

[COMMITTEE PRINT]

115TH CONGRESS 2d Session	}	HOUSE OF REPRESENTATIVES	{	REPORT 115-_____
------------------------------	---	--------------------------	---	---------------------

DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR END-
ING SEPTEMBER 30, 2019, AND FOR OTHER PURPOSES

_____, 2018.—Ordered to be printed

_____, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 6157]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6157), making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Department of Defense
3 and Labor, Health and Human Services, and Education
4 Appropriations Act, 2019 and Continuing Appropriations
5 Act, 2019”.

6 SEC. 2. TABLE OF CONTENTS.

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2019

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations

DIVISION B—DEPARTMENTS OF LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2019

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **SEC. 4. STATEMENT OF APPROPRIATIONS.**

7 The following sums in this Act are appropriated, out
8 of any money in the Treasury not otherwise appropriated,
9 for the fiscal year ending September 30, 2019.

1 **DIVISION A—DEPARTMENT OF DEFENSE**
2 **APPROPRIATIONS ACT, 2019**

3 **TITLE I**

4 **MILITARY PERSONNEL**

5 **MILITARY PERSONNEL, ARMY**

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97–
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$42,690,042,000.

18 **MILITARY PERSONNEL, NAVY**

19 For pay, allowances, individual clothing, subsistence,
20 interest on deposits, gratuities, permanent change of sta-
21 tion travel (including all expenses thereof for organiza-
22 tional movements), and expenses of temporary duty travel
23 between permanent duty stations, for members of the
24 Navy on active duty (except members of the Reserve pro-

1 vided for elsewhere), midshipmen, and aviation cadets; for
2 members of the Reserve Officers' Training Corps; and for
3 payments pursuant to section 156 of Public Law 97-377,
4 as amended (42 U.S.C. 402 note), and to the Department
5 of Defense Military Retirement Fund, \$30,164,481,000.

6 MILITARY PERSONNEL, MARINE CORPS

7 For pay, allowances, individual clothing, subsistence,
8 interest on deposits, gratuities, permanent change of sta-
9 tion travel (including all expenses thereof for organiza-
10 tional movements), and expenses of temporary duty travel
11 between permanent duty stations, for members of the Ma-
12 rine Corps on active duty (except members of the Reserve
13 provided for elsewhere); and for payments pursuant to sec-
14 tion 156 of Public Law 97-377, as amended (42 U.S.C.
15 402 note), and to the Department of Defense Military Re-
16 tirement Fund, \$13,779,038,000.

17 MILITARY PERSONNEL, AIR FORCE

18 For pay, allowances, individual clothing, subsistence,
19 interest on deposits, gratuities, permanent change of sta-
20 tion travel (including all expenses thereof for organiza-
21 tional movements), and expenses of temporary duty travel
22 between permanent duty stations, for members of the Air
23 Force on active duty (except members of reserve compo-
24 nents provided for elsewhere), cadets, and aviation cadets;
25 for members of the Reserve Officers' Training Corps; and

1 for payments pursuant to section 156 of Public Law 97–
2 377, as amended (42 U.S.C. 402 note), and to the Depart-
3 ment of Defense Military Retirement Fund,
4 \$30,074,691,000.

5 RESERVE PERSONNEL, ARMY

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Army Re-
8 serve on active duty under sections 10211, 10302, and
9 3038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$4,836,947,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 10211 of title 10,
22 United States Code, or while serving on active duty under
23 section 12301(d) of title 10, United States Code, in con-
24 nection with performing duty specified in section 12310(a)
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent
2 duty, and expenses authorized by section 16131 of title
3 10, United States Code; and for payments to the Depart-
4 ment of Defense Military Retirement Fund,
5 \$2,049,021,000.

6 RESERVE PERSONNEL, MARINE CORPS

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Marine
9 Corps Reserve on active duty under section 10211 of title
10 10, United States Code, or while serving on active duty
11 under section 12301(d) of title 10, United States Code,
12 in connection with performing duty specified in section
13 12310(a) of title 10, United States Code, or while under-
14 going reserve training, or while performing drills or equiv-
15 alent duty, and for members of the Marine Corps platoon
16 leaders class, and expenses authorized by section 16131
17 of title 10, United States Code; and for payments to the
18 Department of Defense Military Retirement Fund,
19 \$782,390,000.

20 RESERVE PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Force
23 Reserve on active duty under sections 10211, 10305, and
24 8038 of title 10, United States Code, or while serving on
25 active duty under section 12301(d) of title 10, United

1 States Code, in connection with performing duty specified
2 in section 12310(a) of title 10, United States Code, or
3 while undergoing reserve training, or while performing
4 drills or equivalent duty or other duty, and expenses au-
5 thorized by section 16131 of title 10, United States Code;
6 and for payments to the Department of Defense Military
7 Retirement Fund, \$1,860,406,000.

8 NATIONAL GUARD PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Army Na-
11 tional Guard while on duty under sections 10211, 10302,
12 or 12402 of title 10 or section 708 of title 32, United
13 States Code, or while serving on duty under section
14 12301(d) of title 10 or section 502(f) of title 32, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing training, or while performing drills or
18 equivalent duty or other duty, and expenses authorized by
19 section 16131 of title 10, United States Code; and for pay-
20 ments to the Department of Defense Military Retirement
21 Fund, \$8,600,945,000.

22 NATIONAL GUARD PERSONNEL, AIR FORCE

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Air Na-
25 tional Guard on duty under sections 10211, 10305, or

1 12402 of title 10 or section 708 of title 32, United States
2 Code, or while serving on duty under section 12301(d) of
3 title 10 or section 502(f) of title 32, United States Code,
4 in connection with performing duty specified in section
5 12310(a) of title 10, United States Code, or while under-
6 going training, or while performing drills or equivalent
7 duty or other duty, and expenses authorized by section
8 16131 of title 10, United States Code; and for payments
9 to the Department of Defense Military Retirement Fund,
10 \$3,699,080,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$40,145,482,000: *Provided*, That not to ex-
7 ceed \$12,478,000 can be used for emergencies and ex-
8 traordinary expenses, to be expended on the approval or
9 authority of the Secretary of the Army, and payments may
10 be made on his certificate of necessity for confidential mili-
11 tary purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$48,034,826,000:
16 *Provided*, That not to exceed \$15,055,000 can be used for
17 emergencies and extraordinary expenses, to be expended
18 on the approval or authority of the Secretary of the Navy,
19 and payments may be made on his certificate of necessity
20 for confidential military purposes.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$6,540,049,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$40,379,184,000: *Provided*, That not
5 to exceed \$7,699,000 can be used for emergencies and ex-
6 traordinary expenses, to be expended on the approval or
7 authority of the Secretary of the Air Force, and payments
8 may be made on his certificate of necessity for confidential
9 military purposes.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$35,613,354,000:
16 *Provided*, That not more than \$7,503,000 may be used
17 for the Combatant Commander Initiative Fund authorized
18 under section 166a of title 10, United States Code: *Pro-*
19 *vided further*, That not to exceed \$36,000,000 can be used
20 for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 Defense, and payments may be made on his certificate of
23 necessity for confidential military purposes: *Provided fur-*
24 *ther*, That of the funds provided under this heading, not
25 less than \$42,300,000 shall be made available for the Pro-

1 curement Technical Assistance Cooperative Agreement
2 Program, of which not less than \$4,500,000 shall be avail-
3 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
4 *vided further*, That none of the funds appropriated or oth-
5 erwise made available by this Act may be used to plan
6 or implement the consolidation of a budget or appropria-
7 tions liaison office of the Office of the Secretary of De-
8 fense, the office of the Secretary of a military department,
9 or the service headquarters of one of the Armed Forces
10 into a legislative affairs or legislative liaison office: *Pro-*
11 *vided further*, That \$19,160,000, to remain available until
12 expended, is available only for expenses relating to certain
13 classified activities, and may be transferred as necessary
14 by the Secretary of Defense to operation and maintenance
15 appropriations or research, development, test and evalua-
16 tion appropriations, to be merged with and to be available
17 for the same time period as the appropriations to which
18 transferred: *Provided further*, That any ceiling on the in-
19 vestment item unit cost of items that may be purchased
20 with operation and maintenance funds shall not apply to
21 the funds described in the preceding proviso: *Provided fur-*
22 *ther*, That of the funds provided under this heading,
23 \$663,969,000, of which \$165,992,000, to remain available
24 until September 30, 2020, shall be available to provide
25 support and assistance to foreign security forces or other

1 groups or individuals to conduct, support or facilitate
2 counterterrorism, crisis response, or other Department of
3 Defense security cooperation programs: *Provided further*,
4 That the transfer authority provided under this heading
5 is in addition to any other transfer authority provided else-
6 where in this Act.

7 OPERATION AND MAINTENANCE, ARMY RESERVE

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance, including training, or-
10 ganization, and administration, of the Army Reserve; re-
11 pair of facilities and equipment; hire of passenger motor
12 vehicles; travel and transportation; care of the dead; re-
13 cruiting; procurement of services, supplies, and equip-
14 ment; and communications, \$2,781,402,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Navy Reserve; re-
19 pair of facilities and equipment; hire of passenger motor
20 vehicles; travel and transportation; care of the dead; re-
21 cruiting; procurement of services, supplies, and equip-
22 ment; and communications, \$1,018,006,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications, \$271,570,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications, \$3,191,734,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and admin-
21 istering the Army National Guard, including medical and
22 hospital treatment and related expenses in non-Federal
23 hospitals; maintenance, operation, and repairs to struc-
24 tures and facilities; hire of passenger motor vehicles; per-
25 sonnel services in the National Guard Bureau; travel ex-

1 penses (other than mileage), as authorized by law for
2 Army personnel on active duty, for Army National Guard
3 division, regimental, and battalion commanders while in-
4 specting units in compliance with National Guard Bureau
5 regulations when specifically authorized by the Chief, Na-
6 tional Guard Bureau; supplying and equipping the Army
7 National Guard as authorized by law; and expenses of re-
8 pair, modification, maintenance, and issue of supplies and
9 equipment (including aircraft), \$7,118,831,000.

10 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

11 For expenses of training, organizing, and admin-
12 istering the Air National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; transportation of things, hire of pas-
16 senger motor vehicles; supplying and equipping the Air
17 National Guard, as authorized by law; expenses for repair,
18 modification, maintenance, and issue of supplies and
19 equipment, including those furnished from stocks under
20 the control of agencies of the Department of Defense;
21 travel expenses (other than mileage) on the same basis as
22 authorized by law for Air National Guard personnel on
23 active Federal duty, for Air National Guard commanders
24 while inspecting units in compliance with National Guard

1 Bureau regulations when specifically authorized by the
2 Chief, National Guard Bureau, \$6,420,697,000.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$14,662,000, of which not to exceed \$5,000 may be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$235,809,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation:

1 *Provided further*, That the transfer authority provided
2 under this heading is in addition to any other transfer au-
3 thority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$365,883,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Navy shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris of the Department of the Navy, or
12 for similar purposes, transfer the funds made available by
13 this appropriation to other appropriations made available
14 to the Department of the Navy, to be merged with and
15 to be available for the same purposes and for the same
16 time period as the appropriations to which transferred:
17 *Provided further*, That upon a determination that all or
18 part of the funds transferred from this appropriation are
19 not necessary for the purposes provided herein, such
20 amounts may be transferred back to this appropriation:
21 *Provided further*, That the transfer authority provided
22 under this heading is in addition to any other transfer au-
23 thority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$365,808,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation: *Provided further*, That the transfer au-
19 thority provided under this heading is in addition to any
20 other transfer authority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$19,002,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

1 are required for environmental restoration, reduction and
2 recycling of hazardous waste, removal of unsafe buildings
3 and debris of the Department of Defense, or for similar
4 purposes, transfer the funds made available by this appro-
5 priation to other appropriations made available to the De-
6 partment of Defense, to be merged with and to be avail-
7 able for the same purposes and for the same time period
8 as the appropriations to which transferred: *Provided fur-*
9 *ther*, That upon a determination that all or part of the
10 funds transferred from this appropriation are not nec-
11 essary for the purposes provided herein, such amounts
12 may be transferred back to this appropriation: *Provided*
13 *further*, That the transfer authority provided under this
14 heading is in addition to any other transfer authority pro-
15 vided elsewhere in this Act.

16 ENVIRONMENTAL RESTORATION, FORMERLY USED
17 DEFENSE SITES
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$248,673,000, to
20 remain available until transferred: *Provided*, That the Sec-
21 retary of the Army shall, upon determining that such
22 funds are required for environmental restoration, reduc-
23 tion and recycling of hazardous waste, removal of unsafe
24 buildings and debris at sites formerly used by the Depart-
25 ment of Defense, transfer the funds made available by this

1 appropriation to other appropriations made available to
2 the Department of the Army, to be merged with and to
3 be available for the same purposes and for the same time
4 period as the appropriations to which transferred: *Pro-*
5 *vided further*, That upon a determination that all or part
6 of the funds transferred from this appropriation are not
7 necessary for the purposes provided herein, such amounts
8 may be transferred back to this appropriation: *Provided*
9 *further*, That the transfer authority provided under this
10 heading is in addition to any other transfer authority pro-
11 vided elsewhere in this Act.

12 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

13 For expenses relating to the Overseas Humanitarian,
14 Disaster, and Civic Aid programs of the Department of
15 Defense (consisting of the programs provided under sec-
16 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
17 United States Code), \$117,663,000, to remain available
18 until September 30, 2020.

19 COOPERATIVE THREAT REDUCTION ACCOUNT

20 For assistance, including assistance provided by con-
21 tract or by grants, under programs and activities of the
22 Department of Defense Cooperative Threat Reduction
23 Program authorized under the Department of Defense Co-
24 operative Threat Reduction Act, \$350,240,000, to remain
25 available until September 30, 2021.

1 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
2 DEVELOPMENT FUND

3 For the Department of Defense Acquisition Work-
4 force Development Fund, \$450,000,000, to remain avail-
5 able for obligation until September 30, 2020: *Provided,*
6 That no other amounts may be otherwise credited or
7 transferred to the Fund, or deposited into the Fund, in
8 fiscal year 2019 pursuant to section 1705(d) of title 10,
9 United States Code.

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$4,299,566,000, to remain available
17 for obligation until September 30, 2021.

18 MISSILE PROCUREMENT, ARMY
19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$3,145,256,000, to remain available
7 for obligation until September 30, 2021.

8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
9 VEHICLES, ARMY

10 For construction, procurement, production, and
11 modification of weapons and tracked combat vehicles,
12 equipment, including ordnance, spare parts, and acces-
13 sories therefor; specialized equipment and training devices;
14 expansion of public and private plants, including the land
15 necessary therefor, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; and other expenses necessary for the foregoing
22 purposes, \$4,486,402,000, to remain available for obliga-
23 tion until September 30, 2021.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,276,330,000, to remain
15 available for obligation until September 30, 2021.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$7,844,691,000, to remain available for obligation until
8 September 30, 2021.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$20,092,199,000, to remain available for obligation until
21 September 30, 2021.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,711,576,000, to remain available for obliga-
9 tion until September 30, 2021.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$952,682,000, to remain avail-
25 able for obligation until September 30, 2021.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-
3 tion, or conversion of vessels as authorized by law, includ-
4 ing armor and armament thereof, plant equipment, appli-
5 ances, and machine tools and installation thereof in public
6 and private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway; procurement of critical,
8 long lead time components and designs for vessels to be
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as follows:

14 Ohio Replacement Submarine (AP),
15 \$3,173,400,000;

16 Carrier Replacement Program (CVN-80),
17 \$1,573,181,000;

18 Virginia Class Submarine, \$4,340,676,000;

19 Virginia Class Submarine (AP),
20 \$2,796,401,000;

21 CVN Refueling Overhauls (AP), \$425,873,000;

22 DDG-1000 Program, \$270,965,000;

23 DDG-51 Destroyer, \$5,249,837,000;

24 DDG-51 Destroyer (AP), \$641,928,000;

25 Littoral Combat Ship, \$1,571,244,000;

1 LPD-17, \$350,000,000;
2 Expeditionary Sea Base, \$647,000,000;
3 LHA Replacement (AP), \$350,000,000;
4 Expeditionary Fast Transport, \$225,000,000;
5 TAO Fleet Oiler, \$977,104,000;
6 TAO Fleet Oiler (AP), \$75,046,000;
7 Towing Salvage and Rescue Ship, \$80,517,000;
8 LCU 1700, \$41,520,000;
9 Ship to Shore Connector, \$507,875,000;
10 Service Craft, \$72,062,000;
11 LCAC SLEP, \$23,321,000;
12 For outfitting, post delivery, conversions, and
13 first destination transportation, \$550,038,000; and
14 Completion of Prior Year Shipbuilding Pro-
15 grams, \$207,099,000.
16 In all: \$24,150,087,000, to remain available for obli-
17 gation until September 30, 2023: *Provided*, That addi-
18 tional obligations may be incurred after September 30,
19 2023, for engineering services, tests, evaluations, and
20 other such budgeted work that must be performed in the
21 final stage of ship construction: *Provided further*, That
22 none of the funds provided under this heading for the con-
23 struction or conversion of any naval vessel to be con-
24 structed in shipyards in the United States shall be ex-
25 pended in foreign facilities for the construction of major

1 components of such vessel: *Provided further*, That none
2 of the funds provided under this heading shall be used
3 for the construction of any naval vessel in foreign ship-
4 yards: *Provided further*, That funds appropriated or other-
5 wise made available by this Act for production of the com-
6 mon missile compartment of nuclear-powered vessels may
7 be available for multiyear procurement of critical compo-
8 nents to support continuous production of such compart-
9 ments only in accordance with the provisions of subsection
10 (i) of section 2218a of title 10, United States Code (as
11 added by section 1023 of the National Defense Authoriza-
12 tion Act for Fiscal Year 2017 (Public Law 114–328)):
13 *Provided further*, That the funds made available by this
14 Act for the Carrier Replacement Program (CVN–80) may
15 be available to modify or enter into a new contract for
16 the procurement of a Ford-class aircraft carrier des-
17 igned CVN–81 pursuant to section 121 of the John S.
18 McCain National Defense Authorization Act for Fiscal
19 Year 2019.

20 OTHER PROCUREMENT, NAVY

21 For procurement, production, and modernization of
22 support equipment and materials not otherwise provided
23 for, Navy ordnance (except ordnance for new aircraft, new
24 ships, and ships authorized for conversion); the purchase
25 of passenger motor vehicles for replacement only; expan-

1 sion of public and private plants, including the land nec-
2 essary therefor, and such lands and interests therein, may
3 be acquired, and construction prosecuted thereon prior to
4 approval of title; and procurement and installation of
5 equipment, appliances, and machine tools in public and
6 private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway, \$9,097,138,000, to re-
8 main available for obligation until September 30, 2021.

9 PROCUREMENT, MARINE CORPS

10 For expenses necessary for the procurement, manu-
11 facture, and modification of missiles, armament, military
12 equipment, spare parts, and accessories therefor; plant
13 equipment, appliances, and machine tools, and installation
14 thereof in public and private plants; reserve plant and
15 Government and contractor-owned equipment layaway; ve-
16 hicles for the Marine Corps, including the purchase of pas-
17 senger motor vehicles for replacement only; and expansion
18 of public and private plants, including land necessary
19 therefor, and such lands and interests therein, may be ac-
20 quired, and construction prosecuted thereon prior to ap-
21 proval of title, \$2,719,870,000, to remain available for ob-
22 ligation until September 30, 2021.

23 AIRCRAFT PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 aircraft and equipment, including armor and armament,

1 specialized ground handling equipment, and training de-
2 vices, spare parts, and accessories therefor; specialized
3 equipment; expansion of public and private plants, Gov-
4 ernment-owned equipment and installation thereof in such
5 plants, erection of structures, and acquisition of land, for
6 the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway; and
10 other expenses necessary for the foregoing purposes in-
11 cluding rents and transportation of things,
12 \$17,112,337,000, to remain available for obligation until
13 September 30, 2021.

14 MISSILE PROCUREMENT, AIR FORCE

15 For construction, procurement, and modification of
16 missiles, rockets, and related equipment, including spare
17 parts and accessories therefor; ground handling equip-
18 ment, and training devices; expansion of public and pri-
19 vate plants, Government-owned equipment and installa-
20 tion thereof in such plants, erection of structures, and ac-
21 quisition of land, for the foregoing purposes, and such
22 lands and interests therein, may be acquired, and con-
23 struction prosecuted thereon prior to approval of title; re-
24 serve plant and Government and contractor-owned equip-
25 ment layaway; and other expenses necessary for the fore-

1 going purposes including rents and transportation of
2 things, \$2,585,004,000, to remain available for obligation
3 until September 30, 2021.

4 SPACE PROCUREMENT, AIR FORCE

5 For construction, procurement, and modification of
6 spacecraft, rockets, and related equipment, including
7 spare parts and accessories therefor; ground handling
8 equipment, and training devices; expansion of public and
9 private plants, Government-owned equipment and installa-
10 tion thereof in such plants, erection of structures, and ac-
11 quisition of land, for the foregoing purposes, and such
12 lands and interests therein, may be acquired, and con-
13 struction prosecuted thereon prior to approval of title; re-
14 serve plant and Government and contractor-owned equip-
15 ment layaway; and other expenses necessary for the fore-
16 going purposes including rents and transportation of
17 things, \$2,343,642,000, to remain available for obligation
18 until September 30, 2021.

19 PROCUREMENT OF AMMUNITION, AIR FORCE

20 For construction, procurement, production, and
21 modification of ammunition, and accessories therefor; spe-
22 cialized equipment and training devices; expansion of pub-
23 lic and private plants, including ammunition facilities, au-
24 thorized by section 2854 of title 10, United States Code,
25 and the land necessary therefor, for the foregoing pur-

1 poses, and such lands and interests therein, may be ac-
2 quired, and construction prosecuted thereon prior to ap-
3 proval of title; and procurement and installation of equip-
4 ment, appliances, and machine tools in public and private
5 plants; reserve plant and Government and contractor-
6 owned equipment layaway; and other expenses necessary
7 for the foregoing purposes, \$1,485,856,000, to remain
8 available for obligation until September 30, 2021.

9 OTHER PROCUREMENT, AIR FORCE

10 For procurement and modification of equipment (in-
11 cluding ground guidance and electronic control equipment,
12 and ground electronic and communication equipment),
13 and supplies, materials, and spare parts therefor, not oth-
14 erwise provided for; the purchase of passenger motor vehi-
15 cles for replacement only; lease of passenger motor vehi-
16 cles; and expansion of public and private plants, Govern-
17 ment-owned equipment and installation thereof in such
18 plants, erection of structures, and acquisition of land, for
19 the foregoing purposes, and such lands and interests
20 therein, may be acquired, and construction prosecuted
21 thereon, prior to approval of title; reserve plant and Gov-
22 ernment and contractor-owned equipment layaway,
23 \$20,884,225,000, to remain available for obligation until
24 September 30, 2021.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$6,822,180,000, to remain available for obligation until
15 September 30, 2021.

16 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

17 For procurement of rotary-wing aircraft; combat, tac-
18 tical and support vehicles; other weapons; and other pro-
19 curement items for the reserve components of the Armed
20 Forces, \$1,300,000,000, to remain available for obligation
21 until September 30, 2021: *Provided*, That the Chiefs of
22 National Guard and Reserve components shall, not later
23 than 30 days after enactment of this Act, individually sub-
24 mit to the congressional defense committees the mod-
25 ernization priority assessment for their respective Na-

1 tional Guard or Reserve component: *Provided further*,
2 That none of the funds made available by this paragraph
3 may be used to procure manned fixed wing aircraft, or
4 procure or modify missiles, munitions, or ammunition.

5 DEFENSE PRODUCTION ACT PURCHASES

6 For activities by the Department of Defense pursuant
7 to sections 108, 301, 302, and 303 of the Defense Produc-
8 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
9 \$53,578,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$11,083,824,000, to remain avail-
10 able for obligation until September 30, 2020.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$18,510,564,000, to remain avail-
17 able for obligation until September 30, 2020: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

23 For expenses necessary for basic and applied sci-
24 entific research, development, test and evaluation, includ-
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$41,229,475,000, to remain avail-
2 able for obligation until September 30, 2020.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 DEFENSE-WIDE
5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses of activities and agencies of the Depart-
7 ment of Defense (other than the military departments),
8 necessary for basic and applied scientific research, devel-
9 opment, test and evaluation; advanced research projects
10 as may be designated and determined by the Secretary
11 of Defense, pursuant to law; maintenance, rehabilitation,
12 lease, and operation of facilities and equipment,
13 \$23,691,836,000, to remain available for obligation until
14 September 30, 2020: *Provided*, That, of the funds made
15 available in this paragraph, \$250,000,000 for the Defense
16 Rapid Innovation Program shall only be available for ex-
17 penses, not otherwise provided for, to include program
18 management and oversight, to conduct research, develop-
19 ment, test and evaluation to include proof of concept dem-
20 onstration; engineering, testing, and validation; and tran-
21 sition to full-scale production: *Provided further*, That the
22 Secretary of Defense may transfer funds provided herein
23 for the Defense Rapid Innovation Program to appropria-
24 tions for research, development, test and evaluation to ac-
25 complish the purpose provided herein: *Provided further*,

1 That this transfer authority is in addition to any other
2 transfer authority available to the Department of Defense:
3 *Provided further*, That the Secretary of Defense shall, not
4 fewer than 30 days prior to making transfers from this
5 appropriation, notify the congressional defense committees
6 in writing of the details of any such transfer.

7 OPERATIONAL TEST AND EVALUATION, DEFENSE

8 For expenses, not otherwise provided for, necessary
9 for the independent activities of the Director, Operational
10 Test and Evaluation, in the direction and supervision of
11 operational test and evaluation, including initial oper-
12 ational test and evaluation which is conducted prior to,
13 and in support of, production decisions; joint operational
14 testing and evaluation; and administrative expenses in
15 connection therewith, \$381,009,000, to remain available
16 for obligation until September 30, 2020.

17 TITLE V

18 REVOLVING AND MANAGEMENT FUNDS

19 DEFENSE WORKING CAPITAL FUNDS

20 For the Defense Working Capital Funds,
21 \$1,641,115,000.

1 TITLE VI

2 OTHER DEPARTMENT OF DEFENSE PROGRAMS

3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$34,007,519,000; of which
7 \$30,953,422,000 shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2020, and of which up
10 to \$15,118,801,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$873,160,000, to remain available for obligation until Sep-
13 tember 30, 2021, shall be for procurement; and of which
14 \$2,180,937,000, to remain available for obligation until
15 September 30, 2020, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$8,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$1,171,100,000 shall be made

1 available to the United States Army Medical Research and
2 Materiel Command to carry out the congressionally di-
3 rected medical research programs.

4 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
5 DEFENSE

6 For expenses, not otherwise provided for, necessary
7 for the destruction of the United States stockpile of lethal
8 chemical agents and munitions in accordance with the pro-
9 visions of section 1412 of the Department of Defense Au-
10 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
11 struction of other chemical warfare materials that are not
12 in the chemical weapon stockpile, \$993,816,000, of which
13 \$105,997,000 shall be for operation and maintenance, of
14 which no less than \$52,735,000 shall be for the Chemical
15 Stockpile Emergency Preparedness Program, consisting of
16 \$21,600,000 for activities on military installations and
17 \$31,135,000, to remain available until September 30,
18 2020, to assist State and local governments; \$1,091,000
19 shall be for procurement, to remain available until Sep-
20 tember 30, 2021, of which \$1,091,000 shall be for the
21 Chemical Stockpile Emergency Preparedness Program to
22 assist State and local governments; and \$886,728,000, to
23 remain available until September 30, 2020, shall be for
24 research, development, test and evaluation, of which

1 \$880,283,000 shall only be for the Assembled Chemical
2 Weapons Alternatives program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
4 DEFENSE
5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for oper-
11 ation and maintenance; for procurement; and for research,
12 development, test and evaluation, \$881,525,000, of which
13 \$517,171,000 shall be for counter-narcotics support;
14 \$121,900,000 shall be for the drug demand reduction pro-
15 gram; \$217,178,000 shall be for the National Guard
16 counter-drug program; and \$25,276,000 shall be for the
17 National Guard counter-drug schools program: *Provided*,
18 That the funds appropriated under this heading shall be
19 available for obligation for the same time period and for
20 the same purpose as the appropriation to which trans-
21 ferred: *Provided further*, That upon a determination that
22 all or part of the funds transferred from this appropriation
23 are not necessary for the purposes provided herein, such
24 amounts may be transferred back to this appropriation:
25 *Provided further*, That the transfer authority provided

1 under this heading is in addition to any other transfer au-
2 thority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$329,273,000,
7 of which \$325,236,000 shall be for operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; of
13 which \$60,000, to remain available for obligation until
14 September 30, 2021, shall be for procurement; and of
15 which \$3,977,000, to remain available until September 30,
16 2020, shall be for research, development, test and evalua-
17 tion.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$514,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$522,424,000.

1 TITLE VIII

2 GENERAL PROVISIONS

3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

6 SEC. 8002. During the current fiscal year, provisions
7 of law prohibiting the payment of compensation to, or em-
8 ployment of, any person not a citizen of the United States
9 shall not apply to personnel of the Department of Defense:
10 *Provided*, That salary increases granted to direct and indi-
11 rect hire foreign national employees of the Department of
12 Defense funded by this Act shall not be at a rate in excess
13 of the percentage increase authorized by law for civilian
14 employees of the Department of Defense whose pay is
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained
in this Act shall remain available for obligation beyond
the current fiscal year, unless expressly so provided herein.

4 SEC. 8004. No more than 20 percent of the appro-
5 priations in this Act which are limited for obligation dur-
6 ing the current fiscal year shall be obligated during the
7 last 2 months of the fiscal year: *Provided*, That this sec-
8 tion shall not apply to obligations for support of active
9 duty training of reserve components or summer camp
10 training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further*, That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2019: *Provided further*, That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled Explanation of Project Level Adjustments in
24 the explanatory statement regarding this Act, the obliga-
25 tion and expenditure of amounts appropriated or other-

1 wise made available in this Act for those programs,
2 projects, and activities for which the amounts appro-
3 priated exceed the amounts requested are hereby required
4 by law to be carried out in the manner provided by such
5 tables to the same extent as if the tables were included
6 in the text of this Act.

7 (b) Amounts specified in the referenced tables de-
8 scribed in subsection (a) shall not be treated as subdivi-
9 sions of appropriations for purposes of section 8005 of this
10 Act: *Provided*, That section 8005 shall apply when trans-
11 fers of the amounts described in subsection (a) occur be-
12 tween appropriation accounts.

13 SEC. 8007. (a) Not later than 60 days after enact-
14 ment of this Act, the Department of Defense shall submit
15 a report to the congressional defense committees to estab-
16 lish the baseline for application of reprogramming and
17 transfer authorities for fiscal year 2019: *Provided*, That
18 the report shall include—

19 (1) a table for each appropriation with a sepa-
20 rate column to display the President's budget re-
21 quest, adjustments made by Congress, adjustments
22 due to enacted rescissions, if appropriate, and the
23 fiscal year enacted level;

24 (2) a delineation in the table for each appro-
25 priation both by budget activity and program,

1 project, and activity as detailed in the Budget Ap-
2 pendix; and

3 (3) an identification of items of special congres-
4 sional interest.

5 (b) Notwithstanding section 8005 of this Act, none
6 of the funds provided in this Act shall be available for
7 reprogramming or transfer until the report identified in
8 subsection (a) is submitted to the congressional defense
9 committees, unless the Secretary of Defense certifies in
10 writing to the congressional defense committees that such
11 reprogramming or transfer is necessary as an emergency
12 requirement: *Provided*, That this subsection shall not
13 apply to transfers from the following appropriations ac-
14 counts:

15 (1) “Environmental Restoration, Army”;

16 (2) “Environmental Restoration, Navy”;

17 (3) “Environmental Restoration, Air Force”;

18 (4) “Environmental Restoration, Defense-
19 Wide”;

20 (5) “Environmental Restoration, Formerly
21 Used Defense Sites”; and

22 (6) “Drug Interdiction and Counter-drug Ac-
23 tivities, Defense”.

1 (TRANSFER OF FUNDS)

2 SEC. 8008. During the current fiscal year, cash bal-
3 ances in working capital funds of the Department of De-
4 fense established pursuant to section 2208 of title 10,
5 United States Code, may be maintained in only such
6 amounts as are necessary at any time for cash disburse-
7 ments to be made from such funds: *Provided*, That trans-
8 fers may be made between such funds: *Provided further*,
9 That transfers may be made between working capital
10 funds and the “Foreign Currency Fluctuations, Defense”
11 appropriation and the “Operation and Maintenance” ap-
12 propriation accounts in such amounts as may be deter-
13 mined by the Secretary of Defense, with the approval of
14 the Office of Management and Budget, except that such
15 transfers may not be made unless the Secretary of Defense
16 has notified the Congress of the proposed transfer: *Pro-*
17 *vided further*, That except in amounts equal to the
18 amounts appropriated to working capital funds in this Act,
19 no obligations may be made against a working capital fund
20 to procure or increase the value of war reserve material
21 inventory, unless the Secretary of Defense has notified the
22 Congress prior to any such obligation.

23 SEC. 8009. Funds appropriated by this Act may not
24 be used to initiate a special access program without prior

1 notification 30 calendar days in advance to the congres-
2 sional defense committees.

3 SEC. 8010. None of the funds provided in this Act
4 shall be available to initiate: (1) a multiyear contract that
5 employs economic order quantity procurement in excess of
6 \$20,000,000 in any one year of the contract or that in-
7 cludes an unfunded contingent liability in excess of
8 \$20,000,000; or (2) a contract for advance procurement
9 leading to a multiyear contract that employs economic
10 order quantity procurement in excess of \$20,000,000 in
11 any one year, unless the congressional defense committees
12 have been notified at least 30 days in advance of the pro-
13 posed contract award: *Provided*, That no part of any ap-
14 propriation contained in this Act shall be available to ini-
15 tiate a multiyear contract for which the economic order
16 quantity advance procurement is not funded at least to
17 the limits of the Government's liability: *Provided further*,
18 That no part of any appropriation contained in this Act
19 shall be available to initiate multiyear procurement con-
20 tracts for any systems or component thereof if the value
21 of the multiyear contract would exceed \$500,000,000 un-
22 less specifically provided in this Act: *Provided further*,
23 That no multiyear procurement contract can be termi-
24 nated without 30-day prior notification to the congres-
25 sional defense committees: *Provided further*, That the exe-

1 cution of multiyear authority shall require the use of a
2 present value analysis to determine lowest cost compared
3 to an annual procurement: *Provided further*, That none of
4 the funds provided in this Act may be used for a multiyear
5 contract executed after the date of the enactment of this
6 Act unless in the case of any such contract—

7 (1) the Secretary of Defense has submitted to
8 Congress a budget request for full funding of units
9 to be procured through the contract and, in the case
10 of a contract for procurement of aircraft, that in-
11 cludes, for any aircraft unit to be procured through
12 the contract for which procurement funds are re-
13 quested in that budget request for production be-
14 yond advance procurement activities in the fiscal
15 year covered by the budget, full funding of procure-
16 ment of such unit in that fiscal year;

17 (2) cancellation provisions in the contract do
18 not include consideration of recurring manufacturing
19 costs of the contractor associated with the produc-
20 tion of unfunded units to be delivered under the con-
21 tract;

22 (3) the contract provides that payments to the
23 contractor under the contract shall not be made in
24 advance of incurred costs on funded units; and

1 (4) the contract does not provide for a price ad-
2 justment based on a failure to award a follow-on
3 contract.

4 Funds appropriated in title III of this Act may be
5 used for multiyear procurement contracts for any or all
6 of the following projects:

7 (1) Standard Missile–3 IB;

8 (2) Standard Missile–6;

9 (3) F/A–18E/F Super Hornet and EA–18G
10 Aircraft variants;

11 (4) E–2D Advanced Hawkeye (AHE) Aircraft;

12 (5) C–130J, KC–130J, HC–130J, MC–130J,
13 AC–130J Aircraft; and

14 (6) SSN Virginia Class Submarines and Gov-
15 ernment-furnished equipment.

16 SEC. 8011. Within the funds appropriated for the op-
17 eration and maintenance of the Armed Forces, funds are
18 hereby appropriated pursuant to section 401 of title 10,
19 United States Code, for humanitarian and civic assistance
20 costs under chapter 20 of title 10, United States Code.
21 Such funds may also be obligated for humanitarian and
22 civic assistance costs incidental to authorized operations
23 and pursuant to authority granted in section 401 of chap-
24 ter 20 of title 10, United States Code, and these obliga-
25 tions shall be reported as required by section 401(d) of

1 title 10, United States Code: *Provided*, That funds avail-
2 able for operation and maintenance shall be available for
3 providing humanitarian and similar assistance by using
4 Civic Action Teams in the Trust Territories of the Pacific
5 Islands and freely associated states of Micronesia, pursu-
6 ant to the Compact of Free Association as authorized by
7 Public Law 99–239: *Provided further*, That upon a deter-
8 mination by the Secretary of the Army that such action
9 is beneficial for graduate medical education programs con-
10 ducted at Army medical facilities located in Hawaii, the
11 Secretary of the Army may authorize the provision of med-
12 ical services at such facilities and transportation to such
13 facilities, on a nonreimbursable basis, for civilian patients
14 from American Samoa, the Commonwealth of the North-
15 ern Mariana Islands, the Marshall Islands, the Federated
16 States of Micronesia, Palau, and Guam.

17 SEC. 8012. (a) During the current fiscal year, the
18 civilian personnel of the Department of Defense may not
19 be managed on the basis of any end-strength, and the
20 management of such personnel during that fiscal year
21 shall not be subject to any constraint or limitation (known
22 as an end-strength) on the number of such personnel who
23 may be employed on the last day of such fiscal year.

24 (b) The fiscal year 2020 budget request for the De-
25 partment of Defense as well as all justification material

1 and other documentation supporting the fiscal year 2020
2 Department of Defense budget request shall be prepared
3 and submitted to the Congress as if subsections (a) and
4 (b) of this provision were effective with regard to fiscal
5 year 2020.

6 (c) As required by section 1107 of the National De-
7 fense Authorization Act for Fiscal Year 2014 (Public Law
8 113–66; 10 U.S.C. 2358 note) civilian personnel at the
9 Department of Army Science and Technology Reinvention
10 Laboratories may not be managed on the basis of the
11 Table of Distribution and Allowances, and the manage-
12 ment of the workforce strength shall be done in a manner
13 consistent with the budget available with respect to such
14 Laboratories.

15 (d) Nothing in this section shall be construed to apply
16 to military (civilian) technicians.

17 SEC. 8013. None of the funds made available by this
18 Act shall be used in any way, directly or indirectly, to in-
19 fluence congressional action on any legislation or appro-
20 priation matters pending before the Congress.

21 SEC. 8014. None of the funds appropriated by this
22 Act shall be available for the basic pay and allowances of
23 any member of the Army participating as a full-time stu-
24 dent and receiving benefits paid by the Secretary of Vet-
25 erans Affairs from the Department of Defense Education

1 Benefits Fund when time spent as a full-time student is
2 credited toward completion of a service commitment: *Pro-*
3 *vided*, That this section shall not apply to those members
4 who have reenlisted with this option prior to October 1,
5 1987: *Provided further*, That this section applies only to
6 active components of the Army.

7 (TRANSFER OF FUNDS)

8 SEC. 8015. Funds appropriated in title III of this Act
9 for the Department of Defense Pilot Mentor-Protégé Pro-
10 gram may be transferred to any other appropriation con-
11 tained in this Act solely for the purpose of implementing
12 a Mentor-Protégé Program developmental assistance
13 agreement pursuant to section 831 of the National De-
14 fense Authorization Act for Fiscal Year 1991 (Public Law
15 101–510; 10 U.S.C. 2302 note), as amended, under the
16 authority of this provision or any other transfer authority
17 contained in this Act.

18 SEC. 8016. None of the funds in this Act may be
19 available for the purchase by the Department of Defense
20 (and its departments and agencies) of welded shipboard
21 anchor and mooring chain 4 inches in diameter and under
22 unless the anchor and mooring chain are manufactured
23 in the United States from components which are substan-
24 tially manufactured in the United States: *Provided*, That
25 for the purpose of this section, the term “manufactured”

1 shall include cutting, heat treating, quality control, testing
2 of chain and welding (including the forging and shot blast-
3 ing process): *Provided further*, That for the purpose of this
4 section substantially all of the components of anchor and
5 mooring chain shall be considered to be produced or manu-
6 factured in the United States if the aggregate cost of the
7 components produced or manufactured in the United
8 States exceeds the aggregate cost of the components pro-
9 duced or manufactured outside the United States: *Pro-*
10 *vided further*, That when adequate domestic supplies are
11 not available to meet Department of Defense requirements
12 on a timely basis, the Secretary of the service responsible
13 for the procurement may waive this restriction on a case-
14 by-case basis by certifying in writing to the Committees
15 on Appropriations that such an acquisition must be made
16 in order to acquire capability for national security pur-
17 poses.

18 SEC. 8017. None of the funds appropriated by this
19 Act shall be used for the support of any nonappropriated
20 funds activity of the Department of Defense that procures
21 malt beverages and wine with nonappropriated funds for
22 resale (including such alcoholic beverages sold by the
23 drink) on a military installation located in the United
24 States unless such malt beverages and wine are procured
25 within that State, or in the case of the District of Colum-

1 bia, within the District of Columbia, in which the military
2 installation is located: *Provided*, That, in a case in which
3 the military installation is located in more than one State,
4 purchases may be made in any State in which the installa-
5 tion is located: *Provided further*, That such local procure-
6 ment requirements for malt beverages and wine shall
7 apply to all alcoholic beverages only for military installa-
8 tions in States which are not contiguous with another
9 State: *Provided further*, That alcoholic beverages other
10 than wine and malt beverages, in contiguous States and
11 the District of Columbia shall be procured from the most
12 competitive source, price and other factors considered.

13 SEC. 8018. None of the funds available to the De-
14 partment of Defense may be used to demilitarize or dis-
15 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
16 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
17 to demilitarize or destroy small arms ammunition or am-
18 munition components that are not otherwise prohibited
19 from commercial sale under Federal law, unless the small
20 arms ammunition or ammunition components are certified
21 by the Secretary of the Army or designee as unserviceable
22 or unsafe for further use.

23 SEC. 8019. No more than \$500,000 of the funds ap-
24 propriated or made available in this Act shall be used dur-
25 ing a single fiscal year for any single relocation of an orga-

1 nization, unit, activity or function of the Department of
2 Defense into or within the National Capital Region: *Pro-*
3 *vided*, That the Secretary of Defense may waive this re-
4 striction on a case-by-case basis by certifying in writing
5 to the congressional defense committees that such a relo-
6 cation is required in the best interest of the Government.

7 SEC. 8020. Of the funds made available in this Act,
8 \$25,000,000 shall be available for incentive payments au-
9 thorized by section 504 of the Indian Financing Act of
10 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor
11 or a subcontractor at any tier that makes a subcontract
12 award to any subcontractor or supplier as defined in sec-
13 tion 1544 of title 25, United States Code, or a small busi-
14 ness owned and controlled by an individual or individuals
15 defined under section 4221(9) of title 25, United States
16 Code, shall be considered a contractor for the purposes
17 of being allowed additional compensation under section
18 504 of the Indian Financing Act of 1974 (25 U.S.C.
19 1544) whenever the prime contract or subcontract amount
20 is over \$500,000 and involves the expenditure of funds
21 appropriated by an Act making appropriations for the De-
22 partment of Defense with respect to any fiscal year: *Pro-*
23 *vided further*, That notwithstanding section 1906 of title
24 41, United States Code, this section shall be applicable
25 to any Department of Defense acquisition of supplies or

1 services, including any contract and any subcontract at
2 any tier for acquisition of commercial items produced or
3 manufactured, in whole or in part, by any subcontractor
4 or supplier defined in section 1544 of title 25, United
5 States Code, or a small business owned and controlled by
6 an individual or individuals defined under section 4221(9)
7 of title 25, United States Code.

8 SEC. 8021. Funds appropriated by this Act for the
9 Defense Media Activity shall not be used for any national
10 or international political or psychological activities.

11 SEC. 8022. During the current fiscal year, the De-
12 partment of Defense is authorized to incur obligations of
13 not to exceed \$350,000,000 for purposes specified in sec-
14 tion 2350j(c) of title 10, United States Code, in anticipa-
15 tion of receipt of contributions, only from the Government
16 of Kuwait, under that section: *Provided*, That, upon re-
17 ceipt, such contributions from the Government of Kuwait
18 shall be credited to the appropriations or fund which in-
19 curred such obligations.

20 SEC. 8023. (a) Of the funds made available in this
21 Act, not less than \$46,100,000 shall be available for the
22 Civil Air Patrol Corporation, of which—

23 (1) \$33,600,000 shall be available from “Oper-
24 ation and Maintenance, Air Force” to support Civil
25 Air Patrol Corporation operation and maintenance,

1 readiness, counter-drug activities, and drug demand
2 reduction activities involving youth programs;

3 (2) \$10,800,000 shall be available from “Air-
4 craft Procurement, Air Force”; and

5 (3) \$1,700,000 shall be available from “Other
6 Procurement, Air Force” for vehicle procurement.

7 (b) The Secretary of the Air Force should waive reim-
8 bursement for any funds used by the Civil Air Patrol for
9 counter-drug activities in support of Federal, State, and
10 local government agencies.

11 SEC. 8024. (a) None of the funds appropriated in this
12 Act are available to establish a new Department of De-
13 fense (department) federally funded research and develop-
14 ment center (FFRDC), either as a new entity, or as a
15 separate entity administrated by an organization man-
16 aging another FFRDC, or as a nonprofit membership cor-
17 poration consisting of a consortium of other FFRDCs and
18 other nonprofit entities.

19 (b) No member of a Board of Directors, Trustees,
20 Overseers, Advisory Group, Special Issues Panel, Visiting
21 Committee, or any similar entity of a defense FFRDC,
22 and no paid consultant to any defense FFRDC, except
23 when acting in a technical advisory capacity, may be com-
24 pensated for his or her services as a member of such enti-
25 ty, or as a paid consultant by more than one FFRDC in

1 a fiscal year: *Provided*, That a member of any such entity
2 referred to previously in this subsection shall be allowed
3 travel expenses and per diem as authorized under the Fed-
4 eral Joint Travel Regulations, when engaged in the per-
5 formance of membership duties.

6 (c) Notwithstanding any other provision of law, none
7 of the funds available to the department from any source
8 during the current fiscal year may be used by a defense
9 FFRDC, through a fee or other payment mechanism, for
10 construction of new buildings not located on a military in-
11 stallation, for payment of cost sharing for projects funded
12 by Government grants, for absorption of contract over-
13 runs, or for certain charitable contributions, not to include
14 employee participation in community service and/or devel-
15 opment.

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2019, not more than 6,030 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*, That, of the specific amount referred to previously
21 in this subsection, not more than 1,125 staff years may
22 be funded for the defense studies and analysis FFRDCs:
23 *Provided further*, That this subsection shall not apply to
24 staff years funded in the National Intelligence Program
25 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2020 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

7 (f) Notwithstanding any other provision of this Act,
8 the total amount appropriated in this Act for FFRDCs
9 is hereby reduced by \$179,000,000: *Provided*, That this
10 subsection shall not apply to appropriations for the Na-
11 tional Intelligence Program (NIP) and the Military Intel-
12 ligence Program (MIP).

13 SEC. 8025. None of the funds appropriated or made
14 available in this Act shall be used to procure carbon, alloy,
15 or armor steel plate for use in any Government-owned fa-
16 cility or property under the control of the Department of
17 Defense which were not melted and rolled in the United
18 States or Canada: *Provided*, That these procurement re-
19 strictions shall apply to any and all Federal Supply Class
20 9515, American Society of Testing and Materials (ASTM)
21 or American Iron and Steel Institute (AISI) specifications
22 of carbon, alloy or armor steel plate: *Provided further*,
23 That the Secretary of the military department responsible
24 for the procurement may waive this restriction on a case-
25 by-case basis by certifying in writing to the Committees

1 on Appropriations of the House of Representatives and the
2 Senate that adequate domestic supplies are not available
3 to meet Department of Defense requirements on a timely
4 basis and that such an acquisition must be made in order
5 to acquire capability for national security purposes: *Pro-*
6 *vided further*, That these restrictions shall not apply to
7 contracts which are in being as of the date of the enact-
8 ment of this Act.

9 SEC. 8026. For the purposes of this Act, the term
10 “congressional defense committees” means the Armed
11 Services Committee of the House of Representatives, the
12 Armed Services Committee of the Senate, the Sub-
13 committee on Defense of the Committee on Appropriations
14 of the Senate, and the Subcommittee on Defense of the
15 Committee on Appropriations of the House of Representa-
16 tives.

17 SEC. 8027. During the current fiscal year, the De-
18 partment of Defense may acquire the modification, depot
19 maintenance and repair of aircraft, vehicles and vessels
20 as well as the production of components and other De-
21 fense-related articles, through competition between De-
22 partment of Defense depot maintenance activities and pri-
23 vate firms: *Provided*, That the Senior Acquisition Execu-
24 tive of the military department or Defense Agency con-
25 cerned, with power of delegation, shall certify that success-

1 ful bids include comparable estimates of all direct and in-
2 direct costs for both public and private bids: *Provided fur-*
3 *ther*, That Office of Management and Budget Circular A-
4 76 shall not apply to competitions conducted under this
5 section.

6 SEC. 8028. (a)(1) If the Secretary of Defense, after
7 consultation with the United States Trade Representative,
8 determines that a foreign country which is party to an
9 agreement described in paragraph (2) has violated the
10 terms of the agreement by discriminating against certain
11 types of products produced in the United States that are
12 covered by the agreement, the Secretary of Defense shall
13 rescind the Secretary's blanket waiver of the Buy Amer-
14 ican Act with respect to such types of products produced
15 in that foreign country.

16 (2) An agreement referred to in paragraph (1) is any
17 reciprocal defense procurement memorandum of under-
18 standing, between the United States and a foreign country
19 pursuant to which the Secretary of Defense has prospec-
20 tively waived the Buy American Act for certain products
21 in that country.

22 (b) The Secretary of Defense shall submit to the Con-
23 gress a report on the amount of Department of Defense
24 purchases from foreign entities in fiscal year 2019. Such
25 report shall separately indicate the dollar value of items

1 for which the Buy American Act was waived pursuant to
2 any agreement described in subsection (a)(2), the Trade
3 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
4 international agreement to which the United States is a
5 party.

6 (c) For purposes of this section, the term “Buy
7 American Act” means chapter 83 of title 41, United
8 States Code.

9 SEC. 8029. During the current fiscal year, amounts
10 contained in the Department of Defense Overseas Military
11 Facility Investment Recovery Account established by sec-
12 tion 2921(c)(1) of the National Defense Authorization Act
13 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
14 be available until expended for the payments specified by
15 section 2921(c)(2) of that Act.

16 SEC. 8030. (a) Notwithstanding any other provision
17 of law, the Secretary of the Air Force may convey at no
18 cost to the Air Force, without consideration, to Indian
19 tribes located in the States of Nevada, Idaho, North Da-
20 kota, South Dakota, Montana, Oregon, Minnesota, and
21 Washington relocatable military housing units located at
22 Grand Forks Air Force Base, Malmstrom Air Force Base,
23 Mountain Home Air Force Base, Ellsworth Air Force
24 Base, and Minot Air Force Base that are excess to the
25 needs of the Air Force.

1 (b) The Secretary of the Air Force shall convey, at
2 no cost to the Air Force, military housing units under sub-
3 section (a) in accordance with the request for such units
4 that are submitted to the Secretary by the Operation
5 Walking Shield Program on behalf of Indian tribes located
6 in the States of Nevada, Idaho, North Dakota, South Da-
7 kota, Montana, Oregon, Minnesota, and Washington. Any
8 such conveyance shall be subject to the condition that the
9 housing units shall be removed within a reasonable period
10 of time, as determined by the Secretary.

11 (c) The Operation Walking Shield Program shall re-
12 solve any conflicts among requests of Indian tribes for
13 housing units under subsection (a) before submitting re-
14 quests to the Secretary of the Air Force under subsection
15 (b).

16 (d) In this section, the term “Indian tribe” means
17 any recognized Indian tribe included on the current list
18 published by the Secretary of the Interior under section
19 104 of the Federally Recognized Indian Tribe Act of 1994
20 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

21 SEC. 8031. During the current fiscal year, appropria-
22 tions which are available to the Department of Defense
23 for operation and maintenance may be used to purchase
24 items having an investment item unit cost of not more
25 than \$250,000.

1 SEC. 8032. None of the funds made available by this
2 Act may be used to—

3 (1) disestablish, or prepare to disestablish, a
4 Senior Reserve Officers' Training Corps program in
5 accordance with Department of Defense Instruction
6 Number 1215.08, dated June 26, 2006; or

7 (2) close, downgrade from host to extension
8 center, or place on probation a Senior Reserve Offi-
9 cers' Training Corps program in accordance with the
10 information paper of the Department of the Army
11 titled "Army Senior Reserve Officer's Training
12 Corps (SROTC) Program Review and Criteria",
13 dated January 27, 2014.

14 SEC. 8033. Up to \$10,518,000 of the funds appro-
15 priated under the heading "Operation and Maintenance,
16 Navy" may be made available for the Asia Pacific Re-
17 gional Initiative Program for the purpose of enabling the
18 Pacific Command to execute Theater Security Cooperation
19 activities such as humanitarian assistance, and payment
20 of incremental and personnel costs of training and exer-
21 cising with foreign security forces: *Provided*, That funds
22 made available for this purpose may be used, notwith-
23 standing any other funding authorities for humanitarian
24 assistance, security assistance or combined exercise ex-
25 penses: *Provided further*, That funds may not be obligated

1 to provide assistance to any foreign country that is other-
2 wise prohibited from receiving such type of assistance
3 under any other provision of law.

4 SEC. 8034. The Secretary of Defense shall issue reg-
5 ulations to prohibit the sale of any tobacco or tobacco-
6 related products in military resale outlets in the United
7 States, its territories and possessions at a price below the
8 most competitive price in the local community: *Provided*,
9 That such regulations shall direct that the prices of to-
10 bacco or tobacco-related products in overseas military re-
11 tail outlets shall be within the range of prices established
12 for military retail system stores located in the United
13 States.

14 SEC. 8035. (a) During the current fiscal year, none
15 of the appropriations or funds available to the Department
16 of Defense Working Capital Funds shall be used for the
17 purchase of an investment item for the purpose of acquir-
18 ing a new inventory item for sale or anticipated sale dur-
19 ing the current fiscal year or a subsequent fiscal year to
20 customers of the Department of Defense Working Capital
21 Funds if such an item would not have been chargeable
22 to the Department of Defense Business Operations Fund
23 during fiscal year 1994 and if the purchase of such an
24 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2020 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2020
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2020 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8036. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2020: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

1 quisation, for agent operations, and for covert action pro-
2 grams authorized by the President under section 503 of
3 the National Security Act of 1947 (50 U.S.C. 3093) shall
4 remain available until September 30, 2020.

5 SEC. 8037. Of the funds appropriated to the Depart-
6 ment of Defense under the heading “Operation and Main-
7 tenance, Defense-Wide”, not less than \$12,000,000 shall
8 be made available only for the mitigation of environmental
9 impacts, including training and technical assistance to
10 tribes, related administrative support, the gathering of in-
11 formation, documenting of environmental damage, and de-
12 veloping a system for prioritization of mitigation and cost
13 to complete estimates for mitigation, on Indian lands re-
14 sulting from Department of Defense activities.

15 SEC. 8038. (a) None of the funds appropriated in this
16 Act may be expended by an entity of the Department of
17 Defense unless the entity, in expending the funds, com-
18 plies with the Buy American Act. For purposes of this
19 subsection, the term “Buy American Act” means chapter
20 83 of title 41, United States Code.

21 (b) If the Secretary of Defense determines that a per-
22 son has been convicted of intentionally affixing a label
23 bearing a “Made in America” inscription to any product
24 sold in or shipped to the United States that is not made
25 in America, the Secretary shall determine, in accordance

1 with section 2410f of title 10, United States Code, wheth-
2 er the person should be debarred from contracting with
3 the Department of Defense.

4 (c) In the case of any equipment or products pur-
5 chased with appropriations provided under this Act, it is
6 the sense of the Congress that any entity of the Depart-
7 ment of Defense, in expending the appropriation, purchase
8 only American-made equipment and products, provided
9 that American-made equipment and products are cost-
10 competitive, quality competitive, and available in a timely
11 fashion.

12 SEC. 8039. (a) Except as provided in subsections (b)
13 and (c), none of the funds made available by this Act may
14 be used—

15 (1) to establish a field operating agency; or

16 (2) to pay the basic pay of a member of the
17 Armed Forces or civilian employee of the depart-
18 ment who is transferred or reassigned from a head-
19 quarters activity if the member or employee's place
20 of duty remains at the location of that headquarters.

21 (b) The Secretary of Defense or Secretary of a mili-
22 tary department may waive the limitations in subsection
23 (a), on a case-by-case basis, if the Secretary determines,
24 and certifies to the Committees on Appropriations of the
25 House of Representatives and the Senate that the grant-

1 ing of the waiver will reduce the personnel requirements
2 or the financial requirements of the department.

3 (c) This section does not apply to—

4 (1) field operating agencies funded within the
5 National Intelligence Program;

6 (2) an Army field operating agency established
7 to eliminate, mitigate, or counter the effects of im-
8 proved explosive devices, and, as determined by the
9 Secretary of the Army, other similar threats;

10 (3) an Army field operating agency established
11 to improve the effectiveness and efficiencies of bio-
12 metric activities and to integrate common biometric
13 technologies throughout the Department of Defense;
14 or

15 (4) an Air Force field operating agency estab-
16 lished to administer the Air Force Mortuary Affairs
17 Program and Mortuary Operations for the Depart-
18 ment of Defense and authorized Federal entities.

19 SEC. 8040. (a) None of the funds appropriated by
20 this Act shall be available to convert to contractor per-
21 formance an activity or function of the Department of De-
22 fense that, on or after the date of the enactment of this
23 Act, is performed by Department of Defense civilian em-
24 ployees unless—

1 (1) the conversion is based on the result of a
2 public-private competition that includes a most effi-
3 cient and cost effective organization plan developed
4 by such activity or function;

5 (2) the Competitive Sourcing Official deter-
6 mines that, over all performance periods stated in
7 the solicitation of offers for performance of the ac-
8 tivity or function, the cost of performance of the ac-
9 tivity or function by a contractor would be less costly
10 to the Department of Defense by an amount that
11 equals or exceeds the lesser of—

12 (A) 10 percent of the most efficient organi-
13 zation's personnel-related costs for performance
14 of that activity or function by Federal employ-
15 ees; or

16 (B) \$10,000,000; and

17 (3) the contractor does not receive an advan-
18 tage for a proposal that would reduce costs for the
19 Department of Defense by—

20 (A) not making an employer-sponsored
21 health insurance plan available to the workers
22 who are to be employed in the performance of
23 that activity or function under the contract; or

24 (B) offering to such workers an employer-
25 sponsored health benefits plan that requires the

1 employer to contribute less towards the pre-
2 mium or subscription share than the amount
3 that is paid by the Department of Defense for
4 health benefits for civilian employees under
5 chapter 89 of title 5, United States Code.

6 (b)(1) The Department of Defense, without regard
7 to subsection (a) of this section or subsection (a), (b), or
8 (c) of section 2461 of title 10, United States Code, and
9 notwithstanding any administrative regulation, require-
10 ment, or policy to the contrary shall have full authority
11 to enter into a contract for the performance of any com-
12 mercial or industrial type function of the Department of
13 Defense that—

14 (A) is included on the procurement list estab-
15 lished pursuant to section 2 of the Javits-Wagner-
16 O'Day Act (section 8503 of title 41, United States
17 Code);

18 (B) is planned to be converted to performance
19 by a qualified nonprofit agency for the blind or by
20 a qualified nonprofit agency for other severely handi-
21 capped individuals in accordance with that Act; or

22 (C) is planned to be converted to performance
23 by a qualified firm under at least 51 percent owner-
24 ship by an Indian tribe, as defined in section 4(e)
25 of the Indian Self-Determination and Education As-

1 assistance Act (25 U.S.C. 450b(e)), or a Native Ha-
2 waiian Organization, as defined in section 8(a)(15)
3 of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

16 (RESCISSIONS)

17 SEC. 8041. Of the funds appropriated in Department
18 of Defense Appropriations Acts, the following funds are
19 hereby rescinded from the following accounts and pro-
20 grams in the specified amounts: *Provided*, That no
21 amounts may be rescinded from amounts that were des-
22 ignated by the Congress for Overseas Contingency Oper-
23 ations/Global War on Terrorism or as an emergency re-
24 quirement pursuant to the Concurrent Resolution on the

1 Budget or the Balanced Budget and Emergency Deficit

2 Control Act of 1985, as amended:

3 “Shipbuilding and Conversion, Navy: DDG–51

4 Destroyer”, 2011/2020, \$94,000,000;

5 “Shipbuilding and Conversion, Navy: CVN

6 RCOH (AP)”, 2011/2020, \$4,000,000;

7 “Shipbuilding and Conversion, Navy: DDG–51

8 Destroyer”, 2012/2020, \$66,000,000;

9 “Shipbuilding and Conversion, Navy: LPD–

10 17”, 2012/2020, \$13,000,000;

11 “Shipbuilding and Conversion, Navy: Joint

12 High Speed Vessel”, 2012/2020, \$8,000,000;

13 “Aircraft Procurement, Army”, 2017/2019,

14 \$16,000,000;

15 “Aircraft Procurement, Navy”, 2017/2019,

16 \$38,894,000;

17 “Other Procurement, Navy”, 2017/2019,

18 \$32,344,000;

19 “Aircraft Procurement, Air Force”, 2017/2019,

20 \$169,677,000;

21 “Space Procurement, Air Force”, 2017/2019,

22 \$5,000,000;

23 “Other Procurement, Air Force”, 2017/2019,

24 \$44,300,000;

1 “Defense Health Program: Procurement”,
2 2017/2019, \$2,413,000;
3 “Missile Procurement, Army”, 2018/2020,
4 \$80,000,000;
5 “Procurement of Weapons and Tracked Combat
6 Vehicles, Army”, 2018/2020, \$210,506,000;
7 “Other Procurement, Army”, 2018/2020,
8 \$64,390,000;
9 “Aircraft Procurement, Navy”, 2018/2020,
10 \$26,361,000;
11 “Weapons Procurement, Navy”, 2018/2020,
12 \$115,657,000;
13 “Other Procurement, Navy”, 2018/2020,
14 \$36,600,000;
15 “Aircraft Procurement, Air Force”, 2018/2020,
16 \$195,255,000;
17 “Missile Procurement, Air Force”, 2018/2020,
18 \$5,200,000;
19 “Space Procurement, Air Force”, 2018/2020,
20 \$218,100,000;
21 “Procurement of Ammunition, Air Force”,
22 2018/2020, \$17,100,000;
23 “Other Procurement, Air Force”, 2018/2020,
24 \$123,500,000;

1 “Research, Development, Test and Evaluation,
2 Army”, 2018/2019, \$191,120,000;

3 “Research, Development, Test and Evaluation,
4 Air Force”, 2018/2019, \$490,588,000;

5 “Research, Development, Test and Evaluation,
6 Defense-Wide”, 2018/2019, \$25,000,000; and

7 “Defense Health Program: Procurement”,
8 2018/2020, \$215,000,000.

9 SEC. 8042. None of the funds available in this Act
10 may be used to reduce the authorized positions for mili-
11 tary technicians (dual status) of the Army National
12 Guard, Air National Guard, Army Reserve and Air Force
13 Reserve for the purpose of applying any administratively
14 imposed civilian personnel ceiling, freeze, or reduction on
15 military technicians (dual status), unless such reductions
16 are a direct result of a reduction in military force struc-
17 ture.

18 SEC. 8043. None of the funds appropriated or other-
19 wise made available in this Act may be obligated or ex-
20 pended for assistance to the Democratic People’s Republic
21 of Korea unless specifically appropriated for that purpose.

22 SEC. 8044. Funds appropriated in this Act for oper-
23 ation and maintenance of the Military Departments, Com-
24 batant Commands and Defense Agencies shall be available
25 for reimbursement of pay, allowances and other expenses

1 which would otherwise be incurred against appropriations
2 for the National Guard and Reserve when members of the
3 National Guard and Reserve provide intelligence or coun-
4 terintelligence support to Combatant Commands, Defense
5 Agencies and Joint Intelligence Activities, including the
6 activities and programs included within the National Intel-
7 ligence Program and the Military Intelligence Program:
8 *Provided*, That nothing in this section authorizes deviation
9 from established Reserve and National Guard personnel
10 and training procedures.

11 SEC. 8045. (a) None of the funds available to the
12 Department of Defense for any fiscal year for drug inter-
13 diction or counter-drug activities may be transferred to
14 any other department or agency of the United States ex-
15 cept as specifically provided in an appropriations law.

16 (b) None of the funds available to the Central Intel-
17 ligence Agency for any fiscal year for drug interdiction or
18 counter-drug activities may be transferred to any other de-
19 partment or agency of the United States except as specifi-
20 cally provided in an appropriations law.

21 SEC. 8046. None of the funds appropriated by this
22 Act may be used for the procurement of ball and roller
23 bearings other than those produced by a domestic source
24 and of domestic origin: *Provided*, That the Secretary of
25 the military department responsible for such procurement

1 may waive this restriction on a case-by-case basis by certi-
2 fying in writing to the Committees on Appropriations of
3 the House of Representatives and the Senate, that ade-
4 quate domestic supplies are not available to meet Depart-
5 ment of Defense requirements on a timely basis and that
6 such an acquisition must be made in order to acquire ca-
7 pability for national security purposes: *Provided further*,
8 That this restriction shall not apply to the purchase of
9 “commercial items”, as defined by section 103 of title 41,
10 United States Code, except that the restriction shall apply
11 to ball or roller bearings purchased as end items.

12 SEC. 8047. Of the amounts appropriated for “Work-
13 ing Capital Fund, Army”, \$99,000,000 shall be available
14 to maintain competitive rates at the arsenals.

15 SEC. 8048. In addition to the amounts appropriated
16 or otherwise made available elsewhere in this Act,
17 \$44,000,000 is hereby appropriated to the Department of
18 Defense: *Provided*, That upon the determination of the
19 Secretary of Defense that it shall serve the national inter-
20 est, the Secretary shall make grants in the amounts speci-
21 fied as follows: \$20,000,000 to the United Service Organi-
22 zations and \$24,000,000 to the Red Cross.

23 SEC. 8049. None of the funds in this Act may be
24 used to purchase any supercomputer which is not manu-
25 factured in the United States, unless the Secretary of De-

1 fense certifies to the congressional defense committees
2 that such an acquisition must be made in order to acquire
3 capability for national security purposes that is not avail-
4 able from United States manufacturers.

5 SEC. 8050. Notwithstanding any other provision in
6 this Act, the Small Business Innovation Research program
7 and the Small Business Technology Transfer program set-
8 asides shall be taken proportionally from all programs,
9 projects, or activities to the extent they contribute to the
10 extramural budget.

11 SEC. 8051. None of the funds available to the De-
12 partment of Defense under this Act shall be obligated or
13 expended to pay a contractor under a contract with the
14 Department of Defense for costs of any amount paid by
15 the contractor to an employee when—

16 (1) such costs are for a bonus or otherwise in
17 excess of the normal salary paid by the contractor
18 to the employee; and

19 (2) such bonus is part of restructuring costs as-
20 sociated with a business combination.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8052. During the current fiscal year, no more
23 than \$30,000,000 of appropriations made in this Act
24 under the heading “Operation and Maintenance, Defense-
25 Wide” may be transferred to appropriations available for

1 the pay of military personnel, to be merged with, and to
2 be available for the same time period as the appropriations
3 to which transferred, to be used in support of such per-
4 sonnel in connection with support and services for eligible
5 organizations and activities outside the Department of De-
6 fense pursuant to section 2012 of title 10, United States
7 Code.

8 SEC. 8053. During the current fiscal year, in the case
9 of an appropriation account of the Department of Defense
10 for which the period of availability for obligation has ex-
11 pired or which has closed under the provisions of section
12 1552 of title 31, United States Code, and which has a
13 negative unliquidated or unexpended balance, an obliga-
14 tion or an adjustment of an obligation may be charged
15 to any current appropriation account for the same purpose
16 as the expired or closed account if—

17 (1) the obligation would have been properly
18 chargeable (except as to amount) to the expired or
19 closed account before the end of the period of avail-
20 ability or closing of that account;

21 (2) the obligation is not otherwise properly
22 chargeable to any current appropriation account of
23 the Department of Defense; and

24 (3) in the case of an expired account, the obli-
25 gation is not chargeable to a current appropriation

1 of the Department of Defense under the provisions
2 of section 1405(b)(8) of the National Defense Au-
3 thorization Act for Fiscal Year 1991, Public Law
4 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
5 *vided*, That in the case of an expired account, if sub-
6 sequent review or investigation discloses that there
7 was not in fact a negative unliquidated or unex-
8 pended balance in the account, any charge to a cur-
9 rent account under the authority of this section shall
10 be reversed and recorded against the expired ac-
11 count: *Provided further*, That the total amount
12 charged to a current appropriation under this sec-
13 tion may not exceed an amount equal to 1 percent
14 of the total appropriation for that account.

15 SEC. 8054. (a) Notwithstanding any other provision
16 of law, the Chief of the National Guard Bureau may per-
17 mit the use of equipment of the National Guard Distance
18 Learning Project by any person or entity on a space-avail-
19 able, reimbursable basis. The Chief of the National Guard
20 Bureau shall establish the amount of reimbursement for
21 such use on a case-by-case basis.

22 (b) Amounts collected under subsection (a) shall be
23 credited to funds available for the National Guard Dis-
24 tance Learning Project and be available to defray the costs
25 associated with the use of equipment of the project under

1 that subsection. Such funds shall be available for such
2 purposes without fiscal year limitation.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8055. Of the funds appropriated in this Act
5 under the heading “Operation and Maintenance, Defense-
6 wide”, \$35,000,000 shall be for continued implementation
7 and expansion of the Sexual Assault Special Victims’
8 Counsel Program: *Provided*, That the funds are made
9 available for transfer to the Department of the Army, the
10 Department of the Navy, and the Department of the Air
11 Force: *Provided further*, That funds transferred shall be
12 merged with and available for the same purposes and for
13 the same time period as the appropriations to which the
14 funds are transferred: *Provided further*, That this transfer
15 authority is in addition to any other transfer authority
16 provided in this Act.

17 SEC. 8056. None of the funds appropriated in title
18 IV of this Act may be used to procure end-items for deliv-
19 ery to military forces for operational training, operational
20 use or inventory requirements: *Provided*, That this restric-
21 tion does not apply to end-items used in development,
22 prototyping, and test activities preceding and leading to
23 acceptance for operational use: *Provided further*, That the
24 Secretary of Defense shall, with submission of the depart-
25 ment’s fiscal year 2020 budget request, submit a report

1 detailing the use of funds requested in research, develop-
2 ment, test and evaluation accounts for end-items used in
3 development, prototyping and test activities preceding and
4 leading to acceptance for operational use: *Provided further*,
5 That this restriction does not apply to programs funded
6 within the National Intelligence Program: *Provided fur-*
7 *ther*, That the Secretary of Defense may waive this restric-
8 tion on a case-by-case basis by certifying in writing to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate that it is in the national security
11 interest to do so.

12 SEC. 8057. (a) The Secretary of Defense may, on a
13 case-by-case basis, waive with respect to a foreign country
14 each limitation on the procurement of defense items from
15 foreign sources provided in law if the Secretary determines
16 that the application of the limitation with respect to that
17 country would invalidate cooperative programs entered
18 into between the Department of Defense and the foreign
19 country, or would invalidate reciprocal trade agreements
20 for the procurement of defense items entered into under
21 section 2531 of title 10, United States Code, and the
22 country does not discriminate against the same or similar
23 defense items produced in the United States for that coun-
24 try.

25 (b) Subsection (a) applies with respect to—

1 (1) contracts and subcontracts entered into on
2 or after the date of the enactment of this Act; and

3 (2) options for the procurement of items that
4 are exercised after such date under contracts that
5 are entered into before such date if the option prices
6 are adjusted for any reason other than the applica-
7 tion of a waiver granted under subsection (a).

8 (c) Subsection (a) does not apply to a limitation re-
9 garding construction of public vessels, ball and roller bear-
10 ings, food, and clothing or textile materials as defined by
11 section XI (chapters 50–65) of the Harmonized Tariff
12 Schedule of the United States and products classified
13 under headings 4010, 4202, 4203, 6401 through 6406,
14 6505, 7019, 7218 through 7229, 7304.41 through
15 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
16 8211, 8215, and 9404.

17 SEC. 8058. None of the funds appropriated or other-
18 wise made available by this or other Department of De-
19 fense Appropriations Acts may be obligated or expended
20 for the purpose of performing repairs or maintenance to
21 military family housing units of the Department of De-
22 fense, including areas in such military family housing
23 units that may be used for the purpose of conducting offi-
24 cial Department of Defense business.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8059. Of the amounts appropriated for “Oper-
3 ation and Maintenance, Navy”, up to \$1,000,000 shall be
4 available for transfer to the John C. Stennis Center for
5 Public Service Development Trust Fund established under
6 section 116 of the John C. Stennis Center for Public Serv-
7 ice Training and Development Act (2 U.S.C. 1105).

8 SEC. 8060. Notwithstanding any other provision of
9 law, funds appropriated in this Act under the heading
10 “Research, Development, Test and Evaluation, Defense-
11 Wide” for any new start advanced concept technology
12 demonstration project or joint capability demonstration
13 project may only be obligated 45 days after a report, in-
14 cluding a description of the project, the planned acquisi-
15 tion and transition strategy and its estimated annual and
16 total cost, has been provided in writing to the congres-
17 sional defense committees: *Provided*, That the Secretary
18 of Defense may waive this restriction on a case-by-case
19 basis by certifying to the congressional defense committees
20 that it is in the national interest to do so.

21 SEC. 8061. The Secretary of Defense shall continue
22 to provide a classified quarterly report to the House and
23 Senate Appropriations Committees, Subcommittees on
24 Defense on certain matters as directed in the classified
25 annex accompanying this Act.

1 SEC. 8062. Notwithstanding section 12310(b) of title
2 10, United States Code, a Reserve who is a member of
3 the National Guard serving on full-time National Guard
4 duty under section 502(f) of title 32, United States Code,
5 may perform duties in support of the ground-based ele-
6 ments of the National Ballistic Missile Defense System.

7 SEC. 8063. None of the funds provided in this Act
8 may be used to transfer to any nongovernmental entity
9 ammunition held by the Department of Defense that has
10 a center-fire cartridge and a United States military no-
11 menclature designation of “armor penetrator”, “armor
12 piercing (AP)”, “armor piercing incendiary (API)”, or
13 “armor-piercing incendiary tracer (API-T)”, except to an
14 entity performing demilitarization services for the Depart-
15 ment of Defense under a contract that requires the entity
16 to demonstrate to the satisfaction of the Department of
17 Defense that armor piercing projectiles are either: (1) ren-
18 dered incapable of reuse by the demilitarization process;
19 or (2) used to manufacture ammunition pursuant to a con-
20 tract with the Department of Defense or the manufacture
21 of ammunition for export pursuant to a License for Per-
22 manent Export of Unclassified Military Articles issued by
23 the Department of State.

24 SEC. 8064. Notwithstanding any other provision of
25 law, the Chief of the National Guard Bureau, or his des-

1 ignee, may waive payment of all or part of the consider-
2 ation that otherwise would be required under section 2667
3 of title 10, United States Code, in the case of a lease of
4 personal property for a period not in excess of 1 year to
5 any organization specified in section 508(d) of title 32,
6 United States Code, or any other youth, social, or fra-
7 ternal nonprofit organization as may be approved by the
8 Chief of the National Guard Bureau, or his designee, on
9 a case-by-case basis.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8065. Of the amounts appropriated in this Act
12 under the heading “Operation and Maintenance, Army”,
13 \$62,483,700 shall remain available until expended: *Pro-*
14 *vided*, That, notwithstanding any other provision of law,
15 the Secretary of Defense is authorized to transfer such
16 funds to other activities of the Federal Government: *Pro-*
17 *vided further*, That the Secretary of Defense is authorized
18 to enter into and carry out contracts for the acquisition
19 of real property, construction, personal services, and oper-
20 ations related to projects carrying out the purposes of this
21 section: *Provided further*, That contracts entered into
22 under the authority of this section may provide for such
23 indemnification as the Secretary determines to be nec-
24 essary: *Provided further*, That projects authorized by this
25 section shall comply with applicable Federal, State, and

1 local law to the maximum extent consistent with the na-
2 tional security, as determined by the Secretary of Defense.

3 SEC. 8066. (a) None of the funds appropriated in this
4 or any other Act may be used to take any action to mod-
5 ify—

6 (1) the appropriations account structure for the
7 National Intelligence Program budget, including
8 through the creation of a new appropriation or new
9 appropriation account;

10 (2) how the National Intelligence Program
11 budget request is presented in the unclassified P-1,
12 R-1, and O-1 documents supporting the Depart-
13 ment of Defense budget request;

14 (3) the process by which the National Intel-
15 ligence Program appropriations are apportioned to
16 the executing agencies; or

17 (4) the process by which the National Intel-
18 ligence Program appropriations are allotted, obli-
19 gated and disbursed.

20 (b) Nothing in section (a) shall be construed to pro-
21 hibit the merger of programs or changes to the National
22 Intelligence Program budget at or below the Expenditure
23 Center level, provided such change is otherwise in accord-
24 ance with paragraphs (a)(1)–(3).

1 (c) The Director of National Intelligence and the Sec-
2 retary of Defense may jointly, only for the purposes of
3 achieving auditable financial statements and improving
4 fiscal reporting, study and develop detailed proposals for
5 alternative financial management processes. Such study
6 shall include a comprehensive counterintelligence risk as-
7 sessment to ensure that none of the alternative processes
8 will adversely affect counterintelligence.

9 (d) Upon development of the detailed proposals de-
10 fined under subsection (c), the Director of National Intel-
11 ligence and the Secretary of Defense shall—

12 (1) provide the proposed alternatives to all af-
13 fected agencies;

14 (2) receive certification from all affected agen-
15 cies attesting that the proposed alternatives will help
16 achieve auditability, improve fiscal reporting, and
17 will not adversely affect counterintelligence; and

18 (3) not later than 30 days after receiving all
19 necessary certifications under paragraph (2), present
20 the proposed alternatives and certifications to the
21 congressional defense and intelligence committees.

22 SEC. 8067. In addition to amounts provided else-
23 where in this Act, \$10,000,000 is hereby appropriated to
24 the Department of Defense, to remain available for obliga-
25 tion until expended: *Provided*, That notwithstanding any

1 other provision of law, that upon the determination of the
2 Secretary of Defense that it shall serve the national inter-
3 est, these funds shall be available only for a grant to the
4 Fisher House Foundation, Inc., only for the construction
5 and furnishing of additional Fisher Houses to meet the
6 needs of military family members when confronted with
7 the illness or hospitalization of an eligible military bene-
8 ficiary.

9 SEC. 8068. None of the funds available to the De-
10 partment of Defense may be obligated to modify command
11 and control relationships to give Fleet Forces Command
12 operational and administrative control of United States
13 Navy forces assigned to the Pacific fleet: *Provided*, That
14 the command and control relationships which existed on
15 October 1, 2004, shall remain in force until a written
16 modification has been proposed to the House and Senate
17 Appropriations Committees: *Provided further*, That the
18 proposed modification may be implemented 30 days after
19 the notification unless an objection is received from either
20 the House or Senate Appropriations Committees: *Provided*
21 *further*, That any proposed modification shall not preclude
22 the ability of the commander of United States Pacific
23 Command to meet operational requirements.

24 SEC. 8069. Any notice that is required to be sub-
25 mitted to the Committees on Appropriations of the Senate

1 and the House of Representatives under section 806(c)(4)
2 of the Bob Stump National Defense Authorization Act for
3 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
4 of the enactment of this Act shall be submitted pursuant
5 to that requirement concurrently to the Subcommittees on
6 Defense of the Committees on Appropriations of the Sen-
7 ate and the House of Representatives.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8070. Of the amounts appropriated in this Act
10 under the headings “Procurement, Defense-Wide” and
11 “Research, Development, Test and Evaluation, Defense-
12 Wide”, \$500,000,000 shall be for the Israeli Cooperative
13 Programs: *Provided*, That of this amount, \$70,000,000
14 shall be for the Secretary of Defense to provide to the Gov-
15 ernment of Israel for the procurement of the Iron Dome
16 defense system to counter short-range rocket threats, sub-
17 ject to the U.S.-Israel Iron Dome Procurement Agree-
18 ment, as amended; \$187,000,000 shall be for the Short
19 Range Ballistic Missile Defense (SRBMD) program, in-
20 cluding cruise missile defense research and development
21 under the SRBMD program, of which \$50,000,000 shall
22 be for co-production activities of SRBMD systems in the
23 United States and in Israel to meet Israel’s defense re-
24 quirements consistent with each nation’s laws, regulations,
25 and procedures, subject to the U.S.-Israeli co-production

1 agreement for SRBMD, as amended; \$80,000,000 shall
2 be for an upper-tier component to the Israeli Missile De-
3 fense Architecture, of which \$80,000,000 shall be for co-
4 production activities of Arrow 3 Upper Tier systems in
5 the United States and in Israel to meet Israel's defense
6 requirements consistent with each nation's laws, regula-
7 tions, and procedures, subject to the U.S.-Israeli co-pro-
8 duction agreement for Arrow 3 Upper Tier, as amended;
9 and \$163,000,000 shall be for the Arrow System Improve-
10 ment Program including development of a long range,
11 ground and airborne, detection suite: *Provided further*,
12 That the transfer authority provided under this provision
13 is in addition to any other transfer authority contained
14 in this Act.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8071. Of the amounts appropriated in this Act
17 under the heading "Shipbuilding and Conversion, Navy",
18 \$207,099,000 shall be available until September 30, 2019,
19 to fund prior year shipbuilding cost increases: *Provided*,
20 That upon enactment of this Act, the Secretary of the
21 Navy shall transfer funds to the following appropriations
22 in the amounts specified: *Provided further*, That the
23 amounts transferred shall be merged with and be available
24 for the same purposes as the appropriations to which
25 transferred to:

1 (1) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2011/2019: LHA Replacement
3 \$25,100,000;

4 (2) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2013/2019: DDG-51 Destroyer
6 \$53,966,000;

7 (3) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2014/2019: Littoral Combat Ship
9 \$19,498,000;

10 (4) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2015/2019: Littoral Combat Ship
12 \$83,686,000;

13 (5) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2015/2019: LCAC \$9,400,000; and

15 (6) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2016/2019: TAO Fleet Oiler
17 \$15,449,000.

18 SEC. 8072. Funds appropriated by this Act, or made
19 available by the transfer of funds in this Act, for intel-
20 ligence activities are deemed to be specifically authorized
21 by the Congress for purposes of section 504 of the Na-
22 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
23 year 2019 until the enactment of the Intelligence Author-
24 ization Act for Fiscal Year 2019.

1 SEC. 8073. None of the funds provided in this Act
2 shall be available for obligation or expenditure through a
3 reprogramming of funds that creates or initiates a new
4 program, project, or activity unless such program, project,
5 or activity must be undertaken immediately in the interest
6 of national security and only after written prior notifica-
7 tion to the congressional defense committees.

8 SEC. 8074. The budget of the President for fiscal
9 year 2020 submitted to the Congress pursuant to section
10 1105 of title 31, United States Code, shall include sepa-
11 rate budget justification documents for costs of United
12 States Armed Forces' participation in contingency oper-
13 ations for the Military Personnel accounts, the Operation
14 and Maintenance accounts, the Procurement accounts,
15 and the Research, Development, Test and Evaluation ac-
16 counts: *Provided*, That these documents shall include a de-
17 scription of the funding requested for each contingency op-
18 eration, for each military service, to include all Active and
19 Reserve components, and for each appropriations account:
20 *Provided further*, That these documents shall include esti-
21 mated costs for each element of expense or object class,
22 a reconciliation of increases and decreases for each contin-
23 gency operation, and programmatic data including, but
24 not limited to, troop strength for each Active and Reserve
25 component, and estimates of the major weapons systems

1 deployed in support of each contingency: *Provided further*,
2 That these documents shall include budget exhibits OP–
3 5 and OP–32 (as defined in the Department of Defense
4 Financial Management Regulation) for all contingency op-
5 erations for the budget year and the two preceding fiscal
6 years.

7 SEC. 8075. None of the funds in this Act may be
8 used for research, development, test, evaluation, procure-
9 ment or deployment of nuclear armed interceptors of a
10 missile defense system.

11 (RESCISSION)

12 SEC. 8076. Of the funds available to the Secretary
13 of Defense in the “Foreign Currency Fluctuations, De-
14 fense” account, \$250,000,000 are rescinded.

15 SEC. 8077. The Secretary of Defense may use up to
16 \$800,000,000 of the amounts appropriated or otherwise
17 made available in this Act to the Department of Defense
18 for the rapid acquisition and deployment of supplies and
19 associated support services pursuant to section 806 of the
20 Bob Stump National Defense Authorization Act for Fiscal
21 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note):
22 *Provided*, That the Secretary of Defense shall notify the
23 congressional defense committees promptly of all uses of
24 this authority.

1 SEC. 8078. None of the funds appropriated or made
2 available in this Act shall be used to reduce or disestablish
3 the operation of the 53rd Weather Reconnaissance Squad-
4 ron of the Air Force Reserve, if such action would reduce
5 the WC-130 Weather Reconnaissance mission below the
6 levels funded in this Act: *Provided*, That the Air Force
7 shall allow the 53rd Weather Reconnaissance Squadron to
8 perform other missions in support of national defense re-
9 quirements during the non-hurricane season.

10 SEC. 8079. None of the funds provided in this Act
11 shall be available for integration of foreign intelligence in-
12 formation unless the information has been lawfully col-
13 lected and processed during the conduct of authorized for-
14 eign intelligence activities: *Provided*, That information
15 pertaining to United States persons shall only be handled
16 in accordance with protections provided in the Fourth
17 Amendment of the United States Constitution as imple-
18 mented through Executive Order No. 12333.

19 SEC. 8080. (a) None of the funds appropriated by
20 this Act may be used to transfer research and develop-
21 ment, acquisition, or other program authority relating to
22 current tactical unmanned aerial vehicles (TUAVs) from
23 the Army.

24 (b) The Army shall retain responsibility for and oper-
25 ational control of the MQ-1C Gray Eagle Unmanned Aer-

1 ial Vehicle (UAV) in order to support the Secretary of De-
2 fense in matters relating to the employment of unmanned
3 aerial vehicles.

4 SEC. 8081. None of the funds appropriated by this
5 Act for programs of the Office of the Director of National
6 Intelligence shall remain available for obligation beyond
7 the current fiscal year, except for funds appropriated for
8 research and technology, which shall remain available until
9 September 30, 2020.

10 SEC. 8082. For purposes of section 1553(b) of title
11 31, United States Code, any subdivision of appropriations
12 made in this Act under the heading “Shipbuilding and
13 Conversion, Navy” shall be considered to be for the same
14 purpose as any subdivision under the heading “Ship-
15 building and Conversion, Navy” appropriations in any
16 prior fiscal year, and the 1 percent limitation shall apply
17 to the total amount of the appropriation.

18 SEC. 8083. (a) Not later than 60 days after the date
19 of enactment of this Act, the Director of National Intel-
20 ligence shall submit a report to the congressional intel-
21 ligence committees to establish the baseline for application
22 of reprogramming and transfer authorities for fiscal year
23 2019: *Provided*, That the report shall include—

24 (1) a table for each appropriation with a sepa-
25 rate column to display the President’s budget re-

1 quest, adjustments made by Congress, adjustments
2 due to enacted rescissions, if appropriate, and the
3 fiscal year enacted level;

4 (2) a delineation in the table for each appro-
5 priation by Expenditure Center and project; and

6 (3) an identification of items of special congres-
7 sional interest.

8 (b) None of the funds provided for the National Intel-
9 ligence Program in this Act shall be available for re-
10 programming or transfer until the report identified in sub-
11 section (a) is submitted to the congressional intelligence
12 committees, unless the Director of National Intelligence
13 certifies in writing to the congressional intelligence com-
14 mittees that such reprogramming or transfer is necessary
15 as an emergency requirement.

16 SEC. 8084 None of the funds made available by this
17 Act may be used to eliminate, restructure, or realign Army
18 Contracting Command—New Jersey or make dispropor-
19 tionate personnel reductions at any Army Contracting
20 Command—New Jersey sites without 30-day prior notifi-
21 cation to the congressional defense committees.

22 SEC. 8085. Notwithstanding any other provision of
23 law, any transfer of funds, appropriated or otherwise made
24 available by this Act, for support to friendly foreign coun-
25 tries in connection with the conduct of operations in which

1 the United States is not participating, pursuant to section
2 331(d) of title 10, United States Code, shall be made in
3 accordance with sections 8005 or 9002 of this Act, as ap-
4 plicable.

5 SEC. 8086. Any transfer of amounts appropriated to,
6 credited to, or deposited in the Department of Defense Ac-
7 quisition Workforce Development Fund in or for fiscal
8 year 2019 to a military department or Defense Agency
9 pursuant to section 1705(e)(1) of title 10, United States
10 Code, shall be covered by and subject to sections 8005 or
11 9002 of this Act, as applicable.

12 SEC. 8087. None of the funds made available by this
13 Act for excess defense articles, assistance under section
14 333 of title 10, United States Code, or peacekeeping oper-
15 ations for the countries designated annually to be in viola-
16 tion of the standards of the Child Soldiers Prevention Act
17 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
18 be used to support any military training or operation that
19 includes child soldiers, as defined by the Child Soldiers
20 Prevention Act of 2008, unless such assistance is other-
21 wise permitted under section 404 of the Child Soldiers
22 Prevention Act of 2008.

23 SEC. 8088. (a) None of the funds provided for the
24 National Intelligence Program in this or any prior appro-
25 priations Act shall be available for obligation or expendi-

1 ture through a reprogramming or transfer of funds in ac-
2 cordance with section 102A(d) of the National Security
3 Act of 1947 (50 U.S.C. 3024(d)) that—

4 (1) creates a new start effort;

5 (2) terminates a program with appropriated
6 funding of \$10,000,000 or more;

7 (3) transfers funding into or out of the Na-
8 tional Intelligence Program; or

9 (4) transfers funding between appropriations,
10 unless the congressional intelligence committees are noti-
11 fied 30 days in advance of such reprogramming of funds;
12 this notification period may be reduced for urgent national
13 security requirements.

14 (b) None of the funds provided for the National Intel-
15 ligence Program in this or any prior appropriations Act
16 shall be available for obligation or expenditure through a
17 reprogramming or transfer of funds in accordance with
18 section 102A(d) of the National Security Act of 1947 (50
19 U.S.C. 3024(d)) that results in a cumulative increase or
20 decrease of the levels specified in the classified annex ac-
21 companying the Act unless the congressional intelligence
22 committees are notified 30 days in advance of such re-
23 programming of funds; this notification period may be re-
24 duced for urgent national security requirements.

1 SEC. 8089. The Director of National Intelligence
2 shall submit to Congress each year, at or about the time
3 that the President’s budget is submitted to Congress that
4 year under section 1105(a) of title 31, United States
5 Code, a future-years intelligence program (including asso-
6 ciated annexes) reflecting the estimated expenditures and
7 proposed appropriations included in that budget. Any such
8 future-years intelligence program shall cover the fiscal
9 year with respect to which the budget is submitted and
10 at least the four succeeding fiscal years.

11 SEC. 8090. For the purposes of this Act, the term
12 “congressional intelligence committees” means the Perma-
13 nent Select Committee on Intelligence of the House of
14 Representatives, the Select Committee on Intelligence of
15 the Senate, the Subcommittee on Defense of the Com-
16 mittee on Appropriations of the House of Representatives,
17 and the Subcommittee on Defense of the Committee on
18 Appropriations of the Senate.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8091. During the current fiscal year, not to ex-
21 ceed \$11,000,000 from each of the appropriations made
22 in title II of this Act for “Operation and Maintenance,
23 Army”, “Operation and Maintenance, Navy”, and “Oper-
24 ation and Maintenance, Air Force” may be transferred by
25 the military department concerned to its central fund es-

1 established for Fisher Houses and Suites pursuant to sec-
2 tion 2493(d) of title 10, United States Code.

3 SEC. 8092. None of the funds appropriated by this
4 Act may be available for the purpose of making remit-
5 tances to the Department of Defense Acquisition Work-
6 force Development Fund in accordance with section 1705
7 of title 10, United States Code.

8 SEC. 8093. (a) Any agency receiving funds made
9 available in this Act, shall, subject to subsections (b) and
10 (c), post on the public Web site of that agency any report
11 required to be submitted by the Congress in this or any
12 other Act, upon the determination by the head of the agen-
13 cy that it shall serve the national interest.

14 (b) Subsection (a) shall not apply to a report if—

15 (1) the public posting of the report com-
16 promises national security; or

17 (2) the report contains proprietary information.

18 (c) The head of the agency posting such report shall
19 do so only after such report has been made available to
20 the requesting Committee or Committees of Congress for
21 no less than 45 days.

22 SEC. 8094. (a) None of the funds appropriated or
23 otherwise made available by this Act may be expended for
24 any Federal contract for an amount in excess of
25 \$1,000,000, unless the contractor agrees not to—

1 (1) enter into any agreement with any of its
2 employees or independent contractors that requires,
3 as a condition of employment, that the employee or
4 independent contractor agree to resolve through ar-
5 bitration any claim under title VII of the Civil
6 Rights Act of 1964 or any tort related to or arising
7 out of sexual assault or harassment, including as-
8 sault and battery, intentional infliction of emotional
9 distress, false imprisonment, or negligent hiring, su-
10 pervision, or retention; or

11 (2) take any action to enforce any provision of
12 an existing agreement with an employee or inde-
13 pendent contractor that mandates that the employee
14 or independent contractor resolve through arbitra-
15 tion any claim under title VII of the Civil Rights Act
16 of 1964 or any tort related to or arising out of sex-
17 ual assault or harassment, including assault and
18 battery, intentional infliction of emotional distress,
19 false imprisonment, or negligent hiring, supervision,
20 or retention.

21 (b) None of the funds appropriated or otherwise
22 made available by this Act may be expended for any Fed-
23 eral contract unless the contractor certifies that it requires
24 each covered subcontractor to agree not to enter into, and
25 not to take any action to enforce any provision of, any

1 agreement as described in paragraphs (1) and (2) of sub-
2 section (a), with respect to any employee or independent
3 contractor performing work related to such subcontract.
4 For purposes of this subsection, a “covered subcon-
5 tractor” is an entity that has a subcontract in excess of
6 \$1,000,000 on a contract subject to subsection (a).

7 (c) The prohibitions in this section do not apply with
8 respect to a contractor’s or subcontractor’s agreements
9 with employees or independent contractors that may not
10 be enforced in a court of the United States.

11 (d) The Secretary of Defense may waive the applica-
12 tion of subsection (a) or (b) to a particular contractor or
13 subcontractor for the purposes of a particular contract or
14 subcontract if the Secretary or the Deputy Secretary per-
15 sonally determines that the waiver is necessary to avoid
16 harm to national security interests of the United States,
17 and that the term of the contract or subcontract is not
18 longer than necessary to avoid such harm. The determina-
19 tion shall set forth with specificity the grounds for the
20 waiver and for the contract or subcontract term selected,
21 and shall state any alternatives considered in lieu of a
22 waiver and the reasons each such alternative would not
23 avoid harm to national security interests of the United
24 States. The Secretary of Defense shall transmit to Con-
25 gress, and simultaneously make public, any determination

1 under this subsection not less than 15 business days be-
2 fore the contract or subcontract addressed in the deter-
3 mination may be awarded.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8095. From within the funds appropriated for
6 operation and maintenance for the Defense Health Pro-
7 gram in this Act, up to \$113,000,000, shall be available
8 for transfer to the Joint Department of Defense-Depart-
9 ment of Veterans Affairs Medical Facility Demonstration
10 Fund in accordance with the provisions of section 1704
11 of the National Defense Authorization Act for Fiscal Year
12 2010, Public Law 111–84: *Provided*, That for purposes
13 of section 1704(b), the facility operations funded are oper-
14 ations of the integrated Captain James A. Lovell Federal
15 Health Care Center, consisting of the North Chicago Vet-
16 erans Affairs Medical Center, the Navy Ambulatory Care
17 Center, and supporting facilities designated as a combined
18 Federal medical facility as described by section 706 of
19 Public Law 110–417: *Provided further*, That additional
20 funds may be transferred from funds appropriated for op-
21 eration and maintenance for the Defense Health Program
22 to the Joint Department of Defense-Department of Vet-
23 erans Affairs Medical Facility Demonstration Fund upon
24 written notification by the Secretary of Defense to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate.

3 SEC. 8096. None of the funds appropriated or other-
4 wise made available by this Act may be used by the De-
5 partment of Defense or a component thereof in contraven-
6 tion of the provisions of section 130h of title 10, United
7 States Code.

8 SEC. 8097. Appropriations available to the Depart-
9 ment of Defense may be used for the purchase of heavy
10 and light armored vehicles for the physical security of per-
11 sonnel or for force protection purposes up to a limit of
12 \$450,000 per vehicle, notwithstanding price or other limi-
13 tations applicable to the purchase of passenger carrying
14 vehicles.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8098. Upon a determination by the Director of
17 National Intelligence that such action is necessary and in
18 the national interest, the Director may, with the approval
19 of the Office of Management and Budget, transfer not to
20 exceed \$1,500,000,000 of the funds made available in this
21 Act for the National Intelligence Program: *Provided*, That
22 such authority to transfer may not be used unless for
23 higher priority items, based on unforeseen intelligence re-
24 quirements, than those for which originally appropriated
25 and in no case where the item for which funds are re-

1 requested has been denied by the Congress: *Provided further*,
2 That a request for multiple reprogrammings of funds
3 using authority provided in this section shall be made
4 prior to June 30, 2019.

5 SEC. 8099. None of the funds appropriated or other-
6 wise made available in this or any other Act may be used
7 to transfer, release, or assist in the transfer or release to
8 or within the United States, its territories, or possessions
9 Khalid Sheikh Mohammed or any other detainee who—

10 (1) is not a United States citizen or a member
11 of the Armed Forces of the United States; and

12 (2) is or was held on or after June 24, 2009,
13 at United States Naval Station, Guantánamo Bay,
14 Cuba, by the Department of Defense.

15 SEC. 8100. (a) None of the funds appropriated or
16 otherwise made available in this or any other Act may be
17 used to construct, acquire, or modify any facility in the
18 United States, its territories, or possessions to house any
19 individual described in subsection (c) for the purposes of
20 detention or imprisonment in the custody or under the ef-
21 fective control of the Department of Defense.

22 (b) The prohibition in subsection (a) shall not apply
23 to any modification of facilities at United States Naval
24 Station, Guantánamo Bay, Cuba.

1 (c) An individual described in this subsection is any
2 individual who, as of June 24, 2009, is located at United
3 States Naval Station, Guantánamo Bay, Cuba, and who—

4 (1) is not a citizen of the United States or a
5 member of the Armed Forces of the United States;
6 and

7 (2) is—

8 (A) in the custody or under the effective
9 control of the Department of Defense; or

10 (B) otherwise under detention at United
11 States Naval Station, Guantánamo Bay, Cuba.

12 SEC. 8101. None of the funds appropriated or other-
13 wise made available in this Act may be used to transfer
14 any individual detained at United States Naval Station
15 Guantánamo Bay, Cuba, to the custody or control of the
16 individual's country of origin, any other foreign country,
17 or any other foreign entity except in accordance with sec-
18 tion 1034 of the National Defense Authorization Act for
19 Fiscal Year 2016 (Public Law 114–92) and section 1035
20 of the National Defense Authorization Act for Fiscal Year
21 2019 (Public Law 115–232).

22 SEC. 8102. None of the funds made available by this
23 Act may be used in contravention of the War Powers Res-
24 olution (50 U.S.C. 1541 et seq.).

1 SEC. 8103. (a) None of the funds appropriated or
2 otherwise made available by this or any other Act may
3 be used by the Secretary of Defense, or any other official
4 or officer of the Department of Defense, to enter into a
5 contract, memorandum of understanding, or cooperative
6 agreement with, or make a grant to, or provide a loan
7 or loan guarantee to Rosoboronexport or any subsidiary
8 of Rosoboronexport.

9 (b) The Secretary of Defense may waive the limita-
10 tion in subsection (a) if the Secretary, in consultation with
11 the Secretary of State and the Director of National Intel-
12 ligence, determines that it is in the vital national security
13 interest of the United States to do so, and certifies in writ-
14 ing to the congressional defense committees that, to the
15 best of the Secretary's knowledge:

16 (1) Rosoboronexport has ceased the transfer of
17 lethal military equipment to, and the maintenance of
18 existing lethal military equipment for, the Govern-
19 ment of the Syrian Arab Republic;

20 (2) The armed forces of the Russian Federation
21 have withdrawn from Crimea, other than armed
22 forces present on military bases subject to agree-
23 ments in force between the Government of the Rus-
24 sian Federation and the Government of Ukraine;
25 and

1 (3) Agents of the Russian Federation have
2 ceased taking active measures to destabilize the con-
3 trol of the Government of Ukraine over eastern
4 Ukraine.

5 (c) The Inspector General of the Department of De-
6 fense shall conduct a review of any action involving
7 Rosoboronexport with respect to a waiver issued by the
8 Secretary of Defense pursuant to subsection (b), and not
9 later than 90 days after the date on which such a waiver
10 is issued by the Secretary of Defense, the Inspector Gen-
11 eral shall submit to the congressional defense committees
12 a report containing the results of the review conducted
13 with respect to such waiver.

14 SEC. 8104. None of the funds made available in this
15 Act may be used for the purchase or manufacture of a
16 flag of the United States unless such flags are treated as
17 covered items under section 2533a(b) of title 10, United
18 States Code.

19 SEC. 8105. The Secretary of Defense, in consultation
20 with the Service Secretaries, shall submit two reports to
21 the congressional defense committees, not later than
22 March 1, 2019, and not later than September 1, 2019,
23 detailing the submission of records during the previous 6
24 months to databases accessible to the National Instant
25 Criminal Background Check System (NICS), including

1 the Interstate Identification Index (III), the National
2 Crime Information Center (NCIC), and the NICS Index,
3 as required by Public Law 110–180: *Provided*, That such
4 reports shall provide the number and category of records
5 submitted by month to each such database, by Service or
6 Component: *Provided further*, That such reports shall
7 identify the number and category of records submitted by
8 month to those databases for which the Identification for
9 Firearm Sales (IFFS) flag or other database flags were
10 used to pre-validate the records and indicate that such
11 persons are prohibited from receiving or possessing a fire-
12 arm: *Provided further*, That such reports shall describe the
13 steps taken during the previous 6 months, by Service or
14 Component, to ensure complete and accurate submission
15 and appropriate flagging of records of individuals prohib-
16 ited from gun possession or receipt pursuant to 18 U.S.C.
17 922(g) or (n) including applicable records involving pro-
18 ceedings under the Uniform Code of Military Justice.

19 SEC. 8106. (a) Of the funds appropriated in this Act
20 for the Department of Defense, amounts should be made
21 available, under such regulations as the Secretary of De-
22 fense may prescribe, to local military commanders ap-
23 pointed by the Secretary, or by an officer or employee des-
24 ignated by the Secretary, to provide at their discretion ex
25 gratia payments in amounts consistent with subsection (d)

1 of this section for damage, personal injury, or death that
2 is incident to combat operations of the Armed Forces in
3 a foreign country.

4 (b) An ex gratia payment under this section may be
5 provided only if—

6 (1) the prospective foreign civilian recipient is
7 determined by the local military commander to be
8 friendly to the United States;

9 (2) a claim for damages would not be compen-
10 sable under chapter 163 of title 10, United States
11 Code (commonly known as the “Foreign Claims
12 Act”); and

13 (3) the property damage, personal injury, or
14 death was not caused by action by an enemy.

15 (c) Any payments provided under a program under
16 subsection (a) shall not be considered an admission or ac-
17 knowledgement of any legal obligation to compensate for
18 any damage, personal injury, or death.

19 (d) If the Secretary of Defense determines a program
20 under subsection (a) to be appropriate in a particular set-
21 ting, the amounts of payments, if any, to be provided to
22 civilians determined to have suffered harm incident to
23 combat operations of the Armed Forces under the pro-
24 gram should be determined pursuant to regulations pre-
25 scribed by the Secretary and based on an assessment,

1 which should include such factors as cultural appropriate-
2 ness and prevailing economic conditions.

3 (e) Local military commanders shall receive legal ad-
4 vice before making ex gratia payments under this sub-
5 section. The legal advisor, under regulations of the De-
6 partment of Defense, shall advise on whether an ex gratia
7 payment is proper under this section and applicable De-
8 partment of Defense regulations.

9 (f) A written record of any ex gratia payment offered
10 or denied shall be kept by the local commander and on
11 a timely basis submitted to the appropriate office in the
12 Department of Defense as determined by the Secretary
13 of Defense.

14 (g) The Secretary of Defense shall report to the con-
15 gressional defense committees on an annual basis the effi-
16 cacy of the ex gratia payment program including the num-
17 ber of types of cases considered, amounts offered, the re-
18 sponse from ex gratia payment recipients, and any rec-
19 ommended modifications to the program.

20 SEC. 8107. None of the funds available in this Act
21 to the Department of Defense, other than appropriations
22 made for necessary or routine refurbishments, upgrades
23 or maintenance activities, shall be used to reduce or to
24 prepare to reduce the number of deployed and non-de-
25 ployed strategic delivery vehicles and launchers below the

1 levels set forth in the report submitted to Congress in ac-
2 cordance with section 1042 of the National Defense Au-
3 thorization Act for Fiscal Year 2012.

4 SEC. 8108. The Secretary of Defense shall post grant
5 awards on a public Website in a searchable format.

6 SEC. 8109. The Secretary of each military depart-
7 ment, in reducing each research, development, test and
8 evaluation and procurement account of the military de-
9 partment as required under paragraph (1) of section
10 828(d) of the National Defense Authorization Act for Fis-
11 cal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note),
12 as amended by section 825(a)(3) of the National Defense
13 Authorization Act for Fiscal Year 2018, shall allocate the
14 percentage reduction determined under paragraph (2) of
15 such section 828(d) proportionally from all programs,
16 projects, or activities under such account: *Provided*, That
17 the authority under section 804(d)(2) of the National De-
18 fense Authorization Act for Fiscal Year 2016 (Public Law
19 114–92; 10 U.S.C. 2302 note) to transfer amounts avail-
20 able in the Rapid Prototyping Fund shall be subject to
21 section 8005 or 9002 of this Act, as applicable.

22 SEC. 8110. None of the funds made available by this
23 Act may be used to fund the performance of a flight dem-
24 onstration team at a location outside of the United States:
25 *Provided*, That this prohibition applies only if a perform-

1 ance of a flight demonstration team at a location within
2 the United States was canceled during the current fiscal
3 year due to insufficient funding.

4 SEC. 8111. None of the funds made available by this
5 Act may be used by the National Security Agency to—

6 (1) conduct an acquisition pursuant to section
7 702 of the Foreign Intelligence Surveillance Act of
8 1978 for the purpose of targeting a United States
9 person; or

10 (2) acquire, monitor, or store the contents (as
11 such term is defined in section 2510(8) of title 18,
12 United States Code) of any electronic communica-
13 tion of a United States person from a provider of
14 electronic communication services to the public pur-
15 suant to section 501 of the Foreign Intelligence Sur-
16 veillance Act of 1978.

17 SEC. 8112. None of the funds made available by this
18 Act may be obligated or expended to implement the Arms
19 Trade Treaty until the Senate approves a resolution of
20 ratification for the Treaty.

21 SEC. 8113. None of the funds made available in this
22 or any other Act may be used to pay the salary of any
23 officer or employee of any agency funded by this Act who
24 approves or implements the transfer of administrative re-
25 sponsibilities or budgetary resources of any program,

1 project, or activity financed by this Act to the jurisdiction
2 of another Federal agency not financed by this Act with-
3 out the express authorization of Congress: *Provided*, That
4 this limitation shall not apply to transfers of funds ex-
5 pressly provided for in Defense Appropriations Acts, or
6 provisions of Acts providing supplemental appropriations
7 for the Department of Defense.

8 SEC. 8114. Of the amounts appropriated in this Act
9 for “Operation and Maintenance, Navy”, \$310,805,000,
10 to remain available until expended, may be used for any
11 purposes related to the National Defense Reserve Fleet
12 established under section 11 of the Merchant Ship Sales
13 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
14 amounts are available for reimbursements to the Ready
15 Reserve Force, Maritime Administration account of the
16 United States Department of Transportation for pro-
17 grams, projects, activities, and expenses related to the Na-
18 tional Defense Reserve Fleet.

19 SEC. 8115. None of the funds made available in this
20 Act may be obligated for activities authorized under sec-
21 tion 1208 of the Ronald W. Reagan National Defense Au-
22 thorization Act for Fiscal Year 2005 (Public Law 112–
23 81; 125 Stat. 1621) to initiate support for, or expand sup-
24 port to, foreign forces, irregular forces, groups, or individ-
25 uals unless the congressional defense committees are noti-

1 fied in accordance with the direction contained in the clas-
2 sified annex accompanying this Act, not less than 15 days
3 before initiating such support: *Provided*, That none of the
4 funds made available in this Act may be used under sec-
5 tion 1208 for any activity that is not in support of an
6 ongoing military operation being conducted by United
7 States Special Operations Forces to combat terrorism:
8 *Provided further*, That the Secretary of Defense may waive
9 the prohibitions in this section if the Secretary determines
10 that such waiver is required by extraordinary cir-
11 cumstances and, by not later than 72 hours after making
12 such waiver, notifies the congressional defense committees
13 of such waiver.

14 SEC. 8116. None of the funds made available by this
15 Act may be used with respect to Iraq in contravention of
16 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
17 cluding for the introduction of United States armed forces
18 into hostilities in Iraq, into situations in Iraq where immi-
19 nent involvement in hostilities is clearly indicated by the
20 circumstances, or into Iraqi territory, airspace, or waters
21 while equipped for combat, in contravention of the con-
22 gressional consultation and reporting requirements of sec-
23 tions 3 and 4 of such Resolution (50 U.S.C. 1542 and
24 1543).

1 SEC. 8117. None of the funds provided in this Act
2 for the TAO Fleet Oiler program shall be used to award
3 a new contract that provides for the acquisition of the fol-
4 lowing components unless those components are manufac-
5 tured in the United States: Auxiliary equipment (including
6 pumps) for shipboard services; propulsion equipment (in-
7 cluding engines, reduction gears, and propellers); ship-
8 board cranes; and spreaders for shipboard cranes.

9 SEC. 8118. Notwithstanding any other provision of
10 this Act, to mitigate higher than anticipated fuel costs,
11 the total amount appropriated in title II of this Act is
12 hereby increased by \$750,000,000.

13 SEC. 8119. No amounts credited or otherwise made
14 available in this or any other Act to the Department of
15 Defense Acquisition Workforce Development Fund may be
16 transferred to:

17 (1) the Rapid Prototyping Fund established
18 under section 804(d) of the National Defense Au-
19 thorization Act for Fiscal Year 2016 (10 U.S.C.
20 2302 note); or

21 (2) credited to a military-department specific
22 fund established under section 804(d)(2) of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2016 (as amended by section 897 of the National
25 Defense Authorization Act for Fiscal Year 2017).

1 SEC. 8120. None of the funds made available by this
2 Act may be used for Government Travel Charge Card ex-
3 penses by military or civilian personnel of the Department
4 of Defense for gaming, or for entertainment that includes
5 topless or nude entertainers or participants, as prohibited
6 by Department of Defense FMR, Volume 9, Chapter 3
7 and Department of Defense Instruction 1015.10 (enclo-
8 sure 3, 14a and 14b).

9 SEC. 8121. Notwithstanding any other provision of
10 law, from funds made available to the Department of De-
11 fense in title II of this Act under the heading “Operation
12 and Maintenance, Defense-Wide”, \$15,000,000 shall be
13 available for a project in a country designated by the Sec-
14 retary of Defense: *Provided*, That in furtherance of the
15 project, the Department of Defense is authorized to ac-
16 quire services, including services performed pursuant to
17 a grant agreement, from another Federal agency, on an
18 advance of funds or reimbursable basis: *Provided further*,
19 That an order for services placed under this section is
20 deemed to be an obligation in the same manner that a
21 similar order placed under a contract with a private con-
22 tractor is an obligation.

23 SEC. 8122. None of the funds made available by this
24 Act may be used to propose, plan for, or execute a new

1 or additional Base Realignment and Closure (BRAC)
2 round.

3 SEC. 8123. None of the funds appropriated by this
4 Act may be made available to deliver F–35 aircraft to the
5 Republic of Turkey, except in accordance with section
6 1282 of the John S. McCain National Defense Authoriza-
7 tion Act for Fiscal Year 2019 (Public Law 115–232).

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8124. Of the amounts appropriated in this Act,
10 the Secretary of Defense may use up to \$65,442,000
11 under the heading “Operation and Maintenance, Defense-
12 Wide”, and up to \$55,400,000 under the heading “Re-
13 search, Development, Test and Evaluation, Defense-
14 Wide” to develop, replace, and sustain Federal Govern-
15 ment security and suitability background investigation in-
16 formation technology systems of the Office of Personnel
17 Management or other Federal agency responsible for con-
18 ducting such investigations: *Provided*, That the Secretary
19 may transfer additional amounts into these headings or
20 into “Procurement, Defense-Wide” using established re-
21 programming procedures prescribed in the Department of
22 Defense Financial Management Regulation 7000.14, Vol-
23 ume 3, Chapter 6, dated September 2015: *Provided fur-*
24 *ther*, That such funds shall supplement, not supplant any

1 other amounts made available to other Federal agencies
2 for such purposes.

3 SEC. 8125. None of the funds made available by this
4 Act may be used to carry out the closure or realignment
5 of the United States Naval Station, Guantánamo Bay,
6 Cuba.

7 SEC. 8126. (a) None of the funds made available in
8 this Act may be used to maintain or establish a computer
9 network unless such network is designed to block access
10 to pornography websites.

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

17 SEC. 8127. Notwithstanding any other provision of
18 law, any transfer of funds appropriated or otherwise made
19 available by this Act to the Global Engagement Center es-
20 tablished by section 1287 of the National Defense Author-
21 ization Act for Fiscal Year 2017 (Public Law 114–328;
22 130 Stat. 22 U.S.C. 2656 note) shall be made in accord-
23 ance with section 8005 or 9002 of this Act, as applicable.

24 SEC. 8128. In addition to amounts provided else-
25 where in this Act, there is appropriated \$270,000,000, for

1 an additional amount for “Operation and Maintenance,
2 Defense-Wide”, to remain available until expended: *Pro-*
3 *vided*, That such funds shall only be available to the Sec-
4 retary of Defense, acting through the Office of Economic
5 Adjustment of the Department of Defense, or for transfer
6 to the Secretary of Education, notwithstanding any other
7 provision of law, to make grants, conclude cooperative
8 agreements, or supplement other Federal funds to con-
9 struct, renovate, repair, or expand elementary and sec-
10 ondary public schools on military installations in order to
11 address capacity or facility condition deficiencies at such
12 schools: *Provided further*, That in making such funds
13 available, the Office of Economic Adjustment or the Sec-
14 retary of Education shall give priority consideration to
15 those military installations with schools having the most
16 serious capacity or facility condition deficiencies as deter-
17 mined by the Secretary of Defense: *Provided further*, That
18 as a condition of receiving funds under this section a local
19 educational agency or State shall provide a matching share
20 as described in the notice titled “Department of Defense
21 Program for Construction, Renovation, Repair or Expan-
22 sion of Public Schools Located on Military Installations”
23 published by the Department of Defense in the Federal
24 Register on September 9, 2011 (76 Fed. Reg. 55883 et
25 seq.): *Provided further*, That these provisions apply to

1 funds provided under this section, and to funds previously
2 provided by Congress to construct, renovate, repair, or ex-
3 pand elementary and secondary public schools on military
4 installations in order to address capacity or facility condi-
5 tion deficiencies at such schools to the extent such funds
6 remain unobligated on the date of enactment of this sec-
7 tion.

8 SEC. 8129. In carrying out the program described in
9 the memorandum on the subject of “Policy for Assisted
10 Reproductive Services for the Benefit of Seriously or Se-
11 verely Ill/Injured (Category II or III) Active Duty Service
12 Members” issued by the Assistant Secretary of Defense
13 for Health Affairs on April 3, 2012, and the guidance
14 issued to implement such memorandum, the Secretary of
15 Defense shall apply such policy and guidance, except
16 that—

17 (1) the limitation on periods regarding embryo
18 cryopreservation and storage set forth in part III(G)
19 and in part IV(H) of such memorandum shall not
20 apply; and

21 (2) the term “assisted reproductive technology”
22 shall include embryo cryopreservation and storage
23 without limitation on the duration of such
24 cryopreservation and storage.

1 SEC. 8130. None of the funds made available by this
2 Act may be used to provide arms, training, or other assist-
3 ance to the Azov Battalion.

4 SEC. 8131. None of the funds made available by this
5 Act may be used to purchase heavy water from Iran.

6 SEC. 8132. The amount appropriated in title II of
7 this Act for “Operation and Maintenance, Army” is here-
8 by reduced by \$50,000,000 to reflect excess cash balances
9 in Department of Defense Working Capital Funds.

10 SEC. 8133. The amount appropriated in title II of
11 this Act for “Operation and Maintenance, Navy” is hereby
12 reduced by \$50,000,000 to reflect excess cash balances in
13 Department of Defense Working Capital Funds.

14 SEC. 8134. None of the funds provided for, or other-
15 wise made available, in this or any other Act, may be obli-
16 gated or expended by the Secretary of Defense to provide
17 motorized vehicles, aviation platforms, munitions other
18 than small arms and munitions appropriate for customary
19 ceremonial honors, operational military units, or oper-
20 ational military platforms if the Secretary determines that
21 providing such units, platforms, or equipment would un-
22 dermine the readiness of such units, platforms, or equip-
23 ment.

24 SEC. 8135. The Secretary of Defense may obligate
25 and expend funds made available under this Act for pro-

1 curement or for research, development, test and evaluation
2 for the F-35 Joint Strike Fighter to modify up to six F-
3 35 aircraft, including up to two F-35 aircraft of each vari-
4 ant, to a test configuration: *Provided*, That the Secretary
5 of Defense shall, with the concurrence of the Secretary
6 of the Air Force and the Secretary of the Navy, notify
7 the congressional defense committees not fewer than 30
8 days prior to obligating and expending funds under this
9 section: *Provided further*, That any transfer of funds pur-
10 suant to the authority provided in this section shall be
11 made in accordance with sections 8005 or 9002 of this
12 Act, as appropriate, if applicable.

13 SEC. 8136. Amounts appropriated for “Defense
14 Health Program” in this Act and hereafter may be obli-
15 gated to make death gratuity payments, as authorized in
16 subchapter II of chapter 75 of title 10, United States
17 Code, if no appropriation for “Military Personnel” is avail-
18 able for obligation for such payments: *Provided*, That such
19 obligations may subsequently be recorded against appro-
20 priations available for “Military Personnel”.

21 SEC. 8137. None of the funds appropriated or other-
22 wise made available by this or any other Act may be obli-
23 gated or expended by the Department of Defense to mi-
24 grate data and applications to the proposed Joint Enter-
25 prise Defense Infrastructure or the Defense Enterprise

1 Office Solutions cloud computing services until a period
2 of 90 days has elapsed following the date on which the
3 Secretary of Defense submits to the congressional defense
4 committees—

5 (1) a proposed plan to establish a budget ac-
6 counting system that provides transparency across
7 the Department, including all military Services and
8 Defense Agencies, for funds requested and expended
9 for all cloud computing services procured by the De-
10 partment and funds requested and expended to mi-
11 grate to a cloud computing environment; and

12 (2) a detailed description of the Department's
13 strategy to implement enterprise-wide cloud com-
14 puting, including the goals and acquisition strategies
15 for all proposed enterprise-wide cloud computing
16 service procurements; the strategy to sustain com-
17 petition and innovation throughout the period of
18 performance of each contract, including defining op-
19 portunities for multiple cloud service providers and
20 insertion of new technologies; and an assessment of
21 potential threats and security vulnerabilities of the
22 proposed cloud computing strategy, and plans to
23 mitigate such risks.

24 SEC. 8138. (a) None of the funds made available by
25 this or any other Act may be used to enter into a contract,

1 memorandum of understanding, or cooperative agreement
2 with, make a grant to, or provide a loan or loan guarantee
3 to any corporation that has any unpaid Federal tax liabil-
4 ity that has been assessed, for which all judicial and ad-
5 ministrative remedies have been exhausted or have lapsed,
6 and that is not being paid in a timely manner pursuant
7 to an agreement with the authority responsible for col-
8 lecting such tax liability, provided that the applicable Fed-
9 eral agency is aware of the unpaid Federal tax liability.

10 (b) Subsection (a) shall not apply if the applicable
11 Federal agency has considered suspension or debarment
12 of the corporation described in such subsection and has
13 made a determination that such suspension or debarment
14 is not necessary to protect the interests of the Federal
15 Government.

16 SEC. 8139. None of the funds appropriated or other-
17 wise made available by this Act may be obligated or ex-
18 pended for assistance to the Islamic Republic of Iran un-
19 less specifically appropriated for that purpose.

20 SEC. 8140. From amounts appropriated or otherwise
21 made available by title II of this division under the head-
22 ing “OPERATION AND MAINTENANCE, AIR FORCE”, the
23 Secretary of Defense may reimburse the Government of
24 the Republic of Palau in an amount not to exceed
25 \$9,700,000 for land acquisition costs for defense sites.

1 SEC. 8141. None of the funds made available by this
2 Act may be used in contravention of—

3 (1) Executive Order No. 13175 (65 Fed. Reg.
4 67249; relating to consultation and coordination
5 with Indian Tribal governments); or

6 (2) section 1501.2(d)(2) of title 40, Code of
7 Federal Regulations.

8 SEC. 8142. Of the funds appropriated to the Depart-
9 ment of Defense under the heading “Operation and Main-
10 tenance, Air National Guard”, not more than \$20,000,000
11 shall be available to the Secretary of the Air Force for
12 payments to a local water authority located in the vicinity
13 of an Air National Guard base, or to a state in which the
14 local water authority is located, for the treatment of
15 perfluorooctane sulfonic acid and perfluorooctanoic acid in
16 drinking water from the wells owned and operated by the
17 local water authority undertaken to attain the United
18 States Environmental Protection Agency Lifetime Health
19 Advisory level for such acids: *Provided*, That the applica-
20 ble Lifetime Health Advisory shall be the one in effect on
21 October 1, 2017: *Provided further*, That the local water
22 authority must have requested such a payment from the
23 National Guard Bureau in fiscal year 2018: *Provided fur-*
24 *ther*, That the elevated levels of such acids in the water
25 was the result of activities conducted by or paid for by

1 the Department of the Air Force: *Provided further*, That
2 such funds may be expended without regard to existing
3 contractual provisions in agreements between the Depart-
4 ment of the Air Force or the National Guard Bureau, as
5 the case may be, and the state in which the base is located
6 relating to environmental response actions or indemnifica-
7 tion: *Provided further*, That, in order to be eligible for pay-
8 ment under this section, such treatment must have taken
9 place after January 1, 2017, but prior to the date of en-
10 actment of this act, and the local water authority or state,
11 as the case may be, must waive all claims for treatment
12 expenses incurred before such date of enactment: *Provided*
13 *further*, That any payment under this section may not ex-
14 ceed the actual cost of such treatment resulting from the
15 activities conducted by or paid for by the Department of
16 the Air Force: *Provided further*, That the Secretary may
17 enter into such agreements with the local water authority
18 or state as may be necessary to implement this section:
19 *Provided further*, That the Secretary may pay, utilizing the
20 Defense State Memorandum of Agreement, costs that
21 would otherwise be eligible for payment under that agree-
22 ment were those costs paid using funds appropriated to
23 the Environmental Restoration Account, Air Force, estab-
24 lished under section 2703(a)(4) of title 10, United States
25 Code.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for “Military Personnel,
6 Army”, \$2,929,154,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 MILITARY PERSONNEL, NAVY

12 For an additional amount for “Military Personnel,
13 Navy”, \$385,461,000: *Provided*, That such amount is des-
14 ignated by the Congress for Overseas Contingency Oper-
15 ations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 MILITARY PERSONNEL, MARINE CORPS

19 For an additional amount for “Military Personnel,
20 Marine Corps”, \$109,232,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$964,508,000: *Provided*, That such amount
4 is designated by the Congress for Overseas Contingency
5 Operations/Global War on Terrorism pursuant to section
6 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$37,007,000: *Provided*, That such amount is des-
11 ignated by the Congress for Overseas Contingency Oper-
12 ations/Global War on Terrorism pursuant to section
13 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RESERVE PERSONNEL, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$11,100,000: *Provided*, That such amount is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism pursuant to section
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$2,380,000: *Provided*, That such amount
25 is designated by the Congress for Overseas Contingency

1 Operations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force”, \$21,076,000: *Provided*, That such amount is
7 designated by the Congress for Overseas Contingency Op-
8 erations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$195,283,000: *Provided*, That such
14 amount is designated by the Congress for Overseas Con-
15 tingency Operations/Global War on Terrorism pursuant to
16 section 251(b)(2)(A)(ii) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$5,460,000: *Provided*, That such
21 amount is designated by the Congress for Overseas Con-
22 tingency Operations/Global War on Terrorism pursuant to
23 section 251(b)(2)(A)(ii) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$18,548,500,000: *Provided*, That such
5 amount is designated by the Congress for Overseas Con-
6 tingency Operations/Global War on Terrorism pursuant to
7 section 251(b)(2)(A)(ii) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$5,172,155,000: *Provided*, That such
12 amount is designated by the Congress for Overseas Con-
13 tingency Operations/Global War on Terrorism pursuant to
14 section 251(b)(2)(A)(ii) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$1,292,995,000: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force”, \$9,828,674,000: *Provided*, That such

1 amount is designated by the Congress for Overseas Con-
2 tingency Operations/Global War on Terrorism pursuant to
3 section 251(b)(2)(A)(ii) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-
7 tenance, Defense-Wide”, \$8,105,991,000: *Provided*, That
8 of the funds provided under this heading, not to exceed
9 \$900,000,000, to remain available until September 30,
10 2020, shall be for payments to reimburse key cooperating
11 nations for logistical, military, and other support, includ-
12 ing access, provided to United States military and stability
13 operations in Afghanistan and to counter the Islamic
14 State of Iraq and Syria: *Provided further*, That such reim-
15 bursement payments may be made in such amounts as the
16 Secretary of Defense, with the concurrence of the Sec-
17 retary of State, and in consultation with the Director of
18 the Office of Management and Budget, may determine,
19 based on documentation determined by the Secretary of
20 Defense to adequately account for the support provided,
21 and such determination is final and conclusive upon the
22 accounting officers of the United States, and 15 days fol-
23 lowing notification to the appropriate congressional com-
24 mittees: *Provided further*, That these funds may be used
25 for the purpose of providing specialized training and pro-

1 curing supplies and specialized equipment and providing
2 such supplies and loaning such equipment on a non-reim-
3 bursable basis to coalition forces supporting United States
4 military and stability operations in Afghanistan and to
5 counter the Islamic State of Iraq and Syria, and 15 days
6 following notification to the appropriate congressional
7 committees: *Provided further*, That these funds may be
8 used to support the Government of Jordan in such
9 amounts as the Secretary of Defense may determine, to
10 enhance the ability of the armed forces of Jordan to in-
11 crease or sustain security along its borders, upon 15 days
12 prior written notification to the congressional defense
13 committees outlining the amounts intended to be provided
14 and the nature of the expenses incurred: *Provided further*,
15 That of the funds provided under this heading, not to ex-
16 ceed \$793,442,000, to remain available until September
17 30, 2020, shall be available to provide support and assist-
18 ance to foreign security forces or other groups or individ-
19 uals to conduct, support or facilitate counterterrorism, cri-
20 sis response, or other Department of Defense security co-
21 operation programs: *Provided further*, That the Secretary
22 of Defense shall provide quarterly reports to the congres-
23 sional defense committees on the use of funds provided
24 in this paragraph: *Provided further*, That such amount is
25 designated by the Congress for Overseas Contingency Op-

1 erations/Global War on Terrorism pursuant to section
2 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, ARMY RESERVE

5 For an additional amount for “Operation and Main-
6 tenance, Army Reserve”, \$41,887,000: *Provided*, That
7 such amount is designated by the Congress for Overseas
8 Contingency Operations/Global War on Terrorism pursu-
9 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, NAVY RESERVE

12 For an additional amount for “Operation and Main-
13 tenance, Navy Reserve”, \$25,637,000: *Provided*, That
14 such amount is designated by the Congress for Overseas
15 Contingency Operations/Global War on Terrorism pursu-
16 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Marine Corps Reserve”, \$3,345,000: *Provided*,
22 That such amount is designated by the Congress for Over-
23 seas Contingency Operations/Global War on Terrorism
24 pursuant to section 251(b)(2)(A)(ii) of the Balanced
25 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force Reserve”, \$60,500,000: *Provided*, That
4 such amount is designated by the Congress for Overseas
5 Contingency Operations/Global War on Terrorism pursu-
6 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, ARMY NATIONAL
9 GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Army National Guard”, \$110,729,000: *Provided*,
12 That such amount is designated by the Congress for Over-
13 seas Contingency Operations/Global War on Terrorism
14 pursuant to section 251(b)(2)(A)(ii) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

17 For an additional amount for “Operation and Main-
18 tenance, Air National Guard”, \$15,870,000: *Provided*,
19 That such amount is designated by the Congress for Over-
20 seas Contingency Operations/Global War on Terrorism
21 pursuant to section 251(b)(2)(A)(ii) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

23 AFGHANISTAN SECURITY FORCES FUND

24 For the “Afghanistan Security Forces Fund”,
25 \$4,920,000,000, to remain available until September 30,

1 2020: *Provided*, That such funds shall be available to the
2 Secretary of Defense for the purpose of allowing the Com-
3 mander, Combined Security Transition Command—Af-
4 ghanistan, or the Secretary’s designee, to provide assist-
5 ance, with the concurrence of the Secretary of State, to
6 the security forces of Afghanistan, including the provision
7 of equipment, supplies, services, training, facility and in-
8 frastructure repair, renovation, construction, and funding:
9 *Provided further*, That the Secretary of Defense may obli-
10 gate and expend funds made available to the Department
11 of Defense in this title for additional costs associated with
12 existing projects previously funded with amounts provided
13 under the heading “Afghanistan Infrastructure Fund” in
14 prior Acts: *Provided further*, That such costs shall be lim-
15 ited to contract changes resulting from inflation, market
16 fluctuation, rate adjustments, and other necessary con-
17 tract actions to complete existing projects, and associated
18 supervision and administration costs and costs for design
19 during construction: *Provided further*, That the Secretary
20 may not use more than \$50,000,000 under the authority
21 provided in this section: *Provided further*, That the Sec-
22 retary shall notify in advance such contract changes and
23 adjustments in annual reports to the congressional defense
24 committees: *Provided further*, That the authority to pro-
25 vide assistance under this heading is in addition to any

1 other authority to provide assistance to foreign nations:
2 *Provided further*, That contributions of funds for the pur-
3 poses provided herein from any person, foreign govern-
4 ment, or international organization may be credited to this
5 Fund, to remain available until expended, and used for
6 such purposes: *Provided further*, That the Secretary of De-
7 fense shall notify the congressional defense committees in
8 writing upon the receipt and upon the obligation of any
9 contribution, delineating the sources and amounts of the
10 funds received and the specific use of such contributions:
11 *Provided further*, That the Secretary of Defense shall, not
12 fewer than 15 days prior to obligating from this appro-
13 priation account, notify the congressional defense commit-
14 tees in writing of the details of any such obligation: *Pro-*
15 *vided further*, That the Secretary of Defense shall notify
16 the congressional defense committees of any proposed new
17 projects or transfer of funds between budget sub-activity
18 groups in excess of \$20,000,000: *Provided further*, That
19 the United States may accept equipment procured using
20 funds provided under this heading in this or prior Acts
21 that was transferred to the security forces of Afghanistan
22 and returned by such forces to the United States: *Provided*
23 *further*, That equipment procured using funds provided
24 under this heading in this or prior Acts, and not yet trans-
25 ferred to the security forces of Afghanistan or transferred

1 to the security forces of Afghanistan and returned by such
2 forces to the United States, may be treated as stocks of
3 the Department of Defense upon written notification to
4 the congressional defense committees: *Provided further*,
5 That of the funds provided under this heading, not less
6 than \$10,000,000 shall be for recruitment and retention
7 of women in the Afghanistan National Security Forces,
8 and the recruitment and training of female security per-
9 sonnel: *Provided further*, That such amount is designated
10 by the Congress for Overseas Contingency Operations/
11 Global War on Terrorism pursuant to section
12 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 COUNTER-ISIS TRAIN AND EQUIP FUND

15 For the “Counter-Islamic State of Iraq and Syria
16 Train and Equip Fund”, \$1,352,200,000, to remain avail-
17 able until September 30, 2020: *Provided*, That such funds
18 shall be available to the Secretary of Defense in coordina-
19 tion with the Secretary of State, to provide assistance, in-
20 cluding training; equipment; logistics support, supplies,
21 and services; stipends; infrastructure repair and renova-
22 tion; and sustainment, to foreign security forces, irregular
23 forces, groups, or individuals participating, or preparing
24 to participate in activities to counter the Islamic State of
25 Iraq and Syria, and their affiliated or associated groups:

1 *Provided further*, That these funds may be used in such
2 amounts as the Secretary of Defense may determine to
3 enhance the border security of nations adjacent to conflict
4 areas including Jordan, Lebanon, Egypt, and Tunisia re-
5 sulting from actions of the Islamic State of Iraq and
6 Syria: *Provided further*, That amounts made available
7 under this heading shall be available to provide assistance
8 only for activities in a country designated by the Secretary
9 of Defense, in coordination with the Secretary of State,
10 as having a security mission to counter the Islamic State
11 of Iraq and Syria, and following written notification to the
12 congressional defense committees of such designation:
13 *Provided further*, That the Secretary of Defense shall en-
14 sure that prior to providing assistance to elements of any
15 forces or individuals, such elements or individuals are ap-
16 propriately vetted, including at a minimum, assessing such
17 elements for associations with terrorist groups or groups
18 associated with the Government of Iran; and receiving
19 commitments from such elements to promote respect for
20 human rights and the rule of law: *Provided further*, That
21 the Secretary of Defense shall, not fewer than 15 days
22 prior to obligating from this appropriation account, notify
23 the congressional defense committees in writing of the de-
24 tails of any such obligation: *Provided further*, That the
25 Secretary of Defense may accept and retain contributions,

1 including assistance in-kind, from foreign governments,
2 including the Government of Iraq and other entities, to
3 carry out assistance authorized under this heading: *Pro-*
4 *vided further*, That contributions of funds for the purposes
5 provided herein from any foreign government or other en-
6 tity may be credited to this Fund, to remain available until
7 expended, and used for such purposes: *Provided further*,
8 That the Secretary of Defense may waive a provision of
9 law relating to the acquisition of items and support serv-
10 ices or sections 40 and 40A of the Arms Export Control
11 Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
12 mines that such provision of law would prohibit, restrict,
13 delay or otherwise limit the provision of such assistance
14 and a notice of and justification for such waiver is sub-
15 mitted to the congressional defense committees, the Com-
16 mittees on Appropriations and Foreign Relations of the
17 Senate and the Committees on Appropriations and For-
18 eign Affairs of the House of Representatives: *Provided fur-*
19 *ther*, That the United States may accept equipment pro-
20 cured using funds provided under this heading, or under
21 the heading, “Iraq Train and Equip Fund” in prior Acts,
22 that was transferred to security forces, irregular forces,
23 or groups participating, or preparing to participate in ac-
24 tivities to counter the Islamic State of Iraq and Syria and
25 returned by such forces or groups to the United States,

1 and such equipment may be treated as stocks of the De-
2 partment of Defense upon written notification to the con-
3 gressional defense committees: *Provided further*, That
4 equipment procured using funds provided under this head-
5 ing, or under the heading, “Iraq Train and Equip Fund”
6 in prior Acts, and not yet transferred to security forces,
7 irregular forces, or groups participating, or preparing to
8 participate in activities to counter the Islamic State of
9 Iraq and Syria may be treated as stocks of the Depart-
10 ment of Defense when determined by the Secretary to no
11 longer be required for transfer to such forces or groups
12 and upon written notification to the congressional defense
13 committees: *Provided further*, That the Secretary of De-
14 fense shall provide quarterly reports to the congressional
15 defense committees on the use of funds provided under
16 this heading, including, but not limited to, the number of
17 individuals trained, the nature and scope of support and
18 sustainment provided to each group or individual, the area
19 of operations for each group, and the contributions of
20 other countries, groups, or individuals: *Provided further*,
21 That such amount is designated by the Congress for Over-
22 seas Contingency Operations/Global War on Terrorism
23 pursuant to section 251(b)(2)(A)(ii) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 PROCUREMENT

2 AIRCRAFT PROCUREMENT, ARMY

3 For an additional amount for “Aircraft Procurement,
4 Army”, \$346,963,000, to remain available until Sep-
5 tember 30, 2021: *Provided*, That such amount is des-
6 ignated by the Congress for Overseas Contingency Oper-
7 ations/Global War on Terrorism pursuant to section
8 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement,
Army”, \$1,729,904,000, to remain available until Sep-
tember 30, 2021: *Provided*, That such amount is des-
ignated by the Congress for Overseas Contingency Oper-
ations/Global War on Terrorism pursuant to section
251(b)(2)(A)(ii) of the Balanced Budget and Emergency
Deficit Control Act of 1985.

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

20 For an additional amount for “Procurement of Weap-
21 ons and Tracked Combat Vehicles, Army”,
22 \$1,102,108,000, to remain available until September 30,
23 2021: *Provided*, That such amount is designated by the
24 Congress for Overseas Contingency Operations/Global
25 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 PROCUREMENT OF AMMUNITION, ARMY

4 For an additional amount for “Procurement of Am-
5 munition, Army”, \$299,075,000, to remain available until
6 September 30, 2021: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OTHER PROCUREMENT, ARMY

12 For an additional amount for “Other Procurement,
13 Army”, \$1,364,045,000, to remain available until Sep-
14 tember 30, 2021: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 AIRCRAFT PROCUREMENT, NAVY

20 For an additional amount for “Aircraft Procurement,
21 Navy”, \$232,119,000, to remain available until September
22 30, 2021: *Provided*, That such amount is designated by
23 the Congress for Overseas Contingency Operations/Global
24 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 WEAPONS PROCUREMENT, NAVY

4 For an additional amount for “Weapons Procure-
5 ment, Navy”, \$14,134,000, to remain available until Sep-
6 tember 30, 2021: *Provided*, That such amount is des-
7 ignated by the Congress for Overseas Contingency Oper-
8 ations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
12 CORPS

13 For an additional amount for “Procurement of Am-
14 munition, Navy and Marine Corps”, \$229,783,000, to re-
15 main available until September 30, 2021: *Provided*, That
16 such amount is designated by the Congress for Overseas
17 Contingency Operations/Global War on Terrorism pursu-
18 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OTHER PROCUREMENT, NAVY

21 For an additional amount for “Other Procurement,
22 Navy”, \$181,173,000, to remain available until September
23 30, 2021: *Provided*, That such amount is designated by
24 the Congress for Overseas Contingency Operations/Global
25 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 PROCUREMENT, MARINE CORPS

4 For an additional amount for “Procurement, Marine
5 Corps”, \$58,023,000, to remain available until September
6 30, 2021: *Provided*, That such amount is designated by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985.

11 AIRCRAFT PROCUREMENT, AIR FORCE

12 For an additional amount for “Aircraft Procurement,
13 Air Force”, \$955,248,000, to remain available until Sep-
14 tember 30, 2021: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 MISSILE PROCUREMENT, AIR FORCE

20 For an additional amount for “Missile Procurement,
21 Air Force”, \$493,526,000, to remain available until Sep-
22 tember 30, 2021: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For an additional amount for “Procurement of Am-
5 munition, Air Force”, \$1,371,516,000, to remain available
6 until September 30, 2021: *Provided*, That such amount
7 is designated by the Congress for Overseas Contingency
8 Operations/Global War on Terrorism pursuant to section
9 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OTHER PROCUREMENT, AIR FORCE

12 For an additional amount for “Other Procurement,
13 Air Force”, \$3,677,276,000, to remain available until
14 September 30, 2021: *Provided*, That such amount is des-
15 ignated by the Congress for Overseas Contingency Oper-
16 ations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 PROCUREMENT, DEFENSE-WIDE

20 For an additional amount for “Procurement, De-
21 fense-Wide”, \$572,135,000, to remain available until Sep-
22 tember 30, 2021: *Provided*, That such amount is des-
23 ignated by the Congress for Overseas Contingency Oper-
24 ations/Global War on Terrorism pursuant to section

1 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 RESEARCH, DEVELOPMENT, TEST AND
4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 ARMY

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Army”, \$300,604,000, to re-
9 main available until September 30, 2020: *Provided*, That
10 such amount is designated by the Congress for Overseas
11 Contingency Operations/Global War on Terrorism pursu-
12 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985.

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 NAVY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Navy”, \$167,812,000, to re-
18 main available until September 30, 2020: *Provided*, That
19 such amount is designated by the Congress for Overseas
20 Contingency Operations/Global War on Terrorism pursu-
21 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$321,934,000, to
5 remain available until September 30, 2020: *Provided*,
6 That such amount is designated by the Congress for Over-
7 seas Contingency Operations/Global War on Terrorism
8 pursuant to section 251(b)(2)(A)(ii) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Defense-Wide”,
14 \$403,044,000, to remain available until September 30,
15 2020: *Provided*, That such amount is designated by the
16 Congress for Overseas Contingency Operations/Global
17 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985.

20 REVOLVING AND MANAGEMENT FUNDS

21 DEFENSE WORKING CAPITAL FUNDS

22 For an additional amount for “Defense Working
23 Capital Funds”, \$15,190,000: *Provided*, That such
24 amount is designated by the Congress for Overseas Con-
25 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 OTHER DEPARTMENT OF DEFENSE PROGRAMS

4 DEFENSE HEALTH PROGRAM

5 For an additional amount for “Defense Health Pro-
6 gram”, \$352,068,000, which shall be for operation and
7 maintenance: *Provided*, That such amount is designated
8 by the Congress for Overseas Contingency Operations/
9 Global War on Terrorism pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

13 DEFENSE

14 For an additional amount for “Drug Interdiction and
15 Counter-Drug Activities, Defense”, \$153,100,000: *Pro-*
16 *vided*, That such amount is designated by the Congress
17 for Overseas Contingency Operations/Global War on Ter-
18 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OFFICE OF THE INSPECTOR GENERAL

21 For an additional amount for the “Office of the In-
22 spector General”, \$24,692,000: *Provided*, That such
23 amount is designated by the Congress for Overseas Con-
24 tingency Operations/Global War on Terrorism pursuant to

1 section 251(b)(2)(A)(ii) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 9001. Notwithstanding any other provision of
5 law, funds made available in this title are in addition to
6 amounts appropriated or otherwise made available for the
7 Department of Defense for fiscal year 2019.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 9002. Upon the determination of the Secretary
10 of Defense that such action is necessary in the national
11 interest, the Secretary may, with the approval of the Of-
12 fice of Management and Budget, transfer up to
13 \$2,000,000,000 between the appropriations or funds made
14 available to the Department of Defense in this title: *Pro-*
15 *vided*, That the Secretary shall notify the Congress
16 promptly of each transfer made pursuant to the authority
17 in this section: *Provided further*, That the authority pro-
18 vided in this section is in addition to any other transfer
19 authority available to the Department of Defense and is
20 subject to the same terms and conditions as the authority
21 provided in section 8005 of this Act.

22 SEC. 9003. Supervision and administration costs and
23 costs for design during construction associated with a con-
24 struction project funded with appropriations available for
25 operation and maintenance or the “Afghanistan Security

1 Forces Fund” provided in this Act and executed in direct
2 support of overseas contingency operations in Afghani-
3 stan, may be obligated at the time a construction contract
4 is awarded: *Provided*, That, for the purpose of this section,
5 supervision and administration costs and costs for design
6 during construction include all in-house Government costs.

7 SEC. 9004. From funds made available in this title,
8 the Secretary of Defense may purchase for use by military
9 and civilian employees of the Department of Defense in
10 the United States Central Command area of responsi-
11 bility: (1) passenger motor vehicles up to a limit of
12 \$75,000 per vehicle; and (2) heavy and light armored vehi-
13 cles for the physical security of personnel or for force pro-
14 tection purposes up to a limit of \$450,000 per vehicle, not-
15 withstanding price or other limitations applicable to the
16 purchase of passenger carrying vehicles.

17 SEC. 9005. Not to exceed \$10,000,000 of the
18 amounts appropriated by this title under the heading “Op-
19 eration and Maintenance, Army” may be used, notwith-
20 standing any other provision of law, to fund the Com-
21 manders’ Emergency Response Program (CERP), for the
22 purpose of enabling military commanders in Afghanistan
23 to respond to urgent, small-scale, humanitarian relief and
24 reconstruction requirements within their areas of responsi-
25 bility: *Provided*, That each project (including any ancillary

1 or related elements in connection with such project) exe-
2 cuted under this authority shall not exceed \$2,000,000:
3 *Provided further*, That not later than 45 days after the
4 end of each 6 months of the fiscal year, the Secretary of
5 Defense shall submit to the congressional defense commit-
6 tees a report regarding the source of funds and the alloca-
7 tion and use of funds during that 6-month period that
8 were made available pursuant to the authority provided
9 in this section or under any other provision of law for the
10 purposes described herein: *Provided further*, That, not
11 later than 30 days after the end of each fiscal year quar-
12 ter, the Army shall submit to the congressional defense
13 committees quarterly commitment, obligation, and expend-
14 iture data for the CERP in Afghanistan: *Provided further*,
15 That, not less than 15 days before making funds available
16 pursuant to the authority provided in this section or under
17 any other provision of law for the purposes described here-
18 in for a project with a total anticipated cost for completion
19 of \$500,000 or more, the Secretary shall submit to the
20 congressional defense committees a written notice con-
21 taining each of the following:

- 22 (1) The location, nature and purpose of the
23 proposed project, including how the project is in-
24 tended to advance the military campaign plan for
25 the country in which it is to be carried out.

1 (2) The budget, implementation timeline with
2 milestones, and completion date for the proposed
3 project, including any other CERP funding that has
4 been or is anticipated to be contributed to the com-
5 pletion of the project.

6 (3) A plan for the sustainment of the proposed
7 project, including the agreement with either the host
8 nation, a non-Department of Defense agency of the
9 United States Government or a third-party contrib-
10 utor to finance the sustainment of the activities and
11 maintenance of any equipment or facilities to be pro-
12 vided through the proposed project.

13 SEC. 9006. Funds available to the Department of De-
14 fense for operation and maintenance may be used, not-
15 withstanding any other provision of law, to provide sup-
16 plies, services, transportation, including airlift and sealift,
17 and other logistical support to allied forces participating
18 in a combined operation with the armed forces of the
19 United States and coalition forces supporting military and
20 stability operations in Afghanistan and to counter the Is-
21 lamic State of Iraq and Syria: *Provided*, That the Sec-
22 retary of Defense shall provide quarterly reports to the
23 congressional defense committees regarding support pro-
24 vided under this section.

1 SEC. 9007. None of the funds appropriated or other-
2 wise made available by this or any other Act shall be obli-
3 gated or expended by the United States Government for
4 a purpose as follows:

5 (1) To establish any military installation or
6 base for the purpose of providing for the permanent
7 stationing of United States Armed Forces in Iraq.

8 (2) To exercise United States control over any
9 oil resource of Iraq.

10 (3) To establish any military installation or
11 base for the purpose of providing for the permanent
12 stationing of United States Armed Forces in Af-
13 ghanistan.

14 SEC. 9008. None of the funds made available in this
15 Act may be used in contravention of the following laws
16 enacted or regulations promulgated to implement the
17 United Nations Convention Against Torture and Other
18 Cruel, Inhuman or Degrading Treatment or Punishment
19 (done at New York on December 10, 1984):

20 (1) Section 2340A of title 18, United States
21 Code.

22 (2) Section 2242 of the Foreign Affairs Reform
23 and Restructuring Act of 1998 (division G of Public
24 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
25 note) and regulations prescribed thereto, including

1 regulations under part 208 of title 8, Code of Fed-
2 eral Regulations, and part 95 of title 22, Code of
3 Federal Regulations.

4 (3) Sections 1002 and 1003 of the Department
5 of Defense, Emergency Supplemental Appropriations
6 to Address Hurricanes in the Gulf of Mexico, and
7 Pandemic Influenza Act, 2006 (Public Law 109–
8 148).

9 SEC. 9009. None of the funds provided for the “Af-
10 ghanistan Security Forces Fund” (ASFF) may be obli-
11 gated prior to the approval of a financial and activity plan
12 by the Afghanistan Resources Oversight Council (AROC)
13 of the Department of Defense: *Provided*, That the AROC
14 must approve the requirement and acquisition plan for any
15 service requirements in excess of \$50,000,000 annually
16 and any non-standard equipment requirements in excess
17 of \$100,000,000 using ASFF: *Provided further*, That the
18 Department of Defense must certify to the congressional
19 defense committees that the AROC has convened and ap-
20 proved a process for ensuring compliance with the require-
21 ments in the preceding proviso and accompanying report
22 language for the ASFF.

23 SEC. 9010. Funds made available in this title to the
24 Department of Defense for operation and maintenance
25 may be used to purchase items having an investment unit

1 cost of not more than \$250,000: *Provided*, That, upon de-
2 termination by the Secretary of Defense that such action
3 is necessary to meet the operational requirements of a
4 Commander of a Combatant Command engaged in contin-
5 gency operations overseas, such funds may be used to pur-
6 chase items having an investment item unit cost of not
7 more than \$500,000.

8 SEC. 9011. Up to \$500,000,000 of funds appro-
9 priated by this Act for the Defense Security Cooperation
10 Agency in “Operation and Maintenance, Defense-Wide”
11 may be used to provide assistance to the Government of
12 Jordan to support the armed forces of Jordan and to en-
13 hance security along its borders.

14 SEC. 9012. None of the funds made available by this
15 Act under the heading “Counter-ISIS Train and Equip
16 Fund” may be used to procure or transfer man-portable
17 air defense systems.

18 SEC. 9013. For the “Ukraine Security Assistance Ini-
19 tiative”, \$250,000,000 is hereby appropriated, to remain
20 available until September 30, 2019: *Provided*, That such
21 funds shall be available to the Secretary of Defense, in
22 coordination with the Secretary of State, to provide assist-
23 ance, including training; equipment; lethal assistance; lo-
24 gistics support, supplies and services; sustainment; and in-
25 telligence support to the military and national security

1 forces of Ukraine, and for replacement of any weapons
2 or articles provided to the Government of Ukraine from
3 the inventory of the United States: *Provided further*, That
4 of the amounts made available in this section,
5 \$50,000,000 shall be available only for lethal assistance
6 described in paragraphs (2) and (3) of section 1250(b)
7 of the National Defense Authorization Act for Fiscal Year
8 2016 (Public Law 114–92; 129 Stat. 1068): *Provided fur-*
9 *ther*, That the Secretary of Defense shall, not less than
10 15 days prior to obligating funds provided under this
11 heading, notify the congressional defense committees in
12 writing of the details of any such obligation: *Provided fur-*
13 *ther*, That the United States may accept equipment pro-
14 cured using funds provided under this heading in this or
15 prior Acts that was transferred to the security forces of
16 Ukraine and returned by such forces to the United States:
17 *Provided further*, That equipment procured using funds
18 provided under this heading in this or prior Acts, and not
19 yet transferred to the military or National Security Forces
20 of Ukraine or returned by such forces to the United
21 States, may be treated as stocks of the Department of De-
22 fense upon written notification to the congressional de-
23 fense committees: *Provided further*, That amounts made
24 available by this section are designated by the Congress
25 for Overseas Contingency Operations/Global War on Ter-

1 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 SEC. 9014. Funds appropriated in this title shall be
4 available for replacement of funds for items provided to
5 the Government of Ukraine from the inventory of the
6 United States to the extent specifically provided for in sec-
7 tion 9013 of this Act.

8 SEC. 9015. None of the funds made available by this
9 Act under section 9013 may be used to procure or transfer
10 man-portable air defense systems.

11 SEC. 9016. Equipment procured using funds provided
12 in prior Acts under the heading “Counterterrorism Part-
13 nerships Fund” for the program authorized by section
14 1209 of the Carl Levin and Howard P. “Buck” McKeon
15 National Defense Authorization Act for Fiscal Year 2015
16 (Public Law 113–291), and not yet transferred to author-
17 ized recipients may be transferred to foreign security
18 forces, irregular forces, groups, or individuals, authorized
19 to receive assistance using amounts provided under the
20 heading “Counter-ISIS Train and Equip Fund” in this
21 Act: *Provided*, That such equipment may be transferred
22 15 days following written notification to the congressional
23 defense committees.

24 SEC. 9017. (a) None of the funds appropriated or
25 otherwise made available by this Act under the heading

1 “Operation and Maintenance, Defense-Wide” for pay-
2 ments under section 1233 of Public Law 110–181 for re-
3 imbursement to the Government of Pakistan may be made
4 available unless the Secretary of Defense, in coordination
5 with the Secretary of State, certifies to the congressional
6 defense committees that the Government of Pakistan is—

7 (1) cooperating with the United States in
8 counterterrorism efforts against the Haqqani Net-
9 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
10 Jaish-e-Mohammed, Al Qaeda, and other domestic
11 and foreign terrorist organizations, including taking
12 steps to end support for such groups and prevent
13 them from basing and operating in Pakistan and
14 carrying out cross border attacks into neighboring
15 countries;

16 (2) not supporting terrorist activities against
17 United States or coalition forces in Afghanistan, and
18 Pakistan’s military and intelligence agencies are not
19 intervening extra-judicially into political and judicial
20 processes in Pakistan;

21 (3) dismantling improvised explosive device
22 (IED) networks and interdicting precursor chemicals
23 used in the manufacture of IEDs;

24 (4) preventing the proliferation of nuclear-re-
25 lated material and expertise;

1 (5) implementing policies to protect judicial
2 independence and due process of law;

3 (6) issuing visas in a timely manner for United
4 States visitors engaged in counterterrorism efforts
5 and assistance programs in Pakistan; and

6 (7) providing humanitarian organizations access
7 to detainees, internally displaced persons, and other
8 Pakistani civilians affected by the conflict.

9 (b) The Secretary of Defense, in coordination with
10 the Secretary of State, may waive the restriction in sub-
11 section (a) on a case-by-case basis by certifying in writing
12 to the congressional defense committees that it is in the
13 national security interest to do so: *Provided*, That if the
14 Secretary of Defense, in coordination with the Secretary
15 of State, exercises such waiver authority, the Secretaries
16 shall report to the congressional defense committees on
17 both the justification for the waiver and on the require-
18 ments of this section that the Government of Pakistan was
19 not able to meet: *Provided further*, That such report may
20 be submitted in classified form if necessary.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 9018. In addition to amounts otherwise made
23 available in this Act, \$500,000,000 is hereby appropriated
24 to the Department of Defense and made available for
25 transfer only to the operation and maintenance, military

1 personnel, and procurement accounts, to improve the intel-
2 ligence, surveillance, and reconnaissance capabilities of the
3 Department of Defense: *Provided*, That the transfer au-
4 thority provided in this section is in addition to any other
5 transfer authority provided elsewhere in this Act: *Provided*
6 *further*, That not later than 30 days prior to exercising
7 the transfer authority provided in this section, the Sec-
8 retary of Defense shall submit a report to the congres-
9 sional defense committees on the proposed uses of these
10 funds: *Provided further*, That the funds provided in this
11 section may not be transferred to any program, project,
12 or activity specifically limited or denied by this Act: *Pro-*
13 *vided further*, That amounts made available by this section
14 are designated by the Congress for Overseas Contingency
15 Operations/Global War on Terrorism pursuant to section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985: *Provided further*, That the
18 authority to provide funding under this section shall termi-
19 nate on September 30, 2019.

20 SEC. 9019. None of the funds made available by this
21 Act may be used with respect to Syria in contravention
22 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
23 including for the introduction of United States armed or
24 military forces into hostilities in Syria, into situations in
25 Syria where imminent involvement in hostilities is clearly

1 indicated by the circumstances, or into Syrian territory,
2 airspace, or waters while equipped for combat, in con-
3 travention of the congressional consultation and reporting
4 requirements of sections 3 and 4 of that law (50 U.S.C.
5 1542 and 1543).

6 SEC. 9020. None of the funds in this Act may be
7 made available for the transfer of additional C-130 cargo
8 aircraft to the Afghanistan National Security Forces or
9 the Afghanistan Air Force until the Department of De-
10 fense provides a report to the congressional defense com-
11 mittees of the Afghanistan Air Force's medium airlift re-
12 quirements. The report should identify Afghanistan's abil-
13 ity to utilize and maintain existing medium lift aircraft
14 in the inventory and the best alternative platform, if nec-
15 essary, to provide additional support to the Afghanistan
16 Air Force's current medium airlift capacity.

17 (RESCISSIONS)

18 SEC. 9021. Of the funds appropriated in Department
19 of Defense Appropriations Acts, the following funds are
20 hereby rescinded from the following accounts and pro-
21 grams in the specified amounts: *Provided*, That such
22 amounts are designated by the Congress for Overseas
23 Contingency Operations/Global War on Terrorism pursu-
24 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985:

1 “Procurement of Ammunition, Navy and Ma-
2 rine Corps”, 2017/2019, \$2,216,000;

3 “Operation and Maintenance, Defense-Wide:
4 Coalition Support Fund”, 2018/2019, \$800,000,000;

5 “Operation and Maintenance, Defense-Wide:
6 DSCA Security Cooperation”, 2018/2019,
7 \$150,000,000;

8 “Counter-ISIS Train and Equip Fund”, 2018/
9 2019, \$300,000,000; and

10 “Aircraft Procurement, Air Force”, 2018/2020,
11 \$88,400,000.

12 SEC. 9022. Funds available for the Afghanistan Se-
13 curity Forces Fund may be used to provide limited train-
14 ing, equipment, and other assistance that would otherwise
15 be prohibited by 10 U.S.C. 362 to a unit of the security
16 forces of Afghanistan only if the Secretary certifies to the
17 congressional defense committees, within 30 days of a de-
18 cision to provide such assistance, that (1) a denial of such
19 assistance would present significant risk to U.S. or coali-
20 tion forces or significantly undermine United States na-
21 tional security objectives in Afghanistan; and (2) the Sec-
22 retary has sought a commitment by the Government of
23 Afghanistan to take all necessary corrective steps: *Pro-*
24 *vided*, That such certification shall be accompanied by a
25 report describing: (1) the information relating to the gross

1 violation of human rights; (2) the circumstances that ne-
2 cessitated the provision of such assistance; (3) the Afghan
3 security force unit involved; (4) the assistance provided
4 and the assistance withheld; and (5) the corrective steps
5 to be taken by the Government of Afghanistan: *Provided*
6 *further*, That every 120 days after the initial report an
7 additional report shall be submitted detailing the status
8 of any corrective steps taken by the Government of Af-
9 ghanistan: *Provided further*, That if the Government of Af-
10 ghanistan has not initiated necessary corrective steps
11 within one year of the certification, the authority under
12 this section to provide assistance to such unit shall no
13 longer apply: *Provided further*, That the Secretary shall
14 submit a report to such committees detailing the final dis-
15 position of the case by the Government of Afghanistan.

16 SEC. 9023. Each amount designated in this Act by
17 the Congress for Overseas Contingency Operations/Global
18 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985 shall be available (or rescinded, if applicable) only
21 if the President subsequently so designates all such
22 amounts and transmits such designations to the Congress.

23 This division may be cited as the “Department of De-
24 fense Appropriations Act, 2019”.

1 **DIVISION B—DEPARTMENTS OF LABOR,**
2 **HEALTH AND HUMAN SERVICES, AND**
3 **EDUCATION, AND RELATED AGENCIES**
4 **APPROPRIATIONS ACT, 2019**

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Innovation
10 and Opportunity Act (referred to in this Act as “WIOA”),
11 the Second Chance Act of 2007, and the National Appren-
12 ticeship Act, \$3,502,700,000, plus reimbursements, shall
13 be available. Of the amounts provided:

14 (1) for grants to States for adult employment
15 and training activities, youth activities, and dis-
16 located worker employment and training activities,
17 \$2,789,832,000 as follows:

18 (A) \$845,556,000 for adult employment
19 and training activities, of which \$133,556,000
20 shall be available for the period July 1, 2019
21 through June 30, 2020, and of which
22 \$712,000,000 shall be available for the period
23 October 1, 2019 through June 30, 2020;

1 (B) \$903,416,000 for youth activities,
2 which shall be available for the period April 1,
3 2019 through June 30, 2020; and

4 (C) \$1,040,860,000 for dislocated worker
5 employment and training activities, of which
6 \$180,860,000 shall be available for the period
7 July 1, 2019 through June 30, 2020, and of
8 which \$860,000,000 shall be available for the
9 period October 1, 2019 through June 30, 2020:

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

14 (2) for national programs, \$712,868,000 as fol-
15 lows:

16 (A) \$220,859,000 for the dislocated work-
17 ers assistance national reserve, of which
18 \$20,859,000 shall be available for the period
19 July 1, 2019 through September 30, 2020, and
20 of which \$200,000,000 shall be available for the
21 period October 1, 2019 through September 30,
22 2020: *Provided*, That funds provided to carry
23 out section 132(a)(2)(A) of the WIOA may be
24 used to provide assistance to a State for state-
25 wide or local use in order to address cases

1 where there have been worker dislocations
2 across multiple sectors or across multiple local
3 areas and such workers remain dislocated; co-
4 ordinate the State workforce development plan
5 with emerging economic development needs; and
6 train such eligible dislocated workers: *Provided*
7 *further*, That funds provided to carry out sec-
8 tions 168(b) and 169(c) of the WIOA may be
9 used for technical assistance and demonstration
10 projects, respectively, that provide assistance to
11 new entrants in the workforce and incumbent
12 worker: *Provided further*, That notwithstanding
13 section 168(b) of the WIOA, of the funds pro-
14 vided under this subparagraph, the Secretary of
15 Labor (referred to in this title as “Secretary”)
16 may reserve not more than 10 percent of such
17 funds to provide technical assistance and carry
18 out additional activities related to the transition
19 to the WIOA: *Provided further*, That of the
20 funds provided under this subparagraph,
21 \$30,000,000 shall be for training and employ-
22 ment assistance under sections 168(b), 169(c)
23 (notwithstanding the 10 percent limitation in
24 such section) and 170 of the WIOA for workers
25 in the Appalachian region, as defined by 40

1 U.S.C. 14102(a)(1) and workers in the Lower
2 Mississippi, as defined in section 4(2) of the
3 Delta Development Act (Public Law 100–460,
4 102 Stat. 2246; 7 U.S.C. 2009aa(2));

5 (B) \$54,500,000 for Native American pro-
6 grams under section 166 of the WIOA, which
7 shall be available for the period July 1, 2019
8 through June 30, 2020;

9 (C) \$88,896,000 for migrant and seasonal
10 farmworker programs under section 167 of the
11 WIOA, including \$82,447,000 for formula
12 grants (of which not less than 70 percent shall
13 be for employment and training services),
14 \$5,922,000 for migrant and seasonal housing
15 (of which not less than 70 percent shall be for
16 permanent housing), and \$527,000 for other
17 discretionary purposes, which shall be available
18 for the period July 1, 2019 through June 30,
19 2020: *Provided*, That notwithstanding any
20 other provision of law or related regulation, the
21 Department of Labor shall take no action lim-
22 iting the number or proportion of eligible par-
23 ticipants receiving related assistance services or
24 discouraging grantees from providing such serv-
25 ices;

1 (D) \$89,534,000 for YouthBuild activities
2 as described in section 171 of the WIOA, which
3 shall be available for the period April 1, 2019
4 through June 30, 2020;

5 (E) \$93,079,000 for ex-offender activities,
6 under the authority of section 169 of the WIOA
7 and section 212 of the Second Chance Act of
8 2007, which shall be available for the period
9 April 1, 2019 through June 30, 2020: *Provided,*
10 That of this amount, \$25,000,000 shall be for
11 competitive grants to national and regional
12 intermediaries for activities that prepare young
13 ex-offenders and school dropouts for employ-
14 ment, with a priority for projects serving high-
15 crime, high-poverty areas;

16 (F) \$6,000,000 for the Workforce Data
17 Quality Initiative, under the authority of section
18 169 of the WIOA, which shall be available for
19 the period July 1, 2019 through June 30,
20 2020; and

21 (G) \$160,000,000 to expand opportunities
22 relating to apprenticeship programs registered
23 under the National Apprenticeship Act, to be
24 available to the Secretary to carry out activities
25 through grants, cooperative agreements, con-

1 tracts and other arrangements, with States and
2 other appropriate entities, which shall be avail-
3 able for the period April 1, 2019 through June
4 30, 2020.

5 JOB CORPS

6 (INCLUDING TRANSFER OF FUNDS)

7 To carry out subtitle C of title I of the WIOA, includ-
8 ing Federal administrative expenses, the purchase and
9 hire of passenger motor vehicles, the construction, alter-
10 ation, and repairs of buildings and other facilities, and the
11 purchase of real property for training centers as author-
12 ized by the WIOA, \$1,718,655,000, plus reimbursements,
13 as follows:

14 (1) \$1,603,325,000 for Job Corps Operations,
15 which shall be available for the period July 1, 2019
16 through June 30, 2020;

17 (2) \$83,000,000 for construction, rehabilitation
18 and acquisition of Job Corps Centers, which shall be
19 available for the period July 1, 2019 through June
20 30, 2022, and which may include the acquisition,
21 maintenance, and repair of major items of equip-
22 ment: *Provided*, That the Secretary may transfer up
23 to 15 percent of such funds to meet the operational
24 needs of such centers or to achieve administrative ef-
25 ficiencies: *Provided further*, That any funds trans-

1 ferred pursuant to the preceding provision shall not
2 be available for obligation after June 30, 2020: *Pro-*
3 *vided further*, That the Committees on Appropria-
4 tions of the House of Representatives and the Sen-
5 ate are notified at least 15 days in advance of any
6 transfer; and

7 (3) \$32,330,000 for necessary expenses of Job
8 Corps, which shall be available for obligation for the
9 period October 1, 2018 through September 30,
10 2019:

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

14 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
15 AMERICANS

16 To carry out title V of the Older Americans Act of
17 1965 (referred to in this Act as “OAA”), \$400,000,000,
18 which shall be available for the period April 1, 2019
19 through June 30, 2020, and may be recaptured and reobli-
20 gated in accordance with section 517(c) of the OAA.

21 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2019 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training,

1 employment and case management services, allowances for
2 job search and relocation, and related State administrative
3 expenses under part II of subchapter B of chapter 2 of
4 title II of the Trade Act of 1974, and including benefit
5 payments, allowances, training, employment and case
6 management services, and related State administration
7 provided pursuant to section 231(a) of the Trade Adjust-
8 ment Assistance Extension Act of 2011 and section 405(a)
9 of the Trade Preferences Extension Act of 2015,
10 \$790,000,000 together with such amounts as may be nec-
11 essary to be charged to the subsequent appropriation for
12 payments for any period subsequent to September 15,
13 2019: *Provided*, That notwithstanding section 502 of this
14 Act, any part of the appropriation provided under this
15 heading may remain available for obligation beyond the
16 current fiscal year pursuant to the authorities of section
17 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

18 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

19 SERVICE OPERATIONS

20 For authorized administrative expenses,
21 \$84,066,000, together with not to exceed \$3,251,583,000
22 which may be expended from the Employment Security
23 Administration Account in the Unemployment Trust Fund
24 (“the Trust Fund”), of which:

1 (1) \$2,515,816,000 from the Trust Fund is for
2 grants to States for the administration of State un-
3 employment insurance laws as authorized under title
4 III of the Social Security Act (including not less
5 than \$150,000,000 to carry out reemployment serv-
6 ices and eligibility assessments under section 306 of
7 such Act, any claimants of regular compensation, as
8 defined in such section, including those who are
9 profiled as most likely to exhaust their benefits, may
10 be eligible for such services and assessments: *Pro-*
11 *vided*, That of such amount, \$117,000,000 is speci-
12 fied for grants under section 306 of the Social Secu-
13 rity Act and is provided to meet the terms of section
14 251(b)(2)(E)(ii) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985, as amended, and
16 \$33,000,000 is additional new budget authority
17 specified for purposes of section 251(b)(2)(E)(i)(II)
18 of such Act; and \$9,000,000 for continued support
19 of the Unemployment Insurance Integrity Center of
20 Excellence), the administration of unemployment in-
21 surance for Federal employees and for ex-service
22 members as authorized under 5 U.S.C. 8501–8523,
23 and the administration of trade readjustment allow-
24 ances, reemployment trade adjustment assistance,
25 and alternative trade adjustment assistance under

1 the Trade Act of 1974 and under section 231(a) of
2 the Trade Adjustment Assistance Extension Act of
3 2011 and section 405(a) of the Trade Preferences
4 Extension Act of 2015, and shall be available for ob-
5 ligation by the States through December 31, 2019,
6 except that funds used for automation shall be avail-
7 able for Federal obligation through December 31,
8 2019, and for State obligation through September
9 30, 2021, or, if the automation is being carried out
10 through consortia of States, for State obligation
11 through September 30, 2024, and for expenditure
12 through September 30, 2025, and funds for competi-
13 tive grants awarded to States for improved oper-
14 ations and to conduct in-person reemployment and
15 eligibility assessments and unemployment insurance
16 improper payment reviews and provide reemploy-
17 ment services and referrals to training, as appro-
18 priate, shall be available for Federal obligation
19 through December 31, 2019, and for obligation by
20 the States through September 30, 2021, and funds
21 for the Unemployment Insurance Integrity Center of
22 Excellence shall be available for obligation by the
23 State through September 30, 2020, and funds used
24 for unemployment insurance workloads experienced

1 through September 30, 2019 shall be available for
2 Federal obligation through December 31, 2019;

3 (2) \$12,000,000 from the Trust Fund is for na-
4 tional activities necessary to support the administra-
5 tion of the Federal-State unemployment insurance
6 system;

7 (3) \$641,639,000 from the Trust Fund, to-
8 gether with \$21,413,000 from the General Fund of
9 the Treasury, is for grants to States in accordance
10 with section 6 of the Wagner-Peyser Act, and shall
11 be available for Federal obligation for the period
12 July 1, 2019 through June 30, 2020;

13 (4) \$19,818,000 from the Trust Fund is for na-
14 tional activities of the Employment Service, includ-
15 ing administration of the work opportunity tax cred-
16 it under section 51 of the Internal Revenue Code of
17 1986, and the provision of technical assistance and
18 staff training under the Wagner-Peyser Act;

19 (5) \$62,310,000 from the Trust Fund is for the
20 administration of foreign labor certifications and re-
21 lated activities under the Immigration and Nation-
22 ality Act and related laws, of which \$48,028,000
23 shall be available for the Federal administration of
24 such activities, and \$14,282,000 shall be available

1 for grants to States for the administration of such
2 activities; and

3 (6) \$62,653,000 from the General Fund is to
4 provide workforce information, national electronic
5 tools, and one-stop system building under the Wag-
6 ner-Peyser Act and shall be available for Federal ob-
7 ligation for the period July 1, 2019 through June
8 30, 2020:

9 *Provided*, That to the extent that the Average Weekly In-
10 sured Unemployment (“AWIU”) for fiscal year 2019 is
11 projected by the Department of Labor to exceed
12 2,030,000, an additional \$28,600,000 from the Trust
13 Fund shall be available for obligation for every 100,000
14 increase in the AWIU level (including a pro rata amount
15 for any increment less than 100,000) to carry out title
16 III of the Social Security Act: *Provided further*, That
17 funds appropriated in this Act that are allotted to a State
18 to carry out activities under title III of the Social Security
19 Act may be used by such State to assist other States in
20 carrying out activities under such title III if the other
21 States include areas that have suffered a major disaster
22 declared by the President under the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act: *Provided*
24 *further*, That the Secretary may use funds appropriated
25 for grants to States under title III of the Social Security

1 Act to make payments on behalf of States for the use of
2 the National Directory of New Hires under section
3 453(j)(8) of such Act: *Provided further*, That the Sec-
4 retary may use funds appropriated for grants to States
5 under title III of the Social Security Act to make pay-
6 ments on behalf of States to the entity operating the State
7 Information Data Exchange System: *Provided further*,
8 That funds appropriated in this Act which are used to es-
9 tablish a national one-stop career center system, or which
10 are used to support the national activities of the Federal-
11 State unemployment insurance, employment service, or
12 immigration programs, may be obligated in contracts,
13 grants, or agreements with States and non-State entities:
14 *Provided further*, That States awarded competitive grants
15 for improved operations under title III of the Social Secu-
16 rity Act, or awarded grants to support the national activi-
17 ties of the Federal-State unemployment insurance system,
18 may award subgrants to other States and non-State enti-
19 ties under such grants, subject to the conditions applicable
20 to the grants: *Provided further*, That funds appropriated
21 under this Act for activities authorized under title III of
22 the Social Security Act and the Wagner-Peyser Act may
23 be used by States to fund integrated Unemployment In-
24 surance and Employment Service automation efforts, not-
25 withstanding cost allocation principles prescribed under

1 the final rule entitled “Uniform Administrative Require-
2 ments, Cost Principles, and Audit Requirements for Fed-
3 eral Awards” at part 200 of title 2, Code of Federal Regu-
4 lations: *Provided further*, That the Secretary, at the re-
5 quest of a State participating in a consortium with other
6 States, may reallocate funds allotted to such State under title
7 III of the Social Security Act to other States participating
8 in the consortium or to the entity operating the Unemploy-
9 ment Insurance Information Technology Support Center
10 in order to carry out activities that benefit the administra-
11 tion of the unemployment compensation law of the State
12 making the request: *Provided further*, That the Secretary
13 may collect fees for the costs associated with additional
14 data collection, analyses, and reporting services relating
15 to the National Agricultural Workers Survey requested by
16 State and local governments, public and private institu-
17 tions of higher education, and nonprofit organizations and
18 may utilize such sums, in accordance with the provisions
19 of 29 U.S.C. 9a, for the National Agricultural Workers
20 Survey infrastructure, methodology, and data to meet the
21 information collection and reporting needs of such entities,
22 which shall be credited to this appropriation and shall re-
23 main available until September 30, 2020, for such pur-
24 poses.

15

1 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
2 OTHER FUNDS

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

14 PROGRAM ADMINISTRATION

15 For expenses of administering employment and train-
16 ing programs, \$108,674,000, together with not to exceed
17 \$49,982,000 which may be expended from the Employ-
18 ment Security Administration Account in the Unemploy-
19 ment Trust Fund.

20 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Employee Benefits
23 Security Administration, \$181,000,000, of which up to
24 \$3,000,000 shall be made available through September 30,

1 2020, for the procurement of expert witnesses for enforce-
2 ment litigation.

3 PENSION BENEFIT GUARANTY CORPORATION

4 PENSION BENEFIT GUARANTY CORPORATION FUND

5 The Pension Benefit Guaranty Corporation (“Cor-
6 poration”) is authorized to make such expenditures, in-
7 cluding financial assistance authorized by subtitle E of
8 title IV of the Employee Retirement Income Security Act
9 of 1974, within limits of funds and borrowing authority
10 available to the Corporation, and in accord with law, and
11 to make such contracts and commitments without regard
12 to fiscal year limitations, as provided by 31 U.S.C. 9104,
13 as may be necessary in carrying out the program, includ-
14 ing associated administrative expenses, through Sep-
15 tember 30, 2019, for the Corporation: *Provided*, That
16 none of the funds available to the Corporation for fiscal
17 year 2019 shall be available for obligations for administra-
18 tive expenses in excess of \$445,363,000: *Provided further*,
19 That to the extent that the number of new plan partici-
20 pants in plans terminated by the Corporation exceeds
21 100,000 in fiscal year 2019, an amount not to exceed an
22 additional \$9,200,000 shall be available through Sep-
23 tember 30, 2020, for obligation for administrative ex-
24 penses for every 20,000 additional terminated partici-
25 pants: *Provided further*, That obligations in excess of the

1 amounts provided in this paragraph may be incurred for
2 unforeseen and extraordinary pretermination expenses or
3 extraordinary multiemployer program related expenses
4 after approval by the Office of Management and Budget
5 and notification of the Committees on Appropriations of
6 the House of Representatives and the Senate: *Provided*
7 *further*, That an additional amount shall be available for
8 obligation through September 30, 2020 to the extent the
9 Corporation's costs exceed \$250,000 for the provision of
10 credit or identity monitoring to affected individuals upon
11 suffering a security incident or privacy breach, not to ex-
12 ceed an additional \$100 per affected individual.

13 WAGE AND HOUR DIVISION

14 SALARIES AND EXPENSES

15 For necessary expenses for the Wage and Hour Divi-
16 sion, including reimbursement to State, Federal, and local
17 agencies and their employees for inspection services ren-
18 dered, \$229,000,000.

19 OFFICE OF LABOR-MANAGEMENT STANDARDS

20 SALARIES AND EXPENSES

21 For necessary expenses for the Office of Labor-Man-
22 agement Standards, \$41,187,000.

1 OFFICE OF FEDERAL CONTRACT COMPLIANCE
2 PROGRAMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the Office of Federal Con-
5 tract Compliance Programs, \$103,476,000.

6 OFFICE OF WORKERS' COMPENSATION PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Workers'
9 Compensation Programs, \$115,424,000, together with
10 \$2,177,000 which may be expended from the Special Fund
11 in accordance with sections 39(c), 44(d), and 44(j) of the
12 Longshore and Harbor Workers' Compensation Act.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2012); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the

1 Longshore and Harbor Workers' Compensation Act,
2 \$230,000,000, together with such amounts as may be nec-
3 essary to be charged to the subsequent year appropriation
4 for the payment of compensation and other benefits for
5 any period subsequent to August 15 of the current year,
6 for deposit into and to assume the attributes of the Em-
7 ployees' Compensation Fund established under 5 U.S.C.
8 8147(a): *Provided*, That amounts appropriated may be
9 used under 5 U.S.C. 8104 by the Secretary to reimburse
10 an employer, who is not the employer at the time of injury,
11 for portions of the salary of a re-employed, disabled bene-
12 ficiary: *Provided further*, That balances of reimbursements
13 unobligated on September 30, 2018, shall remain available
14 until expended for the payment of compensation, benefits,
15 and expenses: *Provided further*, That in addition there
16 shall be transferred to this appropriation from the Postal
17 Service and from any other corporation or instrumentality
18 required under 5 U.S.C. 8147(c) to pay an amount for
19 its fair share of the cost of administration, such sums as
20 the Secretary determines to be the cost of administration
21 for employees of such fair share entities through Sep-
22 tember 30, 2019: *Provided further*, That of those funds
23 transferred to this account from the fair share entities to
24 pay the cost of administration of the Federal Employees'

1 Compensation Act, \$74,777,000 shall be made available
2 to the Secretary as follows:

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

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

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

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

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

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

20 SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety
22 and Health Act of 1977, as amended by Public Law 107–
23 275, \$10,319,000, to remain available until expended.

24 For making after July 31 of the current fiscal year,
25 benefit payments to individuals under title IV of such Act,

1 for costs incurred in the current fiscal year, such amounts
2 as may be necessary.

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

6 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

7 OCCUPATIONAL ILLNESS COMPENSATION FUND

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

15 BLACK LUNG DISABILITY TRUST FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 Such sums as may be necessary from the Black Lung
18 Disability Trust Fund (the “Fund”), to remain available
19 until expended, for payment of all benefits authorized by
20 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
21 enue Code of 1986; and repayment of, and payment of
22 interest on advances, as authorized by section 9501(d)(4)
23 of that Act. In addition, the following amounts may be
24 expended from the Fund for fiscal year 2019 for expenses
25 of operation and administration of the Black Lung Bene-

1 fits program, as authorized by section 9501(d)(5): not to
2 exceed \$38,246,000 for transfer to the Office of Workers'
3 Compensation Programs, "Salaries and Expenses"; not to
4 exceed \$31,994,000 for transfer to Departmental Manage-
5 ment, "Salaries and Expenses"; not to exceed \$330,000
6 for transfer to Departmental Management, "Office of In-
7 spector General"; and not to exceed \$356,000 for pay-
8 ments into miscellaneous receipts for the expenses of the
9 Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$557,787,000, including not
14 to exceed \$102,350,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act (the "Act"),
17 which grants shall be no less than 50 percent of the costs
18 of State occupational safety and health programs required
19 to be incurred under plans approved by the Secretary
20 under section 18 of the Act; and, in addition, notwith-
21 standing 31 U.S.C. 3302, the Occupational Safety and
22 Health Administration may retain up to \$499,000 per fis-
23 cal year of training institute course tuition and fees, other-
24 wise authorized by law to be collected, and may utilize
25 such sums for occupational safety and health training and

1 education: *Provided*, That notwithstanding 31 U.S.C.
2 3302, the Secretary is authorized, during the fiscal year
3 ending September 30, 2019, to collect and retain fees for
4 services provided to Nationally Recognized Testing Lab-
5 oratories, and may utilize such sums, in accordance with
6 the provisions of 29 U.S.C. 9a, to administer national and
7 international laboratory recognition programs that ensure
8 the safety of equipment and products used by workers in
9 the workplace: *Provided further*, That none of the funds
10 appropriated under this paragraph shall be obligated or
11 expended to prescribe, issue, administer, or enforce any
12 standard, rule, regulation, or order under the Act which
13 is applicable to any person who is engaged in a farming
14 operation which does not maintain a temporary labor
15 camp and employs 10 or fewer employees: *Provided fur-*
16 *ther*, That no funds appropriated under this paragraph
17 shall be obligated or expended to administer or enforce
18 any standard, rule, regulation, or order under the Act with
19 respect to any employer of 10 or fewer employees who is
20 included within a category having a Days Away, Re-
21 stricted, or Transferred (“DART”) occupational injury
22 and illness rate, at the most precise industrial classifica-
23 tion code for which such data are published, less than the
24 national average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of the Act,
2 except—

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

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

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

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

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

22 (6) to take any action authorized by the Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under the Act:

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That
5 \$10,537,000 shall be available for Susan Harwood train-
6 ing grants, of which the Secretary shall reserve not less
7 than \$4,500,000 for Susan Harwood Training Capacity
8 Building Developmental grants, as described in Funding
9 Opportunity Number SHTG-FY-16-02 (referenced in
10 the notice of availability of funds published in the Federal
11 Register on May 3, 2016 (81 Fed. Reg. 30568)) for pro-
12 gram activities starting not later than September 30, 2019
13 and lasting for a period of 12 months: *Provided further*,
14 That not less than \$3,500,000 shall be for Voluntary Pro-
15 tection Programs.

16 MINE SAFETY AND HEALTH ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Mine Safety and
19 Health Administration, \$373,816,000, including purchase
20 and bestowal of certificates and trophies in connection
21 with mine rescue and first-aid work, and the hire of pas-
22 senger motor vehicles, including up to \$2,000,000 for
23 mine rescue and recovery activities and not less than
24 \$10,537,000 for State assistance grants: *Provided*, That
25 amounts available for State assistance grants may be used

1 for the purchase and maintenance of new equipment re-
2 quired by the final rule entitled “Lowering Miners’ Expo-
3 sure to Respirable Coal Mine Dust, Including Continuous
4 Personal Dust Monitors” published by the Department of
5 Labor in the Federal Register on May 1, 2014 (79 Fed.
6 Reg. 24813 et seq.), for operators that demonstrate finan-
7 cial need as determined by the Secretary: *Provided further*,
8 That notwithstanding 31 U.S.C. 3302, not to exceed
9 \$750,000 may be collected by the National Mine Health
10 and Safety Academy for room, board, tuition, and the sale
11 of training materials, otherwise authorized by law to be
12 collected, to be available for mine safety and health edu-
13 cation and training activities: *Provided further*, That not-
14 withstanding 31 U.S.C. 3302, the Mine Safety and Health
15 Administration is authorized to collect and retain up to
16 \$2,499,000 from fees collected for the approval and cer-
17 tification of equipment, materials, and explosives for use
18 in mines, and may utilize such sums for such activities:
19 *Provided further*, That the Secretary is authorized to ac-
20 cept lands, buildings, equipment, and other contributions
21 from public and private sources and to prosecute projects
22 in cooperation with other agencies, Federal, State, or pri-
23 vate: *Provided further*, That the Mine Safety and Health
24 Administration is authorized to promote health and safety
25 education and training in the mining community through

1 cooperative programs with States, industry, and safety as-
2 sociations: *Provided further*, That the Secretary is author-
3 ized to recognize the Joseph A. Holmes Safety Association
4 as a principal safety association and, notwithstanding any
5 other provision of law, may provide funds and, with or
6 without reimbursement, personnel, including service of
7 Mine Safety and Health Administration officials as offi-
8 cers in local chapters or in the national organization: *Pro-*
9 *vided further*, That any funds available to the Department
10 of Labor may be used, with the approval of the Secretary,
11 to provide for the costs of mine rescue and survival oper-
12 ations in the event of a major disaster.

13 BUREAU OF LABOR STATISTICS

14 SALARIES AND EXPENSES

15 For necessary expenses for the Bureau of Labor Sta-
16 tistics, including advances or reimbursements to State,
17 Federal, and local agencies and their employees for serv-
18 ices rendered, \$550,000,000, together with not to exceed
19 \$65,000,000 which may be expended from the Employ-
20 ment Security Administration account in the Unemploy-
21 ment Trust Fund.

22 OFFICE OF DISABILITY EMPLOYMENT POLICY

23 SALARIES AND EXPENSES

24 For necessary expenses for the Office of Disability
25 Employment Policy to provide leadership, develop policy

1 and initiatives, and award grants furthering the objective
2 of eliminating barriers to the training and employment of
3 people with disabilities, \$38,203,000.

4 DEPARTMENTAL MANAGEMENT

5 SALARIES AND EXPENSES

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for Departmental Manage-
8 ment, including the hire of three passenger motor vehicles,
9 \$337,756,000, together with not to exceed \$308,000,
10 which may be expended from the Employment Security
11 Administration account in the Unemployment Trust
12 Fund: *Provided*, That \$59,825,000 for the Bureau of
13 International Labor Affairs shall be available for obliga-
14 tion through December 31, 2019: *Provided further*, That
15 funds available to the Bureau of International Labor Af-
16 fairs may be used to administer or operate international
17 labor activities, bilateral and multilateral technical assist-
18 ance, and microfinance programs, by or through contracts,
19 grants, subgrants and other arrangements: *Provided fur-*
20 *ther*, That not more than \$53,825,000 shall be for pro-
21 grams to combat exploitative child labor internationally
22 and not less than \$6,000,000 shall be used to implement
23 model programs that address worker rights issues through
24 technical assistance in countries with which the United
25 States has free trade agreements or trade preference pro-

1 grams: *Provided further*, That \$8,040,000 shall be used
2 for program evaluation and shall be available for obliga-
3 tion through September 30, 2020: *Provided further*, That
4 funds available for program evaluation may be used to ad-
5 minister grants for the purpose of evaluation: *Provided*
6 *further*, That grants made for the purpose of evaluation
7 shall be awarded through fair and open competition: *Pro-*
8 *vided further*, That funds available for program evaluation
9 may be transferred to any other appropriate account in
10 the Department for such purpose: *Provided further*, That
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate are notified at least 15 days
13 in advance of any transfer: *Provided further*, That the
14 funds available to the Women's Bureau may be used for
15 grants to serve and promote the interests of women in the
16 workforce: *Provided further*, That of the amounts made
17 available to the Women's Bureau, not less than \$994,000
18 shall be used for grants authorized by the Women in Ap-
19 prenticeship and Nontraditional Occupations Act.

20 VETERANS EMPLOYMENT AND TRAINING

21 Not to exceed \$250,041,000 may be derived from the
22 Employment Security Administration account in the Un-
23 employment Trust Fund to carry out the provisions of
24 chapters 41, 42, and 43 of title 38, United States Code,
25 of which:

1 (1) \$180,000,000 is for Jobs for Veterans State
2 grants under 38 U.S.C. 4102A(b)(5) to support dis-
3 abled veterans' outreach program specialists under
4 section 4103A of such title and local veterans' em-
5 ployment representatives under section 4104(b) of
6 such title, and for the expenses described in section
7 4102A(b)(5)(C), which shall be available for obliga-
8 tion by the States through December 31, 2019, and
9 not to exceed 3 percent for the necessary Federal ex-
10 penditures for data systems and contract support to
11 allow for the tracking of participant and perform-
12 ance information: *Provided*, That, in addition, such
13 funds may be used to support such specialists and
14 representatives in the provision of services to
15 transitioning members of the Armed Forces who
16 have participated in the Transition Assistance Pro-
17 gram and have been identified as in need of inten-
18 sive services, to members of the Armed Forces who
19 are wounded, ill, or injured and receiving treatment
20 in military treatment facilities or warrior transition
21 units, and to the spouses or other family caregivers
22 of such wounded, ill, or injured members;

23 (2) \$23,379,000 is for carrying out the Transi-
24 tion Assistance Program under 38 U.S.C. 4113 and
25 10 U.S.C. 1144: *Provided*, That not more than

1 \$3,500,000 shall be used by the Secretary, in con-
2 sultation with the Secretary of Defense and the Sec-
3 retary of the Veterans Affairs, to carry out a pilot
4 project designed to prepare transitioning service
5 members to qualify for, and to assist in placing
6 them in, apprenticeship programs, as an additional
7 training opportunity under subsection (f) of 10
8 U.S.C. 1144, including the costs of federal adminis-
9 tration and evaluation of such pilot, and that the
10 funds shall remain available for the pilot through
11 September 30, 2020;

12 (3) \$43,248,000 is for Federal administration
13 of chapters 41, 42, and 43 of title 38, and sections
14 2021, 2021A and 2023 of title 38, United States
15 Code: *Provided*, That, up to \$500,000 may be used
16 to carry out the Hire VETS Act (division O of Pub-
17 lic Law 115–31); and

18 (4) \$3,414,000 is for the National Veterans’
19 Employment and Training Services Institute under
20 38 U.S.C. 4109:

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

1 In addition, from the General Fund of the Treasury,
2 \$50,000,000 is for carrying out programs to assist home-
3 less veterans and veterans at risk of homelessness who are
4 transitioning from certain institutions under sections
5 2021, 2021A, and 2023 of title 38, United States Code:
6 *Provided*, That notwithstanding subsections (c)(3) and (d)
7 of section 2023, the Secretary may award grants through
8 September 30, 2019, to provide services under such sec-
9 tion: *Provided further*, That services provided under sec-
10 tions 2021 or under 2021A may include, in addition to
11 services to homeless veterans described in section
12 2002(a)(1), services to veterans who were homeless at
13 some point within the 60 days prior to program entry or
14 veterans who are at risk of homelessness within the next
15 60 days, and that services provided under section 2023
16 may include, in addition to services to the individuals de-
17 scribed in subsection (e) of such section, services to vet-
18 erans recently released from incarceration who are at risk
19 of homelessness: *Provided further*, That notwithstanding
20 paragraph (3) under this heading, funds appropriated in
21 this paragraph may be used for data systems and contract
22 support to allow for the tracking of participant and per-
23 formance information: *Provided further*, That notwith-
24 standing sections 2021(e)(2) and 2021A(f)(2) of title 38,

1 United States Code, such funds shall be available for ex-
2 penditure pursuant to 31 U.S.C. 1553.

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

15 IT MODERNIZATION

16 For necessary expenses for Department of Labor cen-
17 tralized infrastructure technology investment activities re-
18 lated to support systems and modernization, \$23,269,000,
19 which shall be available through September 30, 2020.

20 OFFICE OF INSPECTOR GENERAL

21 For salaries and expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$83,487,000, together with not to
24 exceed \$5,660,000 which may be expended from the Em-

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

3 GENERAL PROVISIONS

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

9 (TRANSFER OF FUNDS)

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

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

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

7 SEC. 104. Except as otherwise provided in this sec-
8 tion, none of the funds made available to the Department
9 of Labor for grants under section 414(c) of the American
10 Competitiveness and Workforce Improvement Act of 1998
11 (29 U.S.C. 2916a) may be used for any purpose other
12 than competitive grants for training individuals who are
13 older than 16 years of age and are not currently enrolled
14 in school within a local educational agency in the occupa-
15 tions and industries for which employers are using H-1B
16 visas to hire foreign workers, and the related activities
17 necessary to support such training.

18 SEC. 105. None of the funds made available by this
19 Act under the heading “Employment and Training Ad-
20 ministration” shall be used by a recipient or subrecipient
21 of such funds to pay the salary and bonuses of an indi-
22 vidual, either as direct costs or indirect costs, at a rate
23 in excess of Executive Level II. This limitation shall not
24 apply to vendors providing goods and services as defined
25 in Office of Management and Budget Circular A-133.

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

10 (TRANSFER OF FUNDS)

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

19 (b) Notwithstanding section 102, the Secretary may
20 transfer not more than 0.5 percent of each discretionary
21 appropriation made available to the Employment and
22 Training Administration by this Act to “Program Admin-
23 istration” in order to carry out program integrity activities
24 relating to any of the programs or activities that are fund-
25 ed under any such discretionary appropriations: *Provided*,

1 That notwithstanding section 102 and the preceding pro-
2 viso, the Secretary may transfer not more than 0.5 percent
3 of funds made available in paragraphs (1) and (2) of the
4 “Office of Job Corps” account to paragraph (3) of such
5 account to carry out program integrity activities related
6 to the Job Corps program: *Provided further*, That funds
7 transferred under the authority provided by this sub-
8 section shall be available for obligation through September
9 30, 2020.

10 (TRANSFER OF FUNDS)

11 SEC. 107. (a) The Secretary may reserve not more
12 than 0.75 percent from each appropriation made available
13 in this Act identified in subsection (b) in order to carry
14 out evaluations of any of the programs or activities that
15 are funded under such accounts. Any funds reserved under
16 this section shall be transferred to “Departmental Man-
17 agement” for use by the Office of the Chief Evaluation
18 Officer within the Department of Labor, and shall be
19 available for obligation through September 30, 2020: *Pro-*
20 *vided*, That such funds shall only be available if the Chief
21 Evaluation Officer of the Department of Labor submits
22 a plan to the Committees on Appropriations of the House
23 of Representatives and the Senate describing the evalua-
24 tions to be carried out 15 days in advance of any transfer.

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

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

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

22 “(A) employed to adjust or evaluate claims re-
23 sulting from or relating to such major disaster, by
24 an employer not engaged, directly or through an af-
25 filiate, in underwriting, selling, or marketing prop-

1 erty, casualty, or liability insurance policies or con-
2 tracts;

3 “(B) who receives from such employer on aver-
4 age weekly compensation of not less than \$591.00
5 per week or any minimum weekly amount estab-
6 lished by the Secretary, whichever is greater, for the
7 number of weeks such employee is engaged in any
8 of the activities described in subparagraph (C); and

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

10 “(i) interviewing insured individuals, indi-
11 viduals who suffered injuries or other damages
12 or losses arising from or relating to a disaster,
13 witnesses, or physicians;

14 “(ii) inspecting property damage or review-
15 ing factual information to prepare damage esti-
16 mates;

17 “(iii) evaluating and making recommenda-
18 tions regarding coverage or compensability of
19 claims or determining liability or value aspects
20 of claims;

21 “(iv) negotiating settlements; or

22 “(v) making recommendations regarding
23 litigation.

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

1 “(3) For purposes of this subsection—

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

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

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

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

1 (RESCISSION)

2 SEC. 109. Of the funds made available under the
3 heading “Employment and Training Administration—
4 Training and Employment Services” in division H of Pub-
5 lic Law 115–141, \$53,000,000 is rescinded, to be derived
6 from the amount made available in paragraph (2)(A)
7 under such heading for the period October 1, 2018,
8 through September 30, 2019.

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

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

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

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

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

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

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

11 (i) applies for the job; and

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

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

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

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

3 SEC. 111. The determination of prevailing wage for
4 the purposes of the H–2B program shall be the greater
5 of—(1) the actual wage level paid by the employer to other
6 employees with similar experience and qualifications for
7 such position in the same location; or (2) the prevailing
8 wage level for the occupational classification of the posi-
9 tion in the geographic area in which the H–2B non-
10 immigrant will be employed, based on the best information
11 available at the time of filing the petition. In the deter-
12 mination of prevailing wage for the purposes of the H–
13 2B program, the Secretary shall accept private wage sur-
14 veys even in instances where Occupational Employment
15 Statistics survey data are available unless the Secretary
16 determines that the methodology and data in the provided
17 survey are not statistically supported.

18 SEC. 112. None of the funds in this Act shall be used
19 to enforce the definition of corresponding employment
20 found in 20 CFR 655.5 or the three-fourths guarantee
21 rule definition found in 20 CFR 655.20, or any references
22 thereto. Further, for the purpose of regulating admission
23 of temporary workers under the H–2B program, the defi-
24 nition of temporary need shall be that provided in 8 CFR
25 214.2(h)(6)(ii)(B).

1 SEC. 113. Notwithstanding any other provision of
2 law, the Secretary may furnish through grants, coopera-
3 tive agreements, contracts, and other arrangements, up to
4 \$2,000,000 of excess personal property to apprenticeship
5 programs for the purpose of training apprentices in those
6 programs.

7 SEC. 114. The proviso at the end of paragraph (1)
8 under the heading “Department of Labor—Employment
9 and Training Administration—State Unemployment In-
10 surance and Employment Service Operations” in title I
11 of division G of Public Law 113–235 is amended by strik-
12 ing “six” and inserting “seven”.

13 SEC. 115. (a) The Act entitled “An Act to create a
14 Department of Labor”, approved March 4, 1913 (37 Stat.
15 736, chapter 141) shall be applied as if the following text
16 is part of such Act:

17 **“SEC. 12. SECURITY DETAIL.**

18 “(a) IN GENERAL.—The Secretary of Labor is au-
19 thorized to employ law enforcement officers or special
20 agents to—

21 “(1) provide protection for the Secretary of
22 Labor during the workday of the Secretary and dur-
23 ing any activity that is preliminary or postliminary
24 to the performance of official duties by the Sec-
25 retary;

1 “(2) provide protection, incidental to the protec-
2 tion provided to the Secretary, to a member of the
3 immediate family of the Secretary who is partici-
4 pating in an activity or event relating to the official
5 duties of the Secretary;

6 “(3) provide continuous protection to the Sec-
7 retary (including during periods not described in
8 paragraph (1)) and to the members of the imme-
9 diate family of the Secretary if there is a unique and
10 articulable threat of physical harm, in accordance
11 with guidelines established by the Secretary; and

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

18 “(b) **AUTHORITIES.**—The Secretary of Labor may
19 authorize a law enforcement officer or special agent em-
20 ployed under subsection (a), for the purpose of performing
21 the duties authorized under subsection (a), to—

22 “(1) carry firearms;

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

1 “(3) perform protective intelligence work, in-
2 cluding identifying and mitigating potential threats
3 and conducting advance work to review security mat-
4 ters relating to sites and events;

5 “(4) coordinate with local law enforcement
6 agencies; and

7 “(5) initiate criminal and other investigations
8 into potential threats to the security of the Sec-
9 retary, in coordination with the Inspector General of
10 the Department of Labor.

11 “(c) COMPLIANCE WITH GUIDELINES.—A law en-
12 forcement officer or special agent employed under sub-
13 section (a) shall exercise any authority provided under this
14 section in accordance with any—

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

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

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

21 SEC. 116. The Secretary is authorized to dispose of
22 or divest, by any means the Secretary determines appro-
23 priate, including an agreement or partnership to construct
24 a new Job Corps center, all or a portion of the real prop-
25 erty on which the Treasure Island Job Corps Center is

1 situated. Any sale or other disposition will not be subject
2 to any requirement of any Federal law or regulation relat-
3 ing to the disposition of Federal real property, including
4 but not limited to subchapter III of chapter 5 of title 40
5 of the United States Code and subchapter V of chapter
6 119 of title 42 of the United States Code. The net pro-
7 ceeds of such a sale shall be transferred to the Secretary,
8 which shall be available until expended to carry out the
9 Job Corps Program.

10 SEC. 117. (a) The paragraph under the heading
11 “Working Capital Fund” in the Department of Labor Ap-
12 propriations Act, 1958, Public Law 85–67, 71 Stat. 210,
13 as amended, is further amended by striking all of the text
14 that appears after “for expenses necessary for the mainte-
15 nance and operation of” and inserting “a comprehensive
16 program of centralized services which the Secretary of
17 Labor may prescribe and deem appropriate and advan-
18 tageous to provide on a reimbursable basis: *Provided*, That
19 such Working Capital Fund may receive advances and re-
20 imbursements from funds available to bureaus, offices,
21 and agencies for which such centralized services are per-
22 formed at rates which will return in full all expenses of
23 operation, including reserves for accrued annual leave,
24 workers’ compensation, depreciation of capitalized equip-
25 ment and amortization of human resources software and

1 systems (either acquired or donated): *Provided further*,
2 That, through September 30, 2019, the Secretary of
3 Labor may transfer an amount not to exceed \$3,000,000
4 from unobligated balances in the Department's salaries
5 and expenses accounts to the Working Capital Fund, to
6 be merged with the Working Capital Fund and used for
7 the acquisition of capital equipment and the improvement
8 of financial management, information technology, infra-
9 structure technology investment activities related to sup-
10 port systems and modernization, and other support sys-
11 tems, and to remain available until expended: *Provided*
12 *further*, That the Secretary of Labor may transfer to the
13 Working Capital Fund, to remain available for obligation
14 for five fiscal years after the fiscal year of such transfer,
15 annually an amount not to exceed \$9,000,000 from unobli-
16 gated balances in the Department's salaries and expenses
17 accounts made available in this Act and hereafter, and an-
18 nually an amount not to exceed \$9,000,000 from unobli-
19 gated balances in the Department's discretionary grants
20 accounts made available in this Act and hereafter, for the
21 acquisition of capital equipment and the improvement of
22 financial management, information technology, infrastruc-
23 ture technology investment activities related to support
24 systems and modernization, and other support systems:
25 *Provided further*, That none of the funds transferred pur-

1 suant to the preceding proviso shall be available unless
2 the Chief Information Officer of the Department of Labor
3 has submitted a plan, approved by the Office of Manage-
4 ment and Budget, describing the amounts to be trans-
5 ferred by account, the planned use of funds, including de-
6 scriptions of projects, project status, including any sched-
7 uled delays and cost overruns, financial expenditures,
8 planned activities, and expected benefits, to the Commit-
9 tees on Appropriations of the House of Representatives
10 and the Senate by July 31 of the calendar year prior to
11 the fiscal year in which the transfer will occur: *Provided*
12 *further*, That the Working Capital Fund may receive reim-
13 bursements from entities or persons for use of Depart-
14 mental facilities, including associated utilities and security
15 services, and such reimbursements shall be credited to and
16 merged with the Working Capital Fund: *Provided further*,
17 That pursuant to section 11319 of title 40, United States
18 Code, the Secretary shall ensure that the Department's
19 Chief Information Officer shall, at a minimum, be a prin-
20 cipal advisor to the Secretary and a member on any board
21 or governance structure of the Department responsible for
22 advising and setting Department-wide information tech-
23 nology budgets: *Provided further*, That none of the funds
24 available for information technology modernization under
25 this section or under the heading 'IT Modernization' shall

1 be used for information technology modernization projects
2 unless an experienced project manager, employed by the
3 Department of Labor, is assigned oversight responsibility,
4 including but not limited to, ensuring such projects are
5 completed within established timeframes and budgets.”.

6 (b) The following provisions are repealed:

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

10 (2) The heading “Working Capital Fund” and
11 the paragraph thereunder in the Department of
12 Labor, Health and Human Services, and Education,
13 and Related Agencies Appropriations Act, 1994,
14 Public Law 103–112, title I, 107 Stat. 1088 (1993).

15 (RESCISSION)

16 SEC. 118. (a) That of the unobligated funds available
17 under section 286(s)(2) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1356(s)(2)), \$8,250,000 are perma-
19 nently rescinded.

20 (b) For an additional amount for “Employment and
21 Training Administration—State Unemployment Insur-
22 ance and Employment Service Operations”, \$8,250,000,
23 to remain available until September 30, 2019, for proc-
24 essing applications for foreign labor certifications, includ-
25 ing activities related to wage determinations and associ-

1 ated tasks, submitted by employers to employ non-
2 immigrants as described in section 6(d)(2) of the Joint
3 Resolution entitled “A Joint Resolution to approve the
4 ‘Covenant To Establish a Commonwealth of the Northern
5 Mariana Islands in a Political Union with the United
6 States of America’, and for other purposes”, as amended
7 by section 3 of the Northern Mariana Islands U.S. Work-
8 force Act of 2018 (Public Law 115–218).

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

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

6 For carrying out titles II and III of the Public Health
7 Service Act (referred to in this Act as the “PHS Act”) *with respect to primary health care and the Native Hawai-
8 ian Health Care Act of 1988, \$1,626,522,000 (in addition
9 to the \$4,000,000,000 previously appropriated to the
10 Community Health Center Fund for fiscal year 2019):*
11 *Provided, That no more than \$1,000,000 shall be available
12 until expended for carrying out the provisions of section
13 224(o) of the PHS Act: Provided further, That no more
14 than \$120,000,000 shall be available until expended for
15 carrying out subsections (g) through (n) and (q) of section
16 224 of the PHS Act, and for expenses incurred by the
17 Department of Health and Human Services (referred to
18 in this Act as “HHS”) pertaining to administrative claims
19 made under such law: Provided further, That of funds pro-
20 vided for the Health Centers program, as defined by sec-
21 tion 330 of the PHS Act, by this Act or any other Act
22 for fiscal year 2019, not less than \$200,000,000 shall be
23 obligated in fiscal year 2019 for improving quality of care
24 or expanded service grants under section 330 of the PHS*

1 Act to support and enhance behavioral health, mental
2 health, or substance use disorder services.

3 HEALTH WORKFORCE

4 For carrying out titles III, VII, and VIII of the PHS
5 Act with respect to the health workforce, sections 1128E
6 and 1921 of the Social Security Act, and the Health Care
7 Quality Improvement Act of 1986, \$1,096,695,000: *Pro-*
8 *vided*, That sections 751(j)(2) and 762(k) of the PHS Act
9 and the proportional funding amounts in paragraphs (1)
10 through (4) of section 756(f) of the PHS Act shall not
11 apply to funds made available under this heading: *Pro-*
12 *vided further*, That for any program operating under sec-
13 tion 751 of the PHS Act on or before January 1, 2009,
14 the Secretary of Health and Human Services (referred to
15 in this title as the “Secretary”) may hereafter waive any
16 of the requirements contained in sections 751(d)(2)(A)
17 and 751(d)(2)(B) of such Act for the full project period
18 of a grant under such section: *Provided further*, That no
19 funds shall be available for section 340G–1 of the PHS
20 Act: *Provided further*, That fees collected for the disclosure
21 of information under section 427(b) of the Health Care
22 Quality Improvement Act of 1986 and sections
23 1128E(d)(2) and 1921 of the Social Security Act shall be
24 sufficient to recover the full costs of operating the pro-
25 grams authorized by such sections and shall remain avail-

1 able until expended for the National Practitioner Data
2 Bank: *Provided further*, That funds transferred to this ac-
3 count to carry out section 846 and subpart 3 of part D
4 of title III of the PHS Act may be used to make prior
5 year adjustments to awards made under such section and
6 subpart: *Provided further*, That \$105,000,000 shall re-
7 main available until expended for the purposes of pro-
8 viding primary health services, assigning National Health
9 Service Corps (“NHSC”) members to expand the delivery
10 of substance use disorder treatment services, notwith-
11 standing the assignment priorities and limitations under
12 sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of
13 the PHS Act, and making payments under the NHSC
14 Loan Repayment Program under section 338B of such
15 Act: *Provided further*, That, in addition to amounts other-
16 wise made available in the previous proviso, \$15,000,000
17 shall remain available until expended for the purposes of
18 making payments under the NHSC Loan Repayment Pro-
19 gram under section 338B of the PHS Act to individuals
20 participating in such program who provide primary health
21 services in Indian Health Service facilities, Tribally-Oper-
22 ated 638 Health Programs, and Urban Indian Health
23 Programs (as those terms are defined by the Secretary),
24 notwithstanding the assignment priorities and limitations
25 under section 333(b) of such Act: *Provided further*, That

1 for purposes of the previous two provisos, section
2 331(a)(3)(D) of the PHS Act shall be applied as if the
3 term “primary health services” includes clinical substance
4 use disorder treatment services, including those provided
5 by masters level, licensed substance use disorder treat-
6 ment counselors.

7 Of the funds made available under this heading,
8 \$25,000,000 shall remain available until expended for
9 grants to public institutions of higher education to expand
10 or support graduate education for physicians provided by
11 such institutions: *Provided*, That, in awarding such
12 grants, the Secretary shall give priority to public institu-
13 tions of higher education located in States with a projected
14 primary care provider shortage in 2025, as determined by
15 the Secretary: *Provided further*, That grants so awarded
16 are limited to such public institutions of higher education
17 in States in the top quintile of States with a projected
18 primary care provider shortage in 2025, as determined by
19 the Secretary: *Provided further*, That the minimum
20 amount of a grant so awarded to such an institution shall
21 be not less than \$1,000,000 per year: *Provided further*,
22 That such a grant may be awarded for a period not to
23 exceed 5 years: *Provided further*, That such a grant award-
24 ed with respect to a year to such an institution shall be
25 subject to a matching requirement of non-Federal funds

1 in an amount that is not less than 10 percent of the total
2 amount of Federal funds provided in the grant to such
3 institution with respect to such year.

4 MATERNAL AND CHILD HEALTH

5 For carrying out titles III, XI, XII, and XIX of the
6 PHS Act with respect to maternal and child health, title
7 V of the Social Security Act, and section 712 of the Amer-
8 ican Jobs Creation Act of 2004, \$926,789,000: *Provided*,
9 That notwithstanding sections 502(a)(1) and 502(b)(1) of
10 the Social Security Act, not more than \$109,593,000 shall
11 be available for carrying out special projects of regional
12 and national significance pursuant to section 501(a)(2) of
13 such Act and \$10,276,000 shall be available for projects
14 described in subparagraphs (A) through (F) of section
15 501(a)(3) of such Act.

16 RYAN WHITE HIV/AIDS PROGRAM

17 For carrying out title XXVI of the PHS Act with
18 respect to the Ryan White HIV/AIDS program,
19 \$2,318,781,000, of which \$1,970,881,000 shall remain
20 available to the Secretary through September 30, 2021,
21 for parts A and B of title XXVI of the PHS Act, and
22 of which not less than \$900,313,000 shall be for State
23 AIDS Drug Assistance Programs under the authority of
24 section 2616 or 311(c) of such Act.

1 HEALTH CARE SYSTEMS

2 For carrying out titles III and XII of the PHS Act
3 with respect to health care systems, and the Stem Cell
4 Therapeutic and Research Act of 2005, \$115,193,000, of
5 which \$122,000 shall be available until expended for facili-
6 ties renovations at the Gillis W. Long Hansen's Disease
7 Center.

8 RURAL HEALTH

9 For carrying out titles III and IV of the PHS Act
10 with respect to rural health, section 427(a) of the Federal
11 Coal Mine Health and Safety Act of 1969, and sections
12 711 and 1820 of the Social Security Act, \$317,794,000,
13 of which \$53,609,000 from general revenues, notwith-
14 standing section 1820(j) of the Social Security Act, shall
15 be available for carrying out the Medicare rural hospital
16 flexibility grants program: *Provided*, That of the funds
17 made available under this heading for Medicare rural hos-
18 pital flexibility grants, \$19,942,000 shall be available for
19 the Small Rural Hospital Improvement Grant Program
20 for quality improvement and adoption of health informa-
21 tion technology and up to \$1,000,000 shall be to carry
22 out section 1820(g)(6) of the Social Security Act, with
23 funds provided for grants under section 1820(g)(6) avail-
24 able for the purchase and implementation of telehealth
25 services, including pilots and demonstrations on the use

1 of electronic health records to coordinate rural veterans
2 care between rural providers and the Department of Vet-
3 erans Affairs electronic health record system: *Provided*
4 *further*, That notwithstanding section 338J(k) of the PHS
5 Act, \$10,000,000 shall be available for State Offices of
6 Rural Health: *Provided further*, That \$10,000,000 shall
7 remain available through September 30, 2021, to support
8 the Rural Residency Development Program: *Provided fur-*
9 *ther*, That \$120,000,000 shall be for the Rural Commu-
10 nities Opioids Response Program.

11 FAMILY PLANNING

12 For carrying out the program under title X of the
13 PHS Act to provide for voluntary family planning
14 projects, \$286,479,000: *Provided*, That amounts provided
15 to said projects under such title shall not be expended for
16 abortions, that all pregnancy counseling shall be nondirec-
17 tive, and that such amounts shall not be expended for any
18 activity (including the publication or distribution of lit-
19 erature) that in any way tends to promote public support
20 or opposition to any legislative proposal or candidate for
21 public office.

22 PROGRAM MANAGEMENT

23 For program support in the Health Resources and
24 Services Administration, \$155,250,000: *Provided*, That
25 funds made available under this heading may be used to

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

5 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

6 For payments from the Vaccine Injury Compensation
7 Program Trust Fund (the “Trust Fund”), such sums as
8 may be necessary for claims associated with vaccine-re-
9 lated injury or death with respect to vaccines administered
10 after September 30, 1988, pursuant to subtitle 2 of title
11 XXI of the PHS Act, to remain available until expended:
12 *Provided*, That for necessary administrative expenses, not
13 to exceed \$9,200,000 shall be available from the Trust
14 Fund to the Secretary.

15 CENTERS FOR DISEASE CONTROL AND PREVENTION

16 IMMUNIZATION AND RESPIRATORY DISEASES

17 For carrying out titles II, III, XVII, and XXI, and
18 section 2821 of the PHS Act, titles II and IV of the Immi-
19 gration and Nationality Act, and section 501 of the Ref-
20 ugee Education Assistance Act, with respect to immuniza-
21 tion and respiratory diseases, \$477,855,000.

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

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

1 sexually transmitted diseases, and tuberculosis prevention,
2 \$1,132,278,000.

3 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

4 For carrying out titles II, III, and XVII, and section
5 2821 of the PHS Act, titles II and IV of the Immigration
6 and Nationality Act, and section 501 of the Refugee Edu-
7 cation Assistance Act, with respect to emerging and
8 zoonotic infectious diseases, \$568,372,000.

9 CHRONIC DISEASE PREVENTION AND HEALTH

10 PROMOTION

11 For carrying out titles II, III, XI, XV, XVII, and
12 XIX of the PHS Act with respect to chronic disease pre-
13 vention and health promotion, \$932,821,000: *Provided*,
14 That funds appropriated under this account may be avail-
15 able for making grants under section 1509 of the PHS
16 Act for not less than 21 States, tribes, or tribal organiza-
17 tions: *Provided further*, That of the funds made available
18 under this heading, \$15,000,000 shall be available to con-
19 tinue and expand community specific extension and out-
20 reach programs to combat obesity in counties with the
21 highest levels of obesity: *Provided further*, That the pro-
22 portional funding requirements under section 1503(a) of
23 the PHS Act shall not apply to funds made available
24 under this heading.

61

1 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
2 DISABILITIES AND HEALTH

3 For carrying out titles II, III, XI, and XVII of the
4 PHS Act with respect to birth defects, developmental dis-
5 abilities, disabilities and health, \$155,560,000.

6 PUBLIC HEALTH SCIENTIFIC SERVICES

7 For carrying out titles II, III, and XVII of the PHS
8 Act with respect to health statistics, surveillance, health
9 informatics, and workforce development, \$496,397,000.

10 ENVIRONMENTAL HEALTH

11 For carrying out titles II, III, and XVII of the PHS
12 Act with respect to environmental health, \$192,350,000.

13 INJURY PREVENTION AND CONTROL

14 For carrying out titles II, III, and XVII of the PHS
15 Act with respect to injury prevention and control,
16 \$648,559,000.

17 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
18 HEALTH

19 For carrying out titles II, III, and XVII of the PHS
20 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
21 of the Federal Mine Safety and Health Act, section 13
22 of the Mine Improvement and New Emergency Response
23 Act, and sections 20, 21, and 22 of the Occupational Safe-
24 ty and Health Act, with respect to occupational safety and
25 health, \$336,300,000.

1 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

2 COMPENSATION PROGRAM

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

9 GLOBAL HEALTH

10 For carrying out titles II, III, and XVII of the PHS
11 Act with respect to global health, \$488,621,000, of which:
12 (1) \$128,421,000 shall remain available through Sep-
13 tember 30, 2020 for international HIV/AIDS; and (2)
14 \$50,000,000 shall remain available through September
15 30, 2021 for Global Disease Detection and Emergency Re-
16 sponse: *Provided*, That funds may be used for purchase
17 and insurance of official motor vehicles in foreign coun-
18 tries.

19 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

20 For carrying out titles II, III, and XVII of the PHS
21 Act with respect to public health preparedness and re-
22 sponse, and for expenses necessary to support activities
23 related to countering potential biological, nuclear, radio-
24 logical, and chemical threats to civilian populations,
25 \$1,465,200,000, of which \$610,000,000 shall remain

1 available until expended for the Strategic National Stock-
2 pile: *Provided*, That the Director of the Centers for Dis-
3 ease Control and Prevention (referred to in this title as
4 “CDC”) or the Administrator of the Agency for Toxic
5 Substances and Disease Registry may detail staff without
6 reimbursement for up to 90 days to support an activation
7 of the CDC Emergency Operations Center, so long as the
8 Director or Administrator, as applicable, provides a notice
9 to the Committees on Appropriations of the House of Rep-
10 resentatives and the Senate within 15 days of the use of
11 this authority and a full report within 30 days after use
12 of this authority which includes the number of staff and
13 funding level broken down by the originating center and
14 number of days detailed: *Provided further*, That funds ap-
15 propriated under this heading may be used to support a
16 contract for the operation and maintenance of an aircraft
17 in direct support of activities throughout CDC to ensure
18 the agency is prepared to address public health prepared-
19 ness emergencies.

20 BUILDINGS AND FACILITIES

21 (INCLUDING TRANSFER OF FUNDS)

22 For acquisition of real property, equipment, construc-
23 tion, demolition, and renovation of facilities, \$30,000,000,
24 which shall remain available until September 30, 2023:
25 *Provided*, That funds previously set-aside by CDC for re-

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

10 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

11 For carrying out titles II, III, XVII and XIX, and
12 section 2821 of the PHS Act and for cross-cutting activi-
13 ties and program support for activities funded in other
14 appropriations included in this Act for the Centers for
15 Disease Control and Prevention, \$163,570,000, of which
16 up to \$10,000,000 may be transferred to the reserve of
17 the Working Capital Fund authorized under this heading
18 in division F of Public Law 112–74: *Provided*, That para-
19 graphs (1) through (3) of subsection (b) of section 2821
20 of the PHS Act shall not apply to funds appropriated
21 under this heading and in all other accounts of the CDC:
22 *Provided further*, That employees of CDC or the Public
23 Health Service, both civilian and commissioned officers,
24 detailed to States, municipalities, or other organizations
25 under authority of section 214 of the PHS Act, or in over-

1 seas assignments, shall be treated as non-Federal employ-
2 ees for reporting purposes only and shall not be included
3 within any personnel ceiling applicable to the Agency,
4 Service, or HHS during the period of detail or assignment:
5 *Provided further*, That CDC may use up to \$10,000 from
6 amounts appropriated to CDC in this Act for official re-
7 ception and representation expenses when specifically ap-
8 proved by the Director of CDC: *Provided further*, That in
9 addition, such sums as may be derived from authorized
10 user fees, which shall be credited to the appropriation
11 charged with the cost thereof: *Provided further*, That with
12 respect to the previous proviso, authorized user fees from
13 the Vessel Sanitation Program and the Respirator Certifi-
14 cation Program shall be available through September 30,
15 2020.

16 NATIONAL INSTITUTES OF HEALTH

17 NATIONAL CANCER INSTITUTE

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to cancer, \$5,743,892,000, of which up
20 to \$30,000,000 may be used for facilities repairs and im-
21 provements at the National Cancer Institute—Frederick
22 Federally Funded Research and Development Center in
23 Frederick, Maryland.

66

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to cardiovascular, lung, and blood dis-
4 eases, and blood and blood products, \$3,488,335,000.

5 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
6 RESEARCH

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to dental and craniofacial diseases,
9 \$461,781,000.

10 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
11 KIDNEY DISEASES

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to diabetes and digestive and kidney dis-
14 ease, \$2,029,823,000.

15 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
16 AND STROKE

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to neurological disorders and stroke,
19 \$2,216,913,000.

20 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
21 DISEASES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to allergy and infectious diseases,
24 \$5,523,324,000.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to general medical sciences,
4 \$2,872,780,000, of which \$1,146,821,000 shall be from
5 funds available under section 241 of the PHS Act: *Pro-*
6 *vided*, That not less than \$361,573,000 is provided for
7 the Institutional Development Awards program.

8 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
9 CHILD HEALTH AND HUMAN DEVELOPMENT

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to child health and human development,
12 \$1,506,458,000.

13 NATIONAL EYE INSTITUTE

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to eye diseases and visual disorders,
16 \$796,536,000.

17 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
18 SCIENCES

19 For carrying out section 301 and title IV of the PHS
20 Act with respect to environmental health sciences,
21 \$774,707,000.

22 NATIONAL INSTITUTE ON AGING

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to aging, \$3,083,410,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to arthritis and musculoskeletal and skin
5 diseases, \$605,065,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to deafness and other communication dis-
10 orders, \$474,404,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to nursing research, \$162,992,000.

14 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
15 ALCOHOLISM

16 For carrying out section 301 and title IV of the PHS
17 Act with respect to alcohol abuse and alcoholism,
18 \$525,591,000.

19 NATIONAL INSTITUTE ON DRUG ABUSE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to drug abuse, \$1,419,844,000.

22 NATIONAL INSTITUTE OF MENTAL HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to mental health, \$1,812,796,000.

1 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to human genome research,
4 \$575,579,000.

5 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
6 BIOENGINEERING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to biomedical imaging and bioengineering
9 research, \$389,464,000.

10 NATIONAL CENTER FOR COMPLEMENTARY AND
11 INTEGRATIVE HEALTH

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to complementary and integrative health,
14 \$146,473,000.

15 NATIONAL INSTITUTE ON MINORITY HEALTH AND
16 HEALTH DISPARITIES

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to minority health and health disparities
19 research, \$314,679,000.

20 JOHN E. FOGARTY INTERNATIONAL CENTER

21 For carrying out the activities of the John E. Fogarty
22 International Center (described in subpart 2 of part E of
23 title IV of the PHS Act), \$78,109,000.

1 NATIONAL LIBRARY OF MEDICINE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to health information communications,
4 \$441,997,000: *Provided*, That of the amounts available for
5 improvement of information systems, \$4,000,000 shall be
6 available until September 30, 2020: *Provided further*, That
7 in fiscal year 2019, the National Library of Medicine may
8 enter into personal services contracts for the provision of
9 services in facilities owned, operated, or constructed under
10 the jurisdiction of the National Institutes of Health (re-
11 ferred to in this title as “NIH”).

12 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
13 SCIENCES

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to translational sciences, \$806,373,000:
16 *Provided*, That up to \$80,000,000 shall be available to im-
17 plement section 480 of the PHS Act, relating to the Cures
18 Acceleration Network: *Provided further*, That at least
19 \$559,736,000 is provided to the Clinical and Translational
20 Sciences Awards program.

21 OFFICE OF THE DIRECTOR

22 (INCLUDING TRANSFER OF FUNDS)

23 For carrying out the responsibilities of the Office of
24 the Director, NIH, \$1,909,075,000: *Provided*, That fund-
25 ing shall be available for the purchase of not to exceed

1 29 passenger motor vehicles for replacement only: *Pro-*
2 *vided further*, That all funds credited to the NIH Manage-
3 ment Fund shall remain available for one fiscal year after
4 the fiscal year in which they are deposited: *Provided fur-*
5 *ther*, That \$165,000,000 shall be for the Environmental
6 Influences on Child Health Outcomes study: *Provided fur-*
7 *ther*, That \$606,566,000 shall be available for the Com-
8 mon Fund established under section 402A(c)(1) of the
9 PHS Act: *Provided further*, That of the funds provided,
10 \$10,000 shall be for official reception and representation
11 expenses when specifically approved by the Director of the
12 NIH: *Provided further*, That the Office of AIDS Research
13 within the Office of the Director of the NIH may spend
14 up to \$8,000,000 to make grants for construction or ren-
15 ovation of facilities as provided for in section
16 2354(a)(5)(B) of the PHS Act: *Provided further*, That
17 \$50,000,000 shall be used to carry out section 404I of
18 the PHS Act (42 U.S.C. 283K), relating to biomedical and
19 behavioral research facilities: *Provided further*, That
20 \$5,000,000 shall be transferred to and merged with the
21 appropriation for the “Office of Inspector General” for
22 oversight of grant programs and operations of the NIH,
23 including agency efforts to ensure the integrity of its grant
24 application evaluation and selection processes, and shall
25 be in addition to funds otherwise made available for over-

1 sight of the NIH: *Provided further*, That the funds pro-
2 vided in the previous proviso may be transferred from one
3 specified activity to another with 15 days prior approval
4 of the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate: *Provided further*, That the In-
6 spector General shall consult with the Committees on Ap-
7 propriations of the House of Representatives and the Sen-
8 ate before submitting to the Committees an audit plan for
9 fiscal years 2019 and 2020 no later than 30 days after
10 the date of enactment of this Act.

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

19 BUILDINGS AND FACILITIES

20 For the study of, construction of, demolition of, ren-
21 ovation of, and acquisition of equipment for, facilities of
22 or used by NIH, including the acquisition of real property,
23 \$200,000,000, to remain available through September 30,
24 2023.

1 NIH INNOVATION ACCOUNT, CURES ACT

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the purposes de-
4 scribed in section 1001(b)(4) of the 21st Century Cures
5 Act, in addition to amounts available for such purposes
6 in the appropriations provided to the NIH in this Act,
7 \$711,000,000, to remain available until expended: *Pro-*
8 *vided*, That such amounts are appropriated pursuant to
9 section 1001(b)(3) of such Act, are to be derived from
10 amounts transferred under section 1001(b)(2)(A) of such
11 Act, and may be transferred by the Director of the Na-
12 tional Institutes of Health to other accounts of the Na-
13 tional Institutes of Health solely for the purposes provided
14 in such Act: *Provided further*, That upon a determination
15 by the Director that funds transferred pursuant to the
16 previous proviso are not necessary for the purposes pro-
17 vided, such amounts may be transferred back to the Ac-
18 count: *Provided further*, That the transfer authority pro-
19 vided under this heading is in addition to any other trans-
20 fer authority provided by law.

21 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

22 ADMINISTRATION

23 MENTAL HEALTH

24 For carrying out titles III, V, and XIX of the PHS
25 Act with respect to mental health, and the Protection and

1 Advocacy for Individuals with Mental Illness Act,
2 \$1,524,974,000: *Provided*, That of the funds made avail-
3 able under this heading, \$63,887,000 shall be for the Na-
4 tional Child Traumatic Stress Initiative, of which
5 \$10,000,000 shall be awarded not later than December
6 1, 2018, for activities described in the joint explanatory
7 statement accompanying this Act: *Provided further*, That
8 notwithstanding section 520A(f)(2) of the PHS Act, no
9 funds appropriated for carrying out section 520A shall be
10 available for carrying out section 1971 of the PHS Act:
11 *Provided further*, That in addition to amounts provided
12 herein, \$21,039,000 shall be available under section 241
13 of the PHS Act to carry out subpart I of part B of title
14 XIX of the PHS Act to fund section 1920(b) technical
15 assistance, national data, data collection and evaluation
16 activities, and further that the total available under this
17 Act for section 1920(b) activities shall not exceed 5 per-
18 cent of the amounts appropriated for subpart I of part
19 B of title XIX: *Provided further*, That up to 10 percent
20 of the amounts made available to carry out the Children's
21 Mental Health Services program may be used to carry out
22 demonstration grants or contracts for early interventions
23 with persons not more than 25 years of age at clinical
24 high risk of developing a first episode of psychosis: *Pro-*
25 *vided further*, That section 520E(b)(2) of the PHS Act

1 shall not apply to funds appropriated in this Act for fiscal
2 year 2019: *Provided further*, That States shall expend at
3 least 10 percent of the amount each receives for carrying
4 out section 1911 of the PHS Act to support evidence-
5 based programs that address the needs of individuals with
6 early serious mental illness, including psychotic disorders,
7 regardless of the age of the individual at onset: *Provided*
8 *further*, That \$150,000,000 shall be available until Sep-
9 tember 30, 2021 for grants to communities and commu-
10 nity organizations who meet criteria for Certified Commu-
11 nity Behavioral Health Clinics pursuant to section 223(a)
12 of Public Law 113–93: *Provided further*, That none of the
13 funds provided for section 1911 of the PHS Act shall be
14 subject to section 241 of such Act: *Provided further*, That
15 of the funds made available under this heading,
16 \$15,000,000 shall be to carry out section 224 of the Pro-
17 tecting Access to Medicare Act of 2014 (Public Law 113–
18 93; 42 U.S.C. 290aa 22 note).

19 SUBSTANCE ABUSE TREATMENT

20 For carrying out titles III and V of the PHS Act
21 with respect to substance abuse treatment and title XIX
22 of such Act with respect to substance abuse treatment and
23 prevention, \$3,737,556,000: *Provided*, That
24 \$1,500,000,000 shall be for State Opioid Response Grants
25 for carrying out activities pertaining to opioids undertaken

1 by the State agency responsible for administering the sub-
2 stance abuse prevention and treatment block grant under
3 subpart II of part B of title XIX of the PHS Act (42
4 U.S.C. 300x-21 et seq.): *Provided further*, That of such
5 amount \$50,000,000 shall be made available to Indian
6 Tribes or tribal organizations: *Provided further*, That 15
7 percent of the remaining amount shall be for the States
8 with the highest mortality rate related to opioid use dis-
9 orders: *Provided further*, That of the amounts provided for
10 State Opioid Response Grants not more than 2 percent
11 shall be available for Federal administrative expenses,
12 training, technical assistance, and evaluation: *Provided*
13 *further*, That of the amount not reserved by the previous
14 three provisos, the Secretary shall make allocations to
15 States, territories, and the District of Columbia according
16 to a formula using national survey results that the Sec-
17 retary determines are the most objective and reliable
18 measure of drug use and drug-related deaths: *Provided*
19 *further*, That the Secretary shall submit the formula meth-
20 odology to the Committees on Appropriations of the House
21 of Representatives and the Senate not less than 15 days
22 prior to publishing a Funding Opportunity Announce-
23 ment: *Provided further*, That prevention and treatment ac-
24 tivities funded through such grants may include education,
25 treatment (including the provision of medication), behav-

1 ioral health services for individuals in treatment programs,
2 referral to treatment services, recovery support, and med-
3 ical screening associated with such treatment: *Provided*
4 *further*, That each State, as well as the District of Colum-
5 bia, shall receive not less than \$4,000,000: *Provided fur-*
6 *ther*, That in addition to amounts provided herein, the fol-
7 lowing amounts shall be available under section 241 of the
8 PHS Act: (1) \$79,200,000 to carry out subpart II of part
9 B of title XIX of the PHS Act to fund section 1935(b)
10 technical assistance, national data, data collection and
11 evaluation activities, and further that the total available
12 under this Act for section 1935(b) activities shall not ex-
13 ceed 5 percent of the amounts appropriated for subpart
14 II of part B of title XIX; and (2) \$2,000,000 to evaluate
15 substance abuse treatment programs: *Provided further*,
16 That none of the funds provided for section 1921 of the
17 PHS Act or State Opioid Response Grants shall be subject
18 to section 241 of such Act.

19 SUBSTANCE ABUSE PREVENTION

20 For carrying out titles III and V of the PHS Act
21 with respect to substance abuse prevention, \$205,469,000.

22 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

23 For program support and cross-cutting activities that
24 supplement activities funded under the headings “Mental
25 Health”, “Substance Abuse Treatment”, and “Substance

1 Abuse Prevention” in carrying out titles III, V, and XIX
2 of the PHS Act and the Protection and Advocacy for Indi-
3 viduals with Mental Illness Act in the Substance Abuse
4 and Mental Health Services Administration,
5 \$128,830,000: *Provided*, That in addition to amounts pro-
6 vided herein, \$31,428,000 shall be available under section
7 241 of the PHS Act to supplement funds available to
8 carry out national surveys on drug abuse and mental
9 health, to collect and analyze program data, and to con-
10 duct public awareness and technical assistance activities:
11 *Provided further*, That, in addition, fees may be collected
12 for the costs of publications, data, data tabulations, and
13 data analysis completed under title V of the PHS Act and
14 provided to a public or private entity upon request, which
15 shall be credited to this appropriation and shall remain
16 available until expended for such purposes: *Provided fur-*
17 *ther*, That amounts made available in this Act for carrying
18 out section 501(o) of the PHS Act shall remain available
19 through September 30, 2020: *Provided further*, That funds
20 made available under this heading may be used to supple-
21 ment program support funding provided under the head-
22 ings “Mental Health”, “Substance Abuse Treatment”,
23 and “Substance Abuse Prevention”.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the PHS Act,
4 part A of title XI of the Social Security Act, and section
5 1013 of the Medicare Prescription Drug, Improvement,
6 and Modernization Act of 2003, \$338,000,000: *Provided*,
7 That section 947(c) of the PHS Act shall not apply in
8 fiscal year 2019: *Provided further*, That in addition,
9 amounts received from Freedom of Information Act fees,
10 reimbursable and interagency agreements, and the sale of
11 data shall be credited to this appropriation and shall re-
12 main available until September 30, 2020.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 GRANTS TO STATES FOR MEDICAID

15 For carrying out, except as otherwise provided, titles
16 XI and XIX of the Social Security Act, \$276,236,212,000,
17 to remain available until expended.

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

24 For making payments to States or in the case of sec-
25 tion 1928 on behalf of States under title XIX of the Social

1 Security Act for the first quarter of fiscal year 2020,
2 \$137,931,797,000, to remain available until expended.

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

8 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

9 For payment to the Federal Hospital Insurance
10 Trust Fund and the Federal Supplementary Medical In-
11 surance Trust Fund, as provided under sections 217(g),
12 1844, and 1860D–16 of the Social Security Act, sections
13 103(c) and 111(d) of the Social Security Amendments of
14 1965, section 278(d)(3) of Public Law 97–248, and for
15 administrative expenses incurred pursuant to section
16 201(g) of the Social Security Act, \$378,343,800,000.

17 In addition, for making matching payments under
18 section 1844 and benefit payments under section 1860D–
19 16 of the Social Security Act that were not anticipated
20 in budget estimates, such sums as may be necessary.

21 PROGRAM MANAGEMENT

22 For carrying out, except as otherwise provided, titles
23 XI, XVIII, XIX, and XXI of the Social Security Act, titles
24 XIII and XXVII of the PHS Act, the Clinical Laboratory
25 Improvement Amendments of 1988, and other responsibil-

ities of the Centers for Medicare & Medicaid Services, not to exceed \$3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2019 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$765,000,000, to remain available through September 30, 2020, to be

1 transferred from the Federal Hospital Insurance Trust
2 Fund and the Federal Supplementary Medical Insurance
3 Trust Fund, as authorized by section 201(g) of the Social
4 Security Act, of which \$599,389,000 shall be for the Cen-
5 ters for Medicare & Medicaid Services program integrity
6 activities, of which \$87,230,000 shall be for the Depart-
7 ment of Health and Human Services Office of Inspector
8 General to carry out fraud and abuse activities authorized
9 by section 1817(k)(3) of such Act, and of which
10 \$78,381,000 shall be for the Department of Justice to
11 carry out fraud and abuse activities authorized by section
12 1817(k)(3) of such Act: *Provided*, That the report re-
13 quired by section 1817(k)(5) of the Social Security Act
14 for fiscal year 2019 shall include measures of the oper-
15 ational efficiency and impact on fraud, waste, and abuse
16 in the Medicare, Medicaid, and CHIP programs for the
17 funds provided by this appropriation: *Provided further*,
18 That of the amount provided under this heading,
19 \$311,000,000 is provided to meet the terms of section
20 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985, as amended, and
22 \$454,000,000 is additional new budget authority specified
23 for purposes of section 251(b)(2)(C) of such Act: *Provided*
24 *further*, That the Secretary shall provide not less than
25 \$17,621,000 for the Senior Medicare Patrol program to

1 combat health care fraud and abuse from the funds pro-
2 vided to this account.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

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

18 LOW INCOME HOME ENERGY ASSISTANCE

19 For making payments under subsections (b) and (d)
20 of section 2602 of the Low Income Home Energy Assist-
21 ance Act of 1981, \$3,690,304,000: *Provided*, That all but
22 \$716,000,000 of this amount shall be allocated as though
23 the total appropriation for such payments for fiscal year
24 2019 was less than \$1,975,000,000: *Provided further*,
25 That notwithstanding section 2609A(a), of the amounts

1 appropriated under section 2602(b), not more than
2 \$2,988,000 of such amounts may be reserved by the Sec-
3 retary for technical assistance, training, and monitoring
4 of program activities for compliance with internal controls,
5 policies and procedures and may, in addition to the au-
6 thorities provided in section 2609A(a)(1), use such funds
7 through contracts with private entities that do not qualify
8 as nonprofit organizations.

9 REFUGEE AND ENTRANT ASSISTANCE
10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses for refugee and entrant as-
12 sistance activities authorized by section 414 of the Immi-
13 gration and Nationality Act and section 501 of the Ref-
14 ugee Education Assistance Act of 1980, and for carrying
15 out section 462 of the Homeland Security Act of 2002,
16 section 235 of the William Wilberforce Trafficking Victims
17 Protection Reauthorization Act of 2008, the Trafficking
18 Victims Protection Act of 2000 (“TVPA”), and the Tor-
19 ture Victims Relief Act of 1998, \$1,905,201,000, of which
20 \$1,864,446,000 shall remain available through September
21 30, 2021 for carrying out such sections 414, 501, 462,
22 and 235: *Provided*, That amounts available under this
23 heading to carry out the TVPA shall also be available for
24 research and evaluation with respect to activities under
25 such Act: *Provided further*, That the limitation in section

1 205 of this Act regarding transfers increasing any appro-
2 priation shall apply to transfers to appropriations under
3 this heading by substituting “15 percent” for “3 percent”.

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

6 For carrying out the Child Care and Development
7 Block Grant Act of 1990 (“CCDBG Act”),
8 \$5,276,000,000 shall be used to supplement, not supplant
9 State general revenue funds for child care assistance for
10 low-income families: *Provided*, That technical assistance
11 under section 658I(a)(3) of such Act may be provided di-
12 rectly, or through the use of contracts, grants, cooperative
13 agreements, or interagency agreements: *Provided further*,
14 That all funds made available to carry out section 418
15 of the Social Security Act (42 U.S.C. 618), including
16 funds appropriated for that purpose in such section 418
17 or any other provision of law, shall be subject to the res-
18 ervation of funds authority in paragraphs (4) and (5) of
19 section 658O(a) of the CCDBG Act: *Provided further*,
20 That in addition to the amounts required to be reserved
21 by the Secretary under section 658O(a)(2)(A) of such Act,
22 \$156,780,000 shall be for Indian tribes and tribal organi-
23 zations.

1 SOCIAL SERVICES BLOCK GRANT

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

9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 For carrying out, except as otherwise provided, the
11 Runaway and Homeless Youth Act, the Head Start Act,
12 the Every Student Succeeds Act, the Child Abuse Preven-
13 tion and Treatment Act, sections 303 and 313 of the
14 Family Violence Prevention and Services Act, the Native
15 American Programs Act of 1974, title II of the Child
16 Abuse Prevention and Treatment and Adoption Reform
17 Act of 1978 (adoption opportunities), part B–1 of title IV
18 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
19 of the Social Security Act, and the Community Services
20 Block Grant Act (“CSBG Act”); and for necessary admin-
21 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
22 XVI, and XX–A of the Social Security Act, the Act of
23 July 5, 1960, the Low-Income Home Energy Assistance
24 Act of 1981, the Child Care and Development Block Grant
25 Act of 1990, the Assets for Independence Act, title IV of

1 the Immigration and Nationality Act, and section 501 of
2 the Refugee Education Assistance Act of 1980,
3 \$12,239,225,000, of which \$75,000,000, to remain avail-
4 able through September 30, 2020, shall be for grants to
5 States for adoption and legal guardianship incentive pay-
6 ments, as defined by section 473A of the Social Security
7 Act and may be made for adoptions and legal
8 guardianships completed before September 30, 2019: *Pro-*
9 *vided*, That \$10,063,095,000 shall be for making pay-
10 ments under the Head Start Act, of which, notwith-
11 standing section 640 of such Act:

12 (1) \$150,000,000 shall be available for a cost
13 of living adjustment, and with respect to any con-
14 tinuing appropriations act, funding available for a
15 cost of living adjustment shall not be construed as
16 an authority or condition under this Act;

17 (2) \$25,000,000 shall be available for allocation
18 by the Secretary to supplement activities described
19 in paragraphs (7)(B) and (9) of section 641(c) of
20 the Head Start Act under the Designation Renewal
21 System, established under the authority of sections
22 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
23 and such funds shall not be included in the calcula-
24 tion of “base grant” in subsequent fiscal years, as

1 such term is used in section 640(a)(7)(A) of such
2 Act; and

3 (3) \$805,000,000, in addition to funds other-
4 wise available under such section 640 for such pur-
5 poses, shall be available through March 31, 2020,
6 for Early Head Start programs as described in sec-
7 tion 645A of such Act, for conversion of Head Start
8 services to Early Head Start services as described in
9 section 645(a)(5)(A) of such Act, for discretionary
10 grants for high quality infant and toddler care
11 through Early Head Start-Child Care Partnerships,
12 to entities defined as eligible under section 645A(d)
13 of such Act, for training and technical assistance for
14 such activities, and for up to \$16,000,000 in Federal
15 costs of administration and evaluation:

16 *Provided further*, That the Secretary may reduce the res-
17 ervation of funds under section 640(a)(2)(C) of such Act
18 in lieu of reducing the reservation of funds under sections
19 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such
20 Act: *Provided further*, That \$250,000,000 shall be avail-
21 able until December 31, 2019 for carrying out sections
22 9212 and 9213 of the Every Student Succeeds Act: *Pro-*
23 *vided further*, That up to 3 percent of the funds in the
24 preceding proviso shall be available for technical assist-
25 ance and evaluation related to grants awarded under such

1 section 9212: *Provided further*, That \$753,883,000 shall
2 be for making payments under the CSBG Act: *Provided*
3 *further*, That \$29,233,000 shall be for sections 680 and
4 678E(b)(2) of the CSBG Act, of which not less than
5 \$19,883,000 shall be for section 680(a)(2) and not less
6 than \$9,000,000 shall be for section 680(a)(3)(B) of such
7 Act: *Provided further*, That, notwithstanding section
8 675C(a)(3) of such Act, to the extent Community Services
9 Block Grant funds are distributed as grant funds by a
10 State to an eligible entity as provided under such Act, and
11 have not been expended by such entity, they shall remain
12 with such entity for carryover into the next fiscal year for
13 expenditure by such entity consistent with program pur-
14 poses: *Provided further*, That the Secretary shall establish
15 procedures regarding the disposition of intangible assets
16 and program income that permit such assets acquired
17 with, and program income derived from, grant funds au-
18 thorized under section 680 of the CSBG Act to become
19 the sole property of such grantees after a period of not
20 more than 12 years after the end of the grant period for
21 any activity consistent with section 680(a)(2)(A) of the
22 CSBG Act: *Provided further*, That intangible assets in the
23 form of loans, equity investments and other debt instru-
24 ments, and program income may be used by grantees for
25 any eligible purpose consistent with section 680(a)(2)(A)

1 of the CSBG Act: *Provided further*, That these procedures
2 shall apply to such grant funds made available after No-
3 vember 29, 1999: *Provided further*, That funds appro-
4 priated for section 680(a)(2) of the CSBG Act shall be
5 available for financing construction and rehabilitation and
6 loans or investments in private business enterprises owned
7 by community development corporations: *Provided further*,
8 That \$164,500,000 shall be for carrying out section
9 303(a) of the Family Violence Prevention and Services
10 Act, of which \$5,000,000 shall be allocated notwith-
11 standing section 303(a)(2) of such Act for carrying out
12 section 309 of such Act: *Provided further*, That the per-
13 centages specified in section 112(a)(2) of the Child Abuse
14 Prevention and Treatment Act shall not apply to funds
15 appropriated under this heading: *Provided further*, That
16 \$1,864,000 shall be for a human services case manage-
17 ment system for federally declared disasters, to include a
18 comprehensive national case management contract and
19 Federal costs of administering the system: *Provided fur-*
20 *ther*, That up to \$2,000,000 shall be for improving the
21 Public Assistance Reporting Information System, includ-
22 ing grants to States to support data collection for a study
23 of the system's effectiveness.

1 PROMOTING SAFE AND STABLE FAMILIES

2 For carrying out, except as otherwise provided, sec-
3 tion 436 of the Social Security Act, \$345,000,000 and,
4 for carrying out, except as otherwise provided, section 437
5 of such Act, \$99,765,000: *Provided*, That of the funds
6 available to carry out section 437, \$59,765,000 shall be
7 allocated consistent with subsections (b) through (d) of
8 such section: *Provided further*, That of the funds available
9 to carry out section 437, to assist in meeting the require-
10 ments described in section 471(e)(4)(C), \$20,000,000
11 shall be for grants to each State, territory, and Indian
12 tribe operating title IV–E plans for developing, enhancing,
13 or evaluating kinship navigator programs, as described in
14 section 427(a)(1) of such Act, and \$20,000,000, in addi-
15 tion to funds otherwise appropriated in section 436 for
16 such purposes, shall be for competitive grants to regional
17 partnerships as described in section 437(f): *Provided fur-*
18 *ther*, That section 437(b)(1) shall be applied to amounts
19 in the previous proviso by substituting “5 percent” for
20 “3.3 percent”, and notwithstanding section 436(b)(1),
21 such reserved amounts may be used for identifying, estab-
22 lishing, and disseminating practices to meet the criteria
23 specified in section 471(e)(4)(C): *Provided further*, That
24 the reservation in section 437(b)(2) and the limitations
25 in section 437(d) shall not apply to funds specified in the

1 second proviso: *Provided further*, That the minimum grant
2 award for kinship navigator programs in the case of States
3 and territories shall be \$200,000, and, in the case of
4 tribes, shall be \$25,000: *Provided further*, That section
5 437(b)(4) of such Act shall be applied by substituting “fis-
6 cal year 2019” for “fiscal year 2018”.

7 PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

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

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

18 ADMINISTRATION FOR COMMUNITY LIVING

19 AGING AND DISABILITY SERVICES PROGRAMS

20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out, to the extent not otherwise pro-
22 vided, the Older Americans Act of 1965 (“OAA”), the
23 RAISE Family Caregivers Act, the Supporting Grand-
24 parents Raising Grandchildren Act, titles III and XXIX
25 of the PHS Act, sections 1252 and 1253 of the PHS Act,

1 section 119 of the Medicare Improvements for Patients
2 and Providers Act of 2008, title XX–B of the Social Secu-
3 rity Act, the Developmental Disabilities Assistance and
4 Bill of Rights Act, parts 2 and 5 of subtitle D of title
5 II of the Help America Vote Act of 2002, the Assistive
6 Technology Act of 1998, titles II and VII (and section
7 14 with respect to such titles) of the Rehabilitation Act
8 of 1973, and for Department-wide coordination of policy
9 and program activities that assist individuals with disabil-
10 ities, \$2,120,200,000, together with \$49,115,000 to be
11 transferred from the Federal Hospital Insurance Trust
12 Fund and the Federal Supplementary Medical Insurance
13 Trust Fund to carry out section 4360 of the Omnibus
14 Budget Reconciliation Act of 1990: *Provided*, That
15 amounts appropriated under this heading may be used for
16 grants to States under section 361 of the OAA only for
17 disease prevention and health promotion programs and ac-
18 tivities which have been demonstrated through rigorous
19 evaluation to be evidence-based and effective: *Provided*
20 *further*, That of amounts made available under this head-
21 ing to carry out sections 311, 331, and 336 of the OAA,
22 up to one percent of such amounts shall be available for
23 developing and implementing evidence-based practices for
24 enhancing senior nutrition: *Provided further*, That not-
25 withstanding any other provision of this Act, funds made

1 available under this heading to carry out section 311 of
2 the OAA may be transferred to the Secretary of Agri-
3 culture in accordance with such section: *Provided further*,
4 That \$2,000,000 shall be for competitive grants to sup-
5 port alternative financing programs that provide for the
6 purchase of assistive technology devices, such as a low-
7 interest loan fund; an interest buy-down program; a re-
8 volving loan fund; a loan guarantee; or an insurance pro-
9 gram: *Provided further*, That applicants shall provide an
10 assurance that, and information describing the manner in
11 which, the alternative financing program will expand and
12 emphasize consumer choice and control: *Provided further*,
13 That State agencies and community-based disability orga-
14 nizations that are directed by and operated for individuals
15 with disabilities shall be eligible to compete: *Provided fur-*
16 *ther*, That none of the funds made available under this
17 heading may be used by an eligible system (as defined in
18 section 102 of the Protection and Advocacy for Individuals
19 with Mental Illness Act (42 U.S.C. 10802)) to continue
20 to pursue any legal action in a Federal or State court on
21 behalf of an individual or group of individuals with a de-
22 velopmental disability (as defined in section 102(8)(A) of
23 the Developmental Disabilities and Assistance and Bill of
24 Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is at-
25 tributable to a mental impairment (or a combination of

1 mental and physical impairments), that has as the re-
2 quested remedy the closure of State operated intermediate
3 care facilities for people with intellectual or developmental
4 disabilities, unless reasonable public notice of the action
5 has been provided to such individuals (or, in the case of
6 mental incapacitation, the legal guardians who have been
7 specifically awarded authority by the courts to make
8 healthcare and residential decisions on behalf of such indi-
9 viduals) who are affected by such action, within 90 days
10 of instituting such legal action, which informs such indi-
11 viduals (or such legal guardians) of their legal rights and
12 how to exercise such rights consistent with current Fed-
13 eral Rules of Civil Procedure: *Provided further*, That the
14 limitations in the immediately preceding proviso shall not
15 apply in the case of an individual who is neither competent
16 to consent nor has a legal guardian, nor shall the proviso
17 apply in the case of individuals who are a ward of the
18 State or subject to public guardianship.

19 OFFICE OF THE SECRETARY

20 GENERAL DEPARTMENTAL MANAGEMENT

21 For necessary expenses, not otherwise provided, for
22 general departmental management, including hire of six
23 passenger motor vehicles, and for carrying out titles III,
24 XVII, XXI, and section 229 of the PHS Act, the United
25 States-Mexico Border Health Commission Act, and re-

1 search studies under section 1110 of the Social Security
2 Act, \$480,629,000, together with \$64,828,000 from the
3 amounts available under section 241 of the PHS Act to
4 carry out national health or human services research and
5 evaluation activities: *Provided*, That of this amount,
6 \$53,900,000 shall be for minority AIDS prevention and
7 treatment activities: *Provided further*, That of the funds
8 made available under this heading, \$101,000,000 shall be
9 for making competitive contracts and grants to public and
10 private entities to fund medically accurate and age appro-
11 priate programs that reduce teen pregnancy and for the
12 Federal costs associated with administering and evalu-
13 ating such contracts and grants, of which not more than
14 10 percent of the available funds shall be for training and
15 technical assistance, evaluation, outreach, and additional
16 program support activities, and of the remaining amount
17 75 percent shall be for replicating programs that have
18 been proven effective through rigorous evaluation to re-
19 duce teenage pregnancy, behavioral risk factors underlying
20 teenage pregnancy, or other associated risk factors, and
21 25 percent shall be available for research and demonstra-
22 tion grants to develop, replicate, refine, and test additional
23 models and innovative strategies for preventing teenage
24 pregnancy: *Provided further*, That of the amounts pro-
25 vided under this heading from amounts available under

1 section 241 of the PHS Act, \$6,800,000 shall be available
2 to carry out evaluations (including longitudinal evalua-
3 tions) of teenage pregnancy prevention approaches: *Pro-*
4 *vided further*, That of the funds made available under this
5 heading, \$35,000,000 shall be for making competitive
6 grants which exclusively implement education in sexual
7 risk avoidance (defined as voluntarily refraining from non-
8 marital sexual activity): *Provided further*, That funding for
9 such competitive grants for sexual risk avoidance shall use
10 medically accurate information referenced to peer-re-
11 viewed publications by educational, scientific, govern-
12 mental, or health organizations; implement an evidence-
13 based approach integrating research findings with prac-
14 tical implementation that aligns with the needs and de-
15 sired outcomes for the intended audience; and teach the
16 benefits associated with self-regulation, success sequenc-
17 ing for poverty prevention, healthy relationships, goal set-
18 ting, and resisting sexual coercion, dating violence, and
19 other youth risk behaviors such as underage drinking or
20 illicit drug use without normalizing teen sexual activity:
21 *Provided further*, That no more than 10 percent of the
22 funding for such competitive grants for sexual risk avoid-
23 ance shall be available for technical assistance and admin-
24 istrative costs of such programs: *Provided further*, That
25 funds provided in this Act for embryo adoption activities

1 may be used to provide to individuals adopting embryos,
2 through grants and other mechanisms, medical and ad-
3 ministrative services deemed necessary for such adoptions:
4 *Provided further*, That such services shall be provided con-
5 sistent with 42 CFR 59.5(a)(4).

6 OFFICE OF MEDICARE HEARINGS AND APPEALS

7 For expenses necessary for the Office of Medicare
8 Hearings and Appeals, \$182,381,000 shall remain avail-
9 able until September 30, 2020, to be transferred in appro-
10 priate part from the Federal Hospital Insurance Trust
11 Fund and the Federal Supplementary Medical Insurance
12 Trust Fund.

13 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
14 INFORMATION TECHNOLOGY

15 For expenses necessary for the Office of the National
16 Coordinator for Health Information Technology, including
17 grants, contracts, and cooperative agreements for the de-
18 velopment and advancement of interoperable health infor-
19 mation technology, \$60,367,000.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General, including the hire of passenger motor vehicles for
23 investigations, in carrying out the provisions of the Inspec-
24 tor General Act of 1978, \$80,000,000: *Provided*, That of
25 such amount, necessary sums shall be available for pro-

1 viding protective services to the Secretary and inves-
2 tigating non-payment of child support cases for which non-
3 payment is a Federal offense under 18 U.S.C. 228.

4 OFFICE FOR CIVIL RIGHTS

5 For expenses necessary for the Office for Civil
6 Rights, \$38,798,000.

7 RETIREMENT PAY AND MEDICAL BENEFITS FOR

8 COMMISSIONED OFFICERS

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

16 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

17 FUND

18 For expenses necessary to support activities related
19 to countering potential biological, nuclear, radiological,
20 chemical, and cybersecurity threats to civilian populations,
21 and for other public health emergencies, \$1,026,458,000,
22 of which \$561,700,000 shall remain available through
23 September 30, 2020, for expenses necessary to support
24 advanced research and development pursuant to section
25 319L of the PHS Act and other administrative expenses

1 of the Biomedical Advanced Research and Development
2 Authority: *Provided*, That funds provided under this head-
3 ing for the purpose of acquisition of security counter-
4 measures shall be in addition to any other funds available
5 for such purpose: *Provided further*, That products pur-
6 chased with funds provided under this heading may, at
7 the discretion of the Secretary, be deposited in the Stra-
8 tegic National Stockpile pursuant to section 319F–2 of
9 the PHS Act: *Provided further*, That \$5,000,000 of the
10 amounts made available to support emergency operations
11 shall remain available through September 30, 2021.

12 For expenses necessary for procuring security coun-
13 termeasures (as defined in section 319F–2(c)(1)(B) of the
14 PHS Act), \$735,000,000, to remain available until ex-
15 pended.

16 For an additional amount for expenses necessary to
17 prepare for or respond to an influenza pandemic,
18 \$260,000,000; of which \$225,000,000 shall be available
19 until expended, for activities including the development
20 and purchase of vaccine, antivirals, necessary medical sup-
21 plies, diagnostics, and other surveillance tools: *Provided*,
22 That notwithstanding section 496(b) of the PHS Act,
23 funds may be used for the construction or renovation of
24 privately owned facilities for the production of pandemic
25 influenza vaccines and other biologics, if the Secretary

1 finds such construction or renovation necessary to secure
2 sufficient supplies of such vaccines or biologics.

3 GENERAL PROVISIONS

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

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

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

20 SEC. 204. Notwithstanding section 241(a) of the
21 PHS Act, such portion as the Secretary shall determine,
22 but not more than 2.5 percent, of any amounts appro-
23 priated for programs authorized under such Act shall be
24 made available for the evaluation (directly, or by grants

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

3 (TRANSFER OF FUNDS)

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

17 SEC. 206. In lieu of the timeframe specified in section
18 338E(c)(2) of the PHS Act, terminations described in
19 such section may occur up to 60 days after the execution
20 of a contract awarded in fiscal year 2019 under section
21 338B of such Act.

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

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

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

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

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

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

11 SEC. 212. In order for HHS to carry out inter-
12 national health activities, including HIV/AIDS and other
13 infectious disease, chronic and environmental disease, and
14 other health activities abroad during fiscal year 2019:

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

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

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

1 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 (TRANSFER OF FUNDS)

17 SEC. 213. The Director of the NIH, jointly with the
18 Director of the Office of AIDS Research, may transfer up
19 to 3 percent among institutes and centers from the total
20 amounts identified by these two Directors as funding for
21 research pertaining to the human immunodeficiency virus:
22 *Provided*, That the Committees on Appropriations of the
23 House of Representatives and the Senate are notified at
24 least 15 days in advance of any transfer.

1 (TRANSFER OF FUNDS)

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

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

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

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

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

9 (TRANSFER OF FUNDS)

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

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

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

3 (1) funds are available and obligated—

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

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

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

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

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

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

20 SEC. 219. (a) The Secretary shall publish in the fiscal
21 year 2020 budget justification and on Departmental Web
22 sites information concerning the employment of full-time
23 equivalent Federal employees or contractors for the pur-
24 poses of implementing, administering, enforcing, or other-
25 wise carrying out the provisions of the ACA, and the

1 amendments made by that Act, in the proposed fiscal year
2 and each fiscal year since the enactment of the ACA.

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

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

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

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

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

1 (2) spend less than 50 percent of their time on
2 activities funded by or newly authorized in the ACA;
3 or
4 (3) work on contracts for which FTE reporting
5 is not a requirement of their contract, such as fixed-
6 price contracts.

7 SEC. 220. The Secretary shall publish, as part of the
8 fiscal year 2020 budget of the President submitted under
9 section 1105(a) of title 31, United States Code, informa-
10 tion that details the uses of all funds used by the Centers
11 for Medicare & Medicaid Services specifically for Health
12 Insurance Exchanges for each fiscal year since the enact-
13 ment of the ACA and the proposed uses for such funds
14 for fiscal year 2020. Such information shall include, for
15 each such fiscal year, the amount of funds used for each
16 activity specified under the heading “Health Insurance
17 Exchange Transparency” in the joint explanatory state-
18 ment accompanying this Act.

19 SEC. 221. None of the funds made available by this
20 Act from the Federal Hospital Insurance Trust Fund or
21 the Federal Supplemental Medical Insurance Trust Fund,
22 or transferred from other accounts funded by this Act to
23 the “Centers for Medicare & Medicaid Services—Program
24 Management” account, may be used for payments under

1 section 1342(b)(1) of Public Law 111–148 (relating to
2 risk corridors).

3 (TRANSFER OF FUNDS)

4 SEC. 222. (a) Within 45 days of enactment of this
5 Act, the Secretary shall transfer funds appropriated under
6 section 4002 of the ACA to the accounts specified, in the
7 amounts specified, and for the activities specified under
8 the heading “Prevention and Public Health Fund” in the
9 joint explanatory statement accompanying this Act.

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

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

15 SEC. 223. Effective during the period beginning on
16 November 1, 2015 and ending January 1, 2021, any pro-
17 vision of law that refers (including through cross-reference
18 to another provision of law) to the current recommenda-
19 tions of the United States Preventive Services Task Force
20 with respect to breast cancer screening, mammography,
21 and prevention shall be administered by the Secretary in-
22 volved as if—

23 (1) such reference to such current recommenda-
24 tions were a reference to the recommendations of
25 such Task Force with respect to breast cancer

1 screening, mammography, and prevention last issued
2 before 2009; and

3 (2) such recommendations last issued before
4 2009 applied to any screening mammography modal-
5 ity under section 1861(jj) of the Social Security Act
6 (42 U.S.C. 1395x(jj)).

7 SEC. 224. In making Federal financial assistance, the
8 provisions relating to indirect costs in part 75 of title 45,
9 Code of Federal Regulations, including with respect to the
10 approval of deviations from negotiated rates, shall con-
11 tinue to apply to the National Institutes of Health to the
12 same extent and in the same manner as such provisions
13 were applied in the third quarter of fiscal year 2017. None
14 of the funds appropriated in this or prior Acts or otherwise
15 made available to the Department of Health and Human
16 Services or to any department or agency may be used to
17 develop or implement a modified approach to such provi-
18 sions, or to intentionally or substantially expand the fiscal
19 effect of the approval of such deviations from negotiated
20 rates beyond the proportional effect of such approvals in
21 such quarter.

22 (TRANSFER OF FUNDS)

23 SEC. 225. The NIH Director may transfer funds spe-
24 cifically appropriated for opioid addiction, opioid alter-
25 natives, pain management, and addiction treatment to

1 other Institutes and Centers of the NIH to be used for
2 the same purpose 15 days after notifying the Committees
3 on Appropriations: *Provided*, That the transfer authority
4 provided in the previous proviso is in addition to any other
5 transfer authority provided by law.

6 SEC. 226. (a) The Secretary shall provide to the
7 Committees on Appropriations of the House of Represent-
8 atives and the Senate:

9 (1) Detailed monthly enrollment figures from
10 the Exchanges established under the Patient Protec-
11 tion and Affordable Care Act of 2010 pertaining to
12 enrollments during the open enrollment period; and

13 (2) Notification of any new or competitive grant
14 awards, including supplements, authorized under
15 section 330 of the Public Health Service Act.

16 (b) The Committees on Appropriations of the House
17 and Senate must be notified at least 2 business days in
18 advance of any public release of enrollment information
19 or the award of such grants.

20 SEC. 227. In addition to the amounts otherwise avail-
21 able for “Centers for Medicare & Medicaid Services, Pro-
22 gram Management”, the Secretary of Health and Human
23 Services may transfer up to \$305,000,000 to such account
24 from the Federal Hospital Insurance Trust Fund and the
25 Federal Supplementary Medical Insurance Trust Fund to

1 support program management activity related to the Medi-
2 care Program: *Provided*, That except for the foregoing
3 purpose, such funds may not be used to support any provi-
4 sion of Public Law 111–148 or Public Law 111–152 (or
5 any amendment made by either such Public Law) or to
6 supplant any other amounts within such account.

7 (RESCISSION)

8 SEC. 228. Of the unobligated balances available in
9 the “Nonrecurring Expenses Fund” established in section
10 223 of division G of Public Law 110–161, \$400,000,000
11 are hereby rescinded.

12 SEC. 229. Not later than the 15th day of each month,
13 the Department of Health and Human Services shall pro-
14 vide the Committees on Appropriations of the House of
15 Representatives and Senate a report on staffing described
16 in the joint explanatory statement accompanying this Act.

17 SEC. 230. Funds appropriated in this Act that are
18 available for salaries and expenses of employees of the De-
19 partment of Health and Human Services shall also be
20 available to pay travel and related expenses of such an
21 employee or of a member of his or her family, when such
22 employee is assigned to duty, in the United States or in
23 a U.S. territory, during a period and in a location that
24 are the subject of a determination of a public health emer-
25 gency under section 319 of the Public Health Service Act

1 and such travel is necessary to obtain medical care for
2 an illness, injury, or medical condition that cannot be ade-
3 quately addressed in that location at that time. For pur-
4 poses of this section, the term “U.S. territory” means
5 Guam, the Commonwealth of Puerto Rico, the Northern
6 Mariana Islands, the Virgin Islands, American Samoa, or
7 the Trust Territory of the Pacific Islands.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 231. There is established in the Treasury a re-
10 serve fund to be known as the “Infectious Diseases Rapid
11 Response Reserve Fund” (the “Reserve Fund”): *Provided*,
12 That of the funds provided under the heading “CDC-Wide
13 Activities and Program Support”, \$50,000,000, to remain
14 available until expended, shall be available to the Director
15 of the CDC for deposit in the Reserve Fund: *Provided fur-*
16 *ther*, That amounts in the Reserve Fund shall be for car-
17 rying out titles II, III, and XVII of the PHS Act to pre-
18 vent, prepare for, or respond to an infectious disease emer-
19 gency, including, in connection with such activities, to pur-
20 chase or lease and provide for the insurance of passenger
21 motor vehicles for official use in foreign countries: *Pro-*
22 *vided further*, That amounts in the Reserve Fund may only
23 be provided for an infectious disease emergency if the in-
24 fectionous disease emergency (1) is declared by the Secretary
25 of Health and Human Services under section 319 of the

1 PHS Act to be a public health emergency; or (2) as deter-
2 mined by the Secretary, has significant potential to immi-
3 nently occur and potential, on occurrence, to affect na-
4 tional security or the health and security of United States
5 citizens, domestically or internationally: *Provided further*,
6 That amounts in the Reserve Fund may be transferred
7 by the Director of the CDC to other accounts of the CDC,
8 to accounts of the NIH, or to the Public Health and Social
9 Services Emergency Fund, to be merged with such ac-
10 counts or Fund for the purposes provided in this section:
11 *Provided further*, That the Committees on Appropriations
12 of the House of Representatives and the Senate shall be
13 notified in advance of any transfer or obligation made
14 under the authority provided in this section, including no-
15 tification on the anticipated uses of such funds by pro-
16 gram, project, or activity: *Provided further*, That not later
17 than 15 days after notification of the planned use of the
18 Reserve Fund, the Director shall provide a detailed spend
19 plan of anticipated uses of funds, including estimated per-
20 sonnel and administrative costs, to the Committees on Ap-
21 propriations of the House of Representatives and the Sen-
22 ate: *Provided further*, That such plans shall be updated
23 and submitted every 90 days thereafter until funds have
24 been fully expended which should include the unobligated
25 balances in the Reserve Fund and all the actual obliga-

1 tions incurred to date: *Provided further*, That amounts in
2 the Reserve Fund shall be in addition to amounts other-
3 wise available to the Department of Health and Human
4 Services for the purposes provided in this section: *Provided*
5 *further*, That the transfer authorities in this section are
6 in addition to any transfer authority otherwise available
7 to the Department of Health and Human Services: *Pro-*
8 *vided further*, That products purchased using amounts in
9 the Reserve Fund may, at the discretion of the Secretary
10 of Health and Human Services, be deposited in the Stra-
11 tegic National Stockpile under section 319F–2 of the PHS
12 Act: *Provided further*, That this section shall be in effect
13 as of the date of the enactment of this Act through each
14 fiscal year hereafter.

15 SEC. 232. The Department of Health and Human
16 Services may accept donations from the private sector,
17 nongovernmental organizations, and other groups inde-
18 pendent of the Federal Government for the care of unac-
19 companied alien children (as defined in section 462(g)(2)
20 of the Homeland Security Act of 2002 (6 U.S.C.
21 279(g)(2))) in the care of the Office of Refugee Resettle-
22 ment of the Administration for Children and Families, in-
23 cluding medical goods and services, school supplies, toys,
24 clothing, and any other items intended to promote the
25 wellbeing of such children.

1 SEC. 233. The Secretary shall submit to the Congress
2 by November 15, 2018, a plan to promptly facilitate the
3 reunification of children separated from their parents and
4 placed in the custody of the Office of Refugee Resettle-
5 ment (“ORR”), including the reunification of children
6 with parents who are no longer in the United States: *Pro-*
7 *vided*, That such plan shall include possible children of po-
8 tential class members in the class-action lawsuit *Ms. L v.*
9 *ICE*, as identified in the Joint Status Report filed on Sep-
10 tember 6, 2018: *Provided further*, That such plan shall
11 describe the activities the Administration has undertaken
12 to locate parents who are no longer in the United States
13 and to reunify those parents with their children, including
14 (1) the process for tracking children and parents, (2) the
15 process for coordinating interagency responsibilities for
16 communication, location, and reunification of such par-
17 ents, and (3) the number of parents that the Administra-
18 tion has been unable to contact: *Provided further*, That
19 such plan shall provide detailed information on how many
20 parents have been determined to be ineligible for reunifica-
21 tion and the reasons for those determinations: *Provided*
22 *further*, That such plan shall identify the number of chil-
23 dren in ORR custody whose parents were deported that
24 (1) have been reunified with their parents, (2) have been
25 released into the custody of a family member other than

1 a parent, (3) have been released into the custody of a
2 sponsor who is not a family member, and (4) are still in
3 ORR custody: *Provided further*, That such plan shall pro-
4 vide detailed information regarding the procedures the Ad-
5 ministration follows when child sexual abuse is alleged at
6 facilities operated by ORR contractors: *Provided further*,
7 That such plan shall include an estimate of expenditures
8 in fiscal year 2018 and an estimate of anticipated expendi-
9 tures in fiscal year 2019 related to housing children who
10 were separated from their parents at the border as well
11 as activities to reunify such children with their parents:
12 *Provided further*, That if such plan is not submitted by
13 the deadline identified above, the Department of Health
14 and Human Services may not, until such a plan has been
15 submitted to the Congress, obligate funds from the Fund
16 established by section 223 of title II of division G of Public
17 Law 110–161, except to obligate funds for projects identi-
18 fied in the joint explanatory statement accompanying this
19 Act.

20 SEC. 234. None of the funds made available by this
21 Act may be used to prevent a Member of the United States
22 Congress from entering, for the purpose of conducting
23 oversight, any facility in the United States, used for pur-
24 poses of maintaining custody of or otherwise housing un-
25 accompanied alien children (as defined in section

1 462(g)(2) of the Homeland Security Act of 2002 (6
2 U.S.C. 279(g)(2))).

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

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

4 For carrying out title I and subpart 2 of part B of
5 title II of the Elementary and Secondary Education Act
6 of 1965 (referred to in this Act as “ESEA”) and section
7 418A of the Higher Education Act of 1965 (referred to
8 in this Act as “HEA”), \$16,543,790,000, of which
9 \$5,625,990,000 shall become available on July 1, 2019,
10 and shall remain available through September 30, 2020,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2019, and shall remain available through Sep-
13 tember 30, 2020, for academic year 2019–2020: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2018, 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 \$4,019,050,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$4,019,050,000 shall be for education finance incentive

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$217,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$44,623,000
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,446,112,000, of which \$1,301,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$17,406,000, to remain
12 available for obligation through September 30, 2020, shall
13 be for construction under section 7007(b), \$74,313,000
14 shall be for Federal property payments under section
15 7002, and \$4,835,000, to remain available until expended,
16 shall be for facilities maintenance under section 7008:
17 *Provided*, That for purposes of computing the amount of
18 a payment for an eligible local educational agency under
19 section 7003(a) for school year 2018–2019, children en-
20 rolled in a school of such agency that would otherwise be
21 eligible for payment under section 7003(a)(1)(B) of such
22 Act, but due to the deployment of both parents or legal
23 guardians, or a parent or legal guardian having sole cus-
24 tody of such children, or due to the death of a military
25 parent or legal guardian while on active duty (so long as

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

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by part B of title I, part A of title II, subpart
10 1 of part A of title IV, part B of title IV, part B of title
11 V, and parts B and C of title VI of the ESEA; the McKin-
12 ney-Vento Homeless Assistance Act; section 203 of the
13 Educational Technical Assistance Act of 2002; the Com-
14 pact of Free Association Amendments Act of 2003; and
15 the Civil Rights Act of 1964, \$5,246,967,000, of which
16 \$3,418,402,000 shall become available on July 1, 2019,
17 and remain available through September 30, 2020, and
18 of which \$1,681,441,000 shall become available on Octo-
19 ber 1, 2019, and shall remain available through September
20 30, 2020, for academic year 2019–2020: *Provided*, That
21 \$378,000,000 shall be for part B of title I: *Provided fur-*
22 *ther*, That \$1,221,673,000 shall be for part B of title IV:
23 *Provided further*, That \$36,397,000 shall be for part B
24 of title VI and may be used for construction, renovation,
25 and modernization of any elementary school, secondary

1 school, or structure related to an elementary school or sec-
2 ondary school, run by the Department of Education of the
3 State of Hawaii, that serves a predominantly Native Ha-
4 waiian student body: *Provided further*, That \$35,453,000
5 shall be for part C of title VI and shall be awarded on
6 a competitive basis, and also may be used for construction:
7 *Provided further*, That \$52,000,000 shall be available to
8 carry out section 203 of the Educational Technical Assist-
9 ance Act of 2002 and the Secretary shall make such ar-
10 rangements as determined to be necessary to ensure that
11 the Bureau of Indian Education has access to services pro-
12 vided under this section: *Provided further*, That
13 \$16,699,000 shall be available to carry out the Supple-
14 mental Education Grants program for the Federated
15 States of Micronesia and the Republic of the Marshall Is-
16 lands: *Provided further*, That the Secretary may reserve
17 up to 5 percent of the amount referred to in the previous
18 proviso to provide technical assistance in the implementa-
19 tion of these grants: *Provided further*, That \$180,840,000
20 shall be for part B of title V: *Provided further*, That
21 \$1,170,000,000 shall be available for grants under sub-
22 part 1 of part A of title IV.

23 INDIAN EDUCATION

24 For expenses necessary to carry out, to the extent
25 not otherwise provided, title VI, part A of the ESEA,

1 \$180,239,000, of which \$67,993,000 shall be for subpart
2 2 of part A of title VI and \$6,865,000 shall be for subpart
3 3 of part A of title VI.

4 INNOVATION AND IMPROVEMENT

5 For carrying out activities authorized by subparts 1,
6 3 and 4 of part B of title II, and parts C, D, and E and
7 subparts 1 and 4 of part F of title IV of the ESEA,
8 \$1,035,556,000: *Provided*, That \$279,815,000 shall be for
9 subparts 1, 3 and 4 of part B of title II and shall be made
10 available without regard to sections 2201, 2231(b) and
11 2241: *Provided further*, That \$625,741,000 shall be for
12 parts C, D, and E and subpart 4 of part F of title IV,
13 and shall be made available without regard to sections
14 4311, 4409(a), and 4601 of the ESEA: *Provided further*,
15 That section 4303(d)(3)(A)(i) shall not apply to the funds
16 available for part C of title IV: *Provided further*, That of
17 the funds available for part C of title IV, the Secretary
18 shall use \$55,000,000 to carry out section 4304, of which
19 not more than \$10,000,000 shall be available to carry out
20 section 4304(k), \$135,000,000, to remain available
21 through March 31, 2020, to carry out section 4305(b),
22 and not more than \$15,000,000 to carry out the activities
23 in section 4305(a)(3): *Provided further*, That notwith-
24 standing section 4601(b), \$130,000,000 shall be available

1 through December 31, 2019 for subpart 1 of part F of
2 title IV.

3 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

4 For carrying out activities authorized by subparts 2
5 and 3 of part F of title IV of the ESEA, \$190,754,000:
6 *Provided*, That \$95,000,000 shall be available for section
7 4631, of which up to \$5,000,000, to remain available until
8 expended, shall be for the Project School Emergency Re-
9 sponse to Violence (Project SERV) program: *Provided fur-*
10 *ther*, That \$17,500,000 shall be available for section 4625:
11 *Provided further*, That \$78,254,000 shall be available
12 through December 31, 2019, for section 4624.

13 ENGLISH LANGUAGE ACQUISITION

14 For carrying out part A of title III of the ESEA,
15 \$737,400,000, which shall become available on July 1,
16 2019, and shall remain available through September 30,
17 2020, except that 6.5 percent of such amount shall be
18 available on October 1, 2018, and shall remain available
19 through September 30, 2020, to carry out activities under
20 section 3111(c)(1)(C).

21 SPECIAL EDUCATION

22 For carrying out the Individuals with Disabilities
23 Education Act (IDEA) and the Special Olympics Sport
24 and Empowerment Act of 2004, \$13,468,728,000, of
25 which \$3,942,129,000 shall become available on July 1,

1 2019, and shall remain available through September 30,
2 2020, and of which \$9,283,383,000 shall become available
3 on October 1, 2019, and shall remain available through
4 September 30, 2020, for academic year 2019–2020: *Pro-*
5 *vided*, That the amount for section 611(b)(2) of the IDEA
6 shall be equal to the lesser of the amount available for
7 that activity during fiscal year 2018, increased by the
8 amount of inflation as specified in section 619(d)(2)(B)
9 of the IDEA, or the percent change in the funds appro-
10 priated under section 611(i) of the IDEA, but not less
11 than the amount for that activity during fiscal year 2018:
12 *Provided further*, That the Secretary shall, without regard
13 to section 611(d) of the IDEA, distribute to all other
14 States (as that term is defined in section 611(g)(2)), sub-
15 ject to the third proviso, any amount by which a State’s
16 allocation under section 611, from funds appropriated
17 under this heading, is reduced under section
18 612(a)(18)(B), according to the following: 85 percent on
19 the basis of the States’ relative populations of children
20 aged 3 through 21 who are of the same age as children
21 with disabilities for whom the State ensures the avail-
22 ability of a free appropriate public education under this
23 part, and 15 percent to States on the basis of the States’
24 relative populations of those children who are living in pov-
25 erty: *Provided further*, That the Secretary may not dis-

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

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

22 REHABILITATION SERVICES

23 For carrying out, to the extent not otherwise pro-
24 vided, the Rehabilitation Act of 1973 and the Helen Keller
25 National Center Act, \$3,657,189,000, of which

1 \$3,521,990,000 shall be for grants for vocational rehabili-
2 tation services under title I of the Rehabilitation Act: *Pro-*
3 *vided*, That the Secretary may use amounts provided in
4 this Act that remain available subsequent to the reallocot-
5 ment of funds to States pursuant to section 110(b) of the
6 Rehabilitation Act for innovative activities aimed at im-
7 proving the outcomes of individuals with disabilities as de-
8 fined in section 7(20)(B) of the Rehabilitation Act, includ-
9 ing activities aimed at improving the education and post-
10 school outcomes of children receiving Supplemental Secu-
11 rity Income (“SSI”) and their families that may result
12 in long-term improvement in the SSI child recipient’s eco-
13 nomic status and self-sufficiency: *Provided further*, That
14 States may award subgrants for a portion of the funds
15 to other public and private, nonprofit entities: *Provided*
16 *further*, That any funds made available subsequent to real-
17 lotment for innovative activities aimed at improving the
18 outcomes of individuals with disabilities shall remain avail-
19 able until September 30, 2020.

20 SPECIAL INSTITUTIONS FOR PERSONS WITH
21 DISABILITIES

22 AMERICAN PRINTING HOUSE FOR THE BLIND

23 For carrying out the Act to promote the Education
24 of the Blind of March 3, 1879, \$30,431,000.

1 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

2 For the National Technical Institute for the Deaf
3 under titles I and II of the Education of the Deaf Act
4 of 1986, \$77,500,000: *Provided*, That from the total
5 amount available, the Institute may at its discretion use
6 funds for the endowment program as authorized under
7 section 207 of such Act.

8 GALLAUDET UNIVERSITY

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

16 CAREER, TECHNICAL, AND ADULT EDUCATION

17 For carrying out, to the extent not otherwise pro-
18 vided, the Carl D. Perkins Career and Technical Edu-
19 cation Act of 2006 and the Adult Education and Family
20 Literacy Act (“AEFLA”), \$1,925,686,000, of which
21 \$1,134,686,000 shall become available on July 1, 2019,
22 and shall remain available through September 30, 2020,
23 and of which \$791,000,000 shall become available on Oc-
24 tober 1, 2019, and shall remain available through Sep-
25 tember 30, 2020: *Provided*, That of the amounts made

1 available for AEFLA, \$13,712,000 shall be for national
2 leadership activities under section 242.

3 STUDENT FINANCIAL ASSISTANCE

4 For carrying out subparts 1, 3, and 10 of part A,
5 and part C of title IV of the HEA, \$24,445,352,000,
6 which shall remain available through September 30, 2020.

7 The maximum Pell Grant for which a student shall
8 be eligible during award year 2019–2020 shall be \$5,135.

9 STUDENT AID ADMINISTRATION

10 For Federal administrative expenses to carry out part
11 D of title I, and subparts 1, 3, 9, and 10 of part A, and
12 parts B, C, D, and E of title IV of the HEA, and subpart
13 1 of part A of title VII of the Public Health Service Act,
14 \$1,678,943,000, to remain available through September
15 30, 2020: *Provided*, That the Secretary shall allocate new
16 student loan borrower accounts to eligible student loan
17 servicers on the basis of their performance compared to
18 all loan servicers utilizing established common metrics,
19 and on the basis of the capacity of each servicer to process
20 new and existing accounts: *Provided further*, That for stu-
21 dent loan contracts awarded prior to October 1, 2017, the
22 Secretary shall allow student loan borrowers who are con-
23 solidating Federal student loans to select from any stu-
24 dent loan servicer to service their new consolidated student
25 loan: *Provided further*, That in order to promote account-

1 ability and high-quality service to borrowers, the Secretary
2 shall not award funding for any contract solicitation for
3 a new Federal student loan servicing environment, includ-
4 ing the solicitation for the FSA Next Generation Proc-
5 essing and Servicing Environment as amended by the De-
6 partment of Education on February 20, 2018, unless such
7 an environment provides for the participation of multiple
8 student loan servicers that contract directly with the De-
9 partment of Education to manage a unique portfolio of
10 borrower accounts and the full life-cycle of loans from dis-
11 bursement to pay-off with certain limited exceptions, and
12 allocates student loan borrower accounts to eligible stu-
13 dent loan servicers based on performance: *Provided fur-*
14 *ther*, That such servicers described in the previous proviso
15 shall be evaluated based on their ability to meet contract
16 requirements, future performance on the contracts, and
17 history of compliance with applicable consumer protections
18 laws: *Provided further*, That to the extent Federal Student
19 Aid (FSA) permits student loan servicing subcontracting,
20 FSA shall hold prime contractors accountable for meeting
21 the requirements of the contract, and the performance and
22 expectations of subcontractors shall be accounted for in
23 the prime contract and in the overall performance of the
24 prime contractor: *Provided further*, That FSA shall ensure
25 that the Next Generation Processing and Servicing Envi-

1 ronment contracts incentivize more support to borrowers
2 at risk of being distressed: *Provided further*, That the Sec-
3 retary shall provide quarterly briefings to the Committees
4 on Appropriations and Education and the Workforce of
5 the House of Representatives and the Committees on Ap-
6 propriations and Health, Education, Labor, and Pensions
7 of the Senate on general progress related to solicitations
8 for Federal student loan servicing contracts.

9 HIGHER EDUCATION

10 For carrying out, to the extent not otherwise pro-
11 vided, titles II, III, IV, V, VI, and VII of the HEA, the
12 Mutual Educational and Cultural Exchange Act of 1961,
13 and section 117 of the Carl D. Perkins Career and Tech-
14 nical Education Act of 2006, \$2,312,356,000: *Provided*,
15 That notwithstanding any other provision of law, funds
16 made available in this Act to carry out title VI of the HEA
17 and section 102(b)(6) of the Mutual Educational and Cul-
18 tural Exchange Act of 1961 may be used to support visits
19 and study in foreign countries by individuals who are par-
20 ticipating in advanced foreign language training and inter-
21 national studies in areas that are vital to United States
22 national security and who plan to apply their language
23 skills and knowledge of these countries in the fields of gov-
24 ernment, the professions, or international development:
25 *Provided further*, That of the funds referred to in the pre-

1 ceding proviso up to 1 percent may be used for program
2 evaluation, national outreach, and information dissemina-
3 tion activities: *Provided further*, That up to 1.5 percent
4 of the funds made available under chapter 2 of subpart
5 2 of part A of title IV of the HEA may be used for evalua-
6 tion.

7 HOWARD UNIVERSITY

8 For partial support of Howard University,
9 \$236,518,000, of which not less than \$3,405,000 shall be
10 for a matching endowment grant pursuant to the Howard
11 University Endowment Act and shall remain available
12 until expended.

13 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
14 PROGRAM

15 For Federal administrative expenses to carry out ac-
16 tivities related to existing facility loans pursuant to section
17 121 of the HEA, \$435,000.

18 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

19 CAPITAL FINANCING PROGRAM ACCOUNT

20 For the cost of guaranteed loans, \$20,150,000, as au-
21 thorized pursuant to part D of title III of the HEA, which
22 shall remain available through September 30, 2020: *Pro-*
23 *vided*, That such costs, including the cost of modifying
24 such loans, shall be as defined in section 502 of the Con-
25 gressional Budget Act of 1974: *Provided further*, That

1 these funds are available to subsidize total loan principal,
2 any part of which is to be guaranteed, not to exceed
3 \$580,000,000: *Provided further*, That these funds may be
4 used to support loans to public and private Historically
5 Black Colleges and Universities without regard to the limi-
6 tations within section 344(a) of the HEA.

7 In addition, \$20,000,000 shall be made available to
8 provide for the deferment of loans made under part D of
9 title III of the HEA to eligible institutions that are private
10 Historically Black Colleges and Universities, which apply
11 for the deferment of such a loan and demonstrate financial
12 need for such deferment by having a score of 2.6 or less
13 on the Department of Education's financial responsibility
14 test: *Provided*, That during the period of deferment of
15 such a loan, interest on the loan will not accrue or be cap-
16 italized, and the period of deferment shall be for at least
17 a period of 3-fiscal years and not more than 6-fiscal years:
18 *Provided further*, That funds available under this para-
19 graph shall be used to fund eligible deferment requests
20 submitted for this purpose in fiscal year 2018: *Provided*
21 *further*, That the Secretary shall create and execute an
22 outreach plan to work with States and the Capital Finance-
23 ing Advisory Board to improve outreach to States and help
24 additional public Historically Black Colleges and Univer-
25 sities participate in the program.

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

5 INSTITUTE OF EDUCATION SCIENCES

6 For carrying out activities authorized by the Edu-
7 cation Sciences Reform Act of 2002, the National Assess-
8 ment of Educational Progress Authorization Act, section
9 208 of the Educational Technical Assistance Act of 2002,
10 and section 664 of the Individuals with Disabilities Edu-
11 cation Act, \$615,462,000, which shall remain available
12 through September 30, 2020: *Provided*, That funds avail-
13 able to carry out section 208 of the Educational Technical
14 Assistance Act may be used to link Statewide elementary
15 and secondary data systems with early childhood, postsec-
16 ondary, and workforce data systems, or to further develop
17 such systems: *Provided further*, That up to \$6,000,000 of
18 the funds available to carry out section 208 of the Edu-
19 cational Technical Assistance Act may be used for awards
20 to public or private organizations or agencies to support
21 activities to improve data coordination, quality, and use
22 at the local, State, and national levels.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$430,000,000: *Provided*, That, notwithstanding any other
8 provision of law, none of the funds provided by this Act
9 or provided by previous Appropriations Acts to the De-
10 partment of Education available for obligation or expendi-
11 ture in the current fiscal year may be used for any activity
12 relating to implementing a reorganization that decentral-
13 izes, reduces the staffing level, or alters the responsibil-
14 ities, structure, authority, or functionality of the Budget
15 Service of the Department of Education, relative to the
16 organization and operation of the Budget Service as in
17 effect on January 1, 2018.

18 OFFICE FOR CIVIL RIGHTS

19 For expenses necessary for the Office for Civil
20 Rights, as authorized by section 203 of the Department
21 of Education Organization Act, \$125,000,000.

22 OFFICE OF INSPECTOR GENERAL

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

1 GENERAL PROVISIONS

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

5 (TRANSFER OF FUNDS)

6 SEC. 302. Not to exceed 1 percent of any discre-
7 tionary funds (pursuant to the Balanced Budget and
8 Emergency Deficit Control Act of 1985) which are appro-
9 priated for the Department of Education in this Act may
10 be transferred between appropriations, but no such appro-
11 priation shall be increased by more than 3 percent by any
12 such transfer: *Provided*, That the transfer authority
13 granted by this section shall not be used to create any
14 new program or to fund any project or activity for which
15 no funds are provided in this Act: *Provided further*, That
16 the Committees on Appropriations of the House of Rep-
17 resentatives and the Senate are notified at least 15 days
18 in advance of any transfer.

19 SEC. 303. Section 105(f)(1)(B)(ix) of the Compact
20 of Free Association Amendments Act of 2003 (48 U.S.C.
21 1921d(f)(1)(B)(ix)) shall be applied by substituting
22 “2019” for “2009”.

23 SEC. 304. Funds appropriated in this Act and con-
24 solidated for evaluation purposes under section 8601(c) of

1 the ESEA shall be available from July 1, 2019, through
2 September 30, 2020.

3 SEC. 305. (a) An institution of higher education that
4 maintains an endowment fund supported with funds ap-
5 propriated for title III or V of the HEA for fiscal year
6 2019 may use the income from that fund to award schol-
7 arships to students, subject to the limitation in section
8 331(c)(3)(B)(i) of the HEA. The use of such income for
9 such purposes, prior to the enactment of this Act, shall
10 be considered to have been an allowable use of that in-
11 come, subject to that limitation.

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

14 SEC. 306. Section 114(f) of the HEA (20 U.S.C.
15 1011c(f)) is amended by striking “2018” and inserting
16 “2019”.

17 SEC. 307. Section 458(a) of the HEA (20 U.S.C.
18 1087h(a)) is amended in paragraph (4) by striking
19 “2018” and inserting “2019”.

20 SEC. 308. Funds appropriated in this Act under the
21 heading “Student Aid Administration” may be available
22 for payments for student loan servicing to an institution
23 of higher education that services outstanding Federal Per-
24 kins Loans under part E of title IV of the Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1087aa et seq.).

1 SEC. 309. (a) Section 455(f) of the Higher Education
2 Act of 1965 (20 U.S.C. 1087e(f)) is amended—

3 (1) by redesignating paragraphs (3) and (4) as
4 paragraphs (4) and (5), respectively; and

5 (2) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) DEFERMENT FOR BORROWERS RECEIVING
8 CANCER TREATMENT.—

9 “(A) EFFECT ON PRINCIPAL AND INTER-
10 EST.—A borrower of a loan made under this
11 part who meets the requirements of subpara-
12 graph (B) shall be eligible for a deferment, dur-
13 ing which periodic installments of principal
14 need not be paid, and interest shall not accrue.

15 “(B) ELIGIBILITY.—A borrower of a loan
16 made under this part shall be eligible for a
17 deferment during—

18 “(i) any period in which such bor-
19 rower is receiving treatment for cancer;
20 and

21 “(ii) the 6 months after such period.

22 “(C) APPLICABILITY.—This paragraph
23 shall apply with respect to loans—

24 “(i) made on or after the date of the
25 enactment of this paragraph; or

1 “(ii) in repayment on the date of the
2 enactment of this paragraph.”.

3 (b) Section 427(a)(2)(C) of the Higher Education
4 Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended—

5 (1) in clause (ii), by striking “; or” and insert-
6 ing a semicolon;

7 (2) in clause (iii), by inserting “or” after the
8 semicolon; and

9 (3) by inserting after clause (iii) the following:

10 “(iv) in which the borrower is receiv-
11 ing treatment for cancer and the 6 months
12 after such period.”.

13 (c) Section 428(b)(1)(M) of the Higher Education
14 Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

15 (1) in clause (iii), by striking “or (II); or” and
16 inserting a “or (II);”;

17 (2) in clause (iv), by inserting “or” after the
18 semicolon; and

19 (3) by adding at the end the following:

20 “(v) during which the borrower is re-
21 ceiving treatment for cancer and the 6
22 months after such period;”.

23 (d) Section 464(c)(2) of the Higher Education Act
24 of 1965 (20 U.S.C. 1087dd(c)(2)) is amended—

25 (1) in subparagraph (A)—

1 (A) in clause (iv), by striking “; or” and
2 inserting a semicolon;

3 (B) in clause (v), by inserting “or” after
4 the semicolon; and

5 (C) by inserting after clause (v) the fol-
6 lowing:

7 “(vi) during which the borrower is receiv-
8 ing treatment for cancer and the 6 months
9 after such period;”.

10 (e) Section 428H(e)(2) of the Higher Education Act
11 of 1965 (20 U.S.C. 1078–8(e)(2)) is amended—

12 (1) in subparagraph (A), by striking “Interest”
13 and inserting, “Except as provided in subparagraph
14 (C), interest”; and

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

16 “(C) Interest shall not accrue on a loan de-
17 ferred under section 428(b)(1)(M)(v) or
18 427(a)(2)(C)(iv).”.

19 (f) The amendments made by this Act shall apply
20 with respect to loans—

21 (1) made on or after the date of the enactment
22 of this Act; or

23 (2) in repayment on the date of the enactment
24 of this Act.

1 (RESCISSION)

2 SEC. 310. Of the unobligated balances available
3 under the heading “Student Financial Assistance” for car-
4 rying out subpart 1 of part A of title IV of the HEA,
5 \$600,000,000 are hereby rescinded.

6 (RESCISSION)

7 SEC. 311. Section 401(b)(7)(A)(iv)(IX) of the Higher
8 Education Act of 1965 (20 U.S.C.
9 1070a(b)(7)(A)(iv)(IX)) is amended by striking
10 “\$1,409,000,000” and inserting “\$1,370,000,000”.

11 SEC. 312. (a) An institution of higher education may,
12 with explicit written consent of an applicant who has com-
13 pleted a FAFSA under such section 483(a), provide such
14 information collected from the applicant’s FAFSA as is
15 necessary to a scholarship granting organization, includ-
16 ing a tribal organization (defined in section 4 of the Indian
17 Self-Determination and Education Assistance Act (25
18 U.S.C. 5304)), or to an organization assisting the appli-
19 cant in applying for and receiving Federal, State, local,
20 or tribal assistance, that is designated by the applicant
21 to assist the applicant in applying for and receiving finan-
22 cial assistance for any component of the applicant’s cost
23 of attendance (defined in section 472 of the HEA) at that
24 institution.

1 (b) An organization that receives information pursu-
2 ant to subsection (a) shall not sell or otherwise share such
3 information.

4 (c) This section shall be in effect until title IV of the
5 HEA is reauthorized.

6 SEC. 313. For an additional amount for “Department
7 of Education—Federal Direct Student Loan Program Ac-
8 count”, \$350,000,000, to remain available until expended,
9 shall be for the cost, as defined under section 502 of the
10 Congressional Budget Act of 1974, of the Secretary of
11 Education providing loan cancellation in the same manner
12 as under section 455(m) of the Higher Education Act of
13 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made
14 under part D of title IV of such Act who would qualify
15 for loan cancellation under section 455(m) except some,
16 or all, of the 120 required payments under section
17 455(m)(1)(A) do not qualify for purposes of the program
18 because they were monthly payments made in accordance
19 with graduated or extended repayment plans as described
20 under subparagraph (B) or (C) of section 455(d)(1) or
21 the corresponding repayment plan for a consolidation loan
22 made under section 455(g) and that were less than the
23 amount calculated under section 455(d)(1)(A), based on
24 a 10-year repayment period: *Provided*, That the monthly
25 payment made 12 months before the borrower applied for

1 loan cancellation as described in the matter preceding this
2 proviso and the most recent monthly payment made by
3 the borrower at the time of such application were each
4 not less than the monthly amount that would be calculated
5 under, and for which the borrower would otherwise qualify
6 for, clause (i) or (iv) of section 455(m)(1)(A) regarding
7 income-based or income-contingent repayment plans, with
8 exception for a borrower who would have otherwise been
9 eligible under this section but demonstrates an unusual
10 fluctuation of income over the past 5 years: *Provided fur-*
11 *ther*, That the total loan volume, including outstanding
12 principal, fees, capitalized interest, or accrued interest, at
13 application that is eligible for such loan cancellation by
14 such borrowers shall not exceed \$500,000,000: *Provided*
15 *further*, That the Secretary shall develop and make avail-
16 able a simple method for borrowers to apply for loan can-
17 cellation under this section within 60 days of enactment
18 of this Act: *Provided further*, That the Secretary shall pro-
19 vide loan cancellation under this section to eligible bor-
20 rowers on a first-come, first-serve basis, based on the date
21 of application and subject to both the limitation on total
22 loan volume at application for such loan cancellation speci-
23 fied in the second proviso and the availability of appropria-
24 tions under this section: *Provided further*, That no bor-
25 rower may, for the same service, receive a reduction of

1 loan obligations under both this section and section 428J,
2 428K, 428L, or 460 of such Act.

3 SEC. 314. Of the amounts made available under this
4 title under the heading “Student Aid Administration”,
5 \$2,300,000 shall be used by the Secretary of Education
6 to conduct outreach to borrowers of loans made under part
7 D of title IV of the Higher Education Act of 1965 who
8 may intend to qualify for loan cancellation under section
9 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
10 borrowers are meeting the terms and conditions of such
11 loan cancellation: *Provided*, That the Secretary shall spe-
12 cifically conduct outreach to assist borrowers who would
13 qualify for loan cancellation under section 455(m) of such
14 Act except that the borrower has made some, or all, of
15 the 120 required payments under a repayment plan that
16 is not described under section 455(m)(A) of such Act, to
17 encourage borrowers to enroll in a qualifying repayment
18 plan: *Provided further*, That the Secretary shall also com-
19 municate to all Direct Loan borrowers the full require-
20 ments of section 455(m) of such Act and improve the fil-
21 ing of employment certification by providing improved out-
22 reach and information such as outbound calls, electronic
23 communications, ensuring prominent access to program
24 requirements and benefits on each servicer’s website, and
25 creating an option for all borrowers to complete the entire

1 payment certification process electronically and on a cen-
2 tralized website.

3 SEC. 315. (a) For any local educational agency that
4 for fiscal year 2018, had an enrollment of eligible Feder-
5 ally connected children that was at least 35 percent of the
6 agency's total student enrollment and a per-pupil expendi-
7 ture that was less than the average per-pupil expenditure
8 of the State or of all the States, and was determined ineli-
9 gible to receive a payment under section 7003(b)(2)(A) of
10 the Elementary and Secondary Education Act of 1965 for
11 failing to meet the average tax rate requirement for gen-
12 eral fund purposes in section 7003(b)(2)(B)(i)(V)(bb),
13 and whose calculated payment amount under section
14 7003(b) for the three years following fiscal year 2019 is
15 less than 80 percent of the amount received for fiscal year
16 2019, the Secretary shall pay the local educational agency
17 for the following three years not less than 90 percent of
18 the total amount the local educational agency received
19 under section 7003(b)(2) for fiscal year 2017 if such local
20 educational agency—

21 (1) previously received a payment under section
22 7003(b)(2)(A) but did not receive a payment under
23 section 7003(b)(2)(B)(ii) (or any predecessor of such
24 provision) for each of fiscal years 2015 through
25 2017; and

1 (2) was considered a local educational agency
2 described in section 7003(b)(2)(B)(i)(V) (or any
3 predecessor of such provision) for each such fiscal
4 year.

5 (b) For fiscal year 2020 and succeeding fiscal years,
6 if a local educational agency described in subsection (a)
7 is eligible to receive a basic support payment pursuant to
8 section 7003(b)(2) of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7703(b)(2)), the payment
10 received by the local educational agency shall be calculated
11 under section 7003(b)(2) of such Act and not under sub-
12 section (a).

13 This title may be cited as the “Department of Edu-
14 cation Appropriations Act, 2019”.

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 (referred to in this title as “the Committee”) established
9 under section 8502 of title 41, United States Code,
10 \$8,250,000: *Provided*, That in order to authorize any cen-
11 tral nonprofit agency designated pursuant to section
12 8503(c) of title 41, United States Code, to perform re-
13 quirements of the Committee as prescribed under section
14 51–3.2 of title 41, Code of Federal Regulations, the Com-
15 mittee shall enter into a written agreement with any such
16 central nonprofit agency: *Provided further*, That such
17 agreement shall contain such auditing, oversight, and re-
18 porting provisions as necessary to implement chapter 85
19 of title 41, United States Code: *Provided further*, That
20 such agreement shall include the elements listed under the
21 heading “Committee For Purchase From People Who Are
22 Blind or Severely Disabled—Written Agreement Ele-
23 ments” in the explanatory statement described in section
24 4 of Public Law 114–113 (in the matter preceding division
25 A of that consolidated Act): *Provided further*, That any

1 such central nonprofit agency may not charge a fee under
2 section 51–3.5 of title 41, Code of Federal Regulations,
3 prior to executing a written agreement with the Com-
4 mittee: *Provided further*, That no less than \$1,250,000
5 shall be available for the Office of Inspector General.

6 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
7 OPERATING EXPENSES

8 For necessary expenses for the Corporation for Na-
9 tional and Community Service (referred to in this title as
10 “CNCS”) to carry out the Domestic Volunteer Service Act
11 of 1973 (referred to in this title as “1973 Act”) and the
12 National and Community Service Act of 1990 (referred
13 to in this title as “1990 Act”), \$786,629,000, notwith-
14 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
15 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
16 amounts provided under this heading: (1) up to 1 percent
17 of program grant funds may be used to defray the costs
18 of conducting grant application reviews, including the use
19 of outside peer reviewers and electronic management of
20 the grants cycle; (2) \$17,538,000 shall be available to pro-
21 vide assistance to State commissions on national and com-
22 munity service, under section 126(a) of the 1990 Act and
23 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
24 \$32,000,000 shall be available to carry out subtitle E of
25 the 1990 Act; and (4) \$5,400,000 shall be available for

1 expenses authorized under section 501(a)(4)(F) of the
2 1990 Act, which, notwithstanding the provisions of section
3 198P shall be awarded by CNCS on a competitive basis:
4 *Provided further*, That for the purposes of carrying out
5 the 1990 Act, satisfying the requirements in section
6 122(c)(1)(D) may include a determination of need by the
7 local community.

8 PAYMENT TO THE NATIONAL SERVICE TRUST
9 (INCLUDING TRANSFER OF FUNDS)

10 For payment to the National Service Trust estab-
11 lished under subtitle D of title I of the 1990 Act,
12 \$206,842,000, to remain available until expended: *Pro-*
13 *vided*, That CNCS may transfer additional funds from the
14 amount provided within “Operating Expenses” allocated
15 to grants under subtitle C of title I of the 1990 Act to
16 the National Service Trust upon determination that such
17 transfer is necessary to support the activities of national
18 service participants and after notice is transmitted to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate: *Provided further*, That amounts ap-
21 propriated for or transferred to the National Service Trust
22 may be invested under section 145(b) of the 1990 Act
23 without regard to the requirement to apportion funds
24 under 31 U.S.C. 1513(b).

154

1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(5) of the 1990 Act and under section
4 504(a) of the 1973 Act, including payment of salaries, au-
5 thorized travel, hire of passenger motor vehicles, the rental
6 of conference rooms in the District of Columbia, the em-
7 ployment of experts and consultants authorized under 5
8 U.S.C. 3109, and not to exceed \$2,500 for official recep-
9 tion and representation expenses, \$83,737,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$5,750,000.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. CNCS shall make any significant changes
16 to program requirements, service delivery or policy only
17 through public notice and comment rulemaking. For fiscal
18 year 2019, during any grant selection process, an officer
19 or employee of CNCS shall not knowingly disclose any cov-
20 ered grant selection information regarding such selection,
21 directly or indirectly, to any person other than an officer
22 or employee of CNCS that is authorized by CNCS to re-
23 ceive such information.

24 SEC. 402. AmeriCorps programs receiving grants
25 under the National Service Trust program shall meet an

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

10 SEC. 403. Donations made to CNCS under section
11 196 of the 1990 Act for the purposes of financing pro-
12 grams and operations under titles I and II of the 1973
13 Act or subtitle B, C, D, or E of title I of the 1990 Act
14 shall be used to supplement and not supplant current pro-
15 grams and operations.

16 SEC. 404. In addition to the requirements in section
17 146(a) of the 1990 Act, use of an educational award for
18 the purpose described in section 148(a)(4) shall be limited
19 to individuals who are veterans as defined under section
20 101 of the Act.

21 SEC. 405. For the purpose of carrying out section
22 189D of the 1990 Act—

23 (1) entities described in paragraph (a) of such
24 section shall be considered “qualified entities” under

1 section 3 of the National Child Protection Act of
2 1993 (“NCPA”);

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

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

11 SEC. 406. Notwithstanding sections 139(b), 146 and
12 147 of the 1990 Act, an individual who successfully com-
13 pletes a term of service of not less than 1,200 hours dur-
14 ing a period of not more than one year may receive a na-
15 tional service education award having a value of 70 per-
16 cent of the value of a national service education award
17 determined under section 147(a) of the Act.

18 CORPORATION FOR PUBLIC BROADCASTING

19 For payment to the Corporation for Public Broad-
20 casting (“CPB”), as authorized by the Communications
21 Act of 1934, an amount which shall be available within
22 limitations specified by that Act, for the fiscal year 2021,
23 \$445,000,000: *Provided*, That none of the funds made
24 available to CPB by this Act shall be used to pay for re-
25 ceptions, parties, or similar forms of entertainment for

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

14 In addition, for the costs associated with replacing
15 and upgrading the public broadcasting interconnection
16 system and other technologies and services that create in-
17 frastructure and efficiencies within the public media sys-
18 tem, \$20,000,000.

19 FEDERAL MEDIATION AND CONCILIATION SERVICE
20 SALARIES AND EXPENSES

21 For expenses necessary for the Federal Mediation
22 and Conciliation Service (“Service”) to carry out the func-
23 tions vested in it by the Labor-Management Relations Act,
24 1947, including hire of passenger motor vehicles; for ex-
25 penses necessary for the Labor-Management Cooperation

1 Act of 1978; and for expenses necessary for the Service
2 to carry out the functions vested in it by the Civil Service
3 Reform Act, \$46,650,000, including up to \$900,000 to re-
4 main available through September 30, 2020, for activities
5 authorized by the Labor-Management Cooperation Act of
6 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
7 fees charged, up to full-cost recovery, for special training
8 activities and other conflict resolution services and tech-
9 nical assistance, including those provided to foreign gov-
10 ernments and international organizations, and for arbitra-
11 tion services shall be credited to and merged with this ac-
12 count, and shall remain available until expended: *Provided*
13 *further*, That fees for arbitration services shall be available
14 only for education, training, and professional development
15 of the agency workforce: *Provided further*, That the Direc-
16 tor of the Service is authorized to accept and use on behalf
17 of the United States gifts of services and real, personal,
18 or other property in the aid of any projects or functions
19 within the Director's jurisdiction.

20 FEDERAL MINE SAFETY AND HEALTH REVIEW

21 COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mine Safety
24 and Health Review Commission, \$17,184,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$242,000,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$8,480,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$12,545,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

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

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$274,224,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 407. None of the funds provided by this Act
21 or previous Acts making appropriations for the National
22 Labor Relations Board may be used to issue any new ad-
23 ministrative directive or regulation that would provide em-
24 ployees any means of voting through any electronic means

1 in an election to determine a representative for the pur-
2 poses of collective bargaining.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions
6 of the Railway Labor Act, including emergency boards ap-
7 pointed by the President, \$13,800,000.

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Occupational Safety
12 and Health Review Commission, \$13,225,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$19,000,000, which shall include
18 amounts becoming available in fiscal year 2019 pursuant
19 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

1 equal amounts on the first day of each month in the fiscal
2 year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2020, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$123,500,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013: *Pro-*

1 *vided further*, That \$10,000,000, to remain available until
2 expended, shall be used to supplement, not supplant, exist-
3 ing resources devoted to operations and improvements for
4 the Board's Information Technology Investment Initia-
5 tives.

6 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

13 SOCIAL SECURITY ADMINISTRATION

14 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

15 For payment to the Federal Old-Age and Survivors
16 Insurance Trust Fund and the Federal Disability Insur-
17 ance Trust Fund, as provided under sections 201(m) and
18 1131(b)(2) of the Social Security Act, \$11,000,000.

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 \$41,366,203,000, 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, 2021.

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 2020, \$19,700,000,000, 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 \$12,741,945,000 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 \$2,400,000 shall be for the So-
25 cial Security Advisory Board: *Provided further*, That

1 \$45,000,000 shall remain available until expended for in-
2 formation technology modernization, including related
3 hardware and software infrastructure and equipment, and
4 for administrative expenses directly associated with infor-
5 mation technology modernization: *Provided further*, That
6 \$100,000,000 shall remain available through September
7 30, 2020, for activities to address the disability hearings
8 backlog within the Office of Hearings Operations: *Pro-*
9 *vided further*, That unobligated balances of funds provided
10 under this paragraph at the end of fiscal year 2019 not
11 needed for fiscal year 2019 shall remain available until
12 expended to invest in the Social Security Administration
13 information technology and telecommunications hardware
14 and software infrastructure, including related equipment
15 and non-payroll administrative expenses associated solely
16 with this information technology and telecommunications
17 infrastructure: *Provided further*, That the Commissioner
18 of Social Security shall notify the Committees on Appro-
19 priations of the House of Representatives and the Senate
20 prior to making unobligated balances available under the
21 authority in the previous proviso: *Provided further*, That
22 reimbursement to the trust funds under this heading for
23 expenditures for official time for employees of the Social
24 Security Administration pursuant to 5 U.S.C. 7131, and
25 for facilities or support services for labor organizations

1 pursuant to policies, regulations, or procedures referred
2 to in section 7135(b) of such title shall be made by the
3 Secretary of the Treasury, with interest, from amounts in
4 the general fund not otherwise appropriated, as soon as
5 possible after such expenditures are made.

6 Of the total amount made available in the first para-
7 graph under this heading, not more than \$1,683,000,000,
8 to remain available through March 31, 2020, is for the
9 costs associated with continuing disability reviews under
10 titles II and XVI of the Social Security Act, including
11 work-related continuing disability reviews to determine
12 whether earnings derived from services demonstrate an in-
13 dividual's ability to engage in substantial gainful activity,
14 for the cost associated with conducting redeterminations
15 of eligibility under title XVI of the Social Security Act,
16 for the cost of co-operative disability investigation units,
17 and for the cost associated with the prosecution of fraud
18 in the programs and operations of the Social Security Ad-
19 ministration by Special Assistant United States Attorneys:
20 *Provided*, That, of such amount, \$273,000,000 is provided
21 to meet the terms of section 251(b)(2)(B)(ii)(III) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985, as amended, and \$1,410,000,000 is additional new
24 budget authority specified for purposes of section
25 251(b)(2)(B) of such Act: *Provided further*, That, of the

1 additional new budget authority described in the preceding
2 proviso, up to \$10,000,000 may be transferred to the “Of-
3 fice of Inspector General”, Social Security Administration,
4 for the cost of jointly operated co-operative disability in-
5 vestigation units: *Provided further*, That such transfer au-
6 thority is in addition to any other transfer authority pro-
7 vided by law: *Provided further*, That the Commissioner
8 shall provide to the Congress (at the conclusion of the fis-
9 cal year) a report on the obligation and expenditure of
10 these funds, similar to the reports that were required by
11 section 103(d)(2) of Public Law 104–121 for fiscal years
12 1996 through 2002.

13 In addition, \$134,000,000 to be derived from admin-
14 istration fees in excess of \$5.00 per supplementary pay-
15 ment collected pursuant to section 1616(d) of the Social
16 Security Act or section 212(b)(3) of Public Law 93–66,
17 which shall remain available until expended. To the extent
18 that the amounts collected pursuant to such sections in
19 fiscal year 2019 exceed \$134,000,000, the amounts shall
20 be available in fiscal year 2020 only to the extent provided
21 in advance in appropriations Acts.

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

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$30,000,000, together with not to
6 exceed \$75,500,000, to be transferred and expended as
7 authorized by section 201(g)(1) of the Social Security Act
8 from the Federal Old-Age and Survivors Insurance Trust
9 Fund and the Federal Disability Insurance Trust Fund.
10 In addition, an amount not to exceed 3 percent of
11 the total provided in this appropriation may be transferred
12 from the “Limitation on Administrative Expenses”, Social
13 Security Administration, to be merged with this account,
14 to be available for the time and purposes for which this
15 account is available: *Provided*, That notice of such trans-
16 fers shall be transmitted promptly to the Committees on
17 Appropriations of the House of Representatives and the
18 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
8 Act. Such transferred balances shall be used for the same
9 purpose, and for the same periods of time, for which they
10 were originally appropriated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2019, 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 2019, 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 2019 that are different than those specified

1 in this Act, the accompanying detailed table in the joint
2 explanatory statement accompanying this Act or the fiscal
3 year 2019 budget request.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000 in value and awarded by the
10 Department on a non-competitive basis during each quar-
11 ter of fiscal year 2019, 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. (a) None of the funds made available in
15 this Act may be used to maintain or establish a computer
16 network unless such network blocks the viewing,
17 downloading, and exchanging of pornography.

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

22 SEC. 521. None of the funds made available under
23 this or any other Act, or any prior Appropriations Act,
24 may be provided to the Association of Community Organi-

1 zations for Reform Now (ACORN), or any of its affiliates,
2 subsidiaries, allied organizations, or successors.

3 SEC. 522. For purposes of carrying out Executive
4 Order 13589, Office of Management and Budget Memo-
5 randum M-12-12 dated May 11, 2012, and requirements
6 contained in the annual appropriations bills relating to
7 conference attendance and expenditures:

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

10 (2) attendance at and support for scientific con-
11 ferences shall be tabulated separately from and not
12 included in agency totals.

13 SEC. 523. Federal agencies funded under this Act
14 shall clearly state within the text, audio, or video used for
15 advertising or educational purposes, including emails or
16 Internet postings, that the communication is printed, pub-
17 lished, or produced and disseminated at U.S. taxpayer ex-
18 pense. The funds used by a Federal agency to carry out
19 this requirement shall be derived from amounts made
20 available to the agency for advertising or other commu-
21 nications regarding the programs and activities of the
22 agency.

23 SEC. 524. (a) Federal agencies may use Federal dis-
24 cretionary funds that are made available in this Act to
25 carry out up to 10 Performance Partnership Pilots. Such

1 Pilots shall be governed by the provisions of section 526
2 of division H of Public Law 113–76, except that in car-
3 rying out such Pilots section 526 shall be applied by sub-
4 stituting “FISCAL YEAR 2019” for “FISCAL YEAR 2014”
5 in the title of subsection (b) and by substituting “Sep-
6 tember 30, 2023” for “September 30, 2018” each place
7 it appears: *Provided*, That such pilots shall include com-
8 munities that have experienced civil unrest.

9 (b) In addition, Federal agencies may use Federal
10 discretionary funds that are made available in this Act to
11 participate in Performance Partnership Pilots that are
12 being carried out pursuant to the authority provided by
13 section 526 of division H of Public Law 113–76, section
14 524 of division G of Public Law 113–235, section 525 of
15 division H of Public Law 114–113, section 525 of division
16 H of Public Law 115–31, and section 525 of division H
17 of Public Law 115–141.

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

22 SEC. 525. Not later than 30 days after the end of
23 each calendar quarter, beginning with the first month of
24 fiscal year 2019, the Departments of Labor, Health and
25 Human Services and Education and the Social Security

1 Administration shall provide the Committees on Appro-
2 priations of the House of Representatives and Senate a
3 report on the status of balances of appropriations: *Pro-*
4 *vided*, That for balances that are unobligated and uncom-
5 mitted, committed, and obligated but unexpended, the
6 monthly reports shall separately identify the amounts at-
7 tributable to each source year of appropriation (beginning
8 with fiscal year 2012, or, to the extent feasible, earlier
9 fiscal years) from which balances were derived.

10 (RESCISSION)

11 SEC. 526. Of the unobligated balances available in
12 the “National Service Trust” established in section 102
13 of the National and Community Service Trust Act of
14 1993, \$150,000,000 are hereby rescinded.

15 (RESCISSION)

16 SEC. 527. Of any available amounts appropriated
17 under section 2104(a)(22) of the Social Security Act (42
18 U.S.C. 1397dd) that are unobligated as of September 25,
19 2019, \$2,061,000,000 are hereby rescinded as of such
20 date.

21 SEC. 528. Amounts deposited in the Child Enroll-
22 ment Contingency Fund prior to the beginning of fiscal
23 year 2019 under section 2104(n)(2) of the Social Security
24 Act and the income derived from investment of those

1 funds pursuant to section 2104(n)(2)(C) of that Act, shall
2 not be available for obligation in this fiscal year.

3 SEC. 529. Notwithstanding any other provision of
4 this Act, no funds appropriated in this Act shall be used
5 to purchase sterile needles or syringes for the hypodermic
6 injection of any illegal drug: *Provided*, That such limita-
7 tion does not apply to the use of funds for elements of
8 a program other than making such purchases if the rel-
9 evant State or local health department, in consultation
10 with the Centers for Disease Control and Prevention, de-
11 termines that the State or local jurisdiction, as applicable,
12 is experiencing, or is at risk for, a significant increase in
13 hepatitis infections or an HIV outbreak due to injection
14 drug use, and such program is operating in accordance
15 with State and local law.

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

**DIVISION C—CONTINUING
APPROPRIATIONS ACT, 2019**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2019, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2018 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2018, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018 (division A of Public Law 115–141), except section 783.

1 (2) The Commerce, Justice, Science, and Re-
2 lated Agencies Appropriations Act, 2018 (division B
3 of Public Law 115–141).

4 (3) The Energy and Water Development and
5 Related Agencies Appropriations Act, 2018 (division
6 D of Public Law 115–141).

7 (4) The Financial Services and General Govern-
8 ment Appropriations Act, 2018 (division E of Public
9 Law 115–31).

10 (5) The Department of Homeland Security Ap-
11 propriations Act, 2018 (division F of Public Law
12 115–141) and title II of division M of Public Law
13 115–141.

14 (6) The Department of the Interior, Environ-
15 ment, and Related Agencies Appropriations Act,
16 2018 (division G of Public Law 115–141), except
17 section 114, except for appropriations in the matter
18 preceding the first proviso under the heading
19 “Dwight D. Eisenhower Memorial Commission—
20 Capital Construction”, and except that the language
21 in section 118 shall be applied as if the language
22 read as follows: “Section 6906 of title 31, United
23 States Code, shall continue in effect for this fiscal
24 year”.

1 (7) The Legislative Branch Appropriations Act,
2 2018 (division I of Public Law 115–141) and section
3 7(a) of Public Law 115–141.

4 (8) The Military Construction, Veterans Af-
5 fairs, and Related Agencies Appropriations Act,
6 2018 (division J of Public Law 115–141), except
7 section 243.

8 (9) The Department of State, Foreign Oper-
9 ations, and Related Programs Appropriations Act,
10 2018 (division K of Public Law 115–141).

11 (10) The Transportation, Housing and Urban
12 Development, and Related Agencies Appropriations
13 Act, 2018 (division L of Public Law 115–141).

14 SEC. 102. Appropriations made by section 101 shall
15 be available to the extent and in the manner that would
16 be provided by the pertinent appropriations Act.

17 SEC. 103. No appropriation or funds made available
18 or authority granted pursuant to section 101 shall be used
19 to initiate or resume any project or activity for which ap-
20 propriations, funds, or other authority were not available
21 during fiscal year 2018.

22 SEC. 104. Appropriations made and authority grant-
23 ed pursuant to this Act shall cover all obligations or ex-
24 penditures incurred for any project or activity during the

1 period for which funds or authority for such project or
2 activity are available under this Act.

3 SEC. 105. Unless otherwise provided for in this Act
4 or in the applicable appropriations Act for fiscal year
5 2019, appropriations and funds made available and au-
6 thority granted pursuant to this Act shall be available
7 until whichever of the following first occurs:

8 (1) the enactment into law of an appropriation
9 for any project or activity provided for in this Act;

10 (2) the enactment into law of the applicable ap-
11 propriations Act for fiscal year 2019 without any
12 provision for such project or activity; or

13 (3) December 7, 2018.

14 SEC. 106. Expenditures made pursuant to this Act
15 shall be charged to the applicable appropriation, fund, or
16 authorization whenever a bill in which such applicable ap-
17 propriation, fund, or authorization is contained is enacted
18 into law.

19 SEC. 107. Appropriations made and funds made
20 available by or authority granted pursuant to this Act may
21 be used without regard to the time limitations for submis-
22 sion and approval of apportionments set forth in section
23 1513 of title 31, United States Code, but nothing in this
24 Act may be construed to waive any other provision of law
25 governing the apportionment of funds.

1 SEC. 108. Notwithstanding any other provision of
2 this Act, except section 105, for those programs that
3 would otherwise have high initial rates of operation or
4 complete distribution of appropriations at the beginning
5 of fiscal year 2019 because of distributions of funding to
6 States, foreign countries, grantees, or others, such high
7 initial rates of operation or complete distribution shall not
8 be made, and no grants shall be awarded for such pro-
9 grams funded by this Act that would impinge on final
10 funding prerogatives.

11 SEC. 109. This Act shall be implemented so that only
12 the most limited funding action of that permitted in the
13 Act shall be taken in order to provide for continuation of
14 projects and activities.

15 SEC. 110. (a) For entitlements and other mandatory
16 payments whose budget authority was provided in appro-
17 priations Acts for fiscal year 2018, and for activities under
18 the Food and Nutrition Act of 2008, activities shall be
19 continued at the rate to maintain program levels under
20 current law, under the authority and conditions provided
21 in the applicable appropriations Act for fiscal year 2018,
22 to be continued through the date specified in section
23 105(3).

24 (b) Notwithstanding section 105, obligations for man-
25 datory payments due on or about the first day of any

1 month that begins after October 2018 but not later than
2 30 days after the date specified in section 105(3) may con-
3 tinue to be made, and funds shall be available for such
4 payments.

5 SEC. 111. Amounts made available under section 101
6 for civilian personnel compensation and benefits in each
7 department and agency may be apportioned up to the rate
8 for operations necessary to avoid furloughs within such de-
9 partment or agency, consistent with the applicable appro-
10 priations Act for fiscal year 2018, except that such author-
11 ity provided under this section shall not be used until after
12 the department or agency has taken all necessary actions
13 to reduce or defer non-personnel-related administrative ex-
14 penses.

15 SEC. 112. Funds appropriated by this Act may be
16 obligated and expended notwithstanding section 10 of
17 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
18 State Department Basic Authorities Act of 1956 (22
19 U.S.C. 2680), section 313 of the Foreign Relations Au-
20 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
21 6212), and section 504(a)(1) of the National Security Act
22 of 1947 (50 U.S.C. 3094(a)(1)).

23 SEC. 113. (a) Each amount incorporated by reference
24 in this Act that was previously designated by the Congress
25 for Overseas Contingency Operations/Global War on Ter-

rorism or as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) Section 6 of Public Law 115–141 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement.

SEC. 114. Amounts made available by section 101 for “Department of Agriculture—Food and Nutrition Service—Child Nutrition Programs” to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80) may be apportioned up to the rate for operations necessary to ensure that the program can be fully operational by May, 2019.

SEC. 115. Notwithstanding section 101, amounts are available in the “Rural Utilities Service—Rural Water and Waste Disposal Program Account” of the Department of Agriculture for gross obligations for the principal amount of direct loans as authorized by section 306 of the Consoli-

1 dated Farm and Rural Development Act not to exceed
2 \$4,141,176,000.

3 SEC. 116. Amounts provided by section 110 to the
4 Department of Agriculture for “Corporations—Com-
5 modity Credit Corporation Fund—Reimbursement for Net
6 Realized Losses” may be used, prior to the completion of
7 the report described in section 2 of the Act of August 17,
8 1961 (15 U.S.C. 713a–11), to reimburse the Commodity
9 Credit Corporation for net realized losses sustained, but
10 not previously reimbursed, as reflected in the June 2018
11 report of its financial condition.

12 SEC. 117. In addition to amounts provided by section
13 101, amounts are provided for “Department of Agri-
14 culture—Agricultural Research Service—Salaries and Ex-
15 penses” at a rate for operations of \$42,000,000 for the
16 operation and maintenance of the National Bio and Agro-
17 Defense Facility.

18 SEC. 118. Any program, authority, or provision, in-
19 cluding any pilot program, authorized under the Violence
20 Against Women Reauthorization Act of 2013 (Public Law
21 113–4; 127 Stat. 54) shall continue in effect through the
22 date specified in section 105(3) of this Act.

23 SEC. 119. (a) Funds made available by section 101
24 for “Department of Energy—Energy Programs—Ura-
25 nium Enrichment Decontamination and Decommissioning

1 Fund” may be apportioned up to the rate for operations
2 necessary to avoid disruption of continuing projects or ac-
3 tivities funded in this appropriation.

4 (b) The Secretary of Energy shall notify the Commit-
5 tees on Appropriations of the House of Representatives
6 and the Senate not later than 3 days after each use of
7 the authority provided in subsection (a).

8 SEC. 120. Notwithstanding section 101, the matter
9 preceding the first proviso under the heading “Depart-
10 ment of Energy—Power Marketing Administrations—Op-
11 eration and Maintenance, Southwestern Power Adminis-
12 tration” in division D of the Consolidated Appropriations
13 Act, 2018 (Public Law 115–141) shall be applied by sub-
14 stituting “\$43,488,000” for “\$30,288,000”; the first pro-
15 viso under such heading shall be applied by substituting
16 “\$33,088,000” for “\$18,888,000”; and the second proviso
17 under such heading shall be applied by substituting
18 “\$10,400,000” for “\$11,400,000”.

19 SEC. 121. Notwithstanding section 101, amounts are
20 provided to the Department of the Treasury for “Depart-
21 mental Offices—Salaries and Expenses” at a rate for op-
22 erations of \$214,576,000.

23 SEC. 122. Notwithstanding any other provision of
24 this Act, except section 105, the District of Columbia may
25 expend local funds under the heading “District of Colum-

1 bia Funds” for such programs and activities under the
2 District of Columbia Appropriations Act, 2018 (title IV
3 of division E of Public Law 115–141) at the rate set forth
4 under “Part A—Summary of Expenses” as included in
5 the Fiscal Year 2019 Local Budget Act of 2018 (D.C. Act
6 22–397), as modified as of the date of the enactment of
7 this Act.

8 SEC. 123. Amounts made available by section 101 for
9 “Small Business Administration—Business Loans Pro-
10 gram Account” may be apportioned up to the rate for op-
11 erations necessary to accommodate increased demand for
12 commitments for general business loans authorized under
13 section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

14 SEC. 124. Amounts made available by section 101 for
15 “Department of Homeland Security—Federal Emergency
16 Management Agency—Disaster Relief Fund” may be ap-
17 portioned up to the rate for operations necessary to carry
18 out response and recovery activities under the Robert T.
19 Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5121 et seq.).

21 SEC. 125. The Secretary of Homeland Security may
22 transfer up to \$15,000,000 in unexpended balances of
23 amounts made available to the Department of Homeland
24 Security under the heading “Science and Technology Di-
25 rectorate—Operations and Support” in division F of the

1 Consolidated Appropriations Act, 2018 (Public Law 115–
2 141) to the Department of Agriculture for the purpose
3 of contract support of the operations of the National Bio
4 and Agro-defense Facility.

5 SEC. 126. Amounts made available by section 101 for
6 the “U.S. Customs and Border Protection—Operations
7 and Support”, “U.S. Immigration and Customs Enforce-
8 ment—Operations and Support”, and “United States Se-
9 cret Service—Operations and Support” accounts of the
10 Department of Homeland Security may be apportioned at
11 a rate for operations necessary to maintain not less than
12 the number of the staff achieved on September 30, 2018.

13 SEC. 127. Amounts made available by section 101 for
14 the Department of Homeland Security for “United States
15 Secret Service—Procurement, Construction, and Improve-
16 ments” may be apportioned up to the rate for operations
17 necessary to purchase base platform vehicles in support
18 of the fully armored vehicle program.

19 SEC. 128. Amounts made available by section 101 to
20 the Department of Homeland Security for “Office of the
21 Secretary and Executive Management—Operations and
22 Support”, “Management Directorate—Operations and
23 Support”, and “Intelligence, Analysis, and Operations Co-
24 ordination—Operations and Support” may be apportioned
25 up to the rate for operations necessary to carry out activi-

1 ties previously funded by the Working Capital Fund of
2 the Department of Homeland Security, consistent with the
3 fiscal year 2019 President’s Budget.

4 SEC. 129. (a) In addition to amounts provided by sec-
5 tion 101, amounts are provided for “Department of
6 Health and Human Services—Indian Health Service—In-
7 dian Health Services” at a rate for operations of
8 \$14,112,000, for an additional amount for costs of staff-
9 ing and operating facilities that were opened, renovated,
10 or expanded in fiscal year 2018, and such amounts may
11 be apportioned up to the rate for operations necessary to
12 staff and operate such facilities.

13 (b) In addition to amounts provided by section 101,
14 amounts are provided for “Department of Health and
15 Human Services—Indian Health Service—Indian Health
16 Facilities” at a rate for operations of \$1,200,000, for an
17 additional amount for costs of staffing and operating fa-
18 cilities that were opened, renovated, or expanded in fiscal
19 year 2018, and such amounts may be apportioned up to
20 the rate for operations necessary to staff and operate
21 newly constructed facilities.

22 SEC. 130. Section 810 of the Federal Lands Recre-
23 ation Enhancement Act (16 U.S.C. 6809) shall be applied
24 by substituting “September 30, 2020” for “September 30,
25 2019”.

1 SEC. 131. Notwithstanding section 101, the matter
2 preceding the first proviso and the second proviso under
3 the heading “Environmental Protection Agency—Haz-
4 ardous Waste Electronic Manifest System Fund” in divi-
5 sion G of Public Law 115–141 shall be applied by sub-
6 stituting “\$8,000,000” for “\$3,674,000” each place it ap-
7 pears: *Provided*, That such amounts may be apportioned
8 up to the rate for operations necessary and amounts made
9 available by section 101 for “Environmental Protection
10 Agency” may be transferred between appropriations under
11 such heading as necessary to ensure that the Hazardous
12 Waste Electronic Manifest System becomes fully oper-
13 ational.

14 SEC. 132. (a) The following sections of the Federal
15 Insecticide, Fungicide, and Rodenticide Act shall continue
16 in effect through the date specified in section 105(3) of
17 this Act—

- 18 (1) subparagraphs (C) through (E) of section
19 4(i)(1) (7 U.S.C. 136a–1(i)(1)(C)–(E));
20 (2) section 4(k)(3) (7 U.S.C. 136a–1(k)(3));
21 (3) section 4(k)(4) (7 U.S.C. 136a–1(k)(4));
22 and
23 (4) section 33(c)(3)(B) (7 U.S.C. 136w–
24 8(c)(3)(B)).

1 (b)(1) Section 4(i)(1)(I) of the Federal Insecticide,
2 Fungicide, and Rodenticide Act (7 U.S.C. 136a–
3 1(i)(1)(I)) shall be applied by substituting the date speci-
4 fied in section 105(3) of this Act for “September 30,
5 2017”.

6 (2) Notwithstanding section 33(m)(2) of the
7 Federal Insecticide, Fungicide, and Rodenticide Act
8 (7 U.S.C. 136w–8(m)(2)), section 33(m)(1) of such
9 Act (7 U.S.C. 136w–8(m)(1)) shall be applied by
10 substituting the date specified in section 105(3) of
11 this Act for “September 30, 2017”.

12 (c) Section 408(m)(3) of the Federal Food, Drug,
13 and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied
14 by substituting the date specified in section 105(3) of this
15 Act for “September 30, 2017”.

16 SEC. 133. Activities authorized under part A of title
17 IV and section 1108(b) of the Social Security Act shall
18 continue through the date specified in section 105(3) of
19 this Act in the manner authorized for fiscal year 2018,
20 and out of any money in the Treasury of the United States
21 not otherwise appropriated, there are hereby appropriated
22 such sums as may be necessary for such purpose.

23 SEC. 134. The authority provided by section 7081(h)
24 of division J of the Consolidated Appropriations Act, 2017

1 (Public Law 115–31) shall apply through the date speci-
2 fied in section 105(3).

3 SEC. 135. Effective upon enactment of this Act, the
4 matter under the heading “Federal Railroad Administra-
5 tion—Railroad Rehabilitation and Improvement Financ-
6 ing Program” in division L of the Consolidated Appropria-
7 tions Act, 2018 (Public Law 115–141) is amended—

8 (1) by striking the third and fourth provisos
9 and inserting the following provisos: “*Provided fur-*
10 *ther*, That, not later than 30 days after the date of
11 enactment of the Continuing Appropriations Act,
12 2019, the Secretary of Transportation, in consulta-
13 tion with the Director of the Office of Management
14 and Budget, shall define the term ‘cohorts of loans’
15 for purposes of section 502(f)(4) of the Railroad Re-
16 vitalization and Regulatory Reform Act of 1976 (45
17 U.S.C. 822(f)(4)) (as in effect on the day before the
18 amendments made by section 11607 of Public Law
19 114–94 (129 Stat. 1698) took effect): *Provided fur-*
20 *ther*, That, when all obligations attached to a cohort
21 of loans have been satisfied, the Secretary of Trans-
22 portation shall return to the original source, on a
23 pro rata basis, the credit risk premiums paid for the
24 loans in the cohort, with interest accrued thereon,
25 that were not used to mitigate losses, not later than

1 60 days after the date of enactment of the Con-
2 tinuing Appropriations Act, 2019 or, for a cohort of
3 loans with obligations that have not yet been satis-
4 fied, not later than 60 days after the date on which
5 all obligations attached to the cohort have been sat-
6 isfied.”; and

7 (2) by striking “for a fiscal year” in the fifth
8 proviso.

9 This division may be cited as the “Continuing Appro-
10 priations Act, 2019”.

1 And the Senate agree to the same.