

## Union Calendar No. 176

115TH CONGRESS  
1ST SESSION

# H. R. 3358

[Report No. 115-244]

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

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### IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2017

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

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## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*  
 3 That the following sums are appropriated, out of any  
 4 money in the Treasury not otherwise appropriated, for the  
 5 Departments of Labor, Health and Human Services, and  
 6 Education, and related agencies for the fiscal year ending  
 7 September 30, 2018, and for other purposes, namely:

8                                       TITLE I

9                                       DEPARTMENT OF LABOR

10                   EMPLOYMENT AND TRAINING ADMINISTRATION

11                               TRAINING AND EMPLOYMENT SERVICES

12       For necessary expenses of the Workforce Innovation  
 13 and Opportunity Act (referred to in this Act as “WIOA”),  
 14 the Second Chance Act of 2007, \$3,042,720,000, plus re-  
 15 imbursements, shall be available. Of the amounts pro-  
 16 vided:

17                   (1) for grants to States for adult employment  
 18       and training activities, youth activities, and dis-  
 19       located worker employment and training activities,  
 20       \$2,624,108,000 as follows:

21                               (A) \$776,736,000 for adult employment  
 22       and training activities, of which \$64,736,000  
 23       shall be available for the period July 1, 2018  
 24       through June 30, 2019, and of which

1           \$712,000,000 shall be available for the period  
2           October 1, 2018 through June 30, 2019;

3           (B) \$831,842,000 for youth activities,  
4           which shall be available for the period April 1,  
5           2018 through June 30, 2019; and

6           (C) \$1,015,530,000 for dislocated worker  
7           employment and training activities, of which  
8           \$155,530,000 shall be available for the period  
9           July 1, 2018 through June 30, 2019, and of  
10          which \$860,000,000 shall be available for the  
11          period October 1, 2018 through June 30, 2019:

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

16          (2) for national programs, \$418,612,000 as fol-  
17          lows:

18                 (A) \$130,000,000 for the dislocated work-  
19                 ers assistance national reserve, which shall be  
20                 available for the period October 1, 2017  
21                 through September 30, 2019: *Provided*, That  
22                 funds provided to carry out section  
23                 132(a)(2)(A) of the WIOA may be used to pro-  
24                 vide assistance to a State for statewide or local  
25                 use in order to address cases where there have

1           been worker dislocations across multiple sectors  
2           or across multiple local areas and such workers  
3           remain dislocated; coordinate the State work-  
4           force development plan with emerging economic  
5           development needs; and train such eligible dis-  
6           located workers: *Provided further*, That funds  
7           provided to carry out section 168(b) of the  
8           WIOA may be used for technical assistance  
9           projects that provide assistance to new entrants  
10          in the workforce and incumbent workers: *Pro-*  
11          *vided further*, That notwithstanding section  
12          168(b) of the WIOA, of the funds provided  
13          under this subparagraph, the Secretary of  
14          Labor (referred to in this title as “Secretary”)  
15          may reserve not more than 10 percent of such  
16          funds to provide technical assistance and carry  
17          out additional activities related to the transition  
18          to the WIOA: *Provided further*, That, of the  
19          funds provided under this subparagraph, up to  
20          \$66,000,000 may be made available for applica-  
21          tions submitted in accordance with section 170  
22          of the WIOA for training and employment as-  
23          sistance for workers in the Appalachian region,  
24          as defined by 40 U.S.C. 14102 (a)(1);

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

5 (C) \$72,000,000 for migrant and seasonal  
6 farmworker programs under section 167 of the  
7 WIOA, including \$66,716,000 for formula  
8 grants (of which not less than 70 percent shall  
9 be for employment and training services),  
10 \$4,850,000 for migrant and seasonal housing  
11 (of which not less than 70 percent shall be for  
12 permanent housing), and \$434,000 for other  
13 discretionary purposes, which shall be available  
14 for the period July 1, 2018 through June 30,  
15 2019: *Provided*, That notwithstanding any  
16 other provision of law or related regulation, the  
17 Department of Labor shall take no action lim-  
18 iting the number or proportion of eligible par-  
19 ticipants receiving related assistance services or  
20 discouraging grantees from providing such serv-  
21 ices;

22 (D) \$84,534,000 for YouthBuild activities  
23 as described in section 171 of the WIOA, which  
24 shall be available for the period April 1, 2018  
25 through June 30, 2019; and

1           (E) \$82,078,000 for ex-offender activities,  
2           under the authority of section 169 of the WIOA  
3           and section 212 of the Second Chance Act of  
4           2007, which shall be available for the period  
5           April 1, 2018 through June 30, 2019: *Provided*,  
6           That of this amount, \$25,000,000 shall be for  
7           competitive grants to national and regional  
8           intermediaries for activities that prepare young  
9           ex-offenders and school dropouts for employ-  
10          ment, with a priority for projects serving high-  
11          crime, high-poverty areas.

12                                   JOB CORPS

13                           (INCLUDING TRANSFER OF FUNDS)

14          To carry out subtitle C of title I of the WIOA, includ-  
15          ing Federal administrative expenses, the purchase and  
16          hire of passenger motor vehicles, the construction, alter-  
17          ation, and repairs of buildings and other facilities, and the  
18          purchase of real property for training centers as author-  
19          ized by the WIOA, \$1,688,155,000, plus reimbursements,  
20          as follows:

21                   (1) \$1,572,886,000 for Job Corps Operations,  
22                   which shall be available for the period July 1, 2018  
23                   through June 30, 2019;

24                   (2) \$83,000,000 for construction, rehabilitation  
25                   and acquisition of Job Corps Centers, which shall be

1 available for the period July 1, 2018 through June  
2 30, 2021, and which may include the acquisition,  
3 maintenance, and repair of major items of equip-  
4 ment: *Provided*, That the Secretary may transfer up  
5 to 15 percent of such funds to meet the operational  
6 needs of such centers or to achieve administrative ef-  
7 ficiencies: *Provided further*, That any funds trans-  
8 ferred pursuant to the preceding proviso shall not be  
9 available for obligation after June 30, 2019: *Pro-*  
10 *vided further*, That the Committees on Appropria-  
11 tions of the House of Representatives and the Sen-  
12 ate are notified at least 15 days in advance of any  
13 transfer; and

14 (3) \$32,269,000 for necessary expenses of Job  
15 Corps, which shall be available for obligation for the  
16 period October 1, 2017 through September 30,  
17 2018:

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

21 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

22 For payments during fiscal year 2018 of trade ad-  
23 justment benefit payments and allowances under part I  
24 of subchapter B of chapter 2 of title II of the Trade Act  
25 of 1974, and section 246 of that Act; and for training,

1 employment and case management services, allowances for  
2 job search and relocation, and related State administrative  
3 expenses under part II of subchapter B of chapter 2 of  
4 title II of the Trade Act of 1974, and including benefit  
5 payments, allowances, training, employment and case  
6 management services, and related State administration  
7 provided pursuant to section 231(a) of the Trade Adjust-  
8 ment Assistance Extension Act of 2011 and section 405(a)  
9 of the Trade Preferences Extension Act of 2015,  
10 \$790,000,000 together with such amounts as may be nec-  
11 essary to be charged to the subsequent appropriation for  
12 payments for any period subsequent to September 15,  
13 2018: *Provided*, That notwithstanding section 502 of this  
14 Act, any part of the appropriation provided under this  
15 heading may remain available for obligation beyond the  
16 current fiscal year pursuant to the authorities of section  
17 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

18 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

19 SERVICE OPERATIONS

20 For authorized administrative expenses,  
21 \$70,000,000, together with not to exceed \$2,760,903,000  
22 which may be expended from the Employment Security  
23 Administration Account in the Unemployment Trust Fund  
24 (“the Trust Fund”), of which:



1           (1) \$2,665,775,000 from the Trust Fund is for  
2 grants to States for the administration of State un-  
3 employment insurance laws as authorized under title  
4 III of the Social Security Act (including not less  
5 than \$160,000,000 to conduct in-person reemploy-  
6 ment and eligibility assessments and unemployment  
7 insurance improper payment reviews, and to provide  
8 reemployment services and referrals to training as  
9 appropriate, for claimants of unemployment insur-  
10 ance for ex-service members under 5 U.S.C. 8521 et.  
11 seq. and for claimants of regular unemployment  
12 compensation, including those who are profiled as  
13 most likely to exhaust their benefits in each State,  
14 and \$6,000,000 for continued support of the Unem-  
15 ployment Insurance Integrity Center of Excellence),  
16 the administration of unemployment insurance for  
17 Federal employees and for ex-service members as  
18 authorized under 5 U.S.C. 8501–8523, and the ad-  
19 ministration of trade readjustment allowances, reem-  
20 ployment trade adjustment assistance, and alter-  
21 native trade adjustment assistance under the Trade  
22 Act of 1974 and under section 231(a) of the Trade  
23 Adjustment Assistance Extension Act of 2011 and  
24 section 405(a) of the Trade Preferences Extension  
25 Act of 2015, and shall be available for obligation by

1 the States through December 31, 2018, except that  
2 funds used for automation shall be available for  
3 Federal obligation through December 31, 2018, and  
4 for State obligation through September 30, 2020, or,  
5 if the automation is being carried out through con-  
6 sortia of States, for State obligation through Sep-  
7 tember 30, 2023, and for expenditure through Sep-  
8 tember 30, 2024, and funds for competitive grants  
9 awarded to States for improved operations and to  
10 conduct in-person reemployment and eligibility as-  
11 sessments and unemployment insurance improper  
12 payment reviews and provide reemployment services  
13 and referrals to training, as appropriate, shall be  
14 available for Federal obligation through December  
15 31, 2018, and for obligation by the States through  
16 September 30, 2020, and funds for the Unemploy-  
17 ment Insurance Integrity Center of Excellence shall  
18 be available for obligation by the State through Sep-  
19 tember 30, 2019, and funds used for unemployment  
20 insurance workloads experienced through September  
21 30, 2018 shall be available for Federal obligation  
22 through December 31, 2018;

23 (2) \$13,000,000 from the Trust Fund is for na-  
24 tional activities necessary to support the administra-

1 tion of the Federal-State unemployment insurance  
2 system;

3 (3) \$19,818,000 from the Trust Fund is for na-  
4 tional activities of the Employment Service, includ-  
5 ing administration of the work opportunity tax cred-  
6 it under section 51 of the Internal Revenue Code of  
7 1986, and the provision of technical assistance and  
8 staff training under the Wagner-Peyser Act;

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

17 (5) \$70,000,000 from the General Fund is to  
18 provide workforce information, national electronic  
19 tools, and one-stop system building under the Wag-  
20 ner-Peyser Act and shall be available for Federal ob-  
21 ligation for the period July 1, 2018 through June  
22 30, 2019:

23 *Provided*, That to the extent that the Average Weekly In-  
24 sured Unemployment (“AWIU”) for fiscal year 2018 is  
25 projected by the Department of Labor to exceed

1 2,246,000, an additional \$28,600,000 from the Trust  
2 Fund shall be available for obligation for every 100,000  
3 increase in the AWIU level (including a pro rata amount  
4 for any increment less than 100,000) to carry out title  
5 III of the Social Security Act: *Provided further*, That  
6 funds appropriated in this Act that are allotted to a State  
7 to carry out activities under title III of the Social Security  
8 Act may be used by such State to assist other States in  
9 carrying out activities under such title III if the other  
10 States include areas that have suffered a major disaster  
11 declared by the President under the Robert T. Stafford  
12 Disaster Relief and Emergency Assistance Act: *Provided*  
13 *further*, That the Secretary may use funds appropriated  
14 for grants to States under title III of the Social Security  
15 Act to make payments on behalf of States for the use of  
16 the National Directory of New Hires under section  
17 453(j)(8) of such Act: *Provided further*, That the Sec-  
18 retary may use funds appropriated for grants to States  
19 under title III of the Social Security Act to make pay-  
20 ments on behalf of States to the entity operating the State  
21 Information Data Exchange System: *Provided further*,  
22 That the Secretary may use funds appropriated for grants  
23 to States under title III of the Social Security Act to make  
24 payments on behalf of States to the entity operating the  
25 Unemployment Insurance Integrity Center of Excellence:

1 *Provided further*, That funds appropriated in this Act  
2 which are used to establish a national one-stop career cen-  
3 ter system, or which are used to support the national ac-  
4 tivities of the Federal-State unemployment insurance, em-  
5 ployment service, or immigration programs, may be obli-  
6 gated in contracts, grants, or agreements with States and  
7 non-State entities: *Provided further*, That States awarded  
8 competitive grants for improved operations under title III  
9 of the Social Security Act, or awarded grants to support  
10 the national activities of the Federal-State unemployment  
11 insurance system, may award subgrants to other States  
12 and non-State entities under such grants, subject to the  
13 conditions applicable to the grants: *Provided further*, That  
14 funds appropriated under this Act for activities authorized  
15 under title III of the Social Security Act and the Wagner-  
16 Peyser Act may be used by States to fund integrated Un-  
17 employment Insurance and Employment Service automa-  
18 tion efforts, notwithstanding cost allocation principles pre-  
19 scribed under the final rule entitled “Uniform Administra-  
20 tive Requirements, Cost Principles, and Audit Require-  
21 ments for Federal Awards” at part 200 of title 2, Code  
22 of Federal Regulations: *Provided further*, That the Sec-  
23 retary, at the request of a State participating in a consor-  
24 tium with other States, may reallocate funds allotted to such  
25 State under title III of the Social Security Act to other

1 States participating in the consortium in order to carry  
2 out activities that benefit the administration of the unem-  
3 ployment compensation law of the State making the re-  
4 quest: *Provided further*, That the Secretary may collect  
5 fees for the costs associated with additional data collec-  
6 tion, analyses, and reporting services relating to the Na-  
7 tional Agricultural Workers Survey requested by State  
8 and local governments, public and private institutions of  
9 higher education, and nonprofit organizations and may  
10 utilize such sums, in accordance with the provisions of 29  
11 U.S.C. 9a, for the National Agricultural Workers Survey  
12 infrastructure, methodology, and data to meet the infor-  
13 mation collection and reporting needs of such entities,  
14 which shall be credited to this appropriation and shall re-  
15 main available until September 30, 2019, for such pur-  
16 poses.

17       ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
18   OTHER FUNDS

19       For repayable advances to the Unemployment Trust  
20 Fund as authorized by sections 905(d) and 1203 of the  
21 Social Security Act, and to the Black Lung Disability  
22 Trust Fund as authorized by section 9501(c)(1) of the In-  
23 ternal Revenue Code of 1986; and for nonrepayable ad-  
24 vances to the revolving fund established by section 901(e)  
25 of the Social Security Act, to the Unemployment Trust

1 Fund as authorized by 5 U.S.C. 8509, and to the “Federal  
2 Unemployment Benefits and Allowances” account, such  
3 sums as may be necessary, which shall be available for  
4 obligation through September 30, 2019.

5 PROGRAM ADMINISTRATION

6 For expenses of administering employment and train-  
7 ing programs, \$106,461,000, together with not to exceed  
8 \$49,887,000 which may be expended from the Employ-  
9 ment Security Administration Account in the Unemploy-  
10 ment Trust Fund.

11 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses for the Employee Benefits  
14 Security Administration, \$175,600,000.

15 PENSION BENEFIT GUARANTY CORPORATION

16 PENSION BENEFIT GUARANTY CORPORATION FUND

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

1 ing associated administrative expenses, through Sep-  
2 tember 30, 2018, for the Corporation: *Provided*, That  
3 none of the funds available to the Corporation for fiscal  
4 year 2018 shall be available for obligations for administra-  
5 tive expenses in excess of \$424,417,000: *Provided further*,  
6 That to the extent that the number of new plan partici-  
7 pants in plans terminated by the Corporation exceeds  
8 100,000 in fiscal year 2018, an amount not to exceed an  
9 additional \$9,200,000 shall be available through Sep-  
10 tember 30, 2019, for obligation for administrative ex-  
11 penses for every 20,000 additional terminated partici-  
12 pants: *Provided further*, That obligations in excess of the  
13 amounts provided in this paragraph may be incurred for  
14 unforeseen and extraordinary pretermination expenses or  
15 extraordinary multiemployer program related expenses  
16 after approval by the Office of Management and Budget  
17 and notification of the Committees on Appropriations of  
18 the House of Representatives and the Senate.

19 WAGE AND HOUR DIVISION

20 SALARIES AND EXPENSES

21 For necessary expenses for the Wage and Hour Divi-  
22 sion, including reimbursement to State, Federal, and local  
23 agencies and their employees for inspection services ren-  
24 dered, \$217,500,000.



## 1 OFFICE OF LABOR-MANAGEMENT STANDARDS

## 2 SALARIES AND EXPENSES

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

## 5 OFFICE OF FEDERAL CONTRACT COMPLIANCE

## 6 PROGRAMS

## 7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Federal Con-  
9 tract Compliance Programs, \$94,500,000.

## 10 OFFICE OF WORKERS' COMPENSATION PROGRAMS

## 11 SALARIES AND EXPENSES

12 For necessary expenses for the Office of Workers'  
13 Compensation Programs, \$114,377,000, together with  
14 \$2,173,000 which may be expended from the Special Fund  
15 in accordance with sections 39(c), 44(d), and 44(j) of the  
16 Longshore and Harbor Workers' Compensation Act.

## 17 SPECIAL BENEFITS

## 18 (INCLUDING TRANSFER OF FUNDS)

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

1 5(f) of the War Claims Act (50 U.S.C. App. 2004); obliga-  
2 tions incurred under the War Hazards Compensation Act  
3 (42 U.S.C. 1701 et seq.); and 50 percent of the additional  
4 compensation and benefits required by section 10(h) of the  
5 Longshore and Harbor Workers' Compensation Act,  
6 \$220,000,000, together with such amounts as may be nec-  
7 essary to be charged to the subsequent year appropriation  
8 for the payment of compensation and other benefits for  
9 any period subsequent to August 15 of the current year,  
10 for deposit into and to assume the attributes of the Em-  
11 ployees' Compensation Fund established under 5 U.S.C.  
12 8147(a): *Provided*, That amounts appropriated may be  
13 used under 5 U.S.C. 8104 by the Secretary to reimburse  
14 an employer, who is not the employer at the time of injury,  
15 for portions of the salary of a re-employed, disabled bene-  
16 ficiary: *Provided further*, That balances of reimbursements  
17 unobligated on September 30, 2017, shall remain available  
18 until expended for the payment of compensation, benefits,  
19 and expenses: *Provided further*, That in addition there  
20 shall be transferred to this appropriation from the Postal  
21 Service and from any other corporation or instrumentality  
22 required under 5 U.S.C. 8147(c) to pay an amount for  
23 its fair share of the cost of administration, such sums as  
24 the Secretary determines to be the cost of administration  
25 for employees of such fair share entities through Sep-

1 tember 30, 2018: *Provided further*, That of those funds  
2 transferred to this account from the fair share entities to  
3 pay the cost of administration of the Federal Employees'  
4 Compensation Act, \$71,188,000 shall be made available  
5 to the Secretary as follows:

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

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

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

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

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

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

## 1 SPECIAL BENEFITS FOR DISABLED COAL MINERS

2 For carrying out title IV of the Federal Mine Safety  
3 and Health Act of 1977, as amended by Public Law 107–  
4 275, \$54,319,000, to remain available until expended.

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

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

## 12 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

## 13 OCCUPATIONAL ILLNESS COMPENSATION FUND

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

## 21 BLACK LUNG DISABILITY TRUST FUND

## 22 (INCLUDING TRANSFER OF FUNDS)

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

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

16 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
17 SALARIES AND EXPENSES

18 For necessary expenses for the Occupational Safety  
19 and Health Administration, \$531,470,000, including not  
20 to exceed \$100,850,000 which shall be the maximum  
21 amount available for grants to States under section 23(g)  
22 of the Occupational Safety and Health Act (the "Act"),  
23 which grants shall be no less than 50 percent of the costs  
24 of State occupational safety and health programs required  
25 to be incurred under plans approved by the Secretary

1 under section 18 of the Act; and, in addition, notwith-  
2 standing 31 U.S.C. 3302, the Occupational Safety and  
3 Health Administration may retain up to \$499,000 per fis-  
4 cal year of training institute course tuition and fees, other-  
5 wise authorized by law to be collected, and may utilize  
6 such sums for occupational safety and health training and  
7 education: *Provided*, That notwithstanding 31 U.S.C.  
8 3302, the Secretary is authorized, during the fiscal year  
9 ending September 30, 2018, to collect and retain fees for  
10 services provided to Nationally Recognized Testing Lab-  
11 oratories, and may utilize such sums, in accordance with  
12 the provisions of 29 U.S.C. 9a, to administer national and  
13 international laboratory recognition programs that ensure  
14 the safety of equipment and products used by workers in  
15 the workplace: *Provided further*, That none of the funds  
16 appropriated under this paragraph shall be obligated or  
17 expended to prescribe, issue, administer, or enforce any  
18 standard, rule, regulation, or order under the Act which  
19 is applicable to any person who is engaged in a farming  
20 operation which does not maintain a temporary labor  
21 camp and employs 10 or fewer employees: *Provided fur-*  
22 *ther*, That no funds appropriated under this paragraph  
23 shall be obligated or expended to administer or enforce  
24 any standard, rule, regulation, or order under the Act with  
25 respect to any employer of 10 or fewer employees who is

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

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

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

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

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

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

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

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

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

12 MINE SAFETY AND HEALTH ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Mine Safety and  
15 Health Administration, \$359,975,000, including purchase  
16 and bestowal of certificates and trophies in connection  
17 with mine rescue and first-aid work, and the hire of pas-  
18 senger motor vehicles, including up to \$2,000,000 for  
19 mine rescue and recovery activities and not less than  
20 \$10,537,000 for State assistance grants: *Provided*, That  
21 amounts available for State assistance grants may be used  
22 for the purchase and maintenance of new equipment re-  
23 quired by the final rule entitled “Lowering Miners’ Expo-  
24 sure to Respirable Coal Mine Dust, Including Continuous  
25 Personal Dust Monitors” published by the Department of



1 Labor in the Federal Register on May 1, 2014 (79 Fed.  
2 Reg. 24813 et seq.), for operators that demonstrate finan-  
3 cial need as determined by the Secretary: *Provided further*,  
4 That notwithstanding 31 U.S.C. 3302, not to exceed  
5 \$750,000 may be collected by the National Mine Health  
6 and Safety Academy for room, board, tuition, and the sale  
7 of training materials, otherwise authorized by law to be  
8 collected, to be available for mine safety and health edu-  
9 cation and training activities: *Provided further*, That not-  
10 withstanding 31 U.S.C. 3302, the Mine Safety and Health  
11 Administration is authorized to collect and retain up to  
12 \$2,499,000 from fees collected for the approval and cer-  
13 tification of equipment, materials, and explosives for use  
14 in mines, and may utilize such sums for such activities:  
15 *Provided further*, That the Secretary is authorized to ac-  
16 cept lands, buildings, equipment, and other contributions  
17 from public and private sources and to prosecute projects  
18 in cooperation with other agencies, Federal, State, or pri-  
19 vate: *Provided further*, That the Mine Safety and Health  
20 Administration is authorized to promote health and safety  
21 education and training in the mining community through  
22 cooperative programs with States, industry, and safety as-  
23 sociations: *Provided further*, That the Secretary is author-  
24 ized to recognize the Joseph A. Holmes Safety Association  
25 as a principal safety association and, notwithstanding any

1 other provision of law, may provide funds and, with or  
2 without reimbursement, personnel, including service of  
3 Mine Safety and Health Administration officials as offi-  
4 cers in local chapters or in the national organization: *Pro-*  
5 *vided further*, That any funds available to the Department  
6 of Labor may be used, with the approval of the Secretary,  
7 to provide for the costs of mine rescue and survival oper-  
8 ations in the event of a major disaster.

9 BUREAU OF LABOR STATISTICS

10 SALARIES AND EXPENSES

11 For necessary expenses for the Bureau of Labor Sta-  
12 tistics, including advances or reimbursements to State,  
13 Federal, and local agencies and their employees for serv-  
14 ices rendered, \$544,000,000, together with not to exceed  
15 \$65,000,000 which may be expended from the Employ-  
16 ment Security Administration account in the Unemploy-  
17 ment Trust Fund.

18 OFFICE OF DISABILITY EMPLOYMENT POLICY

19 SALARIES AND EXPENSES

20 For necessary expenses for the Office of Disability  
21 Employment Policy to provide leadership, develop policy  
22 and initiatives, and award grants furthering the objective  
23 of eliminating barriers to the training and employment of  
24 people with disabilities, \$36,800,000.

## 1 DEPARTMENTAL MANAGEMENT

## 2 SALARIES AND EXPENSES

## 3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for Departmental Manage-  
5 ment, including the hire of three passenger motor vehicles,  
6 \$272,539,000, together with not to exceed \$308,000,  
7 which may be expended from the Employment Security  
8 Administration account in the Unemployment Trust  
9 Fund: *Provided* , That funds available to the Bureau of  
10 International Labor Affairs may be used to administer or  
11 operate international labor activities, bilateral and multi-  
12 lateral technical assistance, and microfinance programs,  
13 by or through contracts, grants, subgrants and other ar-  
14 rangements: *Provided further*, That \$8,040,000 shall be  
15 used for program evaluation and shall be available for obli-  
16 gation through September 30, 2019: *Provided further*,  
17 That funds available for program evaluation may be used  
18 to administer grants for the purpose of evaluation: *Pro-*  
19 *vided further*, That grants made for the purpose of evalua-  
20 tion shall be awarded through fair and open competition:  
21 *Provided further*, That funds available for program evalua-  
22 tion may be transferred to any other appropriate account  
23 in the Department for such purpose: *Provided further*,  
24 That the Committees on Appropriations of the House of  
25 Representatives and the Senate are notified at least 15

1 days in advance of any transfer: *Provided further*, That  
2 the funds available to the Women’s Bureau may be used  
3 for grants to serve and promote the interests of women  
4 in the workforce: *Provided further*, That of the amounts  
5 made available to the Women’s Bureau, \$994,000 shall  
6 be used for grants authorized by the Women in Appren-  
7 ticeship and Nontraditional Occupations Act.

8 VETERANS EMPLOYMENT AND TRAINING

9 Not to exceed \$236,514,000 may be derived from the  
10 Employment Security Administration account in the Un-  
11 employment Trust Fund to carry out the provisions of  
12 chapters 41, 42, and 43 of title 38, United States Code,  
13 of which:

14 (1) \$175,000,000 is for Jobs for Veterans State  
15 grants under 38 U.S.C. 4102A(b)(5) to support dis-  
16 abled veterans’ outreach program specialists under  
17 section 4103A of such title and local veterans’ em-  
18 ployment representatives under section 4104(b) of  
19 such title, and for the expenses described in section  
20 4102A(b)(5)(C), which shall be available for obliga-  
21 tion by the States through December 31, 2018, and  
22 not to exceed 3 percent for the necessary Federal ex-  
23 penditures for data systems and contract support to  
24 allow for the tracking of participant and perform-  
25 ance information: *Provided*, That, in addition, such

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

11 (2) \$16,073,000 is for carrying out the Transi-  
12 tion Assistance Program under 38 U.S.C. 4113 and  
13 10 U.S.C. 1144;

14 (3) \$42,027,000 is for Federal administration  
15 of chapters 41, 42, and 43 of title 38, United States  
16 Code: *Provided*, That of such amounts, not more  
17 than \$1,000,000 shall be available for necessary ex-  
18 penses of the HIRE Vets Medallion Award Program  
19 authorized by the HIRE Vets Act (Division O of the  
20 Consolidated Appropriations Act, 2017 (Public Law  
21 115-31; 38 U.S.C. 4100 note)), which shall be in ad-  
22 dition to amounts available in the HIRE Vets Me-  
23 dallion Award Fund established by section 5 of such  
24 Act; and

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

4   *Provided*, That the Secretary may reallocate among the  
5   appropriations provided under paragraphs (1) through (4)  
6   above an amount not to exceed 3 percent of the appropria-  
7   tion from which such reallocation is made: *Provided fur-*  
8   *ther*, That the HIRE Vets Medallion Award Fund shall  
9   be available to the Secretary for necessary expenses of the  
10   HIRE Vets Medallion Award Program authorized by the  
11   Hire Vets Act (Division O of the Consolidated Appropria-  
12   tions Act, 2017 (Public Law 115-31; 38 U.S.C. 4100  
13   note)).

14       In addition, from the General Fund of the Treasury,  
15   \$47,537,000 is for carrying out programs to assist home-  
16   less veterans and veterans at risk of homelessness who are  
17   transitioning from certain institutions under sections  
18   2021, 2021A, and 2023 of title 38, United States Code:  
19   *Provided*, That notwithstanding subsections (c)(3) and (d)  
20   of section 2023, the Secretary may award grants through  
21   September 30, 2018, to provide services under such sec-  
22   tion: *Provided further*, That services provided under sec-  
23   tion 2023 may include, in addition to services to the indi-  
24   viduals described in subsection (e) of such section, services

1 to veterans recently released from incarceration who are  
2 at risk of homelessness.

3 IT MODERNIZATION

4 For necessary expenses for Department of Labor cen-  
5 tralized infrastructure technology investment activities re-  
6 lated to support systems and modernization, \$20,769,000,  
7 which shall be available through September 30, 2019.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector  
10 General in carrying out the provisions of the Inspector  
11 General Act of 1978, \$83,487,000, together with not to  
12 exceed \$5,660,000 which may be expended from the Em-  
13 ployment Security Administration account in the Unem-  
14 ployment Trust Fund.

15 GENERAL PROVISIONS

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

21 (TRANSFER OF FUNDS)

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

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

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

19 SEC. 104. Except as otherwise provided in this sec-  
20 tion, none of the funds made available to the Department  
21 of Labor for grants under section 414(c) of the American  
22 Competitiveness and Workforce Improvement Act of 1998  
23 (29 U.S.C. 2916a) may be used for any purpose other  
24 than competitive grants for training individuals who are  
25 older than 16 years of age and are not currently enrolled



1 in school within a local educational agency in the occupa-  
2 tions and industries for which employers are using H-1B  
3 visas to hire foreign workers, and the related activities  
4 necessary to support such training.

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

22   (TRANSFER OF FUNDS)

23       SEC. 106. (a) Notwithstanding section 102, the Sec-  
24 retary may transfer funds made available to the Employ-  
25 ment and Training Administration by this Act, either di-

1 rectly or through a set-aside, for technical assistance serv-  
2 ices to grantees to “Program Administration” when it is  
3 determined that those services will be more efficiently per-  
4 formed by Federal employees: *Provided*, That this section  
5 shall not apply to section 171 of the WIOA.

6 (b) Notwithstanding section 102, the Secretary may  
7 transfer not more than 0.5 percent of each discretionary  
8 appropriation made available to the Employment and  
9 Training Administration by this Act to “Program Admin-  
10 istration” in order to carry out program integrity activities  
11 relating to any of the programs or activities that are fund-  
12 ed under any such discretionary appropriations: *Provided*,  
13 That funds transferred from under paragraphs (1) and  
14 (2) of the “Office of Job Corps” account shall be available  
15 under paragraph (3) of such account in order to carry out  
16 program integrity activities relating to the Job Corps pro-  
17 gram: *Provided further*, That funds transferred under this  
18 subsection shall be available for obligation through Sep-  
19 tember 30, 2019.

20 (TRANSFER OF FUNDS)

21 SEC. 107. (a) The Secretary may reserve not more  
22 than 0.75 percent from each appropriation made available  
23 in this Act identified in subsection (b) in order to carry  
24 out evaluations of any of the programs or activities that  
25 are funded under such accounts. Any funds reserved under

1 this section shall be transferred to “Departmental Man-  
2 agement” for use by the Office of the Chief Evaluation  
3 Officer within the Department of Labor, and shall be  
4 available for obligation through September 30, 2019: *Pro-*  
5 *vided*, That such funds shall only be available if the Chief  
6 Evaluation Officer of the Department of Labor submits  
7 a plan to the Committees on Appropriations of the House  
8 of Representatives and the Senate describing the evalua-  
9 tions to be carried out 15 days in advance of any transfer.

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

1        SEC. 108. Notwithstanding any other provision of  
2 law, beginning October 1, 2017, the Secretary of Labor,  
3 in consultation with the Secretary of Agriculture may se-  
4 lect an entity to operate a Civilian Conservation Center  
5 on a competitive basis in accordance with section 147 of  
6 the WIOA, if the Secretary of Labor determines such Cen-  
7 ter has had consistently low performance under the per-  
8 formance accountability system in effect for the Job Corps  
9 program prior to July 1, 2016, or with respect to expected  
10 levels of performance established under section 159(c) of  
11 such Act beginning July 1, 2016.

12        SEC. 109. (a) Section 7 of the Fair Labor Standards  
13 Act of 1938 (29 U.S.C. 207) shall be applied as if the  
14 following text is part of such section:

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

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

24                “(B) who receives from such employer on aver-  
25 age weekly compensation of not less than \$591.00

1 per week or any minimum weekly amount estab-  
2 lished by the Secretary, whichever is greater, for the  
3 number of weeks such employee is engaged in any  
4 of the activities described in subparagraph (C); and

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

6 “(i) interviewing insured individuals, indi-  
7 viduals who suffered injuries or other damages  
8 or losses arising from or relating to a disaster,  
9 witnesses, or physicians;

10 “(ii) inspecting property damage or review-  
11 ing factual information to prepare damage esti-  
12 mates;

13 “(iii) evaluating and making recommenda-  
14 tions regarding coverage or compensability of  
15 claims or determining liability or value aspects  
16 of claims;

17 “(iv) negotiating settlements; or

18 “(v) making recommendations regarding  
19 litigation.

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

22 “(3) For purposes of this subsection—

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

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

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

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

22   (RESCISSION)

23       SEC. 110. Of the funds made available under the  
24 heading “Employment and Training Administration—  
25 Training and Employment Services” in division H of Pub-

1 lie Law 115–31, \$200,000,000 is rescinded, to be derived  
2 from the amount made available in paragraph (2)(A)  
3 under such heading for the period October 1, 2017,  
4 through September 30, 2018.

5 SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE  
6 CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE  
7 SEAFOOD INDUSTRY.—

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

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

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

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

1 (ii) posting the job opportunity on the  
2 appropriate Department of Labor Elec-  
3 tronic Job Registry and at the employer's  
4 place of employment; and

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

7 (i) applies for the job; and

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

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

18 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-  
19 tion, the term “H-2B nonimmigrants” means aliens ad-  
20 mitted to the United States pursuant to section  
21 101(a)(15)(H)(ii)(B) of the Immigration and Nationality  
22 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

23 SEC. 112. The determination of prevailing wage for  
24 the purposes of the H-2B program shall be the greater  
25 of—(1) the actual wage level paid by the employer to other



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

13       SEC. 113. None of the funds in this Act shall be used  
14 to enforce the definition of corresponding employment  
15 found in 20 CFR 655.5 or the three-fourths guarantee  
16 rule definition found in 20 CFR 655.20, or any references  
17 thereto. Further, for the purpose of regulating admission  
18 of temporary workers under the H-2B program, the defi-  
19 nition of temporary need shall be that provided in 8 CFR  
20 214.2(h)(6)(ii)(B).

21       SEC. 114. Notwithstanding any other provision of  
22 law, the final rule issued by the Department of Labor enti-  
23 tled “Definition of the Term “Fiduciary”; Conflict of In-  
24 terest Rule-Retirement Investment Advice” and published  
25 by the Department of Labor in the Federal Register on

1 April 8, 2016 (81 Fed. Reg. 20946 et seq.), shall have  
2 no force or effect.

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

5 TITLE II  
6 DEPARTMENT OF HEALTH AND HUMAN  
7 SERVICES

8 HEALTH RESOURCES AND SERVICES ADMINISTRATION  
9 PRIMARY HEALTH CARE

10 For carrying out titles II and III of the Public Health  
11 Service Act (referred to in this Act as the “PHS Act”)  
12 with respect to primary health care and the Native Hawai-  
13 ian Health Care Act of 1988, \$1,491,522,000: *Provided*,  
14 That no more than \$100,000 shall be available until ex-  
15 pended for carrying out the provisions of section 224(o)  
16 of the PHS Act: *Provided further*, That no more than  
17 \$99,893,000 shall be available until expended for carrying  
18 out the provisions of sections 224(g)–(n) and (q) of the  
19 PHS Act, and for expenses incurred by the Department  
20 of Health and Human Services (referred to in this Act  
21 as “HHS”) pertaining to administrative claims made  
22 under such law.

23 HEALTH WORKFORCE

24 For carrying out titles III, VII, and VIII of the PHS  
25 Act with respect to the health workforce, sections 1128E

1 and 1921 of the Social Security Act, and the Health Care  
2 Quality Improvement Act of 1986, \$748,236,000: *Pro-*  
3 *vided*, That sections 736(h)(1), 747(c)(2), 751(j)(2),  
4 762(k), and the proportional funding amounts in para-  
5 graphs (1) through (4) of section 756(f) of the PHS Act  
6 shall not apply to funds made available under this head-  
7 ing: *Provided further*, That for any program operating  
8 under section 751 of the PHS Act on or before January  
9 1, 2009, the Secretary of Health and Human Services (re-  
10 ferred to in this title as the “Secretary”) may hereafter  
11 waive any of the requirements contained in sections  
12 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full  
13 project period of a grant under such section: *Provided fur-*  
14 *ther*, That no funds shall be available for section 340G–  
15 1 of the PHS Act: *Provided further*, That fees collected  
16 for the disclosure of information under section 427(b) of  
17 the Health Care Quality Improvement Act of 1986 and  
18 sections 1128E(d)(2) and 1921 of the Social Security Act  
19 shall be sufficient to recover the full costs of operating  
20 the programs authorized by such sections and shall remain  
21 available until expended for the National Practitioner  
22 Data Bank: *Provided further*, That funds transferred to  
23 this account to carry out section 846 and subpart 3 of  
24 part D of title III of the PHS Act may be used to make

1 prior year adjustments to awards made under such sec-  
2 tions.

3 MATERNAL AND CHILD HEALTH

4 For carrying out titles III, XI, XII, and XIX of the  
5 PHS Act with respect to maternal and child health, title  
6 V of the Social Security Act, and section 712 of the Amer-  
7 ican Jobs Creation Act of 2004, \$848,617,000: *Provided*,  
8 That notwithstanding sections 502(a)(1) and 502(b)(1) of  
9 the Social Security Act, not more than \$80,593,000 shall  
10 be available for carrying out special projects of regional  
11 and national significance pursuant to section 501(a)(2) of  
12 such Act and \$10,276,000 shall be available for projects  
13 described in subparagraphs (A) through (F) of section  
14 501(a)(3) of such Act.

15 RYAN WHITE HIV/AIDS PROGRAM

16 For carrying out title XXVI of the PHS Act with  
17 respect to the Ryan White HIV/AIDS program,  
18 \$2,318,781,000, of which \$1,970,881,000 shall remain  
19 available to the Secretary through September 30, 2020,  
20 for parts A and B of title XXVI of the PHS Act, and  
21 of which not less than \$900,313,000 shall be for State  
22 AIDS Drug Assistance Programs under the authority of  
23 section 2616 or 311(c) of such Act.

## 1 HEALTH CARE SYSTEMS

2 For carrying out titles III and XII of the PHS Act  
3 with respect to health care systems, and the Stem Cell  
4 Therapeutic and Research Act of 2005, \$100,518,000.

## 5 RURAL HEALTH

6 For carrying out titles III and IV of the PHS Act  
7 with respect to rural health, section 427(a) of the Federal  
8 Coal Mine Health and Safety Act of 1969, and sections  
9 711 and 1820 of the Social Security Act, \$156,060,000,  
10 of which \$43,609,000 from general revenues, notwith-  
11 standing section 1820(j) of the Social Security Act, shall  
12 be available for carrying out the Medicare rural hospital  
13 flexibility grants program: *Provided*, That of the funds  
14 made available under this heading for Medicare rural hos-  
15 pital flexibility grants, \$14,942,000 shall be available for  
16 the Small Rural Hospital Improvement Grant Program  
17 for quality improvement and adoption of health informa-  
18 tion technology and up to \$1,000,000 shall be to carry  
19 out section 1820(g)(6) of the Social Security Act, with  
20 funds provided for grants under section 1820(g)(6) avail-  
21 able for the purchase and implementation of telehealth  
22 services, including pilots and demonstrations on the use  
23 of electronic health records to coordinate rural veterans  
24 care between rural providers and the Department of Vet-  
25 erans Affairs electronic health record system: *Provided*

1 *further*, That notwithstanding section 338J(k) of the PHS  
2 Act, \$10,000,000 shall be available for State Offices of  
3 Rural Health.

4 PROGRAM MANAGEMENT

5 For program support in the Health Resources and  
6 Services Administration, \$151,993,000: *Provided*, That  
7 funds made available under this heading may be used to  
8 supplement program support funding provided under the  
9 headings “Primary Health Care”, “Health Workforce”,  
10 “Maternal and Child Health”, “Ryan White HIV/AIDS  
11 Program”, “Health Care Systems”, and “Rural Health”.

12 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

13 For payments from the Vaccine Injury Compensation  
14 Program Trust Fund (the “Trust Fund”), such sums as  
15 may be necessary for claims associated with vaccine-re-  
16 lated injury or death with respect to vaccines administered  
17 after September 30, 1988, pursuant to subtitle 2 of title  
18 XXI of the PHS Act, to remain available until expended:  
19 *Provided*, That for necessary administrative expenses, not  
20 to exceed \$8,250,000 shall be available from the Trust  
21 Fund to the Secretary.

22 CENTERS FOR DISEASE CONTROL AND PREVENTION

23 IMMUNIZATION AND RESPIRATORY DISEASES

24 For carrying out titles II, III, XVII, and XXI, and  
25 section 2821 of the PHS Act, titles II and IV of the Immi-

1 gration and Nationality Act, and section 501 of the Ref-  
2 ugee Education Assistance Act, with respect to immuniza-  
3 tion and respiratory diseases, \$470,700,000.

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

6 For carrying out titles II, III, XVII, and XXIII of  
7 the PHS Act with respect to HIV/AIDS, viral hepatitis,  
8 sexually transmitted diseases, and tuberculosis prevention,  
9 \$1,117,278,000.

10 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

11 For carrying out titles II, III, and XVII, and section  
12 2821 of the PHS Act, titles II and IV of the Immigration  
13 and Nationality Act, and section 501 of the Refugee Edu-  
14 cation Assistance Act, with respect to emerging and  
15 zoonotic infectious diseases, \$499,522,000.

16 CHRONIC DISEASE PREVENTION AND HEALTH  
17 PROMOTION

18 For carrying out titles II, III, XI, XV, XVII, and  
19 XIX of the PHS Act with respect to chronic disease pre-  
20 vention and health promotion, \$703,696,000: *Provided*,  
21 That funds appropriated under this account may be avail-  
22 able for making grants under section 1509 of the PHS  
23 Act for not less than 21 States, tribes, or tribal organiza-  
24 tions: *Provided further*, That of the funds available under  
25 this heading, \$10,000,000 shall be available to continue

1 and expand community specific extension and outreach  
2 programs to combat obesity in counties with the highest  
3 levels of obesity: *Provided further*, That the proportional  
4 funding requirements under section 1503(a) of the PHS  
5 Act shall not apply to funds made available under this  
6 heading.

7 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,

8 DISABILITIES AND HEALTH

9 For carrying out titles II, III, XI, and XVII of the  
10 PHS Act with respect to birth defects, developmental dis-  
11 abilities, disabilities and health, \$137,560,000.

12 PUBLIC HEALTH SCIENTIFIC SERVICES

13 For carrying out titles II, III, and XVII of the PHS  
14 Act with respect to health statistics, surveillance, health  
15 informatics, and workforce development, \$328,697,000:  
16 *Provided*, That in addition to amounts provided herein,  
17 \$150,700,000 shall be available from amounts available  
18 under section 241 of the PHS Act to carry out Public  
19 Health Scientific Services.

20 ENVIRONMENTAL HEALTH

21 For carrying out titles II, III, and XVII of the PHS  
22 Act with respect to environmental health, \$142,750,000.

23 INJURY PREVENTION AND CONTROL

24 For carrying out titles II, III, and XVII of the PHS  
25 Act with respect to injury prevention and control,



1 \$286,059,000: *Provided*, That of the funds provided under  
2 this heading, \$112,000,000 shall be available for an evi-  
3 dence-based opioid drug overdose prevention program.

4 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND  
5 HEALTH

6 For carrying out titles II, III, and XVII of the PHS  
7 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501  
8 of the Federal Mine Safety and Health Act, section 13  
9 of the Mine Improvement and New Emergency Response  
10 Act, and sections 20, 21, and 22 of the Occupational Safe-  
11 ty and Health Act, with respect to occupational safety and  
12 health, \$325,200,000.

13 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS  
14 COMPENSATION PROGRAM

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

21 GLOBAL HEALTH

22 For carrying out titles II, III, and XVII of the PHS  
23 Act with respect to global health, \$435,121,000, of which  
24 \$128,421,000 for international HIV/AIDS shall remain  
25 available through September 30, 2019: *Provided*, That

1 funds may be used for purchase and insurance of official  
2 motor vehicles in foreign countries.

3 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

4 For carrying out titles II, III, and XVII of the PHS  
5 Act with respect to public health preparedness and re-  
6 sponse, and for expenses necessary to support activities  
7 related to countering potential biological, nuclear, radio-  
8 logical, and chemical threats to civilian populations,  
9 \$1,450,000,000, of which \$600,000,000 shall remain  
10 available until expended for the Strategic National Stock-  
11 pile: *Provided*, That in the event the Director of the Cen-  
12 ters for Disease Control and Prevention (referred to in  
13 this title as “CDC”) activates the Emergency Operations  
14 Center, the Director of the CDC may detail CDC staff  
15 without reimbursement for up to 90 days to support the  
16 work of the CDC Emergency Operations Center, so long  
17 as the Director provides a notice to the Committees on  
18 Appropriations of the House of Representatives and the  
19 Senate within 15 days of the use of this authority and  
20 a full report within 30 days after use of this authority  
21 which includes the number of staff and funding level bro-  
22 ken down by the originating center and number of days  
23 detailed: *Provided further*, That funds appropriated under  
24 this heading may be used to support a contract for the  
25 operation and maintenance of an aircraft in direct support

1 of activities throughout CDC to ensure the agency is pre-  
2 pared to address public health preparedness emergencies.

3 BUILDINGS AND FACILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For acquisition of real property, equipment, construc-  
6 tion, demolition, and renovation of facilities, \$10,000,000,  
7 to remain available until September 30, 2022: *Provided*,  
8 That funds previously set-aside by CDC for repair and up-  
9 grade of the Lake Lynn Experimental Mine and Labora-  
10 tory shall be used to acquire a replacement mine safety  
11 research facility: *Provided further*, That in addition, the  
12 prior year unobligated balance of any amounts assigned  
13 to former employees in accounts of CDC made available  
14 for Individual Learning Accounts shall be credited to and  
15 merged with the amounts made available under this head-  
16 ing to support the replacement of the mine safety research  
17 facility.

18 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

19 For carrying out titles II, III, XVII and XIX, and  
20 section 2821 of the PHS Act and for cross-cutting activi-  
21 ties and program support for activities funded in other  
22 appropriations included in this Act for the Centers for  
23 Disease Control and Prevention, \$103,570,000: *Provided*,  
24 That paragraphs (1) through (3) of subsection (b) of sec-  
25 tion 2821 of the PHS Act shall not apply to funds appro-

1 priated under this heading and in all other accounts of  
2 the CDC: *Provided further*, That employees of CDC or the  
3 Public Health Service, both civilian and commissioned of-  
4 ficers, detailed to States, municipalities, or other organiza-  
5 tions under authority of section 214 of the PHS Act, or  
6 in overseas assignments, shall be treated as non-Federal  
7 employees for reporting purposes only and shall not be in-  
8 cluded within any personnel ceiling applicable to the Agen-  
9 cy, Service, or HHS during the period of detail or assign-  
10 ment: *Provided further*, That CDC may use up to \$10,000  
11 from amounts appropriated to CDC in this Act for official  
12 reception and representation expenses when specifically  
13 approved by the Director of CDC: *Provided further*, That  
14 in addition, such sums as may be derived from authorized  
15 user fees, which shall be credited to the appropriation  
16 charged with the cost thereof: *Provided further*, That with  
17 respect to the previous proviso, authorized user fees from  
18 the Vessel Sanitation Program and the Respirator Certifi-  
19 cation Program shall be available through September 30,  
20 2019.

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL CANCER INSTITUTE

23 For carrying out section 301 and title IV of the PHS  
24 Act with respect to cancer, \$5,471,181,000, of which up  
25 to \$10,000,000 may be used for facilities repairs and im-

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

4 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

5 For carrying out section 301 and title IV of the PHS  
6 Act with respect to cardiovascular, lung, and blood dis-  
7 eases, and blood and blood products, \$3,256,521,000.

8 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL  
9 RESEARCH

10 For carrying out section 301 and title IV of the PHS  
11 Act with respect to dental and craniofacial diseases,  
12 \$432,363,000.

13 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND  
14 KIDNEY DISEASES

15 For carrying out section 301 and title IV of the PHS  
16 Act with respect to diabetes and digestive and kidney dis-  
17 ease, \$1,899,733,000.

18 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
19 AND STROKE

20 For carrying out section 301 and title IV of the PHS  
21 Act with respect to neurological disorders and stroke,  
22 \$1,810,011,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
2 DISEASES

3 For carrying out section 301 and title IV of the PHS  
4 Act with respect to allergy and infectious diseases,  
5 \$5,005,813,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS  
8 Act with respect to general medical sciences,  
9 \$2,713,775,000, of which \$824,443,000 shall be from  
10 funds available under section 241 of the PHS Act: *Pro-*  
11 *vided*, That not less than \$373,361,000 is provided for  
12 the Institutional Development Awards program.

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

15 For carrying out section 301 and title IV of the PHS  
16 Act with respect to child health and human development,  
17 \$1,401,727,000.

18 NATIONAL EYE INSTITUTE

19 For carrying out section 301 and title IV of the PHS  
20 Act with respect to eye diseases and visual disorders,  
21 \$743,881,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS  
4 Act with respect to environmental health sciences,  
5 \$725,387,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS  
8 Act with respect to aging, \$2,458,733,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND  
10 MUSCULOSKELETAL AND SKIN DISEASES

11 For carrying out section 301 and title IV of the PHS  
12 Act with respect to arthritis and musculoskeletal and skin  
13 diseases, \$566,515,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
15 COMMUNICATION DISORDERS

16 For carrying out section 301 and title IV of the PHS  
17 Act with respect to deafness and other communication dis-  
18 orders, \$443,624,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS  
21 Act with respect to nursing research, \$152,599,000.

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS  
4 Act with respect to alcohol abuse and alcoholism,  
5 \$490,796,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS  
8 Act with respect to drug abuse, \$1,107,497,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS  
11 Act with respect to mental health, \$1,625,461,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS  
14 Act with respect to human genome research,  
15 \$536,774,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND  
17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS  
19 Act with respect to biomedical imaging and bioengineering  
20 research, \$362,506,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND  
22 INTEGRATIVE HEALTH

23 For carrying out section 301 and title IV of the PHS  
24 Act with respect to complementary and integrative health,  
25 \$136,741,000.



1 NATIONAL INSTITUTE ON MINORITY HEALTH AND  
2 HEALTH DISPARITIES

3 For carrying out section 301 and title IV of the PHS  
4 Act with respect to minority health and health disparities  
5 research, \$293,583,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty  
8 International Center (described in subpart 2 of part E of  
9 title IV of the PHS Act), \$73,353,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the PHS  
12 Act with respect to health information communications,  
13 \$413,848,000: *Provided*, That of the amounts available for  
14 improvement of information systems, \$4,000,000 shall be  
15 available until September 30, 2019: *Provided further*, That  
16 in fiscal year 2018, the National Library of Medicine may  
17 enter into personal services contracts for the provision of  
18 services in facilities owned, operated, or constructed under  
19 the jurisdiction of the National Institutes of Health (re-  
20 ferred to in this title as “NIH”).

21 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL  
22 SCIENCES

23 For carrying out section 301 and title IV of the PHS  
24 Act with respect to translational sciences, \$718,867,000:  
25 *Provided*, That up to \$25,835,000 shall be available to im-

1 plement section 480 of the PHS Act, relating to the Cures  
2 Acceleration Network: *Provided further*, That at least  
3 \$526,120,000 is provided to the Clinical and Translational  
4 Sciences Awards program.

5 OFFICE OF THE DIRECTOR

6 For carrying out the responsibilities of the Office of  
7 the Director, NIH, \$1,705,248,000: *Provided*, That fund-  
8 ing shall be available for the purchase of not to exceed  
9 29 passenger motor vehicles for replacement only: *Pro-*  
10 *vided further*, That all funds credited to the NIH Manage-  
11 ment Fund shall remain available for one fiscal year after  
12 the fiscal year in which they are deposited: *Provided fur-*  
13 *ther*, That \$165,000,000 shall be for the National Chil-  
14 dren's Study Follow-on: *Provided further*, That  
15 \$682,980,000 shall be available for the Common Fund es-  
16 tablished under section 402A(e)(1) of the PHS Act: *Pro-*  
17 *vided further*, That of the funds provided, \$10,000 shall  
18 be for official reception and representation expenses when  
19 specifically approved by the Director of the NIH: *Provided*  
20 *further*, That the Office of AIDS Research within the Of-  
21 fice of the Director of the NIH may spend up to  
22 \$8,000,000 to make grants for construction or renovation  
23 of facilities as provided for in section 2354(a)(5)(B) of the  
24 PHS Act.

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

9 BUILDINGS AND FACILITIES

10 For the study of, construction or demolition of, ren-  
11 novation of, and acquisition of equipment for, facilities of  
12 or used by NIH, including the acquisition of real property,  
13 \$128,863,000, to remain available through September 30,  
14 2022.

15 NIH INNOVATION ACCOUNT

16 For necessary expenses to carry out the purposes de-  
17 scribed in section 1001(b)(4) of the 21st Century Cures  
18 Act, in addition to amounts available for such purposes  
19 in the appropriations provided to the NIH in this Act,  
20 \$496,000,000, to remain available until expended: *Pro-*  
21 *vided*, That such amounts are appropriated pursuant to  
22 section 1001(b)(3) of such Act and are to be derived from  
23 amounts transferred under section 1001(b)(2)(A) of such  
24 Act: *Provided further*, That of the amount appropriated  
25 under this heading, \$300,000,000 shall be transferred to

1 the “National Cancer Institute” account for the purposes  
2 described in section 1001(b)(4)(C) of such Act,  
3 \$43,000,000 shall be transferred to the “National Insti-  
4 tute of Neurological Disorders and Stroke” account for  
5 the purposes described in section 1001(b)(4)(B) of such  
6 Act, and \$43,000,000 shall be transferred to the “Na-  
7 tional Institute of Mental Health” account for the pur-  
8 poses described in section 1001(b)(4)(B) of such Act: *Pro-*  
9 *vided further*, That remaining amounts may be transferred  
10 by the Director of the NIH to any accounts of the NIH:  
11 *Provided further*, That upon a determination by the Direc-  
12 tor that funds transferred pursuant to any of the previous  
13 provisos are not necessary for the purposes provided, such  
14 amounts may be transferred back to this account: *Pro-*  
15 *vided further*, That the transfer authority provided under  
16 this heading is in addition to any other transfer authority  
17 provided by law.

18 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

19 ADMINISTRATION

20 MENTAL HEALTH

21 For carrying out titles III, V, and XIX of the PHS  
22 Act with respect to mental health, and the Protection and  
23 Advocacy for Individuals with Mental Illness Act,  
24 \$928,668,000: *Provided*, That notwithstanding section  
25 520A(f)(2) of the PHS Act, no funds appropriated for car-

1 rying out section 520A shall be available for carrying out  
2 section 1971 of the PHS Act: *Provided further*, That in  
3 addition to amounts provided herein, \$21,039,000 shall be  
4 available under section 241 of the PHS Act to carry out  
5 subpart I of part B of title XIX of the PHS Act to fund  
6 section 1920(b) technical assistance, national data, data  
7 collection and evaluation activities, and further that the  
8 total available under this Act for section 1920(b) activities  
9 shall not exceed 5 percent of the amounts appropriated  
10 for subpart I of part B of title XIX: *Provided further*, That  
11 States shall expend at least 10 percent of the amount each  
12 receives for carrying out section 1911 of the PHS Act to  
13 support evidence-based programs that address the needs  
14 of individuals with early serious mental illness, including  
15 psychotic disorders, regardless of the age of the individual  
16 at onset: *Provided further*, That none of the funds pro-  
17 vided for section 1911 of the PHS Act shall be subject  
18 to section 241 of such Act: *Provided further*, That of the  
19 funds made available under this heading, \$15,000,000  
20 shall be to carry out section 224 of the Protecting Access  
21 to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C.  
22 290aa 22 note).

23 SUBSTANCE ABUSE TREATMENT

24 For carrying out titles III and V of the PHS Act  
25 with respect to substance abuse treatment and title XIX

1 of such Act with respect to substance abuse treatment and  
2 prevention, \$2,130,306,000: *Provided*, That in addition to  
3 amounts provided herein, \$81,200,000 shall be available  
4 under section 241 of the PHS Act to supplement funds  
5 otherwise available for substance abuse treatment activi-  
6 ties and to carry out subpart II of part B of title XIX  
7 of the PHS Act to fund section 1935(b) technical assist-  
8 ance, national data, data collection and evaluation activi-  
9 ties, and further that the total available under this Act  
10 for section 1935(b) activities shall not exceed 5 percent  
11 of the amounts appropriated for subpart II of part B of  
12 title XIX: *Provided further*, That none of the funds pro-  
13 vided for section 1921 of the PHS Act shall be subject  
14 to section 241 of such Act.

15 SUBSTANCE ABUSE PREVENTION

16 For carrying out titles III and V of the PHS Act  
17 with respect to substance abuse prevention, \$165,373,000.

18 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

19 For program support and cross-cutting activities that  
20 supplement activities funded under the headings “Mental  
21 Health”, “Substance Abuse Treatment”, and “Substance  
22 Abuse Prevention” in carrying out titles III, V, and XIX  
23 of the PHS Act and the Protection and Advocacy for Indi-  
24 viduals with Mental Illness Act in the Substance Abuse  
25 and Mental Health Services Administration,

1 \$108,922,000: *Provided*, That in addition to amounts pro-  
2 vided herein, \$23,426,000 shall be available under section  
3 241 of the PHS Act to supplement funds available to  
4 carry out national surveys on drug abuse and mental  
5 health, to collect and analyze program data, and to con-  
6 duct public awareness and technical assistance activities:  
7 *Provided further*, That, in addition, fees may be collected  
8 for the costs of publications, data, data tabulations, and  
9 data analysis completed under title V of the PHS Act and  
10 provided to a public or private entity upon request, which  
11 shall be credited to this appropriation and shall remain  
12 available until expended for such purposes: *Provided fur-*  
13 *ther*, That amounts made available in this Act for carrying  
14 out section 501(o) of the PHS Act shall remain available  
15 through September 30, 2019: *Provided further*, That funds  
16 made available under this heading may be used to supple-  
17 ment program support funding provided under the head-  
18 ings “Mental Health”, “Substance Abuse Treatment”,  
19 and “Substance Abuse Prevention”.

20 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

21 HEALTHCARE RESEARCH AND QUALITY

22 For carrying out titles III and IX of the PHS Act,  
23 part A of title XI of the Social Security Act, and section  
24 1013 of the Medicare Prescription Drug, Improvement,  
25 and Modernization Act of 2003, \$300,000,000: *Provided*,

1 That section 947(c) of the PHS Act shall not apply in  
2 fiscal year 2018: *Provided further*, That in addition,  
3 amounts received from Freedom of Information Act fees,  
4 reimbursable and interagency agreements, and the sale of  
5 data shall be credited to this appropriation and shall re-  
6 main available until September 30, 2019.

7 CENTERS FOR MEDICARE AND MEDICAID SERVICES

8 GRANTS TO STATES FOR MEDICAID

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

12 For making, after May 31, 2018, payments to States  
13 under title XIX or in the case of section 1928 on behalf  
14 of States under title XIX of the Social Security Act for  
15 the last quarter of fiscal year 2018 for unanticipated costs  
16 incurred for the current fiscal year, such sums as may be  
17 necessary.

18 For making payments to States or in the case of sec-  
19 tion 1928 on behalf of States under title XIX of the Social  
20 Security Act for the first quarter of fiscal year 2019,  
21 \$134,847,759,000, to remain available until expended.

22 Payment under such title XIX may be made for any  
23 quarter with respect to a State plan or plan amendment  
24 in effect during such quarter, if submitted in or prior to



1 such quarter and approved in that or any subsequent  
2 quarter.

3 PAYMENTS TO HEALTH CARE TRUST FUNDS

4 For payment to the Federal Hospital Insurance  
5 Trust Fund and the Federal Supplementary Medical In-  
6 surance Trust Fund, as provided under sections 217(g),  
7 1844, and 1860D–16 of the Social Security Act, sections  
8 103(c) and 111(d) of the Social Security Amendments of  
9 1965, section 278(d)(3) of Public Law 97–248, and for  
10 administrative expenses incurred pursuant to section  
11 201(g) of the Social Security Act, \$323,497,300,000.

12 In addition, for making matching payments under  
13 section 1844 and benefit payments under section 1860D–  
14 16 of the Social Security Act that were not anticipated  
15 in budget estimates, such sums as may be necessary.

16 PROGRAM MANAGEMENT

17 For carrying out, except as otherwise provided, titles  
18 XI, XVIII, XIX, and XXI of the Social Security Act, titles  
19 XIII and XXVII of the PHS Act, and the Clinical Labora-  
20 tory Improvement Amendments of 1988, not to exceed  
21 \$3,451,141,000, to be transferred from the Federal Hos-  
22 pital Insurance Trust Fund and the Federal Supple-  
23 mentary Medical Insurance Trust Fund, as authorized by  
24 section 201(g) of the Social Security Act; together with  
25 all funds collected in accordance with section 353 of the

1 PHS Act and section 1857(e)(2) of the Social Security  
2 Act, funds retained by the Secretary pursuant to section  
3 1893(h) of the Social Security Act; and such sums as may  
4 be collected from authorized user fees and the sale of data,  
5 which shall be credited to this account and remain avail-  
6 able until expended: *Provided*, That no funds shall be de-  
7 rived from offsetting collections through fees collected  
8 from qualified health plans offered through an Exchange  
9 established under Public Law 111-148 to operate such an  
10 Exchange: *Provided further*, That all funds derived in ac-  
11 cordance with 31 U.S.C. 9701 from organizations estab-  
12 lished under title XIII of the PHS Act shall be credited  
13 to and available for carrying out the purposes of this ap-  
14 propriation: *Provided further*, That the Secretary is di-  
15 rected to collect fees in fiscal year 2018 from Medicare  
16 Advantage organizations pursuant to section 1857(e)(2)  
17 of the Social Security Act and from eligible organizations  
18 with risk-sharing contracts under section 1876 of that Act  
19 pursuant to section 1876(k)(4)(D) of that Act.

20 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

21 In addition to amounts otherwise available for pro-  
22 gram integrity and program management, \$745,000,000,  
23 to remain available through September 30, 2019, to be  
24 transferred from the Federal Hospital Insurance Trust  
25 Fund and the Federal Supplementary Medical Insurance

1 Trust Fund, as authorized by section 201(g) of the Social  
2 Security Act, of which \$486,936,000 shall be for the Medi-  
3 care Integrity Program at the Centers for Medicare and  
4 Medicaid Services, including administrative costs, to con-  
5 duct oversight activities for Medicare Advantage under  
6 Part C and the Medicare Prescription Drug Program  
7 under Part D of the Social Security Act and for activities  
8 described in section 1893(b) of such Act, of which  
9 \$82,132,000 shall be for the Department of Health and  
10 Human Services Office of Inspector General to carry out  
11 fraud and abuse activities authorized by section  
12 1817(k)(3) of such Act, of which \$82,132,000 shall be for  
13 the Medicaid and Children’s Health Insurance Program  
14 (“CHIP”) program integrity activities, and of which  
15 \$93,800,000 shall be for the Department of Justice to  
16 carry out fraud and abuse activities authorized by section  
17 1817(k)(3) of such Act: *Provided*, That the report re-  
18 quired by section 1817(k)(5) of the Social Security Act  
19 for fiscal year 2018 shall include measures of the oper-  
20 ational efficiency and impact on fraud, waste, and abuse  
21 in the Medicare, Medicaid, and CHIP programs for the  
22 funds provided by this appropriation: *Provided further*,  
23 That of the amount provided under this heading,  
24 \$311,000,000 is provided to meet the terms of section  
25 251(b)(2)(C)(ii) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985, as amended, and  
2 \$434,000,000 is additional new budget authority specified  
3 for purposes of section 251(b)(2)(C) of such Act: *Provided*  
4 *further*, That the Secretary shall support the Senior Medi-  
5 care Patrol program to combat health care fraud and  
6 abuse from the funds provided to this account.

7 ADMINISTRATION FOR CHILDREN AND FAMILIES

8 PAYMENTS TO STATES FOR CHILD SUPPORT

9 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

22 LOW INCOME HOME ENERGY ASSISTANCE

23 For making payments under subsections (b) and (d)  
24 of section 2602 of the Low Income Home Energy Assist-  
25 ance Act of 1981, \$3,390,304,000: *Provided*, That all but

1 \$491,000,000 of this amount shall be allocated as though  
2 the total appropriation for such payments for fiscal year  
3 2018 was less than \$1,975,000,000: *Provided further*,  
4 That notwithstanding section 2609A(a), of the amounts  
5 appropriated under section 2602(b), not more than  
6 \$2,988,000 of such amounts may be reserved by the Sec-  
7 retary for technical assistance, training, and monitoring  
8 of program activities for compliance with internal controls,  
9 policies and procedures and may, in addition to the au-  
10 thorities provided in section 2609A(a)(1), use such funds  
11 through contracts with private entities that do not qualify  
12 as nonprofit organizations.

13 REFUGEE AND ENTRANT ASSISTANCE

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for refugee and entrant as-  
16 sistance activities authorized by section 414 of the Immi-  
17 gration and Nationality Act and section 501 of the Ref-  
18 ugee Education Assistance Act of 1980, and for carrying  
19 out section 462 of the Homeland Security Act of 2002,  
20 section 235 of the William Wilberforce Trafficking Victims  
21 Protection Reauthorization Act of 2008, the Trafficking  
22 Victims Protection Act of 2000 (“TVPA”), and the Tor-  
23 ture Victims Relief Act of 1998, \$1,022,811,000, of which  
24 \$993,321,000 shall remain available through September  
25 30, 2020 for carrying out such sections 414, 501, 462,

1 and 235: *Provided*, That amounts available under this  
2 heading to carry out the TVPA shall also be available for  
3 research and evaluation with respect to activities under  
4 such Act: *Provided further*, That the limitation in section  
5 205 of this Act regarding transfers increasing any appro-  
6 priation shall apply to transfers to appropriations under  
7 this heading by substituting “10 percent” for “3 percent”.

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

10 For carrying out the Child Care and Development  
11 Block Grant Act of 2014 (“CCDBG Act”),  
12 \$2,860,000,000 shall be used to supplement, not supplant  
13 State general revenue funds for child care assistance for  
14 low-income families: *Provided*, That technical assistance  
15 under section 658I(a)(3) of such Act may be provided di-  
16 rectly, or through the use of contracts, grants, cooperative  
17 agreements, or interagency agreements: *Provided further*,  
18 That all funds made available to carry out section 418  
19 of the Social Security Act (42 U.S.C. 618), including  
20 funds appropriated for that purpose in such section 418  
21 or any other provision of law, shall be subject to the res-  
22 ervation of funds authority in paragraphs (4) and (5) of  
23 section 658O(a) of the CCDBG Act.

## 1 SOCIAL SERVICES BLOCK GRANT

2 For making grants to States pursuant to section  
3 2002 of the Social Security Act, \$1,700,000,000: *Pro-*  
4 *vided*, That notwithstanding subparagraph (B) of section  
5 404(d)(2) of such Act, the applicable percent specified  
6 under such subparagraph for a State to carry out State  
7 programs pursuant to title XX–A of such Act shall be 10  
8 percent.

## 9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 For carrying out, except as otherwise provided, the  
11 Runaway and Homeless Youth Act, the Head Start Act,  
12 the Every Student Succeeds Act, the Child Abuse Preven-  
13 tion and Treatment Act, sections 303 and 313 of the  
14 Family Violence Prevention and Services Act, the Native  
15 American Programs Act of 1974, title II of the Child  
16 Abuse Prevention and Treatment and Adoption Reform  
17 Act of 1978 (adoption opportunities), part B–1 of title IV  
18 and sections 429, 473A, 477(i), 1110, 1114A, and 1115  
19 of the Social Security Act, and the Community Services  
20 Block Grant Act (“CSBG Act”); for necessary administra-  
21 tive expenses to carry out titles I, IV, V, X, XI, XIV, XVI,  
22 and XX–A of the Social Security Act, the Act of July 5,  
23 1960, the Low-Income Home Energy Assistance Act of  
24 1981, the Child Care and Development Block Grant Act  
25 of 2014, the Assets for Independence Act, title IV of the

1 Immigration and Nationality Act, and section 501 of the  
2 Refugee Education Assistance Act of 1980,  
3 \$11,181,500,000, of which \$37,943,000, to remain avail-  
4 able through September 30, 2019, shall be for grants to  
5 States for adoption and legal guardianship incentive pay-  
6 ments, as defined by section 473A of the Social Security  
7 Act and may be made for adoptions and legal  
8 guardianships completed before September 30, 2018: *Pro-*  
9 *vided*, That \$9,275,000,000 shall be for making payments  
10 under the Head Start Act: *Provided further*, That of the  
11 amount in the previous proviso, \$8,610,000,000 shall be  
12 available for payments under section 640 of the Head  
13 Start Act, of which \$21,905,000 shall be available for a  
14 cost of living adjustment notwithstanding section  
15 640(a)(3)(A) of such Act: *Provided further*, That of the  
16 amount provided for making payments under the Head  
17 Start Act, \$25,000,000 shall be available for allocation by  
18 the Secretary to supplement activities described in para-  
19 graphs (7)(B) and (9) of section 641(e) of such Act under  
20 the Designation Renewal System, established under the  
21 authority of sections 641(c)(7), 645A(b)(12) and 645A(d)  
22 of such Act: *Provided further*, That notwithstanding such  
23 section 640, of the amount provided for making payments  
24 under the Head Start Act, and in addition to funds other-  
25 wise available under such section 640 for such purposes,



1 \$640,000,000 shall be available through March 31, 2019  
2 for Early Head Start programs as described in section  
3 645A of such Act, for conversion of Head Start services  
4 to Early Head Start services as described in section  
5 645(a)(5)(A) of such Act, for discretionary grants for high  
6 quality infant and toddler care through Early Head Start-  
7 Child Care Partnerships, to entities defined as eligible  
8 under section 645A(d) of such Act, for training and tech-  
9 nical assistance for such activities, and for up to  
10 \$14,000,000 in Federal costs of administration and eval-  
11 uation, and, notwithstanding section 645A(c)(2) of such  
12 Act, these funds are available to serve children under age  
13 4: *Provided further*, That funds described in the preceding  
14 two provisos shall not be included in the calculation of  
15 “base grant” in subsequent fiscal years, as such term is  
16 used in section 640(a)(7)(A) of such Act: *Provided further*,  
17 That \$250,000,000 shall be available until December 31,  
18 2018 for carrying out sections 9212 and 9213 of the  
19 Every Student Succeeds Act: *Provided further*, That up  
20 to 3 percent of the funds in the preceding proviso shall  
21 be available for technical assistance and evaluation related  
22 to grants awarded under such section 9212: *Provided fur-*  
23 *ther*, That \$617,500,000 shall be for making payments  
24 under the CSBG Act: *Provided further*, That \$17,850,000  
25 shall be for sections 680 and 678E(b)(2) of the CSBG

1 Act, of which not less than \$10,000,000 shall be for sec-  
2 tion 680(a)(2) and not less than \$7,500,000 shall be for  
3 section 680(a)(3)(B) of such Act: *Provided further*, That,  
4 notwithstanding section 675C(a)(3) of such Act, to the ex-  
5 tent Community Services Block Grant funds are distrib-  
6 uted as grant funds by a State to an eligible entity as  
7 provided under such Act, and have not been expended by  
8 such entity, they shall remain with such entity for carry-  
9 over into the next fiscal year for expenditure by such enti-  
10 ty consistent with program purposes: *Provided further*,  
11 That the Secretary shall establish procedures regarding  
12 the disposition of intangible assets and program income  
13 that permit such assets acquired with, and program in-  
14 come derived from, grant funds authorized under section  
15 680 of the CSBG Act to become the sole property of such  
16 grantees after a period of not more than 12 years after  
17 the end of the grant period for any activity consistent with  
18 section 680(a)(2)(A) of the CSBG Act: *Provided further*,  
19 That intangible assets in the form of loans, equity invest-  
20 ments and other debt instruments, and program income  
21 may be used by grantees for any eligible purpose con-  
22 sistent with section 680(a)(2)(A) of the CSBG Act: *Pro-*  
23 *vided further*, That these procedures shall apply to such  
24 grant funds made available after November 29, 1999: *Pro-*  
25 *vided further*, That funds appropriated for section

1 680(a)(2) of the CSBG Act shall be available for financing  
2 construction and rehabilitation and loans or investments  
3 in private business enterprises owned by community devel-  
4 opment corporations: *Provided further*, That \$1,864,000  
5 shall be for a human services case management system  
6 for federally declared disasters, to include a comprehensive  
7 national case management contract and Federal costs of  
8 administering the system: *Provided further*, That up to  
9 \$2,000,000 shall be for improving the Public Assistance  
10 Reporting Information System, including grants to States  
11 to support data collection for a study of the system's effec-  
12 tiveness.

13 PROMOTING SAFE AND STABLE FAMILIES

14 For carrying out, except as otherwise provided, sec-  
15 tion 436 of the Social Security Act, \$325,000,000 and,  
16 for carrying out, except as otherwise provided, section 437  
17 of such Act, \$59,765,000: *Provided*, That notwithstanding  
18 sections 438(c)(3)(A) and 436(b)(2) of such Act,  
19 \$10,000,000 shall be available for such section 436(b)(2),  
20 of which no funds shall be available for carrying out sec-  
21 tions 438(c)(3)(A)(ii) and (iii) of such Act.

22 PAYMENTS FOR FOSTER CARE AND PERMANENCY

23 For carrying out, except as otherwise provided, title  
24 IV-E of the Social Security Act, \$6,225,000,000.

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

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

9 ADMINISTRATION FOR COMMUNITY LIVING  
10 AGING AND DISABILITY SERVICES PROGRAMS  
11 (INCLUDING TRANSFER OF FUNDS)

12 For carrying out, to the extent not otherwise pro-  
13 vided, the Older Americans Act of 1965 (“OAA”), titles  
14 III and XXIX of the PHS Act, sections 1252 and 1253  
15 of the PHS Act, section 119 of the Medicare Improve-  
16 ments for Patients and Providers Act of 2008, title XX–  
17 B of the Social Security Act, the Developmental Disabil-  
18 ities Assistance and Bill of Rights Act, parts 2 and 5 of  
19 subtitle D of title II of the Help America Vote Act of  
20 2002, the Assistive Technology Act of 1998, titles II and  
21 VII (and section 14 with respect to such titles) of the Re-  
22 habilitation Act of 1973, and for Department-wide coordi-  
23 nation of policy and program activities that assist individ-  
24 uals with disabilities, \$2,237,224,000: *Provided*, That  
25 amounts appropriated under this heading may be used for

1 grants to States under section 361 of the OAA only for  
2 disease prevention and health promotion programs and ac-  
3 tivities which have been demonstrated through rigorous  
4 evaluation to be evidence-based and effective: *Provided*  
5 *further*, That of the amounts provided under this heading,  
6 \$300,000,000 shall be available for carrying out title V  
7 of the OAA: *Provided further*, That with respect to the  
8 previous proviso, such funds shall be available through  
9 June 30, 2019, and may be recaptured and reobligated  
10 in accordance with section 517(c) of the OAA: *Provided*  
11 *further*, That of amounts made available under this head-  
12 ing to carry out sections 311, 331, and 336 of the OAA,  
13 up to one percent of such amounts shall be available for  
14 developing and implementing evidence-based practices for  
15 enhancing senior nutrition: *Provided further*, That not-  
16 withstanding any other provision of this Act, funds made  
17 available under this heading to carry out section 311 of  
18 the OAA may be transferred to the Secretary of Agri-  
19 culture in accordance with such section: *Provided further*,  
20 That \$2,000,000 shall be for competitive grants to sup-  
21 port alternative financing programs that provide for the  
22 purchase of assistive technology devices, such as a low-  
23 interest loan fund; an interest buy-down program; a re-  
24 volving loan fund; a loan guarantee; or an insurance pro-  
25 gram: *Provided further*, That applicants shall provide an

1 assurance that, and information describing the manner in  
2 which, the alternative financing program will expand and  
3 emphasize consumer choice and control: *Provided further,*  
4 That State agencies and community-based disability orga-  
5 nizations that are directed by and operated for individuals  
6 with disabilities shall be eligible to compete: *Provided fur-*  
7 *ther,* That none of the funds made available under this  
8 heading may be used by an eligible system (as defined in  
9 section 102 of the Protection and Advocacy for Individuals  
10 with Mental Illness Act (42 U.S.C. 10802)) to continue  
11 to pursue any legal action in a Federal or State court on  
12 behalf of an individual or group of individuals with a de-  
13 velopmental disability (as defined in section 102(8)(A) of  
14 the Developmental Disabilities and Assistance and Bill of  
15 Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is at-  
16 tributable to a mental impairment (or a combination of  
17 mental and physical impairments), that has as the re-  
18 quested remedy the closure of State operated intermediate  
19 care facilities for people with intellectual or developmental  
20 disabilities, unless reasonable public notice of the action  
21 has been provided to such individuals (or, in the case of  
22 mental incapacitation, the legal guardians who have been  
23 specifically awarded authority by the courts to make  
24 healthcare and residential decisions on behalf of such indi-  
25 viduals) who are affected by such action, within 90 days

1 of instituting such legal action, which informs such indi-  
2 viduals (or such legal guardians) of their legal rights and  
3 how to exercise such rights consistent with current Fed-  
4 eral Rules of Civil Procedure: *Provided further*, That the  
5 limitations in the immediately preceding proviso shall not  
6 apply in the case of an individual who is neither competent  
7 to consent nor has a legal guardian, nor shall the proviso  
8 apply in the case of individuals who are a ward of the  
9 State or subject to public guardianship.

10 OFFICE OF THE SECRETARY

11 GENERAL DEPARTMENTAL MANAGEMENT

12 For necessary expenses, not otherwise provided, for  
13 general departmental management, including hire of six  
14 passenger motor vehicles, and for carrying out titles III,  
15 XVII, XXI, and section 229 of the PHS Act, the United  
16 States-Mexico Border Health Commission Act, and re-  
17 search studies under section 1110 of the Social Security  
18 Act, \$292,881,000, together with \$57,465,000 from the  
19 amounts available under section 241 of the PHS Act to  
20 carry out national health or human services research and  
21 evaluation activities: *Provided*, That of the funds made  
22 available under this heading, \$20,000,000 shall be for  
23 making competitive grants which exclusively implement  
24 education in sexual risk avoidance (defined as voluntarily  
25 refraining from non-marital sexual activity): *Provided fur-*

1 *ther*, That funding for such competitive grants for sexual  
2 risk avoidance shall use medically accurate information  
3 referenced to peer-reviewed publications by educational,  
4 scientific, governmental, or health organizations; imple-  
5 ment an evidence-based approach integrating research  
6 findings with practical implementation that aligns with the  
7 needs and desired outcomes for the intended audience; and  
8 teach the benefits associated with self-regulation, success  
9 sequencing for poverty prevention, healthy relationships,  
10 goal setting, and resisting sexual coercion, dating violence,  
11 and other youth risk behaviors such as underage drinking  
12 or illicit drug use without normalizing teen sexual activity:  
13 *Provided further*, That no more than 10 percent of the  
14 funding for such competitive grants for sexual risk avoid-  
15 ance shall be available for technical assistance and admin-  
16 istrative costs of such programs: *Provided further*, That  
17 funds provided in this Act for embryo adoption activities  
18 may be used to provide to individuals adopting embryos,  
19 through grants and other mechanisms, medical and ad-  
20 ministrative services deemed necessary for such adoptions:  
21 *Provided further*, That such services shall be provided con-  
22 sistent with 42 CFR 59.5(a)(4).



1 STATE RESPONSE TO THE OPIOID ABUSE CRISIS  
2 ACCOUNT, CURES ACT

3 For necessary expenses to carry out the purposes de-  
4 scribed under section 1003(e) of the 21st Century Cures  
5 Act, \$500,000,000, to remain available until expended:  
6 *Provided*, That such amounts are appropriated pursuant  
7 to section 1003(b)(3) of the 21st Century Cures Act, are  
8 to be derived from amounts transferred under section  
9 1003(b)(2)(A) of such Act, and may be transferred by the  
10 Secretary of Health and Human Services to other ac-  
11 counts of the Department solely for the purposes provided  
12 in such Act: *Provided further*, That such transfer authority  
13 is in addition to any other transfer authority provided by  
14 law.

15 OFFICE OF MEDICARE HEARINGS AND APPEALS

16 For expenses necessary for the Office of Medicare  
17 Hearings and Appeals, \$112,381,000, to be transferred in  
18 appropriate part from the Federal Hospital Insurance  
19 Trust Fund and the Federal Supplementary Medical In-  
20 surance Trust Fund: *Provided*, That of amounts the Sec-  
21 retary retains for adjudications related to Recovery Audit  
22 Contractor (RAC) appeals under section 1893(h)(1)(c) of  
23 the Social Security Act, \$5,000,000 shall be used as addi-  
24 tional funds for the necessary expenses of the Office of  
25 Medicare Hearings and Appeals and the Departmental

1 Appeals Board to process RAC-related appeals, and to es-  
2 tablish a process to provide educational feedback from  
3 such Office and Board to the Centers for Medicare and  
4 Medicaid Services to reduce the claims overturn rate from  
5 the claims that are reviewed by such Office or Board.

6 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH  
7 INFORMATION TECHNOLOGY

8 For expenses necessary for the Office of the National  
9 Coordinator for Health Information Technology, including  
10 grants, contracts, and cooperative agreements for the de-  
11 velopment and advancement of interoperable health infor-  
12 mation technology, \$38,381,000.

13 OFFICE OF INSPECTOR GENERAL

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

22 OFFICE FOR CIVIL RIGHTS

23 For expenses necessary for the Office for Civil  
24 Rights, \$38,798,000.

1           RETIREMENT PAY AND MEDICAL BENEFITS FOR  
 2                                   COMMISSIONED OFFICERS

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

10          PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY  
 11                                   FUND

12                                   (INCLUDING TRANSFER OF FUNDS)

13          For expenses necessary to support activities related  
 14 to countering potential biological, nuclear, radiological,  
 15 chemical, and cybersecurity threats to civilian populations,  
 16 and for other public health emergencies, \$959,258,000, of  
 17 which \$520,000,000 shall remain available through Sep-  
 18 tember 30, 2019, for expenses necessary to support ad-  
 19 vanced research and development pursuant to section  
 20 319L of the PHS Act and other administrative expenses  
 21 of the Biomedical Advanced Research and Development  
 22 Authority: *Provided*, That funds provided under this head-  
 23 ing for the purpose of acquisition of security counter-  
 24 measures shall be in addition to any other funds available  
 25 for such purpose: *Provided further*, That products pur-

1 chased with funds provided under this heading may, at  
2 the discretion of the Secretary, be deposited in the Stra-  
3 tegic National Stockpile pursuant to section 319F-2 of  
4 the PHS Act: *Provided further*, That \$5,000,000 of the  
5 amounts made available to support emergency operations  
6 shall remain available through September 30, 2020.

7 For expenses necessary for procuring security coun-  
8 termeasures (as defined in section 319F-2(c)(1)(B) of the  
9 PHS Act), \$530,000,000, to remain available until ex-  
10 pended.

11 For an additional amount for expenses necessary to  
12 prepare for or respond to an influenza pandemic,  
13 \$250,000,000, of which \$210,000,000 shall be available  
14 until expended, for activities including the development  
15 and purchase of vaccine, antivirals, necessary medical sup-  
16 plies, diagnostics, and other surveillance tools: *Provided*,  
17 That notwithstanding section 496(b) of the PHS Act,  
18 funds may be used for the construction or renovation of  
19 privately owned facilities for the production of pandemic  
20 influenza vaccines and other biologics, if the Secretary  
21 finds such construction or renovation necessary to secure  
22 sufficient supplies of such vaccines or biologics: *Provided*  
23 *further*, That the limitation in section 205 of this Act re-  
24 garding transfers increasing any appropriation shall apply

1 to transfers to appropriations under this heading by sub-  
2 stituting “10 percent” for “3 percent”.

3

#### GENERAL PROVISIONS

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

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

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

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

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

3 (TRANSFER OF FUNDS)

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

17 SEC. 206. In lieu of the timeframe specified in section  
18 338E(c)(2) of the PHS Act, terminations described in  
19 such section may occur up to 60 days after the execution  
20 of a contract awarded in fiscal year 2018 under section  
21 338B of such Act.

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

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

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

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

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

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

11        SEC. 212. In order for HHS to carry out inter-  
12 national health activities, including HIV/AIDS and other  
13 infectious disease, chronic and environmental disease, and  
14 other health activities abroad during fiscal year 2018:

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



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

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



## (TRANSFER OF FUNDS)

1

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

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

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

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

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

9 (TRANSFER OF FUNDS)

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

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

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

3 (1) funds are available and obligated—

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

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

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

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

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

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

20 SEC. 219. (a) The Secretary shall establish a publicly  
21 accessible Web site to provide information regarding the  
22 uses of funds made available under section 4002 of the  
23 Patient Protection and Affordable Care Act of 2010  
24 (“ACA”).

1 (b) With respect to funds provided under section  
2 4002 of the ACA, the Secretary shall include on the Web  
3 site established under subsection (a) at a minimum the  
4 following information:

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

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

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

24 (4) A report detailing the uses of all funds  
25 transferred under section 4002(c) during the fiscal

1 year, to be posted not later than 90 days after the  
2 end of the fiscal year.

3 (c) With respect to awards made in fiscal years 2013  
4 through 2018, the Secretary shall also include on the Web  
5 site established under subsection (a), semi-annual reports  
6 from each entity awarded a grant, cooperative agreement,  
7 or contract from such funds with a value of \$25,000 or  
8 more, summarizing the activities undertaken and identi-  
9 fying any sub-grants or sub-contracts awarded (including  
10 the purpose of the award and the identity of the recipient),  
11 to be posted not later than 30 days after the end of each  
12 6-month period.

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

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

17 (2) ensure that all information required in this  
18 section is directly accessible from the single webpage  
19 or database; and

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

22 SEC. 220. (a) The Secretary shall publish in the fiscal  
23 year 2019 budget justification and on Departmental Web  
24 sites information concerning the employment of full-time  
25 equivalent Federal employees or contractors for the pur-

1 poses of implementing, administering, enforcing, or other-  
2 wise carrying out the provisions of the ACA, and the  
3 amendments made by that Act, in the proposed fiscal year  
4 and each fiscal year since the enactment of the ACA.

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

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

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

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

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



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

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

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

19          SEC. 222. (a) The Secretary shall provide to the  
20          Committees on Appropriations of the House of Represent-  
21          atives and the Senate:

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



1 the heading "Prevention and Public Health Fund" in the  
2 committee report accompanying this Act.

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

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

8 SEC. 226. None of the funds appropriated in this Act  
9 may be used to carry out title X of the PHS Act.

10 SEC. 227. Effective during the period beginning on  
11 November 1, 2015 and ending January 1, 2020, any pro-  
12 vision of law that refers (including through cross-reference  
13 to another provision of law) to the current recommenda-  
14 tions of the United States Preventive Services Task Force  
15 with respect to breast cancer screening, mammography,  
16 and prevention shall be administered by the Secretary in-  
17 volved as if—

18 (1) such reference to such current recommenda-  
19 tions were a reference to the recommendations of  
20 such Task Force with respect to breast cancer  
21 screening, mammography, and prevention last issued  
22 before 2009; and

23 (2) such recommendations last issued before  
24 2009 applied to any screening mammography modal-

1           ity under section 1861(jj) of the Social Security Act  
2           (42 U.S.C. 1395x(jj)).

3           SEC. 228. In making Federal financial assistance, the  
4 NIH shall continue to apply the provisions relating to indi-  
5 rect costs in part 75 of title 45, Code of Federal Regula-  
6 tions, including with respect to the approval of deviations  
7 from negotiated rates, to the same extent and in the same  
8 manner as the NIH applied such provisions in the third  
9 quarter of fiscal year 2017. None of the funds appro-  
10 priated by this Act may be used by the NIH to develop  
11 or implement a modified approach to such provisions, or  
12 to intentionally or substantially expand the fiscal effect of  
13 the approval of such deviations from negotiated rates be-  
14 yond the proportional effect of such approvals in such  
15 quarter.

16          SEC. 229. None of the funds appropriated in this Act  
17 may be used to implement, further, enforce, or advance  
18 the Navigators program as provided under section 1311(i)  
19 of Public Law 111-148 and title I and subtitle B of title  
20 II of Public Law 111-152.

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

1 TITLE III  
2 DEPARTMENT OF EDUCATION  
3 EDUCATION FOR THE DISADVANTAGED

4 For carrying out title I and subpart 2 of part B of  
5 title II of the Elementary and Secondary Education Act  
6 of 1965 (referred to in this Act as “ESEA”) and section  
7 418A of the Higher Education Act of 1965 (referred to  
8 in this Act as “HEA”), \$15,953,790,000, of which  
9 \$5,035,990,000 shall become available on July 1, 2018,  
10 and shall remain available through September 30, 2019,  
11 and of which \$10,841,177,000 shall become available on  
12 October 1, 2018, and shall remain available through Sep-  
13 tember 30, 2019, for academic year 2018–2019: *Provided*,  
14 That \$6,459,401,000 shall be for basic grants under sec-  
15 tion 1124 of the ESEA: *Provided further*, That up to  
16 \$5,000,000 of these funds shall be available to the Sec-  
17 retary of Education (referred to in this title as “Sec-  
18 retary”) on October 1, 2017, to obtain annually updated  
19 local educational agency-level census poverty data from  
20 the Bureau of the Census: *Provided further*, That  
21 \$1,362,301,000 shall be for concentration grants under  
22 section 1124A of the ESEA: *Provided further*, That  
23 \$3,819,050,000 shall be for targeted grants under section  
24 1125 of the ESEA: *Provided further*, That  
25 \$3,819,050,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*  
2 *ther*, That \$27,000,000 shall be for carrying out subpart  
3 2 of part B of title II: *Provided further*, That \$44,623,000  
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to  
7 federally affected schools authorized by title VII of the  
8 ESEA, \$1,333,603,000, of which \$1,194,233,000 shall be  
9 for basic support payments under section 7003(b),  
10 \$48,316,000 shall be for payments for children with dis-  
11 abilities under section 7003(d), \$17,406,000, to remain  
12 available for obligation through September 30, 2019, shall  
13 be for construction under section 7007(b), \$68,813,000  
14 shall be for Federal property payments under section  
15 7002, and \$4,835,000, to remain available until expended,  
16 shall be for facilities maintenance under section 7008:  
17 *Provided*, That for purposes of computing the amount of  
18 a payment for an eligible local educational agency under  
19 section 7003(a) for school year 2017–2018, children en-  
20 rolled in a school of such agency that would otherwise be  
21 eligible for payment under section 7003(a)(1)(B) of such  
22 Act, but due to the deployment of both parents or legal  
23 guardians, or a parent or legal guardian having sole cus-  
24 tody of such children, or due to the death of a military  
25 parent or legal guardian while on active duty (so long as

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

#### 7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-  
9 thorized by part B of title I, subpart 1 of part A of title  
10 IV, part B of title IV, part B of title V, and parts B and  
11 C of title VI of the ESEA; the McKinney-Vento Homeless  
12 Assistance Act; section 203 of the Educational Technical  
13 Assistance Act of 2002; the Compact of Free Association  
14 Amendments Act of 2003; and the Civil Rights Act of  
15 1964, \$2,261,072,000, of which \$2,121,940,000 shall be-  
16 come available on July 1, 2018, and remain available  
17 through September 30, 2019, for academic year 2018–  
18 2019: *Provided*, That \$369,100,000 shall be for part B  
19 of title I: *Provided further*, That \$1,000,000,000 shall be  
20 for part B of title IV: *Provided further*, That \$33,397,000  
21 shall be for part B of title VI and may be used for con-  
22 struction, renovation, and modernization of any elemen-  
23 tary school, secondary school, or structure related to an  
24 elementary school or secondary school, run by the Depart-  
25 ment of Education of the State of Hawaii, that serves a

1 predominantly Native Hawaiian student body: *Provided*  
2 *further*, That \$32,453,000 shall be for part C of title VI  
3 and shall be awarded on a competitive basis, and also may  
4 be used for construction: *Provided further*, That  
5 \$50,000,000 shall be available to carry out section 203  
6 of the Educational Technical Assistance Act of 2002 and  
7 the Secretary shall make such arrangements as deter-  
8 mined to be necessary to ensure that the Bureau of Indian  
9 Education has access to services provided under this sec-  
10 tion: *Provided further*, That \$16,699,000 shall be available  
11 to carry out the Supplemental Education Grants program  
12 for the Federated States of Micronesia and the Republic  
13 of the Marshall Islands: *Provided further*, That the Sec-  
14 retary may reserve up to 5 percent of the amount referred  
15 to in the previous proviso to provide technical assistance  
16 in the implementation of these grants: *Provided further*,  
17 That \$175,840,000 shall be for part B of title V: *Provided*  
18 *further*, That \$500,000,000 shall be available for grants  
19 under subpart 1 of part A of title IV.

20 INDIAN EDUCATION

21 For expenses necessary to carry out, to the extent  
22 not otherwise provided, title VI, part A of the ESEA,  
23 \$164,939,000, of which \$57,993,000 shall be for subpart  
24 2 of part A of title VI and \$6,565,000 shall be for subpart  
25 3 of part A of title VI.



## 1 INNOVATION AND IMPROVEMENT

2 For carrying out activities authorized by subparts 1,  
3 3 and 4 of part B of title II, and parts C and D and  
4 subpart 4 of part F of title IV of the ESEA,  
5 \$747,904,000.

## 6 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

7 For carrying out activities authorized by subparts 2  
8 and 3 of part F of title IV of the ESEA, \$138,000,000:  
9 *Provided*, That \$68,000,000 shall be available for section  
10 4631, of which up to \$5,000,000, to remain available until  
11 expended, shall be for the Project School Emergency Re-  
12 sponse to Violence (“Project SERV”) program: *Provided*  
13 *further*, That \$10,000,000 shall be available for section  
14 4625: *Provided further*, That \$60,000,000 shall be avail-  
15 able through December 31, 2018, for section 4624: *Pro-*  
16 *vided further*, That section 4623(b) of the ESEA shall  
17 apply to funds appropriated for Promise Neighborhoods  
18 under this heading in prior appropriations acts.

## 19 ENGLISH LANGUAGE ACQUISITION

20 For carrying out part A of title III of the ESEA,  
21 \$737,400,000, which shall become available on July 1,  
22 2018, and shall remain available through September 30,  
23 2019, except that 6.5 percent of such amount shall be  
24 available on October 1, 2017, and shall remain available

1 through September 30, 2019, to carry out activities under  
2 section 3111(c)(1)(C).

3 SPECIAL EDUCATION

4 For carrying out the Individuals with Disabilities  
5 Education Act (IDEA) \$13,251,691,000, of which  
6 \$1,864,818,000 shall become available on July 1, 2018,  
7 and shall remain available through September 30, 2019,  
8 and of which \$11,164,824,000 shall become available on  
9 October 1, 2018, and shall remain available through Sep-  
10 tember 30, 2019, for academic year 2018–2019: *Provided*,  
11 That the amount for section 611(b)(2) of the IDEA shall  
12 be equal to the lesser of the amount available for that ac-  
13 tivity during fiscal year 2016, increased by the amount  
14 of inflation as specified in section 619(d)(2)(B) of the  
15 IDEA, or the percent change in the funds appropriated  
16 under section 611(i) of the IDEA, but not less than the  
17 amount for that activity during fiscal year 2016: *Provided*  
18 *further*, That the Secretary shall, without regard to section  
19 611(d) of the IDEA, distribute to all other States (as that  
20 term is defined in section 611(g)(2)), subject to the third  
21 proviso, any amount by which a State’s allocation under  
22 section 611, from funds appropriated under this heading,  
23 is reduced under section 612(a)(18)(B), according to the  
24 following: 85 percent on the basis of the States’ relative  
25 populations of children aged 3 through 21 who are of the

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

1 reduction is applied: *Provided further*, That the Secretary  
2 may, in any fiscal year in which a State's allocation under  
3 section 611 is reduced in accordance with section  
4 612(a)(18)(B), reduce the amount a State may reserve  
5 under section 611(e)(1) by an amount that bears the same  
6 relation to the maximum amount described in that para-  
7 graph as the reduction under section 612(a)(18)(B) bears  
8 to the total allocation the State would have received in  
9 that fiscal year under section 611(d) in the absence of the  
10 reduction: *Provided further*, That the Secretary shall ei-  
11 ther reduce the allocation of funds under section 611 for  
12 any fiscal year following the fiscal year for which the State  
13 fails to comply with the requirement of section  
14 612(a)(18)(A) as authorized by section 612(a)(18)(B), or  
15 seek to recover funds under section 452 of the General  
16 Education Provisions Act (20 U.S.C. 1234a): *Provided*  
17 *further*, That the funds reserved under 611(c) of the  
18 IDEA may be used to provide technical assistance to  
19 States to improve the capacity of the States to meet the  
20 data collection requirements of sections 616 and 618 and  
21 to administer and carry out other services and activities  
22 to improve data collection, coordination, quality, and use  
23 under parts B and C of the IDEA: *Provided further*, That  
24 the Secretary may use funds made available for the State  
25 Personnel Development Grants program under part D,

1 subpart 1 of IDEA to evaluate program performance  
2 under such subpart.

3 REHABILITATION SERVICES

4 For carrying out, to the extent not otherwise pro-  
5 vided, the Rehabilitation Act of 1973 and the Helen Keller  
6 National Center Act, \$3,562,582,000, of which  
7 \$3,452,931,000 shall be for grants for vocational rehabili-  
8 tation services under title I of the Rehabilitation Act: *Pro-*  
9 *vided*, That the Secretary may use amounts provided in  
10 this Act that remain available subsequent to the reallocot-  
11 ment of funds to States pursuant to section 110(b) of the  
12 Rehabilitation Act for innovative activities aimed at im-  
13 proving the outcomes of individuals with disabilities as de-  
14 fined in section 7(20)(B) of the Rehabilitation Act, includ-  
15 ing activities aimed at improving the education and post-  
16 school outcomes of children receiving Supplemental Secu-  
17 rity Income (“SSI”) and their families that may result  
18 in long-term improvement in the SSI child recipient’s eco-  
19 nomic status and self-sufficiency: *Provided further*, That  
20 States may award subgrants for a portion of the funds  
21 to other public and private, nonprofit entities: *Provided*  
22 *further*, That any funds made available subsequent to real-  
23 lotment for innovative activities aimed at improving the  
24 outcomes of individuals with disabilities shall remain avail-  
25 able until September 30, 2019.









1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS  
2 PROGRAM

3 For Federal administrative expenses to carry out ac-  
4 tivities related to existing facility loans pursuant to section  
5 121 of the HEA, \$434,000.

6 HISTORICALLY BLACK COLLEGE AND UNIVERSITY  
7 CAPITAL FINANCING PROGRAM ACCOUNT

8 For the cost of guaranteed loans, \$20,112,000, as au-  
9 thorized pursuant to part D of title III of the HEA, which  
10 shall remain available through September 30, 2019: *Pro-*  
11 *vided*, That such costs, including the cost of modifying  
12 such loans, shall be as defined in section 502 of the Con-  
13 gressional Budget Act of 1974: *Provided further*, That  
14 these funds are available to subsidize total loan principal,  
15 any part of which is to be guaranteed, not to exceed  
16 \$313,513,000: *Provided further*, That these funds may be  
17 used to support loans to public and private Historically  
18 Black Colleges and Universities without regard to the limi-  
19 tations within section 344(a) of the HEA.

20 In addition, for administrative expenses to carry out  
21 the Historically Black College and University Capital Fi-  
22 nancing Program entered into pursuant to part D of title  
23 III of the HEA, \$333,000.

## 1 INSTITUTE OF EDUCATION SCIENCES

2 For carrying out activities authorized by the Edu-  
3 cation Sciences Reform Act of 2002, the National Assess-  
4 ment of Educational Progress Authorization Act, section  
5 208 of the Educational Technical Assistance Act of 2002,  
6 and section 664 of the Individuals with Disabilities Edu-  
7 cation Act, \$605,267,000, which shall remain available  
8 through September 30, 2019: *Provided*, That funds avail-  
9 able to carry out section 208 of the Educational Technical  
10 Assistance Act may be used to link Statewide elementary  
11 and secondary data systems with early childhood, postsec-  
12 ondary, and workforce data systems, or to further develop  
13 such systems: *Provided further*, That up to \$6,000,000 of  
14 the funds available to carry out section 208 of the Edu-  
15 cational Technical Assistance Act may be used for awards  
16 to public or private organizations or agencies to support  
17 activities to improve data coordination, quality, and use  
18 at the local, State, and national levels.

## 19 DEPARTMENTAL MANAGEMENT

## 20 PROGRAM ADMINISTRATION

21 For carrying out, to the extent not otherwise pro-  
22 vided, the Department of Education Organization Act, in-  
23 cluding rental of conference rooms in the District of Co-  
24 lumbia and hire of three passenger motor vehicles,  
25 \$431,000,000.

## 1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil  
3 Rights, as authorized by section 203 of the Department  
4 of Education Organization Act, \$108,500,000.

## 5 OFFICE OF INSPECTOR GENERAL

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

## 9 GENERAL PROVISIONS

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

18 SEC. 302. None of the funds contained in this Act  
19 shall be used to require, directly or indirectly, the trans-  
20 portation of any student to a school other than the school  
21 which is nearest the student's home, except for a student  
22 requiring special education, to the school offering such  
23 special education, in order to comply with title VI of the  
24 Civil Rights Act of 1964. For the purpose of this section  
25 an indirect requirement of transportation of students in-



1 1921d(f)(1)(B)(ix)) shall be applied by substituting  
2 “2018” for “2017”.

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

7 SEC. 307. (a) An institution of higher education that  
8 maintains an endowment fund supported with funds ap-  
9 propriated for title III or V of the HEA for fiscal year  
10 2018 may use the income from that fund to award schol-  
11 arships to students, subject to the limitation in section  
12 331(e)(3)(B)(i) of the HEA. The use of such income for  
13 such purposes, prior to the enactment of this Act, shall  
14 be considered to have been an allowable use of that in-  
15 come, subject to that limitation.

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

18 SEC. 308. Section 114(f) of the HEA (20 U.S.C.  
19 1011c(f)) is amended by striking “2017” and inserting  
20 “2018”.

21 SEC. 309. Section 458(a) of the HEA (20 U.S.C.  
22 1087h(a)) is amended in paragraph (4) by striking  
23 “2017” and inserting “2018”.

1 (RESCISSION)

2 SEC. 310. Of the unobligated balances available from  
3 Public Law 114–113 under the heading “Student Finan-  
4 cial Assistance” for carrying out subpart 1 of part A of  
5 title IV of the HEA, \$3,270,844,000 are hereby rescinded.

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

8 TITLE IV

9 RELATED AGENCIES

10 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

11 BLIND OR SEVERELY DISABLED

12 SALARIES AND EXPENSES

13 For expenses necessary for the Committee for Pur-  
14 chase From People Who Are Blind or Severely Disabled  
15 established under section 8502 of title 41, United States  
16 Code, \$8,000,000: *Provided*, That in order to authorize  
17 any central nonprofit agency designated pursuant to sec-  
18 tion 8503(c) of title 41, United States Code, to perform  
19 contract requirements of the Committee as prescribed  
20 under section 51–3.2 of title 41, Code of Federal Regula-  
21 tions, the Committee shall enter into a written agreement  
22 with any such central nonprofit agency: *Provided further*,  
23 That such agreement shall contain such auditing, over-  
24 sight, and reporting provisions as necessary to implement  
25 chapter 85 of title 41, United States Code: *Provided fur-*

1 *ther*, That such agreement shall include the elements listed  
2 under this heading in the explanatory statement accom-  
3 panying Public Law 114–113: *Provided further*, That any  
4 such central nonprofit agency may not charge a fee under  
5 section 51–3.5 of title 41, Code of Federal Regulations,  
6 unless such fee is under the terms of the written agree-  
7 ment between the Committee and any such central non-  
8 profit agency: *Provided further*, That no less than  
9 \$1,250,000 shall be available for the Office of Inspector  
10 General to remain available through September 30, 2019.

11 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
12 OPERATING EXPENSES

13 For necessary expenses for the Corporation for Na-  
14 tional and Community Service (referred to in this title as  
15 “CNCS”) to carry out the Domestic Volunteer Service Act  
16 of 1973 (referred to in this title as “1973 Act”) and the  
17 National and Community Service Act of 1990 (referred  
18 to in this title as “1990 Act”), \$736,029,000, notwith-  
19 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and  
20 501(a)(4)(F) of the 1990 Act: *Provided*, That of the  
21 amounts provided under this heading: (1) up to 1 percent  
22 of program grant funds may be used to defray the costs  
23 of conducting grant application reviews, including the use  
24 of outside peer reviewers and electronic management of  
25 the grants cycle; (2) \$16,538,000 shall be available to pro-

1 vide assistance to State commissions on national and com-  
2 munity service, under section 126(a) of the 1990 Act and  
3 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)  
4 \$30,000,000 shall be available to carry out subtitle E of  
5 the 1990 Act; and (4) \$3,800,000 shall be available for  
6 expenses authorized under section 501(a)(4)(F) of the  
7 1990 Act, which, notwithstanding the provisions of section  
8 198P shall be awarded by CNCS on a competitive basis:  
9 *Provided further*, That for the purposes of carrying out  
10 the 1990 Act, satisfying the requirements in section  
11 122(c)(1)(D) may include a determination of need by the  
12 local community.

13 PAYMENT TO THE NATIONAL SERVICE TRUST

14 (INCLUDING TRANSFER OF FUNDS)

15 For payment to the National Service Trust estab-  
16 lished under subtitle D of title I of the 1990 Act,  
17 \$206,842,000, to remain available until expended: *Pro-*  
18 *vided*, That CNCS may transfer additional funds from the  
19 amount provided within “Operating Expenses” allocated  
20 to grants under subtitle C of title I of the 1990 Act to  
21 the National Service Trust upon determination that such  
22 transfer is necessary to support the activities of national  
23 service participants and after notice is transmitted to the  
24 Committees on Appropriations of the House of Represent-  
25 atives and the Senate: *Provided further*, That amounts ap-



1 appropriated for or transferred to the National Service Trust  
2 may be invested under section 145(b) of the 1990 Act  
3 without regard to the requirement to apportion funds  
4 under 31 U.S.C. 1513(b).

5 SALARIES AND EXPENSES

6 For necessary expenses of administration as provided  
7 under section 501(a)(5) of the 1990 Act and under section  
8 504(a) of the 1973 Act, including payment of salaries, au-  
9 thorized travel, hire of passenger motor vehicles, the rental  
10 of conference rooms in the District of Columbia, the em-  
11 ployment of experts and consultants authorized under 5  
12 U.S.C. 3109, and not to exceed \$2,500 for official recep-  
13 tion and representation expenses, \$81,737,000.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector  
16 General in carrying out the Inspector General Act of 1978,  
17 \$5,750,000.

18 ADMINISTRATIVE PROVISIONS

19 SEC. 401. CNCS shall make any significant changes  
20 to program requirements, service delivery or policy only  
21 through public notice and comment rulemaking. For fiscal  
22 year 2018, during any grant selection process, an officer  
23 or employee of CNCS shall not knowingly disclose any cov-  
24 ered grant selection information regarding such selection,  
25 directly or indirectly, to any person other than an officer

1 or employee of CNCS that is authorized by CNCS to re-  
2 ceive such information.

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

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

20       SEC. 404. In addition to the requirements in section  
21 146(a) of the 1990 Act, use of an educational award for  
22 the purpose described in section 148(a)(4) shall be limited  
23 to individuals who are veterans as defined under section  
24 101 of the Act.

1       SEC. 405. For the purpose of carrying out section  
2 189D of the 1990 Act—

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

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

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

15           CORPORATION FOR PUBLIC BROADCASTING

16       For payment to the Corporation for Public Broad-  
17 casting (“CPB”), as authorized by the Communications  
18 Act of 1934, an amount which shall be available within  
19 limitations specified by that Act, for the fiscal year 2020,  
20 \$445,000,000: *Provided*, That none of the funds made  
21 available to CPB by this Act shall be used to pay for re-  
22 ceptions, parties, or similar forms of entertainment for  
23 Government officials or employees: *Provided further*, That  
24 none of the funds made available to CPB by this Act shall  
25 be available or used to aid or support any program or ac-

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

11 FEDERAL MEDIATION AND CONCILIATION SERVICE

12 SALARIES AND EXPENSES

13 For expenses necessary for the Federal Mediation  
14 and Conciliation Service (“Service”) to carry out the func-  
15 tions vested in it by the Labor-Management Relations Act,  
16 1947, including hire of passenger motor vehicles; for ex-  
17 penses necessary for the Labor-Management Cooperation  
18 Act of 1978; and for expenses necessary for the Service  
19 to carry out the functions vested in it by the Civil Service  
20 Reform Act, \$46,650,000, including up to \$900,000 to re-  
21 main available through September 30, 2019, for activities  
22 authorized by the Labor-Management Cooperation Act of  
23 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,  
24 fees charged, up to full-cost recovery, for special training  
25 activities and other conflict resolution services and tech-

1 nical assistance, including those provided to foreign gov-  
2 ernments and international organizations, and for arbitra-  
3 tion services shall be credited to and merged with this ac-  
4 count, and shall remain available until expended: *Provided*  
5 *further*, That fees for arbitration services shall be available  
6 only for education, training, and professional development  
7 of the agency workforce: *Provided further*, That the Direc-  
8 tor of the Service is authorized to accept and use on behalf  
9 of the United States gifts of services and real, personal,  
10 or other property in the aid of any projects or functions  
11 within the Director's jurisdiction.

12 FEDERAL MINE SAFETY AND HEALTH REVIEW

13 COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary for the Federal Mine Safety  
16 and Health Review Commission, \$17,134,000.

17 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

18 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

19 AND ADMINISTRATION

20 For carrying out the Museum and Library Services  
21 Act of 1996 and the National Museum of African Amer-  
22 ican History and Culture Act, \$231,000,000.



1 tions, hearings, directives, or orders concerning bargaining  
2 units composed of agricultural laborers as referred to in  
3 section 2(3) of the Act of July 5, 1935, and as amended  
4 by the Labor-Management Relations Act, 1947, and as de-  
5 fined in section 3(f) of the Act of June 25, 1938, and  
6 including in said definition employees engaged in the  
7 maintenance and operation of ditches, canals, reservoirs,  
8 and waterways when maintained or operated on a mutual,  
9 nonprofit basis and at least 95 percent of the water stored  
10 or supplied thereby is used for farming purposes.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 406. None of the funds provided by this Act  
13 or previous Acts making appropriations for the National  
14 Labor Relations Board may be used to issue any new ad-  
15 ministrative directive or regulation that would provide em-  
16 ployees any means of voting through any electronic means  
17 in an election to determine a representative for the pur-  
18 poses of collective bargaining.

19 SEC. 407. (a) None of the funds made available by  
20 this Act may be used to enforce the National Labor Rela-  
21 tions Act (29 U.S.C. 152) against any Indian Tribe, in-  
22 cluding any enterprise or institution owned and operated  
23 by an Indian Tribe and located on its Indian lands.

24 (b) For purposes of this section—

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

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

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

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

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

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

21       SEC. 408. None of the funds made available by this  
22 Act may be used to issue, enforce, or litigate any adminis-  
23 trative directive, regulation, representation issue, or unfair  
24 labor practice proceeding, or any other administrative  
25 complaint, charge, claim, or proceeding based on the



1 standard for determining whether entities are “joint em-  
2 ployers” set forth by the National Labor Relations Board  
3 in *Browning-Ferris Industries of California, Inc.*, 362  
4 NLRB No. 186 (August 27, 2015).

5 SEC. 409. None of the funds made available by this  
6 Act may be used to—

7 (1) implement, create, apply, or enforce through  
8 prosecution, adjudication, rulemaking, or the issuing  
9 of any interpretation, opinion, certification, decision,  
10 or policy, any standard for initial bargaining unit  
11 determinations that conflicts with the standard ar-  
12 ticulated in the majority opinion in *Wheeling Island*  
13 *Gaming Inc. and United Food and Commercial*  
14 *Workers International Union, Local 23*, 355 NLRB  
15 127 (August 27, 2010) (including the majority opin-  
16 ion in footnote 2), except for unit determinations  
17 governed by section 103.30 of title 34, Code of Fed-  
18 eral Regulations, for employers covered by such sec-  
19 tion; or

20 (2) implement, create, apply, or enforce through  
21 prosecution, adjudication, rulemaking, or the issuing  
22 of any interpretation, opinion, certification, decision,  
23 or policy, any standard for initial bargaining unit  
24 determinations that utilize the overwhelming com-  
25 munity of interest test except in accretion cases.

## 1 NATIONAL MEDIATION BOARD

## 2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions  
4 of the Railway Labor Act, including emergency boards ap-  
5 pointed by the President, \$13,500,000.

## 6 OCCUPATIONAL SAFETY AND HEALTH REVIEW

## 7 COMMISSION

## 8 SALARIES AND EXPENSES

9 For expenses necessary for the Occupational Safety  
10 and Health Review Commission, \$12,875,000.

## 11 RAILROAD RETIREMENT BOARD

## 12 DUAL BENEFITS PAYMENTS ACCOUNT

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

1 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT  
2 ACCOUNTS

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

10 LIMITATION ON ADMINISTRATION

11 For necessary expenses for the Railroad Retirement  
12 Board (“Board”) for administration of the Railroad Re-  
13 tirement Act and the Railroad Unemployment Insurance  
14 Act, \$113,500,000, to be derived in such amounts as de-  
15 termined by the Board from the railroad retirement ac-  
16 counts and from moneys credited to the railroad unem-  
17 ployment insurance administration fund: *Provided*, That  
18 notwithstanding section 7(b)(9) of the Railroad Retire-  
19 ment Act this limitation may be used to hire attorneys  
20 only through the excepted service: *Provided further*, That  
21 the previous proviso shall not change the status under  
22 Federal employment laws of any attorney hired by the  
23 Railroad Retirement Board prior to January 1, 2013.

## 1       LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

## 8                       SOCIAL SECURITY ADMINISTRATION

## 9           PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

## 14                       SUPPLEMENTAL SECURITY INCOME PROGRAM

15          For carrying out titles XI and XVI of the Social Se-  
16 curity Act, section 401 of Public Law 92–603, section 212  
17 of Public Law 93–66, as amended, and section 405 of  
18 Public Law 95–216, including payment to the Social Secu-  
19 rity trust funds for administrative expenses incurred pur-  
20 suant to section 201(g)(1) of the Social Security Act,  
21 \$38,591,635,000, to remain available until expended: *Pro-*  
22 *vided*, That any portion of the funds provided to a State  
23 in the current fiscal year and not obligated by the State  
24 during that year shall be returned to the Treasury: *Pro-*  
25 *vided further*, That not more than \$101,000,000 shall be

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

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

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

12 LIMITATION ON ADMINISTRATIVE EXPENSES

13 For necessary expenses, including the hire of two pas-  
14 senger motor vehicles, and not to exceed \$20,000 for offi-  
15 cial reception and representation expenses, not more than  
16 \$12,273,945,000 may be expended, as authorized by sec-  
17 tion 201(g)(1) of the Social Security Act, from any one  
18 or all of the trust funds referred to in such section: *Pro-*  
19 *vided*, That not less than \$2,300,000 shall be for the So-  
20 cial Security Advisory Board: *Provided further*, That unob-  
21 ligated balances of funds provided under this paragraph  
22 at the end of fiscal year 2018 not needed for fiscal year  
23 2018 shall remain available until expended to invest in the  
24 Social Security Administration information technology  
25 and telecommunications hardware and software infra-

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

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

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

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

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

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

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

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



## TITLE V

## GENERAL PROVISIONS

## (TRANSFER OF FUNDS)

1  
2  
3  
4       SEC. 501. The Secretaries of Labor, Health and  
5 Human Services, and Education are authorized to transfer  
6 unexpended balances of prior appropriations to accounts  
7 corresponding to current appropriations provided in this  
8 Act. Such transferred balances shall be used for the same  
9 purpose, and for the same periods of time, for which they  
10 were originally appropriated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1           (3) results from any general savings from a re-  
2           duction in personnel which would result in a change  
3           in existing programs, activities, or projects as ap-  
4           proved by Congress;  
5           unless the Committees on Appropriations of the House of  
6           Representatives and the Senate are consulted 15 days in  
7           advance of such reprogramming or of an announcement  
8           of intent relating to such reprogramming, whichever oc-  
9           curs earlier, and are notified in writing 10 days in advance  
10          of such reprogramming.

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

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

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

1 in this Act, the accompanying detailed table in the com-  
2 mittee report accompanying this Act, or the fiscal year  
3 2018 budget request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in this Act may be used to implement, administer, enforce,  
2 or further the rate setting process for calendar year 2018  
3 and fiscal year 2019 for Medicare under title XVIII of  
4 the Social Security Act: *Provided further*, That funds in  
5 this Act may be used to implement, administer, enforce,  
6 or further the final rules for the provisions of (and amend-  
7 ments made by) sections 2501(c), 2501(d), and 2503 of  
8 Public Law 111–148, as amended by sections 1206(a) and  
9 1101(c) of Public Law 111–152, insofar as each respective  
10 rule relates to calendar year 2018.

11 SEC. 528. None of the funds made available by this  
12 Act may be used to conduct or support research using  
13 human fetal tissue if such tissue is obtained pursuant to  
14 an induced abortion.

15 SEC. 529 (a) IN GENERAL.—Notwithstanding any  
16 other provision of law, none of the funds made available  
17 by this Act may be made available either directly, through  
18 a State (including through managed care contracts with  
19 a State), or through any other means, to a prohibited enti-  
20 ty.

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

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



1 (A) is an organization described in section  
2 501(c)(3) of the Internal Revenue Code of 1986  
3 and exempt from taxation under section 501(a)  
4 of such Code;

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

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

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

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

24 (2) for which the total amount of Federal  
25 grants to such entity, including grants to any affili-

1 ates, subsidiaries, or clinics of such entity, under  
2 title X of the Public Health Service Act in fiscal  
3 year 2016 exceeded \$23,000,000.

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

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

15 (RESCISSION)

16 SEC. 530. Of the unobligated balances in the “Non-  
17 recurring expenses fund” established in section 223 of di-  
18 vision G of Public Law 110-161 \$560,000,000 is re-  
19 scinded.

20 (RESCISSION)

21 SEC. 531. Of the funds made available for fiscal year  
22 2018 under section 3403 of Public Law 111-148,  
23 \$15,000,000 are rescinded.

24 SEC. 532. Amounts deposited in the Child Enroll-  
25 ment Contingency Fund prior to the beginning of fiscal

1 year 2018 under section 2104(n)(2) of the Social Security  
2 Act and the income derived from investment of those  
3 funds pursuant to section 2104(n)(2)(C) of that Act, shall  
4 not be available for obligation in this fiscal year.

5 (RESCISSION)

6 SEC. 533. Of the unobligated balances of amounts ap-  
7 propriated under section 1101(g) of Public Law 111-148  
8 (42 U.S.C. 18001(g)), \$323,000,000 is rescinded.

9 (RESCISSION)

10 SEC. 534. Of the funds made available for purposes  
11 of carrying out section 2105(a)(3) of the Social Security  
12 Act, \$88,613,000 are hereby rescinded.

13 (RESCISSION)

14 SEC. 535. Of any available amounts appropriated  
15 under section 301(b)(3) of Public Law 114-10,  
16 \$3,945,905,000 are hereby rescinded.

17 SEC. 536. (a) This section may be cited as the “Con-  
18 science Protection Act of 2017”.

19 (b) Congress finds as follows:

20 (1) Thomas Jefferson stated a conviction com-  
21 mon to our Nation’s founders when he declared in  
22 1809 that “[n]o provision in our Constitution ought  
23 to be dearer to man than that which protects the  
24 rights of conscience against the enterprises of the  
25 civil authority”.

1           (2) In 1973, the Supreme Court concluded that  
2           the government must leave the abortion decision “to  
3           the medical judgment of the pregnant woman’s at-  
4           tending physician”, recognizing that a physician may  
5           choose not to participate in abortion. *Roe v. Wade*,  
6           410 U.S. 113, 164 (1973). The Court cited with ap-  
7           proval a policy that “neither physician, hospital, nor  
8           hospital personnel shall be required to perform any  
9           act violative of personally-held moral principles”,  
10          410 U.S. at 143 n. 38, and cited State laws uphold-  
11          ing this principle. *Doe v. Bolton*, 410 U.S. 179,  
12          197–8 (1973).

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

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

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

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

1           (7) A health care provider’s decision not to par-  
2           ticipate in an abortion, like Congress’s decision not  
3           to fund most abortions, erects no new barrier to  
4           those seeking to perform or undergo abortions but  
5           leaves each party free to act as he or she wishes.

6           (8) Such protection poses no conflict with other  
7           Federal laws, such as the law requiring emergency  
8           stabilizing treatment for a pregnant woman and her  
9           unborn child when either is in distress (Emergency  
10          Medical Treatment and Active Labor Act). As the  
11          previous Administration has said, these areas of law  
12          have operated side by side for many years and both  
13          should be fully enforced (76 Fed. Reg. 9968–77  
14          (2011) at 9973).

15          (9) Reaffirming longstanding Federal policy on  
16          conscience rights and providing a right of action in  
17          cases where it is violated allows longstanding and  
18          widely supported Federal laws to work as intended.

19          (c) Title II of the Public Health Service Act (42  
20          U.S.C. 202 et seq.) is amended by inserting after section  
21          245 the following:

1 **“SEC. 245A. PROHIBITING GOVERNMENTAL DISCRIMINA-**  
2 **TION AGAINST PROVIDERS OF HEALTH SERV-**  
3 **ICES THAT ARE NOT INVOLVED IN ABORTION.**

4 “(a) IN GENERAL.—Notwithstanding any other law,  
5 the Federal Government, and any State or local govern-  
6 ment that receives Federal financial assistance, may not  
7 penalize, retaliate against, or otherwise discriminate  
8 against a health care provider on the basis that the pro-  
9 vider does not—

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

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

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

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

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

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

24 “(3) to prevent an accrediting agency, the Fed-  
25 eral Government, or a State or local government  
26 from establishing standards of medical competency

1 applicable only to those who have knowingly, volun-  
2 tarily, and specifically elected to perform abortions,  
3 or from enforcing contractual obligations applicable  
4 only to those who, as part of such contract, know-  
5 ingly, voluntarily, and specifically elect to provide  
6 abortions;

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

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

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

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

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

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

24 “(1) FEDERAL FINANCIAL ASSISTANCE.—The  
25 term ‘Federal financial assistance’ means Federal



1 payments to cover the cost of health care services or  
2 benefits, or other Federal payments, grants, or loans  
3 to promote or otherwise facilitate health-related ac-  
4 tivities.

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

7 “(A) an individual physician, nurse, or  
8 other health care professional;

9 “(B) a hospital, health system, or other  
10 health care facility or organization (including a  
11 party to a proposed merger or other collabo-  
12 rative arrangement relating to health services,  
13 and an entity resulting therefrom);

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

17 “(D) a social services provider that pro-  
18 vides or authorizes referrals for health care  
19 services;

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

23 “(F) an issuer of health insurance cov-  
24 erage; or

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

3           “(3) STATE OR LOCAL GOVERNMENT THAT RE-  
4           CEIVES FEDERAL FINANCIAL ASSISTANCE.—The  
5           term ‘State or local government that receives Fed-  
6           eral financial assistance’ includes every agency and  
7           other governmental unit and subdivision of a State  
8           or local government, if such State or local govern-  
9           ment, or any agency or governmental unit or sub-  
10          division thereof, receives Federal financial assist-  
11          ance.

12   **“SEC. 245B. CIVIL ACTION FOR CERTAIN VIOLATIONS.**

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

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

17                  “(1) QUALIFIED PARTY.—The term ‘qualified  
18                  party’ means—

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

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

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

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

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

5           “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—  
6 An action under this section may be commenced, and relief  
7 may be granted, without regard to whether the party com-  
8 mencing the action has sought or exhausted available ad-  
9 ministrative remedies.

10          “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-  
11 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL  
12 AS OTHERS.—

13           “(1) IN GENERAL.—An action under this sec-  
14 tion may be maintained against, among others, a  
15 party that is a Federal or State governmental entity.  
16 Relief in an action under this section may include  
17 money damages even if the defendant is such a gov-  
18 ernmental entity.

19           “(2) DEFINITION.—For the purposes of this  
20 subsection, the term ‘State governmental entity’  
21 means a State, a local government within a State,  
22 and any agency or other governmental unit or sub-  
23 division of a State or of such a local government.

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



1           This Act may be cited as the “Departments of Labor,  
2 Health and Human Services, and Education, and Related  
3 Agencies Appropriations Act, 2018”.

Union Calendar No. 176

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3358**

[Report No. 115-244]

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## **A BILL**

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

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JULY 24, 2017

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