[FULL COMMITTEE PRINT]

Union Calendar No. ____

115TH CONGRESS 2D SESSION

H. R. ________

[Report No. 115--____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2018

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2019, and for other purposes, namely:

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as “WIOA”), and the Second Chance Act of 2007, $3,474,341,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,789,832,000 as follows:

(A) $845,556,000 for adult employment and training activities, of which $133,556,000 shall be available for the period July 1, 2019 through June 30, 2020, and of which
$712,000,000 shall be available for the period October 1, 2019 through June 30, 2020;

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

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

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act: Provided further, That section 189(i)(3)(A)(ii) of the WIOA shall be applied in fiscal year 2019 by striking “of sections 8 through 10” and “(29 U.S.C. 49g through 49i)”, and by inserting “the colocation of employment service offices with one-stop centers, the designation of a cooperating State agency, the establishment and maintenance of a national system of public employment service offices” after “veterans,”; and
(2) for national programs, $684,509,000 as follows:

(A) $200,000,000 for the dislocated workers assistance national reserve, which shall be available through September 30, 2020: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That of the funds provided under this subparagraph, $30,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of
the WIOA for workers in counties identified by
the most recent United States Census Bureau
data available as having poverty rates for all
ages above 30 percent;

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

(C) $87,896,000 for migrant and seasonal
farmworker programs under section 167 of the
WIOA, including $81,447,000 for formula
grants (of which not less than 70 percent shall
be for employment and training services),
$5,922,000 for migrant and seasonal housing
(of which not less than 70 percent shall be for
permanent housing), and $527,000 for other
discretionary purposes, which shall be available
for the period July 1, 2019 through June 30,
2020: Provided, That notwithstanding any
other provision of law or related regulation, the
Department of Labor shall take no action lim-
iting the number or proportion of eligible par-
ticipants receiving related assistance services or
discouraging grantees from providing such serv-
ices;
(D) $92,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2019 through June 30, 2020;

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

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

(G) $150,000,000 to expand apprenticeship opportunities, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate
entities, which shall be available for the period April 1, 2019 through June 30, 2020.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, $1,718,655,000, plus reimbursements, as follows:

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

(2) $83,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2019 through June 30, 2022, and which may include the acquisition, maintenance, and repair of major items of equipment: Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2020: Pro-
vided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

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

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

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

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

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2019 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act
of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, $790,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2019: Provided, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $84,066,000, together with not to exceed $3,176,216,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which:
(1) $2,515,816,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $150,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and to provide reemployment services and referrals to training as appropriate, for claimants of unemployment insurance for ex-service members under 5 U.S.C. 8521 et. seq. and for claimants of regular unemployment compensation, including those who are profiled as most likely to exhaust their benefits in each State: Provided, That of the amount provided under this heading, $117,000,000 is provided to meet the terms of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $33,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(E) of such Act; and $9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade read-
justment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2019, except that funds used for automation shall be available for Federal obligation through December 31, 2019, and for State obligation through September 30, 2021, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2024, and for expenditure through September 30, 2025, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2019, and for obligation by the States through September 30, 2021, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2020, and
funds used for unemployment insurance workloads experienced through September 30, 2019 shall be available for Federal obligation through December 31, 2019;

(2) $13,897,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $564,375,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2019 through June 30, 2020: Provided, That notwithstanding the funding allocation in section 7 of the Wagner-Peyser Act, States may use up to 100 percent of the funds allotted to the State under section 6 of such Act to carry out the activities described in section 7(a) of such Act;

(4) $19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;
(5) $62,310,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $48,028,000 shall be available for the Federal administration of such activities, and $14,282,000 shall be available for grants to States for the administration of such activities; and

(6) $62,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2019 through June 30, 2020:

Provided, That to the extent that the Average Weekly Insured Unemployment (“AWIU”) for fiscal year 2019 is projected by the Department of Labor to exceed 2,030,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in
carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the Unemployment Insurance Integrity Center of Excellence: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: Provided further, That States awarded competitive grants for improved operations under title III
of the Social Security Act, or awarded grants to support
the national activities of the Federal-State unemployment
insurance system, may award subgrants to other States
and non-State entities under such grants, subject to the
conditions applicable to the grants: Provided further, That
funds appropriated under this Act for activities authorized
under title III of the Social Security Act and the Wagner-
Peyser Act may be used by States to fund integrated Un-
employment Insurance and Employment Service automa-
tion efforts, notwithstanding cost allocation principles pre-
scribed under the final rule entitled “Uniform Administra-
tive Requirements, Cost Principles, and Audit Require-
ments for Federal Awards” at part 200 of title 2, Code
of Federal Regulations: Provided further, That the Sec-
retary, at the request of a State participating in a consor-
tium with other States, may reallocate funds allotted to such
State under title III of the Social Security Act to other
States participating in the consortium or to the entity op-
erating the Unemployment Insurance Information Tech-
nology Support Center in order to carry out activities that
benefit the administration of the unemployment com-
pensation law of the State making the request: Provided
further, That the Secretary may collect fees for the costs
associated with additional data collection, analyses, and
reporting services relating to the National Agricultural
Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2020, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2020.

PROGRAM ADMINISTRATION

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

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

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

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (“Cor-
poration”) is authorized to make such expenditures, in-
cluding financial assistance authorized by subtitle E of
title IV of the Employee Retirement Income Security Act
of 1974, within limits of funds and borrowing authority
available to the Corporation, and in accord with law, and
to make such contracts and commitments without regard
to fiscal year limitations, as provided by 31 U.S.C. 9104,
as may be necessary in carrying out the program, includ-
ing associated administrative expenses, through Sep-
tember 30, 2019, for the Corporation: Provided, That
none of the funds available to the Corporation for fiscal
year 2019 shall be available for obligations for administra-
tive expenses in excess of $445,363,000: Provided further,

That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2019, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2020, for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $225,500,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $42,187,000.
Office of Federal Contract Compliance

Programs

Salaries and Expenses

For necessary expenses for the Office of Federal Contract Compliance Programs, $99,476,000.

Office of Workers’ Compensation Programs

Salaries and Expenses

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

Special Benefits

(including transfer of funds)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the
Longshore and Harbor Workers’ Compensation Act, $230,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees’ Compensation Fund established under 5 U.S.C. 8147(a): Provided, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2018, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(e) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2019: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees’
Compensation Act, $74,777,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $24,540,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $22,968,000;

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

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

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

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

SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
OCCUPATIONAL ILLNESS COMPENSATION FUND

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

BLACK LUNG DISABILITY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung
Disability Trust Fund (the “Fund”), to remain available
until expended, for payment of all benefits authorized by
section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
ue Code of 1986; and repayment of, and payment of
interest on advances, as authorized by section 9501(d)(4)
of that Act. In addition, the following amounts may be
expended from the Fund for fiscal year 2019 for expenses
of operation and administration of the Black Lung Bene-
fits program, as authorized by section 9501(d)(5): not to exceed $38,246,000 for transfer to the Office of Workers’ Compensation Programs, “Salaries and Expenses”; not to exceed $31,994,000 for transfer to Departmental Management, “Salaries and Expenses”; not to exceed $330,000 for transfer to Departmental Management, “Office of Inspector General”; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $545,250,000, including not to exceed $100,850,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the “Act”), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and
Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2019, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (“DART”) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of
Labor Statistics, in accordance with section 24 of the Act,
except —

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

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

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

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

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

(6) to take any action authorized by the Act
with respect to complaints of discrimination against
employees for exercising rights under the Act:
Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,500,000 shall be for Voluntary Protection Programs.

Mine Safety and Health Administration

Salaries and Expenses

For necessary expenses for the Mine Safety and Health Administration, $367,589,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: Provided, That amounts available for State assistance grants may be used for the purchase and maintenance of new equipment required by the final rule entitled “Lowering Miners’ Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors” published by the Department of Labor in the Federal Register on May 1, 2014 (79 Fed. Reg. 24813 et seq.), for operators that demonstrate financial need as determined by the Secretary: Provided further, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health
and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: Provided further, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: Provided further, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: Provided further, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: Provided further, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: Provided further, That any funds available to the Department
of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**BUREAU OF LABOR STATISTICS**

**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $547,000,000, together with not to exceed $65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

**OFFICE OF DISABILITY EMPLOYMENT POLICY**

**SALARIES AND EXPENSES**

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

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $270,136,000, together with not to exceed $308,000,
which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts and other arrangements; and manage grants that were awarded prior to December 31, 2018: Provided further, That $8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2020: Provided further, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: Provided further, That grants made for the purpose of evaluation shall be awarded through fair and open competition: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: Provided further, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: Provided further, That of the amounts made available to the Women’s Bureau, $994,000 shall be used
for grants authorized by the Women in Apprenticeship
and Nontraditional Occupations Act.

VETERANS EMPLOYMENT AND TRAINING

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

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

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

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

(3) $43,248,000 is for Federal administration
of chapters 41, 42, and 43 of title 38, and sections
2021, 2021A, and 2023 of title 38, United States
Code: Provided, That up to $500,000 may be used
to carry out division O of Public Law 115-31
(“HIRE Vets Act”); and
(4) $3,414,000 is for the National Veterans’ Employment and Training Services Institute under 38 U.S.C. 4109:

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

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

Provided, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2019, to provide services under such section: Provided further, That services provided under section 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next 60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk
of homelessness: Provided further, That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and contract support to allow for the tracking of participant and performance information: Provided further, That notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to 31 U.S.C. § 1553.

In addition, fees may be assessed and deposited in the HIRE Vets Medallion Award Fund pursuant to section 5(b) of the HIRE Vets Act, as amended herein, and such amounts shall be available to the Secretary to carry out the HIRE Vets Medallion Award Program, as authorized by such Act, and shall remain available until expended: Provided, That such sums shall be in addition to any other funds available for such purposes, including funds available under paragraph (3) of this heading: Provided further, That section 2(d) of division O of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 38 U.S.C. 4100 note) shall not apply.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $29,169,000, which shall be available through September 30, 2020.
For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $83,487,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

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

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

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

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

(TRANSFER OF FUNDS)

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

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary
appropriation made available to the Employment and Training Administration by this Act to “Program Administration” in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: Provided, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the “Office of Job Corps” account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: Provided further, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2020.

(TRANSFER OF FUNDS)

Sec. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2020: Provided, That such funds shall only be available if the Chief
Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are:


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

“(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—
“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

“(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

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

“(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

“(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

“(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

“(iv) negotiating settlements; or
“(v) making recommendations regarding
litigation.

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

“(3) For purposes of this subsection—

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

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

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

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

(RESCISSION)

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

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

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

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

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

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

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

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

(i) applies for the job; and

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

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

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

“SEC. 12. SECURITY DETAIL.

“(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

“(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

“(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

“(3) provide continuous protection to the Secretary (including during periods not described in
paragraph (1)) and to the members of the immediate family of the Secretary if there is a unique and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

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

“(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

“(1) carry firearms;

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

“(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

“(4) coordinate with local law enforcement agencies; and
“(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

“(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

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

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

(b) This section shall be effective on the date of enactment of this Act.

Sec. 112. (a) The paragraph under the heading “Working Capital Fund” in the Department of Labor Appropriations Act, 1958, Public Law 85–67, 71 Stat. 210, as amended, is further amended by striking all of the text that appears after “for expenses necessary for the maintenance and operation of” and inserting “a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis: Provided, That such fund may receive advances and reimbursements from funds available to bureaus, offices, and agencies for which
such centralized services are performed at rates which will
return in full all expenses of operation, including reserves
for accrued annual leave, worker’s compensation, depreci-
ation of capitalized equipment and amortization of human
resources software and systems (either acquired or do-
nated): Provided further, That the Secretary of Labor may
transfer annually an amount not to exceed $9,000,000
from unobligated balances in the Department’s salaries
and expenses accounts, to the unobligated balance of the
Working Capital Fund, to be merged with such Fund and
used for the acquisition of capital equipment and the im-
provement of financial management, information tech-
nology and other support systems, and to remain available
for obligation for an additional five fiscal years: Provided
further, That such fund may receive reimbursements from
entities or persons for use of Departmental facilities, in-
cluding associated utilities and security services, and such
reimbursements shall be credited to and merged with this
fund: Provided further, That none of the funds shall be
available unless the Chief Information Officer of the De-
partment of Labor has submitted a plan, approved by the
Office of Management and Budget, describing the
amounts to be transferred by account, the planned use of
funds, including descriptions of projects, project status,
including any scheduled delays and cost overruns, finan-
cial expenditures, planned activities, and expected benefits, to the Committees on Appropriations of the House of Representatives and the Senate by July 31 of the calendar year prior to the fiscal year in which the transfer will occur: Provided further, That pursuant to section 11319 of title 40, United States Code, the Secretary shall ensure that the Department’s Chief Information Officer shall, at a minimum, be a principal advisor to the Secretary and a member on any board or governance structure of the Department responsible for advising and setting Department-wide information technology budgets: Provided further, That none of the funds available for information technology modernization under this section or under the heading “IT Modernization” shall be used for information technology modernization projects unless an experienced project manager, employed by the Department of Labor, is assigned oversight responsibility, including but not limited to, ensuring such projects are completed within established timeframes and budgets”—

(b) The following provisions are repealed:

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

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

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

TITLE II
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the “PHS Act” with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,526,522,000: Provided,

That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: Provided further, That no more than $114,893,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law: Provided further, That of funds provided for the Health Centers program, as defined by sec-
tion 330 of the PHS Act, by this Act or any other Act for fiscal year 2019, not less than $200,000,000 shall be obligated in fiscal year 2019 for improving quality of care or expanded service grants under section 330 of the PHS Act to support and enhance behavioral health, mental health, or substance use disorder services.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,244,006,000: Provided, That sections 751(j)(2) and 762(k) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of such Act shall not apply to funds made available under this heading: Provided further, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: Provided further, That no funds shall be available for section 340G–1 of the PHS Act: Provided further, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality
Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: Provided further, that funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: Provided further, that $85,000,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps (“NHSC”) members to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: Provided further, that, in addition to amounts otherwise made available in the previous proviso, $20,000,000 shall remain available until expended for the purposes of making payments under the NHSC Loan Repayment Program under section 338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health Programs, and
Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: Provided further, That for purposes of the previous two provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term “primary health services” includes clinical substance use disorder treatment services, including those provided by a licensed substance use disorder treatment counselor with a master degree.

Of the funds made available under this heading, $200,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support existing graduate education for health care professionals provided by such institutions: Provided, That funds shall be prioritized to public institutions of higher education in States with a projected primary care provider shortage in 2025, as determined by the Secretary: Provided further, That grants so awarded are limited to such public institutions of higher education in States in the top quartile of States with a primary care provider shortage, as determined by the Secretary: Provided further, That the maximum amount of a grant awarded to such an institution shall not be more than $10,000,000 per year: Provided further, That such grants may be awarded for a period of up to 5 years.
MATERNAL AND CHILD HEALTH

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

RYAN WHITE HIV/AIDS PROGRAM

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

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $121,693,000, of
which $122,000 shall be available until expended for facili-
ties renovations at the Gillis W. Long Hansen’s Disease
Center.

RURAL HEALTH
For carrying out titles III and IV of the PHS Act
with respect to rural health, section 427(a) of the Federal
Coal Mine Health and Safety Act of 1969, and sections
711 and 1820 of the Social Security Act, $281,294,000,
of which $59,609,000 from general revenues, notwith-
standing section 1820(j) of the Social Security Act, shall
be available for carrying out the Medicare rural hospital
flexibility grants program: Provided, That of the funds
made available under this heading for Medicare rural hos-
pital flexibility grants, $25,942,000 shall be available for
the Small Rural Hospital Improvement Grant Program
for quality improvement and adoption of health informa-
tion technology and up to $1,000,000 shall be to carry
out section 1820(g)(6) of the Social Security Act, with
funds provided for grants under section 1820(g)(6) avail-
able for the purchase and implementation of telehealth
services, including pilots and demonstrations on the use
of electronic health records to coordinate rural veterans
care between rural providers and the Department of Vet-
erans Affairs electronic health record system: Provided
further, That notwithstanding section 338J(k) of the PHS
Act, $11,000,000 shall be available for State Offices of Rural Health: Provided further, That $10,000,000 shall remain available through September 30, 2021, to support the Rural Residency Development Program: Provided further, That $82,500,000 shall remain available through September 30, 2023, for the Rural Communities Opioids Response Program.

PROGRAM MANAGEMENT

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

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $9,200,000 shall be available from the Trust Fund to the Secretary.
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CEN\textsc{t}ERS FOR DISE\textsc{a}SE CONTROL AND PREVENTI\textsc{o}N

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and sections 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $484,055,000.

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

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

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $562,572,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $902,746,000: Provided, That funds appropriated under this heading may be used
for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: Provided further, That of the funds made available under this heading, $15,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: Provided further, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $150,560,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

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

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $179,350,000.
INJURY PREVENTION AND CONTROL

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

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

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

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

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

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $488,621,000, of which $128,421,000 for International HIV/AIDS shall remain...
available through September 30, 2020: Provided, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $860,000,000: Provided, That the Director of the Centers for Disease Control and Prevention (referred to in this title as “CDC”) or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement for up to 180 days to support an activation of the CDC Emergency Operations Center, so long as the Director or administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: Provided further, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout
CDC to ensure the agency is prepared to address public health preparedness emergencies.

BUILDINGS AND FACILITIES
(INCLUDING TRANSFER OF FUNDS)
For acquisition of real property, equipment, construction, demolition, and renovation of facilities, $30,000,000, to remain available until September 30, 2023: Provided, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: Provided further, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $413,570,000: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appro-
appropriated under this heading and in all other accounts of
the CDC: Provided further, That employees of CDC or the
Public Health Service, both civilian and commissioned off-
ciers, detailed to States, municipalities, or other organiza-
tions under authority of section 214 of the PHS Act, or
in overseas assignments, shall be treated as non-Federal
employees for reporting purposes only and shall not be in-
cluded within any personnel ceiling applicable to the Agen-
cy, Service, or HHS during the period of detail or assign-
ment: Provided further, That CDC may use up to $10,000
from amounts appropriated to CDC in this Act for official
reception and representation expenses when specifically
approved by the Director of CDC: Provided further, That
in addition, such sums as may be derived from authorized
user fees, which shall be credited to the appropriation
charged with the cost thereof: Provided further, That with
respect to the previous proviso, authorized user fees from
the Vessel Sanitation Program and the Respirator Certifi-
cation Program shall be available through September 30,
2020.

NATIONAL INSTITUTES OF HEALTH
NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS
Act with respect to cancer, $6,136,037,000, of which up
to $30,000,000 may be used for facilities repairs and im-
provements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE
For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,423,604,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH
For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $453,082,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES
For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,994,333,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $2,228,780,000.
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

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

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

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

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

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

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $781,540,000.
NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

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

NATIONAL INSTITUTE ON AGING

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

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

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

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $465,467,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $159,920,000.
NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
ALCOHOLISM
For carrying out section 301 and title IV of the PHS
Act with respect to alcohol abuse and alcoholism,
$515,658,000.

NATIONAL INSTITUTE ON DRUG ABUSE
For carrying out section 301 and title IV of the PHS
Act with respect to drug abuse, $1,400,126,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out section 301 and title IV of the PHS
Act with respect to mental health, $1,790,231,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE
For carrying out section 301 and title IV of the PHS
Act with respect to human genome research,
$563,531,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
BIOENGINEERING
For carrying out section 301 and title IV of the PHS
Act with respect to biomedical imaging and bioengineering
research, $382,384,000.

NATIONAL CENTER FOR COMPLEMENTARY AND
INTEGRATIVE HEALTH
For carrying out section 301 and title IV of the PHS
Act with respect to complementary and integrative health,
$143,882,000.
NATIONAL INSTITUTE ON MINORITY HEALTH AND
HEALTH DISPARITIES
For carrying out section 301 and title IV of the PHS
Act with respect to minority health and health disparities
research, $306,821,000.

JOHN E. FOGARTY INTERNATIONAL CENTER
For carrying out the activities of the John E. Fogarty
International Center (described in subpart 2 of part E of
title IV of the PHS Act), $76,637,000.

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

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
SCIENCES
For carrying out section 301 and title IV of the PHS
Act with respect to translational sciences, $751,219,000:
Provided, That up to $30,000,000 shall be available to im-
plement section 480 of the PHS Act, relating to the Cures Acceleration Network: Provided further, That at least $542,771,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,902,828,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That $165,000,000 shall be for the Environmental Influences on Child Health Outcomes Study Follow-on: Provided further, That $595,139,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.
In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund from the 10-Year Pediatric Research Initiative Fund described in section 9008 of the Internal Revenue Code of 1986, for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction or demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $200,000,000, to remain available through September 30, 2023.

NIH INNOVATION ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, $711,000,000, to remain available until expended: Provided, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, and are to be derived from amounts transferred under section 1001(b)(2)(A) of such
Act: Provided further, That of the amount appropriated under this heading, $400,000,000 shall be transferred to the National Cancer Institute for the purposes described in section 1001(b)(4)(C) of such Act, $57,500,000 shall be transferred to the National Institute of Neurological Disorders and Stroke for the purposes described in section 1001(b)(4)(B) of such Act, and $57,500,000 shall be transferred to the National Institute of Mental Health for the purposes described in section 1001(b)(4)(B) of such Act: Provided further, That remaining amounts may be transferred by the Director of the NIH to any accounts of the NIH: Provided further, That upon a determination by the Director that funds transferred pursuant to any of the previous provisos are not necessary for the purposes provided, such amounts may be transferred back to the Account: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

Substance Abuse and Mental Health Services Administration

Mental Health

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $1,322,471,000: Provided, That notwithstanding section
520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: Provided further, That up to 10 percent of the amounts made available to carry out the Children’s Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2019: Provided further, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: Provided further, That none of the
funds provided for section 1911 of the PHS Act shall be
subject to section 241 of such Act: Provided further, That
of the funds made available under this heading, $15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

SUBSTANCE ABUSE TREATMENT
For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, $3,768,306,000: Provided, That $1,000,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids undertaken by the State agency responsible for administering the substance abuse prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act (42 U.S.C. 300x–21 et seq.): Provided further, That of such amount $50,000,000 shall be made available to Indian Tribes or tribal organizations: Provided further, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: Provided further, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: Provided

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further, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths: Provided further, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 30 days prior to publishing a Funding Opportunity Announcement: Provided further, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment: Provided further, That each State, as well as the District of Columbia, shall receive not less than $4,000,000: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not ex-
ceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: Provided further, That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

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

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Abuse Treatment”, and “Substance Abuse Prevention” in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $133,830,000: Provided, That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental
health, to collect and analyze program data, and to con-
duct public awareness and technical assistance activities:

Provided further, That, in addition, fees may be collected
for the costs of publications, data, data tabulations, and
data analysis completed under title V of the PHS Act and
provided to a public or private entity upon request, which
shall be credited to this appropriation and shall remain
available until expended for such purposes: Provided fur-
ther, That amounts made available in this Act for carrying
out section 501(o) of the PHS Act shall remain available
through September 30, 2020: Provided further, That
funds made available under this heading may be used to
supplement program support funding provided under the
headings “Mental Health”, “Substance Abuse Treat-
ment”, and “Substance Abuse Prevention”.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act,
part A of title XI of the Social Security Act, and section
1013 of the Medicare Prescription Drug, Improvement,
and Modernization Act of 2003, $334,000,000: Provided,
That section 947(c) of the PHS Act shall not apply in
fiscal year 2018: Provided further, That in addition,
amounts received from Freedom of Information Act fees,
reimbursable and interagency agreements, and the sale of
data shall be credited to this appropriation and shall re-
main available until September 30, 2020.

CENTERS FOR MEDICARE & MEDICAID SERVICES
GRANTS TO STATES FOR MEDICAID
For carrying out, except as otherwise provided, titles
XI and XIX of the Social Security Act, $276,236,212,000,
to remain available until expended.

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

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

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

PAYMENTS TO THE HEALTH CARE TRUST FUNDS
For payment to the Federal Hospital Insurance
Trust Fund and the Federal Supplementary Medical In-
surance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $378,343,800,000.

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

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the and Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,502,024,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain avail-
able until expended: Provided further, That no funds shall be derived from offsetting collections through fees collected from qualified health plans offered through an Exchange established under Public Law 111-148 to operate such an Exchange: Provided further, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That the Secretary is directed to collect fees in fiscal year 2019 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $765,000,000, to remain available through September 30, 2020, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $599,389,000 shall be for the Centers for Medicare & Medicaid Services program integrity activities, of which $87,230,000 shall be for the Department of Health and Human Services Office of Inspector
General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which $78,381,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2019 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: Provided further, That of the amount provided under this heading, $311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $454,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(C) of such Act: Provided further, That the Secretary shall provide not less than $17,621,000 for the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT

ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act
and the Act of July 5, 1960, $2,922,247,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2020, $1,400,000,000, to remain available until expended.

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

**LOW INCOME HOME ENERGY ASSISTANCE**

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,640,304,000: *Provided*, That all but $678,500,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2018 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,988,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds
through contracts with private entities that do not qualify as nonprofit organizations.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), and the Torture Victims Relief Act of 1998, $1,864,936,000, of which $1,830,446,000 shall remain available through September 30, 2021, for carrying out such sections 414, 501, 462, and 235: Provided, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: Provided further, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting “10 percent” for “3 percent”.
PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 ("CCDBG Act"), $5,226,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: Provided further, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: Provided further, That in addition to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, $156,780,000 shall be for Indian tribes and tribal organizations: Provided further, That, in addition to the amounts reserved under section 658O(a)(5) of the CCDBG Act, $100,000,000 shall be for carrying out a program of competitive grants to States, territories, tribes, local governments, and public entities, to develop, implement, and evaluate models of providing care for working families in
rural communities, families needing child care on an emergency basis, or families with non-traditional work hours.

SOCIAL SERVICES BLOCK GRANT

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act (“CSBG Act”); and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance
Act of 1981, the Child Care and Development Block Grant Act of 1990, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, $12,122,225,000, of which $80,000,000, to remain available through September 30, 2020, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2019: Provided, That $9,913,095,000 shall be for making payments under the Head Start Act: Provided further, That of the amount in the previous proviso, $9,108,095,000 shall be available for payments under section 640 of the Head Start Act, of which $25,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: Provided further, That of the amount provided for making payments under the Head Start Act, $25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(e) of such Act under the Designation Renewal System, established under the authority of sections 641(e)(7), 645A(b)(12) and 645A(d) of such Act: Provided further, That notwithstanding such section 640, of the amount provided for making payments
under the Head Start Act, and in addition to funds other-
wise available under such section 640 for such purposes,
$780,000,000 shall be available through March 31, 2020,
for Early Head Start programs as described in section
645A of such Act, for conversion of Head Start services
to Early Head Start services as described in section
645(a)(5)(A) of such Act, for discretionary grants for high
quality infant and toddler care through Early Head Start-
Child Care Partnerships, to entities defined as eligible
under section 645A(d) of such Act, for training and tech-
nical assistance for such activities, and for up to
$16,000,000 in Federal costs of administration and eval-
uation, and, notwithstanding section 645A(c)(2) of such
Act, these funds are available to serve children under age
4: Provided further, That funds described in the preceding
two provisos shall not be included in the calculation of
“base grant” in subsequent fiscal years, as such term is
used in section 640(a)(7)(A) of such Act: Provided further,
That $250,000,000 shall be for carrying out sections 9212
and 9213 of the Every Student Succeeds Act: Provided
further, That up to 3 percent of the funds in the preceding
proviso shall be available for technical assistance and eval-
uation related to grants awarded under such section 9212:
Provided further, That $779,883,000 shall be for making
payments under the CSBG Act: Provided further, That
$30,233,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $19,883,000 shall be for section 680(a)(2) and not less than $10,000,000 shall be for section 680(a)(3)(B) of such Act: Provided further, That, notwithstanding section 675C(a)(3) of such Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999:
Provided further, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $160,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which $5,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: Provided further, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: Provided further That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system’s effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $345,000,000 and,
for carrying out, except as otherwise provided, section 437
of such Act, $59,765,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

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

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

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise pro-
vided, the Older Americans Act of 1965 (‘‘OAA’’), titles
III and XXIX of the PHS Act, sections 1252 and 1253
of the PHS Act, section 119 of the Medicare Improve-
ments for Patients and Providers Act of 2008, title XX–
B of the Social Security Act, the Developmental Disabil-
ities Assistance and Bill of Rights Act, parts 2 and 5 of
subtitle D of title II of the Help America Vote Act of
2002, the Assistive Technology Act of 1998, titles II and
VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $2,132,617,000, together with $49,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: Provided further, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: Provided further, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such
as a low-interest loan fund; an interest buy-down program;
a revolving loan fund; a loan guarantee; or an insurance
program: Provided further, That applicants shall provide
an assurance that, and information describing the manner
in which, the alternative financing program will expand
and emphasize consumer choice and control: Provided fur-
ther, That State agencies and community-based disability
organizations that are directed by and operated for indi-
viduals with disabilities shall be eligible to compete: Pro-
vided further, That none of the funds made available under
this heading may be used by an eligible system (as defined
in section 102 of the Protection and Advocacy for Individ-
uals with Mental Illness Act (42 U.S.C. 10802)) to con-
tinue to pursue any legal action in a Federal or State
court on behalf of an individual or group of individuals
with a developmental disability (as defined in section
102(8)(A) of the Developmental Disabilities and Assist-
ance and Bill of Rights Act of 2000 (20 U.S.C.
15002(8)(A)) that is attributable to a mental impairment
(or a combination of mental and physical impairments),
that has as the requested remedy the closure of State op-
erated intermediate care facilities for people with intellec-
tual or developmental disabilities, unless reasonable public
notice of the action has been provided to such individuals
(or, in the case of mental incapacitation, the legal guard-
ians who have been specifically awarded authority by the
courts to make healthcare and residential decisions on be-
 half of such individuals) who are affected by such action,
within 90 days of instituting such legal action, which in-
forms such individuals (or such legal guardians) of their
legal rights and how to exercise such rights consistent with
current Federal Rules of Civil Procedure: Provided further,
That the limitations in the immediately preceding proviso
shall not apply in the case of an individual who is neither
competent to consent nor has a legal guardian, nor shall
the proviso apply in the case of individuals who are a ward
of the State or subject to public guardianship.

Office of the Secretary

General Departmental Management

For necessary expenses, not otherwise provided, for
general departmental management, including hire of six
passenger motor vehicles, and for carrying out titles III,
XVII, XXI, and section 229 of the PHS Act, the United
States-Mexico Border Health Commission Act, and re-
search studies under section 1110 of the Social Security
Act, $379,845,000, together with $53,445,000 from the
amounts available under section 241 of the PHS Act to
carry out national health or human services research and
evaluation activities: Provided, That of this amount,
$53,900,000 shall be for minority AIDS prevention and
treatment activities: *Provided further*, That of the funds made available under this heading, $30,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such
adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, $172,381,000 shall remain available until September 30, 2020, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $42,705,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $80,000,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.
OFFICE FOR CIVIL RIGHTS
For expenses necessary for the Office for Civil Rights, $38,798,000.

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND
For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $1,783,128,000, of which $586,700,000 shall remain available through September 30, 2020, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority and $710,000,000 shall remain available until expended for the Strategic National Stockpile: Provided,
That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: 

Provided further, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: Provided further, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2021.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $780,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $250,000,000; of which $215,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologies, if the Secretary
finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

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

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

Sec. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Sec. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants
or contracts) and the implementation and effectiveness of
programs funded in this title.

(TRANSFER OF FUNDS)

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

Sec. 206. In lieu of the timeframe specified in section
338E(c)(2) of the PHS Act, terminations described in
such section may occur up to 60 days after the execution
of a contract awarded in fiscal year 2019 under section
338B of such Act.

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

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

SEC. 209. None of the funds appropriated by this Act
(including funds appropriated to any trust fund) may be
used to carry out the Medicare Advantage program if the
Secretary denies participation in such program to an oth-
erwise eligible entity (including a Provider Sponsored Or-
ganization) because the entity informs the Secretary that
it will not provide, pay for, provide coverage of, or provide
referrals for abortions: Provided, That the Secretary shall
make appropriate prospective adjustments to the capita-
tion payment to such an entity (based on an actuarially
sound estimate of the expected costs of providing the serv-
ice to such entity’s enrollees): Provided further, That noth-
ing in this section shall be construed to change the Medi-
care program’s coverage for such services and a Medicare
Advantage organization described in this section shall be
responsible for informing enrollees where to obtain infor-
mation about all Medicare covered services.
SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

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

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2019:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.
(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

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

(TRANSFER OF FUNDS)

Sec. 213. The Director of the NIH, jointly with the
Director of the Office of AIDS Research, may transfer up
to 3 percent among institutes and centers from the total
amounts identified by these two Directors as funding for
research pertaining to the human immunodeficiency virus:
Provided, That the Committees on Appropriations of the
House of Representatives and the Senate are notified at
least 15 days in advance of any transfer.
SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

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

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections
SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

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

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

(1) funds are available and obligated—

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

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

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA’s programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

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

Sec. 219. (a) The Secretary shall publish in the fiscal year 2020 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the
amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

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

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

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;
(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

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

SEC. 220. The Secretary shall publish, as part of the fiscal year 2020 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2020. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading “Health Insurance Exchange Transparency” in the committee report accompanying the Act.

SEC. 221. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the “Centers for Medicare & Medicaid Services—Program Management” account, may be used for payments under
section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

(TRANSFER OF FUNDS)

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

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

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

SEC. 223. Effective during the period beginning on November 1, 2015 and ending January 1, 2020, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

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

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

SEC. 224. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

SEC. 225. The NIH Director may transfer funds specifically appropriated for opioid addiction, opioid alternatives, pain management, and addiction treatment to
other Institutes and Centers of the NIH to be used for
the same purpose 15 days after notifying the Committees
on Appropriations: Provided, That the transfer authority
provided in the previous proviso is in addition to any other
transfer authority provided by law.

(TRANSFER OF FUNDS)

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

(b) The accounts referred to in subsection (a) are:
“Low Income Home Energy Assistance”, “Refugee and
Entrant Assistance”, “Payments to States for the Child
Care and Development Block Grant”, and “Children and
Families Services Programs”.
SEC. 227. None of the funds appropriated in this Act may be used to carry out title X of the PHS Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 228. There is established in the Treasury a reserve fund to be known as the “Infectious Diseases Rapid Response Reserve Fund” (the “Reserve Fund”): Provided, That of the funds provided under the heading “CDC-Wide Activities and Program Support”, $300,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Reserve Fund: Provided further, That amounts in the Reserve Fund shall be for carrying out titles II, III, and XVII of the PHS Act to prevent, prepare for, or respond to an infectious disease emergency, including, in connection with such activities, to purchase or lease and provide for the insurance of passenger motor vehicles for official use in foreign countries: Provided further, That amounts in the Reserve Fund may only be provided for an infectious disease emergency if the infectious disease emergency (1) is declared by the Secretary of Health and Human Services under section 319 of the PHS Act to be a public health emergency; or (2) as determined by the Secretary, has significant potential to imminently occur and potential, on occurrence, to affect national security or the health and security of United States citizens, domestically or internationally: Provided
further, That amounts in the Reserve Fund may be transferred by the Director of the CDC to other accounts of the CDC, to accounts of the NIH, or to the Public Health and Social Services Emergency Fund, to be merged with such accounts or Fund for the purposes provided in this section: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days prior to any transfer or obligation made under the authority provided in this section, including notification on the anticipated uses of such funds by program, project, or activity: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall receive a report not later than 30 days after the end of each quarter in a fiscal year on the unobligated balances in the Reserve Fund and all actual obligations incurred for that fiscal year, including obligations by program, project, or activity: Provided further, That amounts in the Reserve Fund shall be in addition to amounts otherwise available to the Department of Health and Human Services for the purposes provided in this section: Provided further, That the transfer authorities in this section are in addition to any transfer authority otherwise available to the Department of Health and Human Services: Provided further, That products purchased using amounts in the Reserve Fund may, at the
discretion of the Secretary of Health and Human Services, 
be deposited in the Strategic National Stockpile under sec-
tion 319F–2 of the PHS Act: Provided further, That this 
section shall be in effect as of the date of the enactment 
of this Act through each fiscal year hereafter.

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

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

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), $16,443,790,000, of which $5,525,990,000 shall become available on July 1, 2019, and shall remain available through September 30, 2020, and of which $10,841,177,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020, for academic year 2019–2020: Provided, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2018, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: Provided further, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That $3,969,050,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That $3,969,050,000 shall be for education finance incentive
1 grants under section 1125A of the ESEA: Provided further, That $217,000,000 shall be for carrying out subpart 2 of part B of title II: Provided further, That $44,623,000 shall be for carrying out section 418A of the HEA.

**IMPACT AID**

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,466,112,000, of which $1,320,242,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000 shall be for construction under section 7007(a), $75,313,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2018–2019, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section
113
7003(a)(1)(B)), are no longer eligible under such section,
shall be considered as eligible students under such section,
provided such students remain in average daily attendance
at a school in the same local educational agency they at-
tended prior to their change in eligibility status.

**School Improvement Programs**

For carrying out school improvement activities au-
thorized by part B of title I, part A of title II, subpart
1 of part A of title IV, part B of title IV, part B of title
V, and parts B and C of title VI of the ESEA; the McKin-
ney-Vento Homeless Assistance Act; section 203 of the
Educational Technical Assistance Act of 2002; the Com-
pact of Free Association Amendments Act of 2003; and
the Civil Rights Act of 1964, $5,258,467,000, of which
$3,429,902,000 shall become available on July 1, 2019,
and remain available through September 30, 2020, and
of which $1,681,441,000 shall become available on Octo-
ber 1, 2019, and shall remain available through September
30, 2020, for academic year 2019–2020: Provided, That
$378,000,000 shall be for part B of title I: Provided fur-
ther, That $1,211,673,000 shall be for part B of title IV:
Provided further, That $36,397,000 shall be for part B
of title VI and may be used for construction, renovation,
and modernization of any elementary school, secondary
school, or structure related to an elementary school or sec-
1 secondary school, run by the Department of Education of the
2 State of Hawaii, that serves a predominantly Native Ha-
3 waiian student body: Provided further, That $35,453,000
4 shall be for part C of title VI and shall be awarded on
5 a competitive basis, and also may be used for construction:
6 Provided further, That $52,000,000 shall be available to
7 carry out section 203 of the Educational Technical Assist-
8 ance Act of 2002 and the Secretary shall make such ar-
9 rangements as determined to be necessary to ensure that
10 the Bureau of Indian Education has access to services pro-
11 vided under this section: Provided further, That
12 $16,699,000 shall be available to carry out the Supple-
13 mental Education Grants program for the Federated
14 States of Micronesia and the Republic of the Marshall Is-
15 lands: Provided further, That the Secretary may reserve
16 up to 5 percent of the amount referred to in the previous
17 proviso to provide technical assistance in the implementa-
18 tion of these grants: Provided further, That $180,840,000
19 shall be for part B of title V: Provided further, That
20 $1,200,000,000 shall be available for grants under sub-
21 part 1 of part A of title IV.
22
23 **INDIAN EDUCATION**
24
25 For expenses necessary to carry out, to the extent
26 not otherwise provided, title VI, part A of the ESEA,
27 $180,239,000, of which $67,993,000 shall be for subpart
2 of part A of title VI and $6,865,000 shall be for subpart 3 of part A of title VI.

INNOVATION AND IMPROVEMENT

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

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $138,754,000: Provided, That $43,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: Provided further, That $17,500,000 shall be available for section 4625: Provided further, That $78,254,000 shall be available through December 31, 2019, for section 4624: Provided further, That section 4623(b) of the ESEA shall apply to funds appropriated for Promise Neighborhoods under this heading in prior appropriations acts.

ENGLISH LANGUAGE ACQUISITION

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


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

**SPECIAL EDUCATION**

For carrying out the Individuals with Disabilities Education Act (IDEA), $13,422,651,000, of which $3,909,465,000 shall become available on July 1, 2019, and shall remain available through September 30, 2020, and of which $9,283,383,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020, for academic year 2019–2020: Provided,

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

Rehabilitation Services

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,657,689,000, of which $3,521,990,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: Provided, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income ("SSI") and their families that may result in long-term improvement in the SSI child recipient’s economic status and self-sufficiency: Provided further, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: Provided further, That any funds made available subsequent to reallocation for innovative activities aimed at improving the
outcomes of individuals with disabilities shall remain avail-
able until September 30, 2020.

Special Institutions for Persons With Disabilities

American Printing House for the Blind

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

National Technical Institute for the Deaf

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

Gallaudet University

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

Career, Technical, and Adult Education

For carrying out, to the extent not otherwise pro-
vided, the Carl D. Perkins Career and Technical Edu-
cation Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), $1,945,265,000, of which $1,154,265,000 shall become available on July 1, 2019, and shall remain available through September 30, 2020, and of which $791,000,000 shall become available on October 1, 2019, and shall remain available through September 30, 2020: Provided, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,445,352,000, which shall remain available through September 30, 2020. The maximum Pell Grant for which a student shall be eligible during award year 2019–2020 shall be $5,035.

STUDENT AID ADMINISTRATION

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

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the HEA, the
Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,287,551,000: Provided, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation.

Howard University
For partial support of Howard University, $232,518,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard
University Endowment Act and shall remain available until expended.

**College Housing and Academic Facilities Loans Program**

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $448,000.

**Historically Black College and University Capital Financing Program Account**

For the cost of guaranteed loans, $20,489,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2020: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $580,000,000: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA. In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $339,000.
INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $613,462,000, which shall remain available through September 30, 2020: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: Provided further, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,506,000: Provided, That, notwithstanding any other
provision of law, none of the funds provided by this Act
or provided by previous Appropriations Acts to the De-
partment of Education available for obligation or expendi-
ture in the current fiscal year may be used for any activity
relating to implementing a reorganization that decentral-
izes, reduces the staffing level, or alters the responsibil-
ities, structure, authority, or functionality of the Budget
Service of the Department of Education, relative to the
organization and operation of the Budget Service as in
effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

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

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 1 percent of any discre-
tionary funds (pursuant to the Balanced Budget and
Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.


Sec. 304. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2019, through September 30, 2020.

Sec. 305. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2019 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for
such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

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

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

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

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

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code, $8,250,000: Provided, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under sec-
tion 51–3.2 of title 41, Code of Federal Regulations, the
Committee shall enter into a written agreement with any
such central nonprofit agency: Provided further, That such
agreement shall contain such auditing, oversight, and re-
porting provisions as necessary to implement chapter 85
of title 41, United States Code: Provided further, That
such agreement shall include the elements listed under the
heading "Committee For Purchase From People Who Are
Blind or Severely Disabled—Written Agreement
Elements" in the explanatory statement described in sec-
tion 4 of Public Law 114–113 (in the matter preceding
division A of that consolidated Act): Provided further,
That any such central nonprofit agency may not charge
a fee under section 51–3.5 of title 41, Code of Federal
Regulations, prior to executing a written agreement with
the Committee: Provided further, That no less than
$1,250,000 shall be available for the Office of Inspector
General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for Na-
tional and Community Service (referred to in this title as
“CNCS”) to carry out the Domestic Volunteer Service Act
of 1973 (referred to in this title as “1973 Act”) and the
National and Community Service Act of 1990 (referred
to in this title as “1990 Act”), $767,629,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $17,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $32,000,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $5,400,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: Provided further, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $206,842,000, to remain available until expended: Provided,
vided, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $83,737,000.

OFFICE OF INSPECTOR GENERAL

ADMINISTRATIVE PROVISIONS

Sec. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2018, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

Sec. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

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

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

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

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

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

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

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

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2021, $445,000,000: Provided, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: Provided further, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.
In addition, for the costs associated with replacing
and upgrading the public broadcasting interconnection
system and other technologies and services that create in-
fracrastructure and efficiencies within the public media sys-
tem, $20,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation
and Conciliation Service (‘‘Service’’) to carry out the func-
tions vested in it by the Labor-Management Relations Act,
1947, including hire of passenger motor vehicles; for ex-
penses necessary for the Labor-Management Cooperation
Act of 1978; and for expenses necessary for the Service
to carry out the functions vested in it by the Civil Service
Reform Act, $46,800,000, including up to $400,000 to re-
main available through September 30, 2020, for activities
authorized by the Labor-Management Cooperation Act of
1978: Provided, That notwithstanding 31 U.S.C. 3302,
fees charged, up to full-cost recovery, for special training
activities and other conflict resolution services and tech-
nical assistance, including those provided to foreign gov-
ernments and international organizations, and for arbitra-
tion services shall be credited to and merged with this ac-
count, and shall remain available until expended: Provided
further, That fees for arbitration services shall be available
only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

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

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $240,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $8,480,000.
MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $13,045,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

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

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $261,325,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and
including in said definition employees engaged in the
maintenance and operation of ditches, canals, reservoirs,
and waterways when maintained or operated on a mutual,
nonprofit basis and at least 95 percent of the water stored
or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

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

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

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

(b) For purposes of this section—

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

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

(3) the term “Indian lands’’ means—

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

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

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

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,510,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

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

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $19,000,000, which shall include amounts becoming available in fiscal year 2019 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.
FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

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

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (“Board”) for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $126,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: Provided, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: Provided further, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: Provided further, That $12,500,000, to remain available until expended, shall be used to supplement, not supplant, exist-
ing resources devoted to operations and improvements for
the Board’s Information Technology Investment Initiatives.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,500,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $41,251,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State
in the current fiscal year and not obligated by the State
during that year shall be returned to the Treasury: Pro-
vided further, That not more than $101,000,000 shall be
available for research and demonstrations under sections
1110, 1115, and 1144 of the Social Security Act, and re-
main available through September 30, 2021.

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

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

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two pas-
senger motor vehicles, and not to exceed $20,000 for offi-
cial reception and representation expenses, not more than
$12,422,045,000 may be expended, as authorized by sec-
tion 201(g)(1) of the Social Security Act, from any one
or all of the trust funds referred to in such section: Pro-
vided, That not less than $2,400,000 shall be for the So-
cial Security Advisory Board: Provided further, That
$100,000,000 shall remain available through September
30, 2020, for activities to address the disability hearings
backlog within the Office of Hearings Operations: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2019 not needed for fiscal year 2019 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Of the total amount made available in the first paragraph under this heading, not more than $1,683,000,000,
to remain available through March 31, 2020, is for the
costs associated with continuing disability reviews under
titles II and XVI of the Social Security Act, including
work-related continuing disability reviews to determine
whether earnings derived from services demonstrate an in-
dividual’s ability to engage in substantial gainful activity,
for the cost associated with conducting redeterminations
of eligibility under title XVI of the Social Security Act,
for the cost of co-operative disability investigation units,
and for the cost associated with the prosecution of fraud
in the programs and operations of the Social Security Ad-
ministration by Special Assistant United States Attorneys:

Provided, That, of such amount, $273,000,000 is provided
to meet the terms of section 251(b)(2)(B)(ii)(III) of the
Balanced Budget and Emergency Deficit Control Act of
1985, as amended, and $1,410,000,000 is additional new
budget authority specified for purposes of section
251(b)(2)(B) of such Act: Provided further, That, of the
additional new budget authority described in the preceding
proviso, up to $10,000,000 may be transferred to the
"Office of Inspector General", Social Security Administra-
tion, for the cost of jointly operated co-operative disability
investigation units: Provided further, That such transfer
authority is in addition to any other transfer authority
provided by law: Provided further, That the Commissioner
shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $134,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2019 exceed $134,000,000, the amounts shall be available in fiscal year 2020 only to the extent provided in advance in appropriations Acts.

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

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $31,000,000, together with not to exceed $77,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act
from the Federal Old-Age and Survivors Insurance Trust
Fund and the Federal Disability Insurance Trust Fund.
In addition, an amount not to exceed 3 percent of
the total provided in this appropriation may be transferred
from the “Limitation on Administrative Expenses”, Social
Security Administration, to be merged with this account,
to be available for the time and purposes for which this
account is available: Provided, That notice of such trans-
fers shall be transmitted promptly to the Committees on
Appropriations of the House of Representatives and the
Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

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

Sec. 502. No part of any appropriation contained in
this Act shall remain available for obligation beyond the
current fiscal year unless expressly so provided herein.
SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

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

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

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

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

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

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

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

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.
(c) The term “health benefits coverage” means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

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

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

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

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

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

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

(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

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

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).
(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

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

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

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

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

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

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

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

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

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

(1) creates new programs;
(2) eliminates a program, project, or activity;
(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
(4) relocates an office or employees;
(5) reorganizes or renames offices;
(6) reorganizes programs or activities; or
(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

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

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

(1) augments existing programs, projects (including construction projects), or activities;

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

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

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

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

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

Sec. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2019 that are different than those specified in this Act, the accompanying detailed table in the Committee report accompanying this Act, or the fiscal year 2019 budget request.

Sec. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agree-
ments exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2019, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

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

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

SEC. 520. Notwithstanding any other provision of
this Act, no funds appropriated in this Act shall be used
to purchase sterile needles or syringes for the hypodermic
injection of any illegal drug: Provided, That such limita-
tion does not apply to the use of funds for elements of
a program other than making such purchases if the rel-
evant State or local health department, in consultation
with the Centers for Disease Control and Prevention, de-
termines that the State or local jurisdiction, as applicable,
is experiencing, or is at risk for, a significant increase in
hepatitis infections or an HIV outbreak due to injection
drug use, and such program is operating in accordance
with State and local law: Provided further, That none of
the funds appropriated in this Act may be used for the
operation of a supervised drug consumption facility that
permits the consumption onsite of any substance listed in
the schedule I of section 202 of the Controlled Substances

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

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

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

Sec. 523. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

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

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

SEC. 525. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting “FISCAL YEAR 2019” for “FISCAL YEAR 2014” in the title of subsection (b) and by substituting “September 30, 2023” for “September 30, 2018” each place it appears: Provided, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, section 525 of division
H of Public Law 115–31, and section 525 of division H of Public Law 115-141.

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

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services, and Education shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 527. None of the funds made available in this Act may be used to implement, administer, enforce, or further any provision of Public Law 111–148 or title I or subtitle B of title II of Public Law 111–152 and the amendment made by such provision: Provided, That funds in this Act may be used to implement, administer, enforce,
or further the rate setting process for calendar year 2019
and fiscal year 2020 for Medicare under title XVIII of
the Social Security Act: Provided further, That funds in
this Act may be used to implement, administer, enforce,
or further the final rules for the provisions of (and amend-
ments made by) sections 2501(c), 2501(d), and 2503 of
Public Law 111–148, as amended by sections 1206(a) and
1101(c) of Public Law 111–152, insofar as each respective
rule relates to calendar year 2019.

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

(RESCISSION)

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

(RESCISSION)

SEC. 530. Of the funds unobligated balances in the
“Nonrecurring expenses fund” established by section 223
of division G of Public Law 110-161 $400,000,000 is re-
scinded.
SEC. 531. Of the amounts deposited in the Child Enrollment Contingency Fund prior to the beginning of fiscal year 2019 under section 2104(n)(2) of the Social Security Act, $3,378,613,000 are permanently rescinded.

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

SEC. 533. (a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by this Act may be made available either directly, through a State (including through managed care contracts with a State), or through any other means, to a prohibited entity.

(b) PROHIBITED ENTITY.—The term “prohibited entity” means an entity, including its affiliates, subsidiaries, successors, and clinics—

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

(A) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;
(B) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

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

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

(ii) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life endangering physical condition caused by, or arising from, the pregnancy itself; and

(2) for which the total amount of Federal grants to such entity, including grants to any affiliates, subsidiaries, or clinics of such entity, under title X of the Public Health Service Act in fiscal year 2016 exceeded $23,000,000.
(c)(1) END OF PROHIBITION.—The definition in subsection (b) shall cease to apply to an entity if such entity certifies that it, including its affiliates, subsidiaries, successors, and clinics, will not perform, and will not provide any funds to any other entity that performs, an abortion as described in subsection (b)(1)(C).

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

SEC. 534. (a) This section may be cited as the “Conscience Protection Act of 2018”.

(b) Congress finds as follows:

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

(2) In 1973, the Supreme Court concluded that the government must leave the abortion decision “to the medical judgment of the pregnant woman’s attending physician”, recognizing that a physician may choose not to participate in abortion. Roe v. Wade,

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

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

(5) Defying the Federal Weldon amendment, California’s Department of Managed Health Care has mandated coverage for all elective abortions in all health plans under its jurisdiction. Other States such as New York and Washington have taken or
considered similar action, and some States may go
farther to require all physicians and hospitals to pro-
vide or facilitate abortions. On June 21, 2016, the
Obama Administration concluded a nearly two-year
investigation of this matter by determining that
California’s decision to require insurance plans
under the California Department for Managed
Health Care authority to cover all legal abortion
services did not violate the Weldon amendment.
Until the new Administration is able to reverse this
finding, individuals will have to choose between ig-
noring their conscience or forgoing health care cov-
erage.

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

(7) A health care provider’s decision not to par-
ticipate in an abortion, like Congress’s decision not
to fund most abortions, erects no new barrier to
those seeking to perform or undergo abortions but
leaves each party free to act as he or she wishes.
(8) Such protection poses no conflict with other Federal laws, such as the law requiring emergency stabilizing treatment for a pregnant woman and her unborn child when either is in distress (Emergency Medical Treatment and Active Labor Act). As the previous Administration has said, these areas of law have operated side by side for many years and both should be fully enforced (76 Fed. Reg. 9968–77 (2011) at 9973).

(9) Reaffirming longstanding Federal policy on conscience rights and providing a right of action in cases where it is violated allows longstanding and widely supported Federal laws to work as intended. (c) Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 245 the following:

“Sec. 245A. Prohibiting Governmental Discrimination Against Providers of Health Services That Are Not Involved in Abortion.—

“(a) In General.—Notwithstanding any other law, the Federal Government, and any State or local government that receives Federal financial assistance, may not penalize, retaliate against, or otherwise discriminate against a health care provider on the basis that the provider does not—
“(1) perform, refer for, pay for, or otherwise participate in abortion;

“(2) provide or sponsor abortion coverage; or

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

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

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

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

“(3) to prevent an accrediting agency, the Federal Government, or a State or local government from establishing standards of medical competency applicable only to those who have knowingly, voluntarily, and specifically elected to perform abortions, or from enforcing contractual obligations applicable only to those who, as part of such contract, knowingly, voluntarily, and specifically elect to provide abortions;

“(4) to affect, or be affected by, section 1867 of the Social Security Act (42 U.S.C. 1395dd, com-
monly referred to as the ‘Emergency Medical Treatment and Active Labor Act’); or

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

“(c) ADMINISTRATION.—The Secretary shall designate the Director of the Office for Civil Rights of the Department of Health and Human Services—

“(1) to receive complaints alleging a violation of this section, section 245 of this Act, or any of subsections (b) through (e) of section 401 of the Health Programs Extension Act of 1973; and

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

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

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

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

“(A) an individual physician, nurse, or other health care professional;
“(B) a hospital, health system, or other health care facility or organization (including a party to a proposed merger or other collaborative arrangement relating to health services, and an entity resulting therefrom);

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

“(D) a social services provider that provides or authorizes referrals for health care services;

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

“(F) an issuer of health insurance coverage; or

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

“(3) STATE OR LOCAL GOVERNMENT THAT RECEIVES FEDERAL FINANCIAL ASSISTANCE.—The term ‘State or local government that receives Federal financial assistance’ includes every agency and other governmental unit and subdivision of a State or local government, if such State or local government, or any agency or governmental unit or sub-
division thereof, receives Federal financial assistance.

“Sec. 245B. Civil Action for Certain Violations.—

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

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

“(1) Qualified Party.—The term ‘qualified party’ means—

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

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

“(2) Designated Violation.—The term ‘designated violation’ means an actual or threatened violation of—

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

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

“(c) Administrative Remedies Not Required.—

An action under this section may be commenced, and relief may be granted, without regard to whether the party commencing the action has sought or exhausted available administrative remedies.
“(d) Defendants in Actions Under This Section May Include Governmental Entities as Well as Others.—

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

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

“(e) Nature of Relief.—In an action under this section, the court shall grant—

“(1) all necessary equitable and legal relief, including, where appropriate, declaratory relief and compensatory damages, to prevent the occurrence, continuance, or repetition of the designated violation and to compensate for losses resulting from the designated violation; and

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

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

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

4
A BILL

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

Passed June 13, 2018

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

H. R.

Report No. 115-115

115TH CONGRESS
2D SESSION

Passed June 13, 2018