

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

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

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

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

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

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

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

16 SEC. 213. Funds which are available for Individual
17 Learning Accounts for employees of CDC and the Agency
18 for Toxic Substances and Disease Registry ("ATSDR")
19 may be transferred to appropriate accounts of CDC, to
20 be available only for Individual Learning Accounts: *Pro-*
21 *vided*, That such funds may be used for any individual
22 full-time equivalent employee while such employee is em-
23 ployed either by CDC or ATSDR.

1 (TRANSFER OF FUNDS)

2 SEC. 214. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate are notified at
9 least 15 days in advance of any transfer.

10 (TRANSFER OF FUNDS)

11 SEC. 215. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act.

19 SEC. 216. (a) AUTHORITY.—Notwithstanding any
20 other provision of law, the Director of NIH (“Director”)
21 may use funds available under section 402(b)(7) or
22 402(b)(12) of the PHS Act to enter into transactions
23 (other than contracts, cooperative agreements, or grants)
24 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. 217. 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. 218. Of the amounts made available for NIH,
21 1 percent of the amount made available for National Re-
22 search Service Awards (“NRSA”) shall be made available
23 to the Administrator of the Health Resources and Services
24 Administration to make NRSA awards for research in pri-
25 mary medical care to individuals affiliated with entities

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

6 SEC. 219. Section 461(b)(1) of the Public Health
7 Service Act (42 U.S.C. 285k(b)(1)) is amended—

8 (1) in subparagraph (B), by striking “and be-
9 havioral research” and all that follows through the
10 period and inserting “or behavioral research and are
11 located in a State that is at or below the median of
12 all States with respect to the aggregate NIH fund-
13 ing received by entities in that State.”; and

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

15 “(D) Entities that are designated as Pri-
16 marily Undergraduate Institutions and that are
17 not eligible for funding under the Individuals
18 with Disabilities Education Act, but that have
19 been eligible for participation in the National
20 Science Foundation Experimental Program to
21 Stimulate Competitive Research (EPSCoR) pro-
22 gram for the past 2 consecutive years, may
23 apply to an entity that currently holds an IDeA
24 Networks of Biomedical Research Excellence
25 award for inclusion in their Network.”.

1 SEC. 220. Public Law 110–161, division G, title II,
2 subsection 223 is amended by inserting, after “shall be
3 available” and before “until expended”, “to the Office of
4 the Director, National Institutes of Health”; striking,
5 after “may be available for” and before “, subject to ap-
6 proval”, “such purposes, for capital acquisition necessary
7 to the operation of the Department, including facilities in-
8 frastructure and information technology infrastructure”,
9 and inserting “all necessary expenses related to carrying
10 out section 301 and title IV of the Public Health Service
11 Act”.

12 SEC. 221. In addition to amounts provided herein,
13 payments made for research organisms or substances, au-
14 thorized under section 301(a) of the PHS Act, shall be
15 retained and credited to the appropriations accounts of the
16 Institutes and Centers of the NIH making the substance
17 or organism available under section 301(a). Amounts cred-
18 ited to the account under this authority shall be available
19 for obligation through September 30, 2017.

20 SEC. 222. (a) The Biomedical Advanced Research
21 and Development Authority (“BARDA”) may enter into
22 a contract, for more than one but no more than 10 pro-
23 gram years, for purchase of research services or of security
24 countermeasures, as that term is defined in section 319F–

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

3 (1) funds are available and obligated—

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

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

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

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

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

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

20 SEC. 223. (a) The Secretary shall establish a publicly
21 accessible Web site to provide information regarding the
22 uses of funds made available under section 4002 of the
23 Patient Protection and Affordable Care Act of 2010
24 (“ACA”).

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

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

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

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

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

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

3 (c) With respect to awards made in fiscal years 2013
4 through 2016, the Secretary shall also include on the Web
5 site established under subsection (a), semi-annual reports
6 from each entity awarded a grant, cooperative agreement,
7 or contract from such funds with a value of \$25,000 or
8 more, summarizing the activities undertaken and identi-
9 fying any sub-grants or sub-contracts awarded (including
10 the purpose of the award and the identity of the recipient),
11 to be posted not later than 30 days after the end of each
12 6-month period.

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

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

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

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

22 (TRANSFER OF FUNDS)

23 SEC. 224. (a) Within 45 days of enactment of this
24 Act, the Secretary shall transfer funds appropriated under
25 section 4002 of the ACA to the accounts specified, in the

1 amounts specified, and for the activities specified under
2 the heading “Prevention and Public Health Fund” in the
3 report accompanying this Act.

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

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

9 SEC. 225. (a) The Secretary shall publish in the fiscal
10 year 2017 budget justification and on Departmental Web
11 sites information concerning the employment of full-time
12 equivalent Federal employees or contractors for the pur-
13 poses of implementing, administering, enforcing, or other-
14 wise carrying out the provisions of the ACA, and the
15 amendments made by that Act, in the proposed fiscal year
16 and each fiscal year since the enactment of the ACA.

17 (b) With respect to employees or contractors sup-
18 ported by all funds appropriated for purposes of carrying
19 out the ACA (and the amendments made by that Act),
20 the Secretary shall include, at a minimum, the following
21 information:

22 (1) For each such fiscal year, the section of
23 such Act under which such funds were appropriated,
24 a statement indicating the program, project, or ac-
25 tivity receiving such funds, the Federal operating di-

1 vision or office that administers such program, and
2 the amount of funding received in discretionary or
3 mandatory appropriations.

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

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

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

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

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

19 SEC. 226. 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 Exchanges for each fiscal year since the enact-
25 ment of the ACA and the proposed uses for such funds

1 for fiscal year 2017. Such information shall include, for
2 each such fiscal year, the amount of funds used for each
3 activity specified under the heading “Health Insurance
4 Exchange Transparency” in the report accompanying this
5 Act.

6 SEC. 227. The Secretary shall provide to the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate detailed, monthly enrollment figures from
9 the Exchanges established under the Patient Protection
10 and Affordable Care Act of 2010 pertaining to enrollments
11 during the open enrollment period: *Provided*, That the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate must be notified and provided with
14 the enrollment figures at least 2 business days in advance
15 of any public release of the information.

16 SEC. 228. None of the funds made available by this
17 Act from the Federal Hospital Insurance Trust Fund or
18 the Federal Supplemental Medical Insurance Trust Fund,
19 or transferred from other accounts funded by this Act to
20 the “Centers for Medicare and Medicaid Services—Pro-
21 gram Management” account, may be used for payments
22 under section 1342(b)(1) of Public Law 111–148 (relating
23 to risk corridors).

24 SEC. 229. None of the funds made available by this
25 Act from the Federal Hospital Insurance Trust Fund or

1 TITLE III
2 DEPARTMENT OF EDUCATION
3 EDUCATION FOR THE DISADVANTAGED
4 For carrying out title I of the Elementary and Sec-
5 ondary Education Act of 1965 (referred to in this Act as
6 “ESEA”) and section 418A of the Higher Education Act
7 of 1965 (referred to in this Act as “HEA”),
8 \$15,455,802,000, of which \$4,575,641,000 shall become
9 available on July 1, 2016, and shall remain available
10 through September 30, 2017, and of which
11 \$10,841,177,000 shall become available on October 1,
12 2016, and shall remain available through September 30,
13 2017, for academic year 2016–2017: *Provided*, That
14 \$6,459,401,000 shall be for basic grants under section
15 1124 of the ESEA: *Provided further*, That up to
16 \$3,984,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2015, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$3,369,050,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$3,369,050,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That funds available under sections 1124, 1124A,
3 1125 and 1125A of the ESEA may be used to provide
4 homeless children and youths with services not ordinarily
5 provided to other students under those sections, including
6 supporting the liaison designated pursuant to section
7 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assist-
8 ance Act, and providing transportation pursuant to section
9 722(g)(1)(J)(iii) of such Act: *Provided further*, That
10 \$450,000,000 shall be available for school improvement
11 grants under section 1003(g) of the ESEA, which shall
12 be allocated by the Secretary through the formula de-
13 scribed in section 1003(g)(2) and shall be used consistent
14 with the requirements of section 1003(g), except that
15 State and local educational agencies may use such funds
16 to serve any school eligible to receive assistance under part
17 A of title I that has not made adequate yearly progress
18 for at least 2 years or is in the State's lowest quintile of
19 performance based on proficiency rates and, in the case
20 of secondary schools, priority shall be given to those
21 schools with graduation rates below 60 percent: *Provided*
22 *further*, That notwithstanding section 1003(g)(5)(C) of
23 the ESEA, the Secretary may permit a State educational
24 agency to establish an award period of up to 5 years for
25 each participating local educational agency: *Provided fur-*

1 *ther*, That funds available for school improvement grants
2 for fiscal year 2014 and thereafter may be used by a local
3 educational agency to implement a whole-school reform
4 strategy for a school using an evidence-based strategy that
5 ensures whole-school reform is undertaken in partnership
6 with a strategy developer offering a whole-school reform
7 program that is based on at least a moderate level of evi-
8 dence that the program will have a statistically significant
9 effect on student outcomes, including at least one well-
10 designed and well-implemented experimental or quasi-ex-
11 perimental study: *Provided further*, That funds available
12 for school improvement grants may be used by a local edu-
13 cational agency to implement an alternative State-deter-
14 mined school improvement strategy that has been estab-
15 lished by a State educational agency with the approval of
16 the Secretary: *Provided further*, That a local educational
17 agency that is determined to be eligible for services under
18 subpart 1 or 2 of part B of title VI of the ESEA may
19 modify not more than one element of a school improve-
20 ment grant model: *Provided further*, That notwithstanding
21 section 1003(g)(5)(A), each State educational agency may
22 establish a maximum subgrant size of not more than
23 \$2,000,000 for each participating school applicable to
24 such funds: *Provided further*, That the Secretary may re-
25 serve up to 5 percent of the funds available for section

1 1003(g) of the ESEA to carry out activities to build State
2 and local educational agency capacity to implement effec-
3 tively the school improvement grants program: *Provided*
4 *further*, That \$35,000,000 shall be for carrying out section
5 418A of the HEA.

6 IMPACT AID

7 For carrying out programs of financial assistance to
8 federally affected schools authorized by title VIII of the
9 ESEA, \$1,288,603,000, of which \$1,151,233,000 shall be
10 for basic support payments under section 8003(b),
11 \$48,316,000 shall be for payments for children with dis-
12 abilities under section 8003(d), \$17,406,000 shall be for
13 construction under section 8007(b) and be available for
14 obligation through September 30, 2017, \$66,813,000 shall
15 be for Federal property payments under section 8002, and
16 \$4,835,000, to remain available until expended, shall be
17 for facilities maintenance under section 8008: *Provided*,
18 That for purposes of computing the amount of a payment
19 for an eligible local educational agency under section
20 8003(a) for school year 2015–2016, children enrolled in
21 a school of such agency that would otherwise be eligible
22 for payment under section 8003(a)(1)(B) of such Act, but
23 due to the deployment of both parents or legal guardians,
24 or a parent or legal guardian having sole custody of such
25 children, or due to the death of a military parent or legal

1 guardian while on active duty (so long as such children
2 reside on Federal property as described in section
3 8003(a)(1)(B)), are no longer eligible under such section,
4 shall be considered as eligible students under such section,
5 provided such students remain in average daily attendance
6 at a school in the same local educational agency they at-
7 tended prior to their change in eligibility status.

8 SCHOOL IMPROVEMENT PROGRAMS

9 For carrying out school improvement activities au-
10 thorized by parts A and B of title II, part B of title IV,
11 parts A and B of title VI, and parts B and C of title VII
12 of the ESEA; the McKinney-Vento Homeless Assistance
13 Act; section 203 of the Educational Technical Assistance
14 Act of 2002; the Compact of Free Association Amend-
15 ments Act of 2003; and the Civil Rights Act of 1964,
16 \$4,134,746,000, of which \$2,326,181,000 shall become
17 available on July 1, 2016, and remain available through
18 September 30, 2017, and of which \$1,681,441,000 shall
19 become available on October 1, 2016, and shall remain
20 available through September 30, 2017, for academic year
21 2016–2017: *Provided*, That funds made available to carry
22 out part B of title VII of the ESEA may be used for con-
23 struction, renovation, and modernization of any elemen-
24 tary school, secondary school, or structure related to an
25 elementary school or secondary school, run by the Depart-

1 ment of Education of the State of Hawaii, that serves a
2 predominantly Native Hawaiian student body: *Provided*
3 *further*, That funds made available to carry out part C
4 of title VII of the ESEA shall be awarded on a competitive
5 basis, and also may be used for construction: *Provided fur-*
6 *ther*, That \$40,000,000 shall be available to carry out sec-
7 tion 203 of the Educational Technical Assistance Act of
8 2002 and the Secretary shall make such arrangements as
9 determined to be necessary to ensure that the Bureau of
10 Indian Education has access to services provided under
11 this section: *Provided further*, That \$16,699,000 shall be
12 available to carry out the Supplemental Education Grants
13 program for the Federated States of Micronesia and the
14 Republic of the Marshall Islands: *Provided further*, That
15 the Secretary may reserve up to 5 percent of the amount
16 referred to in the previous proviso to provide technical as-
17 sistance in the implementation of these grants: *Provided*
18 *further*, That up to 5.0 percent of the funds for subpart
19 1 of part A of title II of the ESEA shall be reserved by
20 the Secretary for competitive awards for teacher or prin-
21 cipal recruitment and training or professional enhance-
22 ment activities, including for civic education instruction,
23 to national not-for-profit organizations, of which up to 8
24 percent may only be used for research, dissemination, eval-
25 uation, and technical assistance for competitive awards

1 carried out under this proviso: *Provided further*, That
2 \$141,299,000 shall be to carry out part B of title II of
3 the ESEA.

4 INDIAN EDUCATION

5 For expenses necessary to carry out, to the extent
6 not otherwise provided, title VII, part A of the ESEA,
7 \$123,939,000.

8 INNOVATION AND IMPROVEMENT

9 For carrying out activities authorized by part G of
10 title I, part D of title II, parts B, C, and D of title V
11 of the ESEA, \$694,616,000: *Provided*, That
12 \$225,000,000 of the funds for subpart 1 of part D of title
13 V of the ESEA shall be for competitive grants to local
14 educational agencies, including charter schools that are
15 local educational agencies, or States, or partnerships of:
16 (1) a local educational agency, a State, or both; and (2)
17 at least one nonprofit organization to develop and imple-
18 ment performance-based compensation systems for teach-
19 ers, principals, and other personnel in high-need schools:
20 *Provided further*, That such performance-based compensa-
21 tion systems must consider gains in student academic
22 achievement as well as classroom evaluations conducted
23 multiple times during each school year among other fac-
24 tors and provide educators with incentives to take on addi-
25 tional responsibilities and leadership roles: *Provided fur-*

1 *ther*, That recipients of such grants shall demonstrate that
2 such performance-based compensation systems are devel-
3 oped with the input of teachers and school leaders in the
4 schools and local educational agencies to be served by the
5 grant: *Provided further*, That recipients of such grants
6 may use such funds to develop or improve systems and
7 tools (which may be developed and used for the entire local
8 educational agency or only for schools served under the
9 grant) that would enhance the quality and success of the
10 compensation system, such as high-quality teacher evalua-
11 tions and tools to measure growth in student achievement:
12 *Provided further*, That applications for such grants shall
13 include a plan to sustain financially the activities con-
14 ducted and systems developed under the grant once the
15 grant period has expired: *Provided further*, That up to 5
16 percent of such funds for competitive grants shall be avail-
17 able for technical assistance, training, peer review of appli-
18 cations, program outreach, and evaluation activities: *Pro-*
19 *vided further*, That of the funds available for part B of
20 title V of the ESEA, the Secretary shall use up to
21 \$9,000,000 to carry out activities under section 5205(b)
22 and shall use not less than \$13,000,000 for subpart 2:
23 *Provided further*, That of the funds available for subpart
24 1 of part B of title V of the ESEA, and notwithstanding
25 section 5205(a), the Secretary shall reserve up to

1 \$85,000,000 to make multiple awards to nonprofit charter
2 management organizations and other entities that are not
3 for-profit entities for the replication and expansion of suc-
4 cessful charter school models and shall reserve not less
5 than \$11,000,000 to carry out the activities described in
6 section 5205(a), including improving quality and oversight
7 of charter schools and providing technical assistance and
8 grants to authorized public chartering agencies in order
9 to increase the number of high-performing charter schools:
10 *Provided further*, That funds available for part B of title
11 V of the ESEA may be used for grants that support pre-
12 school education in charter schools: *Provided further*, That
13 each application submitted pursuant to section 5203(a)
14 shall describe a plan to monitor and hold accountable au-
15 thorized public chartering agencies through such activities
16 as providing technical assistance or establishing a profes-
17 sional development program, which may include evalua-
18 tion, planning, training, and systems development for staff
19 of authorized public chartering agencies to improve the ca-
20 pacity of such agencies in the State to authorize, monitor,
21 and hold accountable charter schools: *Provided further*,
22 That each application submitted pursuant to section
23 5203(a) shall contain assurances that State law, regula-
24 tions, or other policies require that: (1) each authorized
25 charter school in the State operate under a legally binding

1 charter or performance contract between itself and the
2 school's authorized public chartering agency that describes
3 the rights and responsibilities of the school and the public
4 chartering agency; conduct annual, timely, and inde-
5 pendent audits of the school's financial statements that
6 are filed with the school's authorized public chartering
7 agency; and demonstrate improved student academic
8 achievement; and (2) authorized public chartering agen-
9 cies use increases in student academic achievement for all
10 groups of students described in section 1111(b)(2)(C)(v)
11 of the ESEA as one of the most important factors when
12 determining to renew or revoke a school's charter.

13 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

14 For carrying out activities authorized by part A of
15 title IV and subparts 1 and 2 of part D of title V of the
16 ESEA, \$120,314,000: *Provided*, That \$60,000,000 shall
17 be available for subpart 2 of part A of title IV, of which
18 up to \$5,000,000, to remain available until expended, shall
19 be for the Project School Emergency Response to Violence
20 ("Project SERV") program to provide education-related
21 services to local educational agencies and institutions of
22 higher education in which the learning environment has
23 been disrupted due to a violent or traumatic crisis: *Pro-*
24 *vided further*, That \$37,000,000 shall be available through
25 December 31, 2016 for Promise Neighborhoods.

1 ENGLISH LANGUAGE ACQUISITION

2 For carrying out part A of title III of the ESEA,
3 \$712,021,000, 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) and the Special Olympics Sport
15 and Empowerment Act of 2004, \$12,636,817,000, of
16 which \$3,131,259,000 shall become available on July 1,
17 2016, and shall remain available through September 30,
18 2017, and of which \$9,283,383,000 shall become available
19 on October 1, 2016, and shall remain available through
20 September 30, 2017, for academic year 2016–2017: *Pro-*
21 *vided*, That the amount for section 611(b)(2) of the IDEA
22 shall be equal to the lesser of the amount available for
23 that activity during fiscal year 2015, increased by the
24 amount of inflation as specified in section 619(d)(2)(B)
25 of the IDEA, or the percent change in the funds appro-

1 priated under section 611(i) of the IDEA, but not less
2 than the amount for that activity during fiscal year 2015:
3 *Provided further*, That the Secretary shall, without regard
4 to section 611(d) of the IDEA, distribute to all other
5 States (as that term is defined in section 611(g)(2)), sub-
6 ject to the third proviso, any amount by which a State's
7 allocation under section 611(d), from funds appropriated
8 under this heading, is reduced under section
9 612(a)(18)(B), according to the following: 85 percent on
10 the basis of the States' relative populations of children
11 aged 3 through 21 who are of the same age as children
12 with disabilities for whom the State ensures the avail-
13 ability of a free appropriate public education under this
14 part, and 15 percent to States on the basis of the States'
15 relative populations of those children who are living in pov-
16 erty: *Provided further*, That the Secretary may not dis-
17 tribute any funds under the previous proviso to any State
18 whose reduction in allocation from funds appropriated
19 under this heading made funds available for such a dis-
20 tribution: *Provided further*, That the States shall allocate
21 such funds distributed under the second proviso to local
22 educational agencies in accordance with section 611(f):
23 *Provided further*, That the amount by which a State's allo-
24 cation under section 611(d) of the IDEA is reduced under
25 section 612(a)(18)(B) and the amounts distributed to

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

1 tion 452 of the General Education Provisions Act (20
2 U.S.C. 1234a): *Provided further*, That the funds reserved
3 under 611(e) of the IDEA may be used to provide tech-
4 nical assistance to States to improve the capacity of the
5 States to meet the data collection requirements of sections
6 616 and 618 and to administer and carry out other serv-
7 ices and activities to improve data collection, coordination,
8 quality, and use under parts B and C of the IDEA: *Pro-*
9 *vided further*, That the level of effort a local educational
10 agency must meet under section 613(a)(2)(A)(iii) of the
11 IDEA, in the year after it fails to maintain effort is the
12 level of effort that would have been required in the absence
13 of that failure and not the LEA's reduced level of expendi-
14 tures: *Provided further*, That the Secretary may use funds
15 made available for the State Personnel Development
16 Grants program under part D, subpart 1 of IDEA to
17 evaluate program performance under such subpart.

18 REHABILITATION SERVICES AND DISABILITY RESEARCH

19 For carrying out, to the extent not otherwise pro-
20 vided, the Rehabilitation Act of 1973 and the Helen Keller
21 National Center Act, \$3,487,864,000, of which
22 \$3,391,770,000 shall be for grants for vocational rehabili-
23 tation services under title I of the Rehabilitation Act: *Pro-*
24 *vided*, That the Secretary may use amounts provided in
25 this Act that remain available subsequent to the reallocot-

1 ment of funds to States pursuant to section 110(b) of the
2 Rehabilitation Act for innovative activities aimed at im-
3 proving the outcomes of individuals with disabilities as de-
4 fined in section 7(20)(B) of the Rehabilitation Act, includ-
5 ing activities aimed at improving the education and post-
6 school outcomes of children receiving Supplemental Secu-
7 rity Income (“SSI”) and their families that may result
8 in long-term improvement in the SSI child recipient’s eco-
9 nomic status and self-sufficiency: *Provided further*, That
10 States may award subgrants for a portion of the funds
11 to other public and private, nonprofit entities: *Provided*
12 *further*, That any funds made available subsequent to real-
13 lotment for innovative activities aimed at improving the
14 outcomes of individuals with disabilities shall remain avail-
15 able until September 30, 2017.

16 SPECIAL INSTITUTIONS FOR PERSONS WITH
17 DISABILITIES

18 AMERICAN PRINTING HOUSE FOR THE BLIND

19 For carrying out the Act of March 3, 1879,
20 \$24,931,000.

21 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

22 For the National Technical Institute for the Deaf
23 under titles I and II of the Education of the Deaf Act
24 of 1986, \$69,016,000: *Provided*, That from the total
25 amount available, the Institute may at its discretion use

1 funds for the endowment program as authorized under
2 section 207 of such Act.

3

GALLAUDET UNIVERSITY

4 For the Kendall Demonstration Elementary School,
5 the Model Secondary School for the Deaf, and the partial
6 support of Gallaudet University under titles I and II of
7 the Education of the Deaf Act of 1986, \$120,275,000:
8 *Provided*, That from the total amount available, the Uni-
9 versity may at its discretion use funds for the endowment
10 program as authorized under section 207 of such Act.

11

CAREER, TECHNICAL, AND ADULT EDUCATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Carl D. Perkins Career and Technical Edu-
14 cation Act of 2006 and the Adult Education and Family
15 Literacy Act (“AEFLA”), \$1,669,731,000, of which
16 \$878,731,000 shall become available on July 1, 2016, and
17 shall remain available through September 30, 2017, and
18 of which \$791,000,000 shall become available on October
19 1, 2016, and shall remain available through September 30,
20 2017: *Provided*, That of the amounts made available for
21 AEFLA, \$7,712,000 shall be for national leadership ac-
22 tivities under section 242.

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, \$24,129,352,000,
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 \$1,361,700,000, to remain available through September
13 30, 2017: *Provided*, That the Secretary shall, no later than
14 December 31, 2015, allocate no less than 50 percent of
15 new student loan borrower accounts among eligible not-
16 for-profit student loan servicers, excluding those eligible
17 as title IV additional servicers.

18 HIGHER EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, titles II, III, IV, V, VI, and VII of the HEA, the
21 Mutual Educational and Cultural Exchange Act of 1961,
22 and section 117 of the Carl D. Perkins Career and Tech-
23 nical Education Act of 2006, \$1,783,510,000: *Provided*,
24 That notwithstanding any other provision of law, funds
25 made available in this Act to carry out title VI of the HEA

1 and section 102(b)(6) of the Mutual Educational and Cul-
2 tural Exchange Act of 1961 may be used to support visits
3 and study in foreign countries by individuals who are par-
4 ticipating in advanced foreign language training and inter-
5 national studies in areas that are vital to United States
6 national security and who plan to apply their language
7 skills and knowledge of these countries in the fields of gov-
8 ernment, the professions, or international development:
9 *Provided further*, That of the funds referred to in the pre-
10 ceding proviso up to 1 percent may be used for program
11 evaluation, national outreach, and information dissemina-
12 tion activities: *Provided further*, That up to 1.5 percent
13 of the funds made available under chapter 2 of subpart
14 2 of part A of title IV of the HEA may be used for evalua-
15 tion.

16 HOWARD UNIVERSITY

17 For partial support of Howard University,
18 \$219,500,000, of which not less than \$3,350,000 shall be
19 for a matching endowment grant pursuant to the Howard
20 University Endowment Act and shall remain available
21 until expended.

1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
2 PROGRAM

3 For Federal administrative expenses to carry out ac-
4 tivities related to existing facility loans pursuant to section
5 121 of the HEA, \$435,000.

6 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
7 CAPITAL FINANCING PROGRAM ACCOUNT

8 For the cost of guaranteed loans, \$19,096,000, as au-
9 thorized pursuant to part D of title III of the HEA, which
10 shall remain available through September 30, 2017: *Pro-*
11 *vided*, That such costs, including the cost of modifying
12 such loans, shall be as defined in section 502 of the Con-
13 gressional Budget Act of 1974: *Provided further*, That
14 these funds are available to subsidize total loan principal,
15 any part of which is to be guaranteed, not to exceed
16 \$303,593,000: *Provided further*, That these funds may be
17 used to support loans to public and private Historically
18 Black Colleges and Universities without regard to the limi-
19 tations within section 344(a) of the HEA.

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

1 INSTITUTE OF EDUCATION SCIENCES

2 For carrying out activities authorized by the Edu-
3 cation Sciences Reform Act of 2002, the National Assess-
4 ment of Educational Progress Authorization Act, section
5 208 of the Educational Technical Assistance Act of 2002,
6 and section 664 of the Individuals with Disabilities Edu-
7 cation Act, \$562,978,000, which shall remain available
8 through September 30, 2017: *Provided*, That funds avail-
9 able to carry out section 208 of the Educational Technical
10 Assistance Act may be used to link Statewide elementary
11 and secondary data systems with early childhood, postsec-
12 ondary, and workforce data systems, or to further develop
13 such systems: *Provided further*, That up to \$6,000,000 of
14 the funds available to carry out section 208 of the Edu-
15 cational Technical Assistance Act may be used for awards
16 to public or private organizations or agencies to support
17 activities to improve data coordination, quality, and use
18 at the local, State, and national levels: *Provided further*,
19 That \$137,235,000 shall be for carrying out activities au-
20 thorized by the National Assessment of Educational
21 Progress Authorization Act.

22 DEPARTMENTAL MANAGEMENT

23 PROGRAM ADMINISTRATION

24 For carrying out, to the extent not otherwise pro-
25 vided, the Department of Education Organization Act, in-

1 eluding rental of conference rooms in the District of Co-
2 lumbia and hire of three passenger motor vehicles,
3 \$391,326,000, of which up to \$1,000,000, to remain avail-
4 able until expended, shall be for relocation of, and renova-
5 tion of buildings occupied by, Department staff.

6 OFFICE FOR CIVIL RIGHTS

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

10 OFFICE OF INSPECTOR GENERAL

11 For expenses necessary for the Office of Inspector
12 General, as authorized by section 212 of the Department
13 of Education Organization Act, \$57,791,000.

14 GENERAL PROVISIONS

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

23 SEC. 302. None of the funds contained in this Act
24 shall be used to require, directly or indirectly, the trans-
25 portation of any student to a school other than the school

1 the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate are notified at least 15 days
3 in advance of any transfer.

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

7 SEC. 306. Section 105(f)(1)(B)(ix) of the Compact
8 of Free Association Amendments Act of 2003 (48 U.S.C.
9 1921d(f)(1)(B)(ix)) shall be applied by substituting
10 “2016” for “2009”.

11 SEC. 307. The Secretary, in consultation with the Di-
12 rector of the Institute of Education Sciences, may reserve
13 funds under section 9601 of the ESEA (subject to the lim-
14 itations in subsections (b) and (c) of that section) in order
15 to carry out activities authorized under paragraphs (1)
16 and (2) of subsection (a) of that section with respect to
17 any ESEA program funded in this Act and without re-
18 spect to the source of funds for those activities: *Provided*,
19 That high-quality evaluations of ESEA programs shall be
20 prioritized, before using funds for any other evaluation ac-
21 tivities: *Provided further*, That any funds reserved under
22 this section shall be available from July 1, 2016 through
23 September 30, 2017: *Provided further*, That not later than
24 10 days prior to the initial obligation of funds reserved
25 under this section, the Secretary, in consultation with the

1 cial Assistance” for carrying out subpart 1 of part A of
2 title IV of the HEA, \$300,000,000 are hereby rescinded.

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

5 (1) implement, administer, or enforce sections
6 600.10(e), 600.20(d), 668.6 and 668.7 of title 34,
7 Code of Federal Regulations (relating to gainful em-
8 ployment) as added or amended by the final regula-
9 tions published by the Department of Education on
10 October 31, 2014 (79 Fed. Reg. 64889 et seq.), or
11 promulgate any new regulation with respect to the
12 definition or application of the term “gainful em-
13 ployment” in the Higher Education Act of 1965;

14 (2) implement, administer, or enforce sections
15 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, or
16 668.43(b) of title 34, Code of Federal Regulations
17 (relating to state authorization), as added or amend-
18 ed by the final regulations published by the Depart-
19 ment of Education in the Federal Register on Octo-
20 ber 29, 2010 (75 Fed. Reg. 66832 et seq.) or pro-
21 mulgate any new regulation with respect to the
22 State authorization for institutions of higher edu-
23 cation to operate within a State;

24 (3) implement, administer, or enforce the defi-
25 nition of the term “credit hour” in section 600.2 of

1 title 34, Code of Federal Regulations, as added by
2 the final regulations published by the Department of
3 Education in the Federal Register on October 29,
4 2010 (75 Fed. Reg. 66946) and clauses (i)(A), (ii),
5 and (iii) of subsection (k)(2) of section 668.8 of
6 such title, as amended by such final regulations (75
7 Fed. Reg. 66949 et seq.), or promulgate any new
8 regulation with respect to the definition of the term
9 “credit hour” for any purpose under the Higher
10 Education Act;

11 (4) carry out, develop, refine, promulgate, pub-
12 lish, implement, administer, or enforce a postsec-
13 ondary institution ratings system or any other per-
14 formance system to rate institutions of higher edu-
15 cation (as defined in section 102 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1002); or

17 (5) promulgate, implement, administer, or en-
18 force the proposed rule establishing a teacher prepa-
19 ration program accountability system as published
20 by the Department of Education in the Federal Reg-
21 ister on December 3, 2014 (79 Fed. Reg. 71819 et
22 seq.), or any new regulation with respect to a teach-
23 er preparation program accountability system:

24 *Provided*, That this section shall no longer apply upon en-
25 actment of a law that extends by not less than 2 fiscal

1 years the authorization or duration of one or more pro-
2 grams under the Higher Education Act of 1965.

3 SEC. 311. None of the funds in this Act may be used
4 to (including as a condition of any waiver provided under
5 section 9401 of the ESEA)—

6 (1) mandate, direct, or control a State, local
7 educational agency, or school's curriculum, program
8 of instruction, instructional content, specific aca-
9 demic standards or assessments;

10 (2) incentivize a State, local educational agency,
11 or school to adopt any specific instructional content,
12 academic standards, academic assessments, cur-
13 riculum, or program of instruction, including by pro-
14 viding any priority, preference, or special consider-
15 ation during the application process for any grant,
16 contract, or cooperative agreement that is based on
17 the adoption of any specific instructional content,
18 academic standards, academic assessments, cur-
19 riculum, or program of instruction; or

20 (3) make financial support available in a man-
21 ner that is conditioned upon a State, local edu-
22 cational agency, or school's adoption of any specific
23 instructional content, academic standards, academic
24 assessments, curriculum, or program of instruction
25 (such as the Common Core State Standards devel-

1 oped under the Common Core State Standards Ini-
2 tiative, any other standards common to a significant
3 number of States, or any specific assessment, in-
4 structional content, or curriculum aligned to such
5 standards).

6 SEC. 312. CAREER PATHWAYS PROGRAMS.—

7 (1) Subsection (d) of section 484 of the HEA
8 is amended by replacing (d)(2) with the following:

9 “(2) ELIGIBLE CAREER PATHWAY PROGRAM.—

10 In this subsection, the term ‘eligible career pathway
11 program’ means a program that combines rigorous
12 and high-quality education, training, and other serv-
13 ices that—

14 “(A) aligns with the skill needs of indus-
15 tries in the economy of the State or regional
16 economy involved;

17 “(B) prepares an individual to be success-
18 ful in any of a full range of secondary or post-
19 secondary education options, including appren-
20 ticeships registered under the Act of August 16,
21 1937 (commonly known as the ‘National Ap-
22 prenticeship Act’; 50 Stat. 664, chapter 663; 29
23 U.S.C. 50 et seq.) (referred to individually in
24 this Act as an ‘apprenticeship’, except in sec-
25 tion 171);

1 “(C) includes counseling to support an in-
2 dividual in achieving the individual’s education
3 and career goals;

4 “(D) includes, as appropriate, education
5 offered concurrently with and in the same con-
6 text as workforce preparation activities and
7 training for a specific occupation or occupa-
8 tional cluster;

9 “(E) organizes education, training, and
10 other services to meet the particular needs of
11 an individual in a manner that accelerates the
12 educational and career advancement of the indi-
13 vidual to the extent practicable;

14 “(F) enables an individual to attain a sec-
15 ondary school diploma or its recognized equiva-
16 lent, and at least 1 recognized postsecondary
17 credential; and

18 “(G) helps an individual enter or advance
19 within a specific occupation or occupational
20 cluster.”.

21 (2) Subsection (b) of section 401 of the HEA
22 is amended by striking the addition to (b)(2)(A)(ii)
23 made by subsection 309(b) of division G of Public
24 Law 113–235.

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

131

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES
6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established by Public Law 92–28, \$5,362,000.
9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES
11 For necessary expenses for the Corporation for Na-
12 tional and Community Service (referred to in this title as
13 “CNCS”) to carry out the Domestic Volunteer Service Act
14 of 1973 (referred to in this title as “1973 Act”) and the
15 National and Community Service Act of 1990 (referred
16 to in this title as “1990 Act”), \$614,075,000, notwith-
17 standing sections 198B(b)(3), 198S(g), 501(a)(6),
18 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Pro-*
19 *vided*, That of the amounts provided under this heading:
20 (1) up to 1 percent of program grant funds may be used
21 to defray the costs of conducting grant application re-
22 views, including the use of outside peer reviewers and elec-
23 tronic management of the grants cycle; (2) \$16,038,000
24 shall be available to provide assistance to State commis-
25 sions on national and community service, under section

1 126(a) of the 1990 Act and notwithstanding section
2 501(a)(5)(B) of the 1990 Act; (3) \$30,000,000 shall be
3 available to carry out subtitle E of the 1990 Act; and (4)
4 \$3,800,000 shall be available for expenses authorized
5 under section 501(a)(4)(F) of the 1990 Act, which, not-
6 withstanding the provisions of section 198P shall be
7 awarded by CNCS on a competitive basis: *Provided fur-*
8 *ther*, That for the purposes of carrying out the 1990 Act,
9 satisfying the requirements in section 122(c)(1)(D) may
10 include a determination of need by the local community.

11 PAYMENT TO THE NATIONAL SERVICE TRUST

12 (INCLUDING TRANSFER OF FUNDS)

13 For payment to the National Service Trust estab-
14 lished under subtitle D of title I of the 1990 Act,
15 \$145,000,000, to remain available until expended: *Pro-*
16 *vided*, That CNCS may transfer additional funds from the
17 amount provided within “Operating Expenses” allocated
18 to grants under subtitle C of title I of the 1990 Act to
19 the National Service Trust upon determination that such
20 transfer is necessary to support the activities of national
21 service participants and after notice is transmitted to the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate: *Provided further*, That amounts ap-
24 propriated for or transferred to the National Service Trust
25 may be invested under section 145(b) of the 1990 Act

1 without regard to the requirement to apportion funds
2 under 31 U.S.C. 1513(b).

3 SALARIES AND EXPENSES

4 For necessary expenses of administration as provided
5 under section 501(a)(5) of the 1990 Act and under section
6 504(a) of the 1973 Act, including payment of salaries, au-
7 thorized travel, hire of passenger motor vehicles, the rental
8 of conference rooms in the District of Columbia, the em-
9 ployment of experts and consultants authorized under 5
10 U.S.C. 3109, and not to exceed \$2,500 for official recep-
11 tion and representation expenses, \$80,000,000.

12 OFFICE OF INSPECTOR GENERAL

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

16 ADMINISTRATIVE PROVISIONS

17 SEC. 401. CNCS shall make any significant changes
18 to program requirements, service delivery or policy only
19 through public notice and comment rulemaking. For fiscal
20 year 2016, during any grant selection process, an officer
21 or employee of CNCS shall not knowingly disclose any cov-
22 ered grant selection information regarding such selection,
23 directly or indirectly, to any person other than an officer
24 or employee of CNCS that is authorized by CNCS to re-
25 ceive such information.

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

12 SEC. 403. Donations made to CNCS under section
13 196 of the 1990 Act for the purposes of financing pro-
14 grams and operations under titles I and II of the 1973
15 Act or subtitle B, C, D, or E of title I of the 1990 Act
16 shall be used to supplement and not supplant current pro-
17 grams and operations.

18 SEC. 404. In addition to the requirements in section
19 146(a) of the 1990 Act, use of an educational award for
20 the purpose described in section 148(a)(4) shall be limited
21 to individuals who are veterans as defined under section
22 101 of the Act.

23 SEC. 405. For the purpose of carrying out section
24 189D of the 1990 Act—

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

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

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

13 CORPORATION FOR PUBLIC BROADCASTING

14 For payment to the Corporation for Public Broad-
15 casting (“CPB”), as authorized by the Communications
16 Act of 1934, an amount which shall be available within
17 limitations specified by that Act, for the fiscal year 2018,
18 \$445,000,000: *Provided*, That none of the funds made
19 available to CPB by this Act shall be used to pay for re-
20 ceptions, parties, or similar forms of entertainment for
21 Government officials or employees: *Provided further*, That
22 none of the funds made available to CPB by this Act shall
23 be available or used to aid or support any program or ac-
24 tivity from which any person is excluded, or is denied ben-
25 efits, or is discriminated against, on the basis of race,

1 color, national origin, religion, or sex: *Provided further,*
2 That none of the funds made available to CPB by this
3 Act shall be used to apply any political test or qualification
4 in selecting, appointing, promoting, or taking any other
5 personnel action with respect to officers, agents, and em-
6 ployees of CPB: *Provided further,* That none of the funds
7 made available to CPB by this Act shall be used to support
8 the Television Future Fund or any similar purpose: *Pro-*
9 *vided further,* That notwithstanding any other provision
10 of law, from amounts appropriated under the Consolidated
11 Appropriations Act, 2014 (Public Law 113–76) for the
12 Corporation for Public Broadcasting for fiscal year 2016,
13 not to exceed \$40,000,000 may be available for allocation
14 to provide funding for the first phase of the multi-year
15 project to replace and upgrade the public television inter-
16 connection system without altering the percentages of
17 funds made available for allocation pursuant to subclause
18 (II) of section 396(k)(3)(A)(i) of the Communications Act
19 of 1934 (47 U.S.C. 396(k)(3)(A)(i)) from the total of such
20 amounts and without altering the percentages of funds
21 made available for allocation pursuant to subclause (I),
22 subclause (III) and subclause (IV) of that section of that
23 Act from any remaining amounts.

1 FEDERAL MEDIATION AND CONCILIATION SERVICE

2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Mediation
4 and Conciliation Service (“Service”) to carry out the func-
5 tions vested in it by the Labor-Management Relations Act,
6 1947, including hire of passenger motor vehicles; for ex-
7 penses necessary for the Labor-Management Cooperation
8 Act of 1978; and for expenses necessary for the Service
9 to carry out the functions vested in it by the Civil Service
10 Reform Act, \$47,823,000, including up to \$400,000 to re-
11 main available through September 30, 2017, for activities
12 authorized by the Labor-Management Cooperation Act of
13 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
14 fees charged, up to full-cost recovery, for special training
15 activities and other conflict resolution services and tech-
16 nical assistance, including those provided to foreign gov-
17 ernments and international organizations, and for arbitra-
18 tion services shall be credited to and merged with this ac-
19 count, and shall remain available until expended: *Provided*
20 *further*, That fees for arbitration services shall be available
21 only for education, training, and professional development
22 of the agency workforce: *Provided further*, That the Direc-
23 tor of the Service is authorized to accept and use on behalf
24 of the United States gifts of services and real, personal,

1 or other property in the aid of any projects or functions
2 within the Director's jurisdiction.

3 FEDERAL MINE SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

6 For expenses necessary for the Federal Mine Safety
7 and Health Review Commission, \$15,950,000.

8 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

9 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

10 AND ADMINISTRATION

11 For carrying out the Museum and Library Services
12 Act of 1996 and the National Museum of African Amer-
13 ican History and Culture Act, \$227,860,000.

14 MEDICAID AND CHIP PAYMENT AND ACCESS

15 COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary to carry out section 1900 of
18 the Social Security Act, \$7,250,000.

19 MEDICARE PAYMENT ADVISORY COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary to carry out section 1805 of
22 the Social Security Act, \$11,100,000, to be transferred to
23 this appropriation from the Federal Hospital Insurance
24 Trust Fund and the Federal Supplementary Medical In-
25 surance Trust Fund.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, \$3,075,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, and other laws,
11 \$246,802,000: *Provided*, That no part of this appropria-
12 tion shall be available to organize or assist in organizing
13 agricultural laborers or used in connection with investiga-
14 tions, hearings, directives, or orders concerning bargaining
15 units composed of agricultural laborers as referred to in
16 section 2(3) of the Act of July 5, 1935, and as amended
17 by the Labor-Management Relations Act, 1947, and as de-
18 fined in section 3(f) of the Act of June 25, 1938, and
19 including in said definition employees engaged in the
20 maintenance and operation of ditches, canals, reservoirs,
21 and waterways when maintained or operated on a mutual,
22 nonprofit basis and at least 95 percent of the water stored
23 or supplied thereby is used for farming purposes.

1 ADMINISTRATIVE PROVISION

2 SEC. 406. None of the funds provided by this Act
3 or previous Acts making appropriations for the National
4 Labor Relations Board may be used to issue any new ad-
5 ministrative directive or regulation that would provide em-
6 ployees any means of voting through any electronic means
7 in an election to determine a representative for the pur-
8 poses of collective bargaining.

9 SEC. 407. None of the funds made available by this
10 Act may be used to implement or enforce any rule amend-
11 ing parts 101, 102, and 103 of title 29, Code of Federal
12 Regulations (relating to the filing and processing of peti-
13 tions pursuant to the representation of employees for the
14 purposes of collective bargaining with their employer), in-
15 cluding the final rule published by the National Labor Re-
16 lations Board in the Federal Register on December 15,
17 2014 (79 Fed. Reg. 74308).

18 SEC. 408. None of the funds in this or any other Act
19 making appropriations for the National Labor Relations
20 Board or any other Federal Agencies shall be used to in-
21 vestigate, issue, enforce or litigate any administrative di-
22 rective, regulation, representation issue or unfair labor
23 practice proceeding or any other administrative complaint,
24 charge, claim or proceeding that would change the inter-
25 pretation or application of a standard to determine wheth-

1 er entities are “joint employers” in effect as of January
2 1, 2014. As established in *TLI, Inc.* 271 NLRB 798
3 (1984) enforced 772 F.2d 894 (3d Cir. 1985), *Airborne*
4 *Express*, 338 NLRB 597 (2002), and *The Southland Cor-*
5 *poration dba Speedee 7-Eleven*, 170 NLRB 1332 (1968),
6 a “joint employer” under the National Labor Relations
7 Act as of January 1, 2014 is defined as two or more sepa-
8 rate and independent business entities where one entity
9 directly and immediately controls the essential terms and
10 conditions of employment of the other entity’s employees,
11 including hiring, firing, discipline, supervision and direc-
12 tion.

13 SEC. 409. None of the funds in this Act may be used
14 to implement, create, apply or enforce through prosecu-
15 tion, adjudication, rulemaking, or the issuing of any inter-
16 pretation, opinion, certification, decision or policy, any
17 standard for initial bargaining unit determinations that
18 conflicts with the standard articulated in the majority
19 opinion in *Wheeling Island Gaming Inc. and United Food*
20 *and Commercial Workers International Union, Local 23*,
21 *355 NLRB 127* (August 27, 2010) (including but not lim-
22 ited to the majority opinion in footnote 2), except for unit
23 determinations currently governed by NLRB rule section
24 103.30 for employers currently covered by such rules. Fur-
25 ther, no funds in this Act shall be used to implement, cre-

1 ate, apply or enforce through prosecution, adjudication,
2 rulemaking, or the issuing of any interpretation, opinion,
3 certification, decision or policy, any standard for initial
4 bargaining unit determinations that utilize the over-
5 whelming community of interest test except in accretion
6 cases.

7 NATIONAL MEDIATION BOARD

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out the provisions
10 of the Railway Labor Act, including emergency boards ap-
11 pointed by the President, \$12,600,000.

12 OCCUPATIONAL SAFETY AND HEALTH REVIEW

13 COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary for the Occupational Safety
16 and Health Review Commission, \$11,100,000.

17 RAILROAD RETIREMENT BOARD

18 DUAL BENEFITS PAYMENTS ACCOUNT

19 For payment to the Dual Benefits Payments Ac-
20 count, authorized under section 15(d) of the Railroad Re-
21 tirement Act of 1974, \$29,000,000, which shall include
22 amounts becoming available in fiscal year 2016 pursuant
23 to section 224(e)(1)(B) of Public Law 98-76; and in addi-
24 tion, an amount, not to exceed 2 percent of the amount
25 provided herein, shall be available proportional to the

1 amount by which the product of recipients and the average
2 benefit received exceeds the amount available for payment
3 of vested dual benefits: *Provided*, That the total amount
4 provided herein shall be credited in 12 approximately
5 equal amounts on the first day of each month in the fiscal
6 year.

7 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
8 ACCOUNTS

9 For payment to the accounts established in the
10 Treasury for the payment of benefits under the Railroad
11 Retirement Act for interest earned on unnegotiated
12 checks, \$150,000, to remain available through September
13 30, 2017, which shall be the maximum amount available
14 for payment pursuant to section 417 of Public Law 98–
15 76.

16 LIMITATION ON ADMINISTRATION

17 For necessary expenses for the Railroad Retirement
18 Board (“Board”) for administration of the Railroad Re-
19 tirement Act and the Railroad Unemployment Insurance
20 Act, \$111,225,000, to be derived in such amounts as de-
21 termined by the Board from the railroad retirement ac-
22 counts and from moneys credited to the railroad unem-
23 ployment insurance administration fund: *Provided*, That
24 notwithstanding section 7(b)(9) of the Railroad Retire-
25 ment Act this limitation may be used to hire attorneys

1 only through the excepted service: *Provided further*, That
2 the previous proviso shall not change the status under
3 Federal employment laws of any attorney hired by the
4 Railroad Retirement Board prior to January 1, 2013.

5 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

12 SOCIAL SECURITY ADMINISTRATION

13 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

14 For payment to the Federal Old-Age and Survivors
15 Insurance Trust Fund and the Federal Disability Insur-
16 ance Trust Fund, as provided under sections 201(m),
17 217(g), 228(g), and 1131(b)(2) of the Social Security Act,
18 \$20,400,000.

19 SUPPLEMENTAL SECURITY INCOME PROGRAM

20 For carrying out titles XI and XVI of the Social Se-
21 curity Act, section 401 of Public Law 92–603, section 212
22 of Public Law 93–66, as amended, and section 405 of
23 Public Law 95–216, including payment to the Social Secu-
24 rity trust funds for administrative expenses incurred pur-
25 suant to section 201(g)(1) of the Social Security Act,

1 \$46,110,777,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury: *Pro-*
5 *vided further*, That not more than \$101,000,000 shall be
6 available for research and demonstrations under sections
7 1110, 1115, and 1144 of the Social Security Act, and re-
8 main available through September 30, 2018.

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

13 For making benefit payments under title XVI of the
14 Social Security Act for the first quarter of fiscal year
15 2017, \$14,500,000,000, to remain available until ex-
16 pended.

17 LIMITATION ON ADMINISTRATIVE EXPENSES

18 For necessary expenses, including the hire of two pas-
19 senger motor vehicles, and not to exceed \$20,000 for offi-
20 cial reception and representation expenses, not more than
21 \$10,044,945,000 may be expended, as authorized by sec-
22 tion 201(g)(1) of the Social Security Act, from any one
23 or all of the trust funds referred to in such section: *Pro-*
24 *vided*, That not less than \$2,300,000 shall be for the So-
25 cial Security Advisory Board: *Provided further*, That

1 \$11,900,000 may be used for necessary expenses for the
2 planning and design of the renovation and modernization
3 of SSA facilities, to remain available until expended: *Pro-*
4 *vided further*, That unobligated balances of funds provided
5 under this paragraph at the end of fiscal year 2016 not
6 needed for fiscal year 2016 shall remain available until
7 expended to invest in the Social Security Administration
8 information technology and telecommunications hardware
9 and software infrastructure, including related equipment
10 and non-payroll administrative expenses associated solely
11 with this information technology and telecommunications
12 infrastructure: *Provided further*, That the Commissioner
13 of Social Security shall notify the Committees on Appro-
14 priations of the House of Representatives and the Senate
15 prior to making unobligated balances available under the
16 authority in the previous proviso: *Provided further*, That
17 reimbursement to the trust funds under this heading for
18 expenditures for official time for employees of the Social
19 Security Administration pursuant to 5 U.S.C. 7131, and
20 for facilities or support services for labor organizations
21 pursuant to policies, regulations, or procedures referred
22 to in section 7135(b) of such title shall be made by the
23 Secretary of the Treasury, with interest, from amounts in
24 the general fund not otherwise appropriated, as soon as
25 possible after such expenditures are made.

1 In addition, for the costs associated with continuing
2 disability reviews under titles II and XVI of the Social
3 Security Act and for the cost associated with conducting
4 redeterminations of eligibility under title XVI of the Social
5 Security Act, \$1,439,000,000 may be expended, as au-
6 thorized by section 201(g)(1) of the Social Security Act,
7 from any one or all of the trust funds referred to therein:
8 *Provided*, That, of such amount, \$273,000,000 is provided
9 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985, as amended, and \$1,166,000,000 is additional new
12 budget authority specified for purposes of section
13 251(b)(2)(B) of such Act: *Provided further*, That the Com-
14 missioner shall provide to the Congress (at the conclusion
15 of the fiscal year) a report on the obligation and expendi-
16 ture of these funds, similar to the reports that were re-
17 quired by section 103(d)(2) of Public Law 104-121 for
18 fiscal years 1996 through 2002.

19 In addition, \$136,000,000 to be derived from admin-
20 istration fees in excess of \$5.00 per supplementary pay-
21 ment collected pursuant to section 1616(d) of the Social
22 Security Act or section 212(b)(3) of Public Law 93-66,
23 which shall remain available until expended. To the extent
24 that the amounts collected pursuant to such sections in
25 fiscal year 2016 exceed \$136,000,000, the amounts shall

1 be available in fiscal year 2017 only to the extent provided
2 in advance in appropriations Acts.

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

7 OFFICE OF INSPECTOR GENERAL
8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses necessary for the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$28,829,000, together with not to
12 exceed \$74,521,000, to be transferred and expended as
13 authorized by section 201(g)(1) of the Social Security Act
14 from the Federal Old-Age and Survivors Insurance Trust
15 Fund and the Federal Disability Insurance Trust Fund.

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

1

TITLE V

2

GENERAL PROVISIONS

3

(TRANSFER OF FUNDS)

4

SEC. 501. The Secretaries of Labor, Health and

5

Human Services, and Education are authorized to transfer

6

unexpended balances of prior appropriations to accounts

7

corresponding to current appropriations provided in this

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Act. Such transferred balances shall be used for the same

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purpose, and for the same periods of time, for which they

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were originally appropriated.

11

SEC. 502. No part of any appropriation contained in

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this Act shall remain available for obligation beyond the

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current fiscal year unless expressly so provided herein.

14

SEC. 503. (a) No part of any appropriation contained

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in this Act or transferred pursuant to section 4002 of

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Public Law 111-148 shall be used, other than for normal

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and recognized executive-legislative relationships, for pub-

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licity or propaganda purposes, for the preparation, dis-

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tribution, or use of any kit, pamphlet, booklet, publication,

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electronic communication, radio, television, or video pres-

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entation designed to support or defeat the enactment of

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legislation before the Congress or any State or local legis-

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lature or legislative body, except in presentation to the

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Congress or any State or local legislature itself, or de-

25

signed to support or defeat any proposed or pending regu-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2016, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

21 (1) creates new programs;

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

23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

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

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2016, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

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

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

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

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

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

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

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2016 that are different than those specified

1 in this Act, the accompanying detailed table in the report
2 accompanying this Act, or the fiscal year 2016 budget re-
3 quest.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000 in value and awarded by the
10 Department on a non-competitive basis during each quar-
11 ter of fiscal year 2016, but not to include grants awarded
12 on a formula basis or directed by law. Such report shall
13 include the name of the contractor or grantee, the amount
14 of funding, the governmental purpose, including a jus-
15 tification for issuing the award on a non-competitive basis.
16 Such report shall be transmitted to the Committees within
17 30 days after the end of the quarter for which the report
18 is submitted.

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

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

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

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

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

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

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

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

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

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

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

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

11 SEC. 525. (a) Federal agencies may use Federal dis-
12 cretionary funds that are made available in this Act to
13 carry out up to 10 Performance Partnership Pilots. Such
14 Pilots shall—

15 (1) be designed to improve outcomes for discon-
16 nected youth;

17 (2) include communities that have recently ex-
18 perience civil unrest; and

19 (3) involve Federal programs targeted on dis-
20 connected youth, or designed to prevent youth from
21 disconnecting from school or work, that provide edu-
22 cation, training, employment, and other related so-
23 cial services. Such Pilots shall be governed by the
24 provisions of section 526 of division H of Public
25 Law 113–76, except that in carrying out such Pilots

1 section 526 shall be applied by substituting “FISCAL
2 YEAR 2016” for “FISCAL YEAR 2014” in the title of
3 subsection (b) and by substituting “September 30,
4 2020” for “September 30, 2018” each place it ap-
5 pears.

6 (b) In addition, Federal agencies may use Federal
7 discretionary funds that are made available in this Act to
8 participate in Performance Partnership Pilots that are
9 being carried out pursuant to the authority provided by
10 section 526 of division H of Public Law 113–76, and sec-
11 tion 524 of division G of Public Law 113–235: *Provided,*
12 That new pilots that are being carried out with discre-
13 tionary funds made available in division G of Public Law
14 113–25 shall include communities that have recently expe-
15 rienced civil unrest.

16 SEC. 526. Not later than 30 days after the end of
17 each calendar quarter, beginning with the first quarter of
18 fiscal year 2013, the Departments of Labor, Health and
19 Human Services and Education and the Social Security
20 Administration shall provide the Committees on Appro-
21 priations of the House of Representatives and Senate a
22 quarterly report on the status of balances of appropria-
23 tions: *Provided,* That for balances that are unobligated
24 and uncommitted, committed, and obligated but unex-
25 pended, the quarterly reports shall separately identify the

1 amounts attributable to each source year of appropriation
2 (beginning with fiscal year 2012, or, to the extent feasible,
3 earlier fiscal years) from which balances were derived.

4 SEC. 527. Section 2812(d)(2) of the Public Health
5 Service Act (42 U.S.C. 300hh-11(d)(2)) is amended—

6 (1) by redesignating the three sentences as sub-
7 paragraphs (A), (B), and (C), respectively, and in-
8 denting accordingly;

9 (2) in subparagraph (A), as so redesignated, by
10 striking “An” and inserting “IN GENERAL.—An”;

11 (3) in subparagraph (B), as so redesignated, by
12 striking “With” and inserting “APPLICATION TO
13 TRAINING PROGRAMS.—With”;

14 (4) in subparagraph (C), as so redesignated, by
15 striking “In” and inserting “RESPONSIBILITY OF
16 LABOR SECRETARY.—In”; and

17 (5) by adding at the end the following new sub-
18 paragraphs:

19 “(D) COMPUTATION OF PAY.—In the event
20 of an injury to such an intermittent disaster re-
21 sponse appointee, the position of the employee
22 shall be deemed to be ‘one which would have af-
23 forded employment for substantially a whole
24 year’, for purposes of section 8114(d)(2) of
25 such title.

166

1 (RESCISSION)

2 SEC. 532. Of any available amounts appropriated
3 under section 108 of Public Law 111–3, as amended,
4 \$3,970,478,000 are hereby rescinded.

5 (RESCISSION)

6 SEC. 533. Of the unobligated balances available from
7 the Community Health Center Fund in prior fiscal years,
8 \$190,000,000 are hereby rescinded.

9 This Act may be cited as the “Departments of Labor,
10 Health and Human Services, and Education, and Related
11 Agencies Appropriations Act, 2016”.

[COMMITTEE PRINT]

Calendar No. 000

114TH CONGRESS
1ST SESSION

S. 0000

[Report No. 114-000]

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.

JULY 00, 2015

Read twice and placed on the calendar