pursuant to the Howard
20 University Endowment Act and shall remain available
21 until expended.

1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
2 PROGRAM

3 For Federal administrative expenses to carry out ac-
4 tivities related to existing facility loans pursuant to section
5 121 of the HEA, \$435,000.

6 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
7 CAPITAL FINANCING PROGRAM ACCOUNT

8 For the cost of guaranteed loans, \$19,096,000, as au-
9 thorized pursuant to part D of title III of the HEA, which
10 shall remain available through September 30, 2017: *Pro-*
11 *vided*, That such costs, including the cost of modifying
12 such loans, shall be as defined in section 502 of the Con-
13 gressional Budget Act of 1974: *Provided further*, That
14 these funds are available to subsidize total loan principal,
15 any part of which is to be guaranteed, not to exceed
16 \$303,593,000: *Provided further*, That these funds may be
17 used to support loans to public and private Historically
18 Black Colleges and Universities without regard to the limi-
19 tations within section 344(a) of the HEA.

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

1 INSTITUTE OF EDUCATION SCIENCES

2 For carrying out activities authorized by the Edu-
3 cation Sciences Reform Act of 2002, the National Assess-
4 ment of Educational Progress Authorization Act, section
5 208 of the Educational Technical Assistance Act of 2002,
6 and section 664 of the Individuals with Disabilities Edu-
7 cation Act, \$562,978,000, which shall remain available
8 through September 30, 2017: *Provided*, That funds avail-
9 able to carry out section 208 of the Educational Technical
10 Assistance Act may be used to link Statewide elementary
11 and secondary data systems with early childhood, postsec-
12 ondary, and workforce data systems, or to further develop
13 such systems: *Provided further*, That up to \$6,000,000 of
14 the funds available to carry out section 208 of the Edu-
15 cational Technical Assistance Act may be used for awards
16 to public or private organizations or agencies to support
17 activities to improve data coordination, quality, and use
18 at the local, State, and national levels: *Provided further*,
19 That \$137,235,000 shall be for carrying out activities au-
20 thorized by the National Assessment of Educational
21 Progress Authorization Act.

22 DEPARTMENTAL MANAGEMENT

23 PROGRAM ADMINISTRATION

24 For carrying out, to the extent not otherwise pro-
25 vided, the Department of Education Organization Act, in-

1 cluding rental of conference rooms in the District of Co-
 2 lumbia and hire of three passenger motor vehicles,
 3 \$391,326,000, of which up to \$1,000,000, to remain avail-
 4 able until expended, shall be for relocation of, and renova-
 5 tion of buildings occupied by, Department staff.

6 OFFICE FOR CIVIL RIGHTS

7 For expenses necessary for the Office for Civil
 8 Rights, as authorized by section 203 of the Department
 9 of Education Organization Act, \$100,000,000.

10 OFFICE OF INSPECTOR GENERAL

11 For expenses necessary for the Office of Inspector
 12 General, as authorized by section 212 of the Department
 13 of Education Organization Act, \$57,791,000.

14 GENERAL PROVISIONS

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

23 SEC. 302. None of the funds contained in this Act
 24 shall be used to require, directly or indirectly, the trans-
 25 portation of any student to a school other than the school

1 which is nearest the student's home, except for a student
 2 requiring special education, to the school offering such
 3 special education, in order to comply with title VI of the
 4 Civil Rights Act of 1964. For the purpose of this section
 5 an indirect requirement of transportation of students in-
 6 cludes the transportation of students to carry out a plan
 7 involving the reorganization of the grade structure of
 8 schools, the pairing of schools, or the clustering of schools,
 9 or any combination of grade restructuring, pairing, or
 10 clustering. The prohibition described in this section does
 11 not include the establishment of magnet schools.

12 SEC. 303. No funds appropriated in this Act may be
 13 used to prevent the implementation of programs of vol-
 14 untary prayer and meditation in the public schools.

15 (TRANSFER OF FUNDS)

16 SEC. 304. Not to exceed 1 percent of any discre-
 17 tionary funds (pursuant to the Balanced Budget and
 18 Emergency Deficit Control Act of 1985) which are appro-
 19 priated for the Department of Education in this Act may
 20 be transferred between appropriations, but no such appro-
 21 priation shall be increased by more than 3 percent by any
 22 such transfer: *Provided*, That the transfer authority
 23 granted by this section shall not be used to create any
 24 new program or to fund any project or activity for which
 25 no funds are provided in this Act: *Provided further*, That

1 the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate are notified at least 15 days
3 in advance of any transfer.

4 SEC. 305. The Outlying Areas may consolidate funds
5 received under this Act, pursuant to 48 U.S.C. 1469a,
6 under part A of title V of the ESEA.

7 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
8 of Free Association Amendments Act of 2003 (48 U.S.C.
9 1921d(f)(1)(B)(ix)) shall be applied by substituting
10 “2016” for “2009”.

11 SEC. 307. The Secretary, in consultation with the Di-
12 rector of the Institute of Education Sciences, may reserve
13 funds under section 9601 of the ESEA (subject to the lim-
14 itations in subsections (b) and (c) of that section) in order
15 to carry out activities authorized under paragraphs (1)
16 and (2) of subsection (a) of that section with respect to
17 any ESEA program funded in this Act and without re-
18 spect to the source of funds for those activities: *Provided*,
19 That high-quality evaluations of ESEA programs shall be
20 prioritized, before using funds for any other evaluation ac-
21 tivities: *Provided further*, That any funds reserved under
22 this section shall be available from July 1, 2016 through
23 September 30, 2017: *Provided further*, That not later than
24 10 days prior to the initial obligation of funds reserved
25 under this section, the Secretary, in consultation with the

1 Director, shall submit an evaluation plan to the Senate
 2 Committees on Appropriations and Health, Education,
 3 Labor, and Pensions and the House Committees on Ap-
 4 propriations and Education and the Workforce which
 5 identifies the source and amount of funds reserved under
 6 this section, the impact on program grantees if funds are
 7 withheld, the programs to be evaluated with such funds,
 8 how ESEA programs will be regularly evaluated, and how
 9 findings from evaluations completed under this section will
 10 be widely disseminated.

11 SEC. 308. (a) An institution of higher education that
 12 maintains an endowment fund supported with funds ap-
 13 propriated for title III or V of the HEA for fiscal year
 14 2016 or any prior fiscal year may use the income from
 15 that fund to award scholarships to students, subject to the
 16 limitation in section 331(c)(3)(B)(i) of the HEA. The use
 17 of such income for such purposes, prior to the enactment
 18 of this Act, shall be considered to have been an allowable
 19 use of that income, subject to that limitation.

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

22 (RESCISSION)

23 SEC. 309. Of the unobligated balances available from
 24 Public Law 113–235 under the heading “Student Finan-

1 cial Assistance” for carrying out subpart 1 of part A of
 2 title IV of the HEA, \$300,000,000 are hereby rescinded.

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

5 (1) implement, administer, or enforce sections
 6 600.10(c), 600.20(d), 668.6 and 668.7 of title 34,
 7 Code of Federal Regulations (relating to gainful em-
 8 ployment) as added or amended by the final regula-
 9 tions published by the Department of Education on
 10 October 31, 2014 (79 Fed. Reg. 64889 et seq.), or
 11 promulgate any new regulation with respect to the
 12 definition or application of the term “gainful em-
 13 ployment” in the Higher Education Act of 1965;

14 (2) implement, administer, or enforce sections
 15 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or
 16 668.43(b) of title 34, Code of Federal Regulations
 17 (relating to state authorization), as added or amend-
 18 ed by the final regulations published by the Depart-
 19 ment of Education in the Federal Register on Octo-
 20 ber 29, 2010 (75 Fed. Reg. 66832 et seq.) or pro-
 21 mulgate any new regulation with respect to the
 22 State authorization for institutions of higher edu-
 23 cation to operate within a State;

24 (3) implement, administer, or enforce the defi-
 25 nition of the term “credit hour” in section 600.2 of

1 title 34, Code of Federal Regulations, as added by
2 the final regulations published by the Department of
3 Education in the Federal Register on October 29,
4 2010 (75 Fed. Reg. 66946) and clauses (i)(A), (ii),
5 and (iii) of subsection (k)(2) of section 668.8 of
6 such title, as amended by such final regulations (75
7 Fed. Reg. 66949 et seq.), or promulgate any new
8 regulation with respect to the definition of the term
9 “credit hour” for any purpose under the Higher
10 Education Act;

11 (4) carry out, develop, refine, promulgate, pub-
12 lish, implement, administer, or enforce a postsec-
13 ondary institution ratings system or any other per-
14 formance system to rate institutions of higher edu-
15 cation (as defined in section 102 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1002); or

17 (5) promulgate, implement, administer, or en-
18 force the proposed rule establishing a teacher prepa-
19 ration program accountability system as published
20 by the Department of Education in the Federal Reg-
21 ister on December 3, 2014 (79 Fed. Reg. 71819 et
22 seq.), or any new regulation with respect to a teach-
23 er preparation program accountability system:

24 *Provided*, That this section shall no longer apply upon en-
25 actment of a law that extends by not less than 2 fiscal

1 years the authorization or duration of one or more pro-
2 grams under the Higher Education Act of 1965.

3 SEC. 311. None of the funds in this Act may be used
4 to (including as a condition of any waiver provided under
5 section 9401 of the ESEA)—

6 (1) mandate, direct, or control a State, local
7 educational agency, or school's curriculum, program
8 of instruction, instructional content, specific aca-
9 demic standards or assessments;

10 (2) incentivize a State, local educational agency,
11 or school to adopt any specific instructional content,
12 academic standards, academic assessments, cur-
13 riculum, or program of instruction, including by pro-
14 viding any priority, preference, or special consider-
15 ation during the application process for any grant,
16 contract, or cooperative agreement that is based on
17 the adoption of any specific instructional content,
18 academic standards, academic assessments, cur-
19 riculum, or program of instruction; or

20 (3) make financial support available in a man-
21 ner that is conditioned upon a State, local edu-
22 cational agency, or school's adoption of any specific
23 instructional content, academic standards, academic
24 assessments, curriculum, or program of instruction
25 (such as the Common Core State Standards devel-

1 oped under the Common Core State Standards Ini-
 2 tiative, any other standards common to a significant
 3 number of States, or any specific assessment, in-
 4 structional content, or curriculum aligned to such
 5 standards).

6 SEC. 312. CAREER PATHWAYS PROGRAMS.—

7 (1) Subsection (d) of section 484 of the HEA
 8 is amended by replacing (d)(2) with the following:

9 “(2) ELIGIBLE CAREER PATHWAY PROGRAM.—

10 In this subsection, the term ‘eligible career pathway
 11 program’ means a program that combines rigorous
 12 and high-quality education, training, and other serv-
 13 ices that—

14 “(A) aligns with the skill needs of indus-
 15 tries in the economy of the State or regional
 16 economy involved;

17 “(B) prepares an individual to be success-
 18 ful in any of a full range of secondary or post-
 19 secondary education options, including appren-
 20 ticeships registered under the Act of August 16,
 21 1937 (commonly known as the ‘National Ap-
 22 prenticeship Act’; 50 Stat. 664, chapter 663; 29
 23 U.S.C. 50 et seq.) (referred to individually in
 24 this Act as an ‘apprenticeship’, except in sec-
 25 tion 171);

1 “(C) includes counseling to support an in-
2 dividual in achieving the individual’s education
3 and career goals;

4 “(D) includes, as appropriate, education
5 offered concurrently with and in the same con-
6 text as workforce preparation activities and
7 training for a specific occupation or occupa-
8 tional cluster;

9 “(E) organizes education, training, and
10 other services to meet the particular needs of
11 an individual in a manner that accelerates the
12 educational and career advancement of the indi-
13 vidual to the extent practicable;

14 “(F) enables an individual to attain a sec-
15 ondary school diploma or its recognized equiva-
16 lent, and at least 1 recognized postsecondary
17 credential; and

18 “(G) helps an individual enter or advance
19 within a specific occupation or occupational
20 cluster.”.

21 (2) Subsection (b) of section 401 of the HEA
22 is amended by striking the addition to (b)(2)(A)(ii)
23 made by subsection 309(b) of division G of Public
24 Law 113–235.

1 This title may be cited as the “Department of Edu-
2 cation Appropriations Act, 2016”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES
6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established by Public Law 92–28, \$5,362,000.
9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES
11 For necessary expenses for the Corporation for Na-
12 tional and Community Service (referred to in this title as
13 “CNCS”) to carry out the Domestic Volunteer Service Act
14 of 1973 (referred to in this title as “1973 Act”) and the
15 National and Community Service Act of 1990 (referred
16 to in this title as “1990 Act”), \$614,075,000, notwith-
17 standing sections 198B(b)(3), 198S(g), 501(a)(6),
18 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Pro-*
19 *vided*, That of the amounts provided under this heading:
20 (1) up to 1 percent of program grant funds may be used
21 to defray the costs of conducting grant application re-
22 views, including the use of outside peer reviewers and elec-
23 tronic management of the grants cycle; (2) \$16,038,000
24 shall be available to provide assistance to State commis-
25 sions on national and community service, under section

1 126(a) of the 1990 Act and notwithstanding section
 2 501(a)(5)(B) of the 1990 Act; (3) \$30,000,000 shall be
 3 available to carry out subtitle E of the 1990 Act; and (4)
 4 \$3,800,000 shall be available for expenses authorized
 5 under section 501(a)(4)(F) of the 1990 Act, which, not-
 6 withstanding the provisions of section 198P shall be
 7 awarded by CNCS on a competitive basis: *Provided fur-*
 8 *ther*, That for the purposes of carrying out the 1990 Act,
 9 satisfying the requirements in section 122(c)(1)(D) may
 10 include a determination of need by the local community.

11 PAYMENT TO THE NATIONAL SERVICE TRUST

12 (INCLUDING TRANSFER OF FUNDS)

13 For payment to the National Service Trust estab-
 14 lished under subtitle D of title I of the 1990 Act,
 15 \$145,000,000, to remain available until expended: *Pro-*
 16 *vided*, That CNCS may transfer additional funds from the
 17 amount provided within “Operating Expenses” allocated
 18 to grants under subtitle C of title I of the 1990 Act to
 19 the National Service Trust upon determination that such
 20 transfer is necessary to support the activities of national
 21 service participants and after notice is transmitted to the
 22 Committees on Appropriations of the House of Represent-
 23 atives and the Senate: *Provided further*, That amounts ap-
 24 propriated for or transferred to the National Service Trust
 25 may be invested under section 145(b) of the 1990 Act

1 without regard to the requirement to apportion funds
2 under 31 U.S.C. 1513(b).

3 SALARIES AND EXPENSES

4 For necessary expenses of administration as provided
5 under section 501(a)(5) of the 1990 Act and under section
6 504(a) of the 1973 Act, including payment of salaries, au-
7 thorized travel, hire of passenger motor vehicles, the rental
8 of conference rooms in the District of Columbia, the em-
9 ployment of experts and consultants authorized under 5
10 U.S.C. 3109, and not to exceed \$2,500 for official recep-
11 tion and representation expenses, \$80,000,000.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the Inspector General Act of 1978,
15 \$5,250,000.

16 ADMINISTRATIVE PROVISIONS

17 SEC. 401. CNCS shall make any significant changes
18 to program requirements, service delivery or policy only
19 through public notice and comment rulemaking. For fiscal
20 year 2016, during any grant selection process, an officer
21 or employee of CNCS shall not knowingly disclose any cov-
22 ered grant selection information regarding such selection,
23 directly or indirectly, to any person other than an officer
24 or employee of CNCS that is authorized by CNCS to re-
25 ceive such information.

1 SEC. 402. AmeriCorps programs receiving grants
2 under the National Service Trust program shall meet an
3 overall minimum share requirement of 24 percent for the
4 first 3 years that they receive AmeriCorps funding, and
5 thereafter shall meet the overall minimum share require-
6 ment as provided in section 2521.60 of title 45, Code of
7 Federal Regulations, without regard to the operating costs
8 match requirement in section 121(e) or the member sup-
9 port Federal share limitations in section 140 of the 1990
10 Act, and subject to partial waiver consistent with section
11 2521.70 of title 45, Code of Federal Regulations.

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

18 SEC. 404. In addition to the requirements in section
19 146(a) of the 1990 Act, use of an educational award for
20 the purpose described in section 148(a)(4) shall be limited
21 to individuals who are veterans as defined under section
22 101 of the Act.

23 SEC. 405. For the purpose of carrying out section
24 189D of the 1990 Act—

1 (1) entities described in paragraph (a) of such
 2 section shall be considered “qualified entities” under
 3 section 3 of the National Child Protection Act of
 4 1993 (“NCPA”); and

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

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

13 CORPORATION FOR PUBLIC BROADCASTING

14 For payment to the Corporation for Public Broad-
 15 casting (“CPB”), as authorized by the Communications
 16 Act of 1934, an amount which shall be available within
 17 limitations specified by that Act, for the fiscal year 2018,
 18 \$445,000,000: *Provided*, That none of the funds made
 19 available to CPB by this Act shall be used to pay for re-
 20 ceptions, parties, or similar forms of entertainment for
 21 Government officials or employees: *Provided further*, That
 22 none of the funds made available to CPB by this Act shall
 23 be available or used to aid or support any program or ac-
 24 tivity from which any person is excluded, or is denied ben-
 25 efits, or is discriminated against, on the basis of race,

1 color, national origin, religion, or sex: *Provided further*,
2 That none of the funds made available to CPB by this
3 Act shall be used to apply any political test or qualification
4 in selecting, appointing, promoting, or taking any other
5 personnel action with respect to officers, agents, and em-
6 ployees of CPB: *Provided further*, That none of the funds
7 made available to CPB by this Act shall be used to support
8 the Television Future Fund or any similar purpose: *Pro-*
9 *vided further*, That notwithstanding any other provision
10 of law, from amounts appropriated under the Consolidated
11 Appropriations Act, 2014 (Public Law 113–76) for the
12 Corporation for Public Broadcasting for fiscal year 2016,
13 not to exceed \$40,000,000 may be available for allocation
14 to provide funding for the first phase of the multi-year
15 project to replace and upgrade the public television inter-
16 connection system without altering the percentages of
17 funds made available for allocation pursuant to subclause
18 (II) of section 396(k)(3)(A)(i) of the Communications Act
19 of 1934 (47 U.S.C. 396(k)(3)(A)(i)) from the total of such
20 amounts and without altering the percentages of funds
21 made available for allocation pursuant to subclause (I),
22 subclause (III) and subclause (IV) of that section of that
23 Act from any remaining amounts.

1 FEDERAL MEDIATION AND CONCILIATION SERVICE

2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Mediation
4 and Conciliation Service (“Service”) to carry out the func-
5 tions vested in it by the Labor-Management Relations Act,
6 1947, including hire of passenger motor vehicles; for ex-
7 penses necessary for the Labor-Management Cooperation
8 Act of 1978; and for expenses necessary for the Service
9 to carry out the functions vested in it by the Civil Service
10 Reform Act, \$47,823,000, including up to \$400,000 to re-
11 main available through September 30, 2017, for activities
12 authorized by the Labor-Management Cooperation Act of
13 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
14 fees charged, up to full-cost recovery, for special training
15 activities and other conflict resolution services and tech-
16 nical assistance, including those provided to foreign gov-
17 ernments and international organizations, and for arbitra-
18 tion services shall be credited to and merged with this ac-
19 count, and shall remain available until expended: *Provided*
20 *further*, That fees for arbitration services shall be available
21 only for education, training, and professional development
22 of the agency workforce: *Provided further*, That the Direc-
23 tor of the Service is authorized to accept and use on behalf
24 of the United States gifts of services and real, personal,

1 or other property in the aid of any projects or functions
2 within the Director's jurisdiction.

3 FEDERAL MINE SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

6 For expenses necessary for the Federal Mine Safety
7 and Health Review Commission, \$15,950,000.

8 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

9 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

10 AND ADMINISTRATION

11 For carrying out the Museum and Library Services
12 Act of 1996 and the National Museum of African Amer-
13 ican History and Culture Act, \$227,860,000.

14 MEDICAID AND CHIP PAYMENT AND ACCESS

15 COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary to carry out section 1900 of
18 the Social Security Act, \$7,250,000.

19 MEDICARE PAYMENT ADVISORY COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary to carry out section 1805 of
22 the Social Security Act, \$11,100,000, to be transferred to
23 this appropriation from the Federal Hospital Insurance
24 Trust Fund and the Federal Supplementary Medical In-
25 surance Trust Fund.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, \$3,075,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, and other laws,
11 \$246,802,000: *Provided*, That no part of this appropria-
12 tion shall be available to organize or assist in organizing
13 agricultural laborers or used in connection with investiga-
14 tions, hearings, directives, or orders concerning bargaining
15 units composed of agricultural laborers as referred to in
16 section 2(3) of the Act of July 5, 1935, and as amended
17 by the Labor-Management Relations Act, 1947, and as de-
18 fined in section 3(f) of the Act of June 25, 1938, and
19 including in said definition employees engaged in the
20 maintenance and operation of ditches, canals, reservoirs,
21 and waterways when maintained or operated on a mutual,
22 nonprofit basis and at least 95 percent of the water stored
23 or supplied thereby is used for farming purposes.

1 ADMINISTRATIVE PROVISION

2 SEC. 406. None of the funds provided by this Act
3 or previous Acts making appropriations for the National
4 Labor Relations Board may be used to issue any new ad-
5 ministrative directive or regulation that would provide em-
6 ployees any means of voting through any electronic means
7 in an election to determine a representative for the pur-
8 poses of collective bargaining.

9 SEC. 407. None of the funds made available by this
10 Act may be used to implement or enforce any rule amend-
11 ing parts 101, 102, and 103 of title 29, Code of Federal
12 Regulations (relating to the filing and processing of peti-
13 tions pursuant to the representation of employees for the
14 purposes of collective bargaining with their employer), in-
15 cluding the final rule published by the National Labor Re-
16 lations Board in the Federal Register on December 15,
17 2014 (79 Fed. Reg. 74308).

18 SEC. 408. None of the funds in this or any other Act
19 making appropriations for the National Labor Relations
20 Board or any other Federal Agencies shall be used to in-
21 vestigate, issue, enforce or litigate any administrative di-
22 rective, regulation, representation issue or unfair labor
23 practice proceeding or any other administrative complaint,
24 charge, claim or proceeding that would change the inter-
25 pretation or application of a standard to determine wheth-

1 er entities are “joint employers” in effect as of January
2 1, 2014. As established in *TLI, Inc.* 271 NLRB 798
3 (1984) enforced 772 F.2d 894 (3d Cir. 1985), *Airborne*
4 *Express*, 338 NLRB 597 (2002), and *The Southland Cor-*
5 *poration dba Speedee 7-Eleven*, 170 NLRB 1332 (1968),
6 a “joint employer” under the National Labor Relations
7 Act as of January 1, 2014 is defined as two or more sepa-
8 rate and independent business entities where one entity
9 directly and immediately controls the essential terms and
10 conditions of employment of the other entity’s employees,
11 including hiring, firing, discipline, supervision and direc-
12 tion.

13 SEC. 409. None of the funds in this Act may be used
14 to implement, create, apply or enforce through prosecu-
15 tion, adjudication, rulemaking, or the issuing of any inter-
16 pretation, opinion, certification, decision or policy, any
17 standard for initial bargaining unit determinations that
18 conflicts with the standard articulated in the majority
19 opinion in *Wheeling Island Gaming Inc. and United Food*
20 *and Commercial Workers International Union, Local 23,*
21 *355 NLRB 127* (August 27, 2010) (including but not lim-
22 ited to the majority opinion in footnote 2), except for unit
23 determinations currently governed by NLRB rule section
24 103.30 for employers currently covered by such rules. Fur-
25 ther, no funds in this Act shall be used to implement, cre-

1 ate, apply or enforce through prosecution, adjudication,
 2 rulemaking, or the issuing of any interpretation, opinion,
 3 certification, decision or policy, any standard for initial
 4 bargaining unit determinations that utilize the over-
 5 whelming community of interest test except in accretion
 6 cases.

7 NATIONAL MEDIATION BOARD

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out the provisions
 10 of the Railway Labor Act, including emergency boards ap-
 11 pointed by the President, \$12,600,000.

12 OCCUPATIONAL SAFETY AND HEALTH REVIEW

13 COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary for the Occupational Safety
 16 and Health Review Commission, \$11,100,000.

17 RAILROAD RETIREMENT BOARD

18 DUAL BENEFITS PAYMENTS ACCOUNT

19 For payment to the Dual Benefits Payments Ac-
 20 count, authorized under section 15(d) of the Railroad Re-
 21 tirement Act of 1974, \$29,000,000, which shall include
 22 amounts becoming available in fiscal year 2016 pursuant
 23 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
 24 tion, an amount, not to exceed 2 percent of the amount
 25 provided herein, shall be available proportional to the

1 amount by which the product of recipients and the average
2 benefit received exceeds the amount available for payment
3 of vested dual benefits: *Provided*, That the total amount
4 provided herein shall be credited in 12 approximately
5 equal amounts on the first day of each month in the fiscal
6 year.

7 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

8 ACCOUNTS

9 For payment to the accounts established in the
10 Treasury for the payment of benefits under the Railroad
11 Retirement Act for interest earned on unnegotiated
12 checks, \$150,000, to remain available through September
13 30, 2017, which shall be the maximum amount available
14 for payment pursuant to section 417 of Public Law 98–
15 76.

16 LIMITATION ON ADMINISTRATION

17 For necessary expenses for the Railroad Retirement
18 Board (“Board”) for administration of the Railroad Re-
19 tirement Act and the Railroad Unemployment Insurance
20 Act, \$111,225,000, to be derived in such amounts as de-
21 termined by the Board from the railroad retirement ac-
22 counts and from moneys credited to the railroad unem-
23 ployment insurance administration fund: *Provided*, That
24 notwithstanding section 7(b)(9) of the Railroad Retire-
25 ment Act this limitation may be used to hire attorneys

1 only through the excepted service: *Provided further*, That
 2 the previous proviso shall not change the status under
 3 Federal employment laws of any attorney hired by the
 4 Railroad Retirement Board prior to January 1, 2013.

5 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

6 For expenses necessary for the Office of Inspector
 7 General for audit, investigatory and review activities, as
 8 authorized by the Inspector General Act of 1978, not more
 9 than \$8,437,000, to be derived from the railroad retire-
 10 ment accounts and railroad unemployment insurance ac-
 11 count.

12 SOCIAL SECURITY ADMINISTRATION

13 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

14 For payment to the Federal Old-Age and Survivors
 15 Insurance Trust Fund and the Federal Disability Insur-
 16 ance Trust Fund, as provided under sections 201(m),
 17 217(g), 228(g), and 1131(b)(2) of the Social Security Act,
 18 \$20,400,000.

19 SUPPLEMENTAL SECURITY INCOME PROGRAM

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

1 \$46,110,777,000, to remain available until expended: *Pro-*
 2 *vided*, That any portion of the funds provided to a State
 3 in the current fiscal year and not obligated by the State
 4 during that year shall be returned to the Treasury: *Pro-*
 5 *vided further*, That not more than \$101,000,000 shall be
 6 available for research and demonstrations under sections
 7 1110, 1115, and 1144 of the Social Security Act, and re-
 8 main available through September 30, 2018.

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

13 For making benefit payments under title XVI of the
 14 Social Security Act for the first quarter of fiscal year
 15 2017, \$14,500,000,000, to remain available until ex-
 16 pended.

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 For necessary expenses, including the hire of two pas-
 19 senger motor vehicles, and not to exceed \$20,000 for offi-
 20 cial reception and representation expenses, not more than
 21 \$10,044,945,000 may be expended, as authorized by sec-
 22 tion 201(g)(1) of the Social Security Act, from any one
 23 or all of the trust funds referred to in such section: *Pro-*
 24 *vided*, That not less than \$2,300,000 shall be for the So-
 25 cial Security Advisory Board: *Provided further*, That

1 \$11,900,000 may be used for necessary expenses for the
2 planning and design of the renovation and modernization
3 of SSA facilities, to remain available until expended: *Pro-*
4 *vided further*, That unobligated balances of funds provided
5 under this paragraph at the end of fiscal year 2016 not
6 needed for fiscal year 2016 shall remain available until
7 expended to invest in the Social Security Administration
8 information technology and telecommunications hardware
9 and software infrastructure, including related equipment
10 and non-payroll administrative expenses associated solely
11 with this information technology and telecommunications
12 infrastructure: *Provided further*, That the Commissioner
13 of Social Security shall notify the Committees on Appro-
14 priations of the House of Representatives and the Senate
15 prior to making unobligated balances available under the
16 authority in the previous proviso: *Provided further*, That
17 reimbursement to the trust funds under this heading for
18 expenditures for official time for employees of the Social
19 Security Administration pursuant to 5 U.S.C. 7131, and
20 for facilities or support services for labor organizations
21 pursuant to policies, regulations, or procedures referred
22 to in section 7135(b) of such title shall be made by the
23 Secretary of the Treasury, with interest, from amounts in
24 the general fund not otherwise appropriated, as soon as
25 possible after such expenditures are made.

1 In addition, for the costs associated with continuing
2 disability reviews under titles II and XVI of the Social
3 Security Act and for the cost associated with conducting
4 redeterminations of eligibility under title XVI of the Social
5 Security Act, \$1,439,000,000 may be expended, as au-
6 thorized by section 201(g)(1) of the Social Security Act,
7 from any one or all of the trust funds referred to therein:
8 *Provided*, That, of such amount, \$273,000,000 is provided
9 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985, as amended, and \$1,166,000,000 is additional new
12 budget authority specified for purposes of section
13 251(b)(2)(B) of such Act: *Provided further*, That the Com-
14 missioner shall provide to the Congress (at the conclusion
15 of the fiscal year) a report on the obligation and expendi-
16 ture of these funds, similar to the reports that were re-
17 quired by section 103(d)(2) of Public Law 104–121 for
18 fiscal years 1996 through 2002.

19 In addition, \$136,000,000 to be derived from admin-
20 istration fees in excess of \$5.00 per supplementary pay-
21 ment collected pursuant to section 1616(d) of the Social
22 Security Act or section 212(b)(3) of Public Law 93–66,
23 which shall remain available until expended. To the extent
24 that the amounts collected pursuant to such sections in
25 fiscal year 2016 exceed \$136,000,000, the amounts shall

1 be available in fiscal year 2017 only to the extent provided
2 in advance in appropriations Acts.

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

7 OFFICE OF INSPECTOR GENERAL

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$28,829,000, together with not to
12 exceed \$74,521,000, to be transferred and expended as
13 authorized by section 201(g)(1) of the Social Security Act
14 from the Federal Old-Age and Survivors Insurance Trust
15 Fund and the Federal Disability Insurance Trust Fund.

16 In addition, an amount not to exceed 3 percent of
17 the total provided in this appropriation may be transferred
18 from the “Limitation on Administrative Expenses”, Social
19 Security Administration, to be merged with this account,
20 to be available for the time and purposes for which this
21 account is available: *Provided*, That notice of such trans-
22 fers shall be transmitted promptly to the Committees on
23 Appropriations of the House of Representatives and the
24 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 publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regu-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2016, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

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

1 (4) relocates an office or employees;
2 (5) reorganizes or renames offices;
3 (6) reorganizes programs or activities; or
4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;
6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are consulted 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier, and are notified in writing 10 days in advance
11 of such reprogramming.

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2016, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

21 (1) augments existing programs, projects (in-
22 cluding construction projects), or activities;
23 (2) reduces by 10 percent funding for any exist-
24 ing program, project, or activity, or numbers of per-
25 sonnel by 10 percent as approved by Congress; or

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress;

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

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

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

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2016 that are different than those specified

1 in this Act, the accompanying detailed table in the report
2 accompanying this Act, or the fiscal year 2016 budget re-
3 quest.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000 in value and awarded by the
10 Department on a non-competitive basis during each quar-
11 ter of fiscal year 2016, but not to include grants awarded
12 on a formula basis or directed by law. Such report shall
13 include the name of the contractor or grantee, the amount
14 of funding, the governmental purpose, including a jus-
15 tification for issuing the award on a non-competitive basis.
16 Such report shall be transmitted to the Committees within
17 30 days after the end of the quarter for which the report
18 is submitted.

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

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

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

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

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

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

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

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

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

- 21 (1) the operating divisions of HHS shall be con-
22 sidered independent agencies; and
23 (2) attendance at and support for scientific con-
24 ferences shall be tabulated separately from and not
25 included in agency totals.

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

11 SEC. 525. (a) Federal agencies may use Federal dis-
12 cretionary funds that are made available in this Act to
13 carry out up to 10 Performance Partnership Pilots. Such
14 Pilots shall—

15 (1) be designed to improve outcomes for discon-
16 nected youth;

17 (2) include communities that have recently ex-
18 perience civil unrest; and

19 (3) involve Federal programs targeted on dis-
20 connected youth, or designed to prevent youth from
21 disconnecting from school or work, that provide edu-
22 cation, training, employment, and other related so-
23 cial services. Such Pilots shall be governed by the
24 provisions of section 526 of division H of Public
25 Law 113–76, except that in carrying out such Pilots

1 section 526 shall be applied by substituting “FISCAL
2 YEAR 2016” for “FISCAL YEAR 2014” in the title
3 of subsection (b) and by substituting “September
4 30, 2020” for “September 30, 2018” each place it
5 appears.

6 (b) In addition, Federal agencies may use Federal
7 discretionary funds that are made available in this Act to
8 participate in Performance Partnership Pilots that are
9 being carried out pursuant to the authority provided by
10 section 526 of division H of Public Law 113–76, and sec-
11 tion 524 of division G of Public Law 113–235: *Provided*,
12 That new pilots that are being carried out with discre-
13 tionary funds made available in division G of Public Law
14 113–25 shall include communities that have recently expe-
15 rienced civil unrest.

16 SEC. 526. Not later than 30 days after the end of
17 each calendar quarter, beginning with the first quarter of
18 fiscal year 2013, the Departments of Labor, Health and
19 Human Services and Education and the Social Security
20 Administration shall provide the Committees on Appro-
21 priations of the House of Representatives and Senate a
22 quarterly report on the status of balances of appropria-
23 tions: *Provided*, That for balances that are unobligated
24 and uncommitted, committed, and obligated but unex-
25 pended, the quarterly reports shall separately identify the

1 amounts attributable to each source year of appropriation
2 (beginning with fiscal year 2012, or, to the extent feasible,
3 earlier fiscal years) from which balances were derived.

4 SEC. 527. Section 2812(d)(2) of the Public Health
5 Service Act (42 U.S.C. 300hh–11(d)(2)) is amended—

6 (1) by redesignating the three sentences as sub-
7 paragraphs (A), (B), and (C), respectively, and in-
8 denting accordingly;

9 (2) in subparagraph (A), as so redesignated, by
10 striking “An” and inserting “IN GENERAL.—An”;

11 (3) in subparagraph (B), as so redesignated, by
12 striking “With” and inserting “APPLICATION TO
13 TRAINING PROGRAMS.—With”;

14 (4) in subparagraph (C), as so redesignated, by
15 striking “In” and inserting “RESPONSIBILITY OF
16 LABOR SECRETARY.—In”; and

17 (5) by adding at the end the following new sub-
18 paragraphs:

19 “(D) COMPUTATION OF PAY.—In the event
20 of an injury to such an intermittent disaster re-
21 sponse appointee, the position of the employee
22 shall be deemed to be ‘one which would have af-
23 farded employment for substantially a whole
24 year’, for purposes of section 8114(d)(2) of
25 such title.

1 “(E) CONTINUATION OF PAY.—The weekly
2 pay of such an employee shall be deemed to be
3 the hourly pay in effect on the date of the in-
4 jury multiplied by 40, for purposes of com-
5 puting benefits under section 8118 of such
6 title.”.

7 SEC. 528. None of the funds in this Act may be obli-
8 gated or expended in contravention of 8 U.S.C. 1183a.

9 (RESCISSION)

10 SEC. 529. Of the funds made available for fiscal year
11 2016 under section 3403 of Public Law 111-148,
12 \$15,000,000 are hereby rescinded.

13 (RESCISSION)

14 SEC. 530. Of the funds made available for the Con-
15 sumer Operated and Oriented Plans under section 1322
16 of the Patient Protection and Affordable Care Act (42
17 U.S.C. 18042), \$18,000,000 are hereby rescinded.

18 (RESCISSION)

SEC. 531. Amounts deposited or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

1 (RESCISSION)

2 SEC. 532. Of any available amounts appropriated
3 under section 108 of Public Law 111–3, as amended,
4 \$3,970,478,000 are hereby rescinded.

5 (RESCISSION)

6 SEC. 533. Of the unobligated balances available from
7 the Community Health Center Fund in prior fiscal years,
8 \$190,000,000 are hereby rescinded.

9 This Act may be cited as the “Departments of Labor,
10 Health and Human Services, and Education, and Related
11 Agencies Appropriations Act, 2016”.

Calendar No. 137

114TH CONGRESS
1ST Session

S. 1695

[Report No. 114-74]

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, 2016, and for other purposes.

JUNE 25, 2015

Read twice and placed on the calendar