

[COMMITTEE PRINT]

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

Calendar No. 000

115TH CONGRESS
1ST SESSION

S. 0000

[Report No. 115–000]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER _____, 2017

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Labor, Health and Human Services, and
4 Education, and related agencies for the fiscal year ending
5 September 30, 2018, and for other purposes, namely:

6 TITLE I

7 DEPARTMENT OF LABOR

8 EMPLOYMENT AND TRAINING ADMINISTRATION

9 TRAINING AND EMPLOYMENT SERVICES

10 For necessary expenses of the Workforce Innovation
11 and Opportunity Act (referred to in this Act as “WIOA”),
12 the Second Chance Act of 2007, and the National Appren-
13 ticeship Act, \$3,335,199,000, plus reimbursements, shall
14 be available. Of the amounts provided:

15 (1) for grants to States for adult employment
16 and training activities, youth activities, and dis-
17 located worker employment and training activities,
18 \$2,709,832,000 as follows:

19 (A) \$815,556,000 for adult employment
20 and training activities, of which \$103,556,000
21 shall be available for the period July 1, 2018
22 through June 30, 2019, and of which
23 \$712,000,000 shall be available for the period
24 October 1, 2018 through June 30, 2019;

1 (B) \$873,416,000 for youth activities,
 2 which shall be available for the period April 1,
 3 2018 through June 30, 2019; and

4 (C) \$1,020,860,000 for dislocated worker
 5 employment and training activities, of which
 6 \$160,860,000 shall be available for the period
 7 July 1, 2018 through June 30, 2019, and of
 8 which \$860,000,000 shall be available for the
 9 period October 1, 2018 through June 30, 2019:

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

14 (2) for national programs, \$625,367,000 as fol-
 15 lows:

16 (A) \$220,859,000 for the dislocated work-
 17 ers assistance national reserve, of which
 18 \$20,859,000 shall be available for the period
 19 July 1, 2018 through September 30, 2019, and
 20 of which \$200,000,000 shall be available for the
 21 period October 1, 2018 through September 30,
 22 2019: *Provided*, That funds provided to carry
 23 out section 132(a)(2)(A) of the WIOA may be
 24 used to provide assistance to a State for state-
 25 wide or local use in order to address cases

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

20 (B) \$50,000,000 for Native American pro-
21 grams under section 166 of the WIOA, which
22 shall be available for the period July 1, 2018
23 through June 30, 2019;

24 (C) \$81,896,000 for migrant and seasonal
25 farmworker programs under section 167 of the

1 WIOA, including \$75,885,000 for formula
2 grants (of which not less than 70 percent shall
3 be for employment and training services),
4 \$5,517,000 for migrant and seasonal housing
5 (of which not less than 70 percent shall be for
6 permanent housing), and \$494,000 for other
7 discretionary purposes, which shall be available
8 for the period July 1, 2018 through June 30,
9 2019: *Provided*, That notwithstanding any
10 other provision of law or related regulation, the
11 Department of Labor shall take no action lim-
12 iting the number or proportion of eligible par-
13 ticipants receiving related assistance services or
14 discouraging grantees from providing such serv-
15 ices;

16 (D) \$84,534,000 for YouthBuild activities
17 as described in section 171 of the WIOA, which
18 shall be available for the period April 1, 2018
19 through June 30, 2019;

20 (E) \$88,078,000 for ex-offender activities,
21 under the authority of section 169 of the WIOA
22 and section 212 of the Second Chance Act of
23 2007, which shall be available for the period
24 April 1, 2018 through June 30, 2019: *Provided*,
25 That of this amount, \$25,000,000 shall be for

1 competitive grants to national and regional
2 intermediaries for activities that prepare young
3 ex-offenders and school dropouts for employ-
4 ment, with a priority for projects serving high-
5 crime, high-poverty areas;

6 (F) \$5,000,000 for the Workforce Data
7 Quality Initiative, under the authority of section
8 169 of the WIOA, which shall be available for
9 the period July 1, 2018 through June 30,
10 2019; and

11 (G) \$95,000,000 to expand opportunities
12 relating to apprenticeship programs registered
13 under the National Apprenticeship Act, to be
14 available to the Secretary to carry out activities
15 through grants, cooperative agreements, con-
16 tracts and other arrangements, with States and
17 other appropriate entities, which shall be avail-
18 able for the period April 1, 2018 through June
19 30, 2019.

20 JOB CORPS

21 (INCLUDING TRANSFER OF FUNDS)

22 To carry out subtitle C of title I of the WIOA, includ-
23 ing Federal administrative expenses, the purchase and
24 hire of passenger motor vehicles, the construction, alter-
25 ation, and repairs of buildings and other facilities, and the

1 purchase of real property for training centers as author-
2 ized by the WIOA, \$1,699,155,000, plus reimbursements,
3 as follows:

4 (1) \$1,587,325,000 for Job Corps Operations,
5 which shall be available for the period July 1, 2018
6 through June 30, 2019;

7 (2) \$79,500,000 for construction, rehabilitation
8 and acquisition of Job Corps Centers, which shall be
9 available for the period July 1, 2018 through June
10 30, 2021, and which may include the acquisition,
11 maintenance, and repair of major items of equip-
12 ment: *Provided*, That the Secretary may transfer up
13 to 15 percent of such funds to meet the operational
14 needs of such centers or to achieve administrative ef-
15 ficiencies: *Provided further*, That any funds trans-
16 ferred pursuant to the preceding provision shall not
17 be available for obligation after June 30, 2019: *Pro-*
18 *vided further*, That the Committees on Appropria-
19 tions of the House of Representatives and the Sen-
20 ate are notified at least 15 days in advance of any
21 transfer; and

22 (3) \$32,330,000 for necessary expenses of Job
23 Corps, which shall be available for obligation for the
24 period October 1, 2017 through September 30,
25 2018:

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

4 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
5 AMERICANS

6 To carry out title V of the Older Americans Act of
7 1965 (referred to in this Act as “OAA”), \$400,000,000,
8 which shall be available for the period April 1, 2018
9 through June 30, 2019, and may be recaptured and reobli-
10 gated in accordance with section 517(c) of the OAA.

11 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

12 For payments during fiscal year 2018 of trade ad-
13 justment benefit payments and allowances under part I
14 of subchapter B of chapter 2 of title II of the Trade Act
15 of 1974, and section 246 of that Act; and for training,
16 employment and case management services, allowances for
17 job search and relocation, and related State administrative
18 expenses under part II of subchapter B of chapter 2 of
19 title II of the Trade Act of 1974, and including benefit
20 payments, allowances, training, employment and case
21 management services, and related State administration
22 provided pursuant to section 231(a) of the Trade Adjust-
23 ment Assistance Extension Act of 2011 and section 405(a)
24 of the Trade Preferences Extension Act of 2015,
25 \$790,000,000 together with such amounts as may be nec-

1 essary to be charged to the subsequent appropriation for
2 payments for any period subsequent to September 15,
3 2018: *Provided*, That notwithstanding section 502 of this
4 Act, any part of the appropriation provided under this
5 heading may remain available for obligation beyond the
6 current fiscal year pursuant to the authorities of section
7 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

8 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
9 SERVICE OPERATIONS

10 For authorized administrative expenses,
11 \$84,066,000, together with not to exceed \$3,378,625,000
12 which may be expended from the Employment Security
13 Administration Account in the Unemployment Trust Fund
14 (“the Trust Fund”), of which:

15 (1) \$2,637,600,000 from the Trust Fund is for
16 grants to States for the administration of State un-
17 employment insurance laws as authorized under title
18 III of the Social Security Act (including not less
19 than \$130,000,000 to conduct in-person reemploy-
20 ment and eligibility assessments and unemployment
21 insurance improper payment reviews, and to provide
22 reemployment services and referrals to training as
23 appropriate, for claimants of unemployment insur-
24 ance for ex-service members under 5 U.S.C. 8521 et.
25 seq. and for claimants of regular unemployment

1 compensation, including those who are profiled as
2 most likely to exhaust their benefits in each State,
3 and \$6,000,000 for continued support of the Unem-
4 ployment Insurance Integrity Center of Excellence),
5 the administration of unemployment insurance for
6 Federal employees and for ex-service members as
7 authorized under 5 U.S.C. 8501–8523, and the ad-
8 ministration of trade readjustment allowances, reem-
9 ployment trade adjustment assistance, and alter-
10 native trade adjustment assistance under the Trade
11 Act of 1974 and under section 231(a) of the Trade
12 Adjustment Assistance Extension Act of 2011 and
13 section 405(a) of the Trade Preferences Extension
14 Act of 2015, and shall be available for obligation by
15 the States through December 31, 2018, except that
16 funds used for automation shall be available for
17 Federal obligation through December 31, 2018, and
18 for State obligation through September 30, 2020, or,
19 if the automation is being carried out through con-
20 sortia of States, for State obligation through Sep-
21 tember 30, 2023, and for expenditure through Sep-
22 tember 30, 2024, and funds for competitive grants
23 awarded to States for improved operations and to
24 conduct in-person reemployment and eligibility as-
25 sessments and unemployment insurance improper

1 payment reviews and provide reemployment services
2 and referrals to training, as appropriate, shall be
3 available for Federal obligation through December
4 31, 2018, and for obligation by the States through
5 September 30, 2020, and funds for the Unemploy-
6 ment Insurance Integrity Center of Excellence shall
7 be available for obligation by the State through Sep-
8 tember 30, 2021, and funds used for unemployment
9 insurance workloads experienced through September
10 30, 2018 shall be available for Federal obligation
11 through December 31, 2018;

12 (2) \$13,897,000 from the Trust Fund is for na-
13 tional activities necessary to support the administra-
14 tion of the Federal-State unemployment insurance
15 system;

16 (3) \$645,000,000 from the Trust Fund, to-
17 gether with \$21,413,000 from the General Fund of
18 the Treasury, is for grants to States in accordance
19 with section 6 of the Wagner-Peyser Act, and shall
20 be available for Federal obligation for the period
21 July 1, 2018 through June 30, 2019;

22 (4) \$19,818,000 from the Trust Fund is for na-
23 tional activities of the Employment Service, includ-
24 ing administration of the work opportunity tax cred-
25 it under section 51 of the Internal Revenue Code of

1 1986, and the provision of technical assistance and
2 staff training under the Wagner-Peyser Act;

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

11 (6) \$62,653,000 from the General Fund is to
12 provide workforce information, national electronic
13 tools, and one-stop system building under the Wag-
14 ner-Peyser Act and shall be available for Federal ob-
15 ligation for the period July 1, 2018 through June
16 30, 2019:

17 *Provided*, That to the extent that the Average Weekly In-
18 sured Unemployment (“AWIU”) for fiscal year 2018 is
19 projected by the Department of Labor to exceed
20 2,246,000, an additional \$28,600,000 from the Trust
21 Fund shall be available for obligation for every 100,000
22 increase in the AWIU level (including a pro rata amount
23 for any increment less than 100,000) to carry out title
24 III of the Social Security Act: *Provided further*, That
25 funds appropriated in this Act that are allotted to a State

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

1 may award subgrants to other States and non-State enti-
2 ties under such grants, subject to the conditions applicable
3 to the grants: *Provided further*, That funds appropriated
4 under this Act for activities authorized under title III of
5 the Social Security Act and the Wagner-Peyser Act may
6 be used by States to fund integrated Unemployment In-
7 surance and Employment Service automation efforts, not-
8 withstanding cost allocation principles prescribed under
9 the final rule entitled “Uniform Administrative Require-
10 ments, Cost Principles, and Audit Requirements for Fed-
11 eral Awards” at part 200 of title 2, Code of Federal Regu-
12 lations: *Provided further*, That the Secretary, at the re-
13 quest of a State participating in a consortium with other
14 States, may reallocate funds allotted to such State under title
15 III of the Social Security Act to other States participating
16 in the consortium in order to carry out activities that ben-
17 efit the administration of the unemployment compensation
18 law of the State making the request: *Provided further*,
19 That the Secretary may collect fees for the costs associ-
20 ated with additional data collection, analyses, and report-
21 ing services relating to the National Agricultural Workers
22 Survey requested by State and local governments, public
23 and private institutions of higher education, and nonprofit
24 organizations and may utilize such sums, in accordance
25 with the provisions of 29 U.S.C. 9a, for the National Agri-

1 cultural Workers Survey infrastructure, methodology, and
2 data to meet the information collection and reporting
3 needs of such entities, which shall be credited to this ap-
4 propriation and shall remain available until September 30,
5 2019, for such purposes.

6 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
7 OTHER FUNDS

8 For repayable advances to the Unemployment Trust
9 Fund as authorized by sections 905(d) and 1203 of the
10 Social Security Act, and to the Black Lung Disability
11 Trust Fund as authorized by section 9501(e)(1) of the In-
12 ternal Revenue Code of 1986; and for nonrepayable ad-
13 vances to the revolving fund established by section 901(e)
14 of the Social Security Act, to the Unemployment Trust
15 Fund as authorized by 5 U.S.C. 8509, and to the “Federal
16 Unemployment Benefits and Allowances” account, such
17 sums as may be necessary, which shall be available for
18 obligation through September 30, 2019.

19 PROGRAM ADMINISTRATION

20 For expenses of administering employment and train-
21 ing programs, \$108,674,000, together with not to exceed
22 \$49,982,000 which may be expended from the Employ-
23 ment Security Administration Account in the Unemploy-
24 ment Trust Fund.

1 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employee Benefits
4 Security Administration, \$181,000,000, of which not less
5 than \$3,000,000 shall be made available through Sep-
6 tember 30, 2019, for the procurement of expert witnesses
7 for enforcement litigation.

8 PENSION BENEFIT GUARANTY CORPORATION

9 PENSION BENEFIT GUARANTY CORPORATION FUND

10 The Pension Benefit Guaranty Corporation (“Cor-
11 poration”) is authorized to make such expenditures, in-
12 cluding financial assistance authorized by subtitle E of
13 title IV of the Employee Retirement Income Security Act
14 of 1974, within limits of funds and borrowing authority
15 available to the Corporation, and in accord with law, and
16 to make such contracts and commitments without regard
17 to fiscal year limitations, as provided by 31 U.S.C. 9104,
18 as may be necessary in carrying out the program, includ-
19 ing associated administrative expenses, through Sep-
20 tember 30, 2018, for the Corporation: *Provided*, That
21 none of the funds available to the Corporation for fiscal
22 year 2018 shall be available for obligations for administra-
23 tive expenses in excess of \$424,417,000: *Provided further*,
24 That to the extent that the number of new plan partici-
25 pants in plans terminated by the Corporation exceeds

1 100,000 in fiscal year 2018, an amount not to exceed an
 2 additional \$9,200,000 shall be available through Sep-
 3 tember 30, 2019, for obligation for administrative ex-
 4 penses for every 20,000 additional terminated partici-
 5 pants: *Provided further*, That obligations in excess of the
 6 amounts provided in this paragraph may be incurred for
 7 unforeseen and extraordinary pretermination expenses or
 8 extraordinary multiemployer program related expenses
 9 after approval by the Office of Management and Budget
 10 and notification of the Committees on Appropriations of
 11 the House of Representatives and the Senate.

12 WAGE AND HOUR DIVISION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Wage and Hour Divi-
 15 sion, including reimbursement to State, Federal, and local
 16 agencies and their employees for inspection services ren-
 17 dered, \$227,500,000.

18 OFFICE OF LABOR-MANAGEMENT STANDARDS

19 SALARIES AND EXPENSES

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

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, \$103,476,000.

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: *Pro-*
13 *vided*, That to prevent fraud and abuse, the program in-
14 formation prepared by the Office of Workers' Compensa-
15 tion Programs, used in the processing of bills for medical
16 services and drugs including the set of diagnosis-driven
17 algorithms that determine authorization requirements and
18 the procedures, drugs, hospitalization, durable medical
19 equipment, and all other services that are payable for ac-
20 cepted condition(s) for the compensation programs admin-
21 istered by the Office of Workers' Compensation Programs,
22 may not be made available to any person under section
23 552(b)(3) of title 5.

1 SPECIAL BENEFITS

2 (INCLUDING TRANSFER OF FUNDS)

3 For the payment of compensation, benefits, and ex-
4 penses (except administrative expenses) accruing during
5 the current or any prior fiscal year authorized by 5 U.S.C.
6 81; continuation of benefits as provided for under the
7 heading “Civilian War Benefits” in the Federal Security
8 Agency Appropriation Act, 1947; the Employees’ Com-
9 pensation Commission Appropriation Act, 1944; section
10 5(f) of the War Claims Act (50 U.S.C. App. 2012); obliga-
11 tions incurred under the War Hazards Compensation Act
12 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
13 compensation and benefits required by section 10(h) of the
14 Longshore and Harbor Workers’ Compensation Act,
15 \$220,000,000, together with such amounts as may be nec-
16 essary to be charged to the subsequent year appropriation
17 for the payment of compensation and other benefits for
18 any period subsequent to August 15 of the current year,
19 for deposit into and to assume the attributes of the Em-
20 ployees’ Compensation Fund established under 5 U.S.C.
21 8147(a): *Provided*, That amounts appropriated may be
22 used under 5 U.S.C. 8104 by the Secretary to reimburse
23 an employer, who is not the employer at the time of injury,
24 for portions of the salary of a re-employed, disabled bene-
25 ficiary: *Provided further*, That balances of reimbursements

1 unobligated on September 30, 2017, shall remain available
2 until expended for the payment of compensation, benefits,
3 and expenses: *Provided further*, That in addition there
4 shall be transferred to this appropriation from the Postal
5 Service and from any other corporation or instrumentality
6 required under 5 U.S.C. 8147(c) to pay an amount for
7 its fair share of the cost of administration, such sums as
8 the Secretary determines to be the cost of administration
9 for employees of such fair share entities through Sep-
10 tember 30, 2018: *Provided further*, That of those funds
11 transferred to this account from the fair share entities to
12 pay the cost of administration of the Federal Employees'
13 Compensation Act, \$71,188,000 shall be made available
14 to the Secretary as follows:

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

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

21 (3) For periodic roll disability management and
22 medical review, \$21,946,000;

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

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

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

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

8 For carrying out title IV of the Federal Mine Safety
9 and Health Act of 1977, as amended by Public Law 107–
10 275, \$54,319,000, to remain available until expended.

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

15 For making benefit payments under title IV for the
16 first quarter of fiscal year 2019, \$15,000,000, to remain
17 available until expended.

18 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

19 OCCUPATIONAL ILLNESS COMPENSATION FUND

20 For necessary expenses to administer the Energy
21 Employees Occupational Illness Compensation Program
22 Act, \$59,846,000, to remain available until expended: *Pro-*
23 *vided*, That the Secretary may require that any person fil-
24 ing a claim for benefits under the Act provide as part of

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

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

5 Such sums as may be necessary from the Black Lung
6 Disability Trust Fund (the “Fund”), to remain available
7 until expended, for payment of all benefits authorized by
8 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
9 enue Code of 1986; and repayment of, and payment of
10 interest on advances, as authorized by section 9501(d)(4)
11 of that Act. In addition, the following amounts may be
12 expended from the Fund for fiscal year 2018 for expenses
13 of operation and administration of the Black Lung Bene-
14 fits program, as authorized by section 9501(d)(5): not to
15 exceed \$38,246,000 for transfer to the Office of Workers’
16 Compensation Programs, “Salaries and Expenses”; not to
17 exceed \$30,595,000 for transfer to Departmental Manage-
18 ment, “Salaries and Expenses”; not to exceed \$330,000
19 for transfer to Departmental Management, “Office of In-
20 spector General”; and not to exceed \$356,000 for pay-
21 ments into miscellaneous receipts for the expenses of the
22 Department of the Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$552,787,000, including not
5 to exceed \$100,850,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act; and, in addition, notwith-
12 standing 31 U.S.C. 3302, the Occupational Safety and
13 Health Administration may retain up to \$499,000 per fis-
14 cal year of training institute course tuition and fees, other-
15 wise authorized by law to be collected, and may utilize
16 such sums for occupational safety and health training and
17 education: *Provided*, That notwithstanding 31 U.S.C.
18 3302, the Secretary is authorized, during the fiscal year
19 ending September 30, 2018, to collect and retain fees for
20 services provided to Nationally Recognized Testing Lab-
21 oratories, and may utilize such sums, in accordance with
22 the provisions of 29 U.S.C. 9a, to administer national and
23 international laboratory recognition programs that ensure
24 the safety of equipment and products used by workers in
25 the workplace: *Provided further*, That none of the funds

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

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

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

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

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

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

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

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

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

1 Register on May 3, 2016 (81 Fed. Reg. 30568)) for pro-
2 gram activities starting not later than September 30, 2018
3 and lasting for a period of 12 months: *Provided further*,
4 That not less than \$3,500,000 shall be for Voluntary Pro-
5 tection Programs.

6 MINE SAFETY AND HEALTH ADMINISTRATION

7 SALARIES AND EXPENSES

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

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

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

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
6 tistics, including advances or reimbursements to State,
7 Federal, and local agencies and their employees for serv-
8 ices rendered, \$544,000,000, together with not to exceed
9 \$65,000,000 which may be expended from the Employ-
10 ment Security Administration account in the Unemploy-
11 ment Trust Fund.

12 OFFICE OF DISABILITY EMPLOYMENT POLICY

13 SALARIES AND EXPENSES

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

19 DEPARTMENTAL MANAGEMENT

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for Departmental Manage-
23 ment, including the hire of three passenger motor vehicles,
24 \$336,536,000, together with not to exceed \$308,000,
25 which may be expended from the Employment Security

1 Administration account in the Unemployment Trust
2 Fund: *Provided*, That \$59,825,000 for the Bureau of
3 International Labor Affairs shall be available for obliga-
4 tion through December 31, 2018: *Provided further*, That
5 funds available to the Bureau of International Labor Af-
6 fairs may be used to administer or operate international
7 labor activities, bilateral and multilateral technical assist-
8 ance, and microfinance programs, by or through contracts,
9 grants, subgrants and other arrangements: *Provided fur-*
10 *ther*, That not more than \$53,825,000 shall be for pro-
11 grams to combat exploitative child labor internationally
12 and not less than \$6,000,000 shall be used to implement
13 model programs that address worker rights issues through
14 technical assistance in countries with which the United
15 States has free trade agreements or trade preference pro-
16 grams: *Provided further*, That \$8,040,000 shall be used
17 for program evaluation and shall be available for obliga-
18 tion through September 30, 2019: *Provided further*, That
19 funds available for program evaluation may be used to ad-
20 minister grants for the purpose of evaluation: *Provided*
21 *further*, That grants made for the purpose of evaluation
22 shall be awarded through fair and open competition: *Pro-*
23 *vided further*, That funds available for program evaluation
24 may be transferred to any other appropriate account in
25 the Department for such purpose: *Provided further*, That

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

10 VETERANS EMPLOYMENT AND TRAINING

11 Not to exceed \$239,041,000 may be derived from the
12 Employment Security Administration account in the Un-
13 employment Trust Fund to carry out the provisions of
14 chapters 41, 42, and 43 of title 38, United States Code,
15 of which:

16 (1) \$175,000,000 is for Jobs for Veterans State
17 grants under 38 U.S.C. 4102A(b)(5) to support dis-
18 abled veterans' outreach program specialists under
19 section 4103A of such title and local veterans' em-
20 ployment representatives under section 4104(b) of
21 such title, and for the expenses described in section
22 4102A(b)(5)(C), which shall be available for obliga-
23 tion by the States through December 31, 2018, and
24 not to exceed 3 percent for the necessary Federal ex-
25 penditures for data systems and contract support to

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

13 (2) \$18,500,000 is for carrying out the Transi-
14 tion Assistance Program under 38 U.S.C. 4113 and
15 10 U.S.C. 1144;

16 (3) \$42,127,000 is for Federal administration
17 of chapters 41, 42, and 43 of title 38, United States
18 Code: *Provided*, That such funds shall be available
19 in addition to amounts in the HIRE Vets Medallion
20 Award Fund established by division O of the Con-
21 solidated Appropriations Act, 2017 (Public Law
22 115–31; 38 U.S.C. 4100 note), for necessary ex-
23 penses of the HIRE Vets Medallion Award program
24 authorized by such 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 The HIRE Vets Medallion Award Fund, for this fis-
9 cal year and thereafter, shall be available to the Secretary
10 without fiscal year limitation for necessary expenses of the
11 HIRE Vets Medallion Award program authorized by divi-
12 sion O of the Consolidated Appropriations Act, 2017: *Pro-*
13 *vided*, That such sums shall be in addition to any other
14 funds available for such purposes, including funds avail-
15 able under paragraph (3) of this heading: *Provided fur-*
16 *ther*, That sections 6 and 2(d) of division O of the Consoli-
17 dated Appropriations Act, 2017 (Public Law 115–31; 38
18 U.S.C. 4100 note) shall not apply.

19 In addition, from the General Fund of the Treasury,
20 \$45,000,000 is for carrying out programs to assist home-
21 less veterans and veterans at risk of homelessness who are
22 transitioning from certain institutions under sections
23 2021, 2021A, and 2023 of title 38, United States Code:
24 *Provided*, That notwithstanding subsections (c)(3) and (d)
25 of section 2023, the Secretary may award grants through

1 September 30, 2018, to provide services under such sec-
2 tion: *Provided further*, That services provided under sec-
3 tion 2023 may include, in addition to services to the indi-
4 viduals described in subsection (e) of such section, services
5 to veterans recently released from incarceration who are
6 at risk of homelessness.

7 IT MODERNIZATION

8 For necessary expenses for Department of Labor cen-
9 tralized infrastructure technology investment activities re-
10 lated to support systems and modernization, \$18,778,000,
11 which shall be available through September 30, 2019.

12 OFFICE OF INSPECTOR GENERAL

13 For salaries and expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$82,061,000, together with not to
16 exceed \$5,660,000 which may be expended from the Em-
17 ployment Security Administration account in the Unem-
18 ployment Trust Fund.

19 GENERAL PROVISIONS

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

1 (TRANSFER OF FUNDS)

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

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

24 SEC. 104. Except as otherwise provided in this sec-
25 tion, none of the funds made available to the Department

1 of Labor for grants under section 414(c) of the American
2 Competitiveness and Workforce Improvement Act of 1998
3 (29 U.S.C. 2916a) may be used for any purpose other
4 than competitive grants for training individuals who are
5 older than 16 years of age and are not currently enrolled
6 in school within a local educational agency in the occupa-
7 tions and industries for which employers are using H-1B
8 visas to hire foreign workers, and the related activities
9 necessary to support such training.

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

1 grams involved including Employment and Training Ad-
2 ministration programs.

3 (TRANSFER OF FUNDS)

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

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

1 section shall be available for obligation through September
2 30, 2019.

3 (TRANSFER OF FUNDS)

4 SEC. 107. (a) The Secretary may reserve not more
5 than 0.75 percent from each appropriation made available
6 in this Act identified in subsection (b) in order to carry
7 out evaluations of any of the programs or activities that
8 are funded under such accounts. Any funds reserved under
9 this section shall be transferred to “Departmental Man-
10 agement” for use by the Office of the Chief Evaluation
11 Officer within the Department of Labor, and shall be
12 available for obligation through September 30, 2019: *Pro-*
13 *vided*, That such funds shall only be available if the Chief
14 Evaluation Officer of the Department of Labor submits
15 a plan to the Committees on Appropriations of the House
16 of Representatives and the Senate describing the evalua-
17 tions to be carried out 15 days in advance of any transfer.

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

1 Standards”, “Occupational Safety and Health Adminis-
2 tration”, “Mine Safety and Health Administration”, “Of-
3 fice of Disability Employment Policy”, funding made
4 available to the “Bureau of International Labor Affairs”
5 and “Women’s Bureau” within the “Departmental Man-
6 agement, Salaries and Expenses” account, and “Veterans
7 Employment and Training”.

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

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

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

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

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

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

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

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

13 “(iv) negotiating settlements; or

14 “(v) making recommendations regarding
15 litigation.

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

18 “(3) For purposes of this subsection—

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

22 “(B) the term ‘employee employed to adjust or
23 evaluate claims resulting from or relating to such
24 major disaster’ means an individual who timely se-
25 cured or secures a license required by applicable law

1 to engage in and perform the activities described in
 2 clauses (i) through (v) of paragraph (1)(C) relating
 3 to a major disaster, and is employed by an employer
 4 that maintains worker compensation insurance cov-
 5 erage or protection for its employees, if required by
 6 applicable law, and withholds applicable Federal,
 7 State, and local income and payroll taxes from the
 8 wages, salaries and any benefits of such employees;
 9 and

10 “(C) the term ‘affiliate’ means a company that,
 11 by reason of ownership or control of 25 percent or
 12 more of the outstanding shares of any class of voting
 13 securities of one or more companies, directly or indi-
 14 rectly, controls, is controlled by, or is under common
 15 control with, another company.”.

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

18 (RESCISSION)

19 SEC. 109. Of the funds made available under the
 20 heading “Employment and Training Administration—
 21 Training and Employment Services” in division H of Pub-
 22 lic Law 115–31, \$34,000,000 is rescinded, to be derived
 23 from the amount made available in paragraph (2)(A)
 24 under such heading for the period October 1, 2017,
 25 through September 30, 2018.

1 SEC. 110. (a) FLEXIBILITY WITH RESPECT TO THE
2 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
3 SEAFOOD INDUSTRY.—

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

12 (2) REQUIREMENTS FOR CROSSINGS AFTER
13 90TH DAY.—An employer in the seafood industry
14 may not bring H-2B nonimmigrants into the United
15 States after the date that is 90 days after the start
16 date for which the employer is seeking the services
17 of the nonimmigrants unless the employer—

18 (A) completes a new assessment of the
19 local labor market by—

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

22 (ii) posting the job opportunity on the
23 appropriate Department of Labor Elec-
24 tronic Job Registry and at the employer's
25 place of employment; and

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

3 (i) applies for the job; and

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

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

14 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-
15 tion, the term “H-2B nonimmigrants” means aliens ad-
16 mitted to the United States pursuant to section
17 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
18 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

19 SEC. 111. The determination of prevailing wage for
20 the purposes of the H-2B program shall be the greater
21 of—(1) the actual wage level paid by the employer to other
22 employees with similar experience and qualifications for
23 such position in the same location; or (2) the prevailing
24 wage level for the occupational classification of the posi-
25 tion in the geographic area in which the H-2B non-

1 immigrant will be employed, based on the best information
2 available at the time of filing the petition. In the deter-
3 mination of prevailing wage for the purposes of the H-
4 2B program, the Secretary shall accept private wage sur-
5 veys even in instances where Occupational Employment
6 Statistics survey data are available unless the Secretary
7 determines that the methodology and data in the provided
8 survey are not statistically supported.

9 SEC. 112. None of the funds in this Act shall be used
10 to enforce the definition of corresponding employment
11 found in 20 CFR 655.5 or the three-fourths guarantee
12 rule definition found in 20 CFR 655.20, or any references
13 thereto. Further, for the purpose of regulating admission
14 of temporary workers under the H-2B program, the defi-
15 nition of temporary need shall be that provided in 8 CFR
16 214.2(h)(6)(ii)(B).

17 SEC. 113. Notwithstanding any other provision of
18 law, the Secretary may furnish through grants, coopera-
19 tive agreements, contracts, and other arrangements, ex-
20 cess personal property to programs registered under the
21 National Apprenticeship Act (50 Stat. 664; 29 U.S.C. 50
22 et seq.) for the purpose of training apprentices in those
23 programs.

1 (RESCISSON)

2 SEC. 114. (a) Of the funds made available in para-
3 graph (2)(A) under the heading “Employment and Train-
4 ing Administration—Training and Employment Services”
5 in division H of Public Law 115–31 for the period October
6 1, 2017, through September 30, 2018, \$30,000,000 are
7 hereby rescinded.

8 (b) For an additional amount for “Employment and
9 Training Administration—Training and Employment
10 Services”, \$30,000,000, to remain available until Sep-
11 tember 30, 2019, for training and employment assistance
12 under sections 168(b), 169(c) (notwithstanding the 10
13 percent limitation in such section) and 170 of the WIOA
14 for workers in the Appalachian region, as defined by 40
15 U.S.C. 14102(a)(1) and workers in the Lower Mississippi,
16 as defined in section 4(2) of the Delta Development Act
17 (Public Law 100–460, 102 Stat. 2246; 7 U.S.C.
18 2009aa(2)).

19 SEC. 115. The proviso at the end of paragraph (1)
20 under the heading “Department of Labor—Employment
21 and Training Administration—State Unemployment In-
22 surance and Employment Service Operations” in title I
23 of division G of Public Law 113–235 shall be applied in
24 fiscal year 2018 by substituting “seven” for “six”.

1 This title may be cited as the “Department of Labor
2 Appropriations Act, 2018”.

1 TITLE II
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES

4 HEALTH RESOURCES AND SERVICES ADMINISTRATION
5 PRIMARY HEALTH CARE

6 For carrying out titles II and III of the Public Health
7 Service Act (referred to in this Act as the “PHS Act”)
8 with respect to primary health care and the Native Hawai-
9 ian Health Care Act of 1988, \$1,491,522,000: *Provided*,
10 That no more than \$1,000,000 shall be available until ex-
11 pended for carrying out the provisions of section 224(o)
12 of the PHS Act: *Provided further*, That no more than
13 \$99,893,000 shall be available until expended for carrying
14 out the provisions of sections 224(g)–(n) and (q) of the
15 PHS Act, and for expenses incurred by the Department
16 of Health and Human Services (referred to in this Act
17 as “HHS”) pertaining to administrative claims made
18 under such law.

19 HEALTH WORKFORCE

20 For carrying out titles III, VII, and VIII of the PHS
21 Act with respect to the health workforce, sections 1128E
22 and 1921 of the Social Security Act, and the Health Care
23 Quality Improvement Act of 1986, \$856,195,000: *Pro-*
24 *vided*, That sections 747(c)(2), 751(j)(2), 762(k), and the
25 proportional funding amounts in paragraphs (1) through

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

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the Amer-

1 ican Jobs Creation Act of 2004, \$848,617,000: *Provided*,
2 That notwithstanding sections 502(a)(1) and 502(b)(1) of
3 the Social Security Act, not more than \$80,593,000 shall
4 be available for carrying out special projects of regional
5 and national significance pursuant to section 501(a)(2) of
6 such Act and \$10,276,000 shall be available for projects
7 described in subparagraphs (A) through (F) of section
8 501(a)(3) of such Act.

9 RYAN WHITE HIV/AIDS PROGRAM

10 For carrying out title XXVI of the PHS Act with
11 respect to the Ryan White HIV/AIDS program,
12 \$2,318,781,000, of which \$1,970,881,000 shall remain
13 available to the Secretary through September 30, 2020,
14 for parts A and B of title XXVI of the PHS Act, and
15 of which not less than \$900,313,000 shall be for State
16 AIDS Drug Assistance Programs under the authority of
17 section 2616 or 311(c) of such Act.

18 HEALTH CARE SYSTEMS

19 For carrying out titles III and XII of the PHS Act
20 with respect to health care systems, and the Stem Cell
21 Therapeutic and Research Act of 2005, \$101,640,000, of
22 which \$122,000 shall be available until expended for facili-
23 ties renovations at the Gillis W. Long Hansen's Disease
24 Center.

1 RURAL HEALTH

2 For carrying out titles III and IV of the PHS Act
3 with respect to rural health, section 427(a) of the Federal
4 Coal Mine Health and Safety Act of 1969, and sections
5 711 and 1820 of the Social Security Act, \$160,560,000,
6 of which \$43,609,000 from general revenues, notwith-
7 standing section 1820(j) of the Social Security Act, shall
8 be available for carrying out the Medicare rural hospital
9 flexibility grants program: *Provided*, That of the funds
10 made available under this heading for Medicare rural hos-
11 pital flexibility grants, \$14,942,000 shall be available for
12 the Small Rural Hospital Improvement Grant Program
13 for quality improvement and adoption of health informa-
14 tion technology and up to \$1,000,000 shall be to carry
15 out section 1820(g)(6) of the Social Security Act, with
16 funds provided for grants under section 1820(g)(6) avail-
17 able for the purchase and implementation of telehealth
18 services, including pilots and demonstrations on the use
19 of electronic health records to coordinate rural veterans
20 care between rural providers and the Department of Vet-
21 erans Affairs electronic health record system: *Provided*
22 *further*, That notwithstanding section 338J(k) of the PHS
23 Act, \$10,000,000 shall be available for State Offices of
24 Rural Health.

1 FAMILY PLANNING

2 For carrying out the program under title X of the
3 PHS Act to provide for voluntary family planning
4 projects, \$286,479,000: *Provided*, That amounts provided
5 to said projects under such title shall not be expended for
6 abortions, that all pregnancy counseling shall be nondirec-
7 tive, and that such amounts shall not be expended for any
8 activity (including the publication or distribution of lit-
9 erature) that in any way tends to promote public support
10 or opposition to any legislative proposal or candidate for
11 public office: *Provided further*, That not less than 90 per-
12 cent shall be used only for, and in support of, clinical serv-
13 ices under section 1001 of the PHS Act: *Provided further*,
14 That none of the funds made available in this Act, or any
15 other appropriations Act in this or a prior fiscal year, shall
16 be used to modify part 59 of title 42, Code of Federal
17 Regulations.

18 PROGRAM MANAGEMENT

19 For program support in the Health Resources and
20 Services Administration, \$154,000,000: *Provided*, That
21 funds made available under this heading may be used to
22 supplement program support funding provided under the
23 headings “Primary Health Care”, “Health Workforce”,
24 “Maternal and Child Health”, “Ryan White HIV/AIDS
25 Program”, “Health Care Systems”, and “Rural Health”.

1 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

2 For payments from the Vaccine Injury Compensation
3 Program Trust Fund (the “Trust Fund”), such sums as
4 may be necessary for claims associated with vaccine-re-
5 lated injury or death with respect to vaccines administered
6 after September 30, 1988, pursuant to subtitle 2 of title
7 XXI of the PHS Act, to remain available until expended:
8 *Provided*, That for necessary administrative expenses, not
9 to exceed \$7,750,000 shall be available from the Trust
10 Fund to the Secretary.

11 CENTERS FOR DISEASE CONTROL AND PREVENTION

12 IMMUNIZATION AND RESPIRATORY DISEASES

13 For carrying out titles II, III, XVII, and XXI, and
14 section 2821 of the PHS Act, titles II and IV of the Immi-
15 gration and Nationality Act, and section 501 of the Ref-
16 ugee Education Assistance Act, with respect to immuniza-
17 tion and respiratory diseases, \$470,000,000.

18 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED

19 DISEASES, AND TUBERCULOSIS PREVENTION

20 For carrying out titles II, III, XVII, and XXIII of
21 the PHS Act with respect to HIV/AIDS, viral hepatitis,
22 sexually transmitted diseases, and tuberculosis prevention,
23 \$1,117,278,000.

1 EMERGING AND ZOONOTIC INFECTIOUS DISEASES

2 For carrying out titles II, III, and XVII, and section
3 2821 of the PHS Act, titles II and IV of the Immigration
4 and Nationality Act, and section 501 of the Refugee Edu-
5 cation Assistance Act, with respect to emerging and
6 zoonotic infectious diseases, \$532,922,000.

7 CHRONIC DISEASE PREVENTION AND HEALTH

8 PROMOTION

9 For carrying out titles II, III, XI, XV, XVII, and
10 XIX of the PHS Act with respect to chronic disease pre-
11 vention and health promotion, \$817,596,000: *Provided*
12 That funds appropriated under this account may be avail-
13 able for making grants under section 1509 of the PHS
14 Act for not less than 21 States, tribes, or tribal organiza-
15 tions: *Provided further*, That of the funds available under
16 this heading, \$10,000,000 shall be available to continue
17 and expand community specific extension and outreach
18 programs to combat obesity in counties with the highest
19 levels of obesity: *Provided further*, That the proportional
20 funding requirements under section 1503(a) of the PHS
21 Act shall not apply to funds made available under this
22 heading.

1 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
2 DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the
PHS Act with respect to birth defects, developmental dis-
abilities, disabilities and health, \$139,560,000.

6 PUBLIC HEALTH SCIENTIFIC SERVICES

7 For carrying out titles II, III, and XVII of the PHS
8 Act with respect to health statistics, surveillance, health
9 informatics, and workforce development, \$489,397,000.

10 ENVIRONMENTAL HEALTH

11 For carrying out titles II, III, and XVII of the PHS
12 Act with respect to environmental health, \$163,750,000.

13 INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, \$291,059,000: *Provided*, That of the funds provided under this heading, \$112,000,000 shall be available for an evidence-based opioid drug overdose prevention program.

19 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
20 HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safe-

1 ty and Health Act, with respect to occupational safety and
2 health, \$335,200,000.

3 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

4 COMPENSATION PROGRAM

5 For necessary expenses to administer the Energy
6 Employees Occupational Illness Compensation Program
7 Act, \$55,358,000, to remain available until expended: *Pro-*
8 *vided*, That this amount shall be available consistent with
9 the provision regarding administrative expenses in section
10 151(b) of division B, title I of Public Law 106–554.

11 GLOBAL HEALTH

12 For carrying out titles II, III, and XVII of the PHS
13 Act with respect to global health, \$433,621,000, of which
14 \$128,421,000 for international HIV/AIDS shall remain
15 available through September 30, 2019: *Provided*, That
16 funds may be used for purchase and insurance of official
17 motor vehicles in foreign countries.

18 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

19 For carrying out titles II, III, and XVII of the PHS
20 Act with respect to public health preparedness and re-
21 sponse, and for expenses necessary to support activities
22 related to countering potential biological, nuclear, radio-
23 logical, and chemical threats to civilian populations,
24 \$1,405,000,000, of which \$575,000,000 shall remain
25 available until expended for the Strategic National Stock-

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

18 BUILDINGS AND FACILITIES

19 (INCLUDING TRANSFER OF FUNDS)

20 For acquisition of real property, equipment, construc-
21 tion, demolition, and renovation of facilities, \$10,000,000,
22 which shall remain available until September 30, 2022:
23 *Provided*, That funds previously set-aside by CDC for re-
24 pair and upgrade of the Lake Lynn Experimental Mine
25 and Laboratory shall be used to acquire a replacement

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

8 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

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

1 from amounts appropriated to CDC in this Act for official
2 reception and representation expenses when specifically
3 approved by the Director of CDC: *Provided further*, That
4 in addition, such sums as may be derived from authorized
5 user fees, which shall be credited to the appropriation
6 charged with the cost thereof: *Provided further*, That with
7 respect to the previous proviso, authorized user fees from
8 the Vessel Sanitation Program and the Respirator Certifi-
9 cation Program shall be available through September 30,
10 2019.

11 NATIONAL INSTITUTES OF HEALTH

12 NATIONAL CANCER INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to cancer, \$5,558,270,000, of which up
15 to \$30,000,000 may be used for facilities repairs and im-
16 provements at the National Cancer Institute—Frederick
17 Federally Funded Research and Development Center in
18 Frederick, Maryland.

19 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to cardiovascular, lung, and blood dis-
22 eases, and blood and blood products, \$3,322,774,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHIS
4 Act with respect to dental and craniofacial diseases,
5 \$439,738,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$1,935,597,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$1,861,666,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
17 DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$5,127,866,000.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to general medical sciences,
24 \$2,887,194,000, of which \$1,074,443,000 shall be from
25 funds available under section 241 of the PHS Act: *Pro-*

1 *vided*, That not less than \$344,313,000 is provided for
2 the Institutional Development Awards program.

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

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to child health and human development,
7 \$1,426,092,000.

8 NATIONAL EYE INSTITUTE

9 For carrying out section 301 and title IV of the PHS
10 Act with respect to eye diseases and visual disorders,
11 \$758,552,000.

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
13 SCIENCES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to environmental health sciences,
16 \$737,727,000.

17 NATIONAL INSTITUTE ON AGING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to aging, \$2,535,539,000.

20 NATIONAL INSTITUTE OF ARTHRITIS AND
21 MUSCULOSKELETAL AND SKIN DISEASES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to arthritis and musculoskeletal and skin
24 diseases, \$576,178,000.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to deafness and other communication dis-
5 orders, \$451,768,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to nursing research, \$155,210,000.

9 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
10 ALCOHOLISM

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to alcohol abuse and alcoholism,
13 \$500,491,000.

14 NATIONAL INSTITUTE ON DRUG ABUSE

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to drug abuse, \$1,113,442,000.

17 NATIONAL INSTITUTE OF MENTAL HEALTH

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to mental health, \$1,681,568,000.

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to human genome research,
23 \$546,934,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$371,151,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$139,654,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to minority health and health disparities
15 research, \$297,784,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities of the John E. Fogarty
18 International Center (described in subpart 2 of part E of
19 title IV of the PHS Act), \$74,380,000.

20 NATIONAL LIBRARY OF MEDICINE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to health information communications,
23 \$420,898,000: *Provided*, That of the amounts available for
24 improvement of information systems, \$4,000,000 shall be
25 available until September 30, 2019: *Provided further*, That

1 in fiscal year 2018, the National Library of Medicine may
2 enter into personal services contracts for the provision of
3 services in facilities owned, operated, or constructed under
4 the jurisdiction of the National Institutes of Health (re-
5 ferred to in this title as “NIH”).

6 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
7 SCIENCES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to translational sciences, \$729,094,000:
10 *Provided*, That up to \$24,496,593 shall be available to im-
11 plement section 480 of the PHS Act, relating to the Cures
12 Acceleration Network: *Provided further*, That at least
13 \$533,076,000 is provided to the Clinical and Translational
14 Sciences Awards program.

15 OFFICE OF THE DIRECTOR

16 For carrying out the responsibilities of the Office of
17 the Director, NIH, \$1,796,970,000: *Provided*, That fund-
18 ing shall be available for the purchase of not to exceed
19 29 passenger motor vehicles for replacement only: *Pro-*
20 *vided further*, That all funds credited to the NIH Manage-
21 ment Fund shall remain available for one fiscal year after
22 the fiscal year in which they are deposited: *Provided fur-*
23 *ther*, That \$575,290,000 shall be available for the Com-
24 mon Fund established under section 402A(c)(1) of the
25 PHS Act: *Provided further*, That of the funds provided,

1 \$10,000 shall be for official reception and representation
2 expenses when specifically approved by the Director of the
3 NIH: *Provided further*, That the Office of AIDS Research
4 within the Office of the Director of the NIH may spend
5 up to \$8,000,000 to make grants for construction or ren-
6 ovation of facilities as provided for in section
7 2354(a)(5)(B) of the PHS Act: *Provided further*, That
8 \$25,000,000 shall be used to carry out section 404I of
9 the PHS Act (42 U.S.C. 283k), relating to biomedical and
10 behavioral research facilities: *Provided further*, That the
11 NIH shall open a funding opportunity with the objectives,
12 eligibility, study populations, and review criteria of RFA
13 HD-92-10 to be awarded strictly according to peer re-
14 view: *Provided further*, That the purpose of the funding
15 opportunity in the previous proviso shall be to determine
16 the adequacy of such a donor network to serve as tissue
17 sources for all related fields of biomedical research and
18 shall be limited to donated human fetal tissue from still-
19 births and spontaneous abortion: *Provided further*, That
20 the Director may update such announcement to conform
21 with current law, policy, and NIH practice.

22 In addition to other funds appropriated for the Com-
23 mon Fund established under section 402A(c) of the PHS
24 Act, \$12,600,000 is appropriated to the Common Fund
25 from the 10-year Pediatric Research Initiative Fund de-

1 scribed in section 9008 of title 26, United States Code,
2 for the purpose of carrying out section 402(b)(7)(B)(ii)
3 of the PHS Act (relating to pediatric research), as author-
4 ized in the Gabriella Miller Kids First Research Act.

5 BUILDINGS AND FACILITIES

6 For the study of, construction of, demolition of, ren-
7 ovation of, and acquisition of equipment for, facilities of
8 or used by NIH, including the acquisition of real property,
9 \$128,863,000, to remain available through September 30,
10 2022.

11 NIH INNOVATION ACCOUNT, CURES ACT

12 For necessary expenses to carry out the purposes de-
13 scribed in section 1001(b)(4) of the 21st Century Cures
14 Act, in addition to amounts available for such purposes
15 in the appropriations provided to the National Institutes
16 of Health in this Act, \$496,000,000, to remain available
17 until expended: *Provided*, That such amounts are appro-
18 priated pursuant to section 1001(b)(3) of such Act, are
19 to be derived from amounts transferred under section
20 1001(b)(2)(A) of such Act, and may be transferred by the
21 Director of the National Institutes of Health to other ac-
22 counts of the National Institutes of Health solely for the
23 purposes provided in such Act: *Provided further*, That
24 upon a determination by the Director that funds trans-
25 ferred pursuant to the previous proviso are not necessary

1 for the purposes provided, such amounts may be trans-
2 ferred back to the Account: *Provided further*, That the
3 transfer authority provided under this heading is in addi-
4 tion to any other transfer authority provided by law.

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

6 ADMINISTRATION

7 MENTAL HEALTH

8 For carrying out titles III, V, and XIX of the PHS
9 Act with respect to mental health, and the Protection and
10 Advocacy for Individuals with Mental Illness Act,
11 \$1,147,998,000: *Provided*, That notwithstanding section
12 520A(f)(2) of the PHS Act, no funds appropriated for car-
13 rying out section 520A shall be available for carrying out
14 section 1971 of the PHS Act: *Provided further*, That in
15 addition to amounts provided herein, \$21,039,000 shall be
16 available under section 241 of the PHS Act to carry out
17 subpart I of part B of title XIX of the PHS Act to fund
18 section 1920(b) technical assistance, national data, data
19 collection and evaluation activities, and further that the
20 total available under this Act for section 1920(b) activities
21 shall not exceed 5 percent of the amounts appropriated
22 for subpart I of part B of title XIX: *Provided further*, That
23 up to 10 percent of the amounts made available to carry
24 out the Children's Mental Health Services program may
25 be used to carry out demonstration grants or contracts

1 for early interventions with persons not more than 25
2 years of age at clinical high risk of developing a first epi-
3 sode of psychosis: *Provided further*, That section
4 520E(b)(2) of the PHS Act shall not apply to funds ap-
5 propriated in this Act for fiscal year 2018: *Provided fur-*
6 *ther*, That notwithstanding section 565(b)(1) of the PHS
7 Act, technical assistance may be provided to a public enti-
8 ty to establish or operate a system of comprehensive com-
9 munity mental health services to children with a serious
10 emotional disturbance, without regard to whether the pub-
11 lic entity receives a grant under section 561(a) of such
12 Act: *Provided further*, That States shall expend at least
13 10 percent of the amount each receives for carrying out
14 section 1911 of the PHS Act to support evidence-based
15 programs that address the needs of individuals with early
16 serious mental illness, including psychotic disorders, re-
17 gardless of the age of the individual at onset: *Provided*
18 *further*, That none of the funds provided for section 1911
19 of the PHS Act shall be subject to section 241 of such
20 Act: *Provided further*, That of the funds made available
21 under this heading, \$15,000,000 shall be to carry out sec-
22 tion 224 of the Protecting Access to Medicare Act of 2014
23 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

1 SUBSTANCE ABUSE TREATMENT

2 For carrying out titles III and V of the PHS Act
3 with respect to substance abuse treatment and title XIX
4 of such Act with respect to substance abuse treatment and
5 prevention, \$2,131,306,000: *Provided*, That in addition to
6 amounts provided herein, the following amounts shall be
7 available under section 241 of the PHS Act: (1)
8 \$79,200,000 to carry out subpart II of part B of title XIX
9 of the PHS Act to fund section 1935(b) technical assist-
10 ance, national data, data collection and evaluation activi-
11 ties, and further that the total available under this Act
12 for section 1935(b) activities shall not exceed 5 percent
13 of the amounts appropriated for subpart II of part B of
14 title XIX; and (2) \$2,000,000 to evaluate substance abuse
15 treatment programs: *Provided further*, That none of the
16 funds provided for section 1921 of the PHS Act shall be
17 subject to section 241 of such Act.

18 SUBSTANCE ABUSE PREVENTION

19 For carrying out titles III and V of the PHS Act
20 with respect to substance abuse prevention, \$238,219,000.

21 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

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

1 of the PHS Act and the Protection and Advocacy for Indi-
2 viduals with Mental Illness Act in the Substance Abuse
3 and Mental Health Services Administration,
4 \$114,402,000: *Provided*, That in addition to amounts pro-
5 vided herein, \$31,428,000 shall be available under section
6 241 of the PHS Act to supplement funds available to
7 carry out national surveys on drug abuse and mental
8 health, to collect and analyze program data, and to con-
9 duct public awareness and technical assistance activities:
10 *Provided further*, That, in addition, fees may be collected
11 for the costs of publications, data, data tabulations, and
12 data analysis completed under title V of the PHS Act and
13 provided to a public or private entity upon request, which
14 shall be credited to this appropriation and shall remain
15 available until expended for such purposes: *Provided fur-*
16 *ther*, That amounts made available in this Act for carrying
17 out section 501(m) of the PHS Act shall remain available
18 through September 30, 2019: *Provided further*, That funds
19 made available under this heading may be used to supple-
20 ment program support funding provided under the head-
21 ings “Mental Health”, “Substance Abuse Treatment”,
22 and “Substance Abuse Prevention”.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the PHS Act,
4 part A of title XI of the Social Security Act, and section
5 1013 of the Medicare Prescription Drug, Improvement,
6 and Modernization Act of 2003, \$324,000,000: *Provided*,
7 That section 947(c) of the PHS Act shall not apply in
8 fiscal year 2018: *Provided further*, That in addition,
9 amounts received from Freedom of Information Act fees,
10 reimbursable and interagency agreements, and the sale of
11 data shall be credited to this appropriation and shall re-
12 main available until September 30, 2019.

13 CENTERS FOR MEDICARE AND MEDICAID SERVICES

14 GRANTS TO STATES FOR MEDICAID

15 For carrying out, except as otherwise provided, titles
16 XI and XIX of the Social Security Act, \$284,798,384,000,
17 to remain available until expended.

18 For making, after May 31, 2018, payments to States
19 under title XIX or in the case of section 1928 on behalf
20 of States under title XIX of the Social Security Act for
21 the last quarter of fiscal year 2018 for unanticipated costs
22 incurred for the current fiscal year, such sums as may be
23 necessary.

24 For making payments to States or in the case of sec-
25 tion 1928 on behalf of States under title XIX of the Social

1 Security Act for the first quarter of fiscal year 2019,
2 \$134,847,759,000, to remain available until expended.

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

8 PAYMENTS TO HEALTH CARE TRUST FUNDS

9 For payment to the Federal Hospital Insurance
10 Trust Fund and the Federal Supplementary Medical In-
11 surance Trust Fund, as provided under sections 217(g),
12 1844, and 1860D–16 of the Social Security Act, sections
13 103(c) and 111(d) of the Social Security Amendments of
14 1965, section 278(d)(3) of Public Law 97–248, and for
15 administrative expenses incurred pursuant to section
16 201(g) of the Social Security Act, \$323,497,300,000.

17 In addition, for making matching payments under
18 section 1844 and benefit payments under section 1860D–
19 16 of the Social Security Act that were not anticipated
20 in budget estimates, such sums as may be necessary.

21 PROGRAM MANAGEMENT

22 For carrying out, except as otherwise provided, titles
23 XI, XVIII, XIX, and XXI of the Social Security Act, titles
24 XIII and XXVII of the PHS Act, the Clinical Laboratory
25 Improvement Amendments of 1988, and other responsibil-

ities of the Centers for Medicare and Medicaid Services,
not to exceed \$3,669,744,000, to be transferred from the
Federal Hospital Insurance Trust Fund and the Federal
Supplementary Medical Insurance Trust Fund, as author-
ized by section 201(g) of the Social Security Act; together
with all funds collected in accordance with section 353 of
the PHS Act and section 1857(e)(2) of the Social Security
Act, funds retained by the Secretary pursuant to section
302 of the Tax Relief and Health Care Act of 2006; and
such sums as may be collected from authorized user fees
and the sale of data, which shall be credited to this ac-
count and remain available until September 30, 2023: *Pro-*
vided, That all funds derived in accordance with 31 U.S.C.
9701 from organizations established under title XIII of
the PHS Act shall be credited to and available for carrying
out the purposes of this appropriation: *Provided further*,
That the Secretary is directed to collect fees in fiscal year
2018 from Medicare Advantage organizations pursuant to
section 1857(e)(2) of the Social Security Act and from eli-
gible organizations with risk-sharing contracts under sec-
tion 1876 of that Act pursuant to section 1876(k)(4)(D)
of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for pro-
gram integrity and program management, \$745,000,000,

1 to remain available through September 30, 2019, to be
2 transferred from the Federal Hospital Insurance Trust
3 Fund and the Federal Supplementary Medical Insurance
4 Trust Fund, as authorized by section 201(g) of the Social
5 Security Act, of which \$584,766,000 shall be for the Cen-
6 ters for Medicare and Medicaid Services program integrity
7 activities, of which \$84,398,000 shall be for the Depart-
8 ment of Health and Human Services Office of Inspector
9 General to carry out fraud and abuse activities authorized
10 by section 1817(k)(3) of such Act, and of which
11 \$75,836,000 shall be for the Department of Justice to
12 carry out fraud and abuse activities authorized by section
13 1817(k)(3) of such Act: *Provided*, That the report re-
14 quired by section 1817(k)(5) of the Social Security Act
15 for fiscal year 2018 shall include measures of the oper-
16 ational efficiency and impact on fraud, waste, and abuse
17 in the Medicare, Medicaid, and CHIP programs for the
18 funds provided by this appropriation: *Provided further*,
19 That of the amount provided under this heading,
20 \$311,000,000 is provided to meet the terms of section
21 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended, and
23 \$434,000,000 is additional new budget authority specified
24 for purposes of section 251(b)(2)(C) of such Act: *Provided*
25 *further*, That the Secretary shall support the full cost of

1 the Senior Medicare Patrol program to combat health care
2 fraud and abuse from the funds provided to this account.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

6 For carrying out, except as otherwise provided, titles
7 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
8 and the Act of July 5, 1960, \$2,995,400,000, to remain
9 available until expended; and for such purposes for the
10 first quarter of fiscal year 2019, \$1,400,000,000, to re-
11 main available until expended.

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

18 LOW INCOME HOME ENERGY ASSISTANCE

19 For making payments under subsections (b) and (d)
20 of section 2602 of the Low Income Home Energy Assist-
21 ance Act of 1981, \$3,390,304,000: *Provided*, That all but
22 \$491,000,000 of this amount shall be allocated as though
23 the total appropriation for such payments for fiscal year
24 2018 was less than \$1,975,000,000: *Provided further*,
25 That notwithstanding section 2609A(a), of the amounts

1 appropriated under section 2602(b), not more than
2 \$2,988,000 of such amounts may be reserved by the Sec-
3 retary for technical assistance, training, and monitoring
4 of program activities for compliance with internal controls,
5 policies and procedures and may, in addition to the au-
6 thorities provided in section 2609A(a)(1), use such funds
7 through contracts with private entities that do not qualify
8 as nonprofit organizations.

9 REFUGEE AND ENTRANT ASSISTANCE

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses for refugee and entrant as-
12 sistance activities authorized by section 414 of the Immi-
13 gration and Nationality Act and section 501 of the Ref-
14 ugee Education Assistance Act of 1980, and for carrying
15 out section 462 of the Homeland Security Act of 2002,
16 section 235 of the William Wilberforce Trafficking Victims
17 Protection Reauthorization Act of 2008, the Trafficking
18 Victims Protection Act of 2000 (“TVPA”), and the Tor-
19 ture Victims Relief Act of 1998, \$1,506,691,000, of which
20 \$1,475,201,000 shall remain available through September
21 30, 2020 for carrying out such sections 414, 501, 462,
22 and 235: *Provided*, That amounts available under this
23 heading to carry out the TVPA shall also be available for
24 research and evaluation with respect to activities under
25 such Act: *Provided further*, That the limitation in section

1 205 of this Act regarding transfers increasing any appro-
 2 priation shall apply to transfers to appropriations under
 3 this heading by substituting “10 percent” for “3 percent”.

4 PAYMENTS TO STATES FOR THE CHILD CARE AND
 5 DEVELOPMENT BLOCK GRANT

6 For carrying out the Child Care and Development
 7 Block Grant Act of 2014 (“CCDBG Act”),
 8 \$2,856,000,000 shall be used to supplement, not supplant
 9 State general revenue funds for child care assistance for
 10 low-income families: *Provided*, That technical assistance
 11 under section 658I(a)(3) of such Act may be provided di-
 12 rectly, or through the use of contracts, grants, cooperative
 13 agreements, or interagency agreements: *Provided further*,
 14 That all funds made available to carry out section 418
 15 of the Social Security Act (42 U.S.C. 618), including
 16 funds appropriated for that purpose in such section 418
 17 or any other provision of law, shall be subject to the res-
 18 ervation of funds authority in paragraphs (4) and (5) of
 19 section 658O(a) of the CCDBG Act.

20 SOCIAL SERVICES BLOCK GRANT

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

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

3 CHILDREN AND FAMILIES SERVICES PROGRAMS

4 For carrying out, except as otherwise provided, the
5 Runaway and Homeless Youth Act, the Head Start Act,
6 the Every Student Succeeds Act, the Child Abuse Preven-
7 tion and Treatment Act, sections 303 and 313 of the
8 Family Violence Prevention and Services Act, the Native
9 American Programs Act of 1974, title II of the Child
10 Abuse Prevention and Treatment and Adoption Reform
11 Act of 1978 (adoption opportunities), part B–1 of title IV
12 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
13 of the Social Security Act, and the Community Services
14 Block Grant Act (“CSBG Act”), and for necessary admin-
15 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
16 XVI, and XX–A of the Social Security Act, the Act of
17 July 5, 1960, the Low-Income Home Energy Assistance
18 Act of 1981, the Child Care and Development Block Grant
19 Act of 2014, the Assets for Independence Act, title IV of
20 the Immigration and Nationality Act, and section 501 of
21 the Refugee Education Assistance Act of 1980,
22 \$11,284,368,000, of which \$37,943,000, to remain avail-
23 able through September 30, 2019, shall be for grants to
24 States for adoption and legal guardianship incentive pay-
25 ments, as defined by section 473A of the Social Security

1 Act and may be made for adoptions and legal
2 guardianships completed before September 30, 2018: *Pro-*
3 *vided*, That \$9,253,095,000 shall be for making payments
4 under the Head Start Act: *Provided further*, That of the
5 amount in the previous proviso, \$8,588,095,000 shall be
6 available for payments under section 640 of the Head
7 Start Act: *Provided further*, That of the amount provided
8 for making payments under the Head Start Act,
9 \$25,000,000 shall be available for allocation by the Sec-
10 retary to supplement activities described in paragraphs
11 (7)(B) and (9) of section 641(c) of such Act under the
12 Designation Renewal System, established under the au-
13 thority of sections 641(c)(7), 645A(b)(12) and 645A(d)
14 of such Act: *Provided further*, That notwithstanding such
15 section 640, of the amount provided for making payments
16 under the Head Start Act, and in addition to funds other-
17 wise available under such section 640, \$640,000,000 shall
18 be available through March 31, 2019 for Early Head Start
19 programs as described in section 645A of such Act, for
20 conversion of Head Start services to Early Head Start
21 services as described in section 645(a)(5)(A) of such Act,
22 for discretionary grants for high quality infant and toddler
23 care through Early Head Start-Child Care Partnerships,
24 to entities defined as eligible under section 645A(d) of
25 such Act, for training and technical assistance for such

1 activities, and for up to \$14,000,000 in Federal costs of
2 administration and evaluation, and, notwithstanding sec-
3 tion 645A(c)(2) of such Act, these funds are available to
4 serve children under age 4: *Provided further*, That funds
5 described in the preceding two provisos shall not be in-
6 cluded in the calculation of “base grant” in subsequent
7 fiscal years, as such term is used in section 640(a)(7)(A)
8 of such Act: *Provided further*, That \$250,000,000 shall be
9 available until December 31, 2018 for carrying out sec-
10 tions 9212 and 9213 of the Every Student Succeeds Act:
11 *Provided further*, That up to 3 percent of the funds in
12 the preceding proviso shall be available for technical as-
13 sistance and evaluation related to grants awarded under
14 such section 9212: *Provided further*, That \$727,383,000
15 shall be for making payments under the CSBG Act: *Pro-*
16 *vided further*, That \$27,733,000 shall be for sections 680
17 and 678E(b)(2) of the CSBG Act, of which not less than
18 \$19,883,000 shall be for section 680(a)(2) and not less
19 than \$7,500,000 shall be for section 680(a)(3)(B) of such
20 Act: *Provided further*, That, notwithstanding section
21 675C(a)(3) of such Act, to the extent Community Services
22 Block Grant funds are distributed as grant funds by a
23 State to an eligible entity as provided under such Act, and
24 have not been expended by such entity, they shall remain
25 with such entity for carryover into the next fiscal year for

1 expenditure by such entity consistent with program pur-
2 poses: *Provided further*, That the Secretary shall establish
3 procedures regarding the disposition of intangible assets
4 and program income that permit such assets acquired
5 with, and program income derived from, grant funds au-
6 thorized under section 680 of the CSBG Act to become
7 the sole property of such grantees after a period of not
8 more than 12 years after the end of the grant period for
9 any activity consistent with section 680(a)(2)(A) of the
10 CSBG Act: *Provided further*, That intangible assets in the
11 form of loans, equity investments and other debt instru-
12 ments, and program income may be used by grantees for
13 any eligible purpose consistent with section 680(a)(2)(A)
14 of the CSBG Act: *Provided further*, That these procedures
15 shall apply to such grant funds made available after No-
16 vember 29, 1999: *Provided further*, That funds appro-
17 priated for section 680(a)(2) of the CSBG Act shall be
18 available for financing construction and rehabilitation and
19 loans or investments in private business enterprises owned
20 by community development corporations: *Provided further*,
21 That \$156,000,000 shall be for carrying out the Family
22 Violence Prevention and Services Act, of which
23 \$5,000,000 shall be allocated notwithstanding section
24 303(a)(2) of such Act for carrying out section 309 of such
25 Act: *Provided further*, That \$1,864,000 shall be for a

1 human services case management system for federally de-
2 clared disasters, to include a comprehensive national case
3 management contract and Federal costs of administering
4 the system: *Provided further*, That up to \$2,000,000 shall
5 be for improving the Public Assistance Reporting Informa-
6 tion System, including grants to States to support data
7 collection for a study of the system's effectiveness.

8 PROMOTING SAFE AND STABLE FAMILIES

9 For carrying out, except as otherwise provided, sec-
10 tion 436 of the Social Security Act, \$325,000,000 and,
11 for carrying out, except as otherwise provided, section 437
12 of such Act, \$59,765,000: *Provided*, That notwithstanding
13 sections 438(c)(3)(A) and 436(b)(2) of such Act,
14 \$10,000,000 shall be available for such section 436(b)(2),
15 of which no funds shall be available for carrying out sec-
16 tions 438(c)(3)(A)(ii) and (iii) of such Act.

17 PAYMENTS FOR FOSTER CARE AND PERMANENCY

18 For carrying out, except as otherwise provided, title
19 IV–E of the Social Security Act, \$6,225,000,000.

20 For carrying out, except as otherwise provided, title
21 IV–E of the Social Security Act, for the first quarter of
22 fiscal year 2019, \$2,700,000,000.

23 For carrying out, after May 31 of the current fiscal
24 year, except as otherwise provided, section 474 of title IV–
25 E of the Social Security Act, for the last 3 months of the

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

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

6 For carrying out, to the extent not otherwise pro-
7 vided, the Older Americans Act of 1965 (“OAA”), titles
8 III and XXIX of the PHS Act, sections 1252 and 1253
9 of the PHS Act, section 119 of the Medicare Improve-
10 ments for Patients and Providers Act of 2008, title XX-
11 B of the Social Security Act, the Developmental Disabil-
12 ities Assistance and Bill of Rights Act, parts 2 and 5 of
13 subtitle D of title II of the Help America Vote Act of
14 2002, the Assistive Technology Act of 1998, titles II and
15 VII (and section 14 with respect to such titles) of the Re-
16 habilitation Act of 1973, and for Department-wide coordi-
17 nation of policy and program activities that assist individ-
18 uals with disabilities, \$1,919,000,000: together with
19 \$47,115,000 to be transferred from the Federal Hospital
20 Insurance Trust Fund and the Federal Supplementary
21 Medical Insurance Trust Fund to carry out section 4360
22 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
23 *vided*, That amounts appropriated under this heading may
24 be used for grants to States under section 361 of the OAA
25 only for disease prevention and health promotion pro-

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

1 in section 102 of the Protection and Advocacy for Individ-
2 uals with Mental Illness Act (42 U.S.C. 10802)) to con-
3 tinue to pursue any legal action in a Federal or State
4 court on behalf of an individual or group of individuals
5 with a developmental disability (as defined in section
6 102(8)(A) of the Developmental Disabilities and Assist-
7 ance and Bill of Rights Act of 2000 (20 U.S.C.
8 15002(8)(A)) that is attributable to a mental impairment
9 (or a combination of mental and physical impairments),
10 that has as the requested remedy the closure of State op-
11 erated intermediate care facilities for people with intellec-
12 tual or developmental disabilities, unless reasonable public
13 notice of the action has been provided to such individuals
14 (or, in the case of mental incapacitation, the legal guard-
15 ians who have been specifically awarded authority by the
16 courts to make healthcare and residential decisions on be-
17 half of such individuals) who are affected by such action,
18 within 90 days of instituting such legal action, which in-
19 forms such individuals (or such legal guardians) of their
20 legal rights and how to exercise such rights consistent with
21 current Federal Rules of Civil Procedure: *Provided further*,
22 That the limitations in the immediately preceding proviso
23 shall not apply in the case of an individual who is neither
24 competent to consent nor has a legal guardian, nor shall

1 the proviso apply in the case of individuals who are a ward
2 of the State or subject to public guardianship.

3 OFFICE OF THE SECRETARY

4 GENERAL DEPARTMENTAL MANAGEMENT

5 For necessary expenses, not otherwise provided, for
6 general departmental management, including hire of six
7 passenger motor vehicles, and for carrying out titles III,
8 XVII, XXI, and section 229 of the PHS Act, the United
9 States-Mexico Border Health Commission Act, and re-
10 search studies under section 1110 of the Social Security
11 Act, \$470,629,000, together with \$64,828,000 from the
12 amounts available under section 241 of the PHS Act to
13 carry out national health or human services research and
14 evaluation activities: *Provided*, That of this amount,
15 \$53,900,000 shall be for minority AIDS prevention and
16 treatment activities: *Provided further*, That of the funds
17 made available under this heading, \$101,000,000 shall be
18 for making competitive contracts and to continue funding
19 grants to public and private entities to the same extent
20 and in the same manner as those grants were funded in
21 fiscal year 2016 to fund medically accurate and age appro-
22 priate programs that reduce teen pregnancy and for the
23 Federal costs associated with administering and evalu-
24 ating such contracts and grants, of which not more than
25 10 percent of the available funds shall be for training and

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

1 sired outcomes for the intended audience; and teach the
2 benefits associated with self-regulation, success sequenc-
3 ing for poverty prevention, healthy relationships, goal set-
4 ting, and resisting sexual coercion, dating violence, and
5 other youth risk behaviors such as underage drinking or
6 illicit drug use without normalizing teen sexual activity:
7 *Provided further*, That no more than 10 percent of the
8 funding for such competitive grants for sexual risk avoid-
9 ance shall be available for technical assistance and admin-
10 istrative costs of such programs: *Provided further*, That
11 funds provided in this Act for embryo adoption activities
12 may be used to provide to individuals adopting embryos,
13 through grants and other mechanisms, medical and ad-
14 ministrative services deemed necessary for such adoptions:
15 *Provided further*, That such services shall be provided con-
16 sistent with 42 CFR 59.5(a)(4).

17 ACCOUNT FOR THE STATE RESPONSE TO THE OPIOID
18 ABUSE CRISIS, CURES ACT

19 For necessary expenses to carry out the purposes de-
20 scribed in section 1003(c) of the 21st Century Cures Act,
21 \$500,000,000 to remain available until expended: *Pro-*
22 *vided*, That such amounts are appropriated pursuant to
23 section 1003(b)(3) of such Act, are to be derived from
24 amounts transferred under section 1003(b)(2)(A) of such
25 Act, and may be transferred by the Secretary of Health

1 and Human Services to other accounts of the Department
2 solely for the purposes provided in such Act: *Provided fur-*
3 *ther*, That upon a determination by the Secretary that
4 funds transferred pursuant to the previous proviso are not
5 necessary for the purposes provided, such amounts may
6 be transferred back to the Account: *Provided further*, That
7 the transfer authority provided under this heading is in
8 addition to any other transfer authority provided by law.

9 OFFICE OF MEDICARE HEARINGS AND APPEALS

10 For expenses necessary for the Office of Medicare
11 Hearings and Appeals, \$107,381,000, to be transferred in
12 appropriate part from the Federal Hospital Insurance
13 Trust Fund and the Federal Supplementary Medical In-
14 surance Trust Fund: *Provided*, That of amounts the Sec-
15 retary retains for adjudications related to Recovery Audit
16 Contractor (RAC) appeals under section 1893(h)(1)(c) of
17 the Social Security Act, \$10,000,000 shall be used as ad-
18 ditional funds for the necessary expenses of the Office of
19 Medicare Hearings and Appeals and the Departmental
20 Appeals Board to process RAC-related appeals, and to es-
21 tablish a process to provide educational feedback from
22 such Office and Board to the Centers for Medicare and
23 Medicaid Services to reduce the claims overturn rate from
24 the claims that are reviewed by such Office or Board.

1 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
2 INFORMATION TECHNOLOGY

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

8 OFFICE OF INSPECTOR GENERAL

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

17 OFFICE FOR CIVIL RIGHTS

18 For expenses necessary for the Office for Civil
19 Rights, \$38,798,000.

20 RETIREMENT PAY AND MEDICAL BENEFITS FOR

21 COMMISSIONED OFFICERS

22 For retirement pay and medical benefits of Public
23 Health Service Commissioned Officers as authorized by
24 law, for payments under the Retired Serviceman's Family
25 Protection Plan and Survivor Benefit Plan, and for med-

1 ical care of dependents and retired personnel under the
2 Dependents' Medical Care Act, such amounts as may be
3 required during the current fiscal year.

4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND

6 For expenses necessary to support activities related
7 to countering potential biological, nuclear, radiological,
8 chemical, and cybersecurity threats to civilian populations,
9 and for other public health emergencies, \$950,958,000, of
10 which \$511,700,000 shall remain available through Sep-
11 tember 30, 2019, for expenses necessary to support ad-
12 vanced research and development pursuant to section
13 319L of the PHS Act and other administrative expenses
14 of the Biomedical Advanced Research and Development
15 Authority: *Provided*, That funds provided under this head-
16 ing for the purpose of acquisition of security counter-
17 measures shall be in addition to any other funds available
18 for such purpose: *Provided further*, That products pur-
19 chased with funds provided under this heading may, at
20 the discretion of the Secretary, be deposited in the Stra-
21 tegic National Stockpile pursuant to section 319F–2 of
22 the PHS Act: *Provided further*, That \$5,000,000 of the
23 amounts made available to support emergency operations
24 shall remain available through September 30, 2020.

1 For expenses necessary for procuring security coun-
2 termeasures (as defined in section 319F–2(c)(1)(B) of the
3 PHS Act), \$510,000,000, to remain available until ex-
4 pended.

5 For an additional amount for expenses necessary to
6 prepare for or respond to an influenza pandemic,
7 \$92,000,000; of which \$75,000,000 shall be available until
8 expended, for activities including the development and
9 purchase of vaccine, antivirals, necessary medical supplies,
10 diagnostics, and other surveillance tools: *Provided*, That
11 notwithstanding section 496(b) of the PHS Act, funds
12 may be used for the construction or renovation of privately
13 owned facilities for the production of pandemic influenza
14 vaccines and other biologics, if the Secretary finds such
15 construction or renovation necessary to secure sufficient
16 supplies of such vaccines or biologics.

17 GENERAL PROVISIONS

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

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

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

9 SEC. 204. Notwithstanding section 241(a) of the
10 PHS Act, such portion as the Secretary shall determine,
11 but not more than 2.9 percent, of any amounts appro-
12 priated for programs authorized under such Act shall be
13 made available for the evaluation (directly, or by grants
14 or contracts) and the implementation and effectiveness of
15 programs funded in this title.

16 (TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which

1 no funds are provided in this Act: *Provided further*, That
2 the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate are notified at least 15 days
4 in advance of any transfer.

5 SEC. 206. In lieu of the timeframe specified in section
6 338E(c)(2) of the PHS Act, terminations described in
7 such section may occur up to 60 days after the execution
8 of a contract awarded in fiscal year 2018 under section
9 338B of such Act.

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

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

22 SEC. 209. None of the funds appropriated by this Act
23 (including funds appropriated to any trust fund) may be
24 used to carry out the Medicare Advantage program if the
25 Secretary denies participation in such program to an oth-

erwise eligible entity (including a Provider Sponsored Or-
ganization) because the entity informs the Secretary that
it will not provide, pay for, provide coverage of, or provide
referrals for abortions: *Provided*, That the Secretary shall
make appropriate prospective adjustments to the capita-
tion payment to such an entity (based on an actuarially
sound estimate of the expected costs of providing the serv-
ice to such entity's enrollees): *Provided further*, That noth-
ing in this section shall be construed to change the Medi-
care program's coverage for such services and a Medicare
Advantage organization described in this section shall be
responsible for informing enrollees where to obtain infor-
mation about all Medicare covered services.

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

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

24 SEC. 212. In order for HHS to carry out inter-
25 national health activities, including HIV/AIDS and other

1 infectious disease, chronic and environmental disease, and
2 other health activities abroad during fiscal year 2018:

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

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

1 make available to public or nonprofit private institu-
2 tions or agencies in participating foreign countries,
3 funds to acquire, lease, alter, or renovate facilities in
4 those countries as necessary to conduct programs of
5 assistance for international health activities, includ-
6 ing activities relating to HIV/AIDS and other infec-
7 tious diseases, chronic and environmental diseases,
8 and other health activities abroad.

9 (3) The Secretary is authorized to provide to
10 personnel appointed or assigned by the Secretary to
11 serve abroad, allowances and benefits similar to
12 those provided under chapter 9 of title I of the For-
13 eign Service Act of 1980, and 22 U.S.C. 4081
14 through 4086 and subject to such regulations pre-
15 scribed by the Secretary. The Secretary is further
16 authorized to provide locality-based comparability
17 payments (stated as a percentage) up to the amount
18 of the locality-based comparability payment (stated
19 as a percentage) that would be payable to such per-
20 sonnel under section 5304 of title 5, United States
21 Code if such personnel's official duty station were in
22 the District of Columbia. Leaves of absence for per-
23 sonnel under this subsection shall be on the same
24 basis as that provided under subchapter I of chapter
25 63 of title 5, United States Code, or section 903 of

1 the Foreign Service Act of 1980, to individuals serv-
2 ing in the Foreign Service.

3 (TRANSFER OF FUNDS)

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

12 (TRANSFER OF FUNDS)

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

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

1 identified pursuant to or research and activities described
2 in such section 402(b)(12).

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

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

19 (TRANSFER OF FUNDS)

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

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

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

13 (1) funds are available and obligated—

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

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

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

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

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

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

6 (TRANSFER OF FUNDS)

7 SEC. 219. (a) Within 45 days of enactment of this
8 Act, the Secretary shall transfer funds appropriated under
9 section 4002 of the ACA to the accounts specified, in the
10 amounts specified, and for the activities specified under
11 the heading “Prevention and Public Health Fund” in the
12 report accompanying this Act.

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

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

18 SEC. 220. (a) The Secretary shall publish in the fiscal
19 year 2019 budget justification and on Departmental Web
20 sites information concerning the employment of full-time
21 equivalent Federal employees or contractors for the pur-
22 poses of implementing, administering, enforcing, or other-
23 wise carrying out the provisions of the ACA, and the
24 amendments made by that Act, in the proposed fiscal year
25 and each fiscal year since the enactment of the ACA.

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

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

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

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

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

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

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

4 SEC. 221. The Secretary shall publish, as part of the
5 fiscal year 2019 budget of the President submitted under
6 section 1105(a) of title 31, United States Code, informa-
7 tion that details the uses of all funds used by the Centers
8 for Medicare and Medicaid Services specifically for Health
9 Insurance Exchanges for each fiscal year since the enact-
10 ment of the ACA and the proposed uses for such funds
11 for fiscal year 2019. Such information shall include, for
12 each such fiscal year, the amount of funds used for each
13 activity specified under the heading “Health Insurance
14 Exchange Transparency” in the report accompanying this
15 Act.

16 SEC. 222. (a) The Secretary shall provide to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate:

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

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

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

5 SEC. 223. None of the funds made available by this
6 Act from the Federal Hospital Insurance Trust Fund or
7 the Federal Supplemental Medical Insurance Trust Fund,
8 or transferred from other accounts funded by this Act to
9 the “Centers for Medicare and Medicaid Services—Pro-
10 gram Management” account, may be used for payments
11 under section 1342(b)(1) of Public Law 111–148 (relating
12 to risk corridors).

13 SEC. 224. In addition to the amounts otherwise avail-
14 able for “Centers for Medicare and Medicaid Services,
15 Program Management”, the Secretary of Health and
16 Human Services may transfer up to \$305,000,000 to such
17 account from the Federal Hospital Insurance Trust Fund
18 and the Federal Supplementary Medical Insurance Trust
19 Fund to support program management activity related to
20 the Medicare Program: *Provided*, That except for the fore-
21 going purpose, such funds may not be used to support any
22 provision of Public Law 111–148 or Public Law 111–152
23 (or any amendment made by either such Public Law) or
24 to supplant any other amounts within such account.

1 SEC. 225. The Secretary shall include in the fiscal
2 year 2019 budget justification an analysis of how section
3 2713 of the PHS Act will impact eligibility for discre-
4 tionary HHS programs.

5 SEC. 226. Effective during the period beginning on
6 November 1, 2015 and ending January 1, 2019, any pro-
7 vision of law that refers (including through cross-reference
8 to another provision of law) to the current recommenda-
9 tions of the United States Preventive Services Task Force
10 with respect to breast cancer screening, mammography,
11 and prevention shall be administered by the Secretary in-
12 volved as if—

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

18 (2) such recommendations last issued before
19 2009 applied to any screening mammography modal-
20 ity under section 1861(jj) of the Social Security Act
21 (42 U.S.C. 1395x(jj)).

22 SEC. 227. In making Federal financial assistance, the
23 provisions relating to indirect costs in part 75 of title 45,
24 Code of Federal Regulations, including with respect to the
25 approval of deviations from negotiated rates, shall con-

1 tinue to apply to the National Institutes of Health to the
2 same extent and in the same manner as such provisions
3 were applied in the third quarter of fiscal year 2017. None
4 of the funds appropriated in this or prior Acts or otherwise
5 made available to the Department of Health and Human
6 Services or to any department or agency may be used to
7 develop or implement a modified approach to such provi-
8 sions, or to intentionally or substantially expand the fiscal
9 effect of the approval of such deviations from negotiated
10 rates beyond the proportional effect of such approvals in
11 such quarter.

12 (RESOLUTION)

13 SEC. 228. Of the unobligated balances available in
14 the “Nonrecurring Expenses Fund” established in section
15 223 of division G of Public Law 110–161, \$560,000,000
16 are hereby rescinded.

17 (RESCISSION)

18 SEC. 229. Of the unobligated balances available
19 under the heading “Refugee and Entrant Assistance”
20 from prior appropriations acts, for carrying out section
21 462 of the Homeland Security Act of 2002 and section
22 235 of the William Wilberforce Trafficking Victims Pro-
23 tection Reauthorization Act of 2008, \$140,000,000 are
24 hereby rescinded.

1 This title may be cited as the “Department of Health
2 and Human Services Appropriations Act, 2018”.

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”), \$16,169,198,000, of which
9 \$5,251,398,000 shall become available on July 1, 2018,
10 and shall remain available through September 30, 2019,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2018, and shall remain available through Sep-
13 tember 30, 2019, for academic year 2018–2019: *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, 2017, 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 \$3,831,754,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,831,754,000 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, \$1,340,112,000, of which \$1,200,242,000 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), \$69,313,000 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 2017–2018, 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, \$4,458,567,000, of which
15 \$2,638,002,000 shall become available on July 1, 2018,
16 and remain available through September 30, 2019, and
17 of which \$1,681,441,000 shall become available on Octo-
18 ber 1, 2018, and shall remain available through September
19 30, 2019, for academic year 2018–2019: *Provided*, That
20 \$369,100,000 shall be for part B of title I: *Provided fur-*
21 *ther*, That \$1,191,673,000 shall be for part B of title IV:
22 *Provided further*, That \$33,397,000 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 ondary school, run by the Department of Education of the
2 State of Hawaii, that serves a predominantly Native Ha-
3 waiian student body: *Provided further*, That \$32,453,000
4 shall be for part C of title VI and shall be awarded on
5 a competitive basis, and also may be used for construction:
6 *Provided further*, That \$50,000,000 shall be available to
7 carry out section 203 of the Educational Technical Assist-
8 ance Act of 2002 and the Secretary shall make such ar-
9 rangements as determined to be necessary to ensure that
10 the Bureau of Indian Education has access to services pro-
11 vided under this section: *Provided further*, That
12 \$16,699,000 shall be available to carry out the Supple-
13 mental Education Grants program for the Federated
14 States of Micronesia and the Republic of the Marshall Is-
15 lands: *Provided further*, That the Secretary may reserve
16 up to 5 percent of the amount referred to in the previous
17 proviso to provide technical assistance in the implementa-
18 tion of these grants: *Provided further*, That \$175,840,000
19 shall be for part B of title V: *Provided further*, That
20 \$450,000,000 shall be available for grants under subpart
21 1 of part A of title IV: *Provided further*, That notwith-
22 standing subsections (a) and (b) of section 4105 of such
23 Act, each State may use funds reserved under section
24 4104(a)(1) of such Act to award subgrants, on a competi-
25 tive basis, to local educational agencies receiving a grant

1 under part A of title I, or consortia of such local edu-
 2 cational agencies, of such Act, to enable the agencies or
 3 consortia to support activities authorized under one or
 4 more of sections 4107, 4108, and 4109(a) of such Act:
 5 *Provided further*, That each such subgrant shall be subject
 6 to the same terms and conditions as an allocation provided
 7 under section 4105 of such Act, except as otherwise pro-
 8 vided in this Act: *Provided further*, That each State that
 9 awards such subgrants shall award such subgrants with
 10 priority given to local educational agencies, or consortia
 11 of local educational agencies, with the greatest need based
 12 on the number or percentage of children counted under
 13 section 1124(c), in a manner that ensures geographic di-
 14 versity among subgrant recipients representing rural, sub-
 15 urban, and urban areas, and in a manner that distributes
 16 the total amount of funds available to the State under sec-
 17 tion 4104(a)(1) consistent with the requirements de-
 18 scribed in subparagraphs (C) through (E) of section
 19 4106(e)(2) of such Act: *Provided further*, That each such
 20 subgrant awarded shall be for a term of one year and in
 21 an amount of not less than \$10,000, and a subgrant re-
 22 cipient shall not be subject to any of the distribution re-
 23 quirements described in subparagraphs (C) through (E)
 24 of subsections (e)(2) and (f), of section 4106 of such Act:
 25 *Provided further*, That notwithstanding section 4109(b) of

1 such Act, a subgrant recipient using such subgrant funds
2 to carry out only activities authorized under section
3 4109(a) of such Act may use not more than 25 percent
4 of the subgrant funds for purchasing technology infra-
5 structure as described in such section 4109(b): *Provided*
6 *further*, That amounts made available under this heading
7 to a State agency awarding such subgrants shall remain
8 available until September 30, 2019.

9 INDIAN EDUCATION

10 For expenses necessary to carry out, to the extent
11 not otherwise provided, title VI, part A of the ESEA,
12 \$165,239,000, of which \$57,993,000 shall be for subpart
13 2 of part A of title VI and \$6,865,000 shall be for subpart
14 3 of part A of title VI.

15 INNOVATION AND IMPROVEMENT

16 For carrying out activities authorized by subparts 1,
17 3 and 4 of part B of title II, and parts C and D and
18 subparts 1 and 4 of part F of title IV of the ESEA,
19 \$880,375,000: *Provided*, That \$253,815,000 shall be for
20 subparts 1, 3 and 4 of part B of title II and shall be made
21 available without regard to sections 2201, 2231(b) and
22 2241: *Provided further*, That \$531,560,000 shall be for
23 parts C and D and subpart 4 of part F of title IV, and
24 shall be made available without regard to sections 4311,
25 4409(a), and 4601 of the ESEA: *Provided further*, That

1 section 4303(d)(3)(A)(i) shall not apply to the funds avail-
2 able for part C of title IV: *Provided further*, That of the
3 funds available for part C of title IV, the Secretary shall
4 use not less than \$31,000,000 to carry out section 4304,
5 of which not more than \$10,000,000 shall be available to
6 carry out section 4304(k), not more than \$110,000,000
7 to carry out section 4305(b), and not less than
8 \$11,000,000 to carry out the activities in section
9 4305(a)(3): *Provided further*, That notwithstanding sec-
10 tion 4601(b), \$95,000,000 shall be available through De-
11 cember 31, 2018 for subpart 1 of part F of title IV.

12 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

13 For carrying out activities authorized by subparts 2
14 and 3 of part F of title IV of the ESEA, \$131,254,000:
15 *Provided*, That \$58,000,000 shall be available for section
16 4631, of which up to \$5,000,000, to remain available until
17 expended, shall be for the Project School Emergency Re-
18 sponse to Violence (“Project SERV”) program: *Provided*
19 *further*, That \$73,254,000 shall be available through De-
20 cember 31, 2018, for section 4624: *Provided further*, That
21 section 4623(b) of the ESEA shall apply to funds appro-
22 priated for Promise Neighborhoods under this heading in
23 prior appropriations acts: *Provided further*, That, no later
24 than March 31, 2018, the Secretary shall award extension
25 grants under such section on a competitive basis to grant-

1 ees who have demonstrated positive and promising results
2 during their initial implementation grant and propose to
3 continue pursuing ambitious goals during an extension of
4 that grant.

5 ENGLISH LANGUAGE ACQUISITION

6 For carrying out part A of title III of the ESEA,
7 \$737,400,000, which shall become available on July 1,
8 2018, and shall remain available through September 30,
9 2019, except that 6.5 percent of such amount shall be
10 available on October 1, 2017, and shall remain available
11 through September 30, 2019, to carry out activities under
12 section 3111(c)(1)(C).

13 SPECIAL EDUCATION

14 For carrying out the Individuals with Disabilities
15 Education Act (IDEA) and the Special Olympics Sport
16 and Empowerment Act of 2004, \$13,066,858,000, of
17 which \$3,546,259,000 shall become available on July 1,
18 2018, and shall remain available through September 30,
19 2019, and of which \$9,283,383,000 shall become available
20 on October 1, 2018, and shall remain available through
21 September 30, 2019, for academic year 2018–2019: *Pro-*
22 *vided*, That the amount for section 611(b)(2) of the IDEA
23 shall be equal to the lesser of the amount available for
24 that activity during fiscal year 2017, increased by the
25 amount of inflation as specified in section 619(d)(2)(B)

1 of the IDEA, or the percent change in the funds appro-
2 priated under section 611(i) of the IDEA, but not less
3 than the amount for that activity during fiscal year 2017:
4 *Provided further*, That the Secretary shall, without regard
5 to section 611(d) of the IDEA, distribute to all other
6 States (as that term is defined in section 611(g)(2)), sub-
7 ject to the third proviso, any amount by which a State's
8 allocation under section 611, from funds appropriated
9 under this heading, is reduced under section
10 612(a)(18)(B), according to the following: 85 percent on
11 the basis of the States' relative populations of children
12 aged 3 through 21 who are of the same age as children
13 with disabilities for whom the State ensures the avail-
14 ability of a free appropriate public education under this
15 part, and 15 percent to States on the basis of the States'
16 relative populations of those children who are living in pov-
17 erty: *Provided further*, That the Secretary may not dis-
18 tribute any funds under the previous proviso to any State
19 whose reduction in allocation from funds appropriated
20 under this heading made funds available for such a dis-
21 tribution: *Provided further*, That the States shall allocate
22 such funds distributed under the second proviso to local
23 educational agencies in accordance with section 611(f):
24 *Provided further*, That the amount by which a State's allo-
25 cation under section 611(d) of the IDEA is reduced under

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

1 section 612(a)(18)(B), or seek to recover funds under sec-
 2 tion 452 of the General Education Provisions Act (20
 3 U.S.C. 1234a): *Provided further*, That the funds reserved
 4 under 611(c) of the IDEA may be used to provide tech-
 5 nical assistance to States to improve the capacity of the
 6 States to meet the data collection requirements of sections
 7 616 and 618 and to administer and carry out other serv-
 8 ices and activities to improve data collection, coordination,
 9 quality, and use under parts B and C of the IDEA: *Pro-*
 10 *vided further*, That the Secretary may use funds made
 11 available for the State Personnel Development Grants pro-
 12 gram under part D, subpart 1 of IDEA to evaluate pro-
 13 gram performance under such subpart.

14 REHABILITATION SERVICES

15 For carrying out, to the extent not otherwise pro-
 16 vided, the Rehabilitation Act of 1973 and the Helen Keller
 17 National Center Act, \$3,562,418,000, of which
 18 \$3,452,931,000 shall be for grants for vocational rehabili-
 19 tation services under title I of the Rehabilitation Act: *Pro-*
 20 *vided*, That the Secretary may use amounts provided in
 21 this Act that remain available subsequent to the reallocot-
 22 ment of funds to States pursuant to section 110(b) of the
 23 Rehabilitation Act for innovative activities aimed at im-
 24 proving the outcomes of individuals with disabilities as de-
 25 fined in section 7(20)(B) of the Rehabilitation Act, includ-

1 ing activities aimed at improving the education and post-
2 school outcomes of children receiving Supplemental Secu-
3 rity Income (“SSI”) and their families that may result
4 in long-term improvement in the SSI child recipient’s eco-
5 nomic status and self-sufficiency: *Provided further*, That
6 States may award subgrants for a portion of the funds
7 to other public and private, nonprofit entities: *Provided*
8 *further*, That any funds made available subsequent to real-
9 lotment for innovative activities aimed at improving the
10 outcomes of individuals with disabilities shall remain avail-
11 able until September 30, 2019.

12 SPECIAL INSTITUTIONS FOR PERSONS WITH
13 DISABILITIES

14 AMERICAN PRINTING HOUSE FOR THE BLIND

15 For carrying out the Act to promote the Education
16 of the Blind of March 3, 1879, \$25,431,000.

17 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

1 GALLAUDET UNIVERSITY

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

9 CAREER, TECHNICAL, AND ADULT EDUCATION

10 For carrying out, to the extent not otherwise pro-
11 vided, the Carl D. Perkins Career and Technical Edu-
12 cation Act of 2006 and the Adult Education and Family
13 Literacy Act (“AEFLA”), \$1,720,686,000, of which
14 \$929,686,000 shall become available on July 1, 2018, and
15 shall remain available through September 30, 2019, and
16 of which \$791,000,000 shall become available on October
17 1, 2018, and shall remain available through September 30,
18 2019: *Provided*, That of the amounts made available for
19 AEFLA, \$13,712,000 shall be for national leadership ac-
20 tivities under section 242.

21 STUDENT FINANCIAL ASSISTANCE

22 For carrying out subparts 1, 3, and 10 of part A,
23 and part C of title IV of the HEA, \$24,198,210,000,
24 which shall remain available through September 30, 2019.

1 The maximum Pell Grant for which a student shall
2 be eligible during award year 2018–2019 shall be \$4,960.

3 STUDENT AID ADMINISTRATION

4 For Federal administrative expenses to carry out part
5 D of title I, and subparts 1, 3, 9, and 10 of part A, and
6 parts B, C, D, and E of title IV of the HEA, and subpart
7 1 of part A of title VII of the Public Health Service Act,
8 \$1,576,854,000, to remain available through September
9 30, 2019: *Provided*, That the Secretary shall allocate new
10 student loan borrower accounts to eligible student loan
11 servicers on the basis of their performance compared to
12 all loan servicers utilizing established common metrics,
13 and on the basis of the capacity of each servicer to process
14 new and existing accounts: *Provided further*, That the Sec-
15 retary shall, no later than September 30, 2017, allow stu-
16 dent loan borrowers who are consolidating Federal student
17 loans to select from any student loan servicer to service
18 their new consolidated student loan: *Provided further*,
19 That in order to promote accountability and high-quality
20 service to borrowers, the Secretary shall not issue any con-
21 tract solicitation for a new Federal student loan servicing
22 solution unless such a solution provides for the participa-
23 tion of multiple student loan servicers that contract di-
24 rectly with the Department of Education and allocates

1 student loan borrower accounts to eligible student loan
2 servicers based on performance.

3 HIGHER EDUCATION

4 For carrying out, to the extent not otherwise pro-
5 vided, titles II, III, IV, V, VI, and VII of the HEA, the
6 Mutual Educational and Cultural Exchange Act of 1961,
7 and section 117 of the Carl D. Perkins Career and Tech-
8 nical Education Act of 2006, \$2,048,439,000: *Provided*,
9 That notwithstanding any other provision of law, funds
10 made available in this Act to carry out title VI of the HEA
11 and section 102(b)(6) of the Mutual Educational and Cul-
12 tural Exchange Act of 1961 may be used to support visits
13 and study in foreign countries by individuals who are par-
14 ticipating in advanced foreign language training and inter-
15 national studies in areas that are vital to United States
16 national security and who plan to apply their language
17 skills and knowledge of these countries in the fields of gov-
18 ernment, the professions, or international development:
19 *Provided further*, That of the funds referred to in the pre-
20 ceding proviso up to 1 percent may be used for program
21 evaluation, national outreach, and information dissemina-
22 tion activities: *Provided further*, That up to 1.5 percent
23 of the funds made available under chapter 2 of subpart
24 2 of part A of title IV of the HEA may be used for evalua-
25 tion.

1 HOWARD UNIVERSITY

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

7 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
 8 PROGRAM

9 For Federal administrative expenses to carry out ac-
 10 tivities related to existing facility loans pursuant to section
 11 121 of the HEA, \$435,000.

12 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
 13 CAPITAL FINANCING PROGRAM ACCOUNT

14 For the cost of guaranteed loans, \$20,150,000, as au-
 15 thorized pursuant to part D of title III of the HEA, which
 16 shall remain available through September 30, 2019: *Pro-*
 17 *vided*, That such costs, including the cost of modifying
 18 such loans, shall be as defined in section 502 of the Con-
 19 gressional Budget Act of 1974: *Provided further*, That
 20 these funds are available to subsidize total loan principal,
 21 any part of which is to be guaranteed, not to exceed
 22 \$313,863,000: *Provided further*, That these funds may be
 23 used to support loans to public and private Historically
 24 Black Colleges and Universities without regard to the limi-
 25 tations within section 344(a) of the HEA.

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

5 INSTITUTE OF EDUCATION SCIENCES

6 For carrying out activities authorized by the Edu-
7 cation Sciences Reform Act of 2002, the National Assess-
8 ment of Educational Progress Authorization Act, section
9 208 of the Educational Technical Assistance Act of 2002,
10 and section 664 of the Individuals with Disabilities Edu-
11 cation Act, \$600,267,000, which shall remain available
12 through September 30, 2019: *Provided*, That funds avail-
13 able to carry out section 208 of the Educational Technical
14 Assistance Act may be used to link Statewide elementary
15 and secondary data systems with early childhood, postsec-
16 ondary, and workforce data systems, or to further develop
17 such systems: *Provided further*, That up to \$6,000,000 of
18 the funds available to carry out section 208 of the Edu-
19 cational Technical Assistance Act may be used for awards
20 to public or private organizations or agencies to support
21 activities to improve data coordination, quality, and use
22 at the local, State, and national levels.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
 4 vided, the Department of Education Organization Act, in-
 5 cluding rental of conference rooms in the District of Co-
 6 lumbia and hire of three passenger motor vehicles,
 7 \$430,000,000.

8 OFFICE FOR CIVIL RIGHTS

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

12 OFFICE OF INSPECTOR GENERAL

13 For expenses necessary for the Office of Inspector
 14 General, as authorized by section 212 of the Department
 15 of Education Organization Act, \$59,256,000.

16 GENERAL PROVISIONS

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

1 SEC. 302. None of the funds contained in this Act
 2 shall be used to require, directly or indirectly, the trans-
 3 portation of any student to a school other than the school
 4 which is nearest the student's home, except for a student
 5 requiring special education, to the school offering such
 6 special education, in order to comply with title VI of the
 7 Civil Rights Act of 1964. For the purpose of this section
 8 an indirect requirement of transportation of students in-
 9 cludes the transportation of students to carry out a plan
 10 involving the reorganization of the grade structure of
 11 schools, the pairing of schools, or the clustering of schools,
 12 or any combination of grade restructuring, pairing, or
 13 clustering. The prohibition described in this section does
 14 not include the establishment of magnet schools.

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

18 (TRANSFER OF FUNDS)

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

1 granted by this section shall not be used to create any
2 new program or to fund any project or activity for which
3 no funds are provided in this Act: *Provided further*, That
4 the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate are notified at least 15 days
6 in advance of any transfer.

7 SEC. 305. Section 105(f)(1)(B)(ix) of the Compact
8 of Free Association Amendments Act of 2003 (48 U.S.C.
9 1921d(f)(1)(B)(ix)) shall be applied by substituting
10 “2018” for “2017”.

11 SEC. 306. Funds appropriated in this Act and con-
12 solidated for evaluation purposes under section 8601(c) of
13 the ESEA shall be available from July 1, 2018, through
14 September 30, 2019.

15 SEC. 307. (a) An institution of higher education that
16 maintains an endowment fund supported with funds ap-
17 propriated for title III or V of the HEA for fiscal year
18 2018 may use the income from that fund to award schol-
19 arships to students, subject to the limitation in section
20 331(c)(3)(B)(i) of the HEA. The use of such income for
21 such purposes, prior to the enactment of this Act, shall
22 be considered to have been an allowable use of that in-
23 come, subject to that limitation.

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

1 SEC. 308. Section 114(f) of the IEA (20 U.S.C.
2 1011c(f)) is amended by striking “2017” and inserting
3 “2018”.

4 SEC. 309. Section 458(a) of the IEA (20 U.S.C.
5 1087h(a)) is amended in paragraph (4) by striking
6 “2017” and inserting “2018”.

7 (RESCISSI0N)

8 SEC. 310. Section 401(b)(7)(A)(iv)(VIII) of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1070a(b)(7)(A)(iv)(VIII)) is amended by striking
11 “\$1,382,000,000” and inserting “\$1,355,000,000”.

12 (RESCISSON)

13 SEC. 311. Of the unobligated balances available
14 under the heading “Student Financial Assistance” for car-
15 rying out subpart 1 of part A of title IV of the HEA,
16 \$2,600,000,000 are hereby rescinded.

17 RESTORING PELL GRANTS FOR DEFRAUDED STUDENTS

18 SEC. 312. Section 401(c)(5) (20 U.S.C. 1070a(c)(5))
19 is amended—

20 (1) by striking “(5) The period” and inserting
21 the following:

22 “(5) MAXIMUM PERIOD.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the period”; and

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

1 “(B) EXCEPTION.—

2 “(i) IN GENERAL.—Any Federal Pell
3 Grant that a student received during a pe-
4 riod described in subclause (I) or (II) of
5 clause (ii) shall not count towards the stu-
6 dent’s duration limits under this para-
7 graph.

8 “(ii) APPLICABLE PERIODS.—Clause
9 (i) shall apply with respect to any Federal
10 Pell Grant awarded to a student to attend
11 an institution—

12 “(I) during a period—

13 “(aa) for which the student
14 received a loan under this title;
15 and

16 “(bb) for which the loan de-
17 scribed in item (aa) is forgiven
18 under—

19 “(AA) section 437(c)(1)
20 or 464(g)(1) due to the clos-
21 ing of the institution or false
22 certification; or

23 “(BB) section 455(h)
24 due to the student’s success-

1 ful assertion of a defense to
2 repayment of the loan; or

3 “(II) during a period for which
4 the student did not receive a loan
5 under this title but for which, if the
6 student had received such a loan, the
7 student would have qualified for loan
8 forgiveness under subclause (I)(bb).”.

9 SEC. 313. The period of time provided to the Sec-
10 retary in section 498(h)(2) of the Higher Education Act
11 may be extended up to an additional 18 months for insti-
12 tutions where the Secretary withdrew recognition of their
13 accreditor on December 12, 2016, if the institution does
14 not remain with or reapply to the accrediting agency which
15 accredited the institution on December 12, 2016.

16 This title may be cited as the “Department of Edu-
17 cation Appropriations Act, 2018”.

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

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

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

4 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
5 OPERATING EXPENSES

6 For necessary expenses for the Corporation for Na-
7 tional and Community Service (referred to in this title as
8 “CNCS”) to carry out the Domestic Volunteer Service Act
9 of 1973 (referred to in this title as “1973 Act”) and the
10 National and Community Service Act of 1990 (referred
11 to in this title as “1990 Act”), \$736,429,000, notwith-
12 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
13 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
14 amounts provided under this heading: (1) up to 1 percent
15 of program grant funds may be used to defray the costs
16 of conducting grant application reviews, including the use
17 of outside peer reviewers and electronic management of
18 the grants cycle; (2) \$16,538,000 shall be available to pro-
19 vide assistance to State commissions on national and com-
20 munity service, under section 126(a) of the 1990 Act and
21 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
22 \$30,000,000 shall be available to carry out subtitle E of
23 the 1990 Act; and (4) \$3,800,000 shall be available for
24 expenses authorized under section 501(a)(4)(F) of the
25 1990 Act, which, notwithstanding the provisions of section

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

6 PAYMENT TO THE NATIONAL SERVICE TRUST
7 (INCLUDING TRANSFER OF FUNDS)

8 For payment to the National Service Trust estab-
9 lished under subtitle D of title I of the 1990 Act,
10 \$195,000,000, to remain available until expended: *Pro-*
11 *vided*, That CNCS may transfer additional funds from the
12 amount provided within “Operating Expenses” allocated
13 to grants under subtitle C of title I of the 1990 Act to
14 the National Service Trust upon determination that such
15 transfer is necessary to support the activities of national
16 service participants and after notice is transmitted to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate: *Provided further*, That amounts ap-
19 propriated for or transferred to the National Service Trust
20 may be invested under section 145(b) of the 1990 Act
21 without regard to the requirement to apportion funds
22 under 31 U.S.C. 1513(b).

23 SALARIES AND EXPENSES

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

1 504(a) of the 1973 Act, including payment of salaries, au-
2 thorized travel, hire of passenger motor vehicles, the rental
3 of conference rooms in the District of Columbia, the em-
4 ployment of experts and consultants authorized under 5
5 U.S.C. 3109, and not to exceed \$2,500 for official recep-
6 tion and representation expenses, \$81,737,000.

7 OFFICE OF INSPECTOR GENERAL

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

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. CNCS shall make any significant changes
13 to program requirements, service delivery or policy only
14 through public notice and comment rulemaking. For fiscal
15 year 2018, during any grant selection process, an officer
16 or employee of CNCS shall not knowingly disclose any cov-
17 ered grant selection information regarding such selection,
18 directly or indirectly, to any person other than an officer
19 or employee of CNCS that is authorized by CNCS to re-
20 ceive such information.

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

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

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

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

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

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

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

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92-544.

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

16 CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broad-
casting (“CPB”), as authorized by the Communications
Act of 1934, an amount which shall be available within
limitations specified by that Act, for the fiscal year 2020,
\$445,000,000: *Provided*, That none of the funds made
available to CPB by this Act shall be used to pay for re-
ceptions, parties, or similar forms of entertainment for
Government officials or employees: *Provided further*, That
none of the funds made available to CPB by this Act shall

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

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

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

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

1 Reform Act, \$46,650,000, including up to \$900,000 to re-
2 main available through September 30, 2019, for activities
3 authorized by the Labor-Management Cooperation Act of
4 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
5 fees charged, up to full-cost recovery, for special training
6 activities and other conflict resolution services and tech-
7 nical assistance, including those provided to foreign gov-
8 ernments and international organizations, and for arbitra-
9 tion services shall be credited to and merged with this ac-
10 count, and shall remain available until expended: *Provided*
11 *further*, That fees for arbitration services shall be available
12 only for education, training, and professional development
13 of the agency workforce: *Provided further*, That the Direc-
14 tor of the Service is authorized to accept and use on behalf
15 of the United States gifts of services and real, personal,
16 or other property in the aid of any projects or functions
17 within the Director's jurisdiction.

18 FEDERAL MINE SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

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

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$235,000,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$7,765,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$11,925,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

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

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

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

19 ADMINISTRATIVE PROVISIONS

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

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

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

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

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

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

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$22,000,000, which shall include
18 amounts becoming available in fiscal year 2018 pursuant
19 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

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

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2019, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98—
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$114,500,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

8 SOCIAL SECURITY ADMINISTRATION

9 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

10 For payment to the Federal Old-Age and Survivors
11 Insurance Trust Fund and the Federal Disability Insur-
12 ance Trust Fund, as provided under sections 201(m) and
13 1131(b)(2) of the Social Security Act, \$11,400,000.

14 SUPPLEMENTAL SECURITY INCOME PROGRAM

15 For carrying out titles XI and XVI of the Social Se-
16 curity Act, section 401 of Public Law 92–603, section 212
17 of Public Law 93–66, as amended, and section 405 of
18 Public Law 95–216, including payment to the Social Secu-
19 rity trust funds for administrative expenses incurred pur-
20 suant to section 201(g)(1) of the Social Security Act,
21 \$38,450,927,000, to remain available until expended: *Pro-*
22 *vided*, That any portion of the funds provided to a State
23 in the current fiscal year and not obligated by the State
24 during that year shall be returned to the Treasury: *Pro-*
25 *vided further*, That not more than \$101,000,000 shall be

1 available for research and demonstrations under sections
2 1110, 1115, and 1144 of the Social Security Act, and re-
3 main available through September 30, 2020.

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

8 For making benefit payments under title XVI of the
9 Social Security Act for the first quarter of fiscal year
10 2019, \$19,500,000,000, to remain available until ex-
11 pended.

12 LIMITATION ON ADMINISTRATIVE EXPENSES

13 For necessary expenses, including the hire of two pas-
14 senger motor vehicles, and not to exceed \$20,000 for offi-
15 cial reception and representation expenses, not more than
16 \$11,873,945,000 may be expended, as authorized by sec-
17 tion 201(g)(1) of the Social Security Act, from any one
18 or all of the trust funds referred to in such section: *Pro-*
19 *vided*, That not less than \$2,300,000 shall be for the So-
20 cial Security Advisory Board: *Provided further*, That unob-
21 ligated balances of funds provided under this paragraph
22 at the end of fiscal year 2018 not needed for fiscal year
23 2018 shall remain available until expended to invest in the
24 Social Security Administration information technology
25 and telecommunications hardware and software infra-

1 structure, including related equipment and non-payroll ad-
2 ministrative expenses associated solely with this informa-
3 tion technology and telecommunications infrastructure:
4 *Provided further*, That the Commissioner of Social Secu-
5 rity shall notify the Committees on Appropriations of the
6 House of Representatives and the Senate prior to making
7 unobligated balances available under the authority in the
8 previous proviso: *Provided further*, That reimbursement to
9 the trust funds under this heading for expenditures for
10 official time for employees of the Social Security Adminis-
11 tration pursuant to 5 U.S.C. 7131, and for facilities or
12 support services for labor organizations pursuant to poli-
13 cies, regulations, or procedures referred to in section
14 7135(b) of such title shall be made by the Secretary of
15 the Treasury, with interest, from amounts in the general
16 fund not otherwise appropriated, as soon as possible after
17 such expenditures are made.

18 Of the total amount made available under this head-
19 ing, not more than \$1,735,000,000, to remain available
20 through March 31, 2019, is for the costs associated with
21 continuing disability reviews under titles II and XVI of
22 the Social Security Act, including work-related continuing
23 disability reviews to determine whether earnings derived
24 from services demonstrate an individual's ability to engage
25 in substantial gainful activity, for the cost associated with

1 conducting redeterminations of eligibility under title XVI
2 of the Social Security Act, for the cost of co-operative dis-
3 ability investigation units, and for the cost associated with
4 the prosecution of fraud in the programs and operations
5 of the Social Security Administration by Special Assistant
6 United States Attorneys: *Provided*, That, of such amount,
7 \$273,000,000 is provided to meet the terms of section
8 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985, as amended, and
10 \$1,462,000,000 is additional new budget authority speci-
11 fied for purposes of section 251(b)(2)(B) of such Act: *Pro-*
12 *vided further*, That the Commissioner shall provide to the
13 Congress (at the conclusion of the fiscal year) a report
14 on the obligation and expenditure of these funds, similar
15 to the reports that were required by section 103(d)(2) of
16 Public Law 104–121 for fiscal years 1996 through 2002.

17 In addition, \$118,000,000 to be derived from admin-
18 istration fees in excess of \$5.00 per supplementary pay-
19 ment collected pursuant to section 1616(d) of the Social
20 Security Act or section 212(b)(3) of Public Law 93–66,
21 which shall remain available until expended. To the extent
22 that the amounts collected pursuant to such sections in
23 fiscal year 2018 exceed \$118,000,000, the amounts shall
24 be available in fiscal year 2019 only to the extent provided
25 in advance in appropriations Acts.

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

5 OFFICE OF INSPECTOR GENERAL
6 (INCLUDING TRANSFER OF FUNDS)

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

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

1 TITLE V

2 GENERAL PROVISIONS

3 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2018, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

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

1 (4) relocates an office or employees;

2 (5) reorganizes or renames offices;

3 (6) reorganizes programs or activities; or

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

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

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2018, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

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

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

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

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

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

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

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2018 that are different than those specified

1 in this Act, the accompanying detailed table in the report
2 accompanying this Act, or the fiscal year 2018 budget re-
3 quest.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000 in value and awarded by the
10 Department on a non-competitive basis during each quar-
11 ter of fiscal year 2018, but not to include grants awarded
12 on a formula basis or directed by law. Such report shall
13 include the name of the contractor or grantee, the amount
14 of funding, the governmental purpose, including a jus-
15 tification for issuing the award on a non-competitive basis.
16 Such report shall be transmitted to the Committees within
17 30 days after the end of the quarter for which the report
18 is submitted.

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

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

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

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

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

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

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

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

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

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

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

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

11 SEC. 525. (a) Federal agencies may use Federal dis-
12 cretionary funds that are made available in this Act to
13 carry out up to 10 Performance Partnership Pilots. Such
14 Pilots shall be governed by the provisions of section 526
15 of division H of Public Law 113–76, except that in car-
16 rying out such Pilots section 526 shall be applied by sub-
17 stituting “FISCAL YEAR 2018” for “FISCAL YEAR 2014”
18 in the title of subsection (b) and by substituting “Sep-
19 tember 30, 2022” for “September 30, 2018” each place
20 it appears: *Provided*, That such pilots shall include com-
21 munities that have experienced civil unrest.

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

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

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

9 SEC. 526. Not later than 30 days after the end of
10 each calendar quarter, beginning with the first quarter of
11 fiscal year 2013, the Departments of Labor, Health and
12 Human Services and Education and the Social Security
13 Administration shall provide the Committees on Appro-
14 priations of the House of Representatives and Senate a
15 quarterly report on the status of balances of appropria-
16 tions: *Provided*, That for balances that are unobligated
17 and uncommitted, committed, and obligated but unex-
18 pended, the quarterly reports shall separately identify the
19 amounts attributable to each source year of appropriation
20 (beginning with fiscal year 2012, or, to the extent feasible,
21 earlier fiscal years) from which balances were derived.

22 (RESCISSION)

23 SEC. 527. Of the funds made available for fiscal year
24 2018 under section 3403 of Public Law 111–148,
25 \$15,000,000 are rescinded.

161

1 (RESCISSION)

2 SEC. 528. Of the funds made available for purposes
3 of carrying out section 2105(a)(3) of the Social Security
4 Act, \$88,613,000 are hereby rescinded.

5 (RESCISSION)

6 SEC. 529. Of any available amounts appropriated
7 under section 301(b)(3) of Public Law 114–10,
8 \$3,145,905,000 are hereby rescinded.

9 SEC. 530. Amounts deposited in the Child Enroll-
10 ment Contingency Fund prior to the beginning of fiscal
11 year 2018 under section 2104(n)(2) of the Social Security
12 Act and the income derived from investment of those
13 funds pursuant to section 2104(n)(2)(C) of that Act, shall
14 not be available for obligation in this fiscal year.

15 This Act may be cited as the “Departments of Labor,
16 Health and Human Services, and Education, and Related
17 Agencies Appropriations Act, 2018”.

