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[Report No. 114-____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2016

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

A BILL

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

1 \$712,000,000 shall be available for the period
2 October 1, 2017 through June 30, 2018;

3 (B) \$873,416,000 for youth activities,
4 which shall be available for the period April 1,
5 2017 through June 30, 2018; and

6 (C) \$1,040,860,000 for dislocated worker
7 employment and training activities, of which
8 \$180,860,000 shall be available for the period
9 July 1, 2017 through June 30, 2018, and of
10 which \$860,000,000 shall be available for the
11 period October 1, 2017 through June 30, 2018:

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

16 (2) for national programs, \$447,283,000 as fol-
17 lows:

18 (A) \$120,000,000 for the dislocated work-
19 ers assistance national reserve, which shall be
20 available for the period July 1, 2017 through
21 September 30, 2018: *Provided*, That funds pro-
22 vided to carry out section 132(a)(2)(A) of the
23 WIOA may be used to provide assistance to a
24 State for statewide or local use in order to ad-
25 dress cases where there have been worker dis-

1 locations across multiple sectors or across mul-
2 tiple local areas and such workers remain dis-
3 located; coordinate the State workforce develop-
4 ment plan with emerging economic development
5 needs; and train such eligible dislocated work-
6 ers: *Provided further*, That, of the funds pro-
7 vided under this subparagraph, \$20,000,000
8 shall be made available for applications sub-
9 mitted in accordance with section 170 of the
10 WIOA for training and employment assistance
11 for workers dislocated from coal mines and
12 coal-fired power plants;

13 (B) \$52,000,000 for Native American pro-
14 grams under section 166 of the WIOA, which
15 shall be available for the period April 1, 2017
16 through June 30, 2018;

17 (C) \$81,896,000 for migrant and seasonal
18 farmworker programs under section 167 of the
19 WIOA, including \$75,885,000 for formula
20 grants (of which not less than 70 percent shall
21 be for employment and training services),
22 \$5,517,000 for migrant and seasonal housing
23 (of which not less than 70 percent shall be for
24 permanent housing), and \$494,000 for other
25 discretionary purposes, which shall be available

1 for the period April 1, 2017 through June 30,
2 2018: *Provided*, That notwithstanding any
3 other provision of law or related regulation, the
4 Department of Labor shall take no action lim-
5 iting the number or proportion of eligible par-
6 ticipants receiving related assistance services or
7 discouraging grantees from providing such serv-
8 ices;

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

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

17 (F) \$88,078,000 for ex-offender activities,
18 under the authority of section 169 of the WIOA
19 and section 212 of the Second Chance Act of
20 2007, which shall be available for the period
21 April 1, 2017 through June 30, 2018: *Provided*,
22 That of this amount, \$30,000,000 shall be for
23 competitive grants to national and regional
24 intermediaries for activities that prepare young
25 ex-offenders and school dropouts for employ-

1 ment, with a priority for projects serving high-
2 crime, high-poverty areas;

3 (G) \$6,000,000 for the Workforce Data
4 Quality Initiative, under the authority of section
5 169 of the WIOA, which shall be available for
6 the period July 1, 2017 through June 30,
7 2018.

8 JOB CORPS

9 (INCLUDING TRANSFER OF FUNDS)

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

17 (1) \$1,583,000,000 for Job Corps Operations,
18 which shall be available for the period July 1, 2017
19 through June 30, 2018;

20 (2) \$85,000,000 for construction, rehabilitation
21 and acquisition of Job Corps Centers, which shall be
22 available for the period July 1, 2017 through June
23 30, 2020, and which may include the acquisition,
24 maintenance, and repair of major items of equip-
25 ment: *Provided*, That the Secretary of Labor (re-

1 ferred to in this title as “Secretary”) may transfer
2 up to 15 percent of such funds to meet the oper-
3 ational needs of such centers or to achieve adminis-
4 trative efficiencies: *Provided further*, That any funds
5 transferred pursuant to the preceding proviso shall
6 not be available for obligation after June 30, 2018:
7 *Provided further*, That the Committees on Appro-
8 priations of the House of Representatives and the
9 Senate are notified at least 15 days in advance of
10 any transfer; and

11 (3) \$32,330,000 for necessary expenses of Job
12 Corps, which shall be available for obligation for the
13 period October 1, 2016 through September 30,
14 2017:

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

18 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

19 AMERICANS

20 To carry out title V of the Older Americans Act of
21 1965 (referred to in this Act as “OAA”), \$434,371,000,
22 which shall be available for the period April 1, 2017
23 through June 30, 2018, and may be recaptured and reobli-
24 gated in accordance with section 517(c) of the OAA.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2017 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, and including benefit
10 payments, allowances, training, employment and case
11 management services, and related State administration
12 provided pursuant to section 231(a) of the Trade Adjust-
13 ment Assistance Extension Act of 2011 and section 405(a)
14 of the Trade Preferences Extension Act of 2015,
15 \$849,000,000 together with such amounts as may be nec-
16 essary to be charged to the subsequent appropriation for
17 payments for any period subsequent to September 15,
18 2017: *Provided*, That notwithstanding section 502 of this
19 Act, any part of the appropriation provided under this
20 heading may remain available for obligation beyond the
21 current fiscal year pursuant to the authorities of section
22 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$89,066,000, together with not to exceed \$3,400,103,000
5 which may be expended from the Employment Security
6 Administration Account in the Unemployment Trust Fund
7 (“the Trust Fund”), of which:

8 (1) \$2,660,019,000 from the Trust Fund is for
9 grants to States for the administration of State un-
10 employment insurance laws as authorized under title
11 III of the Social Security Act (including not less
12 than \$120,000,000 to conduct in-person reemploy-
13 ment and eligibility assessments and unemployment
14 insurance improper payment reviews, and to provide
15 reemployment services and referrals to training as
16 appropriate, for claimants of unemployment insur-
17 ance for ex-service members under 5 U.S.C. 8521 et.
18 seq. and for the claimants of regular unemployment
19 compensation who are profiled as most likely to ex-
20 haust their benefits in each State, and \$5,000,000
21 for continued support of the Unemployment Insur-
22 ance Integrity Center of Excellence), the administra-
23 tion of unemployment insurance for Federal employ-
24 ees and for ex-service members as authorized under
25 5 U.S.C. 8501–8523, and the administration of

1 trade readjustment allowances, reemployment trade
2 adjustment assistance, and alternative trade adjust-
3 ment assistance under the Trade Act of 1974 and
4 under section 231(a) of the Trade Adjustment As-
5 sistance Extension Act of 2011 and section 405(a)
6 of the Trade Preferences Extension Act of 2015,
7 and shall be available for obligation by the States
8 through December 31, 2017, except that funds used
9 for automation shall be available for Federal obliga-
10 tion through December 31, 2017, and for State obli-
11 gation through September 30, 2019, or, if the auto-
12 mation is being carried out through consortia of
13 States, for State obligation through September 30,
14 2022, and for expenditure through September 30,
15 2023, and funds for competitive grants awarded to
16 States for improved operations and to conduct in-
17 person reemployment and eligibility assessments and
18 unemployment insurance improper payment reviews
19 and provide reemployment services and referrals to
20 training, as appropriate, shall be available for Fed-
21 eral obligation through December 31, 2017, and for
22 obligation by the States through September 30,
23 2019, and funds for the Unemployment Insurance
24 Integrity Center of Excellence shall be available for
25 obligation by the State through September 30, 2018,

1 and funds used for unemployment insurance work-
2 loads experienced by the States through September
3 30, 2017 shall be available for Federal obligation
4 through December 31, 2017;

5 (2) \$14,547,000 from the Trust Fund is for na-
6 tional activities necessary to support the administra-
7 tion of the Federal-State unemployment insurance
8 system;

9 (3) \$642,771,000 from the Trust Fund, to-
10 gether with \$21,413,000 from the General Fund of
11 the Treasury, is for grants to States in accordance
12 with section 6 of the Wagner-Peyser Act, and shall
13 be available for Federal obligation for the period
14 July 1, 2017 through June 30, 2018;

15 (4) \$19,818,000 from the Trust Fund is for na-
16 tional activities of the Employment Service, includ-
17 ing administration of the work opportunity tax cred-
18 it under section 51 of the Internal Revenue Code of
19 1986, and the provision of technical assistance and
20 staff training under the Wagner-Peyser Act;

21 (5) \$62,948,000 from the Trust Fund is for the
22 administration of foreign labor certifications and re-
23 lated activities under the Immigration and Nation-
24 ality Act and related laws, of which \$48,666,000
25 shall be available for the Federal administration of

1 such activities, and \$14,282,000 shall be available
2 for grants to States for the administration of such
3 activities; and

4 (6) \$67,653,000 from the General Fund is to
5 provide workforce information, national electronic
6 tools, and one-stop system building under the Wag-
7 ner-Peyser Act and shall be available for Federal ob-
8 ligation for the period July 1, 2017 through June
9 30, 2018:

10 *Provided*, That to the extent that the Average Weekly In-
11 sured Unemployment (“AWIU”) for fiscal year 2017 is
12 projected by the Department of Labor to exceed
13 2,453,000, an additional \$28,600,000 from the Trust
14 Fund shall be available for obligation for every 100,000
15 increase in the AWIU level (including a pro rata amount
16 for any increment less than 100,000) to carry out title
17 III of the Social Security Act: *Provided further*, That
18 funds appropriated in this Act that are allotted to a State
19 to carry out activities under title III of the Social Security
20 Act may be used by such State to assist other States in
21 carrying out activities under such title III if the other
22 States include areas that have suffered a major disaster
23 declared by the President under the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act: *Provided*
25 *further*, That the Secretary may use funds appropriated

1 for grants to States under title III of the Social Security
2 Act to make payments on behalf of States for the use of
3 the National Directory of New Hires under section
4 453(j)(8) of such Act: *Provided further*, That the Sec-
5 retary may use funds appropriated for grants to States
6 under title III of the Social Security Act to make pay-
7 ments on behalf of States to the entity operating the State
8 Information Data Exchange System: *Provided further*,
9 That funds appropriated in this Act which are used to es-
10 tablish a national one-stop career center system, or which
11 are used to support the national activities of the Federal-
12 State unemployment insurance, employment service, or
13 immigration programs, may be obligated in contracts,
14 grants, or agreements with States and non-State entities:
15 *Provided further*, That States awarded competitive grants
16 for improved operations under title III of the Social Secu-
17 rity Act, or awarded grants to support the national activi-
18 ties of the Federal-State unemployment insurance system,
19 may award subgrants to other States under such grants,
20 subject to the conditions applicable to the grants: *Provided*
21 *further*, That funds appropriated under this Act for activi-
22 ties authorized under title III of the Social Security Act
23 and the Wagner-Peyser Act may be used by States to fund
24 integrated Unemployment Insurance and Employment
25 Service automation efforts, notwithstanding cost allocation

1 principles prescribed under the final rule entitled “Uni-
2 form Administrative Requirements, Cost Principles, and
3 Audit Requirements for Federal Awards” at part 200 of
4 title 2, Code of Federal Regulations: *Provided further*,
5 That the Secretary, at the request of a State participating
6 in a consortium with other States, may reallocate funds allot-
7 ted to such State under title III of the Social Security
8 Act to other States participating in the consortium in
9 order to carry out activities that benefit the administration
10 of the unemployment compensation law of the State mak-
11 ing the request: *Provided further*, That the Secretary may
12 collect fees for the costs associated with additional data
13 collection, analyses, and reporting services relating to the
14 National Agricultural Workers Survey requested by State
15 and local governments, public and private institutions of
16 higher education, and nonprofit organizations and may
17 utilize such sums, in accordance with the provisions of 29
18 U.S.C. 9a, for the National Agricultural Workers Survey
19 infrastructure, methodology, and data to meet the infor-
20 mation collection and reporting needs of such entities,
21 which shall be credited to this appropriation and shall re-
22 main available until September 30, 2018, for such pur-
23 poses.

24

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation (“Cor-
4 poration”) is authorized to make such expenditures, in-
5 cluding financial assistance authorized by subtitle E of
6 title IV of the Employee Retirement Income Security Act
7 of 1974, within limits of funds and borrowing authority
8 available to the Corporation, and in accord with law, and
9 to make such contracts and commitments without regard
10 to fiscal year limitations, as provided by 31 U.S.C. 9104,
11 as may be necessary in carrying out the program, includ-
12 ing associated administrative expenses, through Sep-
13 tember 30, 2017, for the Corporation: *Provided*, That
14 none of the funds available to the Corporation for fiscal
15 year 2017 shall be available for obligations for administra-
16 tive expenses in excess of \$421,006,000: *Provided further*,
17 That not to exceed \$98,500,000 shall be available through
18 September 30, 2021, for costs associated with the acquisi-
19 tion, occupancy, and related costs of headquarters space:
20 *Provided further*, That to the extent that the number of
21 new plan participants in plans terminated by the Corpora-
22 tion exceeds 100,000 in fiscal year 2017, an amount not
23 to exceed an additional \$9,200,000 shall be available
24 through September 30, 2018, for obligation for adminis-
25 trative expenses for every 20,000 additional terminated

1 participants: *Provided further*, That obligations in excess
2 of the amounts provided in this paragraph may be in-
3 curred for unforeseen and extraordinary pretermination
4 expenses or extraordinary multiemployer program related
5 expenses after approval by the Office of Management and
6 Budget and notification of the Committees on Appropria-
7 tions of the House of Representatives and the Senate.

8 WAGE AND HOUR DIVISION

9 SALARIES AND EXPENSES

10 For necessary expenses for the Wage and Hour Divi-
11 sion, including reimbursement to State, Federal, and local
12 agencies and their employees for inspection services ren-
13 dered, \$215,500,000.

14 OFFICE OF LABOR-MANAGEMENT STANDARDS

15 SALARIES AND EXPENSES

16 For necessary expenses for the Office of Labor-Man-
17 agement Standards, \$41,129,000.

18 OFFICE OF FEDERAL CONTRACT COMPLIANCE

19 PROGRAMS

20 SALARIES AND EXPENSES

21 For necessary expenses for the Office of Federal Con-
22 tract Compliance Programs, \$100,500,000.

1 OFFICE OF WORKERS' COMPENSATION PROGRAMS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Office of Workers'
4 Compensation Programs, \$117,000,000, together with
5 \$2,177,000 which may be expended from the Special Fund
6 in accordance with sections 39(c), 44(d), and 44(j) of the
7 Longshore and Harbor Workers' Compensation Act.

8 SPECIAL BENEFITS

9 (INCLUDING TRANSFER OF FUNDS)

10 For the payment of compensation, benefits, and ex-
11 penses (except administrative expenses) accruing during
12 the current or any prior fiscal year authorized by 5 U.S.C.
13 81; continuation of benefits as provided for under the
14 heading "Civilian War Benefits" in the Federal Security
15 Agency Appropriation Act, 1947; the Employees' Com-
16 pensation Commission Appropriation Act, 1944; section
17 5(f) of the War Claims Act (50 U.S.C. App. 2004); obliga-
18 tions incurred under the War Hazards Compensation Act
19 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
20 compensation and benefits required by section 10(h) of the
21 Longshore and Harbor Workers' Compensation Act,
22 \$220,000,000, together with such amounts as may be nec-
23 essary to be charged to the subsequent year appropriation
24 for the payment of compensation and other benefits for
25 any period subsequent to August 15 of the current year,

1 for deposit into and to assume the attributes of the Em-
2 ployees' Compensation Fund established under 5 U.S.C.
3 8147(a): *Provided*, That amounts appropriated may be
4 used under 5 U.S.C. 8104 by the Secretary to reimburse
5 an employer, who is not the employer at the time of injury,
6 for portions of the salary of a re-employed, disabled bene-
7 ficiary: *Provided further*, That balances of reimbursements
8 unobligated on September 30, 2016, shall remain available
9 until expended for the payment of compensation, benefits,
10 and expenses: *Provided further*, That in addition there
11 shall be transferred to this appropriation from the Postal
12 Service and from any other corporation or instrumentality
13 required under 5 U.S.C. 8147(c) to pay an amount for
14 its fair share of the cost of administration, such sums as
15 the Secretary determines to be the cost of administration
16 for employees of such fair share entities through Sep-
17 tember 30, 2017: *Provided further*, That of those funds
18 transferred to this account from the fair share entities to
19 pay the cost of administration of the Federal Employees'
20 Compensation Act, \$63,975,000 shall be made available
21 to the Secretary as follows:

- 22 (1) For enhancement and maintenance of auto-
23 mated data processing systems operations and tele-
24 communications systems, \$22,740,000;

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

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

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

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

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

15 SPECIAL BENEFITS FOR DISABLED COAL MINERS

16 For carrying out title IV of the Federal Mine Safety
17 and Health Act of 1977, as amended by Public Law 107-
18 275, \$61,319,000, to remain available until expended.

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

23 For making benefit payments under title IV for the
24 first quarter of fiscal year 2018, \$16,000,000, to remain
25 available until expended.

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

2 OCCUPATIONAL ILLNESS COMPENSATION FUND

3 For necessary expenses to administer the Energy
4 Employees Occupational Illness Compensation Program
5 Act, \$59,846,000, to remain available until expended: *Pro-*
6 *vided*, That the Secretary may require that any person fil-
7 ing a claim for benefits under the Act provide as part of
8 such claim such identifying information (including Social
9 Security account number) as may be prescribed.

10 BLACK LUNG DISABILITY TRUST FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 Such sums as may be necessary from the Black Lung
13 Disability Trust Fund (the “Fund”), to remain available
14 until expended, for payment of all benefits authorized by
15 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
16 enue Code of 1986; and repayment of, and payment of
17 interest on advances, as authorized by section 9501(d)(4)
18 of that Act. In addition, the following amounts may be
19 expended from the Fund for fiscal year 2017 for expenses
20 of operation and administration of the Black Lung Bene-
21 fits program, as authorized by section 9501(d)(5): not to
22 exceed \$38,246,000 for transfer to the Office of Workers’
23 Compensation Programs, “Salaries and Expenses”; not to
24 exceed \$31,994,000 for transfer to Departmental Manage-
25 ment, “Salaries and Expenses”; not to exceed \$330,000

1 for transfer to Departmental Management, “Office of In-
2 spector General”; and not to exceed \$356,000 for pay-
3 ments into miscellaneous receipts for the expenses of the
4 Department of the Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety
8 and Health Administration, \$534,442,000, including not
9 to exceed \$102,000,000 which shall be the maximum
10 amount available for grants to States under section 23(g)
11 of the Occupational Safety and Health Act (the “Act”),
12 which grants shall be no less than 50 percent of the costs
13 of State occupational safety and health programs required
14 to be incurred under plans approved by the Secretary
15 under section 18 of the Act; and, in addition, notwith-
16 standing 31 U.S.C. 3302, the Occupational Safety and
17 Health Administration may retain up to \$499,000 per fis-
18 cal year of training institute course tuition and fees, other-
19 wise authorized by law to be collected, and may utilize
20 such sums for occupational safety and health training and
21 education: *Provided*, That notwithstanding 31 U.S.C.
22 3302, the Secretary is authorized, during the fiscal year
23 ending September 30, 2017, to collect and retain fees for
24 services provided to Nationally Recognized Testing Lab-
25 oratories, and may utilize such sums, in accordance with

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

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

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

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

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

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

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

20 *Provided further*, That the foregoing proviso shall not
21 apply to any person who is engaged in a farming operation
22 which does not maintain a temporary labor camp and em-
23 ploys 10 or fewer employees.

1 MINE SAFETY AND HEALTH ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Mine Safety and
4 Health Administration, \$350,500,000, including purchase
5 and bestowal of certificates and trophies in connection
6 with mine rescue and first-aid work, and the hire of pas-
7 senger motor vehicles, including up to \$2,000,000 for
8 mine rescue and recovery activities and not less than
9 \$10,537,000 for State assistance grants: *Provided*, That
10 amounts available for State assistance grants may be used
11 for the purchase and maintenance of new equipment re-
12 quired by the final rule entitled “Lowering Miners’ Expo-
13 sure to Respirable Coal Mine Dust, Including Continuous
14 Personal Dust Monitors” published by the Department of
15 Labor in the Federal Register on May 1, 2014 (79 Fed.
16 Reg. 24813 et seq.), for operators that demonstrate finan-
17 cial need as determined by the Secretary: *Provided further*,
18 That notwithstanding 31 U.S.C. 3302, not to exceed
19 \$750,000 may be collected by the National Mine Health
20 and Safety Academy for room, board, tuition, and the sale
21 of training materials, otherwise authorized by law to be
22 collected, to be available for mine safety and health edu-
23 cation and training activities: *Provided further*, That not-
24 withstanding 31 U.S.C. 3302, the Mine Safety and Health
25 Administration is authorized to collect and retain up to

1 \$2,499,000 from fees collected for the approval and cer-
2 tification of equipment, materials, and explosives for use
3 in mines, and may utilize such sums for such activities:
4 *Provided further*, That the Secretary is authorized to ac-
5 cept lands, buildings, equipment, and other contributions
6 from public and private sources and to prosecute projects
7 in cooperation with other agencies, Federal, State, or pri-
8 vate: *Provided further*, That the Mine Safety and Health
9 Administration is authorized to promote health and safety
10 education and training in the mining community through
11 cooperative programs with States, industry, and safety as-
12 sociations: *Provided further*, That the Secretary is author-
13 ized to recognize the Joseph A. Holmes Safety Association
14 as a principal safety association and, notwithstanding any
15 other provision of law, may provide funds and, with or
16 without reimbursement, personnel, including service of
17 Mine Safety and Health Administration officials as offi-
18 cers in local chapters or in the national organization: *Pro-*
19 *vided further*, That any funds available to the Department
20 of Labor may be used, with the approval of the Secretary,
21 to provide for the costs of mine rescue and survival oper-
22 ations in the event of a major disaster.

1 BUREAU OF LABOR STATISTICS

2 SALARIES AND EXPENSES

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

10 OFFICE OF DISABILITY EMPLOYMENT POLICY

11 SALARIES AND EXPENSES

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

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for Departmental Manage-
21 ment, including the hire of three passenger motor vehicles,
22 \$280,879,000, together with not to exceed \$308,000,
23 which may be expended from the Employment Security
24 Administration account in the Unemployment Trust
25 Fund: *Provided*, That funds available to the Bureau of

1 International Labor Affairs may be used to administer or
2 operate international labor activities, bilateral and multi-
3 lateral technical assistance, and microfinance programs,
4 by or through contracts, grants, subgrants and other ar-
5 rangements: *Provided further*, That \$9,000,000 shall be
6 used for program evaluation and shall be available for obli-
7 gation through September 30, 2018: *Provided further*,
8 That funds available for program evaluation may be used
9 to administer grants for the purpose of evaluation: *Pro-*
10 *vided further*, That grants made for the purpose of evalua-
11 tion shall be awarded through fair and open competition:
12 *Provided further*, That funds available for program evalua-
13 tion may be transferred to any other appropriate account
14 in the Department for such purpose: *Provided further*,
15 That the Committees on Appropriations of the House of
16 Representatives and the Senate are notified at least 15
17 days in advance of any transfer: *Provided further*, That
18 the funds available to the Women's Bureau may be used
19 for grants to serve and promote the interests of women
20 in the workforce: *Provided further*, That of the amounts
21 made available to the Women's Bureau, up to \$1,244,000
22 may be used for grants authorized by the Women in Ap-
23 prenticeship and Nontraditional Occupations Act.

1 VETERANS EMPLOYMENT AND TRAINING

2 Not to exceed \$235,520,000 may be derived from the
3 Employment Security Administration account in the Un-
4 employment Trust Fund to carry out the provisions of
5 chapters 41, 42, and 43 of title 38, United States Code,
6 of which:

7 (1) \$175,000,000 is for Jobs for Veterans State
8 grants under 38 U.S.C. 4102A(b)(5) to support dis-
9 abled veterans' outreach program specialists under
10 section 4103A of such title and local veterans' em-
11 ployment representatives under section 4104(b) of
12 such title, and for the expenses described in section
13 4102A(b)(5)(C), which shall be available for obliga-
14 tion by the States through December 31, 2017, and
15 not to exceed 3 percent for the necessary Federal ex-
16 penditures for data systems and contract support to
17 allow for the tracking of participant and perform-
18 ance information: *Provided*, That, in addition, such
19 funds may be used to support such specialists and
20 representatives in the provision of services to
21 transitioning members of the Armed Forces who
22 have participated in the Transition Assistance Pro-
23 gram and have been identified as in need of inten-
24 sive services, to members of the Armed Forces who
25 are wounded, ill, or injured and receiving treatment

1 in military treatment facilities or warrior transition
2 units, and to the spouses or other family caregivers
3 of such wounded, ill, or injured members;

4 (2) \$14,600,000 is for carrying out the Transi-
5 tion Assistance Program under 38 U.S.C. 4113 and
6 10 U.S.C. 1144;

7 (3) \$42,506,000 is for Federal administration
8 of chapters 41, 42, and 43 of title 38, United States
9 Code; and

10 (4) \$3,414,000 is for the National Veterans'
11 Employment and Training Services Institute under
12 38 U.S.C. 4109:

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

17 In addition, from the General Fund of the Treasury,
18 \$50,000,000 is for carrying out programs to assist home-
19 less veterans and veterans at risk of homelessness who are
20 transitioning from certain institutions under sections
21 2021, 2021A, and 2023 of title 38, United States Code:
22 *Provided*, That notwithstanding subsections (c)(3) and (d)
23 of section 2023, the Secretary may award grants through
24 September 30, 2017, to provide services under such sec-
25 tion: *Provided further*, That services provided under sec-

1 tion 2023 may include, in addition to services to the indi-
2 viduals described in subsection (e) of such section, services
3 to veterans recently released from incarceration who are
4 at risk of homelessness.

5 IT MODERNIZATION

6 For necessary expenses for Department of Labor cen-
7 tralized infrastructure technology investment activities re-
8 lated to support systems and modernization, \$33,698,000.

9 OFFICE OF INSPECTOR GENERAL

10 For salaries and expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$85,840,000, together with not to
13 exceed \$5,660,000 which may be expended from the Em-
14 ployment Security Administration account in the Unem-
15 ployment Trust Fund.

16 GENERAL PROVISIONS

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

22 (TRANSFER OF FUNDS)

23 SEC. 102. Not to exceed 1 percent of any discre-
24 tionary funds (pursuant to the Balanced Budget and
25 Emergency Deficit Control Act of 1985) which are appro-

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

12 SEC. 103. In accordance with Executive Order
13 13126, none of the funds appropriated or otherwise made
14 available pursuant to this Act shall be obligated or ex-
15 pended for the procurement of goods mined, produced,
16 manufactured, or harvested or services rendered, in whole
17 or in part, by forced or indentured child labor in industries
18 and host countries already identified by the United States
19 Department of Labor prior to enactment of this Act.

20 SEC. 104. None of the funds made available to the
21 Department of Labor for grants under section 414(c) of
22 the American Competitiveness and Workforce Improve-
23 ment Act of 1998 may be used for any purpose other than
24 competitive grants for training individuals over the age of
25 16 who are not currently enrolled in school within a local

1 educational agency in the occupations and industries for
2 which employers are using H-1B visas to hire foreign
3 workers, and the related activities necessary to support
4 such training: *Provided*, That the preceding limitation
5 shall not apply to funding provided pursuant to solicita-
6 tions for grant applications issued prior to January 15,
7 2014.

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

1 (TRANSFER OF FUNDS)

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

10 (TRANSFER OF FUNDS)

11 SEC. 107. (a) The Secretary may reserve not more
12 than 0.75 percent from each appropriation made available
13 in this Act identified in subsection (b) in order to carry
14 out evaluations of any of the programs or activities that
15 are funded under such accounts. Any funds reserved under
16 this section shall be transferred to “Departmental Man-
17 agement” for use by the Office of the Chief Evaluation
18 Officer within the Department of Labor, and shall be
19 available for obligation through September 30, 2018: *Pro-*
20 *vided*, That such funds shall only be available if the Chief
21 Evaluation Officer of the Department of Labor submits
22 a plan to the Committees on Appropriations of the House
23 of Representatives and the Senate describing the evalua-
24 tions to be carried out 15 days in advance of any transfer.

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

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

1 levels of performance established under section 159(c) of
2 such Act beginning July 1, 2016.

3 SEC. 109. None of the funds made available by this
4 or any other Act providing funding for the Bureau of
5 Land Management, National Park Service, and the Forest
6 Service may be used to implement, administer, or enforce
7 the Establishing a Minimum Wage for Contractors regula-
8 tion published by the Department of Labor in the Federal
9 Register on October 7, 2014 (79 Fed. Reg. 60634 et seq.),
10 with respect to Federal contracts, permits, or other con-
11 tract-like instruments entered into with the Federal Gov-
12 ernment in connection with Federal property or lands, spe-
13 cifically related to offering seasonal recreational services
14 or seasonal recreation equipment rental for the general
15 public: *Provided*, That this section shall not apply to lodg-
16 ing and food services associated with seasonal recreation
17 services.

18 SEC. 110. Notwithstanding any other provision of
19 law, no rule issued by the Department of Labor pursuant
20 to the Employee Retirement Income Security Act of 1974
21 regarding the Definition of the Term “Fiduciary”; Con-
22 flict of Interest Rule-Retirement Investment Advice, in-
23 cluding the final rule published by the Department of
24 Labor in the Federal Register on April 8, 2016 (81 Fed.

1 Reg. 20945 et seq.), shall have an effective date or have
2 any legal effect.

3 SEC. 111. None of the funds made available by this
4 Act may be used to implement, administer, or enforce the
5 final rule entitled “Defining and Delimiting the Exemp-
6 tions for Executive, Administrative, Professional, Outside
7 Sales and Computer Employees” published by the Depart-
8 ment of Labor in the Federal Register on May 23, 2016
9 (81 Fed. Reg. 32391 et seq.).

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

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

20 (2) REQUIREMENTS FOR CROSSINGS AFTER
21 90TH DAY.—An employer may not bring H-2B non-
22 immigrants into the United States after the date
23 that is 90 days after the start date for which the
24 employer is seeking the services of the non-
25 immigrants unless the employer—

1 (A) completes a new assessment of the
2 local labor market by—

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

5 (ii) posting the job opportunity on the
6 appropriate Department of Labor Elec-
7 tronic Job Registry and at the employer's
8 place of employment; and

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

11 (i) applies for the job; and

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

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

22 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-
23 tion, the term “H-2B nonimmigrants” means aliens ad-
24 mitted to the United States pursuant to section

1 101(a)(15)(H)(ii)(b) of the Immigration and Nationality
2 Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

3 SEC. 113. The determination of prevailing wage for
4 the purposes of the H-2B program shall be the greater
5 of—(1) the actual wage level paid by the employer to other
6 employees with similar experience and qualifications for
7 such position in the same location; or (2) the prevailing
8 wage level for the occupational classification of the posi-
9 tion in the geographic area in which the H-2B non-
10 immigrant will be employed, based on the best information
11 available at the time of filing the petition. In the deter-
12 mination of prevailing wage for the purposes of the H-
13 2B program, the Secretary shall accept private wage sur-
14 veys even in instances where Occupational Employment
15 Statistics survey data are available unless the Secretary
16 determines that the methodology and data in the provided
17 survey are not statistically supported.

18 (RESCISSION)

19 SEC. 114. 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 114-113, \$200,000,000 is rescinded, to be derived
23 from the amount made available in paragraph (2)(A)
24 under such heading for the period October 1, 2016,
25 through September 30, 2017.

1 This title may be cited as the “Department of Labor
2 Appropriations Act, 2017”.

3 TITLE II

4 DEPARTMENT OF HEALTH AND HUMAN

5 SERVICES

6 HEALTH RESOURCES AND SERVICES ADMINISTRATION

7 PRIMARY HEALTH CARE

8 For carrying out titles II and III of the Public Health
9 Service Act (referred to in this Act as the “PHS Act”)
10 with respect to primary health care and the Native Hawai-
11 ian Health Care Act of 1988, \$1,491,822,000: *Provided*,
12 That no more than \$400,000 shall be available until ex-
13 pended for carrying out the provisions of section 224(o)
14 of the PHS Act: *Provided further*, That no more than
15 \$99,893,000 shall be available until expended for carrying
16 out the provisions of Public Law 104–73 and for expenses
17 incurred by the Department of Health and Human Serv-
18 ices (referred to in this Act as “HHS”) pertaining to ad-
19 ministrative claims made under such law.

20 HEALTH WORKFORCE

21 For carrying out titles III, VII, and VIII of the PHS
22 Act with respect to the health workforce, sections 1128E
23 and 1921 of the Social Security Act, and the Health Care
24 Quality Improvement Act of 1986, \$823,706,000: *Pro-*
25 *vided*, That sections 747(c)(2), 751(j)(2), 762(k), and the

1 proportional funding amounts in paragraphs (1) through
2 (4) of section 756(e) of the PHS Act shall not apply to
3 funds made available under this heading: *Provided further*,
4 That for any program operating under section 751 of the
5 PHS Act on or before January 1, 2009, the Secretary of
6 Health and Human Services (referred to in this title as
7 the “Secretary”) may hereafter waive any of the require-
8 ments contained in sections 751(d)(2)(A) and
9 751(d)(2)(B) of such Act for the full project period of a
10 grant under such section: *Provided further*, That no funds
11 shall be available for section 340G–1 of the PHS Act: *Pro-*
12 *vided further*, That fees collected for the disclosure of in-
13 formation under section 427(b) of the Health Care Quality
14 Improvement Act of 1986 and sections 1128E(d)(2) and
15 1921 of the Social Security Act shall be sufficient to re-
16 cover the full costs of operating the programs authorized
17 by such sections and shall remain available until expended
18 for the National Practitioner Data Bank: *Provided further*,
19 That funds transferred to this account to carry out section
20 846 and subpart 3 of part D of title III of the PHS Act
21 may be used to make prior year adjustments to awards
22 made under such sections.

23 MATERNAL AND CHILD HEALTH

24 For carrying out titles III, XI, XII, and XIX of the
25 PHS Act with respect to maternal and child health, title

1 V of the Social Security Act, and section 712 of the Amer-
2 ican Jobs Creation Act of 2004, \$845,117,000: *Provided*,
3 That notwithstanding sections 502(a)(1) and 502(b)(1) of
4 the Social Security Act, not more than \$77,093,000 shall
5 be available for carrying out special projects of regional
6 and national significance pursuant to section 501(a)(2) of
7 such Act and \$10,276,000 shall be available for projects
8 described in subparagraphs (A) through (F) of section
9 501(a)(3) of such Act.

10 RYAN WHITE HIV/AIDS PROGRAM

11 For carrying out title XXVI of the PHS Act with
12 respect to the Ryan White HIV/AIDS program,
13 \$2,322,781,000, of which \$1,970,881,000 shall remain
14 available to the Secretary through September 30, 2019,
15 for parts A and B of title XXVI of the PHS Act, and
16 of which not less than \$900,313,000 shall be for State
17 AIDS Drug Assistance Programs under the authority of
18 section 2616 or 311(c) of such Act.

19 HEALTH CARE SYSTEMS

20 For carrying out titles III and XII of the PHS Act
21 with respect to health care systems, and the Stem Cell
22 Therapeutic and Research Act of 2005, \$109,193,000, of
23 which \$122,000 shall be available until expended for facili-
24 ties renovations at the Gillis W. Long Hansen's Disease
25 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, \$169,571,000,
6 of which \$45,609,000 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, \$10,511,000 shall be available for State Offices of
24 Rural Health.

1 PROGRAM MANAGEMENT

2 For program support in the Health Resources and
3 Services Administration, \$155,000,000: *Provided*, That
4 funds made available under this heading may be used to
5 supplement program support funding provided under the
6 headings “Primary Health Care”, “Health Workforce”,
7 “Maternal and Child Health”, “Ryan White HIV/AIDS
8 Program”, “Health Care Systems”, and “Rural Health”.

9 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

19 CENTERS FOR DISEASE CONTROL AND PREVENTION

20 IMMUNIZATION AND RESPIRATORY DISEASES

21 For carrying out titles II, III, XVII, and XXI, and
22 section 2821 of the PHS Act, titles II and IV of the Immi-
23 gration and Nationality Act, and section 501 of the Ref-
24 ugee Education Assistance Act, with respect to immuniza-
25 tion and respiratory diseases, \$410,766,000.

1 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED
2 DISEASES, AND TUBERCULOSIS PREVENTION

3 For carrying out titles II, III, XVII, and XXIII of
4 the PHS Act with respect to HIV/AIDS, viral hepatitis,
5 sexually transmitted diseases, and tuberculosis prevention,
6 \$1,122,278,000.

7 EMERGING AND ZONOTIC INFECTIOUS DISEASES

8 For carrying out titles II, III, and XVII, and section
9 2821 of the PHS Act, titles II and IV of the Immigration
10 and Nationality Act, and section 501 of the Refugee Edu-
11 cation Assistance Act, with respect to emerging and
12 zoonotic infectious diseases, \$625,522,000.

13 CHRONIC DISEASE PREVENTION AND HEALTH

14 PROMOTION

15 For carrying out titles II, III, XI, XV, XVII, and
16 XIX of the PHS Act with respect to chronic disease pre-
17 vention and health promotion, \$896,321,000: *Provided*,
18 That funds appropriated under this account may be avail-
19 able for making grants under section 1509 of the PHS
20 Act for not less than 21 States, tribes, or tribal organiza-
21 tions: *Provided further*, That of the funds available under
22 this heading, \$10,000,000 shall be available to continue
23 and expand community specific extension and outreach
24 programs to combat obesity in counties with the highest
25 levels of obesity: *Provided further*, That the proportional

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

4 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
5 DISABILITIES AND HEALTH

6 For carrying out titles II, III, XI, and XVII of the
7 PHS Act with respect to birth defects, developmental dis-
8 abilities, disabilities and health, \$135,310,000.

9 PUBLIC HEALTH SCIENTIFIC SERVICES

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

13 ENVIRONMENTAL HEALTH

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

16 INJURY PREVENTION AND CONTROL

17 For carrying out titles II, III, and XVII of the PHS
18 Act with respect to injury prevention and control,
19 \$261,059,000: *Provided*, That of the funds provided under
20 this heading, \$90,000,000 shall be available for an evi-
21 dence-based opioid drug overdose prevention program.

22 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
23 HEALTH

24 For carrying out titles II, III, and XVII of the PHS
25 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501

1 of the Federal Mine Safety and Health Act, section 13
2 of the Mine Improvement and New Emergency Response
3 Act, and sections 20, 21, and 22 of the Occupational Safe-
4 ty and Health Act, with respect to occupational safety and
5 health, \$329,100,000.

6 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

7 COMPENSATION PROGRAM

8 For necessary expenses to administer the Energy
9 Employees Occupational Illness Compensation Program
10 Act, \$55,358,000, to remain available until expended: *Pro-*
11 *vided*, That this amount shall be available consistent with
12 the provision regarding administrative expenses in section
13 151(b) of division B, title I of Public Law 106–554.

14 GLOBAL HEALTH

15 For carrying out titles II, III, and XVII of the PHS
16 Act with respect to global health, \$556,721,000, of which
17 \$128,421,000 for international HIV/AIDS shall remain
18 available through September 30, 2018: *Provided*, That
19 funds may be used for purchase and insurance of official
20 motor vehicles in foreign countries.

21 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

22 For carrying out titles II, III, and XVII of the PHS
23 Act with respect to public health preparedness and re-
24 sponse, and for expenses necessary to support activities
25 related to countering potential biological, nuclear, radio-

1 logical, and chemical threats to civilian populations,
2 \$1,485,800,000, of which \$610,000,000 shall remain
3 available until expended for the Strategic National Stock-
4 pile: *Provided*, That in the event the Director of the CDC
5 activates the Emergency Operations Center, the Director
6 of the CDC may detail CDC staff without reimbursement
7 for up to 90 days to support the work of the CDC Emer-
8 gency Operations Center, so long as the Director provides
9 a notice to the Committees on Appropriations of the
10 House of Representatives and the Senate within 15 days
11 of the use of this authority and a full report within 30
12 days after use of this authority which includes the number
13 of staff and funding level broken down by the originating
14 center and number of days detailed: *Provided further*,
15 That funds appropriated under this heading may be used
16 to support a contract for the operation and maintenance
17 of an aircraft in direct support of activities throughout
18 CDC to ensure the agency is prepared to address public
19 health preparedness emergencies.

20 BUILDINGS AND FACILITIES

21 (INCLUDING TRANSFER OF FUNDS)

22 For acquisition of real property, equipment, construc-
23 tion, demolition, and renovation of facilities, \$10,000,000,
24 which shall remain available until September 30, 2021:
25 *Provided*, That funds previously set-aside by CDC for re-

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

10 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

11 For carrying out titles II, III, XVII and XIX, and
12 section 2821 of the PHS Act and for cross-cutting activi-
13 ties and program support for activities funded in other
14 appropriations included in this Act for the Centers for
15 Disease Control and Prevention, \$413,570,000: *Provided*,
16 That paragraphs (1) through (3) of subsection (b) of sec-
17 tion 2821 of the PHS Act shall not apply to funds appro-
18 priated under this heading and in all other accounts of
19 the CDC: *Provided further*, That employees of CDC or the
20 Public Health Service, both civilian and commissioned of-
21 ficers, detailed to States, municipalities, or other organiza-
22 tions under authority of section 214 of the PHS Act, or
23 in overseas assignments, shall be treated as non-Federal
24 employees for reporting purposes only and shall not be in-
25 cluded within any personnel ceiling applicable to the Agen-

1 cy, Service, or HHS during the period of detail or assign-
2 ment: *Provided further*, That CDC may use up to \$10,000
3 from amounts appropriated to CDC in this Act for official
4 reception and representation expenses when specifically
5 approved by the Director of CDC: *Provided further*, That
6 in addition, such sums as may be derived from authorized
7 user fees, which shall be credited to the appropriation
8 charged with the cost thereof: *Provided further*, That with
9 respect to the previous proviso, authorized user fees from
10 the Vessel Sanitation Program and the Respirator Certifi-
11 cation Program shall be available through September 30,
12 2018: *Provided further*, That of the total amount made
13 available under this heading, the Director of CDC shall
14 enter into an arrangement with the National Academy of
15 Medicine to develop a dietary reference intake report for
16 sodium that takes into consideration studies on all-cause
17 mortality: *Provided further*, That the CDC shall not carry
18 out or support population-wide sodium reduction activities
19 until after the date of publication of such report.

20 NATIONAL INSTITUTES OF HEALTH

21 NATIONAL CANCER INSTITUTE

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to cancer, \$5,338,444,000, of which up
24 to \$50,000,000 may be used for facilities repairs and im-
25 provements at the National Cancer Institute—Frederick

1 Federally Funded Research and Development Center in
2 Frederick, Maryland.

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

4 For carrying out section 301 and title IV of the PHS
5 Act with respect to cardiovascular, lung, and blood dis-
6 eases, and blood and blood products, \$3,190,474,000.

7 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
8 RESEARCH

9 For carrying out section 301 and title IV of the PHS
10 Act with respect to dental and craniofacial diseases,
11 \$425,578,000.

12 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
13 KIDNEY DISEASES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to diabetes and digestive and kidney dis-
16 ease, \$1,862,093,000.

17 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
18 AND STROKE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to neurological disorders and stroke,
21 \$1,751,049,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$4,738,883,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,583,851,000, of which \$791,598,000 shall be from
10 funds available under section 241 of the PHS Act: *Pro-*
11 *vided*, That not less than \$333,340,000 is provided for
12 the Institutional Development Awards program.

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

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to child health and human development,
17 \$1,373,408,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to eye diseases and visual disorders,
21 \$735,576,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$710,387,000.

6 NATIONAL INSTITUTE ON AGING

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

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

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

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to deafness and other communication dis-
18 orders, \$434,126,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$150,008,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$480,330,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,107,700,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to mental health, \$1,599,747,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to human genome research,
15 \$531,438,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to biomedical imaging and bioengineering
20 research, \$356,978,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND
22 INTEGRATIVE HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to complementary and integrative health,
25 \$134,549,000.

1 NATIONAL INSTITUTE ON MINORITY HEALTH AND
2 HEALTH DISPARITIES

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

6 JOHN E. FOGARTY INTERNATIONAL CENTER

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

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to health information communications,
13 \$403,086,000: *Provided*, That of the amounts available for
14 improvement of information systems, \$4,000,000 shall be
15 available until September 30, 2018: *Provided further*, That
16 in fiscal year 2017, the National Library of Medicine may
17 enter into personal services contracts for the provision of
18 services in facilities owned, operated, or constructed under
19 the jurisdiction of the National Institutes of Health (re-
20 ferred to in this title as “NIH”).

21 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
22 SCIENCES

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to translational sciences, \$712,795,000:
25 *Provided*, That up to \$25,835,000 shall be available to im-

1 plement section 480 of the PHS Act, relating to the Cures
2 Acceleration Network: *Provided further*, That at least
3 \$511,500,000 is provided to the Clinical and Translational
4 Sciences Awards program.

5 OFFICE OF THE DIRECTOR

6 For carrying out the responsibilities of the Office of
7 the Director, NIH, \$1,676,167,000, of which up to
8 \$30,000,000 may be used to carry out section 215 of this
9 Act: *Provided*, That funding shall be available for the pur-
10 chase of not to exceed 29 passenger motor vehicles for re-
11 placement only: *Provided further*, That all funds credited
12 to the NIH Management Fund shall remain available for
13 one fiscal year after the fiscal year in which they are de-
14 posited: *Provided further*, That \$165,000,000 shall be for
15 the National Children's Study Follow-on: *Provided further*,
16 That \$763,039,000 shall be available for the Common
17 Fund established under section 402A(e)(1) of the PHS
18 Act: *Provided further*, That of the funds provided, \$10,000
19 shall be for official reception and representation expenses
20 when specifically approved by the Director of the NIH:
21 *Provided further*, That the Office of AIDS Research within
22 the Office of the Director of the NIH may spend up to
23 \$8,000,000 to make grants for construction or renovation
24 of facilities as provided for in section 2354(a)(5)(B) of the
25 PHS Act: *Provided further*, That up to \$230,000,000 of

1 the funds provided to the Common Fund are available to
2 support the trans-NIH Precision Medicine Initiative: *Pro-*
3 *vided further*, That, of the funds from Institute, Center,
4 and Office of the Director accounts within “Department
5 of Health and Human Services, National Institutes of
6 Health,” in order to strengthen privacy protections for
7 human research participants, NIH shall require investiga-
8 tors receiving NIH funding for new and competing re-
9 search projects designed to generate and analyze data de-
10 rived from human research participants to obtain a certifi-
11 cate of confidentiality.

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

20 BUILDINGS AND FACILITIES

21 For the study of, construction of, demolition of, ren-
22 ovation of, and acquisition of equipment for, facilities of
23 or used by NIH, including the acquisition of real property,
24 \$128,863,000, to remain available through September 30,
25 2021.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 MENTAL HEALTH

4 For carrying out titles III, V, and XIX of the PHS
5 Act with respect to mental health, and the Protection and
6 Advocacy for Individuals with Mental Illness Act,
7 \$1,126,628,000: *Provided*, That notwithstanding section
8 520A(f)(2) of the PHS Act, no funds appropriated for car-
9 rying out section 520A shall be available for carrying out
10 section 1971 of the PHS Act: *Provided further*, That in
11 addition to amounts provided herein, \$21,039,000 shall be
12 available under section 241 of the PHS Act to carry out
13 subpart I of part B of title XIX of the PHS Act to fund
14 section 1920(b) technical assistance, national data, data
15 collection and evaluation activities, and further that the
16 total available under this Act for section 1920(b) activities
17 shall not exceed 5 percent of the amounts appropriated
18 for subpart I of part B of title XIX: *Provided further*, That
19 section 520E(b)(2) of the PHS Act shall not apply to
20 funds appropriated in this Act for fiscal year 2017: *Pro-*
21 *vided further*, That notwithstanding section 565(b)(1) of
22 the PHS Act, technical assistance may be provided to a
23 public entity to establish or operate a system of com-
24 prehensive community mental health services to children
25 with a serious emotional disturbance, without regard to

1 whether the public entity receives a grant under section
2 561(a) of such Act: *Provided further*, That States shall
3 expend at least 10 percent of the amount each receives
4 for carrying out section 1911 of the PHS Act to support
5 evidence-based programs that address the needs of individ-
6 uals with early serious mental illness, including psychotic
7 disorders, regardless of the age of the individual at onset:
8 *Provided further*, That none of the funds provided for sec-
9 tion 1911 of the PHS Act shall be subject to section 241
10 of such Act: *Provided further*, That of the funds made
11 available under this heading, \$15,000,000 shall be to
12 carry out section 224 of the Protecting Access to Medicare
13 Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22
14 note).

15 SUBSTANCE ABUSE TREATMENT

16 For carrying out titles III and V of the PHS Act
17 with respect to substance abuse treatment and title XIX
18 of such Act with respect to substance abuse treatment and
19 prevention, \$2,108,202,000: *Provided*, That in addition to
20 amounts provided herein, \$81,200,000 shall be available
21 under section 241 of the PHS Act to supplement funds
22 otherwise available for substance abuse treatment activi-
23 ties and to carry out subpart II of part B of title XIX
24 of the PHS Act to fund section 1935(b) technical assist-
25 ance, national data, data collection and evaluation activi-

1 States, political subdivisions of States, territories, tribes,
2 and tribal organizations that have the highest rate of
3 opioid-related overdose deaths: *Provided further*, That pre-
4 vention and treatment activities funded through such
5 grants may include education, treatment (including the
6 provision of medication), behavioral health services for in-
7 dividuals in treatment programs, referral to treatment
8 services, and medical screening associated with such treat-
9 ment.

10 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

11 For program support and cross-cutting activities that
12 supplement activities funded under the headings “Mental
13 Health”, “Substance Abuse Treatment”, and “Substance
14 Abuse Prevention” in carrying out titles III, V, and XIX
15 of the PHS Act and the Protection and Advocacy for Indi-
16 viduals with Mental Illness Act in the Substance Abuse
17 and Mental Health Services Administration,
18 \$131,458,000: *Provided*, That in addition to amounts pro-
19 vided herein, \$31,428,000 shall be available under section
20 241 of the PHS Act to supplement funds available to
21 carry out national surveys on drug abuse and mental
22 health, to collect and analyze program data, and to con-
23 duct public awareness and technical assistance activities:
24 *Provided further*, That, in addition, fees may be collected
25 for the costs of publications, data, data tabulations, and

1 data analysis completed under title V of the PHS Act and
2 provided to a public or private entity upon request, which
3 shall be credited to this appropriation and shall remain
4 available until expended for such purposes: *Provided fur-*
5 *ther*, That amounts made available in this Act for carrying
6 out section 501(m) of the PHS Act shall remain available
7 through September 30, 2018: *Provided further*, That
8 funds made available under this heading may be used to
9 supplement program support funding provided under the
10 headings “Mental Health”, “Substance Abuse Treat-
11 ment”, and “Substance Abuse Prevention”.

12 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

13 HEALTHCARE RESEARCH AND QUALITY

14 For carrying out titles III and IX of the PHS Act,
15 part A of title XI of the Social Security Act, and section
16 1013 of the Medicare Prescription Drug, Improvement,
17 and Modernization Act of 2003, \$280,240,000: *Provided*,
18 That section 947(c) of the PHS Act shall not apply in
19 fiscal year 2016: *Provided further*, That in addition,
20 amounts received from Freedom of Information Act fees,
21 reimbursable and interagency agreements, and the sale of
22 data shall be credited to this appropriation and shall re-
23 main available until September 30, 2017.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$262,003,967,000,
5 to remain available until expended.

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

12 For making payments to States or in the case of sec-
13 tion 1928 on behalf of States under title XIX of the Social
14 Security Act for the first quarter of fiscal year 2018,
15 \$125,219,452,000, to remain available until expended.

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

21 PAYMENTS TO HEALTH CARE TRUST FUNDS

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

1 103(c) and 111(d) of the Social Security Amendments of
2 1965, section 278(d)(3) of Public Law 97–248, and for
3 administrative expenses incurred pursuant to section
4 201(g) of the Social Security Act, \$299,187,700,000.

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

9 PROGRAM MANAGEMENT

10 For carrying out, except as otherwise provided, titles
11 XI, XVIII, XIX, and XXI of the Social Security Act, titles
12 XIII and XXVII of the PHS Act, and the Clinical Labora-
13 tory Improvement Amendments of 1988, not to exceed
14 \$3,093,690,000, to be transferred from the Federal Hos-
15 pital Insurance Trust Fund and the Federal Supple-
16 mentary Medical Insurance Trust Fund, as authorized by
17 section 201(g) of the Social Security Act; together with
18 all funds collected in accordance with section 353 of the
19 PHS Act and section 1857(e)(2) of the Social Security
20 Act, funds retained by the Secretary pursuant to section
21 302 of the Tax Relief and Health Care Act of 2006; and
22 such sums as may be collected from authorized user fees
23 and the sale of data, which shall be credited to this ac-
24 count and remain available until September 30, 2018: *Pro-*
25 *vided*, That all funds derived in accordance with 31 U.S.C.

1 9701 from organizations established under title XIII of
2 the PHS Act shall be credited to and available for carrying
3 out the purposes of this appropriation: *Provided further*,
4 That the Secretary is directed to collect fees in fiscal year
5 2016 from Medicare Advantage organizations pursuant to
6 section 1857(e)(2) of the Social Security Act and from eli-
7 gible organizations with risk-sharing contracts under sec-
8 tion 1876 of that Act pursuant to section 1876(k)(4)(D)
9 of that Act: *Provided further*, That none of the funds made
10 available under this heading shall be used to support re-
11 search, demonstration, and evaluation activities: *Provided*
12 *further*, That of the total amount made available under
13 this heading, \$1,985,823,000 shall be for Program Oper-
14 ations and \$710,533,000 shall be for Federal Administra-
15 tion: *Provided further*, That none of the funds made avail-
16 able under this heading may be used to support the Center
17 for Consumer Information and Insurance Oversight or ac-
18 tivities developed, administered, or implemented by the
19 Center.

20 In addition, not more than \$385,438,000, shall be de-
21 rived from offsetting collections through the Clinical Lab-
22 oratory Improvement Act, Medicare Advantage, and Re-
23 covery Audit Contractors and shall be credited to this ac-
24 count and remain available until September 30, 2018: *Pro-*
25 *vided*, That no funds shall be derived from offsetting col-

1 lections through fees collected from qualified health plans
2 offered through an Exchange established under Public
3 Law 111–148 to operate such an Exchange: *Provided fur-*
4 *ther*, That offsetting collections collected under this au-
5 thority by such Recovery Audit Contractors under section
6 1893 of the Social Security Act shall be used only as addi-
7 tional funds to educate health care providers on how to
8 appropriately reduce errors, to support the Office of Medi-
9 care Appeals to reduce its backlog, and to establish a proc-
10 ess to provide educational feedback from the Office of
11 Medicare Appeals to the Centers for Medicare and Med-
12 icaid Services to reduce the claims overturn rate from the
13 claims that are elevated to the Office of Medicare Appeals.

14 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

15 In addition to amounts otherwise available for pro-
16 gram integrity and program management, \$681,000,000,
17 to remain available through September 30, 2018, to be
18 transferred from the Federal Hospital Insurance Trust
19 Fund and the Federal Supplementary Medical Insurance
20 Trust Fund, as authorized by section 201(g) of the Social
21 Security Act, of which \$486,120,000 shall be for the Medi-
22 care Integrity Program at the Centers for Medicare and
23 Medicaid Services, including administrative costs, to con-
24 duct oversight activities for Medicare Advantage under
25 Part C and the Medicare Prescription Drug Program

1 under Part D of the Social Security Act and for activities
2 described in section 1893(b) of such Act, of which
3 \$67,200,000 shall be for the Department of Health and
4 Human Services Office of Inspector General to carry out
5 fraud and abuse activities authorized by section
6 1817(k)(3) of such Act, of which \$67,200,000 shall be for
7 the Medicaid and Children's Health Insurance Program
8 ("CHIP") program integrity activities, and of which
9 \$60,480,000 shall be for the Department of Justice to
10 carry out fraud and abuse activities authorized by section
11 1817(k)(3) of such Act: *Provided*, That the report re-
12 quired by section 1817(k)(5) of the Social Security Act
13 for fiscal year 2017 shall include measures of the oper-
14 ational efficiency and impact on fraud, waste, and abuse
15 in the Medicare, Medicaid, and CHIP programs for the
16 funds provided by this appropriation: *Provided further*,
17 That of the amount provided under this heading,
18 \$311,000,000 is provided to meet the terms of section
19 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985, as amended, and
21 \$370,000,000 is additional new budget authority specified
22 for purposes of section 251(b)(2)(C) of such Act: *Provided*
23 *further*, That the Secretary shall support the full cost of
24 the Senior Medicare Patrol program to combat health care
25 fraud and abuse from the funds provided to this account.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For making payments under subsections (b) and (d)
18 of section 2602 of the Low Income Home Energy Assist-
19 ance Act of 1981, \$3,490,304,000: *Provided*, That all but
20 \$591,000,000 of this amount shall be allocated as though
21 the total appropriation for such payments for fiscal year
22 2017 was less than \$1,975,000,000: *Provided further*,
23 That notwithstanding section 2609A(a), of the amounts
24 appropriated under section 2602(b), not more than
25 \$2,988,000 of such amounts may be reserved by the Sec-

1 retary for technical assistance, training, and monitoring
2 of program activities for compliance with internal controls,
3 policies and procedures and may, in addition to the au-
4 thorities provided in section 2609A(a)(1), use such funds
5 through contracts with private entities that do not qualify
6 as nonprofit organizations.

7 REFUGEE AND ENTRANT ASSISTANCE

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses for refugee and entrant as-
10 sistance activities authorized by section 414 of the Immi-
11 gration and Nationality Act and section 501 of the Ref-
12 ugee Education Assistance Act of 1980, and for carrying
13 out section 462 of the Homeland Security Act of 2002,
14 section 235 of the William Wilberforce Trafficking Victims
15 Protection Reauthorization Act of 2008, the Trafficking
16 Victims Protection Act of 2000 (“TVPA”), and the Tor-
17 ture Victims Relief Act of 1998, \$1,674,691,000, of which
18 \$1,645,201,000 shall remain available through September
19 30, 2019 for carrying out such sections 414, 501, 462,
20 and 235: *Provided*, That amounts available under this
21 heading to carry out the TVPA shall also be available for
22 research and evaluation with respect to activities under
23 such Act and for the national communications system
24 under section 107(b)(1)(B)(ii) of such Act (added under
25 section 603 of the Justice for Victims of Trafficking Act

1 of 2015, P.L. 114-22) to assist victims of severe forms
2 of trafficking in persons: *Provided further*, That the limita-
3 tion in section 205 of this Act regarding transfers increas-
4 ing any appropriation shall apply to transfers to appro-
5 priations under this heading by substituting “10 percent”
6 for “3 percent”.

7 PAYMENTS TO STATES FOR THE CHILD CARE AND
8 DEVELOPMENT BLOCK GRANT

9 For carrying out the Child Care and Development
10 Block Grant Act of 2014 (“CCDBG Act”),
11 \$2,801,000,000 shall be used to supplement, not supplant
12 State general revenue funds for child care assistance for
13 low-income families: *Provided*, That technical assistance
14 under section 658I(a)(3) of such Act may be provided di-
15 rectly, or through the use of contracts, grants, cooperative
16 agreements, or interagency agreements: *Provided further*,
17 That all funds made available to carry out section 418
18 of the Social Security Act (42 U.S.C. 618), including
19 funds appropriated for that purpose in such section 418
20 or any other provision of law, shall be subject to the res-
21 ervation of funds authority in paragraphs (4) and (5) of
22 section 658O(a) of the CCDBG Act.

23 SOCIAL SERVICES BLOCK GRANT

24 For making grants to States pursuant to section
25 2002 of the Social Security Act, \$1,700,000,000: *Pro-*

1 *vided*, That notwithstanding subparagraph (B) of section
2 404(d)(2) of such Act, the applicable percent specified
3 under such subparagraph for a State to carry out State
4 programs pursuant to title XX–A of such Act shall be 10
5 percent.

6 CHILDREN AND FAMILIES SERVICES PROGRAMS

7 For carrying out, except as otherwise provided, the
8 Runaway and Homeless Youth Act, the Head Start Act,
9 the Every Student Succeeds Act, the Child Abuse Preven-
10 tion and Treatment Act, sections 303 and 313 of the
11 Family Violence Prevention and Services Act, the Native
12 American Programs Act of 1974, title II of the Child
13 Abuse Prevention and Treatment and Adoption Reform
14 Act of 1978 (adoption opportunities), part B–1 of title IV
15 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
16 of the Social Security Act; for making payments under the
17 Community Services Block Grant Act (“CSBG Act”), and
18 the Assets for Independence Act; for necessary adminis-
19 trative expenses to carry out titles I, IV, V, X, XI, XIV,
20 XVI, and XX–A of the Social Security Act, the Act of
21 July 5, 1960, the Low-Income Home Energy Assistance
22 Act of 1981, title IV of the Immigration and Nationality
23 Act, and section 501 of the Refugee Education Assistance
24 Act of 1980; and for the administration of prior year obli-
25 gations made by the Administration for Children and

1 Families under the Developmental Disabilities Assistance
2 and Bill of Rights Act and the Help America Vote Act
3 of 2002, \$11,382,896,000, of which \$37,943,000, to re-
4 main available through September 30, 2018, shall be for
5 grants to States for adoption and legal guardianship in-
6 centive payments, as defined by section 473A of the Social
7 Security Act and may be made for adoptions completed
8 before September 30, 2017: *Provided*, That
9 \$9,309,724,000 shall be for making payments under the
10 Head Start Act: *Provided further*, That of the amount in
11 the previous proviso, \$8,639,724,000 shall be available for
12 payments under section 640 of the Head Start Act, of
13 which \$131,629,000 shall be available for a cost of living
14 adjustment notwithstanding section 640(a)(3)(A) of such
15 Act: *Provided further*, That of the amount provided for
16 making payments under the Head Start Act, \$25,000,000
17 shall be available for allocation by the Secretary to supple-
18 ment activities described in paragraphs (7)(B) and (9) of
19 section 641(c) of such Act under the Designation Renewal
20 System, established under the authority of sections
21 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Pro-*
22 *vided further*, That notwithstanding such section 640, of
23 the amount provided for making payments under the
24 Head Start Act, and in addition to funds otherwise avail-
25 able under such section 640, \$645,000,000 shall be avail-

1 able through March 31, 2018 for Early Head Start pro-
2 grams as described in section 645A of such Act, for con-
3 version of Head Start services to Early Head Start serv-
4 ices as described in section 645(a)(5)(A) of such Act, for
5 discretionary grants for high quality infant and toddler
6 care through Early Head Start-Child Care Partnerships,
7 to entities defined as eligible under section 645A(d) of
8 such Act, for training and technical assistance for such
9 activities, and for up to \$14,000,000 in Federal costs of
10 administration and evaluation, and, notwithstanding sec-
11 tion 645A(c)(2) of such Act, these funds are available to
12 serve children under age 4: *Provided further*, That funds
13 described in the preceding two provisos shall not be in-
14 cluded in the calculation of “base grant” in subsequent
15 fiscal years, as such term is used in section 640(a)(7)(A)
16 of such Act: *Provided further*, That \$250,000,000 shall be
17 available until December 31, 2017 for carrying out sec-
18 tions 9212 and 9213 of the Every Student Succeeds Act:
19 *Provided further*, That up to 3 percent of the funds in
20 the previous proviso shall be available for technical assist-
21 ance and evaluation related to grants awarded under such
22 section 9212: *Provided further*, That \$752,383,000 shall
23 be for making payments under the CSBG Act: *Provided*
24 *further*, That \$37,733,000 shall be for sections 680 and
25 678E(b)(2) of the CSBG Act, of which not less than

1 \$29,883,000 shall be for section 680(a)(2) and not less
2 than \$7,500,000 shall be for section 680(a)(3)(B) of such
3 Act: *Provided further*, That, notwithstanding section
4 675C(a)(3) of such Act to the extent Community Services
5 Block Grant funds are distributed as grant funds by a
6 State to an eligible entity as provided under such Act, and
7 have not been expended by such entity, they shall remain
8 with such entity for carryover into the next fiscal year for
9 expenditure by such entity consistent with program pur-
10 poses: *Provided further*, That the Secretary shall establish
11 procedures regarding the disposition of intangible assets
12 and program income that permit such assets acquired
13 with, and program income derived from, grant funds au-
14 thorized under section 680 of the CSBG Act to become
15 the sole property of such grantees after a period of not
16 more than 12 years after the end of the grant period for
17 any activity consistent with section 680(a)(2)(A) of the
18 CSBG Act: *Provided further*, That intangible assets in the
19 form of loans, equity investments and other debt instru-
20 ments, and program income may be used by grantees for
21 any eligible purpose consistent with section 680(a)(2)(A)
22 of the CSBG Act: *Provided further*, That these procedures
23 shall apply to such grant funds made available after No-
24 vember 29, 1999: *Provided further*, That funds appro-
25 priated for section 680(a)(2) of the CSBG Act shall be

1 available for financing construction and rehabilitation and
2 loans or investments in private business enterprises owned
3 by community development corporations: *Provided further*,
4 That the Secretary shall issue performance standards for
5 entities receiving funds from State and territorial grantees
6 under the CSBG Act, and such States and territories shall
7 assure the implementation of such standards prior to Sep-
8 tember 30, 2017, and include information on such imple-
9 mentation in the report required by section 678E(2) of
10 such Act: *Provided further*, That, to the extent funds for
11 the Assets for Independence (AFI) Act provided in this
12 Act are distributed as grant funds to a qualified entity
13 and have not been expended by such entity within 3 years
14 after the date of the award, such funds may be recaptured
15 and, during the fiscal year of such recapture, reallocated
16 among other qualified entities, to remain available to such
17 entities for 5 years: *Provided further*, That, notwith-
18 standing section 404(5)(A)(i) of such Act, contributions
19 to an individual development account shall be allowable
20 through any mechanism allowed by the financial institu-
21 tion at which the account is held: *Provided further*, That
22 \$1,864,000 shall be for a human services case manage-
23 ment system for federally declared disasters, to include a
24 comprehensive national case management contract and
25 Federal costs of administering the system: *Provided fur-*

1 *ther*, That up to \$2,000,000 shall be for improving the
2 Public Assistance Reporting Information System, includ-
3 ing grants to States to support data collection for a study
4 of the system's effectiveness.

5 PROMOTING SAFE AND STABLE FAMILIES

6 For carrying out, except as otherwise provided, sec-
7 tion 436 of the Social Security Act, \$325,000,000 and,
8 for carrying out, except as otherwise provided, section 437
9 of such Act, \$79,765,000: *Provided*, That notwithstanding
10 sections 438(c)(3)(A) and 436(b)(2) of such Act,
11 \$10,000,000 shall be available for such section 436(b)(2),
12 of which no funds shall be available for carrying out sec-
13 tions 438(c)(3)(A)(ii) and (iii) of such Act: *Provided fur-*
14 *ther*, That of the funds available to carry out such section
15 437, \$20,000,000 shall be reserved for allotment to Indian
16 tribes or tribal consortia in accordance with subsection
17 (c)(1) of such section (in addition to amounts otherwise
18 reserved for such purpose under subsection (b)(3) of such
19 section): *Provided further*, That for the purposes of apply-
20 ing subsection (b) of such section 437, the amount appro-
21 priated pursuant to subsection (a) of such section for fis-
22 cal year 2017 shall be deemed to be \$59,765,000: *Pro-*
23 *vided further*, That section 432(b)(2)(B) of such Act shall
24 not apply to funds provided under this heading for fiscal
25 year 2017: *Provided further*, That notwithstanding section

1 433(a) of such Act, each Indian tribe or tribal consortium
2 with an approved plan shall receive an allotment of not
3 less than \$10,000: *Provided further*, That for purposes of
4 funds provided under this heading, an Indian tribe or trib-
5 al consortium may apply the term "adoption" in a manner
6 that includes customary adoptions.

7 PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

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

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

18 ADMINISTRATION FOR COMMUNITY LIVING

19 AGING AND DISABILITY SERVICES PROGRAMS

20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out, to the extent not otherwise pro-
22 vided, the Older Americans Act of 1965 ("OAA"), titles
23 III and XXIX of the PHS Act, sections 1252 and 1253
24 of the PHS Act, section 119 of the Medicare Improve-
25 ments for Patients and Providers Act of 2008, title XX–

1 B of the Social Security Act, the Developmental Disabil-
2 ities Assistance and Bill of Rights Act, parts 2 and 5 of
3 subtitle D of title II of the Help America Vote Act of
4 2002, the Assistive Technology Act of 1998, titles II and
5 VII (and section 14 with respect to such titles) of the Re-
6 habilitation Act of 1973, and for Department-wide coordi-
7 nation of policy and program activities that assist individ-
8 uals with disabilities, \$1,929,160,000, together with
9 \$52,115,000 to be transferred from the Federal Hospital
10 Insurance Trust Fund and the Federal Supplementary
11 Medical Insurance Trust Fund to carry out section 4360
12 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
13 *vided*, That amounts appropriated under this heading may
14 be used for grants to States under section 361 of the OAA
15 only for disease prevention and health promotion pro-
16 grams and activities which have been demonstrated
17 through rigorous evaluation to be evidence-based and ef-
18 fective: *Provided further*, That notwithstanding any other
19 provision of this Act, funds made available under this
20 heading to carry out section 311 of the OAA may be trans-
21 ferred to the Secretary of Agriculture in accordance with
22 such section: *Provided further*, That \$2,000,000 shall be
23 for competitive grants to support alternative financing
24 programs that provide for the purchase of assistive tech-
25 nology devices, such as a low-interest loan fund; an inter-

1 est buy-down program; a revolving loan fund; a loan guar-
2 antee; or an insurance program: *Provided further*, That
3 applicants shall provide an assurance that, and informa-
4 tion describing the manner in which, the alternative fi-
5 nancing program will expand and emphasize consumer
6 choice and control: *Provided further*, That State agencies
7 and community-based disability organizations that are di-
8 rected by and operated for individuals with disabilities
9 shall be eligible to compete: *Provided further*, That none
10 of the funds made available under this heading may be
11 used by an eligible system (as defined in section 102 of
12 the Protection and Advocacy for Individuals with Mental
13 Illness Act (42 U.S.C. 10802)) to continue to pursue any
14 legal action in a Federal or State court on behalf of an
15 individual or group of individuals with a developmental
16 disability (as defined in section 102(8)(A) of the Develop-
17 mental Disabilities and Assistance and Bill of Rights Act
18 of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to
19 a mental impairment (or a combination of mental and
20 physical impairments), that has as the requested remedy
21 the closure of State operated intermediate care facilities
22 for people with intellectual or developmental disabilities,
23 unless reasonable public notice of the action has been pro-
24 vided to such individuals (or, in the case of mental inca-
25 pacitation, the legal guardians who have been specifically

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

13 OFFICE OF THE SECRETARY

14 GENERAL DEPARTMENTAL MANAGEMENT

15 For necessary expenses, not otherwise provided, for
16 general departmental management, including hire of six
17 passenger motor vehicles, and for carrying out titles III,
18 XVII, XXI, and section 229 of the PHS Act, the United
19 States-Mexico Border Health Commission Act, and re-
20 search studies under section 1110 of the Social Security
21 Act, \$365,009,000, together with \$58,028,000 from the
22 amounts available under section 241 of the PHS Act to
23 carry out national health or human services research and
24 evaluation activities: *Provided*, That of this amount,
25 \$53,900,000 shall be for minority AIDS prevention and

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

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

3 OFFICE OF MEDICARE HEARINGS AND APPEALS

4 For expenses necessary for the Office of Medicare
5 Hearings and Appeals, \$107,381,000, to be transferred in
6 appropriate part from the Federal Hospital Insurance
7 Trust Fund and the Federal Supplementary Medical In-
8 surance Trust Fund.

9 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

10 INFORMATION TECHNOLOGY

11 For expenses necessary for the Office of the National
12 Coordinator for Health Information Technology, including
13 grants, contracts, and cooperative agreements for the de-
14 velopment and advancement of interoperable health infor-
15 mation technology, \$65,367,000.

16 OFFICE OF INSPECTOR GENERAL

17 For expenses necessary for the Office of Inspector
18 General, including the hire of passenger motor vehicles for
19 investigations, in carrying out the provisions of the Inspec-
20 tor General Act of 1978, \$85,000,000: *Provided*, That of
21 such amount, necessary sums shall be available for pro-
22 viding protective services to the Secretary and inves-
23 tigating non-payment of child support cases for which non-
24 payment is a Federal offense under 18 U.S.C. 228.

1 OFFICE FOR CIVIL RIGHTS

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

4 RETIREMENT PAY AND MEDICAL BENEFITS FOR

5 COMMISSIONED OFFICERS

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

13 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

14 FUND

15 For expenses necessary to support activities related
16 to countering potential biological, nuclear, radiological,
17 chemical, and cybersecurity threats to civilian populations,
18 and for other public health emergencies, \$959,258,000, of
19 which \$520,000,000 shall remain available through Sep-
20 tember 30, 2018, for expenses necessary to support ad-
21 vanced research and development pursuant to section
22 319L of the PHS Act and other administrative expenses
23 of the Biomedical Advanced Research and Development
24 Authority: *Provided*, That funds provided under this head-
25 ing for the purpose of acquisition of security counter-

1 measures shall be in addition to any other funds available
2 for such purpose: *Provided further*, That products pur-
3 chased with funds provided under this heading may, at
4 the discretion of the Secretary, be deposited in the Stra-
5 tegic National Stockpile pursuant to section 319F-2 of
6 the PHS Act: *Provided further*, That \$5,000,000 of the
7 amounts made available to support emergency operations
8 shall remain available through September 30, 2019.

9 For expenses necessary for procuring security coun-
10 termeasures (as defined in section 319F-2(c)(1)(B) of the
11 PHS Act), \$600,000,000, to remain available until ex-
12 pended.

13 For an additional amount for expenses necessary to
14 prepare for or respond to an influenza pandemic,
15 \$72,000,000; of which \$40,000,000 shall be available until
16 expended, for activities including the development and
17 purchase of vaccine, antivirals, necessary medical supplies,
18 diagnostics, and other surveillance tools: *Provided*, That
19 notwithstanding section 496(b) of the PHS Act, funds
20 may be used for the construction or renovation of privately
21 owned facilities for the production of pandemic influenza
22 vaccines and other biologics, if the Secretary finds such
23 construction or renovation necessary to secure sufficient
24 supplies of such vaccines or biologics.

1 GENERAL PROVISIONS

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

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

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

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

1 (TRANSFER OF FUNDS)

2 SEC. 205. 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 HHS in this Act
6 may be transferred between appropriations, but no such
7 appropriation shall be increased by more than 3 percent
8 by any such transfer: *Provided*, That the transfer author-
9 ity granted by this section shall not be used to create any
10 new program or to fund any project or activity for which
11 no funds are provided in this Act: *Provided further*, That
12 the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate are notified at least 15 days
14 in advance of any transfer.

15 SEC. 206. In lieu of the timeframe specified in section
16 338E(c)(2) of the PHS Act, terminations described in
17 such section may occur up to 60 days after the execution
18 of a contract awarded in fiscal year 2017 under section
19 338B of such Act.

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

1 that it provides counseling to minors on how to resist at-
2 tempts to coerce minors into engaging in sexual activities.

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

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

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

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

11 SEC. 212. In order for HHS to carry out inter-
12 national health activities, including HIV/AIDS and other
13 infectious disease, chronic and environmental disease, and
14 other health activities abroad during fiscal year 2017:

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

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

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

1 (TRANSFER OF FUNDS)

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

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

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

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

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

9 (TRANSFER OF FUNDS)

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

21 SEC. 218. In addition to amounts provided herein,
22 payments made for research organisms or substances, au-
23 thorized under section 301(a) of the PHS Act, shall be
24 retained and credited to the appropriations accounts of the
25 Institutes and Centers of the NIH making the substance

1 or organism available under section 301(a). Amounts cred-
2 ited to the account under this authority shall be available
3 for obligation through September 30, 2018.

4 SEC. 219. (a) The Biomedical Advanced Research
5 and Development Authority (“BARDA”) may enter into
6 a contract, for more than one but no more than 10 pro-
7 gram years, for purchase of research services or of security
8 countermeasures, as that term is defined in section 319F-
9 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d-6b(c)(1)(B)),
10 if—

11 (1) funds are available and obligated—

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

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

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

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

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

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

3 SEC. 220. (a) The Secretary shall establish a publicly
4 accessible Web site to provide information regarding the
5 uses of funds made available under section 4002 of the
6 Patient Protection and Affordable Care Act of 2010
7 (“ACA”).

8 (b) With respect to funds provided under section
9 4002 of the ACA, the Secretary shall include on the Web
10 site established under subsection (a) at a minimum the
11 following information:

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

18 (2) Identification (along with a link to the full
19 text) of each funding opportunity announcement, re-
20 quest for proposals, or other announcement or solici-
21 tation of proposals for grants, cooperative agree-
22 ments, or contracts intended to be awarded using
23 such funds, to be posted not later than the day after
24 the announcement or solicitation is issued.

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

7 (4) A report detailing the uses of all funds
8 transferred under section 4002(c) during the fiscal
9 year, to be posted not later than 90 days after the
10 end of the fiscal year.

11 (c) With respect to awards made in fiscal years 2013
12 through 2017, the Secretary shall also include on the Web
13 site established under subsection (a), semi-annual reports
14 from each entity awarded a grant, cooperative agreement,
15 or contract from such funds with a value of \$25,000 or
16 more, summarizing the activities undertaken and identi-
17 fying any sub-grants or sub-contracts awarded (including
18 the purpose of the award and the identity of the recipient),
19 to be posted not later than 30 days after the end of each
20 6-month period.

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

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

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. 223. The Secretary shall publish, as part of the
5 fiscal year 2018 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 2018. 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” committee report accompanying
15 this Act.

16 SEC. 224. (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. 225. 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 (RESCISSION)

14 SEC. 226. (a) The “Nonrecurring expenses fund” es-
15 tablished in section 223 of division G of Public Law 110–
16 161 is terminated, the amount of expired discretionary
17 funds available for reappropriation by transfer into such
18 Fund under such section is reduced to \$0, and the unobli-
19 gated balance of amounts available in such Fund is re-
20 scinded.

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

23 (c) Subsections (a) and (b) shall take effect on Octo-
24 ber 1, 2016.

1 main available until expended to carry out titles II, III,
2 and XVII of the PHS Act to prevent, prepare for, or re-
3 spond to an infectious disease emergency under this sec-
4 tion, including, in connection with such activities, to pur-
5 chase or lease and provide for the insurance of passenger
6 motor vehicles for official use in foreign countries: *Pro-*
7 *vided further*, That amounts in the Reserve Fund may only
8 be provided for an infectious disease emergency if the in-
9 fectionous disease emergency (1) is declared by the Secretary
10 of Health and Human Services under section 319 of the
11 PHS Act; or (2) as determined by the Secretary, has sig-
12 nificant potential to imminently occur and potential, on
13 occurrence, to affect national security or the health and
14 security of United States citizens, domestically or inter-
15 nationally: *Provided further*, That amounts in the Reserve
16 Fund may be transferred by the Director of the CDC to
17 other accounts of the CDC, to accounts of the National
18 Institutes of Health, or to the Public Health and Social
19 Services Emergency Fund, to be merged with such ac-
20 counts or Fund for the purposes provided in this section:
21 *Provided further*, That the Committees on Appropriations
22 of the House of Representatives and the Senate shall be
23 notified at least 15 days prior to any transfer or obligation
24 made under the authority provided in this section, includ-
25 ing notification on the anticipated uses of such funds by

1 program, project or activity: *Provided further*, That the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate shall receive a report not later than
4 30 days after the end of each quarter in a fiscal year on
5 the unobligated balances in the Reserve Fund and all ac-
6 tual obligations incurred for that fiscal year, including ob-
7 ligations by program, project or activity: *Provided further*,
8 That amounts in the Reserve Fund shall be in addition
9 to amounts otherwise available to the Department of
10 Health and Human Services for the purposes provided in
11 this section: *Provided further*, That the transfer authori-
12 ties in this section are in addition to any transfer author-
13 ity otherwise available to the Department of Health and
14 Human Services: *Provided further*, That products pur-
15 chased using amounts in the Reserve Fund may, at the
16 discretion of the Secretary of Health and Human Services,
17 be deposited in the Strategic National Stockpile under sec-
18 tion 319F-2 of the PHS Act: *Provided further*, That this
19 section shall be in effect as of the date of the enactment
20 of this Act through each fiscal year hereafter.

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

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”), \$15,986,790,000, of which
9 \$4,897,006,000 shall become available on July 1, 2017,
10 and shall remain available through September 30, 2018,
11 and of which \$11,041,177,000 shall become available on
12 October 1, 2017, and shall remain available through Sep-
13 tember 30, 2018, for academic year 2017–2018: *Provided*,
14 That \$6,909,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$3,984,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2016, 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 \$3,544,050,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,544,050,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$160,000,000 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, \$1,328,603,000, of which \$1,191,233,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000, to remain
12 available for obligation through September 30, 2018, shall
13 be for construction under section 7007 (b), \$66,813,000
14 shall be for Federal property payments under section
15 7002, and \$4,835,000, to remain available until expended,
16 shall be for facilities maintenance under section 7008:
17 *Provided*, That for purposes of computing the amount of
18 a payment for an eligible local educational agency under
19 section 7003(a) for school year 2016–2017, children en-
20 rolled in a school of such agency that would otherwise be
21 eligible for payment under section 7003(a)(1)(B) of such
22 Act, but due to the deployment of both parents or legal
23 guardians, or a parent or legal guardian having sole cus-
24 tody of such children, or due to the death of a military
25 parent or legal guardian while on active duty (so long as

1 such children reside on Federal property as described in
2 section 7003(a)(1)(B)), are no longer eligible under such
3 section, shall be considered as eligible students under such
4 section, provided such students remain in average daily
5 attendance at a school in the same local educational agen-
6 cy they attended prior to their change in eligibility status.

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by part B of title I, part A of title II, subpart
10 1 of part A of title IV, part B of title IV, part B of title
11 V, and parts B and C of title VI of the ESEA; the McKin-
12 ney-Vento Homeless Assistance Act; section 203 of the
13 Educational Technical Assistance Act of 2002; the Com-
14 pact of Free Association Amendments Act of 2003; and
15 the Civil Rights Act of 1964, \$4,799,912,000, of which
16 \$1,980,902,000 shall become available on July 1, 2017,
17 and remain available through September 30, 2018, and
18 of which \$1,681,441,000 shall become available on Octo-
19 ber 1, 2017, and shall remain available through September
20 30, 2018, for academic year 2017–2018: *Provided*, That
21 \$300,000,000 shall be for part B of title I: *Provided fur-*
22 *ther*, That \$33,397,000 shall be for part B of the title
23 VI: *Provided further*, That \$32,453,000 shall be for part
24 C of title VI: *Provided further*, That \$48,445,000 shall be
25 available to carry out section 203 of the Educational Tech-

1 nical Assistance Act of 2002 and the Secretary shall make
2 such arrangements as determined to be necessary to en-
3 sure that the Bureau of Indian Education has access to
4 services provided under this section: *Provided further*,
5 That \$16,699,000 shall be available to carry out the Sup-
6 plemental Education Grants program for the Federated
7 States of Micronesia and the Republic of the Marshall Is-
8 lands: *Provided further*, That the Secretary may reserve
9 up to 5 percent of the amount referred to in the previous
10 proviso to provide technical assistance in the implementa-
11 tion of these grants: *Provided further*, That \$175,840,000
12 shall be for part B of title V.

13 INDIAN EDUCATION

14 For expenses necessary to carry out, to the extent
15 not otherwise provided, title VI, part A of the ESEA,
16 \$174,939,000, of which \$67,993,000 shall be for subpart
17 2 of part A of title VI and \$6,565,000 shall be for subpart
18 3 of part A of title VI.

19 INNOVATION AND IMPROVEMENT

20 For carrying out activities authorized by subparts 1,
21 3 and 4 of part B of title II, and part C and subpart
22 4 of part F of title IV of the ESEA, \$632,938,000: *Pro-*
23 *vided*, That \$262,025,000 shall be for subparts 1, 3 and
24 4 of part B of title II: *Provided further*, That of the funds
25 available for part C of title IV, the Secretary shall use

1 not less than \$26,000,000 to carry out section 4304, of
2 which not more than \$10,000,000 shall be available to
3 carry out section 4304(k), not more than \$60,000,000 to
4 carry out section 4305(b), and not less than \$16,000,000
5 to carry out the activities in section 4305(a)(3).

6 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

7 For carrying out activities authorized by section 4624
8 of subpart 2 of part F of title IV of the ESEA,
9 \$73,254,000 which shall be available through December
10 31, 2017.

11 ENGLISH LANGUAGE ACQUISITION

12 For carrying out part A of title III of the ESEA,
13 \$737,400,000, which shall become available on July 1,
14 2017, and shall remain available through September 30,
15 2018, except that 6.5 percent of such amount shall be
16 available on October 1, 2016, and shall remain available
17 through September 30, 2018, to carry out activities under
18 section 3111(c)(1)(C).

19 SPECIAL EDUCATION

20 For carrying out the Individuals with Disabilities
21 Education Act (IDEA) and the Special Olympics Sport
22 and Empowerment Act of 2004, \$13,406,517,000, of
23 which \$3,956,259,000 shall become available on July 1,
24 2017, and shall remain available through September 30,
25 2018, and of which \$9,283,383,000 shall become available

1 on October 1, 2017, and shall remain available through
2 September 30, 2018, for academic year 2017–2018: *Pro-*
3 *vided*, That the amount for section 611(b)(2) of the IDEA
4 shall be equal to the lesser of the amount available for
5 that activity during fiscal year 2016, increased by the
6 amount of inflation as specified in section 619(d)(2)(B)
7 of the IDEA, or the percent change in the funds appro-
8 priated under section 611(i) of the IDEA, but not less
9 than the amount for that activity during fiscal year 2016:
10 *Provided further*, That the Secretary shall, without regard
11 to section 611(d) of the IDEA, distribute to all other
12 States (as that term is defined in section 611(g)(2)), sub-
13 ject to the third proviso, any amount by which a State’s
14 allocation under section 611(d), from funds appropriated
15 under this heading, is reduced under section
16 612(a)(18)(B), according to the following: 85 percent on
17 the basis of the States’ relative populations of children
18 aged 3 through 21 who are of the same age as children
19 with disabilities for whom the State ensures the avail-
20 ability of a free appropriate public education under this
21 part, and 15 percent to States on the basis of the States’
22 relative populations of those children who are living in pov-
23 erty: *Provided further*, That the Secretary may not dis-
24 tribute any funds under the previous proviso to any State
25 whose reduction in allocation from funds appropriated

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

1 would have received in that fiscal year under section
2 611(d) in the absence of the reduction: *Provided further*,
3 That the Secretary shall either reduce the allocation of
4 funds under section 611 for any fiscal year following the
5 fiscal year for which the State fails to comply with the
6 requirement of section 612(a)(18)(A) as authorized by
7 section 612(a)(18)(B), or seek to recover funds under sec-
8 tion 452 of the General Education Provisions Act (20
9 U.S.C. 1234a): *Provided further*, That the funds reserved
10 under 611(c) of the IDEA may be used to provide tech-
11 nical assistance to States to improve the capacity of the
12 States to meet the data collection requirements of sections
13 616 and 618 and to administer and carry out other serv-
14 ices and activities to improve data collection, coordination,
15 quality, and use under parts B and C of the IDEA: *Pro-*
16 *vided further*, That the Secretary may use funds made
17 available for the State Personnel Development Grants pro-
18 gram under part D, subpart 1 of IDEA to evaluate pro-
19 gram performance under such subpart.

20 REHABILITATION SERVICES

21 For carrying out, to the extent not otherwise pro-
22 vided, the Rehabilitation Act of 1973 and the Helen Keller
23 National Center Act, \$3,534,027,000, of which
24 \$3,398,554,000 shall be for grants for vocational rehabili-
25 tation services under title I of the Rehabilitation Act.

1 \$929,686,000 shall become available on July 1, 2017, and
2 shall remain available through September 30, 2018, and
3 of which \$791,000,000 shall become available on October
4 1, 2017, and shall remain available through September 30,
5 2018: *Provided*, That of the amounts made available for
6 AEFLA, \$13,712,000 shall be for national leadership ac-
7 tivities under section 242.

8 STUDENT FINANCIAL ASSISTANCE

9 For carrying out subparts 1, 3, and 10 of part A,
10 and part C of title IV of the HEA, \$22,888,210,000,
11 which shall remain available through September 30, 2018.

12 The maximum Pell Grant for which a student shall
13 be eligible during award year 2017–2018 shall be \$4,860.

14 STUDENT AID ADMINISTRATION

15 For Federal administrative expenses to carry out part
16 D of title I, and subparts 1, 3, 9, and 10 of part A, and
17 parts B, C, D, and E of title IV of the HEA, and subpart
18 1 of part A of title VII of the Public Health Service Act,
19 \$1,551,854,000, to remain available through September
20 30, 2018: *Provided*, That the Secretary shall, allocate new
21 student loan borrower accounts to eligible student loan
22 servicers on the basis of their performance compared to
23 all loan servicers utilizing established common metrics,
24 and on the basis of the capacity of each servicer to process
25 new and existing accounts.

1 HIGHER EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, titles II, III, IV, V, VI, and VII of the HEA, the
4 Mutual Educational and Cultural Exchange Act of 1961,
5 and section 117 of the Carl D. Perkins Career and Tech-
6 nical Education Act of 2006, \$1,976,666,000: *Provided*,
7 That notwithstanding any other provision of law, funds
8 made available in this Act to carry out title VI of the HEA
9 and section 102(b)(6) of the Mutual Educational and Cul-
10 tural Exchange Act of 1961 may be used to support visits
11 and study in foreign countries by individuals who are par-
12 ticipating in advanced foreign language training and inter-
13 national studies in areas that are vital to United States
14 national security and who plan to apply their language
15 skills and knowledge of these countries in the fields of gov-
16 ernment, the professions, or international development:
17 *Provided further*, That of the funds referred to in the pre-
18 ceding proviso up to 1 percent may be used for program
19 evaluation, national outreach, and information dissemina-
20 tion activities: *Provided further*, That up to 1.5 percent
21 of the funds made available under chapter 2 of subpart
22 2 of part A of title IV of the HEA may be used for evalua-
23 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, 2018: *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 \$282,212,885: *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, \$536,049,000, which shall remain available
12 through September 30, 2018: *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 \$432,000,000, of which up to \$1,000,000, to remain avail-
8 able until expended, may be for relocation of, and renova-
9 tion of buildings occupied by, Department staff.

10 OFFICE FOR CIVIL RIGHTS

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

14 OFFICE OF INSPECTOR GENERAL

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

18 GENERAL PROVISIONS

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

1 in order to carry out a plan of racial desegregation of any
2 school or school system.

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

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

20 (TRANSFER OF FUNDS)

21 SEC. 304. Not to exceed 1 percent of any discre-
22 tionary funds (pursuant to the Balanced Budget and
23 Emergency Deficit Control Act of 1985) which are appro-
24 priated for the Department of Education in this Act may
25 be transferred between appropriations, but no such appro-

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

9 SEC. 305. Section 105(f)(1)(B)(ix) of the Compact
10 of Free Association Amendments Act of 2003 (48 U.S.C.
11 1921d(f)(1)(B)(ix)) shall be applied by substituting
12 “2017” for “2016”.

13 SEC. 306. Funds appropriated in this Act and con-
14 solidated for evaluation purposes under section 8601(c) of
15 the ESEA shall be available from July 1, 2017 through
16 September 30, 2018.

17 SEC. 307. (a) An institution of higher education that
18 maintains an endowment fund supported with funds ap-
19 propriated for title III or V of the HEA for fiscal year
20 2017 may use the income from that fund to award schol-
21 arships to students, subject to the limitation in section
22 331(c)(3)(B)(i) of the HEA. The use of such income for
23 such purposes, prior to the enactment of this Act, shall
24 be considered to have been an allowable use of that in-
25 come, subject to that limitation.

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

3 SEC. 308. Section 114(f) of the HEA (20 U.S.C.
4 1011c(f)) is amended by striking “2016” and inserting
5 “2017”.

6 SEC. 309. Section 458(a) of the HEA (20 U.S.C.
7 1087h(a)) is amended in paragraph (4) by striking
8 “2016” and inserting “2017”.

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

11 (1) implement, administer or enforce section
12 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or
13 668.43(b) of title 34, Code of Federal Regulations
14 (relating to state authorization), as added or amend-
15 ed by the final regulations published by the Depart-
16 ment of Education in the Federal Register on Octo-
17 ber 29, 2010 (75 Fed. Reg. 66832 et. seq.);

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

22 (3) promulgate or enforce any new regulation
23 or rule with respect to the definition or application
24 of the term gainful employment under the Higher

1 Education Act of 1965 on or after the date of enact-
2 ment of this Act;

3 (4) promulgate, implement, administer, or en-
4 force the proposed rule establishing a teacher prepa-
5 ration program accountability system as published
6 by the Department of Education in the Federal Reg-
7 ister on December 3, 2014 (79 Fed. Reg. 71819 et
8 seq.), or any new regulation or rule with respect to
9 a teacher preparation program accountability sys-
10 tem;

11 (5) implement, administer, or enforce the defi-
12 nition of the term credit hour in section 600.2 of
13 title 34, Code of Federal Regulations, as added by
14 the final regulations published by the Department of
15 Education in the Federal Register on October 29,
16 2010 (75 Fed. Reg. 66946) and clauses (i)(A), (ii),
17 and (iii) of subsection (k)(2) of section 668.8 of
18 such title, as amended by such final regulations; or

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

24 SEC. 311. None of the funds appropriated by this Act
25 shall be used to prohibit the imposition of collection costs

1 by guaranty agencies for loans subject to rehabilitation
2 agreements under section 682.405 of the Department of
3 Education’s regulations or to apply to such rehabilitation
4 agreements the requirements on collection costs for repay-
5 ment agreements on terms satisfactory to the guaranty
6 agency under section 682.410 of the Department of Edu-
7 cation’s regulations for periods prior to the issuance of
8 Dear Colleague Letter GEN 15-14 on July 10, 2015.

9 SEC. 312. (a) Section 1 of the Department of Edu-
10 cation Organization Act is amended by striking out the
11 entry for section 204 and inserting “Sec. 204. Office of
12 Early, Elementary, and Secondary Education.”;

13 (b) Section 202(b)(1)(A) of the Department of Edu-
14 cation Organization Act (20 U.S.C. 3412(b)(1)(A)) is
15 amended by striking out “Assistant Secretary for Elemen-
16 tary and Secondary” and inserting “Assistant Secretary
17 for Early, Elementary, and Secondary Education”;

18 (c) Section 204 of the Department of Education Or-
19 ganization Act (20 U.S.C. 3414) is amended—

20 (1) by striking out the heading and inserting
21 “Office of Early, Elementary, and Secondary Edu-
22 cation”;

23 (2) by striking out “Office of Elementary and
24 Secondary Education” each place it appears and in-

1 serting “Office of Early, Elementary, and Secondary
2 Education”;

3 (3) by striking out “Assistant Secretary for El-
4 ementary and Secondary Education” each place it
5 appears and inserting “Assistant Secretary for
6 Early, Elementary, and Secondary Education”; and

7 (4) by striking out “elementary and secondary
8 education” and inserting “early, elementary, and
9 secondary education”; and

10 (d) Section 215 of the Department of Education Or-
11 ganization Act (20 U.S.C. 3423c) is amended—

12 (1) in subsection (b)(1), by striking out “Assist-
13 ant Secretary for Elementary and Secondary” and
14 inserting “Assistant Secretary for Early, Elemen-
15 tary, and Secondary Education”; and

16 (2) in subsection (b)(2)(B), by striking out “Of-
17 fice of Elementary and Secondary Education” and
18 inserting “Office of Early, Elementary, and Sec-
19 ondary Education”.

20 SEC. 313. None of the funds made available by this
21 Act to the Department of Education may be used to with-
22 hold Federal financial assistance to public educational in-
23 stitutions for alleged violations described in the letter
24 dated May 13, 2016, issued jointly by the Department of
25 Justice and the Department of Education, or substantially

1 similar alleged violations, until such violations have been
2 generally recognized by appropriate courts of the United
3 States in final and unappealable judgments (including the
4 exhaustion of or expiration of the time for any appeals),
5 and such alleged violations have been determined by the
6 applicable court to have occurred.

7 This title may be cited as the “Department of Edu-
8 cation Appropriations Act, 2017”.

9 TITLE IV

10 RELATED AGENCIES

11 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

12 BLIND OR SEVERELY DISABLED

13 SALARIES AND EXPENSES

14 For expenses necessary for the Committee for Pur-
15 chase From People Who Are Blind or Severely Disabled
16 established under section 8502 of title 41, United States
17 Code, \$8,597,000: *Provided*, That in order to authorize
18 any central nonprofit agency designated pursuant to sec-
19 tion 8503(e) of title 41, United States Code, to perform
20 contract requirements of the Committee as prescribed
21 under section 51–3.2 of title 41, Code of Federal Regula-
22 tions, the Committee shall enter into a written agreement
23 with any such central nonprofit agency: *Provided further*,
24 That such agreement entered into under the preceding
25 proviso shall contain such auditing, oversight, and report-

1 ing provisions as necessary to implement chapter 85 of
2 title 41, United States Code: *Provided further*, That such
3 agreement shall include the elements listed under this
4 heading in the explanatory statement accompanying Pub-
5 lic Law 114-113: *Provided further*, That a fee may not
6 be charged under section 51–3.5 of title 41, Code of Fed-
7 eral Regulations, unless such fee is under the terms of
8 the written agreement between the Committee and any
9 such central nonprofit agency: *Provided further*, That no
10 less than \$1,000,000 shall be available for the Office of
11 Inspector General.

12 ADMINISTRATIVE PROVISION

13 SEC. 401. Not later than 30 days after the end of
14 each fiscal year quarter, the Committee For Purchase
15 From People Who Are Blind or Severely Disabled shall
16 submit to the Committees on Oversight and Government
17 Reform and Education and the Workforce of the House
18 of Representatives, the Committees on Homeland Security
19 and Governmental Affairs and Health, Education, Labor,
20 and Pensions of the Senate, and the Committees on Ap-
21 propriations of the House of Representatives and the Sen-
22 ate, the reports described under the heading “Committee
23 For Purchase From People Who Are Blind or Severely
24 Disabled—Requested Reports” in the committee report
25 accompanying this Act.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
2 OPERATING EXPENSES

3 For necessary expenses for the Corporation for Na-
4 tional and Community Service (referred to in this title as
5 “CNCS”) to carry out the Domestic Volunteer Service Act
6 of 1973 (referred to in this title as “1973 Act”) and the
7 National and Community Service Act of 1990 (referred
8 to in this title as “1990 Act”), \$787,929,000, notwith-
9 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
10 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
11 amounts provided under this heading: (1) up to 1 percent
12 of program grant funds may be used to defray the costs
13 of conducting grant application reviews, including the use
14 of outside peer reviewers and electronic management of
15 the grants cycle; (2) \$50,000,000 shall be available for
16 expenses to carry out section 198K of the 1990 Act; (3)
17 \$16,038,000 shall be available to provide assistance to
18 State commissions on national and community service,
19 under section 126(a) of the 1990 Act and notwithstanding
20 section 501(a)(5)(B) of the 1990 Act; (4) \$30,000,000
21 shall be available to carry out subtitle E of the 1990 Act;
22 and (5) \$3,800,000 shall be available for expenses author-
23 ized under section 501(a)(4)(F) of the 1990 Act, which,
24 notwithstanding the provisions of section 198P shall be
25 awarded by CNCS on a competitive basis: *Provided fur-*

1 *ther*, That for the purposes of carrying out the 1990 Act,
2 satisfying the requirements in section 122(c)(1)(D) may
3 include a determination of need by the local community:
4 *Provided further*, That not to exceed 20 percent of funds
5 made available under section 198K of the 1990 Act may
6 be used for Social Innovation Fund Pilot Program-related
7 performance-based awards for Pay for Success projects
8 and shall remain available through September 30, 2018:
9 *Provided further*, That, with respect to the previous pro-
10 viso, any funds obligated for such projects shall remain
11 available for disbursement until expended, notwith-
12 standing 31 U.S.C. 1552(a): *Provided further*, That any
13 funds deobligated from projects under section 198K of the
14 1990 Act shall immediately be available for activities au-
15 thorized under section 198K of such Act.

16 PAYMENT TO THE NATIONAL SERVICE TRUST
17 (INCLUDING TRANSFER OF FUNDS)

18 For payment to the National Service Trust estab-
19 lished under subtitle D of title I of the 1990 Act,
20 \$205,792,000, to remain available until expended: *Pro-*
21 *vided*, That CNCS may transfer additional funds from the
22 amount provided within “Operating Expenses” allocated
23 to grants under subtitle C of title I of the 1990 Act to
24 the National Service Trust upon determination that such
25 transfer is necessary to support the activities of national

1 service participants and after notice is transmitted to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate: *Provided further*, That amounts ap-
4 propriated for or transferred to the National Service Trust
5 may be invested under section 145(b) of the 1990 Act
6 without regard to the requirement to apportion funds
7 under 31 U.S.C. 1513(b).

8 SALARIES AND EXPENSES

9 For necessary expenses of administration as provided
10 under section 501(a)(5) of the 1990 Act and under section
11 504(a) of the 1973 Act, including payment of salaries, au-
12 thorized travel, hire of passenger motor vehicles, the rental
13 of conference rooms in the District of Columbia, the em-
14 ployment of experts and consultants authorized under 5
15 U.S.C. 3109, and not to exceed \$2,500 for official recep-
16 tion and representation expenses, \$81,737,000.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the Inspector General Act of 1978,
20 \$6,300,000.

21 ADMINISTRATIVE PROVISIONS

22 SEC. 402. CNCS shall make any significant changes
23 to program requirements, service delivery or policy only
24 through public notice and comment rulemaking. For fiscal
25 year 2017, during any grant selection process, an officer

1 or employee of CNCS shall not knowingly disclose any cov-
2 ered grant selection information regarding such selection,
3 directly or indirectly, to any person other than an officer
4 or employee of CNCS that is authorized by CNCS to re-
5 ceive such information.

6 SEC. 403. AmeriCorps programs receiving grants
7 under the National Service Trust program shall meet an
8 overall minimum share requirement of 24 percent for the
9 first 3 years that they receive AmeriCorps funding, and
10 thereafter shall meet the overall minimum share require-
11 ment as provided in section 2521.60 of title 45, Code of
12 Federal Regulations, without regard to the operating costs
13 match requirement in section 121(e) or the member sup-
14 port Federal share limitations in section 140 of the 1990
15 Act, and subject to partial waiver consistent with section
16 2521.70 of title 45, Code of Federal Regulations.

17 SEC. 404. Donations made to CNCS under section
18 196 of the 1990 Act for the purposes of financing pro-
19 grams and operations under titles I and II of the 1973
20 Act or subtitle B, C, D, or E of title I of the 1990 Act
21 shall be used to supplement and not supplant current pro-
22 grams and operations.

23 SEC. 405. In addition to the requirements in section
24 146(a) of the 1990 Act, use of an educational award for
25 the purpose described in section 148(a)(4) shall be limited

1 to individuals who are veterans as defined under section
2 101 of the Act.

3 SEC. 406. For the purpose of carrying out section
4 189D of the 1990 Act—

5 (1) entities described in paragraph (a) of such
6 section shall be considered “qualified entities” under
7 section 3 of the National Child Protection Act of
8 1993 (“NCPA”); and

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

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

17 CORPORATION FOR PUBLIC BROADCASTING

18 For payment to the Corporation for Public Broad-
19 casting (“CPB”), as authorized by the Communications
20 Act of 1934, an amount which shall be available within
21 limitations specified by that Act, for the fiscal year 2019,
22 \$445,000,000: *Provided*, That none of the funds made
23 available to CPB by this Act shall be used to pay for re-
24 ceptions, parties, or similar forms of entertainment for
25 Government officials or employees: *Provided further*, That

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

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

16 FEDERAL MEDIATION AND CONCILIATION SERVICE

17 SALARIES AND EXPENSES

18 For expenses necessary for the Federal Mediation
19 and Conciliation Service (“Service”) to carry out the func-
20 tions vested in it by the Labor-Management Relations Act,
21 1947, including hire of passenger motor vehicles; for ex-
22 penses necessary for the Labor-Management Cooperation
23 Act of 1978; and for expenses necessary for the Service
24 to carry out the functions vested in it by the Civil Service
25 Reform Act, \$46,488,000, including up to \$750,000 to re-

1 main available through September 30, 2018, for activities
2 authorized by the Labor-Management Cooperation Act of
3 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
4 fees charged, up to full-cost recovery, for special training
5 activities and other conflict resolution services and tech-
6 nical assistance, including those provided to foreign gov-
7 ernments and international organizations, and for arbitra-
8 tion services shall be credited to and merged with this ac-
9 count, and shall remain available until expended: *Provided*
10 *further*, That fees for arbitration services shall be available
11 only for education, training, and professional development
12 of the agency workforce: *Provided further*, That the Direc-
13 tor of the Service is authorized to accept and use on behalf
14 of the United States gifts of services and real, personal,
15 or other property in the aid of any projects or functions
16 within the Director's jurisdiction.

17 FEDERAL MINE SAFETY AND HEALTH REVIEW

18 COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary for the Federal Mine Safety
21 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, \$230,000,000.

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, \$7,000,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$12,000,000, 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 \$215,000,000: *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 SEC. 408. None of the funds made available by this
4 Act may be used to implement or enforce any rule amend-
5 ing parts 101, 102, and 103 of title 29, Code of Federal
6 Regulations (relating to the filing and processing of peti-
7 tions pursuant to the representation of employees for the
8 purposes of collective bargaining with their employer), in-
9 cluding the final rule published by the National Labor Re-
10 lations Board in the Federal Register on December 15,
11 2014 (79 Fed. Reg. 74308).

12 SEC. 409. (a) None of the funds made available by
13 this Act may be used to enforce the National Labor Rela-
14 tions Act (29 U.S.C. 152) against any Indian tribe, includ-
15 ing any enterprise or institution owned and operated by
16 an Indian tribe and located on its Indian lands.

17 (b) For purposes of this section—

18 (1) the term “Indian tribe” means any Indian
19 tribe, band, nation, pueblo, Native Alaskan group, or
20 other organized group or community which is recog-
21 nized as eligible for the special programs and serv-
22 ices provided by the United States to Indians be-
23 cause of their status as Indians;

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

1 (3) the term “Indian lands’” means—

2 (A) all lands within the limits of any In-
3 dian reservation;

4 (B) any lands title to which is either held
5 in trust by the United States for the benefit of
6 any Indian tribe or individual or held by any
7 Indian tribe or individual subject to restriction
8 by the United States against alienation; and

9 (C) any lands in the State of Oklahoma
10 that are within the boundaries of a former res-
11 ervation (as defined by the Secretary of the In-
12 terior) of a federally recognized Indian tribe.

13 SEC. 410. None of the funds made available by this
14 Act may be used to investigate, issue, enforce or litigate
15 any administrative directive, regulation, representation
16 issue or unfair labor practice proceeding or any other ad-
17 ministrative complaint, charge, claim or proceeding that
18 would change the interpretation or application of the
19 standard to determine whether entities are “joint employ-
20 ers” in effect as of January 1, 2014.

21 SEC. 411. None of the funds in this Act may be used
22 to implement, create, apply or enforce through prosecu-
23 tion, adjudication, rulemaking, or the issuing of any inter-
24 pretation, opinion, certification, decision or policy, any
25 standard for initial bargaining unit determinations that

1 conflicts with the standard articulated in the majority
2 opinion in *Wheeling Island Gaming Inc. and United Food*
3 *and Commercial Workers International Union, Local 23,*
4 *355 NLRB 127* (August 27, 2010) (including but not lim-
5 ited to the majority opinion in footnote 2), except for unit
6 determinations currently governed by section 103.30 of
7 title 34, Code of Federal Regulations for employers cur-
8 rently covered by such rules. Further, no funds in this
9 Act shall be used to implement, create, apply or enforce
10 through prosecution, adjudication, rulemaking, or the
11 issuing of any interpretation, opinion, certification, deci-
12 sion or policy, any standard for initial bargaining unit de-
13 terminations that utilize the overwhelming community of
14 interest test except in accretion cases.

15 NATIONAL MEDIATION BOARD

16 SALARIES AND EXPENSES

17 For expenses necessary to carry out the provisions
18 of the Railway Labor Act, including emergency boards ap-
19 pointed by the President, \$13,300,000.

20 OCCUPATIONAL SAFETY AND HEALTH REVIEW

21 COMMISSION

22 SALARIES AND EXPENSES

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

1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNT

3 For payment to the Dual Benefits Payments Ac-
4 count, authorized under section 15(d) of the Railroad Re-
5 tirement Act of 1974, \$25,000,000, which shall include
6 amounts becoming available in fiscal year 2017 pursuant
7 to section 224(e)(1)(B) of Public Law 98–76; and in addi-
8 tion, an amount, not to exceed 2 percent of the amount
9 provided herein, shall be available proportional to the
10 amount by which the product of recipients and the average
11 benefit received exceeds the amount available for payment
12 of vested dual benefits: *Provided*, That the total amount
13 provided herein shall be credited in 12 approximately
14 equal amounts on the first day of each month in the fiscal
15 year.

16 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
17 ACCOUNTS

18 For payment to the accounts established in the
19 Treasury for the payment of benefits under the Railroad
20 Retirement Act for interest earned on unnegotiated
21 checks, \$150,000, to remain available through September
22 30, 2018, which shall be the maximum amount available
23 for payment pursuant to section 417 of Public Law 98–
24 76.

1 LIMITATION ON ADMINISTRATION

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

15 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

16 For expenses necessary for the Office of Inspector
17 General for audit, investigatory and review activities, as
18 authorized by the Inspector General Act of 1978, not more
19 than \$8,437,000, to be derived from the railroad retire-
20 ment accounts and railroad unemployment insurance ac-
21 count.

22 SOCIAL SECURITY ADMINISTRATION

23 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

24 For payment to the Federal Old-Age and Survivors
25 Insurance Trust Fund and the Federal Disability Insur-

1 ance Trust Fund, as provided under sections 201(m) and
2 1131(b)(2) of the Social Security Act, \$11,400,000.

3 SUPPLEMENTAL SECURITY INCOME PROGRAM

4 For carrying out titles XI and XVI of the Social Se-
5 curity Act, section 401 of Public Law 92–603, section 212
6 of Public Law 93–66, as amended, and section 405 of
7 Public Law 95–216, including payment to the Social Secu-
8 rity trust funds for administrative expenses incurred pur-
9 suant to section 201(g)(1) of the Social Security Act,
10 \$43,162,469,000, to remain available until expended: *Pro-*
11 *vided*, That any portion of the funds provided to a State
12 in the current fiscal year and not obligated by the State
13 during that year shall be returned to the Treasury: *Pro-*
14 *vided further*, That not more than \$58,000,000 shall be
15 available for research and demonstrations under sections
16 1110, 1115, and 1144 of the Social Security Act, and re-
17 main available through September 30, 2019.

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

22 For making benefit payments under title XVI of the
23 Social Security Act for the first quarter of fiscal year
24 2018, \$15,000,000,000, to remain available until ex-
25 pended.

1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$20,000 for offi-
4 cial reception and representation expenses, not more than
5 \$10,348,945,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act, from any one
7 or all of the trust funds referred to in such section: *Pro-*
8 *vided*, That not less than \$2,300,000 shall be for the So-
9 cial Security Advisory Board: *Provided further*, That unob-
10 ligated balances of funds provided under this paragraph
11 at the end of fiscal year 2017 not needed for fiscal year
12 2017 shall remain available until expended to invest in the
13 Social Security Administration information technology
14 and telecommunications hardware and software infra-
15 structure, including related equipment and administrative
16 expenses associated with information technology and tele-
17 communications infrastructure: *Provided further*, That the
18 Commissioner of Social Security shall notify the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate prior to making unobligated balances
21 available under the authority in the previous proviso: *Pro-*
22 *vided further*, That reimbursement to the trust funds
23 under this heading for expenditures for official time for
24 employees of the Social Security Administration pursuant
25 to 5 U.S.C. 7131, and for facilities or support services

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

7 In addition, for the costs associated with continuing
8 disability reviews under titles II and XVI of the Social
9 Security Act, including work related continuing disability
10 reviews to determine whether earnings derived from serv-
11 ices demonstrate an individual's ability to engage in sub-
12 stantial gainful activity for the cost associated with con-
13 ducting redeterminations of eligibility under title XVI of
14 the Social Security Act, for the cost of co-operative dis-
15 ability investigations units, and for the cost associated
16 with the Special Assistant United States Attorneys pro-
17 gram which helps prosecute fraud cases in the programs
18 and operations of the Social Security Administration,
19 \$1,426,000,000 may be expended, as authorized by sec-
20 tion 201(g)(1) of the Social Security Act, from any one
21 or all of the trust funds referred to therein: *Provided,*
22 That, of such amount, \$273,000,000 is provided to meet
23 the terms of section 251(b)(2)(B)(ii)(III) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985, as
25 amended, and \$1,153,000,000 is additional new budget

1 authority specified for purposes of section 251(b)(2)(B)
2 of such Act: *Provided further*, That the Commissioner
3 shall provide to the Congress (at the conclusion of the fis-
4 cal year) a report on the obligation and expenditure of
5 these funds, similar to the reports that were required by
6 section 103(d)(2) of Public Law 104–121 for fiscal years
7 1996 through 2002.

8 In addition, \$123,000,000 to be derived from admin-
9 istration fees in excess of \$5.00 per supplementary pay-
10 ment collected pursuant to section 1616(d) of the Social
11 Security Act or section 212(b)(3) of Public Law 93–66,
12 which shall remain available until expended. To the extent
13 that the amounts collected pursuant to such sections in
14 fiscal year 2017 exceed \$123,000,000, the amounts shall
15 be available in fiscal year 2018 only to the extent provided
16 in advance in appropriations Acts.

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

21 OFFICE OF INSPECTOR GENERAL
22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses necessary for the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, \$29,787,000, together with not to

1 exceed \$75,713,000, to be transferred and expended as
2 authorized by section 201(g)(1) of the Social Security Act
3 from the Federal Old-Age and Survivors Insurance Trust
4 Fund and the Federal Disability Insurance Trust Fund.

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

14 TITLE V

15 GENERAL PROVISIONS

16 (TRANSFER OF FUNDS)

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

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

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

20 (b) No part of any appropriation contained in this
21 Act or transferred pursuant to section 4002 of Public Law
22 111–148 shall be used to pay the salary or expenses of
23 any grant or contract recipient, or agent acting for such
24 recipient, related to any activity designed to influence the
25 enactment of legislation, appropriations, regulation, ad-

1 ministrative action, or Executive order proposed or pend-
2 ing before the Congress or any State government, State
3 legislature or local legislature or legislative body, other
4 than for normal and recognized executive-legislative rela-
5 tionships or participation by an agency or officer of a
6 State, local or tribal government in policymaking and ad-
7 ministrative processes within the executive branch of that
8 government.

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

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

1 tional Mediation Board is authorized to make available for
2 official reception and representation expenses not to ex-
3 ceed \$5,000 from funds available for “National Mediation
4 Board, Salaries and Expenses”.

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

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

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

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

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

24 (b) None of the funds appropriated in this Act, and
25 none of the funds in any trust fund to which funds are

1 appropriated in this Act, shall be expended for health ben-
2 efits coverage that includes coverage of abortion.

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

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

9 (1) if the pregnancy is the result of an act of
10 rape or incest; or

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

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

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

1 vider for such coverage with State funds (other than a
2 State's or locality's contribution of Medicaid matching
3 funds).

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

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

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

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

21 (2) research in which a human embryo or em-
22 bryos are destroyed, discarded, or knowingly sub-
23 jected to risk of injury or death greater than that
24 allowed for research on fetuses in utero under 45

1 CFR 46.204(b) and section 498(b) of the Public
2 Health Service Act (42 U.S.C. 289g(b)).

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

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

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

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

1 ual's capacity as an employer or a health care provider),
2 until legislation is enacted specifically approving the
3 standard.

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

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

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

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

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

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

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

11 (1) creates new programs;

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

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

16 (4) relocates an office or employees;

17 (5) reorganizes or renames offices;

18 (6) reorganizes programs or activities; or

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

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

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

3 (b) None of the funds provided under this Act, or
4 provided under previous appropriations Acts to the agen-
5 cies funded by this Act that remain available for obligation
6 or expenditure in fiscal year 2017, or provided from any
7 accounts in the Treasury of the United States derived by
8 the collection of fees available to the agencies funded by
9 this Act, shall be available for obligation or expenditure
10 through a reprogramming of funds in excess of \$500,000
11 or 10 percent, whichever is less, that—

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

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

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

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

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

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

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

13 SEC. 516. Within 45 days of enactment of this Act,
14 each department and related agency funded through this
15 Act shall submit an operating plan that details at the pro-
16 gram, project, and activity level any funding allocations
17 for fiscal year 2017 that are different than those specified
18 in this Act, the accompanying detailed table in the com-
19 mittee report accompanying this Act, or the fiscal year
20 2017 budget request.

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

1 ments exceeding \$500,000 in value and awarded by the
2 Department on a non-competitive basis during each quar-
3 ter of fiscal year 2017, but not to include grants awarded
4 on a formula basis or directed by law. Such report shall
5 include the name of the contractor or grantee, the amount
6 of funding, the governmental purpose, including a jus-
7 tification for issuing the award on a non-competitive basis.
8 Such report shall be transmitted to the Committees within
9 30 days after the end of the quarter for which the report
10 is submitted.

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

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

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

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

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

23 (b) Nothing in subsection (a) shall limit the use of
24 funds necessary for any Federal, State, tribal, or local law

1 enforcement agency or any other entity carrying out crimi-
2 nal investigations, prosecution, or adjudication activities.

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

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

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

15 (2) attendance at and support for scientific con-
16 ferences shall be tabulated separately from and not
17 included in agency totals.

18 SEC. 524. Federal agencies funded under this Act
19 shall clearly state within the text, audio, or video used for
20 advertising or educational purposes, including emails or
21 Internet postings, that the communication is printed, pub-
22 lished, or produced and disseminated at U.S. taxpayer ex-
23 pense. The funds used by a Federal agency to carry out
24 this requirement shall be derived from amounts made
25 available to the agency for advertising or other commu-

1 nications regarding the programs and activities of the
2 agency.

3 SEC. 525. Not later than 30 days after the end of
4 each calendar quarter, beginning with the first quarter of
5 fiscal year 2013, the Departments of Labor, Health and
6 Human Services and Education and the Social Security
7 Administration shall provide the Committees on Appro-
8 priations of the House of Representatives and Senate a
9 quarterly report on the status of balances of appropria-
10 tions: *Provided*, That for balances that are unobligated
11 and uncommitted, committed, and obligated but unex-
12 pended, the quarterly reports shall separately identify the
13 amounts attributable to each source year of appropriation
14 (beginning with fiscal year 2012, or, to the extent feasible,
15 earlier fiscal years) from which balances were derived.

16 SEC. 526. None of the funds made available in this
17 Act may be used to implement, administer, enforce, or fur-
18 ther any provision of Public Law 111–148 or title I or
19 subtitle B of title II of Public Law 111–152 and the
20 amendment made by such provision: *Provided*, That funds
21 in this Act may be used to implement, administer, enforce,
22 or further the rate setting process for calendar year 2017
23 and fiscal year 2018 for Medicare under title XVIII of
24 the Social Security Act: *Provided further*, That funds in
25 this Act may be used to implement, administer, enforce,

1 or further the final rules for the provisions of (and amend-
2 ments made by) sections 2501(c), 2501(d), and 2503 of
3 Public Law 111–148, as amended by sections 1206(a) and
4 1101(c) of Public Law 111–152, insofar as each respective
5 rule relates to calendar year 2017.

6 (RESCISSION)

7 SEC. 527. Of the funds made available for fiscal year
8 2017 [for the Independent Payment Advisory Board]
9 under section 3403 of Public Law 111–148, \$15,000,000
10 are rescinded.

11 (RESCISSION)

12 SEC. 528. Of the funds made available [for the Cen-
13 ter for Medicare & Medicaid Innovation] under section
14 3021(a) of Public Law 111–148, \$7,000,000,000 is re-
15 scinded.

16 (RESCISSION)

17 SEC. 529. Of the funds made available for fiscal year
18 2017 [for the Patient-Centered Outcomes Research Trust
19 Fund] under section 6301(e) of Public Law 111–148,
20 \$150,000,000 is rescinded.

21 (RESCISSION)

22 SEC. 530. Amounts deposited in the Child Enroll-
23 ment Contingency Fund from the appropriation to the
24 Fund for the first semi-annual allotment period for fiscal
25 year 2017 under section 2104(n)(2)(A)(ii) of the Social

1 Security Act and the income derived from investment of
2 those funds pursuant to 2104(n)(2)(C) of that Act, shall
3 not be available for obligation in this fiscal year.

4 (RESCISSION)

5 SEC. 531. Of any available amounts appropriated
6 under section 108 of Public Law 111-3, as amended,
7 \$541,900,000 are hereby rescinded.

8 (RESCISSION)

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

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

14 (b) FINDINGS.—Congress finds the following:

15 (1) As Thomas Jefferson declared to New Lon-
16 don Methodists in 1809, “[n]o provision in our Con-
17 stitution ought to be dearer to man than that which
18 protects the rights of conscience against the enter-
19 prises of the civil authority”.

20 (2) Jefferson’s conviction on respect for con-
21 science is deeply embedded in the history and tradi-
22 tions of our Nation, and codified in numerous Fed-
23 eral laws approved by congressional majorities and
24 Presidents of both parties, including in the Public
25 Health Service Act; the United States Leadership

1 Against HIV/AIDS, Tuberculosis, and Malaria Act;
2 the Religious Freedom Restoration Act; long-
3 standing provisions on respect for conscience rights
4 in the Federal Employees Health Benefits Program
5 and District of Columbia appropriations; and laws to
6 protect individuals from being forced to participate
7 in Federal executions or prosecutions.

8 (3) Following enactment of the Patient Protec-
9 tion and Affordable Care Act (Public Law 111–148,
10 in this section referred to as “PPACA”), the Fed-
11 eral Government has sought to impose specific re-
12 quirements that infringe on the rights of conscience
13 of those who offer or purchase health coverage.

14 (4) While PPACA provides an exemption for
15 some religious groups that object to participation in
16 health insurance generally, and exempts millions of
17 Americans from most of the Act’s provisions, includ-
18 ing the preventive services mandate, it fails to pro-
19 vide statutory protection for those seeking to offer
20 and purchase health coverage who have a religious
21 or moral objection only to specific items or services.

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

1 (6) Conscience rights protections for health care
2 providers are an important part of civil rights pro-
3 tections in Federal law and are indispensable to the
4 continued viability of the health care system in the
5 United States. The increasingly significant discrimi-
6 nation suffered by faith-based nonprofit health care
7 providers risks undermining access to high-quality
8 compassionate care for some of the most vulnerable
9 populations in our country.

10 (c) APPLYING LONGSTANDING POLICY ON CON-
11 SCIENCE RIGHTS TO THE AFFORDABLE CARE ACT.—

12 (1) IN GENERAL.—Title I of the Patient Pro-
13 tection and Affordable Care Act (Public Law 111-
14 148) is amended—

15 (A) by redesignating the second section
16 1563 (relating to conforming amendments and
17 as redesignated by section 10107(b)(1) of the
18 Patient Protection and Affordable Care Act) as
19 section 1564;

20 (B) by redesignating the third section
21 1563 (relating to the Sense of the Senate pro-
22 moting fiscal responsibility) as section 1565;
23 and

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

1 **“SEC. 1566. RESPECTING CONSCIENCE RIGHTS IN HEALTH**
2 **CARE COVERAGE.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
4 vision of this title, no provision of this title (and no amend-
5 ment made by any such provision) shall—

6 “(1) require an individual to purchase indi-
7 vidual health insurance coverage that includes cov-
8 erage of an abortion or other item or service to
9 which such individual has a moral or religious objec-
10 tion, or prevent an issuer from offering or issuing,
11 to such individual, individual health insurance cov-
12 erage that excludes such item or service;

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

25 “(3) require an issuer of health insurance cov-
26 erage or the sponsor of a group health plan to in-

1 clude, in any such coverage or plan, coverage of an
2 abortion or other item or service to which such
3 issuer or sponsor has a moral or religious objection;
4 or

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

11 “(b) RESTRICTION ON CONTRARY GOVERNMENTAL
12 ACTION.—No provision in this title (or amendment made
13 by such provision) or law, regulation, guideline or other
14 governmental action that implements such provision or
15 amendment, or derives its authority therefrom, shall be
16 given legal effect to the extent that it violates this section.

17 “(c) NO EFFECT ON OTHER LAWS.—Nothing in this
18 section shall be construed to preempt, modify, or otherwise
19 have any effect on—

20 “(1) the Civil Rights Act of 1964;

21 “(2) the Americans with Disabilities Act of
22 1990;

23 “(3) the Pregnancy Discrimination Act of 1978;

24 “(4) the Mental Health Parity Act of 1996; or

1 “(5) any other State or Federal law, other than
2 a provision in this title (or an amendment made by
3 such provision) or a law, regulation, guideline or
4 other governmental action that implements such pro-
5 vision or amendment or derives its authority there-
6 from.

7 “(d) AGGREGATE ACTUARIAL VALUE.—Nothing in
8 this section shall be construed to prohibit the Secretary
9 from issuing regulations or other guidance to ensure that
10 health insurance coverage or group health plans excluding
11 abortion or other items or services under this section shall
12 have an aggregate actuarial value at least equivalent to
13 that of health insurance coverage or group health plans
14 at the same level of coverage that do not exclude such
15 items or services.

16 “(e) CONTINUED APPLICATION OF NONDISCRIMINA-
17 TION RULES.—Nothing in this section shall be construed
18 to permit a health insurance issuer, group health plan, or
19 other health care provider to act in a manner inconsistent
20 with subparagraph (B) or (D) of section 1302(b)(4).”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents of the Patient Protection and Affordable Care
23 Act (Public Law 111–148) is amended—

24 (A) by striking the following items:

 “1563. Conforming amendments.

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

1 and

2 (B) by inserting after the item relating to
3 the section 1563 relating to small business pro-
4 curement the following items:

“1564. Conforming amendments.

“1565. Sense of the Senate promoting fiscal responsibility.

“1566. Respecting conscience rights in health coverage.”.

5 (d) **NONDISCRIMINATION FOR HEALTH CARE PRO-**
6 **VIDERS.**—Section 245 of the Public Health Service Act
7 (42 U.S.C. 238n) is amended—

8 (1) in the section heading, by striking “**AND**
9 **LICENSING OF PHYSICIANS**” and inserting “**, LI-**
10 **CENSING, AND PRACTICE OF PHYSICIANS AND**
11 **OTHER HEALTH CARE ENTITIES**”;

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

14 “(1) the entity refuses—

15 “(A) to undergo training in the perform-
16 ance of induced abortions;

17 “(B) to require or provide such training;

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

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

22 (3) in subsection (b)(1), by striking “stand-
23 ards” and inserting “standard”;

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

3 “(1) The term ‘financial assistance’, with re-
4 spect to a government program, means governmental
5 payments to cover the cost of health care services or
6 benefits, or other Federal payments, grants, or loans
7 to promote or otherwise facilitate health-related ac-
8 tivities.

9 “(2) The term ‘health care entity’ includes an
10 individual physician or other health professional, a
11 postgraduate physician training program, a partici-
12 pant in a program of training in the health profes-
13 sions, a hospital, a provider-sponsored organization
14 as defined in section 1855(d) of the Social Security
15 Act, a health maintenance organization, an account-
16 able care organization, an issuer of health insurance
17 coverage, any other kind of health care facility, orga-
18 nization, or plan, and an entity that provides or au-
19 thorizes referrals for health care services.”;

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

22 “(4) The term ‘State or local government that
23 receives Federal financial assistance’ includes any
24 agency or other governmental unit of a State or

1 local government if such government receives Fed-
2 eral financial assistance.”;

3 (6) by redesignating subsection (c) as sub-
4 section (d); and

5 (7) by inserting after subsection (b) the fol-
6 lowing new subsection:

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

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

15 “(2) to pursue the investigation of such com-
16 plaints, in coordination with the Attorney General.”.

17 (e) REMEDIES FOR VIOLATIONS OF FEDERAL CON-
18 SCIENCE LAWS.—Title II of the Public Health Service Act
19 (42 U.S.C. 202 et seq.) is amended by inserting after sec-
20 tion 245 the following:

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

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

25 “(b) DEFINITIONS.—In this section—

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

2 “(A) the Attorney General; or

3 “(B) any person or entity adversely af-
4 fected by the designated violation; and

5 “(2) the term ‘designated violation’ means an
6 actual or threatened violation of section 245 of this
7 Act, section 1566 of the Patient Protection and Af-
8 fordable Care Act, or any of subsections (b) through
9 (e) of section 401 of the Health Programs Extension
10 Act of 1973.

11 “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—
12 An action under this section may be commenced, and relief
13 may be granted, without regard to whether the party com-
14 mencing the action has sought or exhausted available ad-
15 ministrative remedies.

16 “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-
17 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL
18 AS OTHERS.—

19 “(1) IN GENERAL.—An action under this sec-
20 tion may be maintained against, among others, a
21 party that is a Federal or State governmental entity.
22 Relief in an action under this section may include
23 money damages even if the defendant is such a gov-
24 ernmental entity.

1 “(2) DEFINITION.—For the purposes of this
2 subsection, the term ‘State governmental entity’
3 means a State, a local government within a State,
4 or any agency or other governmental unit or author-
5 ity of a State or of such a local government.

6 “(e) NATURE OF RELIEF.—The court shall grant—

7 “(1) all necessary equitable and legal relief, in-
8 cluding, where appropriate, declaratory relief and
9 compensatory damages, to prevent the occurrence,
10 continuance, or repetition of the designated violation
11 and to compensate for losses resulting from the des-
12 ignated violation; and

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

16 SPENDING REDUCTION ACCOUNT

17 SEC. 534. The amount by which the applicable alloca-
18 tion of new budget authority made by the Committee on
19 Appropriations of the House of Representatives under sec-
20 tion 302(b) of the Congressional Budget Act of 1974 ex-
21 ceeds the amount of proposed new budget authority is \$0.

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

[FULL COMMITTEE PRINT]

Union Calendar No. _____

114TH CONGRESS
2^D SESSION

H. R. _____

[Report No. 114-_____] _____

A BILL

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

, 2016

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