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[Report No. 114-____]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

____ --, 2015

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2016, 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, 2016, and for other purposes, namely:

8 TITLE I—DEPARTMENT OF LABOR

9 EMPLOYMENT AND TRAINING ADMINISTRATION

10 TRAINING AND EMPLOYMENT SERVICES

11 For necessary expenses of the Workforce Innovation
12 and Opportunity Act (referred to in this Act as “WIOA”)
13 and the Second Chance Act of 2007, \$3,003,314,000, plus
14 reimbursements, shall be available. Of the amounts pro-
15 vided:

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

20 (A) \$776,736,000 for adult employment
21 and training activities, of which \$64,736,000
22 shall be available for the period July 1, 2016,
23 through June 30, 2017, and of which
24 \$712,000,000 shall be available for the period
25 October 1, 2016 through June 30, 2017;

1 (B) \$831,842,000 for youth activities,
2 which shall be available for the period April 1,
3 2016 through June 30, 2017; and

4 (C) \$1,015,530,000 for dislocated worker
5 employment and training activities, of which
6 \$155,530,000 shall be available for the period
7 July 1, 2016 through June 30, 2017, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2016 through June 30, 2017:

10 *Provided*, That notwithstanding section 128(a)(1) of
11 the WIOA, the amount available to the Governor for
12 statewide workforce investment activities shall not
13 exceed 11 percent of the amount allotted to the
14 State from each of the appropriations under the pre-
15 ceding subparagraphs;

16 (2) for national programs, \$379,206,000 as fol-
17 lows:

18 (A) \$74,000,000 for the dislocated workers
19 assistance national reserve, of which
20 \$14,800,000 shall be available for the period
21 July 1, 2016 through September 30, 2017, and
22 of which \$59,200,000 shall be available for the
23 period October 1, 2016 through September 30,
24 2017: *Provided*, That funds provided to carry
25 out section 132(a)(2)(A) of the WIOA may be

1 used to provide assistance to a State for state-
2 wide or local use in order to address cases
3 where there have been worker dislocations
4 across multiple sectors or across multiple local
5 areas and such workers remain dislocated; co-
6 ordinate the State workforce development plan
7 with emerging economic development needs; and
8 train such eligible dislocated workers: *Provided*
9 *further*, That funds provided to carry out sec-
10 tions 168(b) and 169(c) of the WIOA may be
11 used for technical assistance and demonstration
12 projects, respectively, that provide assistance to
13 new entrants in the workforce and incumbent
14 workers;

15 (B) \$50,000,000 for Native American pro-
16 grams under section 166 of the WIOA, which
17 shall be available for the period July 1, 2016
18 through June 30, 2017;

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

1 permanent housing), and \$494,000 for other
2 discretionary purposes, which shall be available
3 for the period July 1, 2016 through June 30,
4 2017: *Provided*, That notwithstanding any
5 other provision of law or related regulation, the
6 Department of Labor shall take no action lim-
7 iting the number or proportion of eligible par-
8 ticipants receiving related assistance services or
9 discouraging grantees from providing such serv-
10 ices;

11 (D) \$82,000,000 for YouthBuild activities
12 as described in section 171 of the WIOA, which
13 shall be available for the period April 1, 2016
14 through June 30, 2017;

15 (E) \$3,232,000 for technical assistance ac-
16 tivities under section 168 of the WIOA, which
17 shall be available for the period July 1, 2016
18 through June 30, 2017;

19 (F) \$82,078,000 for ex-offender activities,
20 under the authority of section 169 of the WIOA
21 and section 212 of the Second Chance Act of
22 2007, which shall be available for the period
23 April 1, 2016 through June 30, 2017: *Provided*,
24 That of this amount, \$20,000,000 shall be for
25 competitive grants to national and regional

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

5 (G) \$6,000,000 for the Workforce Data
6 Quality Initiative, under the authority of section
7 169 of the WIOA, which shall be available for
8 the period July 1, 2016 through June 30,
9 2017.

10 JOB CORPS

11 (INCLUDING TRANSFER OF FUNDS)

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

19 (1) \$1,580,825,000 for Job Corps Operations,
20 which shall be available for the period July 1, 2016
21 through June 30, 2017;

22 (2) \$75,000,000 for construction, rehabilitation
23 and acquisition of Job Corps Centers, which shall be
24 available for the period July 1, 2016 through June
25 30, 2019, and which may include the acquisition,

1 maintenance, and repair of major items of equip-
2 ment: *Provided*, That the Secretary may transfer up
3 to 15 percent of such funds to meet the operational
4 needs of such centers or to achieve administrative ef-
5 ficiencies: *Provided further*, That any funds trans-
6 ferred pursuant to the preceding proviso shall not be
7 available for obligation after June 30, 2017: *Pro-*
8 *vided further*, That the Committees on Appropria-
9 tions of the House of Representatives and the Sen-
10 ate are notified at least 15 days in advance of any
11 transfer; and

12 (3) \$32,330,000 for necessary expenses of Job
13 Corps, which shall be available for obligation for the
14 period October 1, 2015 through September 30,
15 2016:

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

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

20 AMERICANS

21 To carry out title V of the Older Americans Act of
22 1965 (referred to in this Act as “OAA”), \$434,371,000,
23 which shall be available for the period July 1, 2016
24 through June 30, 2017, and may be recaptured and reobli-
25 gated in accordance with section 517(c) of the OAA.

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$81,566,000, together with not to exceed \$3,468,557,000
5 which may be expended from the Employment Security
6 Administration Account in the Unemployment Trust Fund
7 (“the Trust Fund”), of which:

8 (1) \$2,715,550,000 from the Trust Fund is for
9 grants to States for the administration of State un-
10 employment insurance laws as authorized under title
11 III of the Social Security Act (including not less
12 than \$120,000,000 to conduct in-person reemploy-
13 ment and eligibility assessments and unemployment
14 insurance improper payment reviews, and to provide
15 reemployment services and referrals to training as
16 appropriate, for all claimants of unemployment in-
17 surance for ex-service members under 5 U.S.C. 8521
18 et. seq. and for the claimants of regular unemploy-
19 ment compensation who are profiled as most likely
20 to exhaust their benefits in each State, and
21 \$3,000,000 for continued support of the Unemploy-
22 ment Insurance Integrity Center of Excellence), the
23 administration of unemployment insurance for Fed-
24 eral employees and for ex-service members as au-
25 thorized under 5 U.S.C. 8501–8523, and the admin-

1 istration of trade readjustment allowances, reem-
2 ployment trade adjustment assistance, and alter-
3 native trade adjustment assistance under the Trade
4 Act of 1974 and under sections 231(a) and 233(b)
5 of the Trade Adjustment Assistance Extension Act
6 of 2011, and shall be available for obligation by the
7 States through December 31, 2016, except that
8 funds used for automation acquisitions shall be
9 available for Federal obligation through December
10 31, 2016, and for State obligation through Sep-
11 tember 30, 2018, or, if the automation acquisition is
12 being carried out through consortia of States, for
13 State obligation through September 30, 2021, and
14 for expenditure through September 30, 2022, and
15 funds for competitive grants awarded to States for
16 improved operations, to conduct in-person assess-
17 ments and reviews and provide reemployment serv-
18 ices and referrals, shall be available for Federal obli-
19 gation through December 31, 2016 and for obliga-
20 tion by the States through September 30, 2018, and
21 funds used for unemployment insurance workloads
22 experienced by the States through September 30,
23 2016 shall be available for Federal obligation
24 through December 31, 2016;

1 (2) \$14,547,000 from the Trust Fund is for na-
2 tional activities necessary to support the administra-
3 tion of the Federal-State unemployment insurance
4 system;

5 (3) \$642,771,000 from the Trust Fund, to-
6 gether with \$21,413,000 from the General Fund of
7 the Treasury, is for grants to States in accordance
8 with section 6 of the Wagner-Peyser Act, and shall
9 be available for Federal obligation for the period
10 July 1, 2016 through June 30, 2017;

11 (4) \$19,818,000 from the Trust Fund is for na-
12 tional activities of the Employment Service, includ-
13 ing administration of the work opportunity tax cred-
14 it under section 51 of the Internal Revenue Code of
15 1986, and the provision of technical assistance and
16 staff training under the Wagner-Peyser Act;

17 (5) \$75,871,000 from the Trust Fund is for the
18 administration of foreign labor certifications and re-
19 lated activities under the Immigration and Nation-
20 ality Act and related laws, of which \$61,589,000
21 shall be available for the Federal administration of
22 such activities, and \$14,282,000 shall be available
23 for grants to States for the administration of such
24 activities; and

1 (6) \$60,153,000 from the General Fund is to
2 provide workforce information, national electronic
3 tools, and one-stop system building under the Wag-
4 ner-Peyser Act and shall be available for Federal ob-
5 ligation for the period July 1, 2016 through June
6 30, 2017:

7 *Provided*, That to the extent that the Average Weekly In-
8 sured Unemployment (“AWIU”) for fiscal year 2016 is
9 projected by the Department of Labor to exceed
10 2,957,000, an additional \$28,600,000 from the Trust
11 Fund shall be available for obligation for every 100,000
12 increase in the AWIU level (including a pro rata amount
13 for any increment less than 100,000) to carry out title
14 III of the Social Security Act: *Provided further*, That
15 funds appropriated in this Act that are allotted to a State
16 to carry out activities under title III of the Social Security
17 Act may be used by such State to assist other States in
18 carrying out activities under such title III if the other
19 States include areas that have suffered a major disaster
20 declared by the President under the Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act: *Provided*
22 *further*, That the Secretary may use funds appropriated
23 for grants to States under title III of the Social Security
24 Act to make payments on behalf of States for the use of
25 the National Directory of New Hires under section

1 453(j)(8) of such Act: *Provided further*, That the Sec-
2 retary may use funds appropriated for grants to States
3 under title III of the Social Security Act to make pay-
4 ments on behalf of States to the entity operating the State
5 Information Data Exchange System: *Provided further*,
6 That funds appropriated in this Act which are used to es-
7 tablish a national one-stop career center system, or which
8 are used to support the national activities of the Federal-
9 State unemployment insurance, employment service, or
10 immigration programs, may be obligated in contracts,
11 grants, or agreements with States and non-State entities:
12 *Provided further*, That States awarded competitive grants
13 for improved operations under title III of the Social Secu-
14 rity Act, or awarded grants to support the national activi-
15 ties of the Federal-State unemployment insurance system,
16 may award subgrants to other States under such grants,
17 subject to the conditions applicable to the grants: *Provided*
18 *further*, That funds appropriated under this Act for activi-
19 ties authorized under title III of the Social Security Act
20 and the Wagner-Peyser Act may be used by States to fund
21 integrated Unemployment Insurance and Employment
22 Service automation efforts, notwithstanding cost allocation
23 principles prescribed under the Office of Management and
24 Budget Circular A-87: *Provided further*, That the Sec-
25 retary, at the request of a State participating in a consor-

1 tium with other States, may reallocate funds allotted to such
2 State under title III of the Social Security Act to other
3 States participating in the consortium in order to carry
4 out activities that benefit the administration of the unem-
5 ployment compensation law of the State making the re-
6 quest: *Provided further*, That the Secretary may collect
7 fees for the costs associated with additional data collec-
8 tion, analyses, and reporting services relating to the Na-
9 tional Agricultural Workers Survey requested by State
10 and local governments, public and private institutions of
11 higher education, and non-profit organizations and may
12 utilize such sums, in accordance with the provisions of 29
13 U.S.C. 9a, for the National Agricultural Workers Survey
14 infrastructure, methodology, and data to meet the infor-
15 mation collection and reporting needs of such entities,
16 which shall be credited to this appropriation and shall re-
17 main available until September 30, 2017, for such pur-
18 poses.

19 In addition, \$30,000,000 from the Employment Se-
20 curity Administration Account of the Unemployment
21 Trust Fund shall be available for in-person reemployment
22 and eligibility assessments and unemployment insurance
23 improper payment reviews and to provide reemployment
24 services and referrals to training as appropriate, for the
25 claimants of regular unemployment compensation who are

1 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employee Benefits
4 Security Administration, \$180,699,000.

5 PENSION BENEFIT GUARANTY CORPORATION

6 PENSION BENEFIT GUARANTY CORPORATION FUND

7 The Pension Benefit Guaranty Corporation (“Cor-
8 poration”) is authorized to make such expenditures, in-
9 cluding financial assistance authorized by subtitle E of
10 title IV of the Employee Retirement Income Security Act
11 of 1974, within limits of funds and borrowing authority
12 available to the Corporation, and in accord with law, and
13 to make such contracts and commitments without regard
14 to fiscal year limitations, as provided by 31 U.S.C. 9104,
15 as may be necessary in carrying out the program, includ-
16 ing associated administrative expenses, through Sep-
17 tember 30, 2016, for the Corporation: *Provided*, That
18 none of the funds available to the Corporation for fiscal
19 year 2016 shall be available for obligations for administra-
20 tive expenses in excess of \$431,799,000: *Provided further*,
21 That to the extent that the number of new plan partici-
22 pants in plans terminated by the Corporation exceeds
23 100,000 in fiscal year 2016, an amount not to exceed an
24 additional \$9,200,000 shall be available through Sep-
25 tember 30, 2017, for obligation for administrative ex-

1 penses for every 20,000 additional terminated partici-
2 pants: *Provided further*, That obligations in excess of the
3 amounts provided in this paragraph may be incurred for
4 unforeseen and extraordinary pretermination expenses or
5 extraordinary multiemployer program related expenses
6 after approval by the Office of Management and Budget
7 and notification of the Committees on Appropriations of
8 the House of Representatives and the Senate.

9 WAGE AND HOUR DIVISION

10 SALARIES AND EXPENSES

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

15 OFFICE OF LABOR-MANAGEMENT STANDARDS

16 SALARIES AND EXPENSES

17 For necessary expenses for the Office of Labor-Man-
18 agement Standards, \$42,000,000.

19 OFFICE OF FEDERAL CONTRACT COMPLIANCE

20 PROGRAMS

21 SALARIES AND EXPENSES

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

1 OFFICE OF WORKERS' COMPENSATION PROGRAMS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Office of Workers'
4 Compensation Programs, \$112,665,000, together with
5 \$2,177,000 which may be expended from the Special Fund
6 in accordance with sections 39(c), 44(d), and 44(j) of the
7 Longshore and Harbor Workers' Compensation Act.

8 SPECIAL BENEFITS

9 (INCLUDING TRANSFER OF FUNDS)

10 For the payment of compensation, benefits, and ex-
11 penses (except administrative expenses) accruing during
12 the current or any prior fiscal year authorized by 5 U.S.C.
13 81; continuation of benefits as provided for under the
14 heading "Civilian War Benefits" in the Federal Security
15 Agency Appropriation Act, 1947; the Employees' Com-
16 pensation Commission Appropriation Act, 1944; section
17 5(f) of the War Claims Act (50 U.S.C. App. 2004); obliga-
18 tions incurred under the War Hazards Compensation Act
19 (42 U.S.C. 1701 et seq.); and 50 percent of the additional
20 compensation and benefits required by section 10(h) of the
21 Longshore and Harbor Workers' Compensation Act,
22 \$210,000,000, together with such amounts as may be nec-
23 essary to be charged to the subsequent year appropriation
24 for the payment of compensation and other benefits for
25 any period subsequent to August 15 of the current year,

1 for deposit into and to assume the attributes of the Em-
2 ployees' Compensation Fund established under 5 U.S.C.
3 8147(a): *Provided*, That amounts appropriated may be
4 used under 5 U.S.C. 8104 by the Secretary to reimburse
5 an employer, who is not the employer at the time of injury,
6 for portions of the salary of a re-employed, disabled bene-
7 ficiary: *Provided further*, That balances of reimbursements
8 unobligated on September 30, 2015, shall remain available
9 until expended for the payment of compensation, benefits,
10 and expenses: *Provided further*, That in addition there
11 shall be transferred to this appropriation from the Postal
12 Service and from any other corporation or instrumentality
13 required under 5 U.S.C. 8147(c) to pay an amount for
14 its fair share of the cost of administration, such sums as
15 the Secretary determines to be the cost of administration
16 for employees of such fair share entities through Sep-
17 tember 30, 2016: *Provided further*, That of those funds
18 transferred to this account from the fair share entities to
19 pay the cost of administration of the Federal Employees'
20 Compensation Act, \$62,170,000 shall be made available
21 to the Secretary as follows:

- 22 (1) For enhancement and maintenance of auto-
23 mated data processing systems operations and tele-
24 communications systems, \$21,140,000;

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

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

6 (4) For program integrity, \$1,394,000; and

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

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

15 SPECIAL BENEFITS FOR DISABLED COAL MINERS

16 For carrying out title IV of the Federal Mine Safety
17 and Health Act of 1977, as amended by Public Law 107-
18 275, \$69,302,000, to remain available until expended.

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

23 For making benefit payments under title IV for the
24 first quarter of fiscal year 2017, \$19,000,000, to remain
25 available until expended.

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

2 OCCUPATIONAL ILLNESS COMPENSATION FUND

3 For necessary expenses to administer the Energy
4 Employees Occupational Illness Compensation Program
5 Act, \$58,552,000, to remain available until expended: *Pro-*
6 *vided*, That the Secretary may require that any person fil-
7 ing a claim for benefits under the Act provide as part of
8 such claim such identifying information (including Social
9 Security account number) as may be prescribed.

10 BLACK LUNG DISABILITY TRUST FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 Such sums as may be necessary from the Black Lung
13 Disability Trust Fund (the “Fund”), to remain available
14 until expended, for payment of all benefits authorized by
15 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
16 enue Code of 1986; and repayment of, and payment of
17 interest on advances, as authorized by section 9501(d)(4)
18 of that Act. In addition, the following amounts may be
19 expended from the Fund for fiscal year 2016 for expenses
20 of operation and administration of the Black Lung Bene-
21 fits program, as authorized by section 9501(d)(5): not to
22 exceed \$35,244,000 for transfer to the Office of Workers’
23 Compensation Programs, “Salaries and Expenses”; not to
24 exceed \$30,279,000 for transfer to Departmental Manage-
25 ment, “Salaries and Expenses”; not to exceed \$327,000

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

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety
8 and Health Administration, \$535,000,000, including not
9 to exceed \$103,000,000 which shall be the maximum
10 amount available for grants to States under section 23(g)
11 of the Occupational Safety and Health Act (the “Act”),
12 which grants shall be no less than 50 percent of the costs
13 of State occupational safety and health programs required
14 to be incurred under plans approved by the Secretary
15 under section 18 of the Act; and, in addition, notwith-
16 standing 31 U.S.C. 3302, the Occupational Safety and
17 Health Administration may retain up to \$499,000 per fis-
18 cal year of training institute course tuition and fees, other-
19 wise authorized by law to be collected, and may utilize
20 such sums for occupational safety and health training and
21 education: *Provided*, That notwithstanding 31 U.S.C.
22 3302, the Secretary is authorized, during the fiscal year
23 ending September 30, 2016, to collect and retain fees for
24 services provided to Nationally Recognized Testing Lab-
25 oratories, and may utilize such sums, in accordance with

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

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

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

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

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

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

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

1 MINE SAFETY AND HEALTH ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Mine Safety and
4 Health Administration, \$371,000,000, including purchase
5 and bestowal of certificates and trophies in connection
6 with mine rescue and first-aid work, and the hire of pas-
7 senger motor vehicles, including up to \$2,000,000 for
8 mine rescue and recovery activities and not less than
9 \$8,441,000 for state assistance grants: *Provided*, That
10 notwithstanding 31 U.S.C. 3302, not to exceed \$750,000
11 may be collected by the National Mine Health and Safety
12 Academy for room, board, tuition, and the sale of training
13 materials, otherwise authorized by law to be collected, to
14 be available for mine safety and health education and
15 training activities: *Provided further*, That notwithstanding
16 31 U.S.C. 3302, the Mine Safety and Health Administra-
17 tion is authorized to collect and retain up to \$2,499,000
18 from fees collected for the approval and certification of
19 equipment, materials, and explosives for use in mines, and
20 may utilize such sums for such activities: *Provided further*,
21 That the Secretary is authorized to accept lands, build-
22 ings, equipment, and other contributions from public and
23 private sources and to prosecute projects in cooperation
24 with other agencies, Federal, State, or private: *Provided*
25 *further*, That the Mine Safety and Health Administration

1 is authorized to promote health and safety education and
2 training in the mining community through cooperative
3 programs with States, industry, and safety associations:
4 *Provided further*, That the Secretary is authorized to rec-
5 ognize the Joseph A. Holmes Safety Association as a prin-
6 cipal safety association and, notwithstanding any other
7 provision of law, may provide funds and, with or without
8 reimbursement, personnel, including service of Mine Safe-
9 ty and Health Administration officials as officers in local
10 chapters or in the national organization: *Provided further*,
11 That any funds available to the Department of Labor may
12 be used, with the approval of the Secretary, to provide
13 for the costs of mine rescue and survival operations in the
14 event of a major disaster.

15 BUREAU OF LABOR STATISTICS

16 SALARIES AND EXPENSES

17 For necessary expenses for the Bureau of Labor Sta-
18 tistics, including advances or reimbursements to State,
19 Federal, and local agencies and their employees for serv-
20 ices rendered, \$544,000,000, together with not to exceed
21 \$65,000,000 which may be expended from the Employ-
22 ment Security Administration account in the Unemploy-
23 ment Trust Fund.

1 OFFICE OF DISABILITY EMPLOYMENT POLICY

2 SALARIES AND EXPENSES

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

8 DEPARTMENTAL MANAGEMENT

9 SALARIES AND EXPENSES

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses for Departmental Manage-
12 ment, including the hire of three passenger motor vehicles,
13 \$284,229,000, together with not to exceed \$308,000,
14 which may be expended from the Employment Security
15 Administration account in the Unemployment Trust
16 Fund: *Provided*, That funds available to the Bureau of
17 International Labor Affairs may be used to administer or
18 operate international labor activities, bilateral and multi-
19 lateral technical assistance, and microfinance programs,
20 by or through contracts, grants, subgrants and other ar-
21 rangements: *Provided further*, That \$8,161,000 shall be
22 used for program evaluation and shall be available for obli-
23 gation through September 30, 2017: *Provided further*,
24 That funds available for program evaluation may be used
25 to administer grants for the purpose of evaluation: *Pro-*

1 *vided further*, That grants made for the purpose of evalua-
2 tion shall be awarded through fair and open competition:
3 *Provided further*, That funds available for program evalua-
4 tion may be transferred to any other appropriate account
5 in the Department for such purpose: *Provided further*,
6 That the Committees on Appropriations of the House of
7 Representatives and the Senate are notified at least 15
8 days in advance of any transfer: *Provided further*, That
9 the funds available to the Women's Bureau may be used
10 for grants to serve and promote the interests of women
11 in the workforce.

12 VETERANS EMPLOYMENT AND TRAINING

13 Not to exceed \$233,001,000 may be derived from the
14 Employment Security Administration account in the Un-
15 employment Trust Fund to carry out the provisions of
16 chapters 41, 42, and 43 of title 38, United States Code,
17 of which:

18 (1) \$175,000,000 is for Jobs for Veterans State
19 grants under 38 U.S.C. 4102A(b)(5) to support dis-
20 abled veterans' outreach program specialists under
21 section 4103A of such title and local veterans' em-
22 ployment representatives under section 4104(b) of
23 such title, and for the expenses described in section
24 4102A(b)(5)(C), which shall be available for obliga-
25 tion by the States through December 31, 2016 and

1 not to exceed 3 percent for the necessary Federal ex-
2 penditures for data systems and contract support to
3 allow for the tracking of participant and perform-
4 ance information: *Provided*, That, in addition, such
5 funds may be used to support such specialists and
6 representatives in the provision of services to
7 transitioning members of the Armed Forces who
8 have participated in the Transition Assistance Pro-
9 gram and have been identified as in need of inten-
10 sive services, to members of the Armed Forces who
11 are wounded, ill, or injured and receiving treatment
12 in military treatment facilities or warrior transition
13 units, and to the spouses or other family caregivers
14 of such wounded, ill, or injured members;

15 (2) \$14,100,000 is for carrying out the Transi-
16 tion Assistance Program under 38 U.S.C. 4113 and
17 10 U.S.C. 1144;

18 (3) \$40,487,000 is for Federal administration
19 of chapters 41, 42, and 43 of title 38, United States
20 Code; and

21 (4) \$3,414,000 is for the National Veterans'
22 Employment and Training Services Institute under
23 38 U.S.C. 4109:

24 *Provided*, That the Secretary may reallocate among the
25 appropriations provided under paragraphs (1) through (4)

1 above an amount not to exceed 3 percent of the appropria-
2 tion from which such reallocation is made.

3 In addition, from the General Fund of the Treasury,
4 \$38,109,000 is for carrying out programs to assist home-
5 less veterans and veterans at risk of homelessness who are
6 transitioning from certain institutions under sections
7 2021, 2021A, and 2023 of title 38, United States Code:
8 *Provided*, That notwithstanding subsections (c)(3) and (d)
9 of section 2023, the Secretary may award grants through
10 September 30, 2016, to provide services under such sec-
11 tion: *Provided further*, That services provided under sec-
12 tion 2023 may include, in addition to services to the indi-
13 viduals described in subsection (e) of such section, services
14 to veterans recently released from incarceration who are
15 at risk of homelessness.

16 IT MODERNIZATION

17 For necessary expenses for Department of Labor cen-
18 tralized infrastructure technology investment activities re-
19 lated to support systems and modernization, \$29,778,000.

20 OFFICE OF INSPECTOR GENERAL

21 For salaries and expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$79,000,000, together with not to
24 exceed \$5,660,000 which may be expended from the Em-

1 ployment Security Administration account in the Unem-
2 ployment Trust Fund.

3 GENERAL PROVISIONS

4 SEC. 101. None of the funds appropriated by this Act
5 for the Job Corps shall be used to pay the salary and bo-
6 nuses of an individual, either as direct costs or any prora-
7 tion as an indirect cost, at a rate in excess of Executive
8 Level III.

9 (TRANSFER OF FUNDS)

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

24 SEC. 103. In accordance with Executive Order
25 13126, none of the funds appropriated or otherwise made

1 available pursuant to this Act shall be obligated or ex-
2 pended for the procurement of goods mined, produced,
3 manufactured, or harvested or services rendered, in whole
4 or in part, by forced or indentured child labor in industries
5 and host countries already identified by the United States
6 Department of Labor prior to enactment of this Act.

7 SEC. 104. None of the funds made available to the
8 Department of Labor for grants under section 414(c) of
9 the American Competitiveness and Workforce Improve-
10 ment Act of 1998 may be used for any purpose other than
11 competitive grants for training individuals over the age of
12 16 who are not currently enrolled in school within a local
13 educational agency in the occupations and industries for
14 which employers are using H-1B visas to hire foreign
15 workers, and the related activities necessary to support
16 such training: *Provided*, That the preceding limitation
17 shall not apply to funding provided pursuant to solicita-
18 tions for grant applications issued prior to January 15,
19 2014.

20 SEC. 105. None of the funds made available by this
21 Act under the heading “Employment and Training Ad-
22 ministration” shall be used by a recipient or subrecipient
23 of such funds to pay the salary and bonuses of an indi-
24 vidual, either as direct costs or indirect costs, at a rate
25 in excess of Executive Level III. This limitation shall not

1 apply to vendors providing goods and services as defined
2 in Office of Management and Budget Circular A-133.
3 Where States are recipients of such funds, States may es-
4 tablish a lower limit for salaries and bonuses of those re-
5 ceiving salaries and bonuses from subrecipients of such
6 funds, taking into account factors including the relative
7 cost-of-living in the State, the compensation levels for
8 comparable State or local government employees, and the
9 size of the organizations that administer Federal pro-
10 grams involved including Employment and Training Ad-
11 ministration programs.

12 (TRANSFER OF FUNDS)

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

21 (TRANSFER OF FUNDS)

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

1 are funded under such accounts. Any funds reserved under
2 this section shall be transferred to “Departmental Man-
3 agement” for use by the Office of the Chief Evaluation
4 Officer within the Department of Labor, and shall be
5 available for obligation through September 30, 2017: *Pro-*
6 *vided*, That such funds shall only be available if the Chief
7 Evaluation Officer of the Department of Labor submits
8 a plan to the Committees on Appropriations of the House
9 of Representatives and the Senate describing the evalua-
10 tions to be carried out 15 days in advance of any transfer.

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

1 SEC. 108. (a) FLEXIBILITY WITH RESPECT TO THE
2 CROSSING OF H-2B NONIMMIGRANTS.—

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

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

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

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

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

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

3 (i) applies for the job; and

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

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

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

19 (TRANSFER OF FUNDS)

20 SEC. 109. (a) The Secretary may reserve not more
21 than 0.25 percent from each appropriation made available
22 in this Act identified in subsection (b) in order to carry
23 out information technology purchases and upgrades for
24 any of the programs or activities that are funded under
25 such accounts. Any funds reserved under this section shall

1 be transferred to “Departmental Management” for use by
2 the Office of the Chief Information Officer within the De-
3 partment of Labor, and shall be available for obligation
4 through September 30, 2017: *Provided*, That such funds
5 shall only be available if the Chief Information Officer of
6 the Department of Labor submits a plan to the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate describing the purchases and upgrades to
9 be carried out and an explanation of why funds are not
10 needed in the donor account 15 days in advance of any
11 transfer.

12 (b) The accounts referred to in subsection (a) are:
13 “Employment and Training Administration Program Ad-
14 ministration”, funding made available for Federal admin-
15 istration within “Job Corps”, “Foreign Labor Certifi-
16 cation Program Administration”, “Employee Benefits Se-
17 curity Administration”, “Office of Workers’ Compensation
18 Programs”, “Wage and Hour Division”, “Office of Fed-
19 eral Contract Compliance Programs”, “Office of Labor
20 Management Standards”, “Occupational Safety and
21 Health Administration”, “Mine Safety and Health Admin-
22 istration”, “Veterans Employment and Training”, “Bu-
23 reau of Labor Statistics”, and “Office of Disability Em-
24 ployment Policy”.

1 SEC. 110. Notwithstanding any other provision of
2 law, beginning October 1, 2015 and thereafter, the Sec-
3 retary of Labor, in consultation with the Secretary of Ag-
4 riculture, shall select entities to operate a Civilian Con-
5 servation Center on a competitive basis in accordance with
6 section 147 of the WIOA: *Provided*, That for the purposes
7 of implementation the Secretary of Labor may use the per-
8 formance accountability system in effect for the Job Corps
9 program prior to July 1, 2016, in order to determine
10 whether such Center has had consistently low perform-
11 ance: *Provided further*, That beginning July 1, 2016, for
12 the purposes of determining whether such Center has had
13 consistently low performance the Secretary of Labor may
14 also consider expected levels of performance established
15 under section 159(c) of such Act.

16 SEC. 111. None of the funds made available by this
17 Act may be used to implement, administer, or enforce the
18 Establishing a Minimum Wage for Contractors regulation
19 published by the Department of Labor in the Federal Reg-
20 ister on October 7, 2014 (79 Fed. Reg. 60634 et seq.),
21 with respect to federal contracts, permits, or other con-
22 tract-like instruments entered into with the Federal Gov-
23 ernment in connection with federal property or lands, re-
24 lated to offering seasonal recreational services or seasonal
25 recreation equipment rental for the general public.

1 SEC. 112. None of the funds made available by this
2 Act for “Department of Labor—Departmental Manage-
3 ment” may be used to establish the proposed Office of
4 Labor Compliance.

5 SEC. 113. None of the funds made available by this
6 Act may be used to finalize, implement, administer, or en-
7 force the proposed Definition of the Term “Fiduciary”;
8 Conflict of Interest Rule—Retirement Investment Advice
9 regulation published by the Department of Labor in the
10 Federal Register on April 20, 2015 (80 Fed. Reg. 21928
11 et seq.).

12 SEC. 114. An Occupational Safety and Health Ad-
13 ministration inspector shall not administer, enforce, or
14 otherwise implement any policy or interpretation of the
15 Occupational Safety and Health Administration that al-
16 lows an individual affiliated with a third party organiza-
17 tion to accompany such OSHA inspector on a walkaround
18 inspection except in accordance with applicable laws and
19 regulations and by a vote of approval of the employees
20 of an affected worksite.

21 This title may be cited as the “Department of Labor
22 Appropriations Act, 2016”.

1 TITLE II—DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 PRIMARY HEALTH CARE

5 For carrying out titles II and III of the Public Health
6 Service Act (referred to in this Act as the “PHS Act”)
7 with respect to primary health care and the Native Hawai-
8 ian Health Care Act of 1988, \$1,491,522,000: *Provided*,
9 That no more than \$100,000 shall be available until ex-
10 pended for carrying out the provisions of section 224(o)
11 of the PHS Act: *Provided further*, That no more than
12 \$99,893,000 shall be available until expended for carrying
13 out the provisions of Public Law 104–73 and for expenses
14 incurred by the Department of Health and Human Serv-
15 ices (referred to in this Act as “HHS”) pertaining to ad-
16 ministrative claims made under such law.

17 HEALTH WORKFORCE

18 For carrying out titles III, VII, and VIII of the PHS
19 Act with respect to the health workforce, section 1128E
20 of the Social Security Act, and the Health Care Quality
21 Improvement Act of 1986, \$742,670,000: *Provided*, That
22 sections 747(c)(2), 751(j)(2), 762(k), and the proportional
23 funding amounts in paragraphs (1) through (4) of section
24 756(e) of the PHS Act shall not apply to funds made
25 available under this heading: *Provided further*, That for

1 any program operating under section 751 of the PHS Act
2 on or before January 1, 2009, the Secretary of Health
3 and Human Services (referred to in this title as the “Sec-
4 retary”) may hereafter waive any of the requirements con-
5 tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such
6 Act for the full project period of a grant under such sec-
7 tion: *Provided further*, That no funds shall be available
8 for section 340G–1 of the PHS Act: *Provided further*,
9 That fees collected for the disclosure of information under
10 section 427(b) of the Health Care Quality Improvement
11 Act of 1986 and sections 1128E(d)(2) and 1921 of the
12 Social Security Act shall be sufficient to recover the full
13 costs of operating the programs authorized by such sec-
14 tions and shall remain available until expended for the Na-
15 tional Practitioner Data Bank: *Provided further*, That
16 funds transferred to this account to carry out section 846
17 and subpart 3 of part D of title III of the PHS Act may
18 be used to make prior year adjustments to awards made
19 under such sections.

20 MATERNAL AND CHILD HEALTH

21 For carrying out titles III, XI, XII, and XIX of the
22 PHS Act with respect to maternal and child health, title
23 V of the Social Security Act, and section 712 of the Amer-
24 ican Jobs Creation Act of 2004, \$843,617,000: *Provided*,
25 That notwithstanding sections 502(a)(1) and 502(b)(1) of

1 the Social Security Act, not more than \$77,093,000 shall
2 be available for carrying out special projects of regional
3 and national significance pursuant to section 501(a)(2) of
4 such Act and \$10,276,000 shall be available for projects
5 described in subparagraphs (A) through (F) of section
6 501(a)(3) of such Act.

7 RYAN WHITE HIV/AIDS PROGRAM

8 For carrying out title XXVI of the PHS Act with
9 respect to the Ryan White HIV/AIDS program,
10 \$2,318,781,000, of which \$1,970,881,000 shall remain
11 available to the Secretary through September 30, 2018,
12 for parts A and B of title XXVI of the PHS Act, and
13 of which not less than \$900,313,000 shall be for State
14 AIDS Drug Assistance Programs under the authority of
15 section 2616 or 311(c) of such Act.

16 HEALTH CARE SYSTEMS

17 For carrying out titles III and XII of the PHS Act
18 with respect to health care systems, and the Stem Cell
19 Therapeutic and Research Act of 2005, \$106,193,000, of
20 which \$122,000 shall be available until expended for facili-
21 ties renovations at the Gillis W. Long Hansen's Disease
22 Center.

23 RURAL HEALTH

24 For carrying out titles III and IV of the PHS Act
25 with respect to rural health, section 427(a) of the Federal

1 Coal Mine Health and Safety Act of 1969, the Cardiac
2 Arrest Survival Act of 2000, and sections 711 and 1820
3 of the Social Security Act, \$147,471,000, of which
4 \$41,609,000 from general revenues, notwithstanding sec-
5 tion 1820(j) of the Social Security Act, shall be available
6 for carrying out the Medicare rural hospital flexibility
7 grants program: *Provided*, That of the funds made avail-
8 able under this heading for Medicare rural hospital flexi-
9 bility grants, \$14,942,000 shall be available for the Small
10 Rural Hospital Improvement Grant Program for quality
11 improvement and adoption of health information tech-
12 nology and up to \$1,000,000 shall be to carry out section
13 1820(g)(6) of the Social Security Act, with funds provided
14 for grants under section 1820(g)(6) available for the pur-
15 chase and implementation of telehealth services, including
16 pilots and demonstrations on the use of electronic health
17 records to coordinate rural veterans care between rural
18 providers and the Department of Veterans Affairs elec-
19 tronic health record system: *Provided further*, That not-
20 withstanding section 338J(k) of the PHS Act, \$9,511,000
21 shall be available for State Offices of Rural Health.

22

PROGRAM MANAGEMENT

23 For program support in the Health Resources and
24 Services Administration, \$154,000,000: *Provided*, That
25 funds made available under this heading may be used to

1 supplement program support funding provided under the
2 headings “Primary Health Care”, “Health Workforce”,
3 “Maternal and Child Health”, “Ryan White HIV/AIDS
4 Program”, “Health Care Systems”, and “Rural Health”.

5 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

6 For payments from the Vaccine Injury Compensation
7 Program Trust Fund (the “Trust Fund”), such sums as
8 may be necessary for claims associated with vaccine-re-
9 lated injury or death with respect to vaccines administered
10 after September 30, 1988, pursuant to subtitle 2 of title
11 XXI of the PHS Act, to remain available until expended:
12 *Provided*, That for necessary administrative expenses, not
13 to exceed \$7,500,000 shall be available from the Trust
14 Fund to the Secretary.

15 CENTERS FOR DISEASE CONTROL AND PREVENTION

16 IMMUNIZATION AND RESPIRATORY DISEASES

17 For carrying out titles II, III, XVII, and XXI, and
18 section 2821 of the PHS Act, titles II and IV of the Immi-
19 gration and Nationality Act, and section 501 of the Ref-
20 ugee Education Assistance Act, with respect to immuniza-
21 tion and respiratory diseases, \$607,781,000.

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

24 For carrying out titles II, III, XVII, and XXIII of
25 the PHS Act with respect to HIV/AIDS, viral hepatitis,

1 sexually transmitted diseases, and tuberculosis prevention,
2 \$1,117,609,000.

3 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

4 For carrying out titles II, III, and XVII, and section
5 2821 of the PHS Act, titles II and IV of the Immigration
6 and Nationality Act, and section 501 of the Refugee Edu-
7 cation Assistance Act, with respect to emerging and
8 zoonotic infectious diseases, \$460,598,000: *Provided*, That
9 of the funds available under this heading, \$30,000,000
10 shall be for the Advanced Molecular Detection initiative.

11 CHRONIC DISEASE PREVENTION AND HEALTH

12 PROMOTION

13 For carrying out titles II, III, XI, XV, XVII, and
14 XIX of the PHS Act with respect to chronic disease pre-
15 vention and health promotion, \$570,467,000: *Provided*,
16 That funds appropriated under this account may be avail-
17 able for making grants under section 1509 of the PHS
18 Act for not less than 21 States, tribes, or tribal organiza-
19 tions: *Provided further*, That of the funds available under
20 this heading, \$10,000,000 shall be available to continue
21 and expand community specific extension and outreach
22 programs to combat obesity in counties with the highest
23 levels of obesity.

1 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
2 DISABILITIES AND HEALTH

3 For carrying out titles II, III, XI, and XVII of the
4 PHS Act with respect to birth defects, developmental dis-
5 abilities, disabilities and health, \$133,510,000.

6 PUBLIC HEALTH SCIENTIFIC SERVICES

7 For carrying out titles II, III, and XVII of the PHS
8 Act with respect to health statistics, surveillance, health
9 informatics, and workforce development, \$496,597,000.

10 ENVIRONMENTAL HEALTH

11 For carrying out titles II, III, and XVII of the PHS
12 Act with respect to environmental health, \$145,580,000.

13 INJURY PREVENTION AND CONTROL

14 For carrying out titles II, III, and XVII of the PHS
15 Act with respect to injury prevention and control,
16 \$211,300,000: *Provided*, That of the funds provided under
17 this heading, \$70,000,000 shall be available for an evi-
18 dence-based prescription drug overdose prevention pro-
19 gram.

20 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
21 HEALTH

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

1 Act, and sections 20, 21, and 22 of the Occupational Safe-
2 ty and Health Act, with respect to occupational safety and
3 health, \$341,100,000.

4 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

5 COMPENSATION PROGRAM

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

12 GLOBAL HEALTH

13 For carrying out titles II, III, and XVII of the PHS
14 Act with respect to global health, \$426,925,000, of which
15 \$128,425,000 for international HIV/AIDS shall remain
16 available through September 30, 2017: *Provided*, That
17 funds may be used for purchase and insurance of official
18 motor vehicles in foreign countries.

19 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

20 For carrying out titles II, III, and XVII of the PHS
21 Act with respect to public health preparedness and re-
22 sponse, and for expenses necessary to support activities
23 related to countering potential biological, nuclear, radio-
24 logical, and chemical threats to civilian populations,
25 \$1,460,836,000, of which \$610,136,000 shall remain

1 available until expended for the Strategic National Stock-
2 pile: *Provided*, That in the event the Director of the CDC
3 activates the Emergency Operations Center, the Director
4 of the CDC may detail CDC staff without reimbursement
5 for up to 45 days to support the work of the CDC Emer-
6 gency Operations Center, so long as the Director provides
7 a notice to the Committees on Appropriations of the
8 House of Representatives and the Senate within 15 days
9 of the use of this authority and a full report within 30
10 days after use of this authority which includes the number
11 of staff and funding level broken down by the originating
12 center and number of days detailed: *Provided further*,
13 That funds appropriated under this heading may be used
14 to support a contract for the operation and maintenance
15 of an aircraft in direct support of activities throughout
16 CDC to ensure the agency is prepared to address public
17 health preparedness emergencies.

18 BUILDINGS AND FACILITIES

19 (INCLUDING TRANSFER OF FUNDS)

20 For acquisition of real property, equipment, construc-
21 tion, and renovation of facilities, \$10,000,000, which shall
22 remain available until September 30, 2020: *Provided*,
23 That funds previously set-aside by CDC for repair and up-
24 grade of the Lake Lynn Experimental Mine and Labora-
25 tory shall be used to acquire a replacement mine safety

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

7 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

8 For carrying out titles II, III, XVII and XIX, and
9 section 2821 of the PHS Act and for cross-cutting activi-
10 ties and program support for activities funded in other
11 appropriations included in this Act for the Centers for
12 Disease Control and Prevention, \$113,500,000: *Provided*,
13 That paragraphs (1) through (3) of subsection (b) of sec-
14 tion 2821 of the PHS Act shall not apply to funds appro-
15 priated under this heading and in all other accounts of
16 the CDC: *Provided further*, That employees of CDC or the
17 Public Health Service, both civilian and commissioned of-
18 ficers, detailed to States, municipalities, or other organiza-
19 tions under authority of section 214 of the PHS Act, or
20 in overseas assignments, shall be treated as non-Federal
21 employees for reporting purposes only and shall not be in-
22 cluded within any personnel ceiling applicable to the Agen-
23 cy, Service, or HHS during the period of detail or assign-
24 ment: *Provided further*, That CDC may use up to \$10,000
25 from amounts appropriated to CDC in this Act for official

1 reception and representation expenses when specifically
2 approved by the Director of CDC: *Provided further*, That
3 in addition, such sums as may be derived from authorized
4 user fees, which shall be credited to the appropriation
5 charged with the cost thereof: *Provided further*, That with
6 respect to the previous proviso, authorized user fees from
7 the Vessel Sanitation Program shall be available through
8 September 30, 2017: *Provided further*, That of the funds
9 provided in this section the Director shall support a com-
10 prehensive Institute of Medicine (IOM) report on the safe
11 sodium intake for healthy individuals.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to cancer, \$5,081,812,000, of which up
16 to \$16,000,000 may be used for facilities repairs and im-
17 provements at the National Cancer Institute—Frederick
18 Federally Funded Research and Development Center in
19 Frederick, Maryland.

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to cardiovascular, lung, and blood dis-
23 eases, and blood and blood products, \$3,035,062,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to dental and craniofacial diseases,
5 \$404,847,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$1,771,388,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to neurological disorders and stroke,
15 \$1,656,334,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
17 DISEASES

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to allergy and infectious diseases,
20 \$4,512,918,000.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to general medical sciences,
24 \$2,439,437,000, of which \$1,010,000,000 shall be from
25 funds available under section 241 of the PHS Act: *Pro-*

1 *vided*, That not less than \$311,865,000 is provided for
2 the Institutional Development Awards program.

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

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to child health and human development,
7 \$1,305,586,000.

8 NATIONAL EYE INSTITUTE

9 For carrying out section 301 and title IV of the PHS
10 Act with respect to eye diseases and visual disorders,
11 \$698,108,000.

12 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
13 SCIENCES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to environmental health sciences,
16 \$675,783,000.

17 NATIONAL INSTITUTE ON AGING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to aging, \$1,518,421,000.

20 NATIONAL INSTITUTE OF ARTHRITIS AND
21 MUSCULOSKELETAL AND SKIN DISEASES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to arthritis and musculoskeletal and skin
24 diseases, \$528,137,000.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to deafness and other communication dis-
5 orders, \$412,366,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to nursing research, \$142,701,000.

9 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
10 ALCOHOLISM

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to alcohol abuse and alcoholism,
13 \$456,012,000.

14 NATIONAL INSTITUTE ON DRUG ABUSE

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to drug abuse, \$1,050,875,000.

17 NATIONAL INSTITUTE OF MENTAL HEALTH

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to mental health, \$1,512,401,000.

20 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to human genome research,
23 \$505,551,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$338,360,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$127,585,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to minority health and health disparities
15 research, \$272,493,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities of the John E. Fogarty
18 International Center (described in subpart 2 of part E of
19 title IV of the PHS Act), \$68,627,000.

20 NATIONAL LIBRARY OF MEDICINE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to health information communications,
23 \$341,119,000: *Provided*, That of the amounts available for
24 improvement of information systems, \$4,000,000 shall be
25 available until September 30, 2017: *Provided further*, That

1 in fiscal year 2016, the National Library of Medicine may
2 enter into personal services contracts for the provision of
3 services in facilities owned, operated, or constructed under
4 the jurisdiction of the National Institutes of Health (re-
5 ferred to in this title as “NIH”).

6 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
7 SCIENCES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to translational sciences, \$643,111,000:
10 *Provided*, That up to \$9,947,000 shall be available to im-
11 plement section 480 of the PHS Act, relating to the Cures
12 Acceleration Network: *Provided further*, That at least
13 \$480,636,000 is provided to the Clinical and Translational
14 Sciences Awards program.

15 OFFICE OF THE DIRECTOR

16 For carrying out the responsibilities of the Office of
17 the Director, NIH, \$1,539,726,000, of which up to
18 \$30,000,000 may be used to carry out section 213 of this
19 Act: *Provided*, That funding shall be available for the pur-
20 chase of not to exceed 29 passenger motor vehicles for re-
21 placement only: *Provided further*, That all funds credited
22 to the NIH Management Fund shall remain available for
23 one fiscal year after the fiscal year in which they are de-
24 posited: *Provided further*, That \$165,000,000 shall be for
25 the National Children’s Study Alternative (“NCS–A”):

1 *Provided further*, That NIH shall submit a spend plan on
2 the NCS–A’s next phase to the Committees on Appropria-
3 tions of the House of Representatives and the Senate not
4 later than 90 days after the date of enactment of this Act:
5 *Provided further*, That \$675,639,000 shall be available for
6 the Common Fund established under section 402A(c)(1)
7 of the PHS Act: *Provided further*, That of the funds pro-
8 vided, \$10,000 shall be for official reception and represen-
9 tation expenses when specifically approved by the Director
10 of the NIH: *Provided further*, That the Office of AIDS
11 Research within the Office of the Director of the NIH may
12 spend up to \$8,000,000 to make grants for construction
13 or renovation of facilities as provided for in section
14 2354(a)(5)(B) of the PHS Act: *Provided further*, That up
15 to \$130,000,000 of the funds provided to the Common
16 Fund are available to support the trans-NIH Precision
17 Medicine Initiative: *Provided further*, That, of the funds
18 from Institute, Center, and Office of the Director accounts
19 within “Department of Health and Human Services, Na-
20 tional Institutes of Health” in order to strengthen privacy
21 protections for human research participants, NIH shall re-
22 quire investigators receiving NIH funding for new and
23 competing research projects designed to generate and ana-
24 lyze large volumes of data derived from human research
25 participants to obtain a certificate of confidentiality.

1 *ther*, That of the amount appropriated under this heading,
2 \$45,887,000 shall be for the National Child Traumatic
3 Stress Initiative as described in section 582 of the PHS
4 Act: *Provided further*, That notwithstanding section
5 565(b)(1) of the PHS Act, technical assistance may be
6 provided to a public entity to establish or operate a system
7 of comprehensive community mental health services to
8 children with a serious emotional disturbance, without re-
9 gard to whether the public entity receives a grant under
10 section 561(a) of such Act: *Provided further*, That States
11 shall expend at least 5 percent of the amount each receives
12 for carrying out section 1911 of the PHS Act to support
13 evidence-based programs that address the needs of individ-
14 uals with early serious mental illness, including psychotic
15 disorders, regardless of the age of the individual at onset:
16 *Provided further*, That none of the funds provided for sec-
17 tion 1911 of the PHS Act shall be subject to section 241
18 of such Act.

19 SUBSTANCE ABUSE TREATMENT

20 For carrying out titles III, V, and XIX of the PHS
21 Act with respect to substance abuse treatment and section
22 1922(a) of the PHS Act with respect to substance abuse
23 prevention, \$2,196,856,000: *Provided*, That none of the
24 funds provided for section 1921 of the PHS Act shall be
25 subject to section 241 of such Act.

1 SUBSTANCE ABUSE PREVENTION

2 For carrying out titles III and V of the PHS Act
3 with respect to substance abuse prevention, \$190,219,000.

4 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

5 For program support and cross-cutting activities that
6 supplement activities funded under the headings “Mental
7 Health”, “Substance Abuse Treatment”, and “Substance
8 Abuse Prevention” in carrying out titles III, V, and XIX
9 of the PHS Act and the Protection and Advocacy for Indi-
10 viduals with Mental Illness Act in the Substance Abuse
11 and Mental Health Services Administration,
12 \$181,660,000: *Provided*, That, in addition, fees may be
13 collected for the costs of publications, data, data tabula-
14 tions, and data analysis completed under title V of the
15 PHS Act and provided to a public or private entity upon
16 request, which shall be credited to this appropriation and
17 shall remain available until expended for such purposes:
18 *Provided further*, That amounts made available in this Act
19 for carrying out section 501(m) of the PHS Act shall re-
20 main available through September 30, 2017: *Provided fur-*
21 *ther*, That funds made available under this heading may
22 be used to supplement program support funding provided
23 under the headings “Mental Health”, “Substance Abuse
24 Treatment”, and “Substance Abuse Prevention”.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$243,545,410,000,
5 to remain available until expended.

6 For making, after May 31, 2016, payments to States
7 under title XIX or in the case of section 1928 on behalf
8 of States under title XIX of the Social Security Act for
9 the last quarter of fiscal year 2016 for unanticipated costs
10 incurred for the current fiscal year, such sums as may be
11 necessary.

12 For making payments to States or in the case of sec-
13 tion 1928 on behalf of States under title XIX of the Social
14 Security Act for the first quarter of fiscal year 2017,
15 \$115,582,502,000, to remain available until expended.

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

21 PAYMENTS TO HEALTH CARE TRUST FUNDS

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

1 103(c) and 111(d) of the Social Security Amendments of
2 1965, section 278(d)(3) of Public Law 97-248, and for
3 administrative expenses incurred pursuant to section
4 201(g) of the Social Security Act, \$283,171,800,000.

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

9 PROGRAM MANAGEMENT

10 For carrying out, except as otherwise provided, titles
11 XI, XVIII, XIX, and XXI of the Social Security Act, titles
12 XIII and XXVII of the PHS Act, and the Clinical Labora-
13 tory Improvement Amendments of 1988, not to exceed
14 \$3,325,690,000, to be transferred from the Federal Hos-
15 pital Insurance Trust Fund and the Federal Supple-
16 mentary Medical Insurance Trust Fund, as authorized by
17 section 201(g) of the Social Security Act; together with
18 all funds collected in accordance with section 353 of the
19 PHS Act and section 1857(e)(2) of the Social Security
20 Act, funds retained by the Secretary pursuant to section
21 302 of the Tax Relief and Health Care Act of 2006; and
22 such sums as may be collected from authorized user fees
23 and the sale of data, which shall be credited to this ac-
24 count and remain available until September 30, 2017: *Pro-*
25 *vided*, That all funds derived in accordance with 31 U.S.C.

1 9701 from organizations established under title XIII of
2 the PHS Act shall be credited to and available for carrying
3 out the purposes of this appropriation: *Provided further*,
4 That the Secretary is directed to collect fees in fiscal year
5 2016 from Medicare Advantage organizations pursuant to
6 section 1857(e)(2) of the Social Security Act and from eli-
7 gible organizations with risk-sharing contracts under sec-
8 tion 1876 of that Act pursuant to section 1876(k)(4)(D)
9 of that Act: *Provided further*, That none of the funds made
10 available under this heading shall be used to support re-
11 search, demonstration, and evaluation activities: *Provided*
12 *further*, That of the total amount made available under
13 this heading, \$2,195,823,000 shall be for Program Oper-
14 ations and \$732,533,000 shall be for Federal Administra-
15 tion: *Provided further*, That none of the funds made avail-
16 able under this heading may be used to support the Center
17 for Consumer Information and Insurance Oversight or ac-
18 tivities developed, administered, or implemented by the
19 Center.

20 In addition, not more than \$975,917,000, shall be de-
21 rived from offsetting collections through the Clinical Lab-
22 oratory Improvement Act, Medicare Advantage, and Re-
23 covery Audit Contractors and shall be credited to this ac-
24 count and remain available until September 30, 2017: *Pro-*
25 *vided*, That no funds shall be derived from offsetting col-

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

14 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

15 In addition to amounts otherwise available for pro-
16 gram integrity and program management, \$672,000,000,
17 to remain available through September 30, 2017, to be
18 transferred from the Federal Hospital Insurance Trust
19 Fund and the Federal Supplementary Medical Insurance
20 Trust Fund, as authorized by section 201(g) of the Social
21 Security Act, of which \$477,120,000 shall be for the Medi-
22 care Integrity Program at the Centers for Medicare and
23 Medicaid Services, including administrative costs, to con-
24 duct oversight activities for Medicare Advantage under
25 Part C and the Medicare Prescription Drug Program

1 under Part D of the Social Security Act and for activities
2 described in section 1893(b) of such Act, of which
3 \$67,200,000 shall be for the Department of Health and
4 Human Services Office of Inspector General to carry out
5 fraud and abuse activities authorized by section
6 1817(k)(3) of such Act, of which \$67,200,000 shall be for
7 the Medicaid and Children's Health Insurance Program
8 ("CHIP") program integrity activities, and of which
9 \$60,480,000 shall be for the Department of Justice to
10 carry out fraud and abuse activities authorized by section
11 1817(k)(3) of such Act: *Provided*, That the report re-
12 quired by section 1817(k)(5) of the Social Security Act
13 for fiscal year 2016 shall include measures of the oper-
14 ational efficiency and impact on fraud, waste, and abuse
15 in the Medicare, Medicaid, and CHIP programs for the
16 funds provided by this appropriation: *Provided further*,
17 That of the amount provided under this heading,
18 \$311,000,000 is provided to meet the terms of section
19 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985, as amended, and
21 \$361,000,000 is additional new budget authority specified
22 for purposes of section 251(b)(2)(C) of such Act: *Provided*
23 *further*, That the Secretary shall support the full cost of
24 the Senior Medicare Patrol program to combat health care
25 fraud and abuse from the funds provided to this account.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

4 For carrying out, except as otherwise provided, titles
5 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
6 and the Act of July 5, 1960, \$3,256,743,000, to remain
7 available until expended; and for such purposes for the
8 first quarter of fiscal year 2017, \$1,300,000,000, to re-
9 main available until expended.

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

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For making payments under subsections (b) and (d)
18 of section 2602 of the Low Income Home Energy Assist-
19 ance Act of 1981, \$3,365,304,000: *Provided*, That all but
20 \$491,000,000 of this amount shall be allocated as though
21 the total appropriation for such payments for fiscal year
22 2016 were less than \$1,975,000,000: *Provided further*,
23 That notwithstanding section 2609A(a), of the amounts
24 appropriated under section 2602(b), not more than
25 \$2,988,000 of such amounts may be reserved by the Sec-

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

7 REFUGEE AND ENTRANT ASSISTANCE

8 For necessary expenses for refugee and entrant as-
9 sistance activities authorized by section 414 of the Immi-
10 gration and Nationality Act and section 501 of the Ref-
11 ugee Education Assistance Act of 1980, and for carrying
12 out section 462 of the Homeland Security Act of 2002,
13 section 235 of the William Wilberforce Trafficking Victims
14 Protection Reauthorization Act of 2008, the Trafficking
15 Victims Protection Act of 2000 (“TVPA”), section 203
16 of the Trafficking Victims Protection Reauthorization Act
17 of 2005, and the Torture Victims Relief Act of 1998,
18 \$1,429,884,000, of which \$1,403,394,000 shall remain
19 available through September 30, 2018 for carrying out
20 such sections 414, 501, 462, and 235: *Provided*, That
21 amounts available under this heading to carry out such
22 section 203 and the TVPA shall also be available for re-
23 search and evaluation with respect to activities under
24 those authorities: *Provided further*, That the limitation in
25 section 206 of this Act regarding transfers increasing any

1 appropriation shall apply to transfers to appropriations
2 under this heading by substituting “10 percent” for “3
3 percent”.

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

6 For carrying out the Child Care and Development
7 Block Grant Act of 1990 (“CCDBG Act”),
8 \$2,435,000,000 shall be used to supplement, not supplant
9 State general revenue funds for child care assistance for
10 low-income families: *Provided*, That, in addition to the
11 amounts required to be reserved by the States under sec-
12 tion 658G of the CCDBG Act, \$125,562,000 shall be for
13 activities that improve the quality of infant and toddler
14 care: *Provided further*, That \$9,851,000 shall be for use
15 by the Secretary for child care research, demonstration,
16 and evaluation activities: *Provided further*, That technical
17 assistance under section 658I(a)(3) of such Act may be
18 provided directly, or through the use of contracts, grants,
19 cooperative agreements, or interagency agreements: *Pro-*
20 *vided further*, That all funds made available to carry out
21 section 418 of the Social Security Act (42 U.S.C. 618),
22 including funds appropriated for that purpose in such sec-
23 tion 418 or any other provision of law, shall be subject
24 to the reservation of funds authority in paragraphs (4)
25 and (5) of 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 Child Abuse Prevention and Treatment Act, sections
13 303 and 313 of the Family Violence Prevention and Serv-
14 ices Act, the Native American Programs Act of 1974, title
15 II of the Child Abuse Prevention and Treatment and
16 Adoption Reform Act of 1978 (adoption opportunities),
17 the Abandoned Infants Assistance Act of 1988, part B–
18 1 of title IV and sections 473A, 477 (i), 1110, 1114A,
19 and 1115 of the Social Security Act; for making payments
20 under the Community Services Block Grant Act (“CSBG
21 Act”), and the Assets for Independence Act; for necessary
22 administrative expenses to carry out such Acts and titles
23 I, IV, V, X, XI, XIV, XVI, and XX of the Social Security
24 Act, the Act of July 5, 1960, the Low Income Home En-
25 ergy Assistance Act of 1981, title IV of the Immigration

1 and Nationality Act, and section 501 of the Refugee Edu-
2 cation Assistance Act of 1980; and for the administration
3 of prior year obligations made by the Administration for
4 Children and Families under the Developmental Disabil-
5 ities Assistance and Bill of Rights Act and the Help Amer-
6 ica Vote Act of 2002, \$10,551,595,000, of which
7 \$37,943,000, to remain available through September 30,
8 2017, shall be for grants to States for adoption and legal
9 guardianship incentive payments, as authorized by section
10 473A of the Social Security Act and may be made for
11 adoptions completed before September 30, 2016: *Provided*,
12 That \$8,790,095,000 shall be for making payments under
13 the Head Start Act: *Provided further*, That of the amount
14 in the previous proviso, \$8,140,095,000 shall be available
15 for payments under section 640 of the Head Start Act,
16 of which \$42,191,000 shall be available for a cost of living
17 adjustment notwithstanding section 640(a)(3)(A) of such
18 Act: *Provided further*, That of the amount provided for
19 making payments under the Head Start Act, \$25,000,000
20 shall be available for allocation by the Secretary to supple-
21 ment activities described in paragraphs (7)(B) and (9) of
22 section 641(c) of such Act under the Designation Renewal
23 System, established under the authority of sections
24 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Pro-*
25 *vided further*, That amounts allocated to Head Start

1 grantees at the discretion of the Secretary to supplement
2 activities pursuant to the previous proviso shall not be in-
3 cluded in the calculation of the “base grant” in subsequent
4 fiscal years, as such term is used in section 640(a)(7)(A)
5 of the Head Start Act: *Provided further*, That notwith-
6 standing section 640 of the Head Start Act, of the amount
7 provided for making payments under the Head Start Act,
8 and in addition to funds otherwise available under section
9 640 for such purposes, \$650,000,000 shall be available
10 through March 31, 2017 for Early Head Start programs
11 as described in section 645A of such Act, for conversion
12 of Head Start services to Early Head Start services as
13 described in section 645(a)(5)(A) of such Act, and for dis-
14 cretionary grants for high quality infant and toddler care
15 through Early Head Start-Child Care Partnerships, to en-
16 tities defined as eligible under section 645A(d) of such
17 Act, with such funds in this Act and Public Law 113–
18 76 not included in the calculation of the “base grant” for
19 the current or any subsequent fiscal year as such term
20 is used in section 640(a)(7)(A) of the Head Start Act,
21 and, notwithstanding section 645A(c)(2) of such Act,
22 these funds are available to serve children under age 4:
23 *Provided further*, That of the amount made available in
24 the immediately preceding proviso, up to \$11,000,000
25 shall be available for the Federal costs of administration

1 and evaluation activities of the program described in such
2 proviso: *Provided further*, That \$710,383,000 shall be for
3 making payments under the CSBG Act: *Provided further*,
4 That \$36,733,000 shall be for sections 680 and
5 678E(b)(2) of the CSBG Act, of which not less than
6 \$29,883,000 shall be for section 680(a)(2) and not less
7 than \$6,500,000 shall be for section 680(a)(3)(B) of such
8 Act: *Provided further*, That to the extent Community Serv-
9 ices Block Grant funds are distributed as grant funds by
10 a State to an eligible entity as provided under the CSBG
11 Act, and have not been expended by such entity, they shall
12 remain with such entity for carryover into the next fiscal
13 year for expenditure by such entity consistent with pro-
14 gram purposes: *Provided further*, That the Secretary shall
15 establish procedures regarding the disposition of intan-
16 gible assets and program income that permit such assets
17 acquired with, and program income derived from, grant
18 funds authorized under section 680 of the CSBG Act to
19 become the sole property of such grantees after a period
20 of not more than 12 years after the end of the grant pe-
21 riod for any activity consistent with section 680(a)(2)(A)
22 of the CSBG Act: *Provided further*, That intangible assets
23 in the form of loans, equity investments and other debt
24 instruments, and program income may be used by grant-
25 ees for any eligible purpose consistent with section

1 680(a)(2)(A) of the CSBG Act: *Provided further*, That
2 these procedures shall apply to such grant funds made
3 available after November 29, 1999: *Provided further*, That
4 funds appropriated for section 680(a)(2) of the CSBG Act
5 shall be available for financing construction and rehabili-
6 tation and loans or investments in private business enter-
7 prises owned by community development corporations:
8 *Provided further*, That the Secretary shall issue perform-
9 ance standards for nonprofit organizations receiving funds
10 from State and territorial grantees under the CSBG Act,
11 and such States and territories shall assure the implemen-
12 tation of such standards prior to September 30, 2016, and
13 include information on such implementation in the report
14 required by section 678E(2) of such Act: *Provided further*,
15 That section 303(a)(2)(A)(i) of the Family Violence Pre-
16 vention and Services Act shall not apply to amounts pro-
17 vided herein: *Provided further*, That \$1,864,000 shall be
18 for a human services case management system for feder-
19 ally declared disasters, to include a comprehensive na-
20 tional case management contract and Federal costs of ad-
21 ministering the system: *Provided further*, That up to
22 \$2,000,000 shall be for improving the Public Assistance
23 Reporting Information System, including grants to States
24 to support data collection for a study of the system's effec-
25 tiveness.

1 PROMOTING SAFE AND STABLE FAMILIES

2 For carrying out, except as otherwise provided, sec-
3 tion 436 of the Social Security Act, \$345,000,000 and,
4 for carrying out, except as otherwise provided, section 437
5 of such Act, \$59,765,000.

6 PAYMENTS FOR FOSTER CARE AND PERMANENCY

7 For carrying out, except as otherwise provided, title
8 IV-E of the Social Security Act, \$4,952,550,000.

9 For carrying out, except as otherwise provided, title
10 IV-E of the Social Security Act, for the first quarter of
11 fiscal year 2017, \$2,300,000,000.

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

17 ADMINISTRATION FOR COMMUNITY LIVING

18 AGING AND DISABILITY SERVICES PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

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

ities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973 , and for Department-wide coordination of policy and program activities that assist individuals with disabilities, \$1,892,243,000, together with \$52,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guar-

1 antee; or an insurance program: *Provided further*, That
2 applicants shall provide an assurance that, and informa-
3 tion describing the manner in which, the alternative fi-
4 nancing program will expand and emphasize consumer
5 choice and control: *Provided further*, That State agencies
6 and community-based disability organizations that are di-
7 rected by and operated for individuals with disabilities
8 shall be eligible to compete: *Provided further*, That in addi-
9 tion, the unobligated balance of amounts previously made
10 available for the Health Resources and Services Adminis-
11 tration to carry out functions under sections 1252 and
12 1253 of the PHS Act shall be transferred to this account,
13 except for such sums as may be necessary to provide for
14 an orderly transition of such functions to the Administra-
15 tion for Community Living: *Provided further*, That none
16 of the funds provided may be used to institute or pursue
17 any legal action in a Federal or State court on behalf of
18 a protection and advocacy system described in section 103
19 of the Protection and Advocacy for Individuals with Men-
20 tal Illness Act (42 U.S.C. 10803), unless they have first
21 obtained written consent from the person named or, in the
22 case of mental incapacitation, their legal guardian, to join
23 in such suit.

1 OFFICE OF THE SECRETARY

2 GENERAL DEPARTMENTAL MANAGEMENT

3 For necessary expenses, not otherwise provided, for
4 general departmental management, including hire of six
5 passenger motor vehicles, and for carrying out titles III,
6 XVII, XXI, and section 229 of the PHS Act, the United
7 States-Mexico Border Health Commission Act, and re-
8 search studies under section 1110 of the Social Security
9 Act, \$361,394,000, together with \$58,028,000 from the
10 amounts available under section 241 of the PHS Act to
11 carry out national health or human services research and
12 evaluation activities: *Provided*, That of this amount,
13 \$52,224,000 shall be for minority AIDS prevention and
14 treatment activities: *Provided further*, That of the funds
15 made available under this heading, \$15,000,000 shall be
16 to carry out section 224 of the Protecting Access to Medi-
17 care Act of 2014 (Public Law 113-93; 42 U.S.C. 290aa
18 note): *Provided further*, That of the funds made available
19 under this heading, \$10,000,000 shall be for making com-
20 petitive contracts and grants to public and private entities
21 for age appropriate programs that reduce teen pregnancy
22 and for the Federal costs of administering and evaluating
23 such contracts and grants, and \$10,000,000 shall be for
24 making competitive grants which exclusively implement
25 education in sexual risk avoidance (defined as voluntarily

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

1 OFFICE OF MEDICARE HEARINGS AND APPEALS

2 For expenses necessary for the Office of Medicare
3 Hearings and Appeals, \$87,381,000, to be transferred in
4 appropriate part from the Federal Hospital Insurance
5 Trust Fund and the Federal Supplementary Medical In-
6 surance Trust Fund.

7 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
8 INFORMATION TECHNOLOGY

9 For expenses necessary for the Office of the National
10 Coordinator for Health Information Technology, including
11 grants, contracts, and cooperative agreements for the de-
12 velopment and advancement of interoperable health infor-
13 mation technology, \$60,367,000.

14 OFFICE OF INSPECTOR GENERAL

15 For expenses necessary for the Office of Inspector
16 General, including the hire of passenger motor vehicles for
17 investigations, in carrying out the provisions of the Inspec-
18 tor General Act of 1978, \$75,000,000: *Provided*, That of
19 such amount, necessary sums shall be available for pro-
20 viding protective services to the Secretary and inves-
21 tigating non-payment of child support cases for which non-
22 payment is a Federal offense under 18 U.S.C. 228.

23 OFFICE FOR CIVIL RIGHTS

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

1 the discretion of the Secretary, be deposited in the Stra-
2 tegic National Stockpile pursuant to section 319F-2 of
3 the PHS Act: *Provided further*, That \$5,000,000 of the
4 amounts made available to support emergency operations
5 shall remain available through September 30, 2018.

6 For expenses necessary for procuring security coun-
7 termeasures (as defined in section 319F-2(c)(1)(B) of the
8 PHS Act), \$255,000,000, to remain available until ex-
9 pended.

10 For an additional amount for expenses necessary to
11 prepare for or respond to an influenza pandemic,
12 \$72,000,000; of which \$40,000,000 shall be available until
13 expended, for activities including the development and
14 purchase of vaccine, antivirals, necessary medical supplies,
15 diagnostics, and other surveillance tools: *Provided*, That
16 notwithstanding section 496(b) of the PHS Act, funds
17 may be used for the construction or renovation of privately
18 owned facilities for the production of pandemic influenza
19 vaccines and other biologics, if the Secretary finds such
20 construction or renovation necessary to secure sufficient
21 supplies of such vaccines or biologics.

22 GENERAL PROVISIONS

23 SEC. 201. Funds appropriated in this title shall be
24 available for not to exceed \$50,000 for official reception

1 and representation expenses when specifically approved by
2 the Secretary.

3 SEC. 202. The Secretary shall make available through
4 assignment not more than 60 employees of the Public
5 Health Service to assist in child survival activities and to
6 work in AIDS programs through and with funds provided
7 by the Agency for International Development, the United
8 Nations International Children's Emergency Fund or the
9 World Health Organization.

10 SEC. 203. None of the funds appropriated in this title
11 shall be used to pay the salary of an individual, through
12 a grant or other extramural mechanism, at a rate in excess
13 of Executive Level III.

14 SEC. 204. None of the funds appropriated in this Act
15 may be expended pursuant to section 241 of the PHS Act,
16 except for funds specifically provided for in this Act, or
17 for other taps and assessments made by any office located
18 in HHS, prior to the preparation and submission of a re-
19 port by the Secretary to the Committees on Appropria-
20 tions of the House of Representatives and the Senate de-
21 tailing the planned uses of such funds.

22 SEC. 205. Notwithstanding section 241(a) of the
23 PHS Act, such portion as the Secretary shall determine,
24 but not more than 2.4 percent or \$1,068,000,000, which-
25 ever is less, of any amounts appropriated for programs

1 authorized under such Act shall be made available for the
2 evaluation (directly, or by grants or contracts) and the im-
3 plementation and effectiveness of programs funded in this
4 title.

5 (TRANSFER OF FUNDS)

6 SEC. 206. Not to exceed 1 percent of any discre-
7 tionary funds (pursuant to the Balanced Budget and
8 Emergency Deficit Control Act of 1985) which are appro-
9 priated for the current fiscal year for HHS in this Act
10 may be transferred between appropriations, but no such
11 appropriation shall be increased by more than 3 percent
12 by any such transfer: *Provided*, That the transfer author-
13 ity granted by this section shall not be used to create any
14 new program or to fund any project or activity for which
15 no funds are provided in this Act: *Provided further*, That
16 the Committees on Appropriations of the House of Rep-
17 resentatives and the Senate are notified at least 15 days
18 in advance of any transfer.

19 (TRANSFER OF FUNDS)

20 SEC. 207. The Director of the NIH, jointly with the
21 Director of the Office of AIDS Research, may transfer up
22 to 3 percent among institutes and centers from the total
23 amounts identified by these two Directors as funding for
24 research pertaining to the human immunodeficiency virus:
25 *Provided*, That the Committees on Appropriations of the

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

3 (TRANSFER OF FUNDS)

4 SEC. 208. Of the amounts made available in this Act
5 for NIH, the amount for research related to the human
6 immunodeficiency virus, as jointly determined by the Di-
7 rector of NIH and the Director of the Office of AIDS Re-
8 search, shall be made available to the “Office of AIDS
9 Research” account. The Director of the Office of AIDS
10 Research shall transfer from such account amounts nec-
11 essary to carry out section 2353(d)(3) of the PHS Act.

12 SEC. 209. None of the funds appropriated in this Act
13 may be made available to any entity under title X of the
14 PHS Act unless the applicant for the award certifies to
15 the Secretary that it encourages family participation in
16 the decision of minors to seek family planning services and
17 that it provides counseling to minors on how to resist at-
18 tempts to coerce minors into engaging in sexual activities.

19 SEC. 210. Notwithstanding any other provision of
20 law, no provider of services under title X of the PHS Act
21 shall be exempt from any State law requiring notification
22 or the reporting of child abuse, child molestation, sexual
23 abuse, rape, or incest.

24 SEC. 211. None of the funds appropriated by this Act
25 (including funds appropriated to any trust fund) may be

1 used to carry out the Medicare Advantage program if the
2 Secretary denies participation in such program to an oth-
3 erwise eligible entity (including a Provider Sponsored Or-
4 ganization) because the entity informs the Secretary that
5 it will not provide, pay for, provide coverage of, or provide
6 referrals for abortions: *Provided*, That the Secretary shall
7 make appropriate prospective adjustments to the capita-
8 tion payment to such an entity (based on an actuarially
9 sound estimate of the expected costs of providing the serv-
10 ice to such entity's enrollees): *Provided further*, That noth-
11 ing in this section shall be construed to change the Medi-
12 care program's coverage for such services and a Medicare
13 Advantage organization described in this section shall be
14 responsible for informing enrollees where to obtain infor-
15 mation about all Medicare covered services.

16 SEC. 212. In order for HHS to carry out inter-
17 national health activities, including HIV/AIDS and other
18 infectious disease, chronic and environmental disease, and
19 other health activities abroad during fiscal year 2016:

20 (1) The Secretary may exercise authority equiv-
21 alent to that available to the Secretary of State in
22 section 2(c) of the State Department Basic Authori-
23 ties Act of 1956. The Secretary shall consult with
24 the Secretary of State and relevant Chief of Mission
25 to ensure that the authority provided in this section

1 is exercised in a manner consistent with section 207
2 of the Foreign Service Act of 1980 and other appli-
3 cable statutes administered by the Department of
4 State.

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

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

20 SEC. 213. (a) AUTHORITY.—Notwithstanding any
21 other provision of law, the Director of NIH (“Director”)
22 may use funds available under section 402(b)(7) or
23 402(b)(12) of the PHS Act to enter into transactions
24 (other than contracts, cooperative agreements, or grants)
25 to carry out research identified pursuant to such section

1 402(b)(7) (pertaining to the Common Fund) or research
2 and activities described in such section 402(b)(12).

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

13 SEC. 214. Not to exceed \$45,000,000 of funds appro-
14 priated by this Act to the institutes and centers of the
15 National Institutes of Health may be used for alteration,
16 repair, or improvement of facilities, as necessary for the
17 proper and efficient conduct of the activities authorized
18 herein, at not to exceed \$3,500,000 per project.

19 (TRANSFER OF FUNDS)

20 SEC. 215. Of the amounts made available for NIH,
21 1 percent of the amount made available for National Re-
22 search Service Awards (“NRSA”) shall be made available
23 to the Administrator of the Health Resources and Services
24 Administration to make NRSA awards for research in pri-
25 mary medical care to individuals affiliated with entities

1 who have received grants or contracts under sections 736,
2 739, or 747 of the PHS Act for health service research.

3 SEC. 216. None of the funds made available in this
4 title may be used, in whole or in part, to advocate or pro-
5 mote gun control.

6 SEC. 217. (a) The Secretary shall establish a publicly
7 accessible Web site to provide information regarding the
8 uses of funds made available under section 4002 of the
9 Patient Protection and Affordable Care Act of 2010
10 (“ACA”).

11 (b) With respect to funds provided under section
12 4002 of the ACA, the Secretary shall include on the Web
13 site established under subsection (a) at a minimum the
14 following information:

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

21 (2) Identification (along with a link to the full
22 text) of each funding opportunity announcement, re-
23 quest for proposals, or other announcement or solici-
24 tation of proposals for grants, cooperative agree-
25 ments, or contracts intended to be awarded using

1 such funds, to be posted not later than the day after
2 the announcement or solicitation is issued.

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

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

13 (c) With respect to awards made in fiscal years 2013
14 through 2016, the Secretary shall also include on the Web
15 site established under subsection (a), semi-annual reports
16 from each entity awarded a grant, cooperative agreement,
17 or contract from such funds with a value of \$25,000 or
18 more, summarizing the activities undertaken and identi-
19 fying any sub-grants or sub-contracts awarded (including
20 the purpose of the award and the identity of the recipient),
21 to be posted not later than 30 days after the end of each
22 6-month period.

23 (d) In carrying out this section, the Secretary shall:

1 countermeasures, as that term is defined in section 319F–
2 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
3 if—

4 (1) funds are available and obligated—

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

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

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

15 (b) A contract entered into under this section:

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

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

21 SEC. 220. (a) The Secretary shall publish in the fiscal
22 year 2017 budget justification and on Departmental Web
23 sites information concerning the employment of full-time
24 equivalent Federal employees or contractors for the pur-
25 poses of implementing, administering, enforcing, or other-

1 wise carrying out the provisions of the Patient Protection
2 and Affordable Care Act of 2010 (“ACA”), and the
3 amendments made by that Act, in the proposed fiscal year
4 and the 4 prior fiscal years.

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

6 SEC. 221. In lieu of the timeframe specified in section
7 338E(c)(2) of the PHS Act, terminations described in
8 such section may occur up to 60 days after the execution
9 of a contract awarded in fiscal year 2016 under section
10 338B of such Act.

11 SEC. 222. In addition to amounts provided herein,
12 payments made for research organisms or substances, au-
13 thorized under section 301(a) of the PHS Act, shall be
14 retained and credited to the appropriations accounts of the
15 Institutes and Centers of the NIH making the substance
16 or organism available under section 301(a). Amounts cred-
17 ited to the account under this authority shall be available
18 for obligation through September 30, 2017.

19 SEC. 223. The Secretary shall publish, as part of the
20 fiscal year 2017 budget of the President submitted under
21 section 1105(a) of title 31, United States Code, informa-
22 tion that details the uses of all funds used by the Centers
23 for Medicare and Medicaid Services specifically for Health
24 Insurance Marketplaces for each fiscal year since the en-
25 actment of the Patient Protection and Affordable Care Act

1 (Public Law 111–148) and the proposed uses for such
2 funds for fiscal year 2017. Such information shall include,
3 for each such fiscal year—

4 (1) the amount of funds used for each activity
5 specified under the heading “Health Insurance Mar-
6 ketplace Transparency” in the committee report ac-
7 companying this Act; and

8 (2) the milestones completed for data hub
9 functionality and implementation readiness.

10 SEC. 224. None of the funds made available by this
11 Act from the Federal Hospital Insurance Trust Fund or
12 the Federal Supplemental Medical Insurance Trust Fund,
13 or transferred from other accounts funded by this Act to
14 the “Centers for Medicare and Medicaid Services—Pro-
15 gram Management” account, may be used for payments
16 under section 1342(b)(1) of Public Law 111–148 (relating
17 to risk corridors).

18 (RESCISSION)

19 SEC. 225. (a) The “Nonrecurring expenses fund” es-
20 tablished in section 223 of division G of Public Law 110–
21 161 is terminated, the amount of expired discretionary
22 funds available for reappropriation by transfer into such
23 Fund under such section is reduced to \$0, and the unobli-
24 gated balance of amounts available in such Fund is re-
25 scinded.

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

3 (c) Subsections (a) and (b) shall take effect on Octo-
4 ber 1, 2015.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 226. (a) Termination.—Effective October 1,
7 2015, the Agency for Healthcare Research and Quality is
8 terminated.

9 (b) Activities in connection with termination.—

10 (1) In general.—The Secretary—

11 (A) shall take such actions as may be nec-
12 essary for orderly termination of the Agency for
13 Healthcare Research and Quality, which may
14 include, notwithstanding subsection (c), the pro-
15 vision of fiscal year 2016 continuation funding
16 for Agency grants; and

17 (B) to support such actions, shall use dis-
18 cretionary amounts made available by this Act
19 for accounts of HHS, to be derived on a pro-
20 portional basis from all such accounts.

21 (2) Unobligated balances.—Any unobligated
22 balances of funds appropriated to the Agency for
23 Healthcare Research and Quality are hereby re-
24 scinded.

1 (c) Activities by other agencies.—An agency may
2 carry out an activity that, on the date of the enactment
3 of this Act, is being carried out by the Agency for
4 Healthcare Research and Quality only if—

5 (1) the agency has authority to carry out such
6 activity under other provisions of law;

7 (2) the head of such agency determines that
8 such activity—

9 (A) incorporates high-quality activities that
10 support the mission of the agency; and

11 (B) does not expand the authority of such
12 agency or duplicate ongoing efforts of such
13 agency; and

14 (3) the activity relates to—

15 (A) in the case of the NIH, biomedical re-
16 search;

17 (B) in the case of the CDC, disease control
18 and prevention activities;

19 (C) in the case of the Office of the Na-
20 tional Coordinator for Health Information
21 Technology, health information technology ac-
22 tivities; and

23 (D) in the case of the Office of the Assist-
24 ant Secretary for Health, patient safety activi-
25 ties.

1 (d) Transfer of Preventive Services Task Force.—
2 Subsection (a) of section 915 of the PHS Act (42 U.S.C.
3 299b-4)—

4 (1) is amended to read as such subsection was
5 in effect on March 1, 2010;

6 (2) is further amended—

7 (A) in paragraph (1), by striking “The Di-
8 rector” and inserting “The Assistant Secretary
9 for Health” ; and

10 (B) in paragraph (2)—

11 (i) by striking “agency” and inserting
12 “assistant Secretary” ; and

13 (ii) by striking “The Agency” and in-
14 serting “The Assistant Secretary for
15 Health” ;

16 (3) is redesignated as subsection (n); and

17 (4) is transferred to the end of section 317 of
18 the PHS Act (42 U.S.C. 247b).

19 SEC. 227. The Secretary shall include in the fiscal
20 year 2017 budget justification an analysis of how section
21 2713 of the PHS Act will impact eligibility for discre-
22 tionary HHS programs.

23 SEC. 228. Notwithstanding any other provision of
24 law, none of the discretionary funds appropriated by this

1 Act may be used to support any patient-centered outcomes
2 research.

3 SEC. 229. None of the funds appropriated in this Act
4 may be used to carry out title X of the PHS Act.

5 SEC. 230. None of the funds appropriated in this Act
6 may be used to implement, further, enforce, or advance
7 the Navigators program as provided under Section 1311(i)
8 of Public Law 111–148 and title I and subtitle B of title
9 II of Public Law 111–152.

10

11 (RESCISSION)

12 SEC. 231. The following unobligated balances of
13 amounts appropriated prior to fiscal year 2007 for “De-
14 partment of Health and Human Services–Health Re-
15 sources and Services Administration” are hereby perma-
16 nently rescinded:

17 (1) \$281,003 made available to carry out section
18 1610(b) of the PHS Act;

19 (2) \$3,611 made available to carry out section
20 1602(c) of the PHS Act;

21 (3) \$105,576 made available in section 167 of Divi-
22 sion H of Public Law 108–199; and

23 (4) \$55,793 made available for the National Cord
24 Blood Stem Cell Bank Program.

1 SEC. 232. None of the funds made available by this
2 Act may be used to release or implement the final version
3 of the eighth edition of the Dietary Guidelines for Ameri-
4 cans, revised pursuant to section 301 of the National Nu-
5 trition Monitoring and Related Research Act of 1990 (7
6 U.S.C. 5341), unless the Secretary of Agriculture and the
7 Secretary of Health and Human Services comply with
8 each of the following requirements:

9 (1) Each revision to any nutritional or dietary
10 information or guideline contained in the 2010 edi-
11 tion of the Dietary Guidelines for Americans and
12 any new nutritional or dietary information or guide-
13 line to be included in the eighth edition of the Die-
14 tary Guidelines for Americans—

15 (A) shall be based on scientific evidence
16 that has been rated “Grade I: Strong” by the
17 grading rubric developed by the Nutrition Evi-
18 dence Library of the Department of Agri-
19 culture; and

20 (B) shall be limited in scope to only mat-
21 ters of diet and nutrient intake.

22 (2) The Secretaries shall release a preliminary
23 draft of the eighth edition of the Dietary Guidelines
24 for Americans, including a list of the scientific stud-
25 ies and evidence supporting each revised or new nu-

1 tritional or dietary information or guideline, for a
2 period of public comment of at least 90 days.

3 (3) Following the end of the public comment
4 period, the Secretaries shall provide a period for
5 agency review of public comments of at least 60
6 days.

7

8 This title may be cited as the “Department of Health
9 and Human Services Appropriations Act, 2016”.

10 TITLE III—DEPARTMENT OF EDUCATION

11 EDUCATION FOR THE DISADVANTAGED

12 For carrying out title I of the Elementary and Sec-
13 ondary Education Act of 1965 (referred to in this Act as
14 “ESEA”) and section 418A of the Higher Education Act
15 of 1965 (referred to in this Act as “HEA”),
16 \$14,869,641,000, of which \$3,987,006,000 shall become
17 available on July 1, 2016, and shall remain available
18 through September 30, 2017, and of which
19 \$10,841,177,000 shall become available on October 1,
20 2016, and shall remain available through September 30,
21 2017, for academic year 2016–2017: *Provided*, That
22 \$6,459,401,000 shall be for basic grants under section
23 1124 of the ESEA: *Provided further*, That up to
24 \$3,984,000 of these funds shall be available to the Sec-
25 retary of Education (referred to in this title as “Sec-

1 retary”) on October 1, 2015, to obtain annually updated
2 local educational agency-level census poverty data from
3 the Bureau of the Census: *Provided further*, That
4 \$1,362,301,000 shall be for concentration grants under
5 section 1124A of the ESEA: *Provided further*, That
6 \$3,294,050,000 shall be for targeted grants under section
7 1125 of the ESEA: *Provided further*, That
8 \$3,294,050,000 shall be for education finance incentive
9 grants under section 1125A of the ESEA: *Provided fur-*
10 *ther*, That funds available under sections 1124, 1124A,
11 1125 and 1125A of the ESEA may be used to provide
12 homeless children and youths with services not ordinarily
13 provided to other students under those sections, including
14 supporting the liaison designated pursuant to section
15 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assist-
16 ance Act, and providing transportation pursuant to section
17 722(g)(1)(J)(iii) of such Act: *Provided further*, That
18 \$37,474,000 shall be for carrying out section 418A of the
19 HEA.

20 IMPACT AID

21 For carrying out programs of financial assistance to
22 federally affected schools authorized by title VIII of the
23 ESEA, \$1,298,603,000, of which \$1,161,233,000 shall be
24 for basic support payments under section 8003(b),
25 \$48,316,000 shall be for payments for children with dis-

1 abilities under section 8003(d), \$17,406,000 shall be for
2 construction under section 8007(a), \$66,813,000 shall be
3 for Federal property payments under section 8002, and
4 \$4,835,000, to remain available until expended, shall be
5 for facilities maintenance under section 8008: *Provided,*
6 That for purposes of computing the amount of a payment
7 for an eligible local educational agency under section
8 8003(a) for school year 2015–2016, children enrolled in
9 a school of such agency that would otherwise be eligible
10 for payment under section 8003(a)(1)(B) of such Act, but
11 due to the deployment of both parents or legal guardians,
12 or a parent or legal guardian having sole custody of such
13 children, or due to the death of a military parent or legal
14 guardian while on active duty (so long as such children
15 reside on Federal property as described in section
16 8003(a)(1)(B)), are no longer eligible under such section,
17 shall be considered as eligible students under such section,
18 provided such students remain in average daily attendance
19 at a school in the same local educational agency they at-
20 tended prior to their change in eligibility status.

21 SCHOOL IMPROVEMENT PROGRAMS

22 For carrying out school improvement activities au-
23 thorized by part A of title II, part B of title IV, parts
24 A and B of title VI, and parts B and C of title VII of
25 the ESEA; the McKinney-Vento Homeless Assistance Act;

1 section 203 of the Educational Technical Assistance Act
2 of 2002; the Compact of Free Association Amendments
3 Act of 2003; and the Civil Rights Act of 1964,
4 \$3,500,720,000, of which \$1,686,555,000 shall become
5 available on July 1, 2016, and remain available through
6 September 30, 2017, and of which \$1,681,441,000 shall
7 become available on October 1, 2016, and shall remain
8 available through September 30, 2017, for academic year
9 2016–2017: *Provided*, That funds made available to carry
10 out part B of title VII of the ESEA may be used for con-
11 struction, renovation, and modernization of any elemen-
12 tary school, secondary school, or structure related to an
13 elementary school or secondary school, run by the Depart-
14 ment of Education of the State of Hawaii, that serves a
15 predominantly Native Hawaiian student body: *Provided*
16 *further*, That funds made available to carry out part C
17 of title VII of the ESEA shall be awarded on a competitive
18 basis, and also may be used for construction: *Provided fur-*
19 *ther*, That \$43,600,000 shall be available to carry out sec-
20 tion 203 of the Educational Technical Assistance Act of
21 2002 and the Secretary shall make such arrangements as
22 determined to be necessary to ensure that the Bureau of
23 Indian Education has access to services provided under
24 this section: *Provided further*, That \$16,699,000 shall be
25 available to carry out the Supplemental Education Grants

1 program for the Federated States of Micronesia and the
2 Republic of the Marshall Islands: *Provided further*, That
3 the Secretary may reserve up to 5 percent of the amount
4 referred to in the previous proviso to provide technical as-
5 sistance in the implementation of these grants: *Provided*
6 *further*, That up to 3.2 percent of the funds for subpart
7 1 of part A of title II of the ESEA shall be reserved by
8 the Secretary for competitive awards for teacher or prin-
9 cipal recruitment and training or professional enhance-
10 ment activities, including for civic education instruction,
11 to national not-for-profit organizations: *Provided further*,
12 That none of the funds made available by this Act shall
13 be used to allow 21st Century Community Learning Cen-
14 ters initiative funding for expanded learning time that
15 adds additional learning hours to the school day, addi-
16 tional days to the school week, or additional days to the
17 school year.

18 INDIAN EDUCATION

19 For expenses necessary to carry out, to the extent
20 not otherwise provided, title VII, part A of the ESEA,
21 \$143,939,000.

22 INNOVATION AND IMPROVEMENT

23 For carrying out activities authorized by part B of
24 title V of the ESEA, \$275,000,000: *Provided*, That of the
25 funds available for part B of title V of the ESEA, the

1 Secretary shall use up to \$11,000,000 to carry out activi-
2 ties under section 5205(b) and shall use not less than
3 \$13,000,000 for subpart 2: *Provided further*, That of the
4 funds available for subpart 1 of part B of title V of the
5 ESEA, and notwithstanding section 5205(a), the Sec-
6 retary shall reserve up to \$75,000,000 to make multiple
7 awards to non-profit charter management organizations
8 and other entities that are not for-profit entities for the
9 replication and expansion of successful charter school
10 models and shall reserve not less than \$11,000,000 to
11 carry out the activities described in section 5205(a), in-
12 cluding improving quality and oversight of charter schools
13 and providing technical assistance and grants to author-
14 ized public chartering agencies in order to increase the
15 number of high-performing charter schools: *Provided fur-*
16 *ther*, That funds available for part B of title V of the
17 ESEA may be used for grants that support preschool edu-
18 cation in charter schools: *Provided further*, That each ap-
19 plication submitted pursuant to section 5203(a) shall de-
20 scribe a plan to monitor and hold accountable authorized
21 public chartering agencies through such activities as pro-
22 viding technical assistance or establishing a professional
23 development program, which may include evaluation, plan-
24 ning, training, and systems development for staff of au-
25 thorized public chartering agencies to improve the capacity

1 of such agencies in the State to authorize, monitor, and
2 hold accountable charter schools: *Provided further*, That
3 each application submitted pursuant to section 5203(a)
4 shall contain assurances that State law, regulations, or
5 other policies require that: (1) each authorized charter
6 school in the State operate under a legally binding charter
7 or performance contract between itself and the school's
8 authorized public chartering agency that describes the
9 rights and responsibilities of the school and the public
10 chartering agency; conduct annual, timely, and inde-
11 pendent audits of the school's financial statements that
12 are filed with the school's authorized public chartering
13 agency; and demonstrate improved student academic
14 achievement; and (2) authorized public chartering agen-
15 cies use increases in student academic achievement for all
16 groups of students described in section 1111(b)(2)(C)(v)
17 of the ESEA as one of the most important factors when
18 determining to renew or revoke a school's charter.

19 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

20 For carrying out activities authorized by subpart 1
21 of part D of title V of the ESEA, \$56,754,000, which shall
22 remain available through December 31, 2016 for Promise
23 Neighborhoods.

1 ENGLISH LANGUAGE ACQUISITION

2 For carrying out part A of title III of the ESEA,
3 \$737,400,000, which shall become available on July 1,
4 2016, and shall remain available through September 30,
5 2017, except that 6.5 percent of such amount shall be
6 available on October 1, 2015, and shall remain available
7 through September 30, 2017, to carry out activities under
8 section 3111(c)(1)(C): *Provided*, That the Secretary shall
9 use estimates of the American Community Survey child
10 counts for the most recent 3-year period available to cal-
11 culate allocations under such part.

12 SPECIAL EDUCATION

13 For carrying out the Individuals with Disabilities
14 Education Act (IDEA), \$13,024,510,000, of which
15 \$3,367,611,000 shall become available on July 1, 2016,
16 and shall remain available through September 30, 2017,
17 and of which \$9,424,183,000 shall become available on
18 October 1, 2016, and shall remain available through Sep-
19 tember 30, 2017, for academic year 2016–2017: *Provided*,
20 That the amount for section 611(b)(2) of the IDEA shall
21 be equal to the lesser of the amount available for that ac-
22 tivity during fiscal year 2015, increased by the amount
23 of inflation as specified in section 619(d)(2)(B) of the
24 IDEA, or the percent change in the funds appropriated
25 under section 611(i) of the IDEA, but not less than the

1 amount for that activity during fiscal year 2015: *Provided*
2 *further*, That the Secretary shall, without regard to section
3 611(d) of the IDEA, distribute to all other States (as that
4 term is defined in section 611(g)(2)), subject to the third
5 proviso, any amount by which a State's allocation under
6 section 611(d), from funds appropriated under this head-
7 ing, is reduced under section 612(a)(18)(B), according to
8 the following: 85 percent on the basis of the States' rel-
9 ative populations of children aged 3 through 21 who are
10 of the same age as children with disabilities for whom the
11 State ensures the availability of a free appropriate public
12 education under this part, and 15 percent to States on
13 the basis of the States' relative populations of those chil-
14 dren who are living in poverty: *Provided further*, That the
15 Secretary may not distribute any funds under the previous
16 proviso to any State whose reduction in allocation from
17 funds appropriated under this heading made funds avail-
18 able for such a distribution: *Provided further*, That the
19 States shall allocate such funds distributed under the sec-
20 ond proviso to local educational agencies in accordance
21 with section 611(f): *Provided further*, That the amount by
22 which a State's allocation under section 611(d) of the
23 IDEA is reduced under section 612(a)(18)(B) and the
24 amounts distributed to States under the previous provisos
25 in fiscal year 2012 or any subsequent year shall not be

1 considered in calculating the awards under section 611(d)
2 for fiscal year 2013 or for any subsequent fiscal years:
3 *Provided further*, That, notwithstanding the provision in
4 section 612(a)(18)(B) regarding the fiscal year in which
5 a State's allocation under section 611(d) is reduced for
6 failure to comply with the requirement of section
7 612(a)(18)(A), the Secretary may apply the reduction
8 specified in section 612(a)(18)(B) over a period of con-
9 secutive fiscal years, not to exceed five, until the entire
10 reduction is applied: *Provided further*, That the Secretary
11 may, in any fiscal year in which a State's allocation under
12 section 611 is reduced in accordance with section
13 612(a)(18)(B), reduce the amount a State may reserve
14 under section 611(e)(1) by an amount that bears the same
15 relation to the maximum amount described in that para-
16 graph as the reduction under section 612(a)(18)(B) bears
17 to the total allocation the State would have received in
18 that fiscal year under section 611(d) in the absence of the
19 reduction: *Provided further*, That the Secretary shall ei-
20 ther reduce the allocation of funds under section 611 for
21 any fiscal year following the fiscal year for which the State
22 fails to comply with the requirement of section
23 612(a)(18)(A) as authorized by section 612(a)(18)(B), or
24 seek to recover funds under section 452 of the General
25 Education Provisions Act (20 U.S.C. 1234a): *Provided*

1 *further*, That the funds reserved under 611(c) of the
2 IDEA may be used to provide technical assistance to
3 States to improve the capacity of the States to meet the
4 data collection requirements of sections 616 and 618 and
5 to administer and carry out other services and activities
6 to improve data collection, coordination, quality, and use
7 under parts B and C of the IDEA: *Provided further*, That
8 the level of effort a local educational agency must meet
9 under section 613(a)(2)(A)(iii) of the IDEA, in the year
10 after it fails to maintain effort is the level of effort that
11 would have been required in the absence of that failure
12 and not the LEA's reduced level of expenditures: *Provided*
13 *further*, That the Secretary may use funds made available
14 for the State Personnel Development Grants program
15 under part D, subpart 1 of IDEA to evaluate program
16 performance under such subpart.

17 REHABILITATION SERVICES AND DISABILITY RESEARCH

18 For carrying out, to the extent not otherwise pro-
19 vided, the Rehabilitation Act of 1973 and the Helen Keller
20 National Center Act, \$3,529,605,000, of which
21 \$3,391,770,000 shall be for grants for vocational rehabili-
22 tation services under title I of the Rehabilitation Act.

1 \$909,609,000 shall become available on July 1, 2016, and
2 shall remain available through September 30, 2017, and
3 of which \$791,000,000 shall become available on October
4 1, 2016, and shall remain available through September 30,
5 2017: *Provided*, That of the amount provided for Adult
6 Education State Grants, \$71,439,000 shall be made avail-
7 able for integrated English literacy and civics education
8 services to immigrants and other limited-English-pro-
9 ficient populations: *Provided further*, That of the amount
10 reserved for integrated English literacy and civics edu-
11 cation, notwithstanding section 211 of the AEFLLA, 65
12 percent shall be allocated to States based on a State's ab-
13 solute need as determined by calculating each State's
14 share of a 10-year average of the United States Citizen-
15 ship and Immigration Services data for immigrants admit-
16 ted for legal permanent residence for the 10 most recent
17 years, and 35 percent allocated to States that experienced
18 growth as measured by the average of the 3 most recent
19 years for which United States Citizenship and Immigra-
20 tion Services data for immigrants admitted for legal per-
21 manent residence are available, except that no State shall
22 be allocated an amount less than \$60,000: *Provided fur-*
23 *ther*, That of the amounts made available for AEFLLA,
24 \$10,240,000 shall be for national leadership activities
25 under section 243.

1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1, 3, and 10 of part A,
3 and part C of title IV of the HEA, \$23,828,210,000,
4 which shall remain available through September 30, 2017.

5 The maximum Pell Grant for which a student shall
6 be eligible during award year 2016–2017 shall be \$4,860.

7 STUDENT AID ADMINISTRATION

8 For Federal administrative expenses to carry out part
9 D of title I, and subparts 1, 3, 9, and 10 of part A, and
10 parts B, C, D, and E of title IV of the HEA, and subpart
11 1 of part A of title VII of the Public Health Service Act,
12 \$1,446,924,000, to remain available through September
13 30, 2017.

14 HIGHER EDUCATION

15 For carrying out, to the extent not otherwise pro-
16 vided, titles III, IV, V, VI, VII, and VIII of the HEA,
17 the Mutual Educational and Cultural Exchange Act of
18 1961, and section 117 of the Carl D. Perkins Career and
19 Technical Education Act of 2006, \$1,909,042,000: *Pro-*
20 *vided*, That notwithstanding any other provision of law,
21 funds made available in this Act to carry out title VI of
22 the HEA and section 102(b)(6) of the Mutual Educational
23 and Cultural Exchange Act of 1961 may be used to sup-
24 port visits and study in foreign countries by individuals
25 who are participating in advanced foreign language train-

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING PROGRAM ACCOUNT

3 For the cost of guaranteed loans, \$19,096,000, as au-
4 thorized pursuant to part D of title III of the HEA, which
5 shall remain available through September 30, 2017: *Pro-*
6 *vided*, That such costs, including the cost of modifying
7 such loans, shall be as defined in section 502 of the Con-
8 gressional Budget Act of 1974: *Provided further*, That
9 these funds are available to subsidize total loan principal,
10 any part of which is to be guaranteed, not to exceed
11 \$303,593,000: *Provided further*, That these funds may be
12 used to support loans to public and private Historically
13 Black Colleges and Universities without regard to the limi-
14 tations within section 344(a) of the HEA.

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

19 INSTITUTE OF EDUCATION SCIENCES

20 For carrying out activities authorized by the Edu-
21 cation Sciences Reform Act of 2002, the National Assess-
22 ment of Educational Progress Authorization Act, section
23 208 of the Educational Technical Assistance Act of 2002,
24 and section 664 of the Individuals with Disabilities Edu-
25 cation Act, \$409,956,000, which shall remain available

1 through September 30, 2017: *Provided*, That funds avail-
2 able to carry out section 208 of the Educational Technical
3 Assistance Act may be used to link Statewide elementary
4 and secondary data systems with early childhood, postsec-
5 ondary, and workforce data systems, or to further develop
6 such systems: *Provided further*, That up to \$6,000,000 of
7 the funds available to carry out section 208 of the Edu-
8 cational Technical Assistance Act may be used for awards
9 to public or private organizations or agencies to support
10 activities to improve data coordination, quality, and use
11 at the local, State, and national levels: *Provided further*,
12 That \$137,235,000 shall be for carrying out activities au-
13 thorized by the National Assessment of Educational
14 Progress Authorization Act.

15 DEPARTMENTAL MANAGEMENT

16 PROGRAM ADMINISTRATION

17 For carrying out, to the extent not otherwise pro-
18 vided, the Department of Education Organization Act, in-
19 cluding rental of conference rooms in the District of Co-
20 lumbia and hire of three passenger motor vehicles,
21 \$410,000,000.

22 OFFICE FOR CIVIL RIGHTS

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

1 OFFICE OF INSPECTOR GENERAL

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

5 GENERAL PROVISIONS

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

14 SEC. 302. None of the funds contained in this Act
15 shall be used to require, directly or indirectly, the trans-
16 portation of any student to a school other than the school
17 which is nearest the student's home, except for a student
18 requiring special education, to the school offering such
19 special education, in order to comply with title VI of the
20 Civil Rights Act of 1964. For the purpose of this section
21 an indirect requirement of transportation of students in-
22 cludes the transportation of students to carry out a plan
23 involving the reorganization of the grade structure of
24 schools, the pairing of schools, or the clustering of schools,
25 or any combination of grade restructuring, pairing, or

1 clustering. The prohibition described in this section does
2 not include the establishment of magnet schools.

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

6 (TRANSFER OF FUNDS)

7 SEC. 304. Not to exceed 1 percent of any discre-
8 tionary funds (pursuant to the Balanced Budget and
9 Emergency Deficit Control Act of 1985) which are appro-
10 priated for the Department of Education in this Act may
11 be transferred between appropriations, but no such appro-
12 priation shall be increased by more than 3 percent by any
13 such transfer: *Provided*, That the transfer authority
14 granted by this section shall not be used to create any
15 new program or to fund any project or activity for which
16 no funds are provided in this Act: *Provided further*, That
17 the Committees on Appropriations of the House of Rep-
18 resentatives and the Senate are notified at least 15 days
19 in advance of any transfer.

20 SEC. 305. The Outlying Areas may consolidate funds
21 received under this Act, pursuant to 48 U.S.C. 1469a,
22 under part A of title V of the ESEA.

23 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
24 of Free Association Amendments Act of 2003 (48 U.S.C.

1 1921d(f)(1)(B)(ix)) shall be applied by substituting
2 “2016” for “2009”.

3 SEC. 307. The Secretary, in consultation with the Di-
4 rector of the Institute of Education Sciences, may reserve
5 funds under section 9601 of the ESEA (subject to the lim-
6 itations in subsections (b) and (c) of that section) in order
7 to carry out activities authorized under paragraphs (1)
8 and (2) of subsection (a) of that section with respect to
9 any ESEA program funded in this Act and without re-
10 spect to the source of funds for those activities: *Provided*,
11 That high-quality evaluations of ESEA programs shall be
12 prioritized, before using funds for any other evaluation ac-
13 tivities: *Provided further*, That any funds reserved under
14 this section shall be available from July 1, 2016 through
15 September 30, 2017: *Provided further*, That not later than
16 10 days prior to the initial obligation of funds reserved
17 under this section, the Secretary, in consultation with the
18 Director, shall submit an evaluation plan to the Senate
19 Committees on Appropriations and Health, Education,
20 Labor, and Pensions and the House Committees on Ap-
21 propriations and Education and the Workforce which
22 identifies the source and amount of funds reserved under
23 this section, the impact on program grantees if funds are
24 withheld, the programs to be evaluated with such funds,
25 how ESEA programs will be regularly evaluated, and how

1 findings from evaluations completed under this section will
2 be widely disseminated.

3 SEC. 308. (a) An institution of higher education that
4 maintains an endowment fund supported with funds ap-
5 propriated for title III or V of the HEA for fiscal year
6 2016 may use the income from that fund to award schol-
7 arships to students, subject to the limitation in section
8 331(c)(3)(B)(i) of the HEA. The use of such income for
9 such purposes, prior to the enactment of this Act, shall
10 be considered to have been an allowable use of that in-
11 come, subject to that limitation.

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

14 SEC. 309. None of the funds made available by this
15 Act may be used to—

16 (1) implement, administer, or enforce the final regu-
17 lations on “Program Integrity: Gainful Employment” pub-
18 lished by the Department of Education on October 31,
19 2014 (79 Fed. Reg. 64889 et seq.); or

20 (2) promulgate or enforce any new regulation or rule
21 with respect to the definition or application of the term
22 “gainful employment” under the Higher Education Act of
23 1965 on or after the date of enactment of this Act.

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

1 (1) implement, administer, or enforce the definition
2 of the term “credit hour” in section 600.2 of title 34, Code
3 of Federal Regulations, as added by the final regulations
4 published by the Department of Education in the Federal
5 Register on October 29, 2010 (75 Fed. Reg. 66946) and
6 clauses (i)(A), (ii), and (iii) of subsection (k)(2) of section
7 668.8 of such title, as amended by such final regulations;
8 or

9 (2) promulgate or enforce any new regulation or rule
10 with respect to the definition or application of the term
11 “credit hour” under the Higher Education Act of 1965
12 on or after the date of enactment of this Act.

13 SEC. 311. None of the funds made available by this
14 Act may be used to implement, administer or enforce sec-
15 tion 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or
16 668.43(b) of title 34, Code of Federal Regulations (relat-
17 ing to state authorization), as added or amended by the
18 final regulations published by the Department of Edu-
19 cation in the Federal Register on October 29, 2010 (75
20 Fed. Reg. 66832 et. seq.); or as added or amended by
21 the negotiated rulemaking committee established after the
22 notice of intention to establish such a committee published
23 in the Federal Register on November 20, 2013 (78 Fed.
24 Reg. 69612).

1 SEC. 312. None of the funds made available by this
2 Act may be used to develop, refine, promulgate, publish,
3 implement, administer, maintain, or enforce a Postsec-
4 ondary Institution Ratings System (PIRS), for which
5 feedback was solicited in the Request for Information pub-
6 lished by the Department of Education in the Federal
7 Register on December 17, 2013 (78 Fed. Reg. 76289 et
8 seq.), or any other system intended to rate the perform-
9 ance of institutions of higher education.

10 SEC. 313. None of the funds made available by this
11 Act may be used to promulgate or enforce the proposed
12 rule published by the Office of Postsecondary Education
13 of the Department of Education in the Federal Register
14 on December 3, 2014 (79 Fed. Reg. 71820 et seq.) relat-
15 ing to teacher preparation issues or any substantially simi-
16 lar rule.

17 This title may be cited as the “Department of Edu-
18 cation Appropriations Act, 2016”.

19 TITLE IV—RELATED AGENCIES

20 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

21 BLIND OR SEVERELY DISABLED

22 SALARIES AND EXPENSES

23 For expenses necessary for the Committee for Pur-
24 chase From People Who Are Blind or Severely Disabled
25 established by Public Law 92–28, \$5,362,000: *Provided,*

1 That a central nonprofit agency designated pursuant to
2 section 8503(c) of title 41, United States Code, and any
3 other nongovernmental organization authorized to charge
4 a fee under section 51–3.5 of title 41, Code of Federal
5 Regulations (referred to in this paragraph as a “CNA
6 fee”), may not charge a CNA fee to a nonprofit agency
7 except pursuant to a contract entered into in advance with
8 the AbilityOne Commission: *Provided further*, That a sepa-
9 rate contract shall be entered into under the preceding
10 proviso in the case of each nonprofit agency proposed to
11 be charged a CNA fee: *Provided further*, That a CNA fee
12 shall be paid directly to the AbilityOne Commission and
13 may be remitted to a central nonprofit agency or other
14 nongovernmental organization only pursuant to the terms
15 of a contract entered into under the preceding provisos:
16 *Provided further*, That a contract entered into under the
17 preceding provisos shall contain such auditing, oversight,
18 and reporting provisions as are required by the Adminis-
19 trator for Federal Procurement Policy, in consultation
20 with the Administrator of General Services and the Sec-
21 retary of Defense.

22 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
23 OPERATING EXPENSES

24 For necessary expenses for the Corporation for Na-
25 tional and Community Service (referred to in this title as

1 “CNCS”) to carry out the Domestic Volunteer Service Act
2 of 1973 (referred to in this title as “1973 Act”) and the
3 National and Community Service Act of 1990 (referred
4 to in this title as “1990 Act”), \$612,527,000, notwith-
5 standing sections 198B(b)(3), 198S(g), 501(a)(6),
6 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Pro-*
7 *vided*, That of the amounts provided under this heading,
8 up to 1 percent of program grant funds may be used to
9 defray the costs of conducting grant application reviews,
10 including the use of outside peer reviewers and electronic
11 management of the grant cycle.

12 PAYMENT TO THE NATIONAL SERVICE TRUST

13 (INCLUDING TRANSFER OF FUNDS)

14 For payment to the National Service Trust estab-
15 lished under subtitle D of title I of the 1990 Act,
16 \$50,000,000, to remain available until expended: *Pro-*
17 *vided*, That CNCS may transfer additional funds from the
18 amount provided within “Operating Expenses” allocated
19 to grants under subtitle C of title I of the 1990 Act to
20 the National Service Trust upon determination that such
21 transfer is necessary to support the activities of national
22 service participants and after notice is transmitted to the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate: *Provided further*, That amounts ap-
25 propriated for or transferred to the National Service Trust

1 may be invested under section 145(b) of the 1990 Act
2 without regard to the requirement to apportion funds
3 under 31 U.S.C. 1513(b).

4 SALARIES AND EXPENSES

5 For necessary expenses of administration as provided
6 under section 501(a)(5) of the 1990 Act and under section
7 504(a) of the 1973 Act, including payment of salaries, au-
8 thorized travel, hire of passenger motor vehicles, the rental
9 of conference rooms in the District of Columbia, the em-
10 ployment of experts and consultants authorized under 5
11 U.S.C. 3109, and not to exceed \$2,500 for official recep-
12 tion and representation expenses, \$20,000,000.

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector
15 General in carrying out the Inspector General Act of 1978,
16 \$5,250,000.

17 ADMINISTRATIVE PROVISIONS

18 SEC. 401. CNCS shall make any significant changes
19 to program requirements, service delivery or policy only
20 through public notice and comment rulemaking. For fiscal
21 year 2016, during any grant selection process, an officer
22 or employee of CNCS shall not knowingly disclose any cov-
23 ered grant selection information regarding such selection,
24 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”); and

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 2018,
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, \$48,748,000, including up to \$400,000 to re-
21 main available through September 30, 2017, 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, \$17,085,000.

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, \$227,860,000.

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. None of the funds made available by this
20 Act may be used to implement or enforce any rule amend-
21 ing parts 101, 102, and 103 of title 29, Code of Federal
22 Regulations (relating to the filing and processing of peti-
23 tions pursuant to the representation of employees for the
24 purposes of collective bargaining with their employer), in-
25 cluding the final rule published by the National Labor Re-

1 lations Board in the Federal Register on December 15,
2 2014 (79 Fed. Reg. 74308).

3 SEC. 408. None of the funds made available by this
4 Act may be used to investigate, issue, enforce or litigate
5 any administrative directive, regulation, representation
6 issue or unfair labor practice proceeding or any other ad-
7 ministrative complaint, charge, claim or proceeding that
8 would change the interpretation or application of a stand-
9 ard to determine whether entities are “joint employers”
10 in effect as of January 1, 2014.

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

16 (b) For purposes of this section—

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

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

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

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

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

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

12 NATIONAL MEDIATION BOARD

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out the provisions
15 of the Railway Labor Act, including emergency boards ap-
16 pointed by the President, \$13,230,000.

17 OCCUPATIONAL SAFETY AND HEALTH REVIEW

18 COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary for the Occupational Safety
21 and Health Review Commission, \$12,639,000.

22 RAILROAD RETIREMENT BOARD

23 DUAL BENEFITS PAYMENTS ACCOUNT

24 For payment to the Dual Benefits Payments Ac-
25 count, authorized under section 15(d) of the Railroad Re-

1 tirement Act of 1974, \$29,000,000, which shall include
2 amounts becoming available in fiscal year 2016 pursuant
3 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
4 tion, an amount, not to exceed 2 percent of the amount
5 provided herein, shall be available proportional to the
6 amount by which the product of recipients and the average
7 benefit received exceeds the amount available for payment
8 of vested dual benefits: *Provided*, That the total amount
9 provided herein shall be credited in 12 approximately
10 equal amounts on the first day of each month in the fiscal
11 year.

12 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

13 ACCOUNTS

14 For payment to the accounts established in the
15 Treasury for the payment of benefits under the Railroad
16 Retirement Act for interest earned on unnegotiated
17 checks, \$150,000, to remain available through September
18 30, 2017, which shall be the maximum amount available
19 for payment pursuant to section 417 of Public Law 98–
20 76.

21 LIMITATION ON ADMINISTRATION

22 For necessary expenses for the Railroad Retirement
23 Board (“Board”) for administration of the Railroad Re-
24 tirement Act and the Railroad Unemployment Insurance
25 Act, \$111,225,000, to be derived in such amounts as de-

1 terminated by the Board from the railroad retirement ac-
2 counts and from moneys credited to the railroad unem-
3 ployment insurance administration fund: *Provided*, That
4 notwithstanding section 7(b)(9) of the Railroad Retire-
5 ment Act this limitation may be used to hire attorneys
6 only through the excepted service: *Provided further*, That
7 the previous proviso shall not change the status under
8 Federal employment laws of any attorney hired by the
9 Railroad Retirement Board prior to January 1, 2013.

10 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

17 SOCIAL SECURITY ADMINISTRATION

18 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

19 For payment to the Federal Old-Age and Survivors
20 Insurance Trust Fund and the Federal Disability Insur-
21 ance Trust Fund, as provided under sections 201(m),
22 228(g), and 1131(b)(2) of the Social Security Act,
23 \$20,400,000.

1 SUPPLEMENTAL SECURITY INCOME PROGRAM

2 For carrying out titles XI and XVI of the Social Se-
3 curity Act, section 401 of Public Law 92–603, section 212
4 of Public Law 93–66, as amended, and section 405 of
5 Public Law 95–216, including payment to the Social Secu-
6 rity trust funds for administrative expenses incurred pur-
7 suant to section 201(g)(1) of the Social Security Act,
8 \$46,232,978,000, to remain available until expended: *Pro-*
9 *vided*, That any portion of the funds provided to a State
10 in the current fiscal year and not obligated by the State
11 during that year shall be returned to the Treasury: *Pro-*
12 *vided further*, That not more than \$101,000,000 shall be
13 available for research and demonstrations under sections
14 1110, 1115, and 1144 of the Social Security Act, and re-
15 main available through September 30, 2018.

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

20 For making benefit payments under title XVI of the
21 Social Security Act for the first quarter of fiscal year
22 2017, \$14,500,000,000, to remain available until ex-
23 pended.

1 LIMITATION ON ADMINISTRATIVE EXPENSES

2 For necessary expenses, including the hire of two pas-
3 senger motor vehicles, and not to exceed \$20,000 for offi-
4 cial reception and representation expenses, not more than
5 \$10,284,945,000 may be expended, as authorized by sec-
6 tion 201(g)(1) of the Social Security Act, from any one
7 or all of the trust funds referred to in such section: *Pro-*
8 *vided*, That not less than \$2,300,000 shall be for the So-
9 cial Security Advisory Board: *Provided further*, That funds
10 provided under this paragraph may not be used for the
11 costs associated with conducting continuing disability re-
12 views under titles II and XVI of the Social Security Act
13 or conducting redeterminations of eligibility under title
14 XVI of the Social Security Act: *Provided further*, That un-
15 obligated balances of funds provided under this paragraph
16 at the end of fiscal year 2016 not needed for fiscal year
17 2016 shall remain available until expended to invest in the
18 Social Security Administration information technology
19 and telecommunications hardware and software infra-
20 structure, including related equipment and non-payroll ad-
21 ministrative expenses associated solely with this informa-
22 tion technology and telecommunications infrastructure:
23 *Provided further*, That the Commissioner of Social Secu-
24 rity shall notify the Committees on Appropriations of the
25 House of Representatives and the Senate prior to making

1 unobligated balances available under the authority in the
2 previous proviso: *Provided further*, That reimbursement to
3 the trust funds under this heading for expenditures for
4 official time for employees of the Social Security Adminis-
5 tration pursuant to 5 U.S.C. 7131, and for facilities or
6 support services for labor organizations pursuant to poli-
7 cies, regulations, or procedures referred to in section
8 7135(b) of such title shall be made by the Secretary of
9 the Treasury, with interest, from amounts in the general
10 fund not otherwise appropriated, as soon as possible after
11 such expenditures are made.

12 In addition, for the costs associated with continuing
13 disability reviews under titles II and XVI of the Social
14 Security Act and for the cost associated with conducting
15 redeterminations of eligibility under title XVI of the Social
16 Security Act, \$1,396,000,000 may be expended, as au-
17 thorized by section 201(g)(1) of the Social Security Act,
18 from any one or all of the trust funds referred to therein:
19 *Provided*, That, of such amount, \$273,000,000 is provided
20 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985, as amended, and \$1,123,000,000 is additional new
23 budget authority specified for purposes of section
24 251(b)(2)(B) of such Act: *Provided further*, That the Com-
25 missioner shall provide to the Congress (at the conclusion

1 of the fiscal year) a report on the obligation and expendi-
2 ture of these funds, similar to the reports that were re-
3 quired by section 103(d)(2) of Public Law 104–121 for
4 fiscal years 1996 through 2002.

5 In addition, \$136,000,000 to be derived from admin-
6 istration fees in excess of \$5.00 per supplementary pay-
7 ment collected pursuant to section 1616(d) of the Social
8 Security Act or section 212(b)(3) of Public Law 93–66,
9 which shall remain available until expended. To the extent
10 that the amounts collected pursuant to such sections in
11 fiscal year 2016 exceed \$136,000,000, the amounts shall
12 be available in fiscal year 2017 only to the extent provided
13 in advance in appropriations Acts.

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

18 OFFICE OF INSPECTOR GENERAL

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$30,000,000, together with not to
23 exceed \$78,795,000, to be transferred and expended as
24 authorized by section 201(g)(1) of the Social Security Act

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

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

12 TITLE V—GENERAL PROVISIONS

13 (TRANSFER OF FUNDS)

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

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

24 SEC. 503. (a) No part of any appropriation contained
25 in this Act or transferred pursuant to section 4002 of

1 Public Law 111–148 shall be used, other than for normal
2 and recognized executive-legislative relationships, for pub-
3 licity or propaganda purposes, for the preparation, dis-
4 tribution, or use of any kit, pamphlet, booklet, publication,
5 electronic communication, radio, television, or video pres-
6 entation designed to support or defeat the enactment of
7 legislation before the Congress or any State or local legis-
8 lature or legislative body, except in presentation to the
9 Congress or any State or local legislature itself, or de-
10 signed to support or defeat any proposed or pending regu-
11 lation, administrative action, or order issued by the execu-
12 tive branch of any State or local government, except in
13 presentation to the executive branch of any State or local
14 government itself.

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

1 State, local or tribal government in policymaking and ad-
2 ministrative processes within the executive branch of that
3 government.

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

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

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

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

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

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

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

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

24 (c) The term “health benefits coverage” means the
25 package of services covered by a managed care provider

1 or organization pursuant to a contract or other arrange-
2 ment.

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

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

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

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

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

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

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

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

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

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

24 (b) For purposes of this section, the term “human
25 embryo or embryos” includes any organism, not protected

1 as a human subject under 45 CFR 46 as of the date of
2 the enactment of this Act, that is derived by fertilization,
3 parthenogenesis, cloning, or any other means from one or
4 more human gametes or human diploid cells.

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

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

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

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

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

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

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

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

1 SEC. 514. (a) None of the funds provided under this
2 Act, or provided under previous appropriations Acts to the
3 agencies funded by this Act that remain available for obli-
4 gation or expenditure in fiscal year 2016, or provided from
5 any accounts in the Treasury of the United States derived
6 by the collection of fees available to the agencies funded
7 by this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds that—

- 9 (1) creates new programs;
- 10 (2) eliminates a program, project, or activity;
- 11 (3) increases funds or personnel by any means
12 for any project or activity for which funds have been
13 denied or restricted;
- 14 (4) relocates an office or employees;
- 15 (5) reorganizes or renames offices;
- 16 (6) reorganizes programs or activities; or
- 17 (7) contracts out or privatizes any functions or
18 activities presently performed by Federal employees;
- 19 unless the Committees on Appropriations of the House of
20 Representatives and the Senate are consulted 15 days in
21 advance of such reprogramming or of an announcement
22 of intent relating to such reprogramming, whichever oc-
23 curs earlier, and are notified in writing 10 days in advance
24 of such reprogramming.

1 (b) None of the funds provided under this Act, or
2 provided under previous appropriations Acts to the agen-
3 cies funded by this Act that remain available for obligation
4 or expenditure in fiscal year 2016, or provided from any
5 accounts in the Treasury of the United States derived by
6 the collection of fees available to the agencies funded by
7 this Act, shall be available for obligation or expenditure
8 through a reprogramming of funds in excess of \$500,000
9 or 10 percent, whichever is less, that—

10 (1) augments existing programs, projects (in-
11 cluding construction projects), or activities;

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

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

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

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

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

11 SEC. 516. Within 45 days of enactment of this Act,
12 each department and related agency funded through this
13 Act shall submit an operating plan that details at the pro-
14 gram, project, and activity level any funding allocations
15 for fiscal year 2016 that are different than those specified
16 in this Act, the accompanying detailed table in the com-
17 mittee report accompanying this Act, or the fiscal year
18 2016 budget request.

19 SEC. 517. The Secretaries of Labor, Health and
20 Human Services, and Education shall each prepare and
21 submit to the Committees on Appropriations of the House
22 of Representatives and the Senate a report on the number
23 and amount of contracts, grants, and cooperative agree-
24 ments exceeding \$500,000 in value and awarded by the
25 Department on a non-competitive basis during each quar-

1 ter of fiscal year 2016, but not to include grants awarded
2 on a formula basis or directed by law. Such report shall
3 include the name of the contractor or grantee, the amount
4 of funding, the governmental purpose, including a jus-
5 tification for issuing the award on a non-competitive basis.
6 Such report shall be transmitted to the Committees within
7 30 days after the end of the quarter for which the report
8 is submitted.

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

19 SEC. 519. None of the funds appropriated by this Act
20 may be used by the Commissioner of Social Security or
21 the Social Security Administration to pay the compensa-
22 tion of employees of the Social Security Administration
23 to administer Social Security benefit payments, under any
24 agreement between the United States and Mexico estab-
25 lishing totalization arrangements between the social secu-

1 Administration shall provide the Committees on Appro-
2 priations of the House of Representatives and Senate a
3 quarterly report on the status of balances of appropria-
4 tions: *Provided*, That for balances that are unobligated
5 and uncommitted, committed, and obligated but unex-
6 pended, the quarterly reports shall separately identify the
7 amounts attributable to each source year of appropriation
8 (beginning with fiscal year 2012, or, to the extent feasible,
9 earlier fiscal years) from which balances were derived.

10 SEC. 523. (a) None of the funds made available in
11 this Act may be used to maintain or establish a computer
12 network unless such network blocks the viewing,
13 downloading, and exchanging of pornography.

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

18 SEC. 524. None of the funds made available in this
19 Act may be used to implement, administer, enforce, or fur-
20 ther any provision of Public Law 111–148 or title I or
21 subtitle B of title II of Public Law 111–152 and the
22 amendment made by such provision: *Provided*, That funds
23 in this Act may be used to implement, administer, enforce,
24 or further the rate setting process for calendar year 2016
25 and fiscal year 2017 for Medicare under title XVIII of

1 the Social Security Act: *Provided further*, That funds in
2 this Act may be used to implement, administer, enforce,
3 or further the final rules for the provisions of (and amend-
4 ments made by) sections 2501(c), 2501(d), and 2503 of
5 Public Law 111–148, as amended by sections 1206(a) and
6 1101(c) of Public Law 111–152, insofar as each respective
7 rule relates to calendar year 2016.

8 (RESCISSION)

9 SEC. 525. Of the funds made available [for the Con-
10 sumer Operated and Oriented Plan] under section 1322
11 of Public Law 111–148, \$18,000,000 is rescinded.

12 (RESCISSION)

13 SEC. 526. Any funds appropriated to the Health In-
14 surance Reform Implementation Fund under section 1005
15 of Public Law 111–152 that, as of the date of the enact-
16 ment of this Act, are unobligated are hereby rescinded.

17 (RESCISSION)

18 SEC. 527. Of the funds made available [for the Cen-
19 ter for Medicare & Medicaid Innovation] under section
20 3021(a) of Public Law 111–148, \$6,800,000,000 is re-
21 scinded.

22 (RESCISSION)

23 SEC. 528. Of the funds made available for fiscal year
24 2016 [for the Patient-Centered Outcomes Research Trust

1 Fund] under section 6301(e) of Public Law 111–148,
2 \$100,000,000 is rescinded.

3 SEC. 529. None of the funds made available under
4 this or any other Act, or any prior Appropriations Act,
5 may be provided to the Association of Community Organi-
6 zations for Reform Now (ACORN), or any of its affiliates,
7 subsidiaries, allied organizations, or successors.

8 SEC. 530. (a) SHORT TITLE.—This section may be
9 cited as the “Health Care Conscience Rights Act”.

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

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

16 (2) Jefferson’s conviction on respect for con-
17 science is deeply embedded in the history and tradi-
18 tions of our Nation, and codified in numerous Fed-
19 eral laws approved by congressional majorities and
20 Presidents of both parties, including in the Public
21 Health Service Act; the United States Leadership
22 Against HIV/AIDS, Tuberculosis, and Malaria Act;
23 the Religious Freedom Restoration Act; long-
24 standing provisions on respect for conscience rights
25 in the Federal Employees Health Benefits Program

1 and District of Columbia appropriations; and laws to
2 protect individuals from being forced to participate
3 in Federal executions or prosecutions.

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

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

18 (5) Nurses and other health care providers have
19 increasingly been subjected to discrimination for
20 abiding by their conscience rather than providing,
21 paying for, or referring for abortion.

22 (6) Conscience rights protections for health care
23 providers are an important part of civil rights pro-
24 tections in Federal law and are indispensable to the
25 continued viability of the health care system in the

1 United States. The increasingly significant discrimi-
2 nation suffered by faith-based nonprofit health care
3 providers risks undermining access to high-quality
4 compassionate care for some of the most vulnerable
5 populations in our country.

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

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

11 (A) by redesignating the second section
12 1563 (relating to conforming amendments and
13 as redesignated by section 10107(b)(1) of the
14 Patient Protection and Affordable Care Act) as
15 section 1564;

16 (B) by redesignating the third section
17 1563 (relating to the Sense of the Senate pro-
18 moting fiscal responsibility) as section 1565;
19 and

20 (C) by adding at the end the following new
21 section:

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

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

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

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

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

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

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

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

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

20 “(1) the Civil Rights Act of 1964;

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

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

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

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

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

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

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

24 (A) by striking the following items:

 “1563. Conforming amendments.

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

1 and

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

“1564. Conforming amendments.

“1565. Sense of the Senate promoting fiscal responsibility.

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

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

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

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

14 “(1) the entity refuses—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(b) DEFINITIONS.—In this section—

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

2 “(A) the Attorney General; or

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

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

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

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

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

[FULL COMMITTEE PRINT]

Union Calendar No. _____

114TH CONGRESS
1ST Session

H. R. _____

[Report No. 114-_____] _____

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

, 2015

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