

[FULL COMMITTEE PRINT]

Union Calendar No. _____

115TH CONGRESS
2^D SESSION

H. R. _____

[Report No. 115-____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2018

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 2019, and for other purposes, namely:

8 TITLE I

9 DEPARTMENT OF LABOR

10 EMPLOYMENT AND TRAINING ADMINISTRATION

11 TRAINING AND EMPLOYMENT SERVICES

12 For necessary expenses of the Workforce Innovation
13 and Opportunity Act (referred to in this Act as “WIOA”),
14 and the Second Chance Act of 2007, \$3,474,341,000, plus
15 reimbursements, shall be available. Of the amounts pro-
16 vided:

17 (1) for grants to States for adult employment
18 and training activities, youth activities, and dis-
19 located worker employment and training activities,
20 \$2,789,832,000 as follows:

21 (A) \$845,556,000 for adult employment
22 and training activities, of which \$133,556,000
23 shall be available for the period July 1, 2019
24 through June 30, 2020, and of which

1 \$712,000,000 shall be available for the period
2 October 1, 2019 through June 30, 2020;

3 (B) \$903,416,000 for youth activities,
4 which shall be available for the period April 1,
5 2019 through June 30, 2020; and

6 (C) \$1,040,860,000 for dislocated worker
7 employment and training activities, of which
8 \$180,860,000 shall be available for the period
9 July 1, 2019 through June 30, 2020, and of
10 which \$860,000,000 shall be available for the
11 period October 1, 2019 through June 30, 2020:

12 *Provided*, That the funds available for allotment to
13 outlying areas to carry out subtitle B of title I of the
14 WIOA shall not be subject to the requirements of
15 section 127(b)(1)(B)(ii) of such Act: *Provided fur-*
16 *ther*, That section 189(i)(3)(A)(ii) of the WIOA shall
17 be applied in fiscal year 2019 by striking “of sec-

18 tions 8 through 10” and “(29 U.S.C. 49g through
19 49i)”, and by inserting “the colocation of employ-

20 ment service offices with one-stop centers, the des-

21 ignation of a cooperating State agency, the estab-

22 lishment and maintenance of a national system of
23 public employment service offices” after “veterans,”;
24 and

1 (2) for national programs, \$684,509,000 as fol-
2 lows:

3 (A) \$200,000,000 for the dislocated work-
4 ers assistance national reserve, which shall be
5 available through September 30, 2020: *Pro-*
6 *vided*, That funds provided to carry out section
7 132(a)(2)(A) of the WIOA may be used to pro-
8 vide assistance to a State for statewide or local
9 use in order to address cases where there have
10 been worker dislocations across multiple sectors
11 or across multiple local areas and such workers
12 remain dislocated; coordinate the State work-
13 force development plan with emerging economic
14 development needs; and train such eligible dis-
15 located workers: *Provided further*, That funds
16 provided to carry out sections 168(b) and
17 169(c) of the WIOA may be used for technical
18 assistance and demonstration projects, respec-
19 tively, that provide assistance to new entrants
20 in the workforce and incumbent workers: *Pro-*
21 *vided further*, That of the funds provided under
22 this subparagraph, \$30,000,000 shall be for
23 training and employment assistance under sec-
24 tions 168(b), 169(c) (notwithstanding the 10
25 percent limitation in such section) and 170 of

1 the WIOA for workers in counties identified by
2 the most recent United States Census Bureau
3 data available as having poverty rates for all
4 ages above 30 percent;

5 (B) \$55,000,000 for Native American pro-
6 grams under section 166 of the WIOA, which
7 shall be available for the period July 1, 2019
8 through June 30, 2020;

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

1 (D) \$92,534,000 for YouthBuild activities
2 as described in section 171 of the WIOA, which
3 shall be available for the period April 1, 2019
4 through June 30, 2020;

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

16 (F) \$6,000,000 for the Workforce Data
17 Quality Initiative, under the authority of section
18 169 of the WIOA, which shall be available for
19 the period July 1, 2019 through June 30,
20 2020; and

21 (G) \$150,000,000 to expand apprentice-
22 ship opportunities, to be available to the Sec-
23 retary to carry out activities through grants, co-
24 operative agreements, contracts and other ar-
25 rangements, with States and other appropriate

1 entities, which shall be available for the period
2 April 1, 2019 through June 30, 2020.

3 JOB CORPS
4 (INCLUDING TRANSFER OF FUNDS)

5 To carry out subtitle C of title I of the WIOA, includ-
6 ing Federal administrative expenses, the purchase and
7 hire of passenger motor vehicles, the construction, alter-
8 ation, and repairs of buildings and other facilities, and the
9 purchase of real property for training centers as author-
10 ized by the WIOA, \$1,718,655,000, plus reimbursements,
11 as follows:

12 (1) \$1,603,325,000 for Job Corps Operations,
13 which shall be available for the period July 1, 2019
14 through June 30, 2020;

15 (2) \$83,000,000 for construction, rehabilitation
16 and acquisition of Job Corps Centers, which shall be
17 available for the period July 1, 2019 through June
18 30, 2022, and which may include the acquisition,
19 maintenance, and repair of major items of equip-
20 ment: *Provided*, That the Secretary may transfer up
21 to 15 percent of such funds to meet the operational
22 needs of such centers or to achieve administrative ef-
23 ficiencies: *Provided further*, That any funds trans-
24 ferred pursuant to the preceding provision shall not
25 be available for obligation after June 30, 2020: *Pro-*

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

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

9 *Provided*, That no funds from any other appropriation
10 shall be used to provide meal services at or for Job Corps
11 centers: *Provided further*, That notwithstanding section
12 144(a)(1) of the WIOA, the Secretary may prioritize the
13 enrollment of applicants who are at least 20 years old into
14 the Job Corps program.

15 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

16 AMERICANS

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

22 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

23 For payments during fiscal year 2019 of trade ad-
24 justment benefit payments and allowances under part I
25 of subchapter B of chapter 2 of title II of the Trade Act

1 of 1974, and section 246 of that Act; and for training,
2 employment and case management services, allowances for
3 job search and relocation, and related State administrative
4 expenses under part II of subchapter B of chapter 2 of
5 title II of the Trade Act of 1974, and including benefit
6 payments, allowances, training, employment and case
7 management services, and related State administration
8 provided pursuant to section 231(a) of the Trade Adjust-
9 ment Assistance Extension Act of 2011 and section 405(a)
10 of the Trade Preferences Extension Act of 2015,
11 \$790,000,000 together with such amounts as may be nec-
12 essary to be charged to the subsequent appropriation for
13 payments for any period subsequent to September 15,
14 2019: *Provided*, That notwithstanding section 502 of this
15 Act, any part of the appropriation provided under this
16 heading may remain available for obligation beyond the
17 current fiscal year pursuant to the authorities of section
18 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

19 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
20 SERVICE OPERATIONS

21 For authorized administrative expenses,
22 \$84,066,000, together with not to exceed \$3,176,216,000
23 which may be expended from the Employment Security
24 Administration Account in the Unemployment Trust Fund
25 (“the Trust Fund”), of which:

1 (1) \$2,515,816,000 from the Trust Fund is for
2 grants to States for the administration of State un-
3 employment insurance laws as authorized under title
4 III of the Social Security Act (including not less
5 than \$150,000,000 to conduct in-person reemploy-
6 ment and eligibility assessments and unemployment
7 insurance improper payment reviews, and to provide
8 reemployment services and referrals to training as
9 appropriate, for claimants of unemployment insur-
10 ance for ex-service members under 5 U.S.C. 8521 et.
11 seq. and for claimants of regular unemployment
12 compensation, including those who are profiled as
13 most likely to exhaust their benefits in each State:
14 *Provided*, That of the amount provided under this
15 heading, \$117,000,000 is provided to meet the terms
16 of section 251(b)(2)(E)(ii) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985, as
18 amended, and \$33,000,000 is additional new budget
19 authority specified for purposes of section
20 251(b)(2)(E) of such Act; and \$9,000,000 for con-
21 tinued support of the Unemployment Insurance In-
22 tegrity Center of Excellence), the administration of
23 unemployment insurance for Federal employees and
24 for ex-service members as authorized under 5 U.S.C.
25 8501–8523, and the administration of trade read-

1 justment allowances, reemployment trade adjustment
2 assistance, and alternative trade adjustment assist-
3 ance under the Trade Act of 1974 and under section
4 231(a) of the Trade Adjustment Assistance Exten-
5 sion Act of 2011 and section 405(a) of the Trade
6 Preferences Extension Act of 2015, and shall be
7 available for obligation by the States through De-
8 cember 31, 2019, except that funds used for auto-
9 mation shall be available for Federal obligation
10 through December 31, 2019, and for State obliga-
11 tion through September 30, 2021, or, if the automa-
12 tion is being carried out through consortia of States,
13 for State obligation through September 30, 2024,
14 and for expenditure through September 30, 2025,
15 and funds for competitive grants awarded to States
16 for improved operations and to conduct in-person re-
17 employment and eligibility assessments and unem-
18 ployment insurance improper payment reviews and
19 provide reemployment services and referrals to train-
20 ing, as appropriate, shall be available for Federal ob-
21 ligation through December 31, 2019, and for obliga-
22 tion by the States through September 30, 2021, and
23 funds for the Unemployment Insurance Integrity
24 Center of Excellence shall be available for obligation
25 by the State through September 30, 2020, and

1 funds used for unemployment insurance workloads
2 experienced through September 30, 2019 shall be
3 available for Federal obligation through December
4 31, 2019;

5 (2) \$13,897,000 from the Trust Fund is for na-
6 tional activities necessary to support the administra-
7 tion of the Federal-State unemployment insurance
8 system;

9 (3) \$564,375,000 from the Trust Fund, to-
10 gether with \$21,413,000 from the General Fund of
11 the Treasury, is for grants to States in accordance
12 with section 6 of the Wagner-Peyser Act, and shall
13 be available for Federal obligation for the period
14 July 1, 2019 through June 30, 2020: *Provided*, That
15 notwithstanding the funding allocation in section 7
16 of the Wagner-Peyser Act, States may use up to 100
17 percent of the funds allotted to the State under sec-
18 tion 6 of such Act to carry out the activities de-
19 scribed in section 7(a) of such Act;

20 (4) \$19,818,000 from the Trust Fund is for na-
21 tional activities of the Employment Service, includ-
22 ing administration of the work opportunity tax cred-
23 it under section 51 of the Internal Revenue Code of
24 1986, and the provision of technical assistance and
25 staff training under the Wagner-Peyser Act;

1 (5) \$62,310,000 from the Trust Fund is for the
2 administration of foreign labor certifications and re-
3 lated activities under the Immigration and Nation-
4 ality Act and related laws, of which \$48,028,000
5 shall be available for the Federal administration of
6 such activities, and \$14,282,000 shall be available
7 for grants to States for the administration of such
8 activities; and

9 (6) \$62,653,000 from the General Fund is to
10 provide workforce information, national electronic
11 tools, and one-stop system building under the Wag-
12 ner-Peyser Act and shall be available for Federal ob-
13 ligation for the period July 1, 2019 through June
14 30, 2020:

15 *Provided*, That to the extent that the Average Weekly In-
16 sured Unemployment (“AWIU”) for fiscal year 2019 is
17 projected by the Department of Labor to exceed
18 2,030,000, an additional \$28,600,000 from the Trust
19 Fund shall be available for obligation for every 100,000
20 increase in the AWIU level (including a pro rata amount
21 for any increment less than 100,000) to carry out title
22 III of the Social Security Act: *Provided further*, That
23 funds appropriated in this Act that are allotted to a State
24 to carry out activities under title III of the Social Security
25 Act may be used by such State to assist other States in

1 carrying out activities under such title III if the other
2 States include areas that have suffered a major disaster
3 declared by the President under the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act: *Provided*
5 *further*, That the Secretary may use funds appropriated
6 for grants to States under title III of the Social Security
7 Act to make payments on behalf of States for the use of
8 the National Directory of New Hires under section
9 453(j)(8) of such Act: *Provided further*, That the Sec-
10 retary may use funds appropriated for grants to States
11 under title III of the Social Security Act to make pay-
12 ments on behalf of States to the entity operating the State
13 Information Data Exchange System: *Provided further*,
14 That the Secretary may use funds appropriated for grants
15 to States under title III of the Social Security Act to make
16 payments on behalf of States to the entity operating the
17 Unemployment Insurance Integrity Center of Excellence:
18 *Provided further*, That funds appropriated in this Act
19 which are used to establish a national one-stop career cen-
20 ter system, or which are used to support the national ac-
21 tivities of the Federal-State unemployment insurance, em-
22 ployment service, or immigration programs, may be obli-
23 gated in contracts, grants, or agreements with States and
24 non-State entities: *Provided further*, That States awarded
25 competitive grants for improved operations under title III

1 of the Social Security Act, or awarded grants to support
2 the national activities of the Federal-State unemployment
3 insurance system, may award subgrants to other States
4 and non-State entities under such grants, subject to the
5 conditions applicable to the grants: *Provided further*, That
6 funds appropriated under this Act for activities authorized
7 under title III of the Social Security Act and the Wagner-
8 Peyser Act may be used by States to fund integrated Un-
9 employment Insurance and Employment Service automa-
10 tion efforts, notwithstanding cost allocation principles pre-
11 scribed under the final rule entitled “Uniform Administra-
12 tive Requirements, Cost Principles, and Audit Require-
13 ments for Federal Awards” at part 200 of title 2, Code
14 of Federal Regulations: *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 or to the entity op-
19 erating the Unemployment Insurance Information Tech-
20 nology Support Center in order to carry out activities that
21 benefit the administration of the unemployment com-
22 pensation law of the State making the request: *Provided*
23 *further*, That the Secretary may collect fees for the costs
24 associated with additional data collection, analyses, and
25 reporting services relating to the National Agricultural

1 Workers Survey requested by State and local govern-
2 ments, public and private institutions of higher education,
3 and nonprofit organizations and may utilize such sums,
4 in accordance with the provisions of 29 U.S.C. 9a, for the
5 National Agricultural Workers Survey infrastructure,
6 methodology, and data to meet the information collection
7 and reporting needs of such entities, which shall be cred-
8 ited to this appropriation and shall remain available until
9 September 30, 2020, for such purposes.

10 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
11 OTHER FUNDS

12 For repayable advances to the Unemployment Trust
13 Fund as authorized by sections 905(d) and 1203 of the
14 Social Security Act, and to the Black Lung Disability
15 Trust Fund as authorized by section 9501(c)(1) of the In-
16 ternal Revenue Code of 1986; and for nonrepayable ad-
17 vances to the revolving fund established by section 901(e)
18 of the Social Security Act, to the Unemployment Trust
19 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
20 Unemployment Benefits and Allowances” account, such
21 sums as may be necessary, which shall be available for
22 obligation through September 30, 2020.

23 PROGRAM ADMINISTRATION

24 For expenses of administering employment and train-
25 ing programs, \$108,674,000, together with not to exceed

1 \$49,982,000 which may be expended from the Employ-
2 ment Security Administration Account in the Unemploy-
3 ment Trust Fund.

4 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses for the Employee Benefits
7 Security Administration, \$180,600,000, of which up to
8 \$3,000,000 shall be made available through September 30,
9 2020, for the procurement of expert witnesses for enforce-
10 ment litigation.

11 PENSION BENEFIT GUARANTY CORPORATION

12 PENSION BENEFIT GUARANTY CORPORATION FUND

13 The Pension Benefit Guaranty Corporation (“Cor-
14 poration”) is authorized to make such expenditures, in-
15 cluding financial assistance authorized by subtitle E of
16 title IV of the Employee Retirement Income Security Act
17 of 1974, within limits of funds and borrowing authority
18 available to the Corporation, and in accord with law, and
19 to make such contracts and commitments without regard
20 to fiscal year limitations, as provided by 31 U.S.C. 9104,
21 as may be necessary in carrying out the program, includ-
22 ing associated administrative expenses, through Sep-
23 tember 30, 2019, for the Corporation: *Provided*, That
24 none of the funds available to the Corporation for fiscal
25 year 2019 shall be available for obligations for administra-

1 tive expenses in excess of \$445,363,000: *Provided further,*
2 That to the extent that the number of new plan partici-
3 pants in plans terminated by the Corporation exceeds
4 100,000 in fiscal year 2019, an amount not to exceed an
5 additional \$9,200,000 shall be available through Sep-
6 tember 30, 2020, for obligation for administrative ex-
7 penses for every 20,000 additional terminated partici-
8 pants: *Provided further,* That obligations in excess of the
9 amounts provided in this paragraph may be incurred for
10 unforeseen and extraordinary pretermination expenses or
11 extraordinary multiemployer program related expenses
12 after approval by the Office of Management and Budget
13 and notification of the Committees on Appropriations of
14 the House of Representatives and the Senate.

15 WAGE AND HOUR DIVISION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Wage and Hour Divi-
18 sion, including reimbursement to State, Federal, and local
19 agencies and their employees for inspection services ren-
20 dered, \$225,500,000.

21 OFFICE OF LABOR-MANAGEMENT STANDARDS

22 SALARIES AND EXPENSES

23 For necessary expenses for the Office of Labor-Man-
24 agement Standards, \$42,187,000.

1 OFFICE OF FEDERAL CONTRACT COMPLIANCE

2 PROGRAMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the Office of Federal Con-
5 tract Compliance Programs, \$99,476,000.

6 OFFICE OF WORKERS' COMPENSATION PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Workers'
9 Compensation Programs, \$115,424,000, together with
10 \$2,177,000 which may be expended from the Special Fund
11 in accordance with sections 39(c), 44(d), and 44(j) of the
12 Longshore and Harbor Workers' Compensation Act.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses) accruing during
17 the current or any prior fiscal year authorized by 5 U.S.C.
18 81; continuation of benefits as provided for under the
19 heading "Civilian War Benefits" in the Federal Security
20 Agency Appropriation Act, 1947; the Employees' Com-
21 pensation Commission Appropriation Act, 1944; section
22 5(f) of the War Claims Act (50 U.S.C. App. 2012); obliga-
23 tions incurred under the War Hazards Compensation Act
24 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
25 compensation and benefits required by section 10(h) of the

1 Longshore and Harbor Workers' Compensation Act,
2 \$230,000,000, together with such amounts as may be nec-
3 essary to be charged to the subsequent year appropriation
4 for the payment of compensation and other benefits for
5 any period subsequent to August 15 of the current year,
6 for deposit into and to assume the attributes of the Em-
7 ployees' Compensation Fund established under 5 U.S.C.
8 8147(a): *Provided*, That amounts appropriated may be
9 used under 5 U.S.C. 8104 by the Secretary to reimburse
10 an employer, who is not the employer at the time of injury,
11 for portions of the salary of a re-employed, disabled bene-
12 ficiary: *Provided further*, That balances of reimbursements
13 unobligated on September 30, 2018, shall remain available
14 until expended for the payment of compensation, benefits,
15 and expenses: *Provided further*, That in addition there
16 shall be transferred to this appropriation from the Postal
17 Service and from any other corporation or instrumentality
18 required under 5 U.S.C. 8147(c) to pay an amount for
19 its fair share of the cost of administration, such sums as
20 the Secretary determines to be the cost of administration
21 for employees of such fair share entities through Sep-
22 tember 30, 2019: *Provided further*, That of those funds
23 transferred to this account from the fair share entities to
24 pay the cost of administration of the Federal Employees'

1 Compensation Act, \$74,777,000 shall be made available
2 to the Secretary as follows:

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

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

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

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

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

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

20 SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety
22 and Health Act of 1977, as amended by Public Law 107-
23 275, \$10,319,000, to remain available until expended.

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

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

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

6 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

7 OCCUPATIONAL ILLNESS COMPENSATION FUND

8 For necessary expenses to administer the Energy
9 Employees Occupational Illness Compensation Program
10 Act, \$59,098,000, to remain available until expended: *Pro-*
11 *vided*, That the Secretary may require that any person fil-
12 ing a claim for benefits under the Act provide as part of
13 such claim such identifying information (including Social
14 Security account number) as may be prescribed.

15 BLACK LUNG DISABILITY TRUST FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 Such sums as may be necessary from the Black Lung
18 Disability Trust Fund (the “Fund”), to remain available
19 until expended, for payment of all benefits authorized by
20 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
21 enue Code of 1986; and repayment of, and payment of
22 interest on advances, as authorized by section 9501(d)(4)
23 of that Act. In addition, the following amounts may be
24 expended from the Fund for fiscal year 2019 for expenses
25 of operation and administration of the Black Lung Bene-

1 fits program, as authorized by section 9501(d)(5): not to
2 exceed \$38,246,000 for transfer to the Office of Workers'
3 Compensation Programs, "Salaries and Expenses"; not to
4 exceed \$31,994,000 for transfer to Departmental Manage-
5 ment, "Salaries and Expenses"; not to exceed \$330,000
6 for transfer to Departmental Management, "Office of In-
7 spector General"; and not to exceed \$356,000 for pay-
8 ments into miscellaneous receipts for the expenses of the
9 Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$545,250,000, including not
14 to exceed \$100,850,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act (the "Act"),
17 which grants shall be no less than 50 percent of the costs
18 of State occupational safety and health programs required
19 to be incurred under plans approved by the Secretary
20 under section 18 of the Act; and, in addition, notwith-
21 standing 31 U.S.C. 3302, the Occupational Safety and
22 Health Administration may retain up to \$499,000 per fis-
23 cal year of training institute course tuition and fees, other-
24 wise authorized by law to be collected, and may utilize
25 such sums for occupational safety and health training and

1 education: *Provided*, That notwithstanding 31 U.S.C.
2 3302, the Secretary is authorized, during the fiscal year
3 ending September 30, 2019, to collect and retain fees for
4 services provided to Nationally Recognized Testing Lab-
5 oratories, and may utilize such sums, in accordance with
6 the provisions of 29 U.S.C. 9a, to administer national and
7 international laboratory recognition programs that ensure
8 the safety of equipment and products used by workers in
9 the workplace: *Provided further*, That none of the funds
10 appropriated under this paragraph shall be obligated or
11 expended to prescribe, issue, administer, or enforce any
12 standard, rule, regulation, or order under the Act which
13 is applicable to any person who is engaged in a farming
14 operation which does not maintain a temporary labor
15 camp and employs 10 or fewer employees: *Provided fur-*
16 *ther*, That no funds appropriated under this paragraph
17 shall be obligated or expended to administer or enforce
18 any standard, rule, regulation, or order under the Act with
19 respect to any employer of 10 or fewer employees who is
20 included within a category having a Days Away, Re-
21 stricted, or Transferred (“DART”) occupational injury
22 and illness rate, at the most precise industrial classifica-
23 tion code for which such data are published, less than the
24 national average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

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

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

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

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

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

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

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

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

7 MINE SAFETY AND HEALTH ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Mine Safety and
10 Health Administration, \$367,589,000, including purchase
11 and bestowal of certificates and trophies in connection
12 with mine rescue and first-aid work, and the hire of pas-
13 senger motor vehicles, including up to \$2,000,000 for
14 mine rescue and recovery activities and not less than
15 \$10,537,000 for State assistance grants: *Provided*, That
16 amounts available for State assistance grants may be used
17 for the purchase and maintenance of new equipment re-
18 quired by the final rule entitled “Lowering Miners’ Expo-
19 sure to Respirable Coal Mine Dust, Including Continuous
20 Personal Dust Monitors” published by the Department of
21 Labor in the Federal Register on May 1, 2014 (79 Fed.
22 Reg. 24813 et seq.), for operators that demonstrate finan-
23 cial need as determined by the Secretary: *Provided further*,
24 That notwithstanding 31 U.S.C. 3302, not to exceed
25 \$750,000 may be collected by the National Mine Health

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

1 of Labor may be used, with the approval of the Secretary,
2 to provide for the costs of mine rescue and survival oper-
3 ations in the event of a major disaster.

4 BUREAU OF LABOR STATISTICS

5 SALARIES AND EXPENSES

6 For necessary expenses for the Bureau of Labor Sta-
7 tistics, including advances or reimbursements to State,
8 Federal, and local agencies and their employees for serv-
9 ices rendered, \$547,000,000, together with not to exceed
10 \$65,000,000 which may be expended from the Employ-
11 ment Security Administration account in the Unemploy-
12 ment Trust Fund.

13 OFFICE OF DISABILITY EMPLOYMENT POLICY

14 SALARIES AND EXPENSES

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

20 DEPARTMENTAL MANAGEMENT

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for Departmental Manage-
24 ment, including the hire of three passenger motor vehicles,
25 \$270,136,000, together with not to exceed \$308,000,

1 which may be expended from the Employment Security
2 Administration account in the Unemployment Trust
3 Fund: *Provided*, That funds available to the Bureau of
4 International Labor Affairs may be used to administer or
5 operate international labor activities, bilateral and multi-
6 lateral technical assistance, and microfinance programs,
7 by or through contracts and other arrangements; and
8 manage grants that were awarded prior to December 31,
9 2018: *Provided further*, That \$8,040,000 shall be used for
10 program evaluation and shall be available for obligation
11 through September 30, 2020: *Provided further*, That
12 funds available for program evaluation may be used to ad-
13 minister grants for the purpose of evaluation: *Provided*
14 *further*, That grants made for the purpose of evaluation
15 shall be awarded through fair and open competition: *Pro-*
16 *vided further*, That funds available for program evaluation
17 may be transferred to any other appropriate account in
18 the Department for such purpose: *Provided further*, That
19 the Committees on Appropriations of the House of Rep-
20 resentatives and the Senate are notified at least 15 days
21 in advance of any transfer: *Provided further*, That the
22 funds available to the Women's Bureau may be used for
23 grants to serve and promote the interests of women in the
24 workforce: *Provided further*, That of the amounts made
25 available to the Women's Bureau, \$994,000 shall be used

1 for grants authorized by the Women in Apprenticeship
2 and Nontraditional Occupations Act.

3 VETERANS EMPLOYMENT AND TRAINING

4 Not to exceed \$249,662,000 may be derived from the
5 Employment Security Administration account in the Un-
6 employment Trust Fund to carry out the provisions of
7 chapters 41, 42, and 43 of title 38, United States Code,
8 of which:

9 (1) \$180,000,000 is for Jobs for Veterans State
10 grants under 38 U.S.C. 4102A(b)(5) to support dis-
11 abled veterans' outreach program specialists under
12 section 4103A of such title and local veterans' em-
13 ployment representatives under section 4104(b) of
14 such title, and for the expenses described in section
15 4102A(b)(5)(C), which shall be available for obliga-
16 tion by the States through December 31, 2019, and
17 not to exceed 3 percent for the necessary Federal ex-
18 penditures for data systems and contract support to
19 allow for the tracking of participant and perform-
20 ance information: *Provided*, That, in addition, such
21 funds may be used to support such specialists and
22 representatives in the provision of services to
23 transitioning members of the Armed Forces who
24 have participated in the Transition Assistance Pro-
25 gram and have been identified as in need of inten-

1 sive services, to members of the Armed Forces who
2 are wounded, ill, or injured and receiving treatment
3 in military treatment facilities or warrior transition
4 units, and to the spouses or other family caregivers
5 of such wounded, ill, or injured members;

6 (2) \$23,000,000 is for carrying out the Transi-
7 tion Assistance Program under 38 U.S.C. 4113 and
8 10 U.S.C. 1144: *Provided*, That not more than
9 \$3,500,000 shall be used by the Secretary, in con-
10 sultation with the Secretary of Defense and the Sec-
11 retary of the Veterans Affairs, to carry out a pilot
12 project designed to prepare transitioning service
13 members to qualify for, and to assist in placing
14 them in, apprenticeship programs, as an additional
15 training opportunity under subsection (f) of 10
16 U.S.C. 1144, including the costs of federal adminis-
17 tration and evaluation of such pilot, and that the
18 funds shall remain available for the pilot through
19 September 30, 2020;

20 (3) \$43,248,000 is for Federal administration
21 of chapters 41, 42, and 43 of title 38, and sections
22 2021, 2021A, and 2023 of title 38, United States
23 Code: *Provided*, That up to \$500,000 may be used
24 to carry out division O of Public Law 115-31
25 (“HIRE Vets Act”); and

1 (4) \$3,414,000 is for the National Veterans'
2 Employment and Training Services Institute under
3 38 U.S.C. 4109:

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

8 In addition, from the General Fund of the Treasury,
9 \$50,000,000 is for carrying out programs to assist home-
10 less veterans and veterans at risk of homelessness who are
11 transitioning from certain institutions under sections
12 2021, 2021A, and 2023 of title 38, United States Code:
13 *Provided*, That notwithstanding subsections (c)(3) and (d)
14 of section 2023, the Secretary may award grants through
15 September 30, 2019, to provide services under such sec-
16 tion: *Provided further*, That services provided under sec-
17 tion 2021 or under 2021A may include, in addition to
18 services to homeless veterans described in section
19 2002(a)(1), services to veterans who were homeless at
20 some point within the 60 days prior to program entry or
21 veterans who are at risk of homelessness within the next
22 60 days, and that services provided under section 2023
23 may include, in addition to services to the individuals de-
24 scribed in subsection (e) of such section, services to vet-
25 erans recently released from incarceration who are at risk

1 of homelessness: *Provided further*, That notwithstanding
2 paragraph (3) under this heading, funds appropriated in
3 this paragraph may be used for data systems and contract
4 support to allow for the tracking of participant and per-
5 formance information: *Provided further*, That notwith-
6 standing sections 2021(e)(2) and 2021A(f)(2) of title 38,
7 United States Code, such funds shall be available for ex-
8 penditure pursuant to 31 U.S.C. § 1553.

9 In addition, fees may be assessed and deposited in
10 the HIRE Vets Medallion Award Fund pursuant to sec-
11 tion 5(b) of the HIRE Vets Act, as amended herein, and
12 such amounts shall be available to the Secretary to carry
13 out the HIRE Vets Medallion Award Program, as author-
14 ized by such Act, and shall remain available until ex-
15 pended: *Provided*, That such sums shall be in addition to
16 any other funds available for such purposes, including
17 funds available under paragraph (3) of this heading: *Pro-*
18 *vided further*, That section 2(d) of division O of the Con-
19 solidated Appropriations Act, 2017 (Public Law 115–31;
20 38 U.S.C. 4100 note) shall not apply.

21 IT MODERNIZATION

22 For necessary expenses for Department of Labor cen-
23 tralized infrastructure technology investment activities re-
24 lated to support systems and modernization, \$29,169,000,
25 which shall be available through September 30, 2020.

1 OFFICE OF INSPECTOR GENERAL

2 For salaries and expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$83,487,000, together with not to
5 exceed \$5,660,000 which may be expended from the Em-
6 ployment Security Administration account in the Unem-
7 ployment Trust Fund.

8 GENERAL PROVISIONS

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

14 (TRANSFER OF FUNDS)

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

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

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

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

23 SEC. 105. None of the funds made available by this
24 Act under the heading “Employment and Training Ad-
25 ministration” shall be used by a recipient or subrecipient

1 of such funds to pay the salary and bonuses of an indi-
2 vidual, either as direct costs or indirect costs, at a rate
3 in excess of Executive Level II. This limitation shall not
4 apply to vendors providing goods and services as defined
5 in Office of Management and Budget Circular A-133.
6 Where States are recipients of such funds, States may es-
7 tablish a lower limit for salaries and bonuses of those re-
8 ceiving salaries and bonuses from subrecipients of such
9 funds, taking into account factors including the relative
10 cost-of-living in the State, the compensation levels for
11 comparable State or local government employees, and the
12 size of the organizations that administer Federal pro-
13 grams involved including Employment and Training Ad-
14 ministration programs.

15 (TRANSFER OF FUNDS)

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

24 (b) Notwithstanding section 102, the Secretary may
25 transfer not more than 0.5 percent of each discretionary

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

15 (TRANSFER OF FUNDS)

16 SEC. 107. (a) The Secretary may reserve not more
17 than 0.75 percent from each appropriation made available
18 in this Act identified in subsection (b) in order to carry
19 out evaluations of any of the programs or activities that
20 are funded under such accounts. Any funds reserved under
21 this section shall be transferred to “Departmental Man-
22 agement” for use by the Office of the Chief Evaluation
23 Officer within the Department of Labor, and shall be
24 available for obligation through September 30, 2020: *Pro-*
25 *vided*, That such funds shall only be available if the Chief

1 Evaluation Officer of the Department of Labor submits
2 a plan to the Committees on Appropriations of the House
3 of Representatives and the Senate describing the evalua-
4 tions to be carried out 15 days in advance of any transfer.

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

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

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

1 “(A) employed to adjust or evaluate claims re-
2 sulting from or relating to such major disaster, by
3 an employer not engaged, directly or through an af-
4 filiate, in underwriting, selling, or marketing prop-
5 erty, casualty, or liability insurance policies or con-
6 tracts;

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

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

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

18 “(ii) inspecting property damage or review-
19 ing factual information to prepare damage esti-
20 mates;

21 “(iii) evaluating and making recommenda-
22 tions regarding coverage or compensability of
23 claims or determining liability or value aspects
24 of claims;

25 “(iv) negotiating settlements; or

1 “(v) making recommendations regarding
2 litigation.

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

5 “(3) For purposes of this subsection—

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

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

22 “(C) the term ‘affiliate’ means a company that,
23 by reason of ownership or control of 25 percent or
24 more of the outstanding shares of any class of voting
25 securities of one or more companies, directly or indi-

1 rectly, controls, is controlled by, or is under common
2 control with, another company.”.

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

5 (RESCISSION)

6 SEC. 109. Of the funds made available under the
7 heading “Employment and Training Administration–
8 Training and Employment Services” in division H of Pub-
9 lic Law 115–141, \$200,000,000 is rescinded, to be derived
10 from the amount made available in paragraph (2)(A)
11 under such heading for the period October 1, 2018,
12 through September 30, 2019.

13 SEC. 110. (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. 111 . (a) The Act entitled “An Act to create
7 a Department of Labor”, approved March 4, 1913 (37
8 Stat. 736, chapter 141) shall be applied as if the following
9 text is part of such Act:

10 **“SEC. 12. SECURITY DETAIL.**

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

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

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

24 “(3) provide continuous protection to the Sec-
25 retary (including during periods not described in

1 paragraph (1)) and to the members of the imme-
2 diate family of the Secretary if there is a unique and
3 articulable threat of physical harm, in accordance
4 with guidelines established by the Secretary; and

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

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

15 “(1) carry firearms;

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

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

23 “(4) coordinate with local law enforcement
24 agencies; and

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

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

9 “(1) guidelines issued by the Attorney General;
10 and

11 “(2) guidelines prescribed by the Secretary of
12 Labor.”.

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

15 SEC. 112. (a) The paragraph under the heading
16 “Working Capital Fund” in the Department of Labor Ap-
17 propriations Act, 1958, Public Law 85–67, 71 Stat. 210,
18 as amended, is further amended by striking all of the text
19 that appears after “for expenses necessary for the mainte-
20 nance and operation of” and inserting “a comprehensive
21 program of centralized services which the Secretary of
22 Labor may prescribe and deem appropriate and advan-
23 tageous to provide on a reimbursable basis: *Provided*, That
24 such fund may receive advances and reimbursements from
25 funds available to bureaus, offices, and agencies for which

1 such centralized services are performed at rates which will
2 return in full all expenses of operation, including reserves
3 for accrued annual leave, worker's compensation, deprecia-
4 tion of capitalized equipment and amortization of human
5 resources software and systems (either acquired or do-
6 nated): *Provided further*, That the Secretary of Labor may
7 transfer annually an amount not to exceed \$9,000,000
8 from unobligated balances in the Department's salaries
9 and expenses accounts, to the unobligated balance of the
10 Working Capital Fund, to be merged with such Fund and
11 used for the acquisition of capital equipment and the im-
12 provement of financial management, information tech-
13 nology and other support systems, and to remain available
14 for obligation for an additional five fiscal years: *Provided*
15 *further*, That such fund may receive reimbursements from
16 entities or persons for use of Departmental facilities, in-
17 cluding associated utilities and security services, and such
18 reimbursements shall be credited to and merged with this
19 fund: *Provided further*, That none of the funds shall be
20 available unless the Chief Information Officer of the De-
21 partment of Labor has submitted a plan, approved by the
22 Office of Management and Budget, describing the
23 amounts to be transferred by account, the planned use of
24 funds, including descriptions of projects, project status,
25 including any scheduled delays and cost overruns, finan-

1 cial expenditures, planned activities, and expected bene-
2 fits, to the Committees on Appropriations of the House
3 of Representatives and the Senate by July 31 of the cal-
4 endar year prior to the fiscal year in which the transfer
5 will occur: *Provided further*, That pursuant to section
6 11319 of title 40, United States Code, the Secretary shall
7 ensure that the Department’s Chief Information Officer
8 shall, at a minimum, be a principal advisor to the Sec-
9 retary and a member on any board or governance struc-
10 ture of the Department responsible for advising and set-
11 ting Department-wide information technology budgets:
12 *Provided further*, That none of the funds available for in-
13 formation technology modernization under this section or
14 under the heading “IT Modernization” shall be used for
15 information technology modernization projects unless an
16 experienced project manager, employed by the Department
17 of Labor, is assigned oversight responsibility, including
18 but not limited to, ensuring such projects are completed
19 within established timeframes and budgets”—

20 (b) The following provisions are repealed:

21 (1) The heading “Working Capital Fund” and
22 the paragraph thereunder in Public Law 91–204,
23 Title I, 84 Stat. 26 (1970); and

24 (2) The heading “Working Capital Fund” and
25 the paragraph thereunder in the Department of

1 Labor, Health and Human Services, and Education,
2 and Related Agencies Appropriations Act, 1994,
3 Public Law 103–112, Title I, 107 Stat. 1088
4 (1993).

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

7 TITLE II

8 DEPARTMENT OF HEALTH AND HUMAN

9 SERVICES

10 HEALTH RESOURCES AND SERVICES ADMINISTRATION

11 PRIMARY HEALTH CARE

12 For carrying out titles II and III of the Public Health
13 Service Act (referred to in this Act as the “PHS Act”
14 with respect to primary health care and the Native Hawai-
15 ian Health Care Act of 1988, \$1,526,522,000: *Provided*,
16 That no more than \$1,000,000 shall be available until ex-
17 pended for carrying out the provisions of section 224(o)
18 of the PHS Act: *Provided further*, That no more than
19 \$114,893,000 shall be available until expended for car-
20 rying out subsections (g) through (n) and (q) of section
21 224 of the PHS Act, and for expenses incurred by the
22 Department of Health and Human Services (referred to
23 in this Act as “HHS”) pertaining to administrative claims
24 made under such law: *Provided further*, That of funds pro-
25 vided for the Health Centers program, as defined by sec-

1 tion 330 of the PHS Act, by this Act or any other Act
2 for fiscal year 2019, not less than \$200,000,000 shall be
3 obligated in fiscal year 2019 for improving quality of care
4 or expanded service grants under section 330 of the PHS
5 Act to support and enhance behavioral health, mental
6 health, or substance use disorder services.

7 HEALTH WORKFORCE

8 For carrying out titles III, VII, and VIII of the PHS
9 Act with respect to the health workforce, sections 1128E
10 and 1921 of the Social Security Act, and the Health Care
11 Quality Improvement Act of 1986, \$1,244,006,000: *Pro-*
12 *vided*, That sections 751(j)(2) and 762(k) of the PHS Act
13 and the proportional funding amounts in paragraphs (1)
14 through (4) of section 756(f) of such Act shall not apply
15 to funds made available under this heading: *Provided fur-*
16 *ther*, That for any program operating under section 751
17 of the PHS Act on or before January 1, 2009, the Sec-
18 retary of Health and Human Services (referred to in this
19 title as the “Secretary”) may hereafter waive any of the
20 requirements contained in sections 751(d)(2)(A) and
21 751(d)(2)(B) of such Act for the full project period of a
22 grant under such section: *Provided further*, That no funds
23 shall be available for section 340G–1 of the PHS Act: *Pro-*
24 *vided further*, That fees collected for the disclosure of in-
25 formation under section 427(b) of the Health Care Quality

1 Improvement Act of 1986 and sections 1128E(d)(2) and
2 1921 of the Social Security Act shall be sufficient to re-
3 cover the full costs of operating the programs authorized
4 by such sections and shall remain available until expended
5 for the National Practitioner Data Bank: *Provided further*,
6 That funds transferred to this account to carry out section
7 846 and subpart 3 of part D of title III of the PHS Act
8 may be used to make prior year adjustments to awards
9 made under such section and subpart: *Provided further*,
10 That \$85,000,000 shall remain available until expended
11 for the purposes of providing primary health services, as-
12 signing National Health Service Corps (“NHSC”) mem-
13 bers to expand the delivery of substance use disorder
14 treatment services, notwithstanding the assignment prior-
15 ities and limitations under sections 333(a)(1)(D), 333(b),
16 and 333A(a)(1)(B)(ii) of the PHS Act, and making pay-
17 ments under the NHSC Loan Repayment Program under
18 section 338B of such Act: *Provided further*, That, in addi-
19 tion to amounts otherwise made available in the previous
20 proviso, \$20,000,000 shall remain available until expended
21 for the purposes of making payments under the NHSC
22 Loan Repayment Program under section 338B of the
23 PHS Act to individuals participating in such program who
24 provide primary health services in Indian Health Service
25 facilities, Tribally-Operated Health Programs, and

1 Urban Indian Health Programs (as those terms are de-
2 fined by the Secretary), notwithstanding the assignment
3 priorities and limitations under section 333(b) of such Act:
4 *Provided further*, That for purposes of the previous two
5 provisos, section 331(a)(3)(D) of the PHS Act shall be
6 applied as if the term “primary health services” includes
7 clinical substance use disorder treatment services, includ-
8 ing those provided by a licensed substance use disorder
9 treatment counselor with a master degree.

10 Of the funds made available under this heading,
11 \$200,000,000 shall remain available until expended for
12 grants to public institutions of higher education to expand
13 or support existing graduate education for health care pro-
14 fessionals provided by such institutions: *Provided*, That
15 funds shall be prioritized to public institutions of higher
16 education in States with a projected primary care provider
17 shortage in 2025, as determined by the Secretary: *Pro-*
18 *vided further*, That grants so awarded are limited to such
19 public institutions of higher education in States in the top
20 quartile of States with a primary care provider shortage,
21 as determined by the Secretary: *Provided further*, That the
22 maximum amount of a grant awarded to such an institu-
23 tion shall not be more than \$10,000,000 per year: *Pro-*
24 *vided further*, That such grants may be awarded for a pe-
25 riod of up to 5 years.

1 MATERNAL AND CHILD HEALTH

2 For carrying out titles III, XI, XII, and XIX of the
3 PHS Act with respect to maternal and child health, title
4 V of the Social Security Act, and section 712 of the Amer-
5 ican Jobs Creation Act of 2004, \$893,089,000: *Provided*,
6 That notwithstanding sections 502(a)(1) and 502(b)(1) of
7 the Social Security Act, not more than \$85,393,000 shall
8 be available for carrying out special projects of regional
9 and national significance pursuant to section 501(a)(2) of
10 such Act and \$10,276,000 shall be available for projects
11 described in subparagraphs (A) through (F) of section
12 501(a)(3) of such Act.

13 RYAN WHITE HIV/AIDS PROGRAM

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

22 HEALTH CARE SYSTEMS

23 For carrying out titles III and XII of the PHS Act
24 with respect to health care systems, and the Stem Cell
25 Therapeutic and Research Act of 2005, \$121,693,000, of

1 which \$122,000 shall be available until expended for facili-
2 ties renovations at the Gillis W. Long Hansen's Disease
3 Center.

4 RURAL HEALTH

5 For carrying out titles III and IV of the PHS Act
6 with respect to rural health, section 427(a) of the Federal
7 Coal Mine Health and Safety Act of 1969, and sections
8 711 and 1820 of the Social Security Act, \$281,294,000,
9 of which \$59,609,000 from general revenues, notwith-
10 standing section 1820(j) of the Social Security Act, shall
11 be available for carrying out the Medicare rural hospital
12 flexibility grants program: *Provided*, That of the funds
13 made available under this heading for Medicare rural hos-
14 pital flexibility grants, \$25,942,000 shall be available for
15 the Small Rural Hospital Improvement Grant Program
16 for quality improvement and adoption of health informa-
17 tion technology and up to \$1,000,000 shall be to carry
18 out section 1820(g)(6) of the Social Security Act, with
19 funds provided for grants under section 1820(g)(6) avail-
20 able for the purchase and implementation of telehealth
21 services, including pilots and demonstrations on the use
22 of electronic health records to coordinate rural veterans
23 care between rural providers and the Department of Vet-
24 erans Affairs electronic health record system: *Provided*
25 *further*, That notwithstanding section 338J(k) of the PHS

1 Act, \$11,000,000 shall be available for State Offices of
2 Rural Health: *Provided further*, That \$10,000,000 shall
3 remain available through September 30, 2021, to support
4 the Rural Residency Development Program: *Provided fur-*
5 *ther*, That \$82,500,000 shall remain available through
6 September 30, 2023, for the Rural Communities Opioids
7 Response Program.

8 PROGRAM MANAGEMENT

9 For program support in the Health Resources and
10 Services Administration, \$155,000,000: *Provided*, That
11 funds made available under this heading may be used to
12 supplement program support funding provided under the
13 headings “Primary Health Care”, “Health Workforce”,
14 “Maternal and Child Health”, “Ryan White HIV/AIDS
15 Program”, “Health Care Systems”, and “Rural Health”.

16 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

17 For payments from the Vaccine Injury Compensation
18 Program Trust Fund (the “Trust Fund”), such sums as
19 may be necessary for claims associated with vaccine-re-
20 lated injury or death with respect to vaccines administered
21 after September 30, 1988, pursuant to subtitle 2 of title
22 XXI of the PHS Act, to remain available until expended:
23 *Provided*, That for necessary administrative expenses, not
24 to exceed \$9,200,000 shall be available from the Trust
25 Fund to the Secretary.

1 CENTERS FOR DISEASE CONTROL AND PREVENTION

2 IMMUNIZATION AND RESPIRATORY DISEASES

3 For carrying out titles II, III, XVII, and XXI, and
4 section 2821 of the PHS Act, titles II and IV of the Immi-
5 gration and Nationality Act, and section 501 of the Ref-
6 ugee Education Assistance Act, with respect to immuniza-
7 tion and respiratory diseases, \$484,055,000.

8 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED
9 DISEASES, AND TUBERCULOSIS PREVENTION

10 For carrying out titles II, III, XVII, and XXIII of
11 the PHS Act with respect to HIV/AIDS, viral hepatitis,
12 sexually transmitted diseases, and tuberculosis prevention,
13 \$1,147,278,000.

14 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

15 For carrying out titles II, III, and XVII, and section
16 2821 of the PHS Act, titles II and IV of the Immigration
17 and Nationality Act, and section 501 of the Refugee Edu-
18 cation Assistance Act, with respect to emerging and
19 zoonotic infectious diseases, \$562,572,000.

20 CHRONIC DISEASE PREVENTION AND HEALTH

21 PROMOTION

22 For carrying out titles II, III, XI, XV, XVII, and
23 XIX of the PHS Act with respect to chronic disease pre-
24 vention and health promotion, \$902,746,000: *Provided,*
25 That funds appropriated under this heading may be used

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

11 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,

12 DISABILITIES AND HEALTH

13 For carrying out titles II, III, XI, and XVII of the
14 PHS Act with respect to birth defects, developmental dis-
15 abilities, disabilities and health, \$150,560,000.

16 PUBLIC HEALTH SCIENTIFIC SERVICES

17 For carrying out titles II, III, and XVII of the PHS
18 Act with respect to health statistics, surveillance, health
19 informatics, and workforce development, \$490,397,000.

20 ENVIRONMENTAL HEALTH

21 For carrying out titles II, III, and XVII of the PHS
22 Act with respect to environmental health, \$179,350,000.

1 INJURY PREVENTION AND CONTROL

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to injury prevention and control,
4 \$690,559,000.

5 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
6 HEALTH

7 For carrying out titles II, III, and XVII of the PHS
8 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
9 of the Federal Mine Safety and Health Act, section 13
10 of the Mine Improvement and New Emergency Response
11 Act, and sections 20, 21, and 22 of the Occupational Safe-
12 ty and Health Act, with respect to occupational safety and
13 health, \$335,200,000.

14 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
15 COMPENSATION PROGRAM

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

22 GLOBAL HEALTH

23 For carrying out titles II, III, and XVII of the PHS
24 Act with respect to global health, \$488,621,000, of which
25 \$128,421,000 for International HIV/AIDS shall remain

1 available through September 30, 2020: *Provided*, That
2 funds may be used for purchase and insurance of official
3 motor vehicles in foreign countries.

4 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

5 For carrying out titles II, III, and XVII of the PHS
6 Act with respect to public health preparedness and re-
7 sponse, and for expenses necessary to support activities
8 related to countering potential biological, nuclear, radio-
9 logical, and chemical threats to civilian populations,
10 \$860,000,000: *Provided*, That the Director of the Centers
11 for Disease Control and Prevention (referred to in this
12 title as “CDC”) or the Administrator of the Agency for
13 Toxic Substances and Disease Registry may detail staff
14 without reimbursement for up to 180 days to support an
15 activation of the CDC Emergency Operations Center, so
16 long as the Director or administrator, as applicable, pro-
17 vides a notice to the Committees on Appropriations of the
18 House of Representatives and the Senate within 15 days
19 of the use of this authority and a full report within 30
20 days after use of this authority which includes the number
21 of staff and funding level broken down by the originating
22 center and number of days detailed: *Provided further*,
23 That funds appropriated under this heading may be used
24 to support a contract for the operation and maintenance
25 of an aircraft in direct support of activities throughout

1 CDC to ensure the agency is prepared to address public
2 health preparedness emergencies.

3 BUILDINGS AND FACILITIES
4 (INCLUDING TRANSFER OF FUNDS)

5 For acquisition of real property, equipment, construc-
6 tion, demolition, and renovation of facilities, \$30,000,000,
7 to remain available until September 30, 2023: *Provided*
8 , That funds previously set-aside by CDC for repair and
9 upgrade of the Lake Lynn Experimental Mine and Lab-
10 oratory shall be used to acquire a replacement mine safety
11 research facility: *Provided further*, That in addition, the
12 prior year unobligated balance of any amounts assigned
13 to former employees in accounts of CDC made available
14 for Individual Learning Accounts shall be credited to and
15 merged with the amounts made available under this head-
16 ing to support the replacement of the mine safety research
17 facility.

18 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

19 For carrying out titles II, III, XVII and XIX, and
20 section 2821 of the PHS Act and for cross-cutting activi-
21 ties and program support for activities funded in other
22 appropriations included in this Act for the Centers for
23 Disease Control and Prevention, \$413,570,000: *Provided*,
24 That paragraphs (1) through (3) of subsection (b) of sec-
25 tion 2821 of the PHS Act shall not apply to funds appro-

1 priated under this heading and in all other accounts of
2 the CDC: *Provided further*, That employees of CDC or the
3 Public Health Service, both civilian and commissioned of-
4 ficers, detailed to States, municipalities, or other organiza-
5 tions under authority of section 214 of the PHS Act, or
6 in overseas assignments, shall be treated as non-Federal
7 employees for reporting purposes only and shall not be in-
8 cluded within any personnel ceiling applicable to the Agen-
9 cy, Service, or HHS during the period of detail or assign-
10 ment: *Provided further*, That CDC may use up to \$10,000
11 from amounts appropriated to CDC in this Act for official
12 reception and representation expenses when specifically
13 approved by the Director of CDC: *Provided further*, That
14 in addition, such sums as may be derived from authorized
15 user fees, which shall be credited to the appropriation
16 charged with the cost thereof: *Provided further*, That with
17 respect to the previous proviso, authorized user fees from
18 the Vessel Sanitation Program and the Respirator Certifi-
19 cation Program shall be available through September 30,
20 2020.

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL CANCER INSTITUTE

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to cancer, \$6,136,037,000, of which up
25 to \$30,000,000 may be used for facilities repairs and im-

1 improvements at the National Cancer Institute—Frederick
2 Federally Funded Research and Development Center in
3 Frederick, Maryland.

4 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to cardiovascular, lung, and blood dis-
7 eases, and blood and blood products, \$3,423,604,000.

8 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
9 RESEARCH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to dental and craniofacial diseases,
12 \$453,082,000.

13 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
14 KIDNEY DISEASES

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to diabetes and digestive and kidney dis-
17 ease, \$1,994,333,000.

18 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
19 AND STROKE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to neurological disorders and stroke,
22 \$2,228,780,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$5,368,029,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,818,667,000, of which \$922,871,000 shall be from
10 funds available under section 241 of the PHS Act: *Pro-*
11 *vided*, That not less than \$365,575,000 is provided for
12 the Institutional Development Awards program.

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

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to child health and human development,
17 \$1,469,346,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to eye diseases and visual disorders,
21 \$781,540,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$760,113,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to aging, \$3,005,831,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to arthritis and musculoskeletal and skin
13 diseases, \$593,663,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to deafness and other communication dis-
18 orders, \$465,467,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$159,920,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$515,658,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,400,126,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to mental health, \$1,790,231,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to human genome research,
15 \$563,531,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to biomedical imaging and bioengineering
20 research, \$382,384,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND
22 INTEGRATIVE HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to complementary and integrative health,
25 \$143,882,000.

1 NATIONAL INSTITUTE ON MINORITY HEALTH AND
2 HEALTH DISPARITIES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to minority health and health disparities
5 research, \$306,821,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the PHS Act), \$76,637,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to health information communications,
13 \$433,671,000: *Provided*, That of the amounts available for
14 improvement of information systems, \$4,000,000 shall be
15 available until September 30, 2020: *Provided further*, That
16 in fiscal year 2019, the National Library of Medicine may
17 enter into personal services contracts for the provision of
18 services in facilities owned, operated, or constructed under
19 the jurisdiction of the National Institutes of Health (re-
20 ferred to in this title as “NIH”).

21 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
22 SCIENCES

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to translational sciences, \$751,219,000:
25 *Provided*, That up to \$30,000,000 shall be available to im-

1 plement section 480 of the PHS Act, relating to the Cures
2 Acceleration Network: *Provided further*, That at least
3 \$542,771,000 is provided to the Clinical and Translational
4 Sciences Awards program.

5 OFFICE OF THE DIRECTOR

6 For carrying out the responsibilities of the Office of
7 the Director, NIH, \$1,902,828,000: *Provided*, That fund-
8 ing shall be available for the purchase of not to exceed
9 29 passenger motor vehicles for replacement only: *Pro-*
10 *vided further*, That all funds credited to the NIH Manage-
11 ment Fund shall remain available for one fiscal year after
12 the fiscal year in which they are deposited: *Provided fur-*
13 *ther*, That \$165,000,000 shall be for the Environmental
14 Influences on Child Health Outcomes Study Follow-on:
15 *Provided further*, That \$595,139,000 shall be available for
16 the Common Fund established under section 402A(c)(1)
17 of the PHS Act: *Provided further*, That of the funds pro-
18 vided, \$10,000 shall be for official reception and represen-
19 tation expenses when specifically approved by the Director
20 of the NIH: *Provided further*, That the Office of AIDS
21 Research within the Office of the Director of the NIH may
22 spend up to \$8,000,000 to make grants for construction
23 or renovation of facilities as provided for in section
24 2354(a)(5)(B) of the PHS Act.

1 In addition to other funds appropriated for the Com-
2 mon Fund established under section 402A(c) of the PHS
3 Act, \$12,600,000 is appropriated to the Common Fund
4 from the 10-Year Pediatric Research Initiative Fund de-
5 scribed in section 9008 of the Internal Revenue Code of
6 1986, for the purpose of carrying out section
7 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric re-
8 search), as authorized in the Gabriella Miller Kids First
9 Research Act.

10 BUILDINGS AND FACILITIES

11 For the study of, construction or demolition of, ren-
12 novation of, and acquisition of equipment for, facilities of
13 or used by NIH, including the acquisition of real property,
14 \$200,000,000, to remain available through September 30,
15 2023.

16 NIH INNOVATION ACCOUNT
17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the purposes de-
19 scribed in section 1001(b)(4) of the 21st Century Cures
20 Act, in addition to amounts available for such purposes
21 in the appropriations provided to the NIH in this Act,
22 \$711,000,000, to remain available until expended: *Pro-*
23 *vided*, That such amounts are appropriated pursuant to
24 section 1001(b)(3) of such Act, and are to be derived from
25 amounts transferred under section 1001(b)(2)(A) of such

1 Act: *Provided further*, That of the amount appropriated
2 under this heading, \$400,000,000 shall be transferred to
3 the National Cancer Institute for the purposes described
4 in section 1001(b)(4)(C) of such Act, \$57,500,000 shall
5 be transferred to the National Institute of Neurological
6 Disorders and Stroke for the purposes described in section
7 1001(b)(4)(B) of such Act, and \$57,500,000 shall be
8 transferred to the National Institute of Mental Health for
9 the purposes described in section 1001(b)(4)(B) of such
10 Act: *Provided further*, That remaining amounts may be
11 transferred by the Director of the NIH to any accounts
12 of the NIH: *Provided further*, That upon a determination
13 by the Director that funds transferred pursuant to any
14 of the previous provisos are not necessary for the purposes
15 provided, such amounts may be transferred back to the
16 Account: *Provided further*, That the transfer authority
17 provided under this heading is in addition to any other
18 transfer authority provided by law.

19 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

20 ADMINISTRATION

21 MENTAL HEALTH

22 For carrying out titles III, V, and XIX of the PHS
23 Act with respect to mental health, and the Protection and
24 Advocacy for Individuals with Mental Illness Act,
25 \$1,322,471,000: *Provided*, That notwithstanding section

1 520A(f)(2) of the PHS Act, no funds appropriated for car-
2 rying out section 520A shall be available for carrying out
3 section 1971 of the PHS Act: *Provided further*, That in
4 addition to amounts provided herein, \$21,039,000 shall be
5 available under section 241 of the PHS Act to carry out
6 subpart I of part B of title XIX of the PHS Act to fund
7 section 1920(b) technical assistance, national data, data
8 collection and evaluation activities, and further that the
9 total available under this Act for section 1920(b) activities
10 shall not exceed 5 percent of the amounts appropriated
11 for subpart I of part B of title XIX: *Provided further*, That
12 up to 10 percent of the amounts made available to carry
13 out the Children’s Mental Health Services program may
14 be used to carry out demonstration grants or contracts
15 for early interventions with persons not more than 25
16 years of age at clinical high risk of developing a first epi-
17 sode of psychosis: *Provided further*, That section
18 520E(b)(2) of the PHS Act shall not apply to funds ap-
19 propriated in this Act for fiscal year 2019: *Provided fur-*
20 *ther*, That States shall expend at least 10 percent of the
21 amount each receives for carrying out section 1911 of the
22 PHS Act to support evidence-based programs that address
23 the needs of individuals with early serious mental illness,
24 including psychotic disorders, regardless of the age of the
25 individual at onset: *Provided further*, That none of the

1 funds provided for section 1911 of the PHS Act shall be
2 subject to section 241 of such Act: *Provided further*, That
3 of the funds made available under this heading,
4 \$15,000,000 shall be to carry out section 224 of the Pro-
5 tecting Access to Medicare Act of 2014 (Public Law 113–
6 93; 42 U.S.C. 290aa 22 note).

7
8 SUBSTANCE ABUSE TREATMENT

8 For carrying out titles III and V of the PHS Act
9 with respect to substance abuse treatment and title XIX
10 of such Act with respect to substance abuse treatment and
11 prevention, \$3,768,306,000: *Provided*, That
12 \$1,000,000,000 shall be for State Opioid Response Grants
13 for carrying out activities pertaining to opioids undertaken
14 by the State agency responsible for administering the sub-
15 stance abuse prevention and treatment block grant under
16 subpart II of part B of title XIX of the PHS Act (42
17 U.S.C. 300x–21 et seq.): *Provided further*, That of such
18 amount \$50,000,000 shall be made available to Indian
19 Tribes or tribal organizations: *Provided further*, That 15
20 percent of the remaining amount shall be for the States
21 with the highest mortality rate related to opioid use dis-
22 orders: *Provided further*, That of the amounts provided for
23 State Opioid Response Grants not more than 2 percent
24 shall be available for Federal administrative expenses,
25 training, technical assistance, and evaluation: *Provided*

1 *further*, That of the amount not reserved by the previous
2 three provisos, the Secretary shall make allocations to
3 States, territories, and the District of Columbia according
4 to a formula using national survey results that the Sec-
5 retary determines are the most objective and reliable
6 measure of drug use and drug-related deaths: *Provided*
7 *further*, That the Secretary shall submit the formula meth-
8 odology to the Committees on Appropriations of the House
9 of Representatives and the Senate not less than 30 days
10 prior to publishing a Funding Opportunity Announce-
11 ment: *Provided further*, That prevention and treatment ac-
12 tivities funded through such grants may include education,
13 treatment (including the provision of medication), behav-
14 ioral health services for individuals in treatment programs,
15 referral to treatment services, recovery support, and med-
16 ical screening associated with such treatment: *Provided*
17 *further*, That each State, as well as the District of Colum-
18 bia, shall receive not less than \$4,000,000: *Provided fur-*
19 *ther*, That in addition to amounts provided herein, the fol-
20 lowing amounts shall be available under section 241 of the
21 PHS Act: (1) \$79,200,000 to carry out subpart II of part
22 B of title XIX of the PHS Act to fund section 1935(b)
23 technical assistance, national data, data collection and
24 evaluation activities, and further that the total available
25 under this Act for section 1935(b) activities shall not ex-

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

7 SUBSTANCE ABUSE PREVENTION

8 For carrying out titles III and V of the PHS Act
9 with respect to substance abuse prevention, \$19,954,000:
10 *Provided*, That in addition to amounts provided herein,
11 \$228,765,000 shall be available under section 241 of the
12 PHS Act to supplement funds otherwise available for sub-
13 stance abuse prevention activities.

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For program support and cross-cutting activities that
16 supplement activities funded under the headings “Mental
17 Health”, “Substance Abuse Treatment”, and “Substance
18 Abuse Prevention” in carrying out titles III, V, and XIX
19 of the PHS Act and the Protection and Advocacy for Indi-
20 viduals with Mental Illness Act in the Substance Abuse
21 and Mental Health Services Administration,
22 \$133,830,000: *Provided*, That in addition to amounts pro-
23 vided herein, \$31,428,000 shall be available under section
24 241 of the PHS Act to supplement funds available to
25 carry out national surveys on drug abuse and mental

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

16 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
17 HEALTHCARE RESEARCH AND QUALITY

18 For carrying out titles III and IX of the PHS Act,
19 part A of title XI of the Social Security Act, and section
20 1013 of the Medicare Prescription Drug, Improvement,
21 and Modernization Act of 2003, \$334,000,000: *Provided*,
22 That section 947(c) of the PHS Act shall not apply in
23 fiscal year 2018: *Provided further*, That in addition,
24 amounts received from Freedom of Information Act fees,
25 reimbursable and interagency agreements, and the sale of

1 data shall be credited to this appropriation and shall re-
2 main available until September 30, 2020.

3 CENTERS FOR MEDICARE & MEDICAID SERVICES

4 GRANTS TO STATES FOR MEDICAID

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

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

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

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

23 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

24 For payment to the Federal Hospital Insurance
25 Trust Fund and the Federal Supplementary Medical In-

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

7 In addition, for making matching payments under
8 section 1844 and benefit payments under section 1860D–
9 16 of the Social Security Act that were not anticipated
10 in budget estimates, such sums as may be necessary.

11 PROGRAM MANAGEMENT

12 For carrying out, except as otherwise provided, titles
13 XI, XVIII, XIX, and XXI of the Social Security Act, titles
14 XIII and XXVII of the PHS Act, the and Clinical Labora-
15 tory Improvement Amendments of 1988, not to exceed
16 \$3,502,024,000, to be transferred from the Federal Hos-
17 pital Insurance Trust Fund and the Federal Supple-
18 mentary Medical Insurance Trust Fund, as authorized by
19 section 201(g) of the Social Security Act; together with
20 all funds collected in accordance with section 353 of the
21 PHS Act and section 1857(e)(2) of the Social Security
22 Act, funds retained by the Secretary pursuant to section
23 1893(h) of the Social Security Act, and such sums as may
24 be collected from authorized user fees and the sale of data,
25 which shall be credited to this account and remain avail-

1 able until expended: *Provided further*, That no funds shall
2 be derived from offsetting collections through fees col-
3 lected from qualified health plans offered through an Ex-
4 change established under Public Law 111-148 to operate
5 such an Exchange: *Provided further*, That all funds de-
6 rived in accordance with 31 U.S.C. 9701 from organiza-
7 tions established under title XIII of the PHS Act shall
8 be credited to and available for carrying out the purposes
9 of this appropriation: *Provided further*, That the Secretary
10 is directed to collect fees in fiscal year 2019 from Medicare
11 Advantage organizations pursuant to section 1857(e)(2)
12 of the Social Security Act and from eligible organizations
13 with risk-sharing contracts under section 1876 of that Act
14 pursuant to section 1876(k)(4)(D) of that Act.

15 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

16 In addition to amounts otherwise available for pro-
17 gram integrity and program management, \$765,000,000,
18 to remain available through September 30, 2020, to be
19 transferred from the Federal Hospital Insurance Trust
20 Fund and the Federal Supplementary Medical Insurance
21 Trust Fund, as authorized by section 201(g) of the Social
22 Security Act, of which \$599,389,000 shall be for the Cen-
23 ters for Medicare & Medicaid Services program integrity
24 activities, of which \$87,230,000 shall be for the Depart-
25 ment of Health and Human Services Office of Inspector

1 General to carry out fraud and abuse activities authorized
2 by section 1817(k)(3) of such Act, and of which
3 \$78,381,000 shall be for the Department of Justice to
4 carry out fraud and abuse activities authorized by section
5 1817(k)(3) of such Act: *Provided*, That the report re-
6 quired by section 1817(k)(5) of the Social Security Act
7 for fiscal year 2019 shall include measures of the oper-
8 ational efficiency and impact on fraud, waste, and abuse
9 in the Medicare, Medicaid, and CHIP programs for the
10 funds provided by this appropriation: *Provided further*,
11 That of the amount provided under this heading,
12 \$311,000,000 is provided to meet the terms of section
13 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended, and
15 \$454,000,000 is additional new budget authority specified
16 for purposes of section 251(b)(2)(C) of such Act: *Provided*
17 *further*, That the Secretary shall provide not less than
18 \$17,621,000 for the Senior Medicare Patrol program to
19 combat health care fraud and abuse from the funds pro-
20 vided to this account.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 PAYMENTS TO STATES FOR CHILD SUPPORT

23 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

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

11 LOW INCOME HOME ENERGY ASSISTANCE

12 For making payments under subsections (b) and (d)
13 of section 2602 of the Low Income Home Energy Assist-
14 ance Act of 1981, \$3,640,304,000: *Provided*, That all but
15 \$678,500,000 of this amount shall be allocated as though
16 the total appropriation for such payments for fiscal year
17 2018 was less than \$1,975,000,000: *Provided further*,
18 That notwithstanding section 2609A(a), of the amounts
19 appropriated under section 2602(b), not more than
20 \$2,988,000 of such amounts may be reserved by the Sec-
21 retary for technical assistance, training, and monitoring
22 of program activities for compliance with internal controls,
23 policies and procedures and may, in addition to the au-
24 thorities provided in section 2609A(a)(1), use such funds

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

3 REFUGEE AND ENTRANT ASSISTANCE
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for refugee and entrant as-
6 sistance activities authorized by section 414 of the Immi-
7 gration and Nationality Act and section 501 of the Ref-
8 ugee Education Assistance Act of 1980, and for carrying
9 out section 462 of the Homeland Security Act of 2002,
10 section 235 of the William Wilberforce Trafficking Victims
11 Protection Reauthorization Act of 2008, the Trafficking
12 Victims Protection Act of 2000 (“TVPA”), and the Tor-
13 ture Victims Relief Act of 1998, \$1,864,936,000, of which
14 \$1,830,446,000 shall remain available through September
15 30, 2021, for carrying out such sections 414, 501, 462,
16 and 235: *Provided*, That amounts available under this
17 heading to carry out the TVPA shall also be available for
18 research and evaluation with respect to activities under
19 such Act: *Provided further*, That the limitation in section
20 205 of this Act regarding transfers increasing any appro-
21 priation shall apply to transfers to appropriations under
22 this heading by substituting “10 percent” for “3 percent”.

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For carrying out the Child Care and Development
4 Block Grant Act of 1990 (“CCDBG Act”),
5 \$5,226,000,000 shall be used to supplement, not supplant
6 State general revenue funds for child care assistance for
7 low-income families: *Provided*, That technical assistance
8 under section 658I(a)(3) of such Act may be provided di-
9 rectly, or through the use of contracts, grants, cooperative
10 agreements, or interagency agreements: *Provided further*,
11 That all funds made available to carry out section 418
12 of the Social Security Act (42 U.S.C. 618), including
13 funds appropriated for that purpose in such section 418
14 or any other provision of law, shall be subject to the res-
15 ervation of funds authority in paragraphs (4) and (5) of
16 section 658O(a) of the CCDBG Act: *Provided further*,
17 That in addition to the amounts required to be reserved
18 by the Secretary under section 658O(a)(2)(A) of such Act,
19 \$156,780,000 shall be for Indian tribes and tribal organi-
20 zations: *Provided further*, That, in addition to the amounts
21 reserved under section 658O(a)(5) of the CCDBG Act,
22 \$100,000,000 shall be for carrying out a program of com-
23 petitive grants to States, territories, tribes, local govern-
24 ments, and public entities, to develop, implement, and
25 evaluate models of providing care for working families in

1 rural communities, families needing child care on an emer-
2 gency basis, or families with non-traditional work hours.

3 SOCIAL SERVICES BLOCK GRANT

4 For making grants to States pursuant to section
5 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
6 *vided*, That notwithstanding subparagraph (B) of section
7 404(d)(2) of such Act, the applicable percent specified
8 under such subparagraph for a State to carry out State
9 programs pursuant to title XX–A of such Act shall be 10
10 percent.

11 CHILDREN AND FAMILIES SERVICES PROGRAMS

12 For carrying out, except as otherwise provided, the
13 Runaway and Homeless Youth Act, the Head Start Act,
14 the Every Student Succeeds Act, the Child Abuse Preven-
15 tion and Treatment Act, sections 303 and 313 of the
16 Family Violence Prevention and Services Act, the Native
17 American Programs Act of 1974, title II of the Child
18 Abuse Prevention and Treatment and Adoption Reform
19 Act of 1978 (adoption opportunities), part B–1 of title IV
20 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
21 of the Social Security Act, and the Community Services
22 Block Grant Act (“CSBG Act”); and for necessary admin-
23 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
24 XVI, and XX–A of the Social Security Act, the Act of
25 July 5, 1960, the Low-Income Home Energy Assistance

1 Act of 1981, the Child Care and Development Block Grant
2 Act of 1990, the Assets for Independence Act, title IV of
3 the Immigration and Nationality Act, and section 501 of
4 the Refugee Education Assistance Act of 1980,
5 \$12,122,225,000, of which \$80,000,000, to remain avail-
6 able through September 30, 2020, shall be for grants to
7 States for adoption and legal guardianship incentive pay-
8 ments, as defined by section 473A of the Social Security
9 Act and may be made for adoptions and legal
10 guardianships completed before September 30, 2019: *Pro-*
11 *vided*, That \$9,913,095,000 shall be for making payments
12 under the Head Start Act: *Provided further*, That of the
13 amount in the previous proviso, \$9,108,095,000 shall be
14 available for payments under section 640 of the Head
15 Start Act, of which \$25,000,000 shall be available for a
16 cost of living adjustment notwithstanding section
17 640(a)(3)(A) of such Act: *Provided further*, That of the
18 amount provided for making payments under the Head
19 Start Act, \$25,000,000 shall be available for allocation by
20 the Secretary to supplement activities described in para-
21 graphs (7)(B) and (9) of section 641(c) of such Act under
22 the Designation Renewal System, established under the
23 authority of sections 641(c)(7), 645A(b)(12) and 645A(d)
24 of such Act: *Provided further*, That notwithstanding such
25 section 640, of the amount provided for making payments

1 under the Head Start Act, and in addition to funds other-
2 wise available under such section 640 for such purposes,
3 \$780,000,000 shall be available through March 31, 2020,
4 for Early Head Start programs as described in section
5 645A of such Act, for conversion of Head Start services
6 to Early Head Start services as described in section
7 645(a)(5)(A) of such Act, for discretionary grants for high
8 quality infant and toddler care through Early Head Start-
9 Child Care Partnerships, to entities defined as eligible
10 under section 645A(d) of such Act, for training and tech-
11 nical assistance for such activities, and for up to
12 \$16,000,000 in Federal costs of administration and eval-
13 uation, and, notwithstanding section 645A(c)(2) of such
14 Act, these funds are available to serve children under age
15 4: *Provided further*, That funds described in the preceding
16 two provisos shall not be included in the calculation of
17 “base grant” in subsequent fiscal years, as such term is
18 used in section 640(a)(7)(A) of such Act: *Provided further*,
19 That \$250,000,000 shall be for carrying out sections 9212
20 and 9213 of the Every Student Succeeds Act: *Provided*
21 *further*, That up to 3 percent of the funds in the preceding
22 proviso shall be available for technical assistance and eval-
23 uation related to grants awarded under such section 9212:
24 *Provided further*, That \$779,883,000 shall be for making
25 payments under the CSBG Act: *Provided further*, That

1 \$30,233,000 shall be for sections 680 and 678E(b)(2) of
2 the CSBG Act, of which not less than \$19,883,000 shall
3 be for section 680(a)(2) and not less than \$10,000,000
4 shall be for section 680(a)(3)(B) of such Act: *Provided*
5 *further*, That, notwithstanding section 675C(a)(3) of such
6 Act, to the extent Community Services Block Grant funds
7 are distributed as grant funds by a State to an eligible
8 entity as provided under such Act, and have not been ex-
9 pended by such entity, they shall remain with such entity
10 for carryover into the next fiscal year for expenditure by
11 such entity consistent with program purposes: *Provided*
12 *further*, That the Secretary shall establish procedures re-
13 garding the disposition of intangible assets and program
14 income that permit such assets acquired with, and pro-
15 gram income derived from, grant funds authorized under
16 section 680 of the CSBG Act to become the sole property
17 of such grantees after a period of not more than 12 years
18 after the end of the grant period for any activity consistent
19 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
20 *ther*, That intangible assets in the form of loans, equity
21 investments and other debt instruments, and program in-
22 come may be used by grantees for any eligible purpose
23 consistent with section 680(a)(2)(A) of the CSBG Act:
24 *Provided further*, That these procedures shall apply to
25 such grant funds made available after November 29, 1999:

1 *Provided further*, That funds appropriated for section
2 680(a)(2) of the CSBG Act shall be available for financing
3 construction and rehabilitation and loans or investments
4 in private business enterprises owned by community devel-
5 opment corporations: *Provided further*, That
6 \$160,000,000 shall be for carrying out section 303(a) of
7 the Family Violence Prevention and Services Act, of which
8 \$5,000,000 shall be allocated notwithstanding section
9 303(a)(2) of such Act for carrying out section 309 of such
10 Act: *Provided further*, That the percentages specified in
11 section 112(a)(2) of the Child Abuse Prevention and
12 Treatment Act shall not apply to funds appropriated
13 under this heading: *Provided further* That \$1,864,000
14 shall be for a human services case management system
15 for federally declared disasters, to include a comprehensive
16 national case management contract and Federal costs of
17 administering the system: *Provided further*, That up to
18 \$2,000,000 shall be for improving the Public Assistance
19 Reporting Information System, including grants to States
20 to support data collection for a study of the system's effec-
21 tiveness.

22 PROMOTING SAFE AND STABLE FAMILIES

23 For carrying out, except as otherwise provided, sec-
24 tion 436 of the Social Security Act, \$345,000,000 and,

1 for carrying out, except as otherwise provided, section 437
2 of such Act, \$59,765,000.

3 PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

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

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

14 ADMINISTRATION FOR COMMUNITY LIVING

15 AGING AND DISABILITY SERVICES PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For carrying out, to the extent not otherwise pro-
18 vided, the Older Americans Act of 1965 (“OAA”), titles
19 III and XXIX of the PHS Act, sections 1252 and 1253
20 of the PHS Act, section 119 of the Medicare Improve-
21 ments for Patients and Providers Act of 2008, title XX–
22 B of the Social Security Act, the Developmental Disabil-
23 ities Assistance and Bill of Rights Act, parts 2 and 5 of
24 subtitle D of title II of the Help America Vote Act of
25 2002, the Assistive Technology Act of 1998, titles II and

1 VII (and section 14 with respect to such titles) of the Re-
2 habilitation Act of 1973, and for Department-wide coordi-
3 nation of policy and program activities that assist individ-
4 uals with disabilities, \$2,132,617,000, together with
5 \$49,115,000 to be transferred from the Federal Hospital
6 Insurance Trust Fund and the Federal Supplementary
7 Medical Insurance Trust Fund to carry out section 4360
8 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
9 *vided*, That amounts appropriated under this heading may
10 be used for grants to States under section 361 of the OAA
11 only for disease prevention and health promotion pro-
12 grams and activities which have been demonstrated
13 through rigorous evaluation to be evidence-based and ef-
14 fective: *Provided further*, That of amounts made available
15 under this heading to carry out sections 311, 331, and
16 336 of the OAA, up to one percent of such amounts shall
17 be available for developing and implementing evidence-
18 based practices for enhancing senior nutrition: *Provided*
19 *further*, That notwithstanding any other provision of this
20 Act, funds made available under this heading to carry out
21 section 311 of the OAA may be transferred to the Sec-
22 retary of Agriculture in accordance with such section: *Pro-*
23 *vided further*, That \$2,000,000 shall be for competitive
24 grants to support alternative financing programs that pro-
25 vide for the purchase of assistive technology devices, such

1 as a low-interest loan fund; an interest buy-down program;
2 a revolving loan fund; a loan guarantee; or an insurance
3 program: *Provided further*, That applicants shall provide
4 an assurance that, and information describing the manner
5 in which, the alternative financing program will expand
6 and emphasize consumer choice and control: *Provided fur-*
7 *ther*, That State agencies and community-based disability
8 organizations that are directed by and operated for indi-
9 viduals with disabilities shall be eligible to compete: *Pro-*
10 *vided further*, That none of the funds made available under
11 this heading may be used by an eligible system (as defined
12 in section 102 of the Protection and Advocacy for Individ-
13 uals with Mental Illness Act (42 U.S.C. 10802)) to con-
14 tinue to pursue any legal action in a Federal or State
15 court on behalf of an individual or group of individuals
16 with a developmental disability (as defined in section
17 102(8)(A) of the Developmental Disabilities and Assist-
18 ance and Bill of Rights Act of 2000 (20 U.S.C.
19 15002(8)(A)) that is attributable to a mental impairment
20 (or a combination of mental and physical impairments),
21 that has as the requested remedy the closure of State op-
22 erated intermediate care facilities for people with intellec-
23 tual or developmental disabilities, unless reasonable public
24 notice of the action has been provided to such individuals
25 (or, in the case of mental incapacitation, the legal guard-

1 ians who have been specifically awarded authority by the
2 courts to make healthcare and residential decisions on be-
3 half of such individuals) who are affected by such action,
4 within 90 days of instituting such legal action, which in-
5 forms such individuals (or such legal guardians) of their
6 legal rights and how to exercise such rights consistent with
7 current Federal Rules of Civil Procedure: *Provided further*,
8 That the limitations in the immediately preceding proviso
9 shall not apply in the case of an individual who is neither
10 competent to consent nor has a legal guardian, nor shall
11 the proviso apply in the case of individuals who are a ward
12 of the State or subject to public guardianship.

13 OFFICE OF THE SECRETARY

14 GENERAL DEPARTMENTAL MANAGEMENT

15 For necessary expenses, not otherwise provided, for
16 general departmental management, including hire of six
17 passenger motor vehicles, and for carrying out titles III,
18 XVII, XXI, and section 229 of the PHS Act, the United
19 States-Mexico Border Health Commission Act, and re-
20 search studies under section 1110 of the Social Security
21 Act, \$379,845,000, together with \$53,445,000 from the
22 amounts available under section 241 of the PHS Act to
23 carry out national health or human services research and
24 evaluation activities: *Provided*, That of this amount,
25 \$53,900,000 shall be for minority AIDS prevention and

1 treatment activities: *Provided further* , That of the funds
2 made available under this heading, \$30,000,000 shall be
3 for making competitive grants which exclusively imple-
4 ment education in sexual risk avoidance (defined as volun-
5 tarily refraining from non-marital sexual activity): *Pro-*
6 *vided further*, That funding for such competitive grants
7 for sexual risk avoidance shall use medically accurate in-
8 formation referenced to peer-reviewed publications by edu-
9 cational, scientific, governmental, or health organizations;
10 implement an evidence-based approach integrating re-
11 search findings with practical implementation that aligns
12 with the needs and desired outcomes for the intended au-
13 dience; and teach the benefits associated with self-regula-
14 tion, success sequencing for poverty prevention, healthy
15 relationships, goal setting, and resisting sexual coercion,
16 dating violence, and other youth risk behaviors such as
17 underage drinking or illicit drug use without normalizing
18 teen sexual activity: *Provided further*, That no more than
19 10 percent of the funding for such competitive grants for
20 sexual risk avoidance shall be available for technical assist-
21 ance and administrative costs of such programs: *Provided*
22 *further*, That funds provided in this Act for embryo adop-
23 tion activities may be used to provide to individuals adopt-
24 ing embryos, through grants and other mechanisms, med-
25 ical and administrative services deemed necessary for such

1 adoptions: *Provided further*, That such services shall be
2 provided consistent with 42 CFR 59.5(a)(4).

3 OFFICE OF MEDICARE HEARINGS AND APPEALS

4 For expenses necessary for the Office of Medicare
5 Hearings and Appeals, \$172,381,000 shall remain avail-
6 able until September 30, 2020, to be transferred in appro-
7 priate part from the Federal Hospital Insurance Trust
8 Fund and the Federal Supplementary Medical Insurance
9 Trust Fund.

10 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

11 INFORMATION TECHNOLOGY

12 For expenses necessary for the Office of the National
13 Coordinator for Health Information Technology, including
14 grants, contracts, and cooperative agreements for the de-
15 velopment and advancement of interoperable health infor-
16 mation technology, \$42,705,000.

17 OFFICE OF INSPECTOR GENERAL

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

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, \$38,798,000.

4 RETIREMENT PAY AND MEDICAL BENEFITS FOR
5 COMMISSIONED OFFICERS

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

13 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
14 FUND

15 For expenses necessary to support activities related
16 to countering potential biological, nuclear, radiological,
17 chemical, and cybersecurity threats to civilian populations,
18 and for other public health emergencies, \$1,783,128,000,
19 of which \$586,700,000 shall remain available through
20 September 30, 2020, for expenses necessary to support
21 advanced research and development pursuant to section
22 319L of the PHS Act and other administrative expenses
23 of the Biomedical Advanced Research and Development
24 Authority and \$710,000,000 shall remain available until
25 expended for the Strategic National Stockpile: *Provided,*

1 That funds provided under this heading for the purpose
2 of acquisition of security countermeasures shall be in addi-
3 tion to any other funds available for such purpose: *Pro-*
4 *vided further*, That products purchased with funds pro-
5 vided under this heading may, at the discretion of the Sec-
6 retary, be deposited in the Strategic National Stockpile
7 pursuant to section 319F–2 of the PHS Act: *Provided fur-*
8 *ther*, That \$5,000,000 of the amounts made available to
9 support emergency operations shall remain available
10 through September 30, 2021.

11 For expenses necessary for procuring security coun-
12 termeasures (as defined in section 319F–2(c)(1)(B) of the
13 PHS Act), \$780,000,000, to remain available until ex-
14 pended.

15 For an additional amount for expenses necessary to
16 prepare for or respond to an influenza pandemic,
17 \$250,000,000; of which \$215,000,000 shall be available
18 until expended, for activities including the development
19 and purchase of vaccine, antivirals, necessary medical sup-
20 plies, diagnostics, and other surveillance tools: *Provided*,
21 That notwithstanding section 496(b) of the PHS Act,
22 funds may be used for the construction or renovation of
23 privately owned facilities for the production of pandemic
24 influenza vaccines and other biologics, if the Secretary

1 finds such construction or renovation necessary to secure
2 sufficient 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 2019 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 2019:

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 (TRANSFER OF FUNDS)

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

10 SEC. 215. (a) AUTHORITY.—Notwithstanding any
11 other provision of law, the Director of NIH (“Director”)
12 may use funds authorized under section 402(b)(7) or
13 402(b)(12) of the PHS Act to enter into transactions
14 (other than contracts, cooperative agreements, or grants)
15 to carry out research identified pursuant to such section
16 402(b)(7) (pertaining to the Common Fund) or research
17 and activities described in such section 402(b)(12).

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

1 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
2 and 494 of the PHS Act.

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

9 (TRANSFER OF FUNDS)

10 SEC. 217. Of the amounts made available for NIH,
11 1 percent of the amount made available for National Re-
12 search Service Awards (“NRSA”) shall be made available
13 to the Administrator of the Health Resources and Services
14 Administration to make NRSA awards for research in pri-
15 mary medical care to individuals affiliated with entities
16 who have received grants or contracts under sections 736,
17 739, or 747 of the PHS Act, and 1 percent of the amount
18 made available for NRSA shall be made available to the
19 Director of the Agency for Healthcare Research and Qual-
20 ity to make NRSA awards for health service research.

21 SEC. 218. (a) The Biomedical Advanced Research
22 and Development Authority (“BARDA”) may enter into
23 a contract, for more than one but no more than 10 pro-
24 gram years, for purchase of research services or of security
25 countermeasures, as that term is defined in section 319F–

1 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
2 if—

3 (1) funds are available and obligated—

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

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

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

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

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

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

20 SEC. 219. (a) The Secretary shall publish in the fiscal
21 year 2020 budget justification and on Departmental Web
22 sites information concerning the employment of full-time
23 equivalent Federal employees or contractors for the pur-
24 poses of implementing, administering, enforcing, or other-
25 wise carrying out the provisions of the ACA, and the

1 amendments made by that Act, in the proposed fiscal year
2 and each fiscal year since the enactment of the ACA.

3 (b) With respect to employees or contractors sup-
4 ported by all funds appropriated for purposes of carrying
5 out the ACA (and the amendments made by that Act),
6 the Secretary shall include, at a minimum, the following
7 information:

8 (1) For each such fiscal year, the section of
9 such Act under which such funds were appropriated,
10 a statement indicating the program, project, or ac-
11 tivity receiving such funds, the Federal operating di-
12 vision or office that administers such program, and
13 the amount of funding received in discretionary or
14 mandatory appropriations.

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

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

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

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

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

7 SEC. 220. The Secretary shall publish, as part of the
8 fiscal year 2020 budget of the President submitted under
9 section 1105(a) of title 31, United States Code, informa-
10 tion that details the uses of all funds used by the Centers
11 for Medicare and Medicaid Services specifically for Health
12 Insurance Exchanges for each fiscal year since the enact-
13 ment of the ACA and the proposed uses for such funds
14 for fiscal year 2020. Such information shall include, for
15 each such fiscal year, the amount of funds used for each
16 activity specified under the heading “Health Insurance
17 Exchange Transparency” in the committee report accom-
18 panying the Act.

19 SEC. 221. None of the funds made available by this
20 Act from the Federal Hospital Insurance Trust Fund or
21 the Federal Supplemental Medical Insurance Trust Fund,
22 or transferred from other accounts funded by this Act to
23 the “Centers for Medicare & Medicaid Services—Program
24 Management” account, may be used for payments under

1 section 1342(b)(1) of Public Law 111–148 (relating to
2 risk corridors).

3 (TRANSFER OF FUNDS)

4 SEC. 222. (a) Within 45 days of enactment of this
5 Act, the Secretary shall transfer funds appropriated under
6 section 4002 of the ACA to the accounts specified, in the
7 amounts specified, and for the activities specified under
8 the heading “Prevention and Public Health Fund” in the
9 committee report accompanying the Act.

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

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

15 SEC. 223. Effective during the period beginning on
16 November 1, 2015 and ending January 1, 2020, any pro-
17 vision of law that refers (including through cross-reference
18 to another provision of law) to the current recommenda-
19 tions of the United States Preventive Services Task Force
20 with respect to breast cancer screening, mammography,
21 and prevention shall be administered by the Secretary in-
22 volved as if—

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

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

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

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

22 (TRANSFER OF FUNDS)

23 SEC. 225. The NIH Director may transfer funds spe-
24 cifically appropriated for opioid addiction, opioid alter-
25 natives, pain management, and addiction treatment to

1 other Institutes and Centers of the NIH to be used for
2 the same purpose 15 days after notifying the Committees
3 on Appropriations: *Provided*, That the transfer authority
4 provided in the previous proviso is in addition to any other
5 transfer authority provided by law.

6 (TRANSFER OF FUNDS)

7 SEC. 226. (a) The Secretary may reserve not more
8 than 0.25 percent from each appropriation made available
9 in this Act identified in subsection (b) in order to carry
10 out evaluations of any of the programs or activities that
11 are funded under such accounts. Any such funds reserved
12 under this section may be transferred to “Children and
13 Families Services Programs” for use by the Assistant Sec-
14 retary for the Administration for Children and Families
15 to remain available until expended: *Provided*, That such
16 funds shall only be available if such Assistant Secretary
17 submits a plan to the Committees on Appropriations of
18 the House of Representatives and the Senate describing
19 the evaluations to be carried out 15 days in advance of
20 any such transfer.

21 (b) The accounts referred to in subsection (a) are:
22 “Low Income Home Energy Assistance”, “Refugee and
23 Entrant Assistance”, “Payments to States for the Child
24 Care and Development Block Grant”, and “Children and
25 Families Services Programs”.

1 SEC. 227. None of the funds appropriated in this Act
2 may be used to carry out title X of the PHS Act.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 228. There is established in the Treasury a re-
5 serve fund to be known as the “Infectious Diseases Rapid
6 Response Reserve Fund” (the “Reserve Fund”): *Provided*,
7 That of the funds provided under the heading “CDC-Wide
8 Activities and Program Support”, \$300,000,000, to re-
9 main available until expended, shall be available to the Di-
10 rector of the CDC for deposit in the Reserve Fund: *Pro-*
11 *vided further*, That amounts in the Reserve Fund shall be
12 for carrying out titles II, III, and XVII of the PHS Act
13 to prevent, prepare for, or respond to an infectious disease
14 emergency, including, in connection with such activities,
15 to purchase or lease and provide for the insurance of pas-
16 senger motor vehicles for official use in foreign countries:
17 *Provided further*, That amounts in the Reserve Fund may
18 only be provided for an infectious disease emergency if the
19 infectious disease emergency (1) is declared by the Sec-
20 retary of Health and Human Services under section 319
21 of the PHS Act to be a public health emergency; or (2)
22 as determined by the Secretary, has significant potential
23 to imminently occur and potential, on occurrence, to affect
24 national security or the health and security of United
25 States citizens, domestically or internationally: *Provided*

1 *further*, That amounts in the Reserve Fund may be trans-
2 ferred by the Director of the CDC to other accounts of
3 the CDC, to accounts of the NIH, or to the Public Health
4 and Social Services Emergency Fund, to be merged with
5 such accounts or Fund for the purposes provided in this
6 section: *Provided further*, That the Committees on Appro-
7 priations of the House of Representatives and the Senate
8 shall be notified at least 15 days prior to any transfer or
9 obligation made under the authority provided in this sec-
10 tion, including notification on the anticipated uses of such
11 funds by program, project, or activity: *Provided further*,
12 That the Committees on Appropriations of the House of
13 Representatives and the Senate shall receive a report not
14 later than 30 days after the end of each quarter in a fiscal
15 year on the unobligated balances in the Reserve Fund and
16 all actual obligations incurred for that fiscal year, includ-
17 ing obligations by program, project, or activity: *Provided*
18 *further*, That amounts in the Reserve Fund shall be in
19 addition to amounts otherwise available to the Department
20 of Health and Human Services for the purposes provided
21 in this section: *Provided further*, That the transfer au-
22 thorities in this section are in addition to any transfer au-
23 thority otherwise available to the Department of Health
24 and Human Services: *Provided further*, That products pur-
25 chased using amounts in the Reserve Fund may, at the

1 discretion of the Secretary of Health and Human Services,
2 be deposited in the Strategic National Stockpile under sec-
3 tion 319F–2 of the PHS Act: *Provided further*, That this
4 section shall be in effect as of the date of the enactment
5 of this Act through each fiscal year hereafter.

6 SEC. 229. None of the funds made available by this
7 Act may be used to support the Monograph Programme
8 of the International Agency for Research on Cancer (re-
9 ferred to in this title as “IARC”) unless, within 90 days
10 of enactment of this Act, the NIH provides to the Com-
11 mittee on Appropriations and the Committee on Science,
12 Space, and Technology of the House of Representatives
13 a report describing that grants, contracts, or cooperative
14 agreement awards to IARC will require: 1) a transparent
15 review process for Monograph Programme assessments in
16 which drafts and revisions are publicly available online; 2)
17 a process to address conflicts of interest in the selection
18 of individuals involved with Monograph Programme as-
19 sessments; 3) use of the best available science in devel-
20 oping Monograph Programme assessment conclusions;
21 and 4) summaries of relevant and significant studies and
22 reports that do not support assessments conclusions.

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

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED
4 For carrying out title I and subpart 2 of part B of
5 title II of the Elementary and Secondary Education Act
6 of 1965 (referred to in this Act as “ESEA”) and section
7 418A of the Higher Education Act of 1965 (referred to
8 in this Act as “HEA”), \$16,443,790,000, of which
9 \$5,525,990,000 shall become available on July 1, 2019,
10 and shall remain available through September 30, 2020,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2019, and shall remain available through Sep-
13 tember 30, 2020, for academic year 2019–2020: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2018, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$3,969,050,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,969,050,000 shall be for education finance incentive

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

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,466,112,000, of which \$1,320,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000 shall be for
12 construction under section 7007(a), \$75,313,000 shall be
13 for Federal property payments under section 7002, and
14 \$4,835,000, to remain available until expended, shall be
15 for facilities maintenance under section 7008: *Provided*,
16 That for purposes of computing the amount of a payment
17 for an eligible local educational agency under section
18 7003(a) for school year 2018–2019, children enrolled in
19 a school of such agency that would otherwise be eligible
20 for payment under section 7003(a)(1)(B) of such Act, but
21 due to the deployment of both parents or legal guardians,
22 or a parent or legal guardian having sole custody of such
23 children, or due to the death of a military parent or legal
24 guardian while on active duty (so long as such children
25 reside on Federal property as described in section

1 7003(a)(1)(B)), are no longer eligible under such section,
2 shall be considered as eligible students under such section,
3 provided such students remain in average daily attendance
4 at a school in the same local educational agency they at-
5 tended prior to their change in eligibility status.

6 SCHOOL IMPROVEMENT PROGRAMS

7 For carrying out school improvement activities au-
8 thorized by part B of title I, part A of title II, subpart
9 1 of part A of title IV, part B of title IV, part B of title
10 V, and parts B and C of title VI of the ESEA; the McKin-
11 ney-Vento Homeless Assistance Act; section 203 of the
12 Educational Technical Assistance Act of 2002; the Com-
13 pact of Free Association Amendments Act of 2003; and
14 the Civil Rights Act of 1964, \$5,258,467,000, of which
15 \$3,429,902,000 shall become available on July 1, 2019,
16 and remain available through September 30, 2020, and
17 of which \$1,681,441,000 shall become available on Octo-
18 ber 1, 2019, and shall remain available through September
19 30, 2020, for academic year 2019–2020: *Provided*, That
20 \$378,000,000 shall be for part B of title I: *Provided fur-*
21 *ther*, That \$1,211,673,000 shall be for part B of title IV:
22 *Provided further*, That \$36,397,000 shall be for part B
23 of title VI and may be used for construction, renovation,
24 and modernization of any elementary school, secondary
25 school, or structure related to an elementary school or sec-

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

3 INNOVATION AND IMPROVEMENT

4 For carrying out activities authorized by subparts 1,
5 3 and 4 of part B of title II, and parts C, D, and E and
6 subparts 1 and 4 of part F of title IV of the ESEA,
7 \$1,055,441,000.

8 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

9 For carrying out activities authorized by subparts 2
10 and 3 of part F of title IV of the ESEA, \$138,754,000:
11 *Provided*, That \$43,000,000 shall be available for section
12 4631, of which up to \$5,000,000, to remain available until
13 expended, shall be for the Project School Emergency Re-
14 sponse to Violence (Project SERV) program: *Provided fur-*
15 *ther*, That \$17,500,000 shall be available for section 4625:
16 *Provided further*, That \$78,254,000 shall be available
17 through December 31, 2019, for section 4624: *Provided*
18 *further*, That section 4623(b) of the ESEA shall apply to
19 funds appropriated for Promise Neighborhoods under this
20 heading in prior appropriations acts.

21 ENGLISH LANGUAGE ACQUISITION

22 For carrying out part A of title III of the ESEA,
23 \$737,400,000, which shall become available on July 1,
24 2019, and shall remain available through September 30,
25 2020, except that 6.5 percent of such amount shall be

1 available on October 1, 2018, and shall remain available
2 through September 30, 2020, to carry out activities under
3 section 3111(c)(1)(C).

4 SPECIAL EDUCATION

5 For carrying out the Individuals with Disabilities
6 Education Act (IDEA), \$13,422,651,000, of which
7 \$3,909,465,000 shall become available on July 1, 2019,
8 and shall remain available through September 30, 2020,
9 and of which \$9,283,383,000 shall become available on
10 October 1, 2019, and shall remain available through Sep-
11 tember 30, 2020, for academic year 2019–2020: *Provided*,
12 That the amount for section 611(b)(2) of the IDEA shall
13 be equal to the lesser of the amount available for that ac-
14 tivity during fiscal year 2018, increased by the amount
15 of inflation as specified in section 619(d)(2)(B) of the
16 IDEA, or the percent change in the funds appropriated
17 under section 611(i) of the IDEA, but not less than the
18 amount for that activity during fiscal year 2018: *Provided*
19 *further*, That the Secretary shall, without regard to section
20 611(d) of the IDEA, distribute to all other States (as that
21 term is defined in section 611(g)(2)), subject to the third
22 proviso, any amount by which a State’s allocation under
23 section 611, from funds appropriated under this heading,
24 is reduced under section 612(a)(18)(B), according to the
25 following: 85 percent on the basis of the States’ relative

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

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

1 Personnel Development Grants program under part D,
2 subpart 1 of IDEA to evaluate program performance
3 under such subpart.

4 REHABILITATION SERVICES

5 For carrying out, to the extent not otherwise pro-
6 vided, the Rehabilitation Act of 1973 and the Helen Keller
7 National Center Act, \$3,657,689,000, of which
8 \$3,521,990,000 shall be for grants for vocational rehabili-
9 tation services under title I of the Rehabilitation Act: *Pro-*
10 *vided*, That the Secretary may use amounts provided in
11 this Act that remain available subsequent to the reallocot-
12 ment of funds to States pursuant to section 110(b) of the
13 Rehabilitation Act for innovative activities aimed at im-
14 proving the outcomes of individuals with disabilities as de-
15 fined in section 7(20)(B) of the Rehabilitation Act, includ-
16 ing activities aimed at improving the education and post-
17 school outcomes of children receiving Supplemental Secu-
18 rity Income (“SSI”) and their families that may result
19 in long-term improvement in the SSI child recipient’s eco-
20 nomic status and self-sufficiency: *Provided further*, That
21 States may award subgrants for a portion of the funds
22 to other public and private, nonprofit entities: *Provided*
23 *further*, That any funds made available subsequent to real-
24 lotment for innovative activities aimed at improving the

1 outcomes of individuals with disabilities shall remain avail-
2 able until September 30, 2020.

3 SPECIAL INSTITUTIONS FOR PERSONS WITH
4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

6 For carrying out the Act to promote the Education
7 of the Blind of March 3, 1879, \$28,431,000.

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

9 For the National Technical Institute for the Deaf
10 under titles I and II of the Education of the Deaf Act
11 of 1986, \$75,000,000: *Provided*, That from the total
12 amount available, the Institute may at its discretion use
13 funds for the endowment program as authorized under
14 section 207 of such Act.

15 GALLAUDET UNIVERSITY

16 For the Kendall Demonstration Elementary School,
17 the Model Secondary School for the Deaf, and the partial
18 support of Gallaudet University under titles I and II of
19 the Education of the Deaf Act of 1986, \$134,361,000:
20 *Provided*, That from the total amount available, the Uni-
21 versity may at its discretion use funds for the endowment
22 program as authorized under section 207 of such Act.

23 CAREER, TECHNICAL, AND ADULT EDUCATION

24 For carrying out, to the extent not otherwise pro-
25 vided, the Carl D. Perkins Career and Technical Edu-

1 cation Act of 2006 and the Adult Education and Family
2 Literacy Act (“AEFLA”), \$1,945,265,000, of which
3 \$1,154,265,000 shall become available on July 1, 2019,
4 and shall remain available through September 30, 2020,
5 and of which \$791,000,000 shall become available on Oc-
6 tober 1, 2019, and shall remain available through Sep-
7 tember 30, 2020: *Provided*, That of the amounts made
8 available for AEFLA, \$13,712,000 shall be for national
9 leadership activities under section 242.

10 STUDENT FINANCIAL ASSISTANCE

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

14 The maximum Pell Grant for which a student shall
15 be eligible during award year 2019–2020 shall be \$5,035.

16 STUDENT AID ADMINISTRATION

17 For Federal administrative expenses to carry out part
18 D of title I, and subparts 1, 3, 9, and 10 of part A, and
19 parts B, C, D, and E of title IV of the HEA, and subpart
20 1 of part A of title VII of the Public Health Service Act,
21 \$1,678,943,000, to remain available through September
22 30, 2020.

23 HIGHER EDUCATION

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

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

3 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
4 PROGRAM

5 For Federal administrative expenses to carry out ac-
6 tivities related to existing facility loans pursuant to section
7 121 of the HEA, \$448,000.

8 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
9 CAPITAL FINANCING PROGRAM ACCOUNT

10 For the cost of guaranteed loans, \$20,489,000, as au-
11 thorized pursuant to part D of title III of the HEA, which
12 shall remain available through September 30, 2020: *Pro-*
13 *vided*, That such costs, including the cost of modifying
14 such loans, shall be as defined in section 502 of the Con-
15 gressional Budget Act of 1974: *Provided further*, That
16 these funds are available to subsidize total loan principal,
17 any part of which is to be guaranteed, not to exceed
18 \$580,000,000: *Provided further*, That these funds may be
19 used to support loans to public and private Historically
20 Black Colleges and Universities without regard to the limi-
21 tations within section 344(a) of the HEA. In addition, for
22 administrative expenses to carry out the Historically Black
23 College and University Capital Financing Program en-
24 tered into pursuant to part D of title III of the HEA,
25 \$339,000.

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, \$613,462,000, which shall remain available
8 through September 30, 2020: *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.

19 DEPARTMENTAL MANAGEMENT

20 PROGRAM ADMINISTRATION

21 For carrying out, to the extent not otherwise pro-
22 vided, the Department of Education Organization Act, in-
23 cluding rental of conference rooms in the District of Co-
24 lumbia and hire of three passenger motor vehicles,
25 \$432,506,000: *Provided*, That, notwithstanding any other

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

11 OFFICE FOR CIVIL RIGHTS

12 For expenses necessary for the Office for Civil
13 Rights, as authorized by section 203 of the Department
14 of Education Organization Act, \$117,000,000.

15 OFFICE OF INSPECTOR GENERAL

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

19 GENERAL PROVISIONS

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

23 (TRANSFER OF FUNDS)

24 SEC. 302. Not to exceed 1 percent of any discre-
25 tionary funds (pursuant to the Balanced Budget and

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

12 SEC. 303. Section 105(f)(1)(B)(ix) of the Compact
13 of Free Association Amendments Act of 2003 (48 U.S.C.
14 1921d(f)(1)(B)(ix)) shall be applied by substituting
15 “2019” for “2018”.

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

20 SEC. 305. (a) An institution of higher education that
21 maintains an endowment fund supported with funds ap-
22 propriated for title III or V of the HEA for fiscal year
23 2019 may use the income from that fund to award schol-
24 arships to students, subject to the limitation in section
25 331(c)(3)(B)(i) of the HEA. The use of such income for

1 such purposes, prior to the enactment of this Act, shall
2 be considered to have been an allowable use of that in-
3 come, subject to that limitation.

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

6 SEC. 306. Section 114(f) of the HEA (20 U.S.C.
7 1011c(f)) is amended by striking “2018” and inserting
8 “2019”.

9 SEC. 307. Section 458(a) of the HEA (20 U.S.C.
10 1087h(a)) is amended in paragraph (4) by striking
11 “2018” and inserting “2019”.

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

14 TITLE IV

15 RELATED AGENCIES

16 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

17 BLIND OR SEVERELY DISABLED

18 SALARIES AND EXPENSES

19 For expenses necessary for the Committee for Pur-
20 chase From People Who Are Blind or Severely Disabled
21 established under section 8502 of title 41, United States
22 Code, \$8,250,000: *Provided*, That in order to authorize
23 any central nonprofit agency designated pursuant to sec-
24 tion 8503(c) of title 41, United States Code, to perform
25 requirements of the Committee as prescribed under sec-

1 tion 51–3.2 of title 41, Code of Federal Regulations, the
2 Committee shall enter into a written agreement with any
3 such central nonprofit agency: *Provided further*, That such
4 agreement shall contain such auditing, oversight, and re-
5 porting provisions as necessary to implement chapter 85
6 of title 41, United States Code: *Provided further*, That
7 such agreement shall include the elements listed under the
8 heading “Committee For Purchase From People Who Are
9 Blind or Severely Disabled—Written Agreement
10 Elements” in the explanatory statement described in sec-
11 tion 4 of Public Law 114–113 (in the matter preceding
12 division A of that consolidated Act): *Provided further*,
13 That any such central nonprofit agency may not charge
14 a fee under section 51–3.5 of title 41, Code of Federal
15 Regulations, prior to executing a written agreement with
16 the Committee: *Provided further*, That no less than
17 \$1,250,000 shall be available for the Office of Inspector
18 General.

19 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
20 OPERATING EXPENSES

21 For necessary expenses for the Corporation for Na-
22 tional and Community Service (referred to in this title as
23 “CNCS”) to carry out the Domestic Volunteer Service Act
24 of 1973 (referred to in this title as “1973 Act”) and the
25 National and Community Service Act of 1990 (referred

1 to in this title as “1990 Act”), \$767,629,000, notwith-
2 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
3 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
4 amounts provided under this heading: (1) up to 1 percent
5 of program grant funds may be used to defray the costs
6 of conducting grant application reviews, including the use
7 of outside peer reviewers and electronic management of
8 the grants cycle; (2) \$17,538,000 shall be available to pro-
9 vide assistance to State commissions on national and com-
10 munity service, under section 126(a) of the 1990 Act and
11 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
12 \$32,000,000 shall be available to carry out subtitle E of
13 the 1990 Act; and (4) \$5,400,000 shall be available for
14 expenses authorized under section 501(a)(4)(F) of the
15 1990 Act, which, notwithstanding the provisions of section
16 198P shall be awarded by CNCS on a competitive basis:
17 *Provided further*, That for the purposes of carrying out
18 the 1990 Act, satisfying the requirements in section
19 122(c)(1)(D) may include a determination of need by the
20 local community.

21 PAYMENT TO THE NATIONAL SERVICE TRUST

22 (INCLUDING TRANSFER OF FUNDS)

23 For payment to the National Service Trust estab-
24 lished under subtitle D of title I of the 1990 Act,
25 \$206,842,000, to remain available until expended: *Pro-*

1 *vided*, That CNCS may transfer additional funds from the
2 amount provided within “Operating Expenses” allocated
3 to grants under subtitle C of title I of the 1990 Act to
4 the National Service Trust upon determination that such
5 transfer is necessary to support the activities of national
6 service participants and after notice is transmitted to the
7 Committees on Appropriations of the House of Represent-
8 atives and the Senate: *Provided further*, That amounts ap-
9 propriated for or transferred to the National Service Trust
10 may be invested under section 145(b) of the 1990 Act
11 without regard to the requirement to apportion funds
12 under 31 U.S.C. 1513(b).

13 SALARIES AND EXPENSES

14 For necessary expenses of administration as provided
15 under section 501(a)(5) of the 1990 Act and under section
16 504(a) of the 1973 Act, including payment of salaries, au-
17 thorized travel, hire of passenger motor vehicles, the rental
18 of conference rooms in the District of Columbia, the em-
19 ployment of experts and consultants authorized under 5
20 U.S.C. 3109, and not to exceed \$2,500 for official recep-
21 tion and representation expenses, \$83,737,000.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the Inspector General Act of 1978,
25 \$5,750,000.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 401. CNCS shall make any significant changes
3 to program requirements, service delivery or policy only
4 through public notice and comment rulemaking. For fiscal
5 year 2018, during any grant selection process, an officer
6 or employee of CNCS shall not knowingly disclose any cov-
7 ered grant selection information regarding such selection,
8 directly or indirectly, to any person other than an officer
9 or employee of CNCS that is authorized by CNCS to re-
10 ceive such information.

11 SEC. 402. AmeriCorps programs receiving grants
12 under the National Service Trust program shall meet an
13 overall minimum share requirement of 24 percent for the
14 first 3 years that they receive AmeriCorps funding, and
15 thereafter shall meet the overall minimum share require-
16 ment as provided in section 2521.60 of title 45, Code of
17 Federal Regulations, without regard to the operating costs
18 match requirement in section 121(e) or the member sup-
19 port Federal share limitations in section 140 of the 1990
20 Act, and subject to partial waiver consistent with section
21 2521.70 of title 45, Code of Federal Regulations.

22 SEC. 403. Donations made to CNCS under section
23 196 of the 1990 Act for the purposes of financing pro-
24 grams and operations under titles I and II of the 1973
25 Act or subtitle B, C, D, or E of title I of the 1990 Act

1 shall be used to supplement and not supplant current pro-
2 grams and operations.

3 SEC. 404. In addition to the requirements in section
4 146(a) of the 1990 Act, use of an educational award for
5 the purpose described in section 148(a)(4) shall be limited
6 to individuals who are veterans as defined under section
7 101 of the Act.

8 SEC. 405. For the purpose of carrying out section
9 189D of the 1990 Act—

10 (1) entities described in paragraph (a) of such
11 section shall be considered “qualified entities” under
12 section 3 of the National Child Protection Act of
13 1993 (“NCPA”);

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

17 (3) State Commissions on National and Com-
18 munity Service established pursuant to section 178
19 of the 1990 Act, are authorized to receive criminal
20 history record information, consistent with Public
21 Law 92–544.

22 SEC. 406. Notwithstanding sections 139(b), 146 and
23 147 of the 1990 Act, an individual who successfully com-
24 pletes a term of service of not less than 1,200 hours dur-
25 ing a period of not more than one year may receive a na-

1 tional service education award having a value of 70 per-
2 cent of the value of a national service education award
3 determined under section 147(a) of the Act.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For payment to the Corporation for Public Broad-
6 casting (“CPB”), as authorized by the Communications
7 Act of 1934, an amount which shall be available within
8 limitations specified by that Act, for the fiscal year 2021,
9 \$445,000,000: *Provided*, That none of the funds made
10 available to CPB by this Act shall be used to pay for re-
11 ceptions, parties, or similar forms of entertainment for
12 Government officials or employees: *Provided further*, That
13 none of the funds made available to CPB by this Act shall
14 be available or used to aid or support any program or ac-
15 tivity from which any person is excluded, or is denied ben-
16 efits, or is discriminated against, on the basis of race,
17 color, national origin, religion, or sex: *Provided further*,
18 That none of the funds made available to CPB by this
19 Act shall be used to apply any political test or qualification
20 in selecting, appointing, promoting, or taking any other
21 personnel action with respect to officers, agents, and em-
22 ployees of CPB: *Provided further*, That none of the funds
23 made available to CPB by this Act shall be used to support
24 the Television Future Fund or any similar purpose.

1 In addition, for the costs associated with replacing
2 and upgrading the public broadcasting interconnection
3 system and other technologies and services that create in-
4 frastructure and efficiencies within the public media sys-
5 tem, \$20,000,000.

6 FEDERAL MEDIATION AND CONCILIATION SERVICE

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mediation
9 and Conciliation Service (“Service”) to carry out the func-
10 tions vested in it by the Labor-Management Relations Act,
11 1947, including hire of passenger motor vehicles; for ex-
12 penses necessary for the Labor-Management Cooperation
13 Act of 1978; and for expenses necessary for the Service
14 to carry out the functions vested in it by the Civil Service
15 Reform Act, \$46,800,000, including up to \$400,000 to re-
16 main available through September 30, 2020, for activities
17 authorized by the Labor-Management Cooperation Act of
18 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
19 fees charged, up to full-cost recovery, for special training
20 activities and other conflict resolution services and tech-
21 nical assistance, including those provided to foreign gov-
22 ernments and international organizations, and for arbitra-
23 tion services shall be credited to and merged with this ac-
24 count, and shall remain available until expended: *Provided*
25 *further*, That fees for arbitration services shall be available

1 only for education, training, and professional development
2 of the agency workforce: *Provided further*, That the Direc-
3 tor of the Service is authorized to accept and use on behalf
4 of the United States gifts of services and real, personal,
5 or other property in the aid of any projects or functions
6 within the Director's jurisdiction.

7 FEDERAL MINE SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Federal Mine Safety
11 and Health Review Commission, \$17,124,000.

12 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

13 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

14 AND ADMINISTRATION

15 For carrying out the Museum and Library Services
16 Act of 1996 and the National Museum of African Amer-
17 ican History and Culture Act, \$240,000,000.

18 MEDICAID AND CHIP PAYMENT AND ACCESS

19 COMMISSION

20 SALARIES AND EXPENSES

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

1 MEDICARE PAYMENT ADVISORY COMMISSION

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out section 1805 of
4 the Social Security Act, \$13,045,000, to be transferred to
5 this appropriation from the Federal Hospital Insurance
6 Trust Fund and the Federal Supplementary Medical In-
7 surance Trust Fund.

8 NATIONAL COUNCIL ON DISABILITY

9 SALARIES AND EXPENSES

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

13 NATIONAL LABOR RELATIONS BOARD

14 SALARIES AND EXPENSES

15 For expenses necessary for the National Labor Rela-
16 tions Board to carry out the functions vested in it by the
17 Labor-Management Relations Act, 1947, and other laws,
18 \$261,325,000: *Provided*, That no part of this appropria-
19 tion shall be available to organize or assist in organizing
20 agricultural laborers or used in connection with investiga-
21 tions, hearings, directives, or orders concerning bargaining
22 units composed of agricultural laborers as referred to in
23 section 2(3) of the Act of July 5, 1935, and as amended
24 by the Labor-Management Relations Act, 1947, and as de-
25 fined in section 3(f) of the Act of June 25, 1938, and

1 including in said definition employees engaged in the
2 maintenance and operation of ditches, canals, reservoirs,
3 and waterways when maintained or operated on a mutual,
4 nonprofit basis and at least 95 percent of the water stored
5 or supplied thereby is used for farming purposes.

6 ADMINISTRATIVE PROVISIONS

7 SEC. 407. None of the funds provided by this Act
8 or previous Acts making appropriations for the National
9 Labor Relations Board may be used to issue any new ad-
10 ministrative directive or regulation that would provide em-
11 ployees any means of voting through any electronic means
12 in an election to determine a representative for the pur-
13 poses of collective bargaining.

14 SEC. 408. None of the funds made available by this
15 Act may be used to issue, enforce, or litigate any adminis-
16 trative directive, regulation, representation issue, or unfair
17 labor practice proceeding, or any other administrative
18 complaint, charge, claim, or proceeding based on the
19 standard for determining whether entities are “joint em-
20 ployers” set forth by the National Labor Relations Board
21 in *Browning-Ferris Industries of California, Inc.*, 362
22 NLRB No. 186 (August 27, 2015).

23 SEC. 409. (a) None of the funds made available by
24 this Act may be used to enforce the National Labor Rela-
25 tions Act (29 U.S.C. 152) against any Indian Tribe, in-

1 cluding any enterprise or institution owned and operated
2 by an Indian Tribe and located on its Indian lands.

3 (b) For purposes of this section—

4 (1) the term “Indian Tribe” means any Indian
5 Tribe, band, nation, pueblo, Native Alaskan group,
6 or other organized group or community which is rec-
7 ognized as eligible for the special programs and serv-
8 ices provided by the United States to Indians be-
9 cause of their status as Indians;

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

12 (3) the term “Indian lands’ ” means—

13 (A) all lands within the limits of any In-
14 dian reservation;

15 (B) any lands title to which is either held
16 in trust by the United States for the benefit of
17 any Indian Tribe or individual or held by any
18 Indian Tribe or individual subject to restriction
19 by the United States against alienation; and

20 (C) any lands in the State of Oklahoma
21 that are within the boundaries of a former res-
22 ervation (as defined by the Secretary of the In-
23 terior) of a federally recognized Indian Tribe.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, including emergency boards ap-
5 pointed by the President, \$13,510,000.

6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

7 COMMISSION

8 SALARIES AND EXPENSES

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

11 RAILROAD RETIREMENT BOARD

12 DUAL BENEFITS PAYMENTS ACCOUNT

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

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

2 ACCOUNTS

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

10 LIMITATION ON ADMINISTRATION

11 For necessary expenses for the Railroad Retirement
12 Board (“Board”) for administration of the Railroad Re-
13 tirement Act and the Railroad Unemployment Insurance
14 Act, \$126,000,000, to be derived in such amounts as de-
15 termined by the Board from the railroad retirement ac-
16 counts and from moneys credited to the railroad unem-
17 ployment insurance administration fund: *Provided*, That
18 notwithstanding section 7(b)(9) of the Railroad Retire-
19 ment Act this limitation may be used to hire attorneys
20 only through the excepted service: *Provided further*, That
21 the previous proviso shall not change the status under
22 Federal employment laws of any attorney hired by the
23 Railroad Retirement Board prior to January 1, 2013: *Pro-*
24 *vided further*, That \$12,500,000, to remain available until
25 expended, shall be used to supplement, not supplant, exist-

1 ing resources devoted to operations and improvements for
2 the Board's Information Technology Investment Initia-
3 tives.

4 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

5 For expenses necessary for the Office of Inspector
6 General for audit, investigatory and review activities, as
7 authorized by the Inspector General Act of 1978, not more
8 than \$8,500,000, to be derived from the railroad retire-
9 ment accounts and railroad unemployment insurance ac-
10 count.

11 SOCIAL SECURITY ADMINISTRATION

12 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

17 SUPPLEMENTAL SECURITY INCOME PROGRAM

18 For carrying out titles XI and XVI of the Social Se-
19 curity Act, section 401 of Public Law 92-603, section 212
20 of Public Law 93-66, as amended, and section 405 of
21 Public Law 95-216, including payment to the Social Secu-
22 rity trust funds for administrative expenses incurred pur-
23 suant to section 201(g)(1) of the Social Security Act,
24 \$41,251,000,000, to remain available until expended: *Pro-*
25 *vided*, That any portion of the funds provided to a State

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

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

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

15 LIMITATION ON ADMINISTRATIVE EXPENSES

16 For necessary expenses, including the hire of two pas-
17 senger motor vehicles, and not to exceed \$20,000 for offi-
18 cial reception and representation expenses, not more than
19 \$12,422,045,000 may be expended, as authorized by sec-
20 tion 201(g)(1) of the Social Security Act, from any one
21 or all of the trust funds referred to in such section: *Pro-*
22 *vided*, That not less than \$2,400,000 shall be for the So-
23 cial Security Advisory Board: *Provided further*, That
24 \$100,000,000 shall remain available through September
25 30, 2020, for activities to address the disability hearings

1 backlog within the Office of Hearings Operations: *Pro-*
2 *vided further*, That unobligated balances of funds provided
3 under this paragraph at the end of fiscal year 2019 not
4 needed for fiscal year 2019 shall remain available until
5 expended to invest in the Social Security Administration
6 information technology and telecommunications hardware
7 and software infrastructure, including related equipment
8 and non-payroll administrative expenses associated solely
9 with this information technology and telecommunications
10 infrastructure: *Provided further*, That the Commissioner
11 of Social Security shall notify the Committees on Appro-
12 priations of the House of Representatives and the Senate
13 prior to making unobligated balances available under the
14 authority in the previous proviso: *Provided further*, That
15 reimbursement to the trust funds under this heading for
16 expenditures for official time for employees of the Social
17 Security Administration pursuant to 5 U.S.C. 7131, and
18 for facilities or support services for labor organizations
19 pursuant to policies, regulations, or procedures referred
20 to in section 7135(b) of such title shall be made by the
21 Secretary of the Treasury, with interest, from amounts in
22 the general fund not otherwise appropriated, as soon as
23 possible after such expenditures are made.

24 Of the total amount made available in the first para-
25 graph under this heading, not more than \$1,683,000,000,

1 to remain available through March 31, 2020, is for the
2 costs associated with continuing disability reviews under
3 titles II and XVI of the Social Security Act, including
4 work-related continuing disability reviews to determine
5 whether earnings derived from services demonstrate an in-
6 dividual's ability to engage in substantial gainful activity,
7 for the cost associated with conducting redeterminations
8 of eligibility under title XVI of the Social Security Act,
9 for the cost of co-operative disability investigation units,
10 and for the cost associated with the prosecution of fraud
11 in the programs and operations of the Social Security Ad-
12 ministration by Special Assistant United States Attorneys:
13 *Provided*, That, of such amount, \$273,000,000 is provided
14 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985, as amended, and \$1,410,000,000 is additional new
17 budget authority specified for purposes of section
18 251(b)(2)(B) of such Act: *Provided further*, That, of the
19 additional new budget authority described in the preceding
20 proviso, up to \$10,000,000 may be transferred to the
21 "Office of Inspector General", Social Security Administra-
22 tion, for the cost of jointly operated co-operative disability
23 investigation units: *Provided further*, That such transfer
24 authority is in addition to any other transfer authority
25 provided by law: *Provided further*, That the Commissioner

1 shall provide to the Congress (at the conclusion of the fis-
2 cal year) a report on the obligation and expenditure of
3 these funds, similar to the reports that were required by
4 section 103(d)(2) of Public Law 104–121 for fiscal years
5 1996 through 2002.

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

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

19 OFFICE OF INSPECTOR GENERAL
20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses necessary for the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$31,000,000, together with not to
24 exceed \$77,500,000, to be transferred and expended as
25 authorized by section 201(g)(1) of the Social Security Act

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

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

12 TITLE V

13 GENERAL PROVISIONS

14 (TRANSFER OF FUNDS)

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

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

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

17 (b) No part of any appropriation contained in this
18 Act or transferred pursuant to section 4002 of Public Law
19 111–148 shall be used to pay the salary or expenses of
20 any grant or contract recipient, or agent acting for such
21 recipient, related to any activity designed to influence the
22 enactment of legislation, appropriations, regulation, ad-
23 ministrative action, or Executive order proposed or pend-
24 ing before the Congress or any State government, State
25 legislature or local legislature or legislative body, other

1 than for normal and recognized executive-legislative rela-
2 tionships or participation by an agency or officer of a
3 State, local or tribal government in policymaking and ad-
4 ministrative processes within the executive branch of that
5 government.

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

13 SEC. 504. The Secretaries of Labor and Education
14 are authorized to make available not to exceed \$28,000
15 and \$20,000, respectively, from funds available for sala-
16 ries and expenses under titles I and III, respectively, for
17 official reception and representation expenses; the Direc-
18 tor of the Federal Mediation and Conciliation Service is
19 authorized to make available for official reception and rep-
20 resentation expenses not to exceed \$5,000 from the funds
21 available for “Federal Mediation and Conciliation Service,
22 Salaries and Expenses”; and the Chairman of the Na-
23 tional Mediation Board is authorized to make available for
24 official reception and representation expenses not to ex-

1 exceed \$5,000 from funds available for “National Mediation
2 Board, Salaries and Expenses”.

3 SEC. 505. When issuing statements, press releases,
4 requests for proposals, bid solicitations and other docu-
5 ments describing projects or programs funded in whole or
6 in part with Federal money, all grantees receiving Federal
7 funds included in this Act, including but not limited to
8 State and local governments and recipients of Federal re-
9 search grants, shall clearly state—

10 (1) the percentage of the total costs of the pro-
11 gram or project which will be financed with Federal
12 money;

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

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

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

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

1 (c) The term “health benefits coverage” means the
2 package of services covered by a managed care provider
3 or organization pursuant to a contract or other arrange-
4 ment.

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

7 (1) if the pregnancy is the result of an act of
8 rape or incest; or

9 (2) in the case where a woman suffers from a
10 physical disorder, physical injury, or physical illness,
11 including a life-endangering physical condition
12 caused by or arising from the pregnancy itself, that
13 would, as certified by a physician, place the woman
14 in danger of death unless an abortion is performed.

15 (b) Nothing in the preceding section shall be con-
16 strued as prohibiting the expenditure by a State, locality,
17 entity, or private person of State, local, or private funds
18 (other than a State’s or locality’s contribution of Medicaid
19 matching funds).

20 (c) Nothing in the preceding section shall be con-
21 strued as restricting the ability of any managed care pro-
22 vider from offering abortion coverage or the ability of a
23 State or locality to contract separately with such a pro-
24 vider for such coverage with State funds (other than a

1 State's or locality's contribution of Medicaid matching
2 funds).

3 (d)(1) None of the funds made available in this Act
4 may be made available to a Federal agency or program,
5 or to a State or local government, if such agency, program,
6 or government subjects any institutional or individual
7 health care entity to discrimination on the basis that the
8 health care entity does not provide, pay for, provide cov-
9 erage of, or refer for abortions.

10 (2) In this subsection, the term "health care entity"
11 includes an individual physician or other health care pro-
12 fessional, a hospital, a provider-sponsored organization, a
13 health maintenance organization, a health insurance plan,
14 or any other kind of health care facility, organization, or
15 plan.

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

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

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

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

7 SEC. 509. (a) None of the funds made available in
8 this Act may be used for any activity that promotes the
9 legalization of any drug or other substance included in
10 schedule I of the schedules of controlled substances estab-
11 lished under section 202 of the Controlled Substances Act
12 except for normal and recognized executive-congressional
13 communications.

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

19 SEC. 510. None of the funds made available in this
20 Act may be used to promulgate or adopt any final stand-
21 ard under section 1173(b) of the Social Security Act pro-
22 viding for, or providing for the assignment of, a unique
23 health identifier for an individual (except in an individ-
24 ual’s capacity as an employer or a health care provider),

1 until legislation is enacted specifically approving the
2 standard.

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

6 (1) such entity is otherwise a contractor with
7 the United States and is subject to the requirement
8 in 38 U.S.C. 4212(d) regarding submission of an
9 annual report to the Secretary of Labor concerning
10 employment of certain veterans; and

11 (2) such entity has not submitted a report as
12 required by that section for the most recent year for
13 which such requirement was applicable to such enti-
14 ty.

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

20 SEC. 513. None of the funds made available by this
21 Act to carry out the Library Services and Technology Act
22 may be made available to any library covered by para-
23 graph (1) of section 224(f) of such Act, as amended by
24 the Children's Internet Protection Act, unless such library

1 has made the certifications required by paragraph (4) of
2 such section.

3 SEC. 514. (a) None of the funds provided under this
4 Act, or provided under previous appropriations Acts to the
5 agencies funded by this Act that remain available for obli-
6 gation or expenditure in fiscal year 2019, or provided from
7 any accounts in the Treasury of the United States derived
8 by the collection of fees available to the agencies funded
9 by this Act, shall be available for obligation or expenditure
10 through a reprogramming of funds that—

11 (1) creates new programs;

12 (2) eliminates a program, project, or activity;

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

16 (4) relocates an office or employees;

17 (5) reorganizes or renames offices;

18 (6) reorganizes programs or activities; or

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

21 unless the Committees on Appropriations of the House of
22 Representatives and the Senate are consulted 15 days in
23 advance of such reprogramming or of an announcement
24 of intent relating to such reprogramming, whichever oc-

1 curs earlier, and are notified in writing 10 days in advance
2 of such reprogramming.

3 (b) None of the funds provided under this Act, or
4 provided under previous appropriations Acts to the agen-
5 cies funded by this Act that remain available for obligation
6 or expenditure in fiscal year 2019, or provided from any
7 accounts in the Treasury of the United States derived by
8 the collection of fees available to the agencies funded by
9 this Act, shall be available for obligation or expenditure
10 through a reprogramming of funds in excess of \$500,000
11 or 10 percent, whichever is less, that—

12 (1) augments existing programs, projects (in-
13 cluding construction projects), or activities;

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

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

21 unless the Committees on Appropriations of the House of
22 Representatives and the Senate are consulted 15 days in
23 advance of such reprogramming or of an announcement
24 of intent relating to such reprogramming, whichever oc-

1 curs earlier, and are notified in writing 10 days in advance
2 of such reprogramming.

3 SEC. 515. (a) None of the funds made available in
4 this Act may be used to request that a candidate for ap-
5 pointment to a Federal scientific advisory committee dis-
6 close the political affiliation or voting history of the can-
7 didate or the position that the candidate holds with re-
8 spect to political issues not directly related to and nec-
9 essary for the work of the committee involved.

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

13 SEC. 516. Within 45 days of enactment of this Act,
14 each department and related agency funded through this
15 Act shall submit an operating plan that details at the pro-
16 gram, project, and activity level any funding allocations
17 for fiscal year 2019 that are different than those specified
18 in this Act, the accompanying detailed table in the Com-
19 mittee report accompanying this Act, or the fiscal year
20 2019 budget request.

21 SEC. 517. The Secretaries of Labor, Health and
22 Human Services, and Education shall each prepare and
23 submit to the Committees on Appropriations of the House
24 of Representatives and the Senate a report on the number
25 and amount of contracts, grants, and cooperative agree-

1 ments exceeding \$500,000 in value and awarded by the
2 Department on a non-competitive basis during each quar-
3 ter of fiscal year 2019, but not to include grants awarded
4 on a formula basis or directed by law. Such report shall
5 include the name of the contractor or grantee, the amount
6 of funding, the governmental purpose, including a jus-
7 tification for issuing the award on a non-competitive basis.
8 Such report shall be transmitted to the Committees within
9 30 days after the end of the quarter for which the report
10 is submitted.

11 SEC. 518. None of the funds appropriated in this Act
12 shall be expended or obligated by the Commissioner of So-
13 cial Security, for purposes of administering Social Security
14 benefit payments under title II of the Social Security Act,
15 to process any claim for credit for a quarter of coverage
16 based on work performed under a social security account
17 number that is not the claimant's number and the per-
18 formance of such work under such number has formed the
19 basis for a conviction of the claimant of a violation of sec-
20 tion 208(a)(6) or (7) of the Social Security Act.

21 SEC. 519. None of the funds appropriated by this Act
22 may be used by the Commissioner of Social Security or
23 the Social Security Administration to pay the compensa-
24 tion of employees of the Social Security Administration
25 to administer Social Security benefit payments, under any

1 agreement between the United States and Mexico estab-
2 lishing totalization arrangements between the social secu-
3 rity system established by title II of the Social Security
4 Act and the social security system of Mexico, which would
5 not otherwise be payable but for such agreement.

6 SEC. 520. Notwithstanding any other provision of
7 this Act, no funds appropriated in this Act shall be used
8 to purchase sterile needles or syringes for the hypodermic
9 injection of any illegal drug: *Provided*, That such limita-
10 tion does not apply to the use of funds for elements of
11 a program other than making such purchases if the rel-
12 evant State or local health department, in consultation
13 with the Centers for Disease Control and Prevention, de-
14 termines that the State or local jurisdiction, as applicable,
15 is experiencing, or is at risk for, a significant increase in
16 hepatitis infections or an HIV outbreak due to injection
17 drug use, and such program is operating in accordance
18 with State and local law: *Provided further*, That none of
19 the funds appropriated in this Act may be used for the
20 operation of a supervised drug consumption facility that
21 permits the consumption onsite of any substance listed in
22 the schedule I of section 202 of the Controlled Substances
23 Act (21 U.S.C. 812).

24 SEC. 521. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

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

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

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

19 (2) attendance at and support for scientific con-
20 ferences shall be tabulated separately from and not
21 included in agency totals.

22 SEC. 524. Federal agencies funded under this Act
23 shall clearly state within the text, audio, or video used for
24 advertising or educational purposes, including emails or
25 Internet postings, that the communication is printed, pub-

1 lished, or produced and disseminated at U.S. taxpayer ex-
2 pense. The funds used by a Federal agency to carry out
3 this requirement shall be derived from amounts made
4 available to the agency for advertising or other commu-
5 nications regarding the programs and activities of the
6 agency.

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

18 (b) In addition, Federal agencies may use Federal
19 discretionary funds that are made available in this Act to
20 participate in Performance Partnership Pilots that are
21 being carried out pursuant to the authority provided by
22 section 526 of division H of Public Law 113–76, section
23 524 of division G of Public Law 113–235, section 525 of
24 division H of Public Law 114–113, section 525 of division

1 H of Public Law 115–31, and section 525 of division H
2 of Public Law 115-141.

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

7 SEC. 526. Not later than 30 days after the end of
8 each calendar quarter, beginning with the first quarter of
9 fiscal year 2013, the Departments of Labor, Health and
10 Human Services, and Education shall provide the Com-
11 mittees on Appropriations of the House of Representatives
12 and Senate a quarterly report on the status of balances
13 of appropriations: *Provided*, That for balances that are un-
14 obligated and uncommitted, committed, and obligated but
15 unexpended, the quarterly reports shall separately identify
16 the amounts attributable to each source year of appropria-
17 tion (beginning with fiscal year 2012, or, to the extent
18 feasible, earlier fiscal years) from which balances were de-
19 rived.

20 SEC. 527. None of the funds made available in this
21 Act may be used to implement, administer, enforce, or fur-
22 ther any provision of Public Law 111–148 or title I or
23 subtitle B of title II of Public Law 111–152 and the
24 amendment made by such provision: *Provided*, That funds
25 in this Act may be used to implement, administer, enforce,

1 or further the rate setting process for calendar year 2019
2 and fiscal year 2020 for Medicare under title XVIII of
3 the Social Security Act: *Provided further*, That funds in
4 this Act may be used to implement, administer, enforce,
5 or further the final rules for the provisions of (and amend-
6 ments made by) sections 2501(c), 2501(d), and 2503 of
7 Public Law 111–148, as amended by sections 1206(a) and
8 1101(c) of Public Law 111–152, insofar as each respective
9 rule relates to calendar year 2019.

10 SEC. 528. None of the funds appropriated in this Act
11 may be used to implement, further, enforce, or advance
12 the Navigators program as provided under section 1311(i)
13 of Public Law 111-148 and title I and subtitle B of title
14 II of Public Law 111-152.

15 (RESCISSION)

16 SEC. 529. Of any available amounts appropriated
17 under section 2104(a)(22) of the Social Security Act (42
18 U.S.C. 1397dd) that are unobligated as of September 25,
19 2019, \$3,345,000,000 are hereby rescinded as of such
20 date.

21 (RESCISSION)

22 SEC. 530. Of the funds unobligated balances in the
23 “Nonrecurring expenses fund” established by section 223
24 of division G of Public Law 110-161 \$400,000,000 is re-
25 scinded.

1 (RESCISSION)

2 SEC. 531. Of the amounts deposited in the Child En-
3 rollment Contingency Fund prior to the beginning of fiscal
4 year 2019 under section 2104(n)(2) of the Social Security
5 Act, \$3,378,613,000 are permanently rescinded.

6 SEC. 532. None of the funds made available by this
7 Act may be used to conduct or support research using
8 human fetal tissue if such tissue is obtained pursuant to
9 an induced abortion.

10 SEC. 533. (a) IN GENERAL.—Notwithstanding any
11 other provision of law, none of the funds made available
12 by this Act may be made available either directly, through
13 a State (including through managed care contracts with
14 a State), or through any other means, to a prohibited enti-
15 ty.

16 (b) PROHIBITED ENTITY.—The term “prohibited
17 entity” means an entity, including its affiliates, subsidi-
18 aries, successors, and clinics—

19 (1) that, as of the date of enactment of this
20 Act—

21 (A) is an organization described in section
22 501(c)(3) of the Internal Revenue Code of 1986
23 and exempt from taxation under section 501(a)
24 of such Code;

1 (B) is an essential community provider de-
2 scribed in section 156.235 of title 45, Code of
3 Federal Regulations (as in effect on the date of
4 enactment of this Act), that is primarily en-
5 gaged in family planning services, reproductive
6 health, and related medical care; and

7 (C) performs, or provides any funds to any
8 other entity that performs abortions, other than
9 an abortion performed—

10 (i) in the case of a pregnancy that is
11 the result of an act of rape or incest; or

12 (ii) in the case where a woman suffers
13 from a physical disorder, physical injury,
14 or physical illness that would, as certified
15 by a physician, place the woman in danger
16 of death unless an abortion is performed,
17 including a life endangering physical condi-
18 tion caused by, or arising from, the preg-
19 nancy itself; and

20 (2) for which the total amount of Federal
21 grants to such entity, including grants to any affili-
22 ates, subsidiaries, or clinics of such entity, under
23 title X of the Public Health Service Act in fiscal
24 year 2016 exceeded \$23,000,000.

1 (c)(1) END OF PROHIBITION.—The definition in
2 subsection (b) shall cease to apply to an entity if such enti-
3 ty certifies that it, including its affiliates, subsidiaries,
4 successors, and clinics, will not perform, and will not pro-
5 vide any funds to any other entity that performs, an abor-
6 tion as described in subsection (b)(1)(C).

7 (2) REPAYMENT.—The Secretary of Health
8 and Human Services shall seek repayment of any
9 Federal assistance received by any entity that had
10 made a certification described in paragraph (1) and
11 subsequently violated the terms of such certification.

12 SEC. 534. (a) This section may be cited as the “Con-
13 science Protection Act of 2018”.

14 (b) Congress finds as follows:

15 (1) Thomas Jefferson stated a conviction com-
16 mon to our Nation’s founders when he declared in
17 1809 that “[n]o provision in our Constitution ought
18 to be dearer to man than that which protects the
19 rights of conscience against the enterprises of the
20 civil authority”.

21 (2) In 1973, the Supreme Court concluded that
22 the government must leave the abortion decision “to
23 the medical judgment of the pregnant woman’s at-
24 tending physician”, recognizing that a physician may
25 choose not to participate in abortion. *Roe v. Wade*,

1 410 U.S. 113, 164 (1973). The Court cited with ap-
2 proval a policy that “neither physician, hospital, nor
3 hospital personnel shall be required to perform any
4 act violative of personally-held moral principles”,
5 410 U.S. at 143 n. 38, and cited State laws uphold-
6 ing this principle. *Doe v. Bolton*, 410 U.S. 179,
7 197–8 (1973).

8 (3) Congress’s enactments to protect this right
9 of conscience in health care include the Church
10 amendment of 1973 (42 U.S.C. 300a–7), the Coats/
11 Snowe amendment of 1996 (42 U.S.C. 238n), and
12 the Weldon amendment approved by Congresses and
13 Presidents of both parties every year since 2004.

14 (4) None of these laws explicitly provides a
15 “private right of action” so victims of discrimination
16 can defend their conscience rights in court, and ad-
17 ministrative enforcement by the Department of
18 Health and Human Services Office for Civil Rights
19 has been lax, at times allowing cases to languish for
20 years without resolution.

21 (5) Defying the Federal Weldon amendment,
22 California’s Department of Managed Health Care
23 has mandated coverage for all elective abortions in
24 all health plans under its jurisdiction. Other States
25 such as New York and Washington have taken or

1 considered similar action, and some States may go
2 farther to require all physicians and hospitals to pro-
3 vide or facilitate abortions. On June 21, 2016, the
4 Obama Administration concluded a nearly two-year
5 investigation of this matter by determining that
6 California's decision to require insurance plans
7 under the California Department for Managed
8 Health Care authority to cover all legal abortion
9 services did not violate the Weldon amendment.
10 Until the new Administration is able to reverse this
11 finding, individuals will have to choose between ig-
12 noring their conscience or forgoing health care cov-
13 erage.

14 (6) The vast majority of medical professionals
15 do not perform abortions, with 86 percent of ob/gyns
16 unwilling to provide them in a recent study (Obstet-
17 rics & Gynecology, Sept. 2011) and the great major-
18 ity of hospitals choosing to do so in rare cases or not
19 at all.

20 (7) A health care provider's decision not to par-
21 ticipate in an abortion, like Congress's decision not
22 to fund most abortions, erects no new barrier to
23 those seeking to perform or undergo abortions but
24 leaves each party free to act as he or she wishes.

1 (8) Such protection poses no conflict with other
2 Federal laws, such as the law requiring emergency
3 stabilizing treatment for a pregnant woman and her
4 unborn child when either is in distress (Emergency
5 Medical Treatment and Active Labor Act). As the
6 previous Administration has said, these areas of law
7 have operated side by side for many years and both
8 should be fully enforced (76 Fed. Reg. 9968–77
9 (2011) at 9973).

10 (9) Reaffirming longstanding Federal policy on
11 conscience rights and providing a right of action in
12 cases where it is violated allows longstanding and
13 widely supported Federal laws to work as intended.

14 (c) Title II of the Public Health Service Act (42
15 U.S.C. 202 et seq.) is amended by inserting after section
16 245 the following:

17 “SEC. 245A. Prohibiting Governmental Discrimina-
18 tion Against Providers of Health Services That Are Not
19 Involved in Abortion.—

20 “(a) IN GENERAL.—Notwithstanding any other law,
21 the Federal Government, and any State or local govern-
22 ment that receives Federal financial assistance, may not
23 penalize, retaliate against, or otherwise discriminate
24 against a health care provider on the basis that the pro-
25 vider does not—

1 “(1) perform, refer for, pay for, or otherwise
2 participate in abortion;

3 “(2) provide or sponsor abortion coverage; or

4 “(3) facilitate or make arrangements for any of
5 the activities specified in this subsection.

6 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed—

8 “(1) to prevent any health care provider from
9 voluntarily electing to participate in abortions or
10 abortion referrals;

11 “(2) to prevent any health care provider from
12 voluntarily electing to provide or sponsor abortion
13 coverage or health benefits coverage that includes
14 abortion;

15 “(3) to prevent an accrediting agency, the Fed-
16 eral Government, or a State or local government
17 from establishing standards of medical competency
18 applicable only to those who have knowingly, volun-
19 tarily, and specifically elected to perform abortions,
20 or from enforcing contractual obligations applicable
21 only to those who, as part of such contract, know-
22 ingly, voluntarily, and specifically elect to provide
23 abortions;

24 “(4) to affect, or be affected by, section 1867
25 of the Social Security Act (42 U.S.C. 1395dd, com-

1 monly referred to as the ‘Emergency Medical Treat-
2 ment and Active Labor Act’); or

3 “(5) to supersede any law enacted by any State
4 for the purpose of regulating insurance, except as
5 specified in subsection (a).

6 “(c) ADMINISTRATION.—The Secretary shall des-
7 ignate the Director of the Office for Civil Rights of the
8 Department of Health and Human Services—

9 “(1) to receive complaints alleging a violation of
10 this section, section 245 of this Act, or any of sub-
11 sections (b) through (e) of section 401 of the Health
12 Programs Extension Act of 1973; and

13 “(2) to pursue the investigation of such com-
14 plaints in coordination with the Attorney General.

15 “(d) DEFINITIONS.—For purposes of this section:

16 “(1) FEDERAL FINANCIAL ASSISTANCE.—The
17 term ‘Federal financial assistance’ means Federal
18 payments to cover the cost of health care services or
19 benefits, or other Federal payments, grants, or loans
20 to promote or otherwise facilitate health-related ac-
21 tivities.

22 “(2) HEALTH CARE PROVIDER.—The term
23 ‘health care provider’ means—

24 “(A) an individual physician, nurse, or
25 other health care professional;

1 “(B) a hospital, health system, or other
2 health care facility or organization (including a
3 party to a proposed merger or other collabo-
4 rative arrangement relating to health services,
5 and an entity resulting therefrom);

6 “(C) a provider-sponsored organization, an
7 accountable care organization, or a health
8 maintenance organization;

9 “(D) a social services provider that pro-
10 vides or authorizes referrals for health care
11 services;

12 “(E) a program of training in the health
13 professions or an applicant to or participant in
14 such a program;

15 “(F) an issuer of health insurance cov-
16 erage; or

17 “(G) a group health plan or student health
18 plan, or a sponsor or administrator thereof.

19 “(3) STATE OR LOCAL GOVERNMENT THAT RE-
20 CEIVES FEDERAL FINANCIAL ASSISTANCE.—The
21 term ‘State or local government that receives Fed-
22 eral financial assistance’ includes every agency and
23 other governmental unit and subdivision of a State
24 or local government, if such State or local govern-
25 ment, or any agency or governmental unit or sub-

1 division thereof, receives Federal financial assist-
2 ance.

3 “SEC. 245B. Civil Action for Certain Violations.—

4 “(a) IN GENERAL.—A qualified party may, in a civil
5 action, obtain appropriate relief with regard to a des-
6 ignated violation.

7 “(b) DEFINITIONS.—For purposes of this section:

8 “(1) QUALIFIED PARTY.—The term ‘qualified
9 party’ means—

10 “(A) the Attorney General of the United
11 States; or

12 “(B) any person or entity adversely af-
13 fected by the designated violation.

14 “(2) DESIGNATED VIOLATION.—The term ‘des-
15 ignated violation’ means an actual or threatened vio-
16 lation of—

17 “(A) section 245 or 245A of this Act; or

18 “(B) any of subsections (b) through (e) of
19 section 401 of the Health Programs Extension
20 Act of 1973 regarding an objection to abortion.

21 “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—

22 An action under this section may be commenced, and relief
23 may be granted, without regard to whether the party com-
24 mencing the action has sought or exhausted available ad-
25 ministrative remedies.

1 “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-
2 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL
3 AS OTHERS.—

4 “(1) IN GENERAL.—An action under this sec-
5 tion may be maintained against, among others, a
6 party that is a Federal or State governmental entity.
7 Relief in an action under this section may include
8 money damages even if the defendant is such a gov-
9 ernmental entity.

10 “(2) DEFINITION.—For the purposes of this
11 subsection, the term ‘State governmental entity’
12 means a State, a local government within a State,
13 and any agency or other governmental unit or sub-
14 division of a State or of such a local government.

15 “(e) NATURE OF RELIEF.—In an action under this
16 section, the court shall grant—

17 “(1) all necessary equitable and legal relief, in-
18 cluding, where appropriate, declaratory relief and
19 compensatory damages, to prevent the occurrence,
20 continuance, or repetition of the designated violation
21 and to compensate for losses resulting from the des-
22 ignated violation; and

23 “(2) to a prevailing plaintiff, reasonable attor-
24 neys’ fees and litigation expenses as part of the
25 costs.”.

1 SPENDING REDUCTION ACCOUNT

2 SEC. 535. The amount by which the applicable alloca-
3 tion of new budget authority made by the Committee on
4 Appropriations of the House of Representatives under sec-
5 tion 302(b) of the Congressional Budget Act of 1974 ex-
6 ceeds the amount of proposed new budget authority is \$0.

7 This Act may be cited as the “Departments of Labor,
8 Health and Human Services, and Education, and Related
9 Agencies Appropriations Act, 2019”.

[FULL COMMITTEE PRINT]

Union Calendar No. _____

115TH CONGRESS
2^D SESSION

H. R. _____

[Report No. 115-_____] _____

A BILL

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

, 2018

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