

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H.R. 6157

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. REFERENCES TO ACT.**

8 Except as expressly provided otherwise, any reference
9 to “this Act” contained in any division of this Act shall
10 be treated as referring only to the provisions of that divi-
11 sion.

1 **SEC. 3. REFERENCES TO REPORT.**

2 (a) Any reference to a “report accompanying this
3 Act” contained in division A shall be treated as a reference
4 to Senate Report 115–290. The effect of such Report shall
5 be limited to division A and shall apply for purposes of
6 determining the allocation of funds provided by, and the
7 implementation of, division A.

8 (b) Any reference to a “report accompanying this
9 Act” contained in division B shall be treated as a reference
10 to Senate Report 115–289. The effect of such Report shall
11 be limited to division B and shall apply for purposes of
12 determining the allocation of funds provided by, and the
13 implementation of, division B.

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

3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Defense for the fiscal year ending Sep-
6 tember 30, 2019, and for other purposes, namely:

7 **TITLE I**

8 **MILITARY PERSONNEL**

9 **MILITARY PERSONNEL, ARMY**

10 For pay, allowances, individual clothing, subsistence,
11 interest on deposits, gratuities, permanent change of sta-
12 tion travel (including all expenses thereof for organiza-
13 tional movements), and expenses of temporary duty travel
14 between permanent duty stations, for members of the
15 Army on active duty (except members of reserve compo-
16 nents provided for elsewhere), cadets, and aviation cadets;
17 for members of the Reserve Officers' Training Corps; and
18 for payments pursuant to section 156 of Public Law 97–
19 377, as amended (42 U.S.C. 402 note), and to the Depart-
20 ment of Defense Military Retirement Fund,
21 \$43,060,042,000.

22 **MILITARY PERSONNEL, NAVY**

23 For pay, allowances, individual clothing, subsistence,
24 interest on deposits, gratuities, permanent change of sta-
25 tion travel (including all expenses thereof for organiza-

1 tional movements), and expenses of temporary duty travel
2 between permanent duty stations, for members of the
3 Navy on active duty (except members of the Reserve pro-
4 vided for elsewhere), midshipmen, and aviation cadets; for
5 members of the Reserve Officers' Training Corps; and for
6 payments pursuant to section 156 of Public Law 97-377,
7 as amended (42 U.S.C. 402 note), and to the Department
8 of Defense Military Retirement Fund, \$30,305,481,000.

9 MILITARY PERSONNEL, MARINE CORPS

10 For pay, allowances, individual clothing, subsistence,
11 interest on deposits, gratuities, permanent change of sta-
12 tion travel (including all expenses thereof for organiza-
13 tional movements), and expenses of temporary duty travel
14 between permanent duty stations, for members of the Ma-
15 rine Corps on active duty (except members of the Reserve
16 provided for elsewhere); and for payments pursuant to sec-
17 tion 156 of Public Law 97-377, as amended (42 U.S.C.
18 402 note), and to the Department of Defense Military Re-
19 tirement Fund, \$13,799,038,000.

20 MILITARY PERSONNEL, AIR FORCE

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

1 Force on active duty (except members of reserve compo-
2 nents provided for elsewhere), cadets, and aviation cadets;
3 for members of the Reserve Officers' Training Corps; and
4 for payments pursuant to section 156 of Public Law 97–
5 377, as amended (42 U.S.C. 402 note), and to the Depart-
6 ment of Defense Military Retirement Fund,
7 \$30,173,691,000.

8 RESERVE PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Army Re-
11 serve on active duty under sections 10211, 10302, and
12 3038 of title 10, United States Code, or while serving on
13 active duty under section 12301(d) of title 10, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing reserve training, or while performing
17 drills or equivalent duty or other duty, and expenses au-
18 thorized by section 16131 of title 10, United States Code;
19 and for payments to the Department of Defense Military
20 Retirement Fund, \$4,870,947,000.

21 RESERVE PERSONNEL, NAVY

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Navy Re-
24 serve on active duty under section 10211 of title 10,
25 United States Code, or while serving on active duty under

1 section 12301(d) of title 10, United States Code, in con-
2 nection with performing duty specified in section 12310(a)
3 of title 10, United States Code, or while undergoing re-
4 serve training, or while performing drills or equivalent
5 duty, and expenses authorized by section 16131 of title
6 10, United States Code; and for payments to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$2,059,521,000.

9 RESERVE PERSONNEL, MARINE CORPS

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Marine
12 Corps Reserve on active duty under section 10211 of title
13 10, United States Code, or while serving on active duty
14 under section 12301(d) of title 10, United States Code,
15 in connection with performing duty specified in section
16 12310(a) of title 10, United States Code, or while under-
17 going reserve training, or while performing drills or equiv-
18 alent duty, and for members of the Marine Corps platoon
19 leaders class, and expenses authorized by section 16131
20 of title 10, United States Code; and for payments to the
21 Department of Defense Military Retirement Fund,
22 \$787,090,000.

23 RESERVE PERSONNEL, AIR FORCE

24 For pay, allowances, clothing, subsistence, gratuities,
25 travel, and related expenses for personnel of the Air Force

1 Reserve on active duty under sections 10211, 10305, and
2 8038 of title 10, United States Code, or while serving on
3 active duty under section 12301(d) of title 10, United
4 States Code, in connection with performing duty specified
5 in section 12310(a) of title 10, United States Code, or
6 while undergoing reserve training, or while performing
7 drills or equivalent duty or other duty, and expenses au-
8 thorized by section 16131 of title 10, United States Code;
9 and for payments to the Department of Defense Military
10 Retirement Fund, \$1,871,286,000.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For pay, allowances, clothing, subsistence, gratuities,
13 travel, and related expenses for personnel of the Army Na-
14 tional Guard while on duty under sections 10211, 10302,
15 or 12402 of title 10 or section 708 of title 32, United
16 States Code, or while serving on duty under section
17 12301(d) of title 10 or section 502(f) of title 32, United
18 States Code, in connection with performing duty specified
19 in section 12310(a) of title 10, United States Code, or
20 while undergoing training, or while performing drills or
21 equivalent duty or other duty, and expenses authorized by
22 section 16131 of title 10, United States Code; and for pay-
23 ments to the Department of Defense Military Retirement
24 Fund, \$8,650,645,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under sections 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund,
14 \$3,718,780,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Army, as author-
20 ized by law, \$40,634,715,000: *Provided*, That not to ex-
21 ceed \$12,478,000 can be used for emergencies and ex-
22 traordinary expenses, to be expended on the approval or
23 authority of the Secretary of the Army, and payments may
24 be made on his certificate of necessity for confidential mili-
25 tary purposes.

1 OPERATION AND MAINTENANCE, NAVY

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Navy and the
4 Marine Corps, as authorized by law, \$47,296,183,000:
5 *Provided*, That not to exceed \$15,055,000 can be used for
6 emergencies and extraordinary expenses, to be expended
7 on the approval or authority of the Secretary of the Navy,
8 and payments may be made on his certificate of necessity
9 for confidential military purposes.

10 OPERATION AND MAINTENANCE, MARINE CORPS

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Marine Corps,
13 as authorized by law, \$6,372,000,000.

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Air Force, as
17 authorized by law, \$40,775,374,000: *Provided*, That not
18 to exceed \$7,699,000 can be used for emergencies and ex-
19 traordinary expenses, to be expended on the approval or
20 authority of the Secretary of the Air Force, and payments
21 may be made on his certificate of necessity for confidential
22 military purposes.

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of activities and agen-
5 cies of the Department of Defense (other than the military
6 departments), as authorized by law, \$35,662,783,000:
7 *Provided*, That not more than \$7,503,000 may be used
8 for the Combatant Commander Initiative Fund authorized
9 under section 166a of title 10, United States Code: *Pro-*
10 *vided further*, That not to exceed \$36,000,000 can be used
11 for emergencies and extraordinary expenses, to be ex-
12 pended on the approval or authority of the Secretary of
13 Defense, and payments may be made on his certificate of
14 necessity for confidential military purposes: *Provided fur-*
15 *ther*, That of the funds provided under this heading, not
16 less than \$33,025,000 shall be made available for the Pro-
17 curement Technical Assistance Cooperative Agreement
18 Program, of which not less than \$2,600,000 shall be avail-
19 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
20 *vided further*, That none of the funds appropriated or oth-
21 erwise made available by this Act may be used to plan
22 or implement the consolidation of a budget or appropria-
23 tions liaison office of the Office of the Secretary of De-
24 fense, the office of the Secretary of a military department,
25 or the service headquarters of one of the Armed Forces

1 into a legislative affairs or legislative liaison office: *Pro-*
2 *vided further*, That \$19,160,000, to remain available until
3 expended, is available only for expenses relating to certain
4 classified activities, and may be transferred as necessary
5 by the Secretary of Defense to operation and maintenance
6 appropriations or research, development, test and evalua-
7 tion appropriations, to be merged with and to be available
8 for the same time period as the appropriations to which
9 transferred: *Provided further*, That any ceiling on the in-
10 vestment item unit cost of items that may be purchased
11 with operation and maintenance funds shall not apply to
12 the funds described in the preceding proviso: *Provided fur-*
13 *ther*, That of the funds provided under this heading,
14 \$686,744,000, of which \$171,686,000, to remain available
15 until September 30, 2020, shall be available to provide
16 support and assistance to foreign security forces or other
17 groups or individuals to conduct, support or facilitate
18 counterterrorism, crisis response, or other Department of
19 Defense security cooperation programs: *Provided further*,
20 That the transfer authority provided under this heading
21 is in addition to any other transfer authority provided else-
22 where in this Act.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance, including training, or-

ganization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,854,909,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,018,006,000.

OPERATION AND MAINTENANCE, MARINE CORPS

RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$271,570,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, or-

ganization, and administration, of the Air Force Reserve;
repair of facilities and equipment; hire of passenger motor
vehicles; travel and transportation; care of the dead; re-
cruiting; procurement of services, supplies, and equip-
ment; and communications, \$3,247,534,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

For expenses of training, organizing, and admin-
istering the Army National Guard, including medical and
hospital treatment and related expenses in non-Federal
hospitals; maintenance, operation, and repairs to struc-
tures and facilities; hire of passenger motor vehicles; per-
sonnel services in the National Guard Bureau; travel ex-
penses (other than mileage), as authorized by law for
Army personnel on active duty, for Army National Guard
division, regimental, and battalion commanders while in-
specting units in compliance with National Guard Bureau
regulations when specifically authorized by the Chief, Na-
tional Guard Bureau; supplying and equipping the Army
National Guard as authorized by law; and expenses of re-
pair, modification, maintenance, and issue of supplies and
equipment (including aircraft), \$7,261,295,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and admin-
istering the Air National Guard, including medical and

1 hospital treatment and related expenses in non-Federal
2 hospitals; maintenance, operation, and repairs to struc-
3 tures and facilities; transportation of things, hire of pas-
4 senger motor vehicles; supplying and equipping the Air
5 National Guard, as authorized by law; expenses for repair,
6 modification, maintenance, and issue of supplies and
7 equipment, including those furnished from stocks under
8 the control of agencies of the Department of Defense;
9 travel expenses (other than mileage) on the same basis as
10 authorized by law for Air National Guard personnel on
11 active Federal duty, for Air National Guard commanders
12 while inspecting units in compliance with National Guard
13 Bureau regulations when specifically authorized by the
14 Chief, National Guard Bureau, \$6,433,697,000.

15 UNITED STATES COURT OF APPEALS FOR THE ARMED
16 FORCES

17 For salaries and expenses necessary for the United
18 States Court of Appeals for the Armed Forces,
19 \$14,662,000, of which not to exceed \$5,000 may be used
20 for official representation purposes.

21 ENVIRONMENTAL RESTORATION, ARMY
22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Army, \$228,449,000, to
24 remain available until transferred: *Provided*, That the Sec-
25 retary of the Army shall, upon determining that such

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

16 ENVIRONMENTAL RESTORATION, NAVY
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Navy, \$329,253,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Navy shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Navy, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

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

11 ENVIRONMENTAL RESTORATION, AIR FORCE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Air Force, \$365,808,000,
14 to remain available until transferred: *Provided*, That the
15 Secretary of the Air Force shall, upon determining that
16 such funds are required for environmental restoration, re-
17 duction and recycling of hazardous waste, removal of un-
18 safe buildings and debris of the Department of the Air
19 Force, or for similar purposes, transfer the funds made
20 available by this appropriation to other appropriations
21 made available to the Department of the Air Force, to be
22 merged with and to be available for the same purposes
23 and for the same time period as the appropriations to
24 which transferred: *Provided further*, That upon a deter-
25 mination that all or part of the funds transferred from

1 this appropriation are not necessary for the purposes pro-
2 vided herein, such amounts may be transferred back to
3 this appropriation: *Provided further*, That the transfer au-
4 thority provided under this heading is in addition to any
5 other transfer authority provided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of Defense, \$8,926,000, to re-
9 main available until transferred: *Provided*, That the Sec-
10 retary of Defense shall, upon determining that such funds
11 are required for environmental restoration, reduction and
12 recycling of hazardous waste, removal of unsafe buildings
13 and debris of the Department of Defense, or for similar
14 purposes, transfer the funds made available by this appro-
15 priation to other appropriations made available to the De-
16 partment of Defense, to be merged with and to be avail-
17 able for the same purposes and for the same time period
18 as the appropriations to which transferred: *Provided fur-*
19 *ther*, That upon a determination that all or part of the
20 funds transferred from this appropriation are not nec-
21 essary for the purposes provided herein, such amounts
22 may be transferred back to this appropriation: *Provided*
23 *further*, That the transfer authority provided under this
24 heading is in addition to any other transfer authority pro-
25 vided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, FORMERLY USED
2 DEFENSE SITES
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$212,346,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
2 United States Code), \$107,663,000, to remain available
3 until September 30, 2020.

4 COOPERATIVE THREAT REDUCTION ACCOUNT

5 For assistance, including assistance provided by con-
6 tract or by grants, under programs and activities of the
7 Department of Defense Cooperative Threat Reduction
8 Program authorized under the Department of Defense Co-
9 operative Threat Reduction Act, \$335,240,000, to remain
10 available until September 30, 2021.

11 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

12 DEVELOPMENT FUND

13 For the Department of Defense Acquisition Work-
14 force Development Fund, \$552,000,000, to remain avail-
15 able for obligation until September 30, 2020: *Provided*,
16 That no other amounts may be otherwise credited or
17 transferred to the Fund, or deposited into the Fund, in
18 fiscal year 2019 pursuant to section 1705(d) of title 10,
19 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, \$4,890,658,000, 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, \$3,160,597,000, 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, \$4,515,290,000, 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, \$2,283,369,000, 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 \$7,709,078,000, 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 \$20,083,169,000, 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, \$3,780,572,000, 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, \$970,454,000, 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 \$3,242,330,000;

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

18 Virginia Class Submarine, \$4,373,382,000;

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

21 CVN Refueling Overhauls (AP), \$449,597,000;

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

23 DDG-51 Destroyer, \$5,171,827,000;

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

25 Littoral Combat Ship, \$1,121,244,000;

1 LPD-17, \$500,000,000;
2 Expeditionary Sea Base, \$650,000,000;
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, \$325,375,000;
10 Service Craft, \$97,062,000;
11 LCAC SLEP, \$23,321,000;
12 For outfitting, post delivery, conversions, and
13 first destination transportation, \$550,038,000;
14 Completion of Prior Year Shipbuilding Pro-
15 grams, \$207,099,000; and
16 Cable Ship, \$250,000,000.

17 In all: \$23,992,937,000, to remain available for obli-
18 gation until September 30, 2023: *Provided*, That addi-
19 tional obligations may be incurred after September 30,
20 2023, for engineering services, tests, evaluations, and
21 other such budgeted work that must be performed in the
22 final stage of ship construction: *Provided further*, That
23 none of the funds provided under this heading for the con-
24 struction or conversion of any naval vessel to be con-
25 structed in shipyards in the United States shall be ex-

1 pending in foreign facilities for the construction of major
2 components of such vessel: *Provided further*, That none
3 of the funds provided under this heading shall be used
4 for the construction of any naval vessel in foreign ship-
5 yards: *Provided further*, That funds appropriated or other-
6 wise made available by this Act for production of the com-
7 mon missile compartment of nuclear-powered vessels may
8 be available for multiyear procurement of critical compo-
9 nents to support continuous production of such compart-
10 ments only in accordance with the provisions of subsection
11 (i) of section 2218a of title 10, United States Code (as
12 added by section 1023 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2017 (Public Law 114–328)).

14 OTHER PROCUREMENT, NAVY

15 For procurement, production, and modernization of
16 support equipment and materials not otherwise provided
17 for, Navy ordnance (except ordnance for new aircraft, new
18 ships, and ships authorized for conversion); the purchase
19 of passenger motor vehicles for replacement only; expan-
20 sion of public and private plants, including the land nec-
21 essary therefor, and such lands and interests therein, may
22 be acquired, and construction prosecuted thereon prior to
23 approval of title; and procurement and installation of
24 equipment, appliances, and machine tools in public and
25 private plants; reserve plant and Government and con-

1 tractor-owned equipment layaway, \$10,393,562,000, to
2 remain available for obligation until September 30, 2021.

3 PROCUREMENT, MARINE CORPS

4 For expenses necessary for the procurement, manu-
5 facture, and modification of missiles, armament, military
6 equipment, spare parts, and accessories therefor; plant
7 equipment, appliances, and machine tools, and installation
8 thereof in public and private plants; reserve plant and
9 Government and contractor-owned equipment layaway; ve-
10 hicles for the Marine Corps, including the purchase of pas-
11 senger motor vehicles for replacement only; and expansion
12 of public and private plants, including land necessary
13 therefor, and such lands and interests therein, may be ac-
14 quired, and construction prosecuted thereon prior to ap-
15 proval of title, \$2,800,997,000, to remain available for ob-
16 ligation until September 30, 2021.

17 AIRCRAFT PROCUREMENT, AIR FORCE

18 For construction, procurement, and modification of
19 aircraft and equipment, including armor and armament,
20 specialized ground handling equipment, and training de-
21 vices, spare parts, and accessories therefor; specialized
22 equipment; expansion of public and private plants, Gov-
23 ernment-owned equipment and installation thereof in such
24 plants, erection of structures, and acquisition of land, 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; reserve plant and Gov-
3 ernment and contractor-owned equipment layaway; and
4 other expenses necessary for the foregoing purposes in-
5 cluding rents and transportation of things,
6 \$15,772,473,000, to remain available for obligation until
7 September 30, 2021.

8 MISSILE PROCUREMENT, AIR FORCE

9 For construction, procurement, and modification of
10 missiles, rockets, and related equipment, including spare
11 parts and accessories therefor; ground handling equip-
12 ment, and training devices; expansion of public and pri-
13 vate plants, Government-owned equipment and installa-
14 tion thereof in such plants, erection of structures, and ac-
15 quisition of land, 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; re-
18 serve plant and Government and contractor-owned equip-
19 ment layaway; and other expenses necessary for the fore-
20 going purposes including rents and transportation of
21 things, \$2,614,954,000, to remain available for obligation
22 until September 30, 2021.

23 SPACE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 spacecraft, rockets, and related equipment, including

1 spare parts and accessories therefor; ground handling
2 equipment, and training devices; expansion of public and
3 private plants, Government-owned equipment and installa-
4 tion thereof in such plants, erection of structures, and ac-
5 quisition of land, for the foregoing purposes, and such
6 lands and interests therein, may be acquired, and con-
7 struction prosecuted thereon prior to approval of title; re-
8 serve plant and Government and contractor-owned equip-
9 ment layaway; and other expenses necessary for the fore-
10 going purposes including rents and transportation of
11 things, \$2,224,142,000, to remain available for obligation
12 until September 30, 2021.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

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

1 for the foregoing purposes, \$1,564,880,000, to remain
2 available for obligation until September 30, 2021.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of passenger motor vehi-
9 cles for replacement only; lease of passenger motor vehi-
10 cles; and expansion of public and private plants, Govern-
11 ment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon, prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway,
17 \$20,839,366,000, to remain available for obligation until
18 September 30, 2021.

19 PROCUREMENT, DEFENSE-WIDE

20 For expenses of activities and agencies of the Depart-
21 ment of Defense (other than the military departments)
22 necessary for procurement, production, and modification
23 of equipment, supplies, materials, and spare parts there-
24 for, not otherwise provided for; the purchase of passenger
25 motor vehicles for replacement only; expansion of public

1 and private plants, equipment, and installation thereof in
2 such plants, erection of structures, and acquisition of land
3 for the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway,
7 \$6,663,821,000, to remain available for obligation until
8 September 30, 2021.

9 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

10 For procurement of rotary-wing aircraft; combat, tac-
11 tical and support vehicles; other weapons; and other pro-
12 curement items for the reserve components of the Armed
13 Forces, \$900,000,000, to remain available for obligation
14 until September 30, 2021: *Provided*, That the Chiefs of
15 National Guard and Reserve components shall, not later
16 than 30 days after enactment of this Act, individually sub-
17 mit to the congressional defense committees the mod-
18 ernization priority assessment for their respective Na-
19 tional Guard or Reserve component: *Provided further*,
20 That none of the funds made available by this paragraph
21 may be used to procure manned fixed wing aircraft, or
22 procure or modify missiles, munitions, or ammunition.

23 DEFENSE PRODUCTION ACT PURCHASES

24 For activities by the Department of Defense pursuant
25 to sections 108, 301, 302, and 303 of the Defense Produc-

tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
\$38,578,000, to remain available until expended.

TITLE IV
RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,812,458,000, to remain available for obligation until September 30, 2020.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,992,064,000, to remain available for obligation until September 30, 2020: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces.

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

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$40,896,667,000, to remain avail-
7 able for obligation until September 30, 2020.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-
11 ment of Defense (other than the military departments),
12 necessary for basic and applied scientific research, devel-
13 opment, test and evaluation; advanced research projects
14 as may be designated and determined by the Secretary
15 of Defense, pursuant to law; maintenance, rehabilitation,
16 lease, and operation of facilities and equipment,
17 \$24,049,621,000, to remain available for obligation until
18 September 30, 2020.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the independent activities of the Director, Operational
22 Test and Evaluation, in the direction and supervision of
23 operational test and evaluation, including initial oper-
24 ational test and evaluation which is conducted prior to,
25 and in support of, production decisions; joint operational

35

1 testing and evaluation; and administrative expenses in
2 connection therewith, \$381,009,000, to remain available
3 for obligation until September 30, 2020.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,
8 \$1,641,115,000.

9 TITLE VI

10 OTHER DEPARTMENT OF DEFENSE PROGRAMS

11 DEFENSE HEALTH PROGRAM

12 For expenses, not otherwise provided for, for medical
13 and health care programs of the Department of Defense
14 as authorized by law, \$34,135,992,000; of which
15 \$31,588,995,000 shall be for operation and maintenance,
16 of which not to exceed one percent shall remain available
17 for obligation until September 30, 2020, and of which up
18 to \$15,152,801,000 may be available for contracts entered
19 into under the TRICARE program; of which
20 \$873,160,000, to remain available for obligation until Sep-
21 tember 30, 2021, shall be for procurement; and of which
22 \$1,673,837,000, to remain available for obligation until
23 September 30, 2020, shall be for research, development,
24 test and evaluation: *Provided*, That of the funds provided
25 under this heading for research, development, test and

1 evaluation, not less than \$761,500,000 shall be made
2 available to the United States Army Medical Research and
3 Materiel Command to carry out the congressionally di-
4 rected medical research programs.

5 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
6 DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$993,816,000, of which \$105,997,000 shall be for operation and maintenance, of which no less than \$52,735,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$21,600,000 for activities on military installations and \$31,135,000, to remain available until September 30, 2020, to assist State and local governments; \$1,091,000 shall be for procurement, to remain available until September 30, 2021, of which \$1,091,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$886,728,000, to remain available until September 30, 2020, shall be for 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, \$872,525,000, of which
13 \$507,171,000 shall be for counter-narcotics support;
14 \$117,900,000 shall be for the drug demand reduction pro-
15 gram; \$217,178,000 shall be for the National Guard
16 counter-drug program; and \$30,276,000 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.

18 TITLE VII

19 RELATED AGENCIES

20 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
21 DISABILITY SYSTEM FUND

22 For payment to the Central Intelligence Agency Re-
23 tirement and Disability System Fund, to maintain the
24 proper funding level for continuing the operation of the

1 Central Intelligence Agency Retirement and Disability
2 System, \$514,000,000.

3 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

4 For necessary expenses of the Intelligence Commu-
5 nity Management Account, \$529,624,000.

6 TITLE VIII

7 GENERAL PROVISIONS

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

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

1 States diplomatic missions whose pay is set by the Depart-
2 ment of State under the Foreign Service Act of 1980: *Pro-*
3 *vided further*, That the limitations of this provision shall
4 not apply to foreign national employees of the Department
5 of Defense in the Republic of Turkey.

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

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

16 (TRANSFER OF FUNDS)

17 SEC. 8005. Upon determination by the Secretary of
18 Defense that such action is necessary in the national inter-
19 est, he may, with the approval of the Office of Manage-
20 ment and Budget, transfer not to exceed \$4,000,000,000
21 of working capital funds of the Department of Defense
22 or funds made available in this Act to the Department
23 of Defense for military functions (except military con-
24 struction) between such appropriations or funds or any
25 subdivision thereof, to be merged with and to be available

1 for the same purposes, and for the same time period, as
2 the appropriation or fund to which transferred: *Provided*,
3 That such authority to transfer may not be used unless
4 for higher priority items, based on unforeseen military re-
5 quirements, than those for which originally appropriated
6 and in no case where the item for which funds are re-
7 quested has been denied by the Congress: *Provided further*,
8 That the Secretary of Defense shall notify the Congress
9 promptly of all transfers made pursuant to this authority
10 or any other authority in this Act: *Provided further*, That
11 no part of the funds in this Act shall be available to pre-
12 pare or present a request to the Committees on Appropria-
13 tions for reprogramming of funds, unless for higher pri-
14 ority items, based on unforeseen military requirements,
15 than those for which originally appropriated and in no
16 case where the item for which reprogramming is requested
17 has been denied by the Congress: *Provided further*, That
18 a request for multiple reprogrammings of funds using au-
19 thority provided in this section shall be made prior to June
20 30, 2019: *Provided further*, That transfers among military
21 personnel appropriations shall not be taken into account
22 for purposes of the limitation on the amount of funds that
23 may be transferred under this section.

24 SEC. 8006. (a) With regard to the list of specific pro-
25 grams, projects, and activities (and the dollar amounts

1 and adjustments to budget activities corresponding to
2 such programs, projects, and activities) contained in the
3 tables titled “Committee Recommended Adjustments” in
4 the explanatory statement regarding this Act, the obliga-
5 tion and expenditure of amounts appropriated or other-
6 wise made available in this Act for those programs,
7 projects, and activities for which the amounts appro-
8 priated exceed the amounts requested are hereby required
9 by law to be carried out in the manner provided by such
10 tables to the same extent as if the tables were included
11 in the text of this Act.

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

18 SEC. 8007. (a) Not later than 60 days after enact-
19 ment of this Act, the Department of Defense shall submit
20 a report to the congressional defense committees to estab-
21 lish the baseline for application of reprogramming and
22 transfer authorities for fiscal year 2019: *Provided*, That
23 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 piation both by budget activity and program,
6 project, and activity as detailed in the Budget Ap-
7 pendix; and

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

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

20 (1) “Environmental Restoration, Army”;

21 (2) “Environmental Restoration, Navy”;

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

23 (4) “Environmental Restoration, Defense-
24 Wide”;

1 (5) “Environmental Restoration, Formerly
2 Used Defense Sites”; and

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

5 (TRANSFER OF FUNDS)

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

1 inventory, unless the Secretary of Defense has notified the
2 Congress prior to any such obligation.

3 SEC. 8009. Funds appropriated by this Act may not
4 be used to initiate a special access program without prior
5 notification 30 calendar days in advance to the congres-
6 sional defense committees.

7 SEC. 8010. None of the funds provided in this Act
8 shall be available to initiate: (1) a multiyear contract that
9 employs economic order quantity procurement in excess of
10 \$20,000,000 in any one year of the contract or that in-
11 cludes an unfunded contingent liability in excess of
12 \$20,000,000; or (2) a contract for advance procurement
13 leading to a multiyear contract that employs economic
14 order quantity procurement in excess of \$20,000,000 in
15 any one year, unless the congressional defense committees
16 have been notified at least 30 days in advance of the pro-
17 posed contract award: *Provided*, That no part of any ap-
18 propriation contained in this Act shall be available to ini-
19 tiate a multiyear contract for which the economic order
20 quantity advance procurement is not funded at least to
21 the limits of the Government's liability: *Provided further*,
22 That no part of any appropriation contained in this Act
23 shall be available to initiate multiyear procurement con-
24 tracts for any systems or component thereof if the value
25 of the multiyear contract would exceed \$500,000,000 un-

1 less specifically provided in this Act: *Provided further*,
2 That no multiyear procurement contract can be termi-
3 nated without 30-day prior notification to the congres-
4 sional defense committees: *Provided further*, That the exe-
5 cution of multiyear authority shall require the use of a
6 present value analysis to determine lowest cost compared
7 to an annual procurement: *Provided further*, That none of
8 the funds provided in this Act may be used for a multiyear
9 contract executed after the date of the enactment of this
10 Act unless in the case of any such contract—

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

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

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

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

7 Funds appropriated in title III of this Act may be
8 used for multiyear procurement contracts for any or all
9 of the following projects:

10 (1) Standard Missile—3 IB;

11 (2) Standard Missile—6;

12 (3) F/A—18E/F Super Hornet and EA—18G
13 Aircraft variants;

14 (4) E—2D Advanced Hawkeye (AHE) Aircraft;
15 and

16 (5) C—130J, KC—130J, HC—130J; MC—130J,
17 AC—130J Aircraft:

18 *Provided*, That the multiyear procurement authority for
19 the E—2D Advanced Hawkeye (AHE) and the F/A—18E/
20 F Super Hornet programs provided for by this section
21 shall be subject to the certification requirement in section
22 2306b(i) of title 10, United States Code, with the cost
23 analysis in connection with such certification to be current
24 as of the date of such certification and to be submitted
25 to Congress prior to the Secretary exercising the authority

1 in accordance with section 2306b(i)(3) of title 10, United
2 States Code: *Provided further*, That the multiyear procure-
3 ment authority for the Standard Missile—6 program pro-
4 vided for by this section shall be subject to the certification
5 requirement in section 2306b(i) of title 10, United States
6 Code, with the cost analysis in connection with such cer-
7 tification to be current as of the date of such certification
8 and to be submitted to Congress prior to the Secretary
9 exercising the authority in accordance with section
10 2306b(i)(3) of title 10, United States Code.

11 SEC. 8011. Within the funds appropriated for the op-
12 eration and maintenance of the Armed Forces, funds are
13 hereby appropriated pursuant to section 401 of title 10,
14 United States Code, for humanitarian and civic assistance
15 costs under chapter 20 of title 10, United States Code.
16 Such funds may also be obligated for humanitarian and
17 civic assistance costs incidental to authorized operations
18 and pursuant to authority granted in section 401 of chap-
19 ter 20 of title 10, United States Code, and these obliga-
20 tions shall be reported as required by section 401(d) of
21 title 10, United States Code: *Provided*, That funds avail-
22 able for operation and maintenance shall be available for
23 providing humanitarian and similar assistance by using
24 Civic Action Teams in the Trust Territories of the Pacific
25 Islands and freely associated states of Micronesia, pursu-

1 ant to the Compact of Free Association as authorized by
2 Public Law 99–239: *Provided further*, That upon a deter-
3 mination by the Secretary of the Army that such action
4 is beneficial for graduate medical education programs con-
5 ducted at Army medical facilities located in Hawaii, the
6 Secretary of the Army may authorize the provision of med-
7 ical services at such facilities and transportation to such
8 facilities, on a nonreimbursable basis, for civilian patients
9 from American Samoa, the Commonwealth of the North-
10 ern Mariana Islands, the Marshall Islands, the Federated
11 States of Micronesia, Palau, and Guam.

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

19 (b) The fiscal year 2020 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 2020
22 Department of Defense budget request shall be prepared
23 and submitted to the Congress as if subsections (a) and
24 (b) of this provision were effective with regard to fiscal
25 year 2020.

1 (c) Nothing in this section shall be construed to apply
2 to military (civilian) technicians.

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

7 SEC. 8014. None of the funds appropriated by this
8 Act shall be available for the basic pay and allowances of
9 any member of the Army participating as a full-time stu-
10 dent and receiving benefits paid by the Secretary of Vet-
11 erans Affairs from the Department of Defense Education
12 Benefits Fund when time spent as a full-time student is
13 credited toward completion of a service commitment: *Pro-*
14 *vided*, That this section shall not apply to those members
15 who have reenlisted with this option prior to October 1,
16 1987: *Provided further*, That this section applies only to
17 active components of the Army.

18 (TRANSFER OF FUNDS)

19 SEC. 8015. Funds appropriated in title III of this Act
20 for the Department of Defense Pilot Mentor-Protégé Pro-
21 gram may be transferred to any other appropriation con-
22 tained in this Act solely for the purpose of implementing
23 a Mentor-Protégé Program developmental assistance
24 agreement pursuant to section 831 of the National De-
25 fense Authorization Act for Fiscal Year 1991 (Public Law

1 101–510; 10 U.S.C. 2302 note), as amended, under the
2 authority of this provision or any other transfer authority
3 contained in this Act.

4 SEC. 8016. None of the funds appropriated by this
5 Act shall be used for the support of any nonappropriated
6 funds activity of the Department of Defense that procures
7 malt beverages and wine with nonappropriated funds for
8 resale (including such alcoholic beverages sold by the
9 drink) on a military installation located in the United
10 States unless such malt beverages and wine are procured
11 within that State, or in the case of the District of Colum-
12 bia, within the District of Columbia, in which the military
13 installation is located: *Provided*, That, in a case in which
14 the military installation is located in more than one State,
15 purchases may be made in any State in which the installa-
16 tion is located: *Provided further*, That such local procure-
17 ment requirements for malt beverages and wine shall
18 apply to all alcoholic beverages only for military installa-
19 tions in States which are not contiguous with another
20 State: *Provided further*, That alcoholic beverages other
21 than wine and malt beverages, in contiguous States and
22 the District of Columbia shall be procured from the most
23 competitive source, price and other factors considered.

24 SEC. 8017. None of the funds available to the De-
25 partment of Defense may be used to demilitarize or dis-

1 pose of M–1 Carbines, M–1 Garand rifles, M–14 rifles,
2 .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or
3 to demilitarize or destroy small arms ammunition or am-
4 munition components that are not otherwise prohibited
5 from commercial sale under Federal law, unless the small
6 arms ammunition or ammunition components are certified
7 by the Secretary of the Army or designee as unserviceable
8 or unsafe for further use.

9 SEC. 8018. No more than \$500,000 of the funds ap-
10 propriated or made available in this Act shall be used dur-
11 ing a single fiscal year for any single relocation of an orga-
12 nization, unit, activity or function of the Department of
13 Defense into or within the National Capital Region: *Pro-*
14 *vided*, That the Secretary of Defense may waive this re-
15 striction on a case-by-case basis by certifying in writing
16 to the congressional defense committees that such a relo-
17 cation is required in the best interest of the Government.

18 SEC. 8019. Of the funds made available in this Act,
19 up to \$15,000,000 may be available for incentive pay-
20 ments authorized by section 504 of the Indian Financing
21 Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime
22 contractor or a subcontractor at any tier that makes a
23 subcontract award to any subcontractor or supplier as de-
24 fined in section 1544 of title 25, United States Code, or
25 a small business owned and controlled by an individual

1 or individuals defined under section 4221(9) of title 25,
2 United States Code, shall be considered a contractor for
3 the purposes of being allowed additional compensation
4 under section 504 of the Indian Financing Act of 1974
5 (25 U.S.C. 1544) whenever the prime contract or sub-
6 contract amount is over \$500,000 and involves the ex-
7 penditure of funds appropriated by an Act making appro-
8 priations for the Department of Defense with respect to
9 any fiscal year: *Provided further*, That notwithstanding
10 section 1906 of title 41, United States Code, this section
11 shall be applicable to any Department of Defense acquisi-
12 tion of supplies or services, including any contract and any
13 subcontract at any tier for acquisition of commercial items
14 produced or manufactured, in whole or in part, by any
15 subcontractor or supplier defined in section 1544 of title
16 25, United States Code, or a small business owned and
17 controlled by an individual or individuals defined under
18 section 4221(9) of title 25, United States Code.

19 SEC. 8020. Funds appropriated by this Act for the
20 Defense Media Activity shall not be used for any national
21 or international political or psychological activities.

22 SEC. 8021. During the current fiscal year, the De-
23 partment of Defense is authorized to incur obligations of
24 not to exceed \$350,000,000 for purposes specified in sec-
25 tion 2350j(c) of title 10, United States Code, in anticipa-

tion of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than \$46,100,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$33,600,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

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

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

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

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a

1 separate entity administrated by an organization man-
2 aging another FFRDC, or as a nonprofit membership cor-
3 poration consisting of a consortium of other FFRDCs and
4 other nonprofit entities.

5 (b) No member of a Board of Directors, Trustees,
6 Overseers, Advisory Group, Special Issues Panel, Visiting
7 Committee, or any similar entity of a defense FFRDC,
8 and no paid consultant to any defense FFRDC, except
9 when acting in a technical advisory capacity, may be com-
10 pensated for his or her services as a member of such enti-
11 ty, or as a paid consultant by more than one FFRDC in
12 a fiscal year: *Provided*, That a member of any such entity
13 referred to previously in this subsection shall be allowed
14 travel expenses and per diem as authorized under the Fed-
15 eral Joint Travel Regulations, when engaged in the per-
16 formance of membership duties.

17 (c) Notwithstanding any other provision of law, none
18 of the funds available to the department from any source
19 during the current fiscal year may be used by a defense
20 FFRDC, through a fee or other payment mechanism, for
21 construction of new buildings not located on a military in-
22 stallation, for payment of cost sharing for projects funded
23 by Government grants, for absorption of contract over-
24 runs, or for certain charitable contributions, not to include

1 employee participation in community service and/or devel-
2 opment.

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 2019, not more than 6,030 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs: *Pro-*
7 *vided*, That, of the specific amount referred to previously
8 in this subsection, not more than 1,125 staff years may
9 be funded for the defense studies and analysis FFRDCs:
10 *Provided further*, That this subsection shall not apply to
11 staff years funded in the National Intelligence Program
12 (NIP) and the Military Intelligence Program (MIP).

13 (e) The Secretary of Defense shall, with the submis-
14 sion of the department's fiscal year 2020 budget request,
15 submit a report presenting the specific amounts of staff
16 years of technical effort to be allocated for each defense
17 FFRDC during that fiscal year and the associated budget
18 estimates.

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

1 SEC. 8024. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy,
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8025. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8026. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8027. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary’s blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2019. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

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

22 SEC. 8028. During the current fiscal year, amounts
23 contained in the Department of Defense Overseas Military
24 Facility Investment Recovery Account established by sec-
25 tion 2921(c)(1) of the National Defense Authorization Act

1 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
2 be available until expended for the payments specified by
3 section 2921(c)(2) of that Act.

4 SEC. 8029. (a) Notwithstanding any other provision
5 of law, the Secretary of the Air Force may convey at no
6 cost to the Air Force, without consideration, to Indian
7 tribes located in the States of Nevada, Idaho, North Da-
8 kota, South Dakota, Montana, Oregon, Minnesota, and
9 Washington relocatable military housing units located at
10 Grand Forks Air Force Base, Malmstrom Air Force Base,
11 Mountain Home Air Force Base, Ellsworth Air Force
12 Base, and Minot Air Force Base that are excess to the
13 needs of the Air Force.

14 (b) The Secretary of the Air Force shall convey, at
15 no cost to the Air Force, military housing units under sub-
16 section (a) in accordance with the request for such units
17 that are submitted to the Secretary by the Operation
18 Walking Shield Program on behalf of Indian tribes located
19 in the States of Nevada, Idaho, North Dakota, South Da-
20 kota, Montana, Oregon, Minnesota, and Washington. Any
21 such conveyance shall be subject to the condition that the
22 housing units shall be removed within a reasonable period
23 of time, as determined by the Secretary.

24 (c) The Operation Walking Shield Program shall re-
25 solve any conflicts among requests of Indian tribes for

1 housing units under subsection (a) before submitting re-
2 quests to the Secretary of the Air Force under subsection
3 (b).

4 (d) In this section, the term “Indian tribe” means
5 any recognized Indian tribe included on the current list
6 published by the Secretary of the Interior under section
7 104 of the Federally Recognized Indian Tribe Act of 1994
8 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

9 SEC. 8030. During the current fiscal year, appropria-
10 tions which are available to the Department of Defense
11 for operation and maintenance may be used to purchase
12 items having an investment item unit cost of not more
13 than \$250,000.

14 SEC. 8031. 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. 8032. 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. 8033. (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. 8034. 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. 8035. 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 may
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. 8036. (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. 8037. (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. 8038. (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)

SEC. 8039. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the

1 Budget or the Balanced Budget and Emergency Deficit

2 Control Act of 1985, as amended:

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

4 \$16,000,000;

5 “Missile Procurement, Army”, 2017/2019,

6 \$12,900,000;

7 “Other Procurement, Army”, 2017/2019,

8 \$7,465,000;

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

10 \$32,344,000;

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

12 \$179,029,000;

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

14 \$15,000,000;

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

16 \$29,600,000;

17 “Defense Health Program: Procurement”,

18 2017/2019, \$2,413,000;

19 “Aircraft Procurement, Army”, 2018/2020,

20 \$4,939,000;

21 “Missile Procurement, Army”, 2018/2020,

22 \$149,400,000;

23 “Procurement of Weapons and Tracked Combat

24 Vehicles, Army”, 2018/2020, \$210,506,000;

1 “Other Procurement, Army”, 2018/2020,
2 \$115,389,000;

3 “Aircraft Procurement, Navy”, 2018/2020,
4 \$14,600,000;

5 “Other Procurement, Navy”, 2018/2020,
6 \$36,600,000;

7 “Aircraft Procurement, Air Force”, 2018/2020,
8 \$254,166,000;

9 “Space Procurement, Air Force”, 2018/2020,
10 \$192,300,000;

11 “Procurement of Ammunition, Air Force”,
12 2018/2020, \$17,100,000;

13 “Other Procurement, Air Force”, 2018/2020,
14 \$128,500,000;

15 “Research, Development, Test and Evaluation,
16 Army”, 2018/2019, \$237,384,000;

17 “Research, Development, Test and Evaluation,
18 Air Force”, 2018/2019, \$505,300,000;

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

21 “Defense Health Program: Procurement”,
22 2018/2020, \$215,000,000.

23 SEC. 8040. None of the funds available in this Act
24 may be used to reduce the authorized positions for mili-
25 tary technicians (dual status) of the Army National

1 Guard, Air National Guard, Army Reserve and Air Force
2 Reserve for the purpose of applying any administratively
3 imposed civilian personnel ceiling, freeze, or reduction on
4 military technicians (dual status), unless such reductions
5 are a direct result of a reduction in military force struc-
6 ture.

7 SEC. 8041. None of the funds appropriated or other-
8 wise made available in this Act may be obligated or ex-
9 pended for assistance to the Democratic People's Republic
10 of Korea unless specifically appropriated for that purpose.

11 SEC. 8042. Funds appropriated in this Act for oper-
12 ation and maintenance of the Military Departments, Com-
13 batant Commands and Defense Agencies shall be available
14 for reimbursement of pay, allowances and other expenses
15 which would otherwise be incurred against appropriations
16 for the National Guard and Reserve when members of the
17 National Guard and Reserve provide intelligence or coun-
18 terintelligence support to Combatant Commands, Defense
19 Agencies and Joint Intelligence Activities, including the
20 activities and programs included within the National Intel-
21 ligence Program and the Military Intelligence Program:
22 *Provided*, That nothing in this section authorizes deviation
23 from established Reserve and National Guard personnel
24 and training procedures.

1 SEC. 8043. (a) None of the funds available to the
2 Department of Defense for any fiscal year for drug inter-
3 diction or counter-drug activities may be transferred to
4 any other department or agency of the United States ex-
5 cept as specifically provided in an appropriations law.

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

11 SEC. 8044. Of the amounts appropriated for “Work-
12 ing Capital Fund, Army”, \$99,000,000 shall be available
13 to maintain competitive rates at the arsenals.

14 SEC. 8045. In addition to the amounts appropriated
15 or otherwise made available elsewhere in this Act,
16 \$20,000,000 is hereby appropriated to the Department of
17 Defense: *Provided*, That upon the determination of the
18 Secretary of Defense that it shall serve the national inter-
19 est, the Secretary shall make grants in the amounts speci-
20 fied as follows: \$20,000,000 to the United Service Organi-
21 zations.

22 SEC. 8046. None of the funds in this Act may be
23 used to purchase any supercomputer which is not manu-
24 factured in the United States, unless the Secretary of De-
25 fense certifies to the congressional defense committees

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

4 SEC. 8047. Notwithstanding any other provision in
5 this Act, the Small Business Innovation Research program
6 and the Small Business Technology Transfer program set-
7 asides shall be taken proportionally from all programs,
8 projects, or activities to the extent they contribute to the
9 extramural budget.

10 SEC. 8048. None of the funds available to the De-
11 partment of Defense under this Act shall be obligated or
12 expended to pay a contractor under a contract with the
13 Department of Defense for costs of any amount paid by
14 the contractor to an employee when—

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8049. During the current fiscal year, no more
22 than \$30,000,000 of appropriations made in this Act
23 under the heading “Operation and Maintenance, Defense-
24 Wide” may be transferred to appropriations available for
25 the pay of military personnel, to be merged with, and to

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

7 SEC. 8050. During the current fiscal year, in the case
8 of an appropriation account of the Department of Defense
9 for which the period of availability for obligation has ex-
10 pired or which has closed under the provisions of section
11 1552 of title 31, United States Code, and which has a
12 negative unliquidated or unexpended balance, an obliga-
13 tion or an adjustment of an obligation may be charged
14 to any current appropriation account for the same purpose
15 as the expired or closed account if—

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

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

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

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

14 SEC. 8051. (a) Notwithstanding any other provision
15 of law, the Chief of the National Guard Bureau may per-
16 mit the use of equipment of the National Guard Distance
17 Learning Project by any person or entity on a space-avail-
18 able, reimbursable basis. The Chief of the National Guard
19 Bureau shall establish the amount of reimbursement for
20 such use on a case-by-case basis.

21 (b) Amounts collected under subsection (a) shall be
22 credited to funds available for the National Guard Dis-
23 tance Learning Project and be available to defray the costs
24 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. 8052. Of the funds appropriated in this Act
5 under the heading “Operation and Maintenance, Defense-
6 wide”, \$25,000,000 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. 8053. 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. 8054. (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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8055. Of the amounts appropriated for “Oper-
19 ation and Maintenance, Navy”, up to \$1,000,000 shall be
20 available for transfer to the John C. Stennis Center for
21 Public Service Development Trust Fund established under
22 section 116 of the John C. Stennis Center for Public Serv-
23 ice Training and Development Act (2 U.S.C. 1105).

24 SEC. 8056. Notwithstanding any other provision of
25 law, funds appropriated in this Act under the heading

1 “Research, Development, Test and Evaluation, Defense-
2 Wide” for any new start advanced concept technology
3 demonstration project or joint capability demonstration
4 project may only be obligated 45 days after a report, in-
5 cluding a description of the project, the planned acquisi-
6 tion and transition strategy and its estimated annual and
7 total cost, has been provided in writing to the congres-
8 sional defense committees: *Provided*, That the Secretary
9 of Defense may waive this restriction on a case-by-case
10 basis by certifying to the congressional defense committees
11 that it is in the national interest to do so.

12 SEC. 8057. The Secretary of Defense shall continue
13 to provide a classified quarterly report to the House and
14 Senate Appropriations Committees, Subcommittees on
15 Defense on certain matters as directed in the classified
16 annex accompanying this Act.

17 SEC. 8058. Notwithstanding section 12310(b) of title
18 10, United States Code, a Reserve who is a member of
19 the National Guard serving on full-time National Guard
20 duty under section 502(f) of title 32, United States Code,
21 may perform duties in support of the ground-based ele-
22 ments of the National Ballistic Missile Defense System.

23 SEC. 8059. None of the funds provided in this Act
24 may be used to transfer to any nongovernmental entity
25 ammunition held by the Department of Defense that has

1 a center-fire cartridge and a United States military no-
2 menclature designation of “armor penetrator”, “armor
3 piercing (AP)”, “armor piercing incendiary (API)”, or
4 “armor-piercing incendiary tracer (API-T)”, except to an
5 entity performing demilitarization services for the Depart-
6 ment of Defense under a contract that requires the entity
7 to demonstrate to the satisfaction of the Department of
8 Defense that armor piercing projectiles are either: (1) ren-
9 dered incapable of reuse by the demilitarization process;
10 or (2) used to manufacture ammunition pursuant to a con-
11 tract with the Department of Defense or the manufacture
12 of ammunition for export pursuant to a License for Per-
13 manent Export of Unclassified Military Articles issued by
14 the Department of State.

15 SEC. 8060. Notwithstanding any other provision of
16 law, the Chief of the National Guard Bureau, or his des-
17 ignee, may waive payment of all or part of the consider-
18 ation that otherwise would be required under section 2667
19 of title 10, United States Code, in the case of a lease of
20 personal property for a period not in excess of 1 year to
21 any organization specified in section 508(d) of title 32,
22 United States Code, or any other youth, social, or fra-
23 ternal nonprofit organization as may be approved by the
24 Chief of the National Guard Bureau, or his designee, on
25 a case-by-case basis.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8061. Of the amounts appropriated in this Act
3 under the heading “Operation and Maintenance, Army”,
4 \$62,483,700 shall remain available until expended: *Pro-*
5 *vided*, That, notwithstanding any other provision of law,
6 the Secretary of Defense is authorized to transfer such
7 funds to other activities of the Federal Government: *Pro-*
8 *vided further*, That the Secretary of Defense is authorized
9 to enter into and carry out contracts for the acquisition
10 of real property, construction, personal services, and oper-
11 ations related to projects carrying out the purposes of this
12 section: *Provided further*, That contracts entered into
13 under the authority of this section may provide for such
14 indemnification as the Secretary determines to be nec-
15 essary: *Provided further*, That projects authorized by this
16 section shall comply with applicable Federal, State, and
17 local law to the maximum extent consistent with the na-
18 tional security, as determined by the Secretary of Defense.

19 SEC. 8062. (a) None of the funds appropriated in this
20 or any other Act may be used to take any action to mod-
21 ify—

22 (1) the appropriations account structure for the
23 National Intelligence Program budget, including
24 through the creation of a new appropriation or new
25 appropriation account;

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

5 (3) the process by which the National Intel-
6 ligence Program appropriations are apportioned to
7 the executing agencies; or

8 (4) the process by which the National Intel-
9 ligence Program appropriations are allotted, obli-
10 gated and disbursed.

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

16 (c) The Director of National Intelligence and the Sec-
17 retary of Defense may jointly, only for the purposes of
18 achieving auditable financial statements and improving
19 fiscal reporting, study and develop detailed proposals for
20 alternative financial management processes. Such study
21 shall include a comprehensive counterintelligence risk as-
22 sessment to ensure that none of the alternative processes
23 will adversely affect counterintelligence.

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

4 (1) provide the proposed alternatives to all af-
5 fected agencies;

6 (2) receive certification from all affected agen-
7 cies attesting that the proposed alternatives will help
8 achieve auditability, improve fiscal reporting, and
9 will not adversely affect counterintelligence; and

10 (3) not later than 30 days after receiving all
11 necessary certifications under paragraph (2), present
12 the proposed alternatives and certifications to the
13 congressional defense and intelligence committees.

14 SEC. 8063. None of the funds available to the De-
15 partment of Defense may be obligated to modify command
16 and control relationships to give Fleet Forces Command
17 operational and administrative control of United States
18 Navy forces assigned to the Pacific fleet: *Provided*, That
19 the command and control relationships which existed on
20 October 1, 2004, shall remain in force until a written
21 modification has been proposed to the House and Senate
22 Appropriations Committees: *Provided further*, That the
23 proposed modification may be implemented 30 days after
24 the notification unless an objection is received from either
25 the House or Senate Appropriations Committees: *Provided*

1 *further*, That any proposed modification shall not preclude
2 the ability of the commander of United States Pacific
3 Command to meet operational requirements.

4 SEC. 8064. Any notice that is required to be sub-
5 mitted to the Committees on Appropriations of the Senate
6 and the House of Representatives under section 806(c)(4)
7 of the Bob Stump National Defense Authorization Act for
8 Fiscal Year 2003 (10 U.S.C. 2302 note) after the date
9 of the enactment of this Act shall be submitted pursuant
10 to that requirement concurrently to the Subcommittees on
11 Defense of the Committees on Appropriations of the Sen-
12 ate and the House of Representatives.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8065. Of the amounts appropriated in this Act
15 under the headings “Procurement, Defense-Wide” and
16 “Research, Development, Test and Evaluation, Defense-
17 Wide”, \$500,000,000 shall be for the Israeli Cooperative
18 Programs: *Provided*, That of this amount, \$70,000,000
19 shall be for the Secretary of Defense to provide to the Gov-
20 ernment of Israel for the procurement of the Iron Dome
21 defense system to counter short-range rocket threats, sub-
22 ject to the U.S.-Israel Iron Dome Procurement Agree-
23 ment, as amended; \$187,000,000 shall be for the Short
24 Range Ballistic Missile Defense (SRBMD) program, in-
25 cluding cruise missile defense research and development

1 under the SRBMD program, of which \$50,000,000 shall
2 be for co-production activities of SRBMD systems in the
3 United States and in Israel to meet Israel's defense re-
4 quirements consistent with each nation's laws, regulations,
5 and procedures, subject to the U.S.-Israeli co-production
6 agreement for SRBMD, as amended; \$80,000,000 shall
7 be for an upper-tier component to the Israeli Missile De-
8 fense Architecture, of which \$80,000,000 shall be for co-
9 production activities of Arrow 3 Upper Tier systems in
10 the United States and in Israel to meet Israel's defense
11 requirements consistent with each nation's laws, regula-
12 tions, and procedures, subject to the U.S.-Israeli co-pro-
13 duction agreement for Arrow 3 Upper Tier, as amended;
14 and \$163,000,000 shall be for the Arrow System Improve-
15 ment Program including development of a long range,
16 ground and airborne, detection suite: *Provided further,*
17 That the transfer authority provided under this provision
18 is in addition to any other transfer authority contained
19 in this Act.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8066. Of the amounts appropriated in this Act
22 under the heading "Shipbuilding and Conversion, Navy",
23 \$207,099,000 shall be available until September 30, 2019,
24 to fund prior year shipbuilding cost increases: *Provided,*
25 That upon enactment of this Act, the Secretary of the

1 Navy shall transfer funds to the following appropriations
2 in the amounts specified: *Provided further*, That the
3 amounts transferred shall be merged with and be available
4 for the same purposes as the appropriations to which
5 transferred to:

6 (1) Under the heading “Shipbuilding and Con-
7 version, Navy”, 2011/2019: LHA Replacement
8 \$25,100,000;

9 (2) Under the heading “Shipbuilding and Con-
10 version, Navy”, 2013/2019: DDG-51 Destroyer
11 \$53,966,000;

12 (3) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2014/2019: Littoral Combat Ship
14 \$19,498,000;

15 (4) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2015/2019: Littoral Combat Ship
17 \$83,686,000;

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

20 (6) Under the heading “Shipbuilding and Con-
21 version, Navy”, 2016/2019: TAO Fleet Oiler
22 \$15,449,000.

23 SEC. 8067. Funds appropriated by this Act, or made
24 available by the transfer of funds in this Act, for intel-
25 ligence activities are deemed to be specifically authorized

1 by the Congress for purposes of section 504 of the Na-
2 tional Security Act of 1947 (50 U.S.C. 3094) during fiscal
3 year 2019 until the enactment of the Intelligence Author-
4 ization Act for Fiscal Year 2019.

5 SEC. 8068. None of the funds provided in this Act
6 shall be available for obligation or expenditure through a
7 reprogramming of funds that creates or initiates a new
8 program, project, or activity unless such program, project,
9 or activity must be undertaken immediately in the interest
10 of national security and only after written prior notifica-
11 tion to the congressional defense committees.

12 SEC. 8069. The budget of the President for fiscal
13 year 2020 submitted to the Congress pursuant to section
14 1105 of title 31, United States Code, shall include sepa-
15 rate budget justification documents for costs of United
16 States Armed Forces' participation in contingency oper-
17 ations for the Military Personnel accounts, the Operation
18 and Maintenance accounts, the Procurement accounts,
19 and the Research, Development, Test and Evaluation ac-
20 counts: *Provided*, That these documents shall include a de-
21 scription of the funding requested for each contingency op-
22 eration, for each military service, to include all Active and
23 Reserve components, and for each appropriations account:
24 *Provided further*, That these documents shall include esti-
25 mated costs for each element of expense or object class,

1 a reconciliation of increases and decreases for each contin-
2 gency operation, and programmatic data including, but
3 not limited to, troop strength for each Active and Reserve
4 component, and estimates of the major weapons systems
5 deployed in support of each contingency: *Provided further*,
6 That these documents shall include budget exhibits OP-
7 5 and OP-32 (as defined in the Department of Defense
8 Financial Management Regulation) for all contingency op-
9 erations for the budget year and the two preceding fiscal
10 years.

11 SEC. 8070. None of the funds in this Act may be
12 used for research, development, test, evaluation, procure-
13 ment or deployment of nuclear armed interceptors of a
14 missile defense system.

15 SEC. 8071. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network is designed to block access
18 to pornography websites.

19 (b) Nothing in subsection (a) shall limit the use of
20 funds necessary for any Federal, State, tribal, or local law
21 enforcement agency or any other entity carrying out crimi-
22 nal investigations, prosecution, or adjudication activities,
23 or for any activity necessary for the national defense, in-
24 cluding intelligence activities.

1 (TRANSFER OF FUNDS)

2 SEC. 8072. The Secretary of Defense may transfer
3 up to \$800,000,000 of the amounts appropriated or other-
4 wise made available in this Act to the Department of De-
5 fense for the rapid acquisition and deployment of supplies
6 and associated support pursuant to section 806 of the Bob
7 Stump National Defense Authorization Act for Fiscal
8 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note):
9 *Provided*, That the Secretary of Defense shall notify the
10 congressional defense committees promptly of all transfers
11 made pursuant to this authority or any other authority
12 in this Act: *Provided further*, That the transfer authority
13 provided in this section is in addition to any other transfer
14 authority provided elsewhere in this Act.

15 SEC. 8073. None of the funds appropriated or made
16 available in this Act shall be used to reduce or disestablish
17 the operation of the 53rd Weather Reconnaissance Squad-
18 ron of the Air Force Reserve, if such action would reduce
19 the WC–130 Weather Reconnaissance mission below the
20 levels funded in this Act: *Provided*, That the Air Force
21 shall allow the 53rd Weather Reconnaissance Squadron to
22 perform other missions in support of national defense re-
23 quirements during the non-hurricane season.

24 SEC. 8074. None of the funds provided in this Act
25 shall be available for integration of foreign intelligence in-

1 formation unless the information has been lawfully col-
2 lected and processed during the conduct of authorized for-
3 eign intelligence activities: *Provided*, That information
4 pertaining to United States persons shall only be handled
5 in accordance with protections provided in the Fourth
6 Amendment of the United States Constitution as imple-
7 mented through Executive Order No. 12333.

8 SEC. 8075. (a) None of the funds appropriated by
9 this Act may be used to transfer research and develop-
10 ment, acquisition, or other program authority relating to
11 current tactical unmanned aerial vehicles (TUAVs) from
12 the Army.

13 (b) The Army shall retain responsibility for and oper-
14 ational control of the MQ-1C Gray Eagle Unmanned Aer-
15 ial Vehicle (UAV) in order to support the Secretary of De-
16 fense in matters relating to the employment of unmanned
17 aerial vehicles.

18 SEC. 8076. None of the funds appropriated by this
19 Act for programs of the Office of the Director of National
20 Intelligence shall remain available for obligation beyond
21 the current fiscal year, except for funds appropriated for
22 research and technology, which shall remain available until
23 September 30, 2020.

24 SEC. 8077. For purposes of section 1553(b) of title
25 31, United States Code, any subdivision of appropriations

1 made in this Act under the heading “Shipbuilding and
2 Conversion, Navy” shall be considered to be for the same
3 purpose as any subdivision under the heading “Ship-
4 building and Conversion, Navy” appropriations in any
5 prior fiscal year, and the 1 percent limitation shall apply
6 to the total amount of the appropriation.

7 SEC. 8078. (a) Not later than 60 days after the date
8 of enactment of this Act, the Director of National Intel-
9 ligence shall submit a report to the congressional intel-
10 ligence committees to establish the baseline for application
11 of reprogramming and transfer authorities for fiscal year
12 2019: *Provided*, That the report shall include—

13 (1) a table for each appropriation with a sepa-
14 rate column to display the President’s budget re-
15 quest, adjustments made by Congress, adjustments
16 due to enacted rescissions, if appropriate, and the
17 fiscal year enacted level;

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

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

22 (b) None of the funds provided for the National Intel-
23 ligence Program in this Act shall be available for re-
24 programming or transfer until the report identified in sub-
25 section (a) is submitted to the congressional intelligence

1 committees, unless the Director of National Intelligence
2 certifies in writing to the congressional intelligence com-
3 mittees that such reprogramming or transfer is necessary
4 as an emergency requirement.

5 SEC. 8079. None of the funds provided in this Act
6 for the TAO-205 program shall be used to award a new
7 contract that provides for the acquisition of the following
8 components unless those components are manufactured in
9 the United States: Auxiliary equipment (including pumps)
10 for shipboard services; propulsion equipment (including
11 engines, reduction gears, and propellers); shipboard
12 cranes; and spreaders for shipboard cranes.

13 SEC. 8080. Notwithstanding any other provision of
14 law, any transfer of funds, appropriated or otherwise made
15 available by this Act, for support to friendly foreign coun-
16 tries in connection with the conduct of operations in which
17 the United States is not participating, pursuant to section
18 331(d) of title 10, United States Code, shall be made in
19 accordance with sections 8005 or 9002 of this Act, as ap-
20 plicable.

21 SEC. 8081. Any transfer of amounts appropriated to,
22 credited to, or deposited in the Department of Defense Ac-
23 quisition Workforce Development Fund in or for fiscal
24 year 2019 to a military department or Defense Agency
25 pursuant to section 1705(e)(1) of title 10, United States

1 Code, shall be covered by and subject to sections 8005 or
2 9002 of this Act, as applicable.

3 SEC. 8082. None of the funds made available by this
4 Act for excess defense articles, assistance under section
5 333 of title 10, United States Code, or peacekeeping oper-
6 ations for the countries designated annually to be in viola-
7 tion of the standards of the Child Soldiers Prevention Act
8 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
9 be used to support any military training or operation that
10 includes child soldiers, as defined by the Child Soldiers
11 Prevention Act of 2008, unless such assistance is other-
12 wise permitted under section 404 of the Child Soldiers
13 Prevention Act of 2008.

14 SEC. 8083. (a) None of the funds provided for the
15 National Intelligence Program in this or any prior appro-
16 priations Act shall be available for obligation or expendi-
17 ture through a reprogramming or transfer of funds in ac-
18 cordance with section 102A(d) of the National Security
19 Act of 1947 (50 U.S.C. 3024(d)) that—

20 (1) creates a new start effort;

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

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

25 (4) transfers funding between appropriations,

1 unless the congressional intelligence committees are noti-
2 fied 30 days in advance of such reprogramming of funds;
3 this notification period may be reduced for urgent national
4 security requirements.

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

16 SEC. 8084. The Director of National Intelligence
17 shall submit to Congress each year, at or about the time
18 that the President's budget is submitted to Congress that
19 year under section 1105(a) of title 31, United States
20 Code, a future-years intelligence program (including asso-
21 ciated annexes) reflecting the estimated expenditures and
22 proposed appropriations included in that budget. Any such
23 future-years intelligence program shall cover the fiscal
24 year with respect to which the budget is submitted and
25 at least the four succeeding fiscal years.

1 SEC. 8085. For the purposes of this Act, the term
2 “congressional intelligence committees” means the Perma-
3 nent Select Committee on Intelligence of the House of
4 Representatives, the Select Committee on Intelligence of
5 the Senate, the Subcommittee on Defense of the Com-
6 mittee on Appropriations of the House of Representatives,
7 and the Subcommittee on Defense of the Committee on
8 Appropriations of the Senate.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8086. During the current fiscal year, not to ex-
11 ceed \$11,000,000 from each of the appropriations made
12 in title II of this Act for “Operation and Maintenance,
13 Army”, “Operation and Maintenance, Navy”, and “Oper-
14 ation and Maintenance, Air Force” may be transferred by
15 the military department concerned to its central fund es-
16 tablished for Fisher Houses and Suites pursuant to sec-
17 tion 2493(d) of title 10, United States Code.

18 SEC. 8087. None of the funds appropriated by this
19 Act may be available for the purpose of making remit-
20 tances to the Department of Defense Acquisition Work-
21 force Development Fund in accordance with section 1705
22 of title 10, United States Code.

23 SEC. 8088. (a) Any agency receiving funds made
24 available in this Act, shall, subject to subsections (b) and
25 (c), post on the public Web site of that agency any report

1 required to be submitted by the Congress in this or any
2 other Act, upon the determination by the head of the agen-
3 cy that it shall serve the national interest.

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

5 (1) the public posting of the report com-
6 promises national security; or

7 (2) the report contains proprietary information.

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

12 SEC. 8089. (a) None of the funds appropriated or
13 otherwise made available by this Act may be expended for
14 any Federal contract for an amount in excess of
15 \$1,000,000, unless the contractor agrees not to—

16 (1) enter into any agreement with any of its
17 employees or independent contractors that requires,
18 as a condition of employment, that the employee or
19 independent contractor agree to resolve through ar-
20 bitration any claim under title VII of the Civil
21 Rights Act of 1964 or any tort related to or arising
22 out of sexual assault or harassment, including as-
23 sault and battery, intentional infliction of emotional
24 distress, false imprisonment, or negligent hiring, su-
25 pervision, or retention; or

1 (2) take any action to enforce any provision of
2 an existing agreement with an employee or inde-
3 pendent contractor that mandates that the employee
4 or independent contractor resolve through arbitra-
5 tion any claim under title VII of the Civil Rights Act
6 of 1964 or any tort related to or arising out of sex-
7 ual assault or harassment, including assault and
8 battery, intentional infliction of emotional distress,
9 false imprisonment, or negligent hiring, supervision,
10 or retention.

11 (b) None of the funds appropriated or otherwise
12 made available by this Act may be expended for any Fed-
13 eral contract unless the contractor certifies that it requires
14 each covered subcontractor to agree not to enter into, and
15 not to take any action to enforce any provision of, any
16 agreement as described in paragraphs (1) and (2) of sub-
17 section (a), with respect to any employee or independent
18 contractor performing work related to such subcontract.
19 For purposes of this subsection, a “covered subcon-
20 tractor” is an entity that has a subcontract in excess of
21 \$1,000,000 on a contract subject to subsection (a).

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

1 (d) The Secretary of Defense may waive the applica-
2 tion of subsection (a) or (b) to a particular contractor or
3 subcontractor for the purposes of a particular contract or
4 subcontract if the Secretary or the Deputy Secretary per-
5 sonally determines that the waiver is necessary to avoid
6 harm to national security interests of the United States,
7 and that the term of the contract or subcontract is not
8 longer than necessary to avoid such harm. The determina-
9 tion shall set forth with specificity the grounds for the
10 waiver and for the contract or subcontract term selected,
11 and shall state any alternatives considered in lieu of a
12 waiver and the reasons each such alternative would not
13 avoid harm to national security interests of the United
14 States. The Secretary of Defense shall transmit to Con-
15 gress, and simultaneously make public, any determination
16 under this subsection not less than 15 business days be-
17 fore the contract or subcontract addressed in the deter-
18 mination may be awarded.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8090. From within the funds appropriated for
21 operation and maintenance for the Defense Health Pro-
22 gram in this Act, up to \$113,000,000, shall be available
23 for transfer to the Joint Department of Defense-Depart-
24 ment of Veterans Affairs Medical Facility Demonstration
25 Fund in accordance with the provisions of section 1704

1 of the National Defense Authorization Act for Fiscal Year
2 2010, Public Law 111–84: *Provided*, That for purposes
3 of section 1704(b), the facility operations funded are oper-
4 ations of the integrated Captain James A. Lovell Federal
5 Health Care Center, consisting of the North Chicago Vet-
6 erans Affairs Medical Center, the Navy Ambulatory Care
7 Center, and supporting facilities designated as a combined
8 Federal medical facility as described by section 706 of
9 Public Law 110–417: *Provided further*, That additional
10 funds may be transferred from funds appropriated for op-
11 eration and maintenance for the Defense Health Program
12 to the Joint Department of Defense-Department of Vet-
13 erans Affairs Medical Facility Demonstration Fund upon
14 written notification by the Secretary of Defense to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate.

17 SEC. 8091. None of the funds appropriated or other-
18 wise made available by this Act may be used by the De-
19 partment of Defense or a component thereof in contraven-
20 tion of the provisions of section 130h of title 10, United
21 States Code.

22 SEC. 8092. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$450,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8093. Upon a determination by the Director of
6 National Intelligence that such action is necessary and in
7 the national interest, the Director may, with the approval
8 of the Office of Management and Budget, transfer not to
9 exceed \$1,500,000,000 of the funds made available in this
10 Act for the National Intelligence Program: *Provided*, That
11 such authority to transfer may not be used unless for
12 higher priority items, based on unforeseen intelligence re-
13 quirements, than those for which originally appropriated
14 and in no case where the item for which funds are re-
15 quested has been denied by the Congress: *Provided further*,
16 That a request for multiple reprogrammings of funds
17 using authority provided in this section shall be made
18 prior to June 30, 2019.

19 SEC. 8094. None of the funds appropriated or other-
20 wise made available in this or any other Act may be used
21 to transfer, release, or assist in the transfer or release to
22 or within the United States, its territories, or possessions
23 Khalid Sheikh Mohammed or any other detainee who—
24 (1) is not a United States citizen or a member
25 of the Armed Forces of the United States; and

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

4 SEC. 8095. (a) None of the funds appropriated or
5 otherwise made available in this or any other Act may be
6 used to construct, acquire, or modify any facility in the
7 United States, its territories, or possessions to house any
8 individual described in subsection (c) for the purposes of
9 detention or imprisonment in the custody or under the ef-
10 fective control of the Department of Defense.

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

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

17 (1) is not a citizen of the United States or a
18 member of the Armed Forces of the United States;
19 and

20 (2) is—

21 (A) in the custody or under the effective
22 control of the Department of Defense; or

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

1 SEC. 8096. None of the funds appropriated or other-
2 wise made available in this Act may be used to transfer
3 any individual detained at United States Naval Station
4 Guantánamo Bay, Cuba, to the custody or control of the
5 individual's country of origin, any other foreign country,
6 or any other foreign entity except in accordance with sec-
7 tion 1034 of the National Defense Authorization Act for
8 Fiscal Year 2016 (Public Law 114–92) and section 1034
9 of the National Defense Authorization Act for Fiscal Year
10 2017 (Public Law 114–328).

11 SEC. 8097. None of the funds made available by this
12 Act may be used in contravention of the War Powers Res-
13 olution (50 U.S.C. 1541 et seq.).

14 SEC. 8098. (a) None of the funds appropriated or
15 otherwise made available by this or any other Act may
16 be used by the Secretary of Defense, or any other official
17 or officer of the Department of Defense, to enter into a
18 contract, memorandum of understanding, or cooperative
19 agreement with, or make a grant to, or provide a loan
20 or loan guarantee to Rosoboronexport or any subsidiary
21 of Rosoboronexport.

22 (b) The Secretary of Defense may waive the limita-
23 tion in subsection (a) if the Secretary, in consultation with
24 the Secretary of State and the Director of National Intel-
25 ligence, determines that it is in the vital national security

1 interest of the United States to do so, and certifies in writ-
2 ing to the congressional defense committees that, to the
3 best of the Secretary's knowledge:

4 (1) Rosoboronexport has ceased the transfer of
5 lethal military equipment to, and the maintenance of
6 existing lethal military equipment for, the Govern-
7 ment of the Syrian Arab Republic;

8 (2) The armed forces of the Russian Federation
9 have withdrawn from Crimea, other than armed
10 forces present on military bases subject to agree-
11 ments in force between the Government of the Rus-
12 sian Federation and the Government of Ukraine;
13 and

14 (3) Agents of the Russian Federation have
15 ceased taking active measures to destabilize the con-
16 trol of the Government of Ukraine over eastern
17 Ukraine.

18 (c) The Inspector General of the Department of De-
19 fense shall conduct a review of any action involving
20 Rosoboronexport with respect to a waiver issued by the
21 Secretary of Defense pursuant to subsection (b), and not
22 later than 90 days after the date on which such a waiver
23 is issued by the Secretary of Defense, the Inspector Gen-
24 eral shall submit to the congressional defense committees

1 a report containing the results of the review conducted
2 with respect to such waiver.

3 SEC. 8099. The Secretary of Defense, in consultation
4 with the Service Secretaries, shall submit two reports to
5 the congressional defense committees, not later than
6 March 1, 2019, and not later than September 1, 2019,
7 detailing the submission of records during the previous 6
8 months to databases accessible to the National Instant
9 Criminal Background Check System (NICS), including
10 the Interstate Identification Index (III), the National
11 Crime Information Center (NCIC), and the NICS Index,
12 as required by Public Law 110–180: *Provided*, That such
13 reports shall provide the number and category of records
14 submitted by month to each such database, by Service or
15 Component: *Provided further*, That such reports shall
16 identify the number and category of records submitted by
17 month to those databases for which the Identification for
18 Firearm Sales (IFFS) flag or other database flags were
19 used to pre-validate the records and indicate that such
20 persons are prohibited from receiving or possessing a fire-
21 arm: *Provided further*, That such reports shall describe the
22 steps taken during the previous 6 months, by Service or
23 Component, to ensure complete and accurate submission
24 and appropriate flagging of records of individuals prohib-
25 ited from gun possession or receipt pursuant to 18 U.S.C.

1 922(g) or (n) including applicable records involving pro-
2 ceedings under the Uniform Code of Military Justice.

3 SEC. 8100. (a) Of the funds appropriated in this Act
4 for the Department of Defense, amounts should be made
5 available, under such regulations as the Secretary of De-
6 fense may prescribe, to local military commanders ap-
7 pointed by the Secretary, or by an officer or employee des-
8 ignated by the Secretary, to provide at their discretion ex
9 gratia payments in amounts consistent with subsection (d)
10 of this section for damage, personal injury, or death that
11 is incident to combat operations of the Armed Forces in
12 a foreign country.

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

15 (1) the prospective foreign civilian recipient is
16 determined by the local military commander to be
17 friendly to the United States;

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

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

24 (c) NATURE OF PAYMENTS.—Any payments provided
25 under a program under subsection (a) shall not be consid-

1 ered an admission or acknowledgement of any legal obliga-
2 tion to compensate for any damage, personal injury, or
3 death.

4 (d) AMOUNT OF PAYMENTS.—If the Secretary of De-
5 fense determines a program under subsection (a) to be ap-
6 propriate in a particular setting, the amounts of pay-
7 ments, if any, to be provided to civilians determined to
8 have suffered harm incident to combat operations of the
9 Armed Forces under the program should be determined
10 pursuant to regulations prescribed by the Secretary and
11 based on an assessment, which should include such factors
12 as cultural appropriateness and prevailing economic condi-
13 tions.

14 (e) LEGAL ADVICE.—Local military commanders
15 shall receive legal advice before making ex gratia pay-
16 ments under this subsection. The legal advisor, under reg-
17 ulations of the Department of Defense, shall advise on
18 whether an ex gratia payment is proper under this section
19 and applicable Department of Defense regulations.

20 (f) WRITTEN RECORD.—A written record of any ex
21 gratia payment offered or denied shall be kept by the local
22 commander and on a timely basis submitted to the appro-
23 priate office in the Department of Defense as determined
24 by the Secretary of Defense.

1 (g) REPORT.—The Secretary of Defense shall report
2 to the congressional defense committees on an annual
3 basis the efficacy of the ex gratia payment program in-
4 cluding the number of types of cases considered, amounts
5 offered, the response from ex gratia payment recipients,
6 and any recommended modifications to the program.

7 SEC. 8101. None of the funds available in this Act
8 to the Department of Defense, other than appropriations
9 made for necessary or routine refurbishments, upgrades
10 or maintenance activities, shall be used to reduce or to
11 prepare to reduce the number of deployed and non-de-
12 ployed strategic delivery vehicles and launchers below the
13 levels set forth in the report submitted to Congress in ac-
14 cordance with section 1042 of the National Defense Au-
15 thorization Act for Fiscal Year 2012.

16 SEC. 8102. Amounts in working capital funds of the
17 Department of Defense established pursuant to section
18 2208 of title 10, United States Code, may be obligated
19 and expended in fiscal year 2020 for the payment of death
20 gratuities authorized by subchapter II of chapter 75 of
21 title 10, United States Code, that are payable during the
22 period in which the appropriations bill for fiscal year 2020
23 for the Department has not become law and an Act or
24 joint resolution making continuing appropriations for fis-
25 cal year 2020 for the Department is not in effect (a “lapse

1 in appropriations’’: *Provided*, That, upon enactment of
2 the appropriations Act for fiscal year 2020 for the Depart-
3 ment, such obligations and expenditures shall be recorded
4 against the appropriations made available by such Act for
5 the payment of such death gratuities.

6 SEC. 8103. 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. 8104. None of the funds made available by this
23 Act may be used by the National Security Agency to—
24 (1) conduct an acquisition pursuant to section
25 702 of the Foreign Intelligence Surveillance Act of

1 1978 for the purpose of targeting a United States
2 person; or

3 (2) acquire, monitor, or store the contents (as
4 such term is defined in section 2510(8) of title 18,
5 United States Code) of any electronic communica-
6 tion of a United States person from a provider of
7 electronic communication services to the public pur-
8 suant to section 501 of the Foreign Intelligence Sur-
9 veillance Act of 1978.

10 SEC. 8105. None of the funds made available in this
11 or any other Act may be used to pay the salary of any
12 officer or employee of any agency funded by this Act who
13 approves or implements the transfer of administrative re-
14 sponsibilities or budgetary resources of any program,
15 project, or activity financed by this Act to the jurisdiction
16 of another Federal agency not financed by this Act with-
17 out the express authorization of Congress: *Provided*, That
18 this limitation shall not apply to transfers of funds ex-
19 pressly provided for in Defense Appropriations Acts, or
20 provisions of Acts providing supplemental appropriations
21 for the Department of Defense.

22 SEC. 8106. None of the funds made available in this
23 Act may be obligated for activities authorized under sec-
24 tion 1208 of the Ronald W. Reagan National Defense Au-
25 thorization Act for Fiscal Year 2005 (Public Law 112—

1 81; 125 Stat. 1621) to initiate support for, or expand sup-
2 port to, foreign forces, irregular forces, groups, or individ-
3 uals unless the congressional defense committees are noti-
4 fied in accordance with the direction contained in the clas-
5 sified annex accompanying this Act, not less than 15 days
6 before initiating such support: *Provided*, That none of the
7 funds made available in this Act may be used under sec-
8 tion 1208 for any activity that is not in support of an
9 ongoing military operation being conducted by United
10 States Special Operations Forces to combat terrorism:
11 *Provided further*, That the Secretary of Defense may waive
12 the prohibitions in this section if the Secretary determines
13 that such waiver is required by extraordinary cir-
14 cumstances and, by not later than 72 hours after making
15 such waiver, notifies the congressional defense committees
16 of such waiver.

17 SEC. 8107. Of the amounts appropriated in this Act
18 for “Operation and Maintenance, Navy”, \$310,805,000,
19 to remain available until expended, may be used for any
20 purposes related to the National Defense Reserve Fleet
21 established under section 11 of the Merchant Ship Sales
22 Act of 1946 (50 U.S.C. 4405): *Provided*, That such
23 amounts are available for reimbursements to the Ready
24 Reserve Force, Maritime Administration account of the
25 United States Department of Transportation for pro-

1 grams, projects, activities, and expenses related to the Na-
2 tional Defense Reserve Fleet.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8108. Of the amounts appropriated in this Act,
5 the Secretary of Defense may use up to \$52,657,000
6 under the heading “Operation and Maintenance, Defense-
7 Wide”, and up to \$39,400,000 under the heading “Re-
8 search, Development, Test and Evaluation, Defense-
9 Wide” to develop, replace, and sustain Federal Govern-
10 ment security and suitability background investigation in-
11 formation technology systems of the Office of Personnel
12 Management or other Federal agency responsible for con-
13 ducting such investigations: *Provided*, That the Secretary
14 may transfer additional amounts into these headings or
15 into “Procurement, Defense-Wide” using established re-
16 programming procedures prescribed in the Department of
17 Defense Financial Management Regulation 7000.14, Vol-
18 ume 3, Chapter 6, dated September 2015: *Provided fur-*
19 *ther*, That such funds shall supplement, not supplant any
20 other amounts made available to other Federal agencies
21 for such purposes.

22 SEC. 8109. None of the funds made available by this
23 Act may be used to carry out the closure or realignment
24 of the United States Naval Station, Guantánamo Bay,
25 Cuba.

1 SEC. 8110. Notwithstanding any other provision of
2 law, any transfer of funds appropriated or otherwise made
3 available by this Act to the Global Engagement Center es-
4 tablished by section 1287 of the National Defense Author-
5 ization Act for Fiscal Year 2017 (Public Law 114–328;
6 130 Stat. 22 U.S.C. 2656 note) shall be made in accord-
7 ance with section 8005 or 9002 of this Act, as applicable.

8 SEC. 8111. No amounts credited or otherwise made
9 available in this or any other Act to the Department of
10 Defense Acquisition Workforce Development Fund may be
11 transferred to:

12 (1) the Rapid Prototyping Fund established
13 under section 804(d) of the National Defense Au-
14 thorization Act for Fiscal Year 2016 (10 U.S.C.
15 2302 note); or

16 (2) credited to a military-department specific
17 fund established under section 804(d)(2) of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 2016 (as amended by section 897 of the National
20 Defense Authorization Act for Fiscal Year 2017).

21 SEC. 8112. Notwithstanding any other provision of
22 law, from funds made available to the Department of De-
23 fense in title II of this Act under the heading “Operation
24 and Maintenance, Defense-Wide”, \$15,000,000 shall be
25 available for a project in a country designated by the Sec-

1 retary of Defense: *Provided*, That in furtherance of the
2 project, the Department of Defense is authorized to ac-
3 quire services, including services performed pursuant to
4 a grant agreement, from another Federal agency, on an
5 advance of funds or reimbursable basis: *Provided further*,
6 That an order for services placed under this section is
7 deemed to be an obligation in the same manner that a
8 similar order placed under a contract with a private con-
9 tractor is an obligation.

10 SEC. 8113. None of the funds appropriated by this
11 Act may be made available to transfer, or to facilitate the
12 transfer of, F-35 aircraft to Turkey, including any de-
13 fense articles or services related to such aircraft, until the
14 Secretary of Defense, in consultation with the Secretary
15 of State, certifies to the appropriate congressional commit-
16 tees that the Government of Turkey is not purchasing the
17 S-400 missile defense system from Russia and will not
18 accept the delivery of such system.

19 TITLE IX

20 OVERSEAS CONTINGENCY OPERATIONS

21 MILITARY PERSONNEL

22 MILITARY PERSONNEL, ARMY

23 For an additional amount for “Military Personnel,
24 Army”, \$2,929,154,000: *Provided*, 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 MILITARY PERSONNEL, NAVY

5 For an additional amount for “Military Personnel,
6 Navy”, \$385,461,000: *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 MILITARY PERSONNEL, MARINE CORPS

12 For an additional amount for “Military Personnel,
13 Marine Corps”, \$109,232,000: *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 MILITARY PERSONNEL, AIR FORCE

19 For an additional amount for “Military Personnel,
20 Air Force”, \$964,508,000: *Provided*, That such amount
21 is designated by the Congress for Overseas Contingency
22 Operations/Global War on Terrorism pursuant to section
23 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 RESERVE PERSONNEL, ARMY

2 For an additional amount for “Reserve Personnel,
3 Army”, \$37,007,000: *Provided*, That such amount is des-
4 ignated by the Congress for Overseas Contingency Oper-
5 ations/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, NAVY

9 For an additional amount for “Reserve Personnel,
10 Navy”, \$11,100,000: *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, MARINE CORPS

16 For an additional amount for “Reserve Personnel,
17 Marine Corps”, \$2,380,000: *Provided*, That such amount
18 is designated by the Congress for Overseas Contingency
19 Operations/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, AIR FORCE

23 For an additional amount for “Reserve Personnel,
24 Air Force”, \$21,076,000: *Provided*, 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 NATIONAL GUARD PERSONNEL, ARMY

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

11 NATIONAL GUARD PERSONNEL, AIR FORCE

12 For an additional amount for “National Guard Per-
13 sonnel, Air Force”, \$5,460,000: *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 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

20 For an additional amount for “Operation and Main-
21 tenance, Army”, \$19,028,500,000: *Provided*, That such
22 amount is designated by the Congress for Overseas Con-
23 tingency Operations/Global War on Terrorism pursuant to
24 section 251(b)(2)(A)(ii) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, NAVY

2 For an additional amount for “Operation and Main-
3 tenance, Navy”, \$5,572,155,000: *Provided*, That such
4 amount is designated by the Congress for Overseas Con-
5 tingency Operations/Global War on Terrorism pursuant to
6 section 251(b)(2)(A)(ii) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, MARINE CORPS

9 For an additional amount for “Operation and Main-
10 tenance, Marine Corps”, \$1,475,800,000: *Provided*, That
11 such amount is designated by the Congress for Overseas
12 Contingency Operations/Global War on Terrorism pursu-
13 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 OPERATION AND MAINTENANCE, AIR FORCE

16 For an additional amount for “Operation and Main-
17 tenance, Air Force”, \$10,055,789,000: *Provided*, That
18 such amount is designated by the Congress for Overseas
19 Contingency Operations/Global War on Terrorism pursu-
20 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 OPERATION AND MAINTENANCE, DEFENSE-WIDE

23 For an additional amount for “Operation and Main-
24 tenance, Defense-Wide”, \$8,354,905,000: *Provided*, That
25 of the funds provided under this heading, not to exceed

1 \$900,000,000, to remain available until September 30,
2 2020, shall be for payments to reimburse key cooperating
3 nations for logistical, military, and other support, includ-
4 ing access, provided to United States military and stability
5 operations in Afghanistan and to counter the Islamic
6 State of Iraq and Syria: *Provided further*, That such reim-
7 bursement payments may be made in such amounts as the
8 Secretary of Defense, with the concurrence of the Sec-
9 retary of State, and in consultation with the Director of
10 the Office of Management and Budget, may determine,
11 based on documentation determined by the Secretary of
12 Defense to adequately account for the support provided,
13 and such determination is final and conclusive upon the
14 accounting officers of the United States, and 15 days fol-
15 lowing notification to the appropriate congressional com-
16 mittees: *Provided further*, That these funds may be used
17 for the purpose of providing specialized training and pro-
18 curing supplies and specialized equipment and providing
19 such supplies and loaning such equipment on a non-reim-
20 bursable basis to coalition forces supporting United States
21 military and stability operations in Afghanistan and to
22 counter the Islamic State of Iraq and Syria, and 15 days
23 following notification to the appropriate congressional
24 committees: *Provided further*, That these funds may be
25 used in accordance with section 1226 of the National De-

1 fense Authorization Act for Fiscal Year 2016 (Public Law
2 114–92), upon 15 days prior written notification to the
3 congressional defense committees outlining the amounts
4 intended to be provided and the nature of the expenses
5 incurred: *Provided further*, That of the funds provided
6 under this heading, not to exceed \$793,000,000, to remain
7 available until September 30, 2020, shall be available to
8 provide support and assistance to foreign security forces
9 or other groups or individuals to conduct, support or facili-
10 tate counterterrorism, crisis response, or other Depart-
11 ment of Defense security cooperation programs: *Provided*
12 *further*, That the Secretary of Defense shall provide quar-
13 terly reports to the congressional defense committees on
14 the use of funds provided in this paragraph: *Provided fur-*
15 *ther*, That such amount is designated by the Congress for
16 Overseas Contingency Operations/Global War on Ter-
17 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, ARMY RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Army Reserve”, \$41,887,000: *Provided*, That
22 such amount is 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 OPERATION AND MAINTENANCE, NAVY RESERVE

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

8 OPERATION AND MAINTENANCE, MARINE CORPS
9 RESERVE

10 For an additional amount for “Operation and Main-
11 tenance, Marine Corps Reserve”, \$3,345,000: *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 FORCE RESERVE

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

1 OPERATION AND MAINTENANCE, ARMY NATIONAL
2 GUARD

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

9 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Air National Guard”, \$15,870,000: *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 AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, \$4,666,815,000, to remain available until September 30, 2020: *Provided*, That such funds shall be available to the Secretary of Defense for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and in-

1 frastructure repair, renovation, construction, and funding:
2 *Provided further*, That the Secretary of Defense may obli-
3 gate and expend funds made available to the Department
4 of Defense in this title for additional costs associated with
5 existing projects previously funded with amounts provided
6 under the heading “Afghanistan Infrastructure Fund” in
7 prior Acts: *Provided further*, That such costs shall be lim-
8 ited to contract changes resulting from inflation, market
9 fluctuation, rate adjustments, and other necessary con-
10 tract actions to complete existing projects, and associated
11 supervision and administration costs and costs for design
12 during construction: *Provided further*, That the Secretary
13 may not use more than \$50,000,000 under the authority
14 provided in this section: *Provided further*, That the Sec-
15 retary shall notify in advance such contract changes and
16 adjustments in annual reports to the congressional defense
17 committees: *Provided further*, That the authority to pro-
18 vide assistance under this heading is in addition to any
19 other authority to provide assistance to foreign nations:
20 *Provided further*, That contributions of funds for the pur-
21 poses provided herein from any person, foreign govern-
22 ment, or international organization may be credited to this
23 Fund, to remain available until expended, and used for
24 such purposes: *Provided further*, That the Secretary of De-
25 fense shall notify the congressional defense committees in

1 writing upon the receipt and upon the obligation of any
2 contribution, delineating the sources and amounts of the
3 funds received and the specific use of such contributions:
4 *Provided further*, That the Secretary of Defense shall, not
5 fewer than 15 days prior to obligating from this appro-
6 priation account, notify the congressional defense commit-
7 tees in writing of the details of any such obligation: *Pro-*
8 *vided further*, That the Secretary of Defense shall notify
9 the congressional defense committees of any proposed new
10 projects or transfer of funds between budget sub-activity
11 groups in excess of \$20,000,000: *Provided further*, That
12 the United States may accept equipment procured using
13 funds provided under this heading in this or prior Acts
14 that was transferred to the security forces of Afghanistan
15 and returned by such forces to the United States: *Provided*
16 *further*, That equipment procured using funds provided
17 under this heading in this or prior Acts, and not yet trans-
18 ferred to the security forces of Afghanistan or transferred
19 to the security forces of Afghanistan and returned by such
20 forces to the United States, may be treated as stocks of
21 the Department of Defense upon written notification to
22 the congressional defense committees: *Provided further*,
23 That of the funds provided under this heading, not less
24 than \$10,000,000 shall be for recruitment and retention
25 of women in the Afghanistan National Security Forces,

1 and the recruitment and training of female security per-
2 sonnel: *Provided further*, That such amount is designated
3 by the Congress for Overseas Contingency Operations/
4 Global War on Terrorism pursuant to section
5 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 COUNTER-ISIS TRAIN AND EQUIP FUND

8 For the “Counter-Islamic State of Iraq and Syria
9 Train and Equip Fund”, \$994,000,000, to remain avail-
10 able until September 30, 2020: *Provided*, That such funds
11 shall be available to the Secretary of Defense in coordina-
12 tion with the Secretary of State, to provide assistance, in-
13 cluding training; equipment; logistics support, supplies,
14 and services; stipends; infrastructure repair and renova-
15 tion; and sustainment, to foreign security forces, irregular
16 forces, groups, or individuals participating, or preparing
17 to participate in activities to counter the Islamic State of
18 Iraq and Syria, and their affiliated or associated groups:
19 *Provided further*, That amounts made available under this
20 heading shall be available to provide assistance only for
21 activities in a country designated by the Secretary of De-
22 fense, in coordination with the Secretary of State, as hav-
23 ing a security mission to counter the Islamic State of Iraq
24 and Syria, and following written notification to the con-
25 gressional defense committees of such designation: *Pro-*

1 *vided further*, That the Secretary of Defense shall ensure
2 that prior to providing assistance to elements of any forces
3 or individuals, such elements or individuals are appro-
4 priately vetted, including at a minimum, assessing such
5 elements for associations with terrorist groups or groups
6 associated with the Government of Iran; and receiving
7 commitments from such elements to promote respect for
8 human rights and the rule of law: *Provided further*, That
9 the Secretary of Defense shall, not fewer than 15 days
10 prior to obligating from this appropriation account, notify
11 the congressional defense committees in writing of the de-
12 tails of any such obligation: *Provided further*, That the
13 Secretary of Defense may accept and retain contributions,
14 including assistance in-kind, from foreign governments,
15 including the Government of Iraq and other entities, to
16 carry out assistance authorized under this heading: *Pro-*
17 *vided further*, That contributions of funds for the purposes
18 provided herein from any foreign government or other en-
19 tity may be credited to this Fund, to remain available until
20 expended, and used for such purposes: *Provided further*,
21 That the Secretary of Defense may waive a provision of
22 law relating to the acquisition of items and support serv-
23 ices or sections 40 and 40A of the Arms Export Control
24 Act (22 U.S.C. 2780 and 2785) if the Secretary deter-
25 mines that such provision of law would prohibit, restrict,

1 delay or otherwise limit the provision of such assistance
2 and a notice of and justification for such waiver is sub-
3 mitted to the congressional defense committees, the Com-
4 mittees on Appropriations and Foreign Relations of the
5 Senate and the Committees on Appropriations and For-
6 eign Affairs of the House of Representatives: *Provided fur-*
7 *ther*, That the United States may accept equipment pro-
8 cured using funds provided under this heading, or under
9 the heading, “Iraq Train and Equip Fund” in prior Acts,
10 that was transferred to security forces, irregular forces,
11 or groups participating, or preparing to participate in ac-
12 tivities to counter the Islamic State of Iraq and Syria and
13 returned by such forces or groups to the United States,
14 may be treated as stocks of the Department of Defense
15 upon written notification to the congressional defense
16 committees: *Provided further*, That equipment procured
17 using funds provided under this heading, or under the
18 heading, “Iraq Train and Equip Fund” in prior Acts, and
19 not yet transferred to security forces, irregular forces, or
20 groups participating, or preparing to participate in activi-
21 ties to counter the Islamic State of Iraq and Syria may
22 be treated as stocks of the Department of Defense when
23 determined by the Secretary to no longer be required for
24 transfer to such forces or groups and upon written notifi-
25 cation to the congressional defense committees: *Provided*

1 *further*, That the Secretary of Defense shall provide quar-
2 terly reports to the congressional defense committees on
3 the use of funds provided under this heading, including,
4 but not limited to, the number of individuals trained, the
5 nature and scope of support and sustainment provided to
6 each group or individual, the area of operations for each
7 group, and the contributions of other countries, groups,
8 or individuals: *Provided further*, That such amount is des-
9 ignated by the Congress for Overseas Contingency Oper-
10 ations/Global War on Terrorism pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PROCUREMENT

14 AIRCRAFT PROCUREMENT, ARMY

15 For an additional amount for “Aircraft Procurement,
16 Army”, \$363,363,000, to remain available until Sep-
17 tember 30, 2021: *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 MISSILE PROCUREMENT, ARMY

23 For an additional amount for “Missile Procurement,
24 Army”, \$1,740,985,000, to remain available until Sep-
25 tember 30, 2021: *Provided*, That such amount is des-

1 ignated by the Congress for Overseas Contingency Oper-
2 ations/Global War on Terrorism pursuant to section
3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
6 VEHICLES, ARMY

7 For an additional amount for “Procurement of Weap-
8 ons and Tracked Combat Vehicles, Army”,
9 \$1,107,183,000, to remain available until September 30,
10 2021: *Provided*, That such amount is designated by the
11 Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985.

15 PROCUREMENT OF AMMUNITION, ARMY

16 For an additional amount for “Procurement of Am-
17 munition, Army”, \$299,075,000, to remain available until
18 September 30, 2021: *Provided*, That such amount is des-
19 ignated by the Congress for Overseas Contingency Oper-
20 ations/Global War on Terrorism pursuant to section
21 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OTHER PROCUREMENT, ARMY

24 For an additional amount for “Other Procurement,
25 Army”, \$1,372,487,000, to remain available until Sep-

1 tember 30, 2021: *Provided*, That such amount is des-
2 ignated by the Congress for Overseas Contingency Oper-
3 ations/Global War on Terrorism pursuant to section
4 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 AIRCRAFT PROCUREMENT, NAVY

7 For an additional amount for “Aircraft Procurement,
8 Navy”, \$80,119,000, to remain available until September
9 30, 2021: *Provided*, That such amount is designated by
10 the Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 WEAPONS PROCUREMENT, NAVY

15 For an additional amount for “Weapons Procure-
16 ment, Navy”, \$14,134,000, to remain available until Sep-
17 tember 30, 2021: *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 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
23 CORPS

24 For an additional amount for “Procurement of Am-
25 munition, Navy and Marine Corps”, \$223,312,000, to re-

1 main available until September 30, 2021: *Provided*, That
2 such amount is designated by the Congress for Overseas
3 Contingency Operations/Global War on Terrorism pursu-
4 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 OTHER PROCUREMENT, NAVY

7 For an additional amount for “Other Procurement,
8 Navy”, \$181,173,000, to remain available until September
9 30, 2021: *Provided*, That such amount is designated by
10 the Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 PROCUREMENT, MARINE CORPS

15 For an additional amount for “Procurement, Marine
16 Corps”, \$58,023,000, to remain available until September
17 30, 2021: *Provided*, That such amount is designated by
18 the Congress for Overseas Contingency Operations/Global
19 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985.

22 AIRCRAFT PROCUREMENT, AIR FORCE

23 For an additional amount for “Aircraft Procurement,
24 Air Force”, \$1,007,888,000, to remain available until
25 September 30, 2021: *Provided*, That such amount is des-

1 ignated by the Congress for Overseas Contingency Oper-
2 ations/Global War on Terrorism pursuant to section
3 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for “Missile Procurement,
7 Air Force”, \$493,526,000, to remain available until Sep-
8 tember 30, 2021: *Provided*, That such amount is des-
9 ignated by the Congress for Overseas Contingency Oper-
10 ations/Global War on Terrorism pursuant to section
11 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

14 For an additional amount for “Procurement of Am-
15 munition, Air Force”, \$1,371,516,000, to remain available
16 until September 30, 2021: *Provided*, That such amount
17 is designated by the Congress for Overseas Contingency
18 Operations/Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 OTHER PROCUREMENT, AIR FORCE

22 For an additional amount for “Other Procurement,
23 Air Force”, \$3,705,044,000, to remain available until
24 September 30, 2021: *Provided*, That such amount is des-
25 ignated by the Congress for Overseas Contingency Oper-

1 ations/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 PROCUREMENT, DEFENSE-WIDE

5 For an additional amount for “Procurement, De-
6 fense-Wide”, \$557,135,000, to remain available until Sep-
7 tember 30, 2021: *Provided*, That such amount is des-
8 ignated by the Congress for Overseas Contingency Oper-
9 ations/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 RESEARCH, DEVELOPMENT, TEST AND
13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ARMY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Army”, \$325,104,000, 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 NAVY

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

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 AIR FORCE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Air Force”, \$287,971,000, to
14 remain available until September 30, 2020: *Provided*,
15 That such amount is designated by the Congress for Over-
16 seas Contingency Operations/Global War on Terrorism
17 pursuant to section 251(b)(2)(A)(ii) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 DEFENSE-WIDE

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Defense-Wide”,
23 \$394,883,000, to remain available until September 30,
24 2020: *Provided*, That such amount is designated by the
25 Congress for Overseas Contingency Operations/Global

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

4 REVOLVING AND MANAGEMENT FUNDS

5 DEFENSE WORKING CAPITAL FUNDS

6 For an additional amount for “Defense Working
7 Capital Funds”, \$15,190,000: *Provided*, That such
8 amount is designated by the Congress for Overseas Con-
9 tingency Operations/Global War on Terrorism pursuant to
10 section 251(b)(2)(A)(ii) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OTHER DEPARTMENT OF DEFENSE PROGRAMS

13 DEFENSE HEALTH PROGRAM

14 For an additional amount for “Defense Health Pro-
15 gram”, \$352,068,000, which shall be for operation and
16 maintenance: *Provided*, That such amount is designated
17 by the Congress for Overseas Contingency Operations/
18 Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

22 DEFENSE

23 For an additional amount for “Drug Interdiction and
24 Counter-Drug Activities, Defense”, \$143,100,000: *Pro-*
25 *vided*, That such amount is designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 OFFICE OF THE INSPECTOR GENERAL

5 For an additional amount for the “Office of the In-
6 spector General”, \$24,692,000: *Provided*, That such
7 amount is designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A)(ii) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 9001. Notwithstanding any other provision of
13 law, funds made available in this title are in addition to
14 amounts appropriated or otherwise made available for the
15 Department of Defense for fiscal year 2019.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 9002. Upon the determination of the Secretary
18 of Defense that such action is necessary in the national
19 interest, the Secretary may, with the approval of the Of-
20 fice of Management and Budget, transfer up to
21 \$2,000,000,000 between the appropriations or funds made
22 available to the Department of Defense in this title: *Pro-*
23 *vided*, That the Secretary shall notify the Congress
24 promptly of each transfer made pursuant to the authority
25 in this section: *Provided further*, That the authority pro-

1 vided in this section is in addition to any other transfer
2 authority available to the Department of Defense and is
3 subject to the same terms and conditions as the authority
4 provided in section 8005 of this Act.

5 SEC. 9003. Supervision and administration costs and
6 costs for design during construction associated with a con-
7 struction project funded with appropriations available for
8 operation and maintenance or the “Afghanistan Security
9 Forces Fund” provided in this Act and executed in direct
10 support of overseas contingency operations in Afghani-
11 stan, may be obligated at the time a construction contract
12 is awarded: *Provided*, That, for the purpose of this section,
13 supervision and administration costs and costs for design
14 during construction include all in-house Government costs.

15 SEC. 9004. From funds made available in this title,
16 the Secretary of Defense may purchase for use by military
17 and civilian employees of the Department of Defense in
18 the United States Central Command area of responsi-
19 bility: (1) passenger motor vehicles up to a limit of
20 \$75,000 per vehicle; and (2) heavy and light armored vehi-
21 cles for the physical security of personnel or for force pro-
22 tection purposes up to a limit of \$450,000 per vehicle, not-
23 withstanding price or other limitations applicable to the
24 purchase of passenger carrying vehicles.

1 SEC. 9005. Not to exceed \$5,000,000 of the amounts
2 appropriated by this title under the heading “Operation
3 and Maintenance, Army” may be used, notwithstanding
4 any other provision of law, to fund the Commanders’
5 Emergency Response Program (CERP), for the purpose
6 of enabling military commanders in Afghanistan to re-
7 spond to urgent, small-scale, humanitarian relief and re-
8 construction requirements within their areas of responsi-
9 bility: *Provided*, That each project (including any ancillary
10 or related elements in connection with such project) exe-
11 cuted under this authority shall not exceed \$2,000,000:
12 *Provided further*, That not later than 45 days after the
13 end of each 6 months of the fiscal year, the Secretary of
14 Defense shall submit to the congressional defense commit-
15 tees a report regarding the source of funds and the alloca-
16 tion and use of funds during that 6-month period that
17 were made available pursuant to the authority provided
18 in this section or under any other provision of law for the
19 purposes described herein: *Provided further*, That, not
20 later than 30 days after the end of each fiscal year quar-
21 ter, the Army shall submit to the congressional defense
22 committees quarterly commitment, obligation, and expend-
23 iture data for the CERP in Afghanistan: *Provided further*,
24 That, not less than 15 days before making funds available
25 pursuant to the authority provided in this section or under

1 any other provision of law for the purposes described here-
2 in for a project with a total anticipated cost for completion
3 of \$500,000 or more, the Secretary shall submit to the
4 congressional defense committees a written notice con-
5 taining each of the following:

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

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

15 (3) A plan for the sustainment of the proposed
16 project, including the agreement with either the host
17 nation, a non-Department of Defense agency of the
18 United States Government or a third-party contrib-
19 utor to finance the sustainment of the activities and
20 maintenance of any equipment or facilities to be pro-
21 vided through the proposed project.

22 SEC. 9006. Funds available to the Department of De-
23 fense for operation and maintenance may be used, not-
24 withstanding any other provision of law, to provide sup-
25 plies, services, transportation, including airlift and sealift,

1 and other logistical support to allied forces participating
2 in a combined operation with the armed forces of the
3 United States and coalition forces supporting military and
4 stability operations in Afghanistan and to counter the Is-
5 lamic State of Iraq and Syria: *Provided*, That the Sec-
6 retary of Defense shall provide quarterly reports to the
7 congressional defense committees regarding support pro-
8 vided under this section.

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

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

16 (2) To exercise United States control over any
17 oil resource of Iraq.

18 (3) To establish any military installation or
19 base for the purpose of providing for the permanent
20 stationing of United States Armed Forces in Af-
21 ghanistan.

22 SEC. 9008. None of the funds made available in this
23 Act may be used in contravention of the following laws
24 enacted or regulations promulgated to implement the
25 United Nations Convention Against Torture and Other

1 Cruel, Inhuman or Degrading Treatment or Punishment
2 (done at New York on December 10, 1984):

3 (1) Section 2340A of title 18, United States
4 Code.

5 (2) Section 2242 of the Foreign Affairs Reform
6 and Restructuring Act of 1998 (division G of Public
7 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
8 note) and regulations prescribed thereto, including
9 regulations under part 208 of title 8, Code of Fed-
10 eral Regulations, and part 95 of title 22, Code of
11 Federal Regulations.

12 (3) Sections 1002 and 1003 of the Department
13 of Defense, Emergency Supplemental Appropriations
14 to Address Hurricanes in the Gulf of Mexico, and
15 Pandemic Influenza Act, 2006 (Public Law 109–
16 148).

17 SEC. 9009. None of the funds provided for the “Af-
18 ghanistan Security Forces Fund” (ASFF) may be obli-
19 gated prior to the approval of a financial and activity plan
20 by the Afghanistan Resources Oversight Council (AROC)
21 of the Department of Defense: *Provided*, That the AROC
22 must approve the requirement and acquisition plan for any
23 service requirements in excess of \$50,000,000 annually
24 and any non-standard equipment requirements in excess
25 of \$100,000,000 using ASFF: *Provided further*, That the

1 Department of Defense must certify to the congressional
2 defense committees that the AROC has convened and ap-
3 proved a process for ensuring compliance with the require-
4 ments in the preceding proviso and accompanying report
5 language for the ASFF.

6 SEC. 9010. Funds made available in this title to the
7 Department of Defense for operation and maintenance
8 may be used to purchase items having an investment unit
9 cost of not more than \$250,000: *Provided*, That, upon de-
10 termination by the Secretary of Defense that such action
11 is necessary to meet the operational requirements of a
12 Commander of a Combatant Command engaged in contin-
13 uous operations overseas, such funds may be used to pur-
14 chase items having an investment item unit cost of not
15 more than \$500,000.

16 SEC. 9011. (a) None of the funds appropriated or
17 otherwise made available by this Act under the heading
18 “Operation and Maintenance, Defense-Wide” for pay-
19 ments under section 1233 of Public Law 110–181 for re-
20 imbursement to the Government of Pakistan may be made
21 available unless the Secretary of Defense, in coordination
22 with the Secretary of State, certifies to the congressional
23 defense committees that the Government of Pakistan is—

24 (1) cooperating with the United States in
25 counterterrorism efforts against the Haqqani Net-

1 work, the Quetta Shura Taliban, Lashkar e-Tayyiba,
2 Jaish-e-Mohammed, Al Qaeda, and other domestic
3 and foreign terrorist organizations, including taking
4 steps to end support for such groups and prevent
5 them from basing and operating in Pakistan and
6 carrying out cross border attacks into neighboring
7 countries;

8 (2) not supporting terrorist activities against
9 United States or coalition forces in Afghanistan, and
10 Pakistan's military and intelligence agencies are not
11 intervening extra-judicially into political and judicial
12 processes in Pakistan;

13 (3) dismantling improvised explosive device
14 (IED) networks and interdicting precursor chemicals
15 used in the manufacture of IEDs;

16 (4) preventing the proliferation of nuclear-re-
17 lated material and expertise;

18 (5) implementing policies to protect judicial
19 independence and due process of law;

20 (6) issuing visas in a timely manner for United
21 States visitors engaged in counterterrorism efforts
22 and assistance programs in Pakistan; and

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

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

13 SEC. 9012. None of the funds in this Act may be
14 made available for the transfer of additional C-130 cargo
15 aircraft to the Afghanistan National Security Forces or
16 the Afghanistan Air Force until the Department of De-
17 fense provides a report to the congressional defense com-
18 mittees of the Afghanistan Air Force's medium airlift re-
19 quirements. The report should identify Afghanistan's abil-
20 ity to utilize and maintain existing medium lift aircraft
21 in the inventory and the best alternative platform, if nec-
22 essary, to provide additional support to the Afghanistan
23 Air Force's current medium airlift capacity.

1 (RESCISSIONS)

2 SEC. 9013. Of the funds appropriated in Department
3 of Defense Appropriations Acts, the following funds are
4 hereby rescinded from the following accounts and pro-
5 grams in the specified amounts: *Provided*, That such
6 amounts are designated by the Congress for Overseas
7 Contingency Operations/Global War on Terrorism pursu-
8 ant to section 251(b)(2)(A)(ii) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985:

10 “Operation and Maintenance, Defense-Wide:
11 Coalition Support Funds”, 2018/2019,
12 \$800,000,000;

13 “Operation and Maintenance, Defense-Wide:
14 DSCA Security Cooperation”, 2018/2019,
15 \$150,000,000;

16 “Counter-ISIS Train and Equip Fund”, 2018/
17 2019, \$400,000,000; and

18 “Aircraft Procurement, Air Force”, 2018/2020,
19 \$88,400,000.

20 SEC. 9014. Funds available for the Afghanistan Se-
21 curity Forces Fund may be used to provide limited train-
22 ing, equipment, and other assistance that would otherwise
23 be prohibited by 10 U.S.C. 362 to a unit of the security
24 forces of Afghanistan only if the Secretary certifies to the
25 congressional defense committees, within 30 days of a de-

1 cision to provide such assistance, that (1) a denial of such
2 assistance would present significant risk to U.S. or coali-
3 tion forces or significantly undermine United States na-
4 tional security objectives in Afghanistan; and (2) the Sec-
5 retary has sought a commitment by the Government of
6 Afghanistan to take all necessary corrective steps: *Pro-*
7 *vided*, That such certification shall be accompanied by a
8 report describing: (1) the information relating to the gross
9 violation of human rights; (2) the circumstances that ne-
10 cessitated the provision of such assistance; (3) the Afghan
11 security force unit involved; (4) the assistance provided
12 and the assistance withheld; and (5) the corrective steps
13 to be taken by the Government of Afghanistan: *Provided*
14 *further*, That every 120 days after the initial report an
15 additional report shall be submitted detailing the status
16 of any corrective steps taken by the Government of Af-
17 ghanistan: *Provided further*, That if the Government of Af-
18 ghanistan has not initiated necessary corrective steps
19 within one year of the certification, the authority under
20 this section to provide assistance to such unit shall no
21 longer apply: *Provided further*, That the Secretary shall
22 submit a report to such committees detailing the final dis-
23 position of the case by the Government of Afghanistan.

24 SEC. 9015. Equipment procured using funds provided
25 in prior Acts under the heading “Counterterrorism Part-

1 nerships Fund” for the program authorized by section
2 1209 of the Carl Levin and Howard P. “Buck” McKeon
3 National Defense Authorization Act for Fiscal Year 2015
4 (Public Law 113–291), and not yet transferred to author-
5 ized recipients may be transferred to foreign security
6 forces, irregular forces, groups, or individuals, authorized
7 to receive assistance using amounts provided under the
8 heading “Counter-ISIS Train and Equip Fund” in this
9 Act: *Provided*, That such equipment may be transferred
10 15 days following written notification to the congressional
11 defense committees.

12 SEC. 9016. Each amount designated in this Act by
13 the Congress for Overseas Contingency Operations/Global
14 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
15 the Balanced Budget and Emergency Deficit Control Act
16 of 1985 shall be available (or rescinded, if applicable) only
17 if the President subsequently so designates all such
18 amounts and transmits such designations to the Congress.

19 This division may be cited as the “Department of De-
20 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 That the following sums are appropriated, out of any
6 money in the Treasury not otherwise appropriated, for the
7 Departments of Labor, Health and Human Services, and
8 Education, and related agencies for the fiscal year ending
9 September 30, 2019, and for other purposes, namely:

10 TITLE I

11 DEPARTMENT OF LABOR

12 EMPLOYMENT AND TRAINING ADMINISTRATION

13 TRAINING AND EMPLOYMENT SERVICES

14 For necessary expenses of the Workforce Innovation
15 and Opportunity Act (referred to in this Act as “WIOA”),
16 the Second Chance Act of 2007, and the National Appren-
17 ticeship Act, \$3,501,200,000, plus reimbursements, shall
18 be available. Of the amounts provided:

19 (1) for grants to States for adult employment
20 and training activities, youth activities, and dis-
21 located worker employment and training activities,
22 \$2,789,832,000 as follows:

23 (A) \$845,556,000 for adult employment
24 and training activities, of which \$133,556,000
25 shall be available for the period July 1, 2019

1 through June 30, 2020, and of which
2 \$712,000,000 shall be available for the period
3 October 1, 2019 through June 30, 2020;

4 (B) \$903,416,000 for youth activities,
5 which shall be available for the period April 1,
6 2019 through June 30, 2020; and

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

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

17 (2) for national programs, \$711,368,000 as fol-
18 lows:

19 (A) \$220,859,000 for the dislocated work-
20 ers assistance national reserve, of which
21 \$20,859,000 shall be available for the period
22 July 1, 2019 through September 30, 2020, and
23 of which \$200,000,000 shall be available for the
24 period October 1, 2019 through September 30,
25 2020: *Provided*, That funds provided to carry

1 out section 132(a)(2)(A) of the WIOA may be
2 used to provide assistance to a State for state-
3 wide or local use in order to address cases
4 where there have been worker dislocations
5 across multiple sectors or across multiple local
6 areas and such workers remain dislocated; co-
7 ordinate the State workforce development plan
8 with emerging economic development needs; and
9 train such eligible dislocated workers: *Provided*
10 *further*, That funds provided to carry out sec-
11 tions 168(b) and 169(c) of the WIOA may be
12 used for technical assistance and demonstration
13 projects, respectively, that provide assistance to
14 new entrants in the workforce and incumbent
15 workers: *Provided further*, That notwithstanding
16 section 168(b) of the WIOA, of the funds pro-
17 vided under this subparagraph, the Secretary of
18 Labor (referred to in this title as “Secretary”)
19 may reserve not more than 10 percent of such
20 funds to provide technical assistance and carry
21 out additional activities related to the transition
22 to the WIOA: *Provided further*, That of the
23 funds provided under this subparagraph,
24 \$30,000,000 shall be for training and employ-
25 ment assistance under sections 168(b), 169(c)

1 (notwithstanding the 10 percent limitation in
2 such section) and 170 of the WIOA for workers
3 in the Appalachian region, as defined by 40
4 U.S.C. 14102(a)(1) and workers in the Lower
5 Mississippi, as defined in section 4(2) of the
6 Delta Development Act (Public Law 100–460,
7 102 Stat. 2246; 7 U.S.C. 2009aa(2));

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

12 (C) \$87,896,000 for migrant and seasonal
13 farmworker programs under section 167 of the
14 WIOA, including \$81,447,000 for formula
15 grants (of which not less than 70 percent shall
16 be for employment and training services),
17 \$5,922,000 for migrant and seasonal housing
18 (of which not less than 70 percent shall be for
19 permanent housing), and \$527,000 for other
20 discretionary purposes, which shall be available
21 for the period July 1, 2019 through June 30,
22 2020: *Provided*, That notwithstanding any
23 other provision of law or related regulation, the
24 Department of Labor shall take no action lim-
25 iting the number or proportion of eligible par-

1 ticipants receiving related assistance services or
2 discouraging grantees from providing such serv-
3 ices;

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

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

19 (F) \$6,000,000 for the Workforce Data
20 Quality Initiative, under the authority of section
21 169 of the WIOA, which shall be available for
22 the period July 1, 2019 through June 30,
23 2020; and

24 (G) \$160,000,000 to expand opportunities
25 relating to apprenticeship programs registered

1 under the National Apprenticeship Act, to be
2 available to the Secretary to carry out activities
3 through grants, cooperative agreements, con-
4 tracts and other arrangements, with States and
5 other appropriate entities, which shall be avail-
6 able for the period April 1, 2019 through June
7 30, 2020.

8 JOB CORPS
9 (INCLUDING TRANSFER OF FUNDS)

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

17 (1) \$1,603,325,000 for Job Corps Operations,
18 which shall be available for the period July 1, 2019
19 through June 30, 2020;

20 (2) \$83,000,000 for construction, rehabilitation
21 and acquisition of Job Corps Centers, which shall be
22 available for the period July 1, 2019 through June
23 30, 2022, and which may include the acquisition,
24 maintenance, and repair of major items of equip-
25 ment: *Provided*, That the Secretary may transfer up

1 to 15 percent of such funds to meet the operational
2 needs of such centers or to achieve administrative ef-
3 ficiencies: *Provided further*, That any funds trans-
4 ferred pursuant to the preceding provision shall not
5 be available for obligation after June 30, 2020: *Pro-*
6 *vided further*, That the Committees on Appropria-
7 tions of the House of Representatives and the Sen-
8 ate are notified at least 15 days in advance of any
9 transfer; and

10 (3) \$32,330,000 for necessary expenses of Job
11 Corps, which shall be available for obligation for the
12 period October 1, 2018 through September 30,
13 2019:

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

17 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
18 AMERICANS

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

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2019 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, and including benefit
10 payments, allowances, training, employment and case
11 management services, and related State administration
12 provided pursuant to section 231(a) of the Trade Adjust-
13 ment Assistance Extension Act of 2011 and section 405(a)
14 of the Trade Preferences Extension Act of 2015,
15 \$790,000,000 together with such amounts as may be nec-
16 essary to be charged to the subsequent appropriation for
17 payments for any period subsequent to September 15,
18 2019: *Provided*, That notwithstanding section 502 of this
19 Act, any part of the appropriation provided under this
20 heading may remain available for obligation beyond the
21 current fiscal year pursuant to the authorities of section
22 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$84,066,000, together with not to exceed \$3,254,944,000
5 which may be expended from the Employment Security
6 Administration Account in the Unemployment Trust Fund
7 (“the Trust Fund”), of which:

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

1 of the Unemployment Insurance Integrity Center of
2 Excellence), the administration of unemployment in-
3 surance for Federal employees and for ex-service
4 members as authorized under 5 U.S.C. 8501–8523,
5 and the administration of trade readjustment allow-
6 ances, reemployment trade adjustment assistance,
7 and alternative trade adjustment assistance under
8 the Trade Act of 1974 and under section 231(a) of
9 the Trade Adjustment Assistance Extension Act of
10 2011 and section 405(a) of the Trade Preferences
11 Extension Act of 2015, and shall be available for ob-
12 ligation by the States through December 31, 2019,
13 except that funds used for automation shall be avail-
14 able for Federal obligation through December 31,
15 2019, and for State obligation through September
16 30, 2021, or, if the automation is being carried out
17 through consortia of States, for State obligation
18 through September 30, 2024, and for expenditure
19 through September 30, 2025, and funds for competi-
20 tive grants awarded to States for improved oper-
21 ations and to conduct in-person reemployment and
22 eligibility assessments and unemployment insurance
23 improper payment reviews and provide reemploy-
24 ment services and referrals to training, as appro-
25 priate, shall be available for Federal obligation

1 through December 31, 2019, and for obligation by
2 the States through September 30, 2021, and funds
3 for the Unemployment Insurance Integrity Center of
4 Excellence shall be available for obligation by the
5 State through September 30, 2020, and funds used
6 for unemployment insurance workloads experienced
7 through September 30, 2019 shall be available for
8 Federal obligation through December 31, 2019;

9 (2) \$12,000,000 from the Trust Fund is for na-
10 tional activities necessary to support the administra-
11 tion of the Federal-State unemployment insurance
12 system;

13 (3) \$645,000,000 from the Trust Fund, to-
14 gether with \$21,413,000 from the General Fund of
15 the Treasury, is for grants to States in accordance
16 with section 6 of the Wagner-Peyser Act, and shall
17 be available for Federal obligation for the period
18 July 1, 2019 through June 30, 2020;

19 (4) \$19,818,000 from the Trust Fund is for na-
20 tional activities of the Employment Service, includ-
21 ing administration of the work opportunity tax cred-
22 it under section 51 of the Internal Revenue Code of
23 1986, and the provision of technical assistance and
24 staff training under the Wagner-Peyser Act;

1 (5) \$62,310,000 from the Trust Fund is for the
2 administration of foreign labor certifications and re-
3 lated activities under the Immigration and Nation-
4 ality Act and related laws, of which \$48,028,000
5 shall be available for the Federal administration of
6 such activities, and \$14,282,000 shall be available
7 for grants to States for the administration of such
8 activities; and

9 (6) \$62,653,000 from the General Fund is to
10 provide workforce information, national electronic
11 tools, and one-stop system building under the Wag-
12 ner-Peyser Act and shall be available for Federal ob-
13 ligation for the period July 1, 2019 through June
14 30, 2020:

15 *Provided*, That to the extent that the Average Weekly In-
16 sured Unemployment (“AWIU”) for fiscal year 2019 is
17 projected by the Department of Labor to exceed
18 2,030,000, an additional \$28,600,000 from the Trust
19 Fund shall be available for obligation for every 100,000
20 increase in the AWIU level (including a pro rata amount
21 for any increment less than 100,000) to carry out title
22 III of the Social Security Act: *Provided further*, That
23 funds appropriated in this Act that are allotted to a State
24 to carry out activities under title III of the Social Security
25 Act may be used by such State to assist other States in

1 carrying out activities under such title III if the other
2 States include areas that have suffered a major disaster
3 declared by the President under the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act: *Provided*
5 *further*, That the Secretary may use funds appropriated
6 for grants to States under title III of the Social Security
7 Act to make payments on behalf of States for the use of
8 the National Directory of New Hires under section
9 453(j)(8) of such Act: *Provided further*, That the Sec-
10 retary may use funds appropriated for grants to States
11 under title III of the Social Security Act to make pay-
12 ments on behalf of States to the entity operating the State
13 Information Data Exchange System: *Provided further*,
14 That funds appropriated in this Act which are used to es-
15 tablish a national one-stop career center system, or which
16 are used to support the national activities of the Federal-
17 State unemployment insurance, employment service, or
18 immigration programs, may be obligated in contracts,
19 grants, or agreements with States and non-State entities:
20 *Provided further*, That States awarded competitive grants
21 for improved operations under title III of the Social Secu-
22 rity Act, or awarded grants to support the national activi-
23 ties of the Federal-State unemployment insurance system,
24 may award subgrants to other States and non-State enti-
25 ties under such grants, subject to the conditions applicable

1 to the grants: *Provided further*, That funds appropriated
2 under this Act for activities authorized under title III of
3 the Social Security Act and the Wagner-Peyser Act may
4 be used by States to fund integrated Unemployment In-
5 surance and Employment Service automation efforts, not-
6 withstanding cost allocation principles prescribed under
7 the final rule entitled “Uniform Administrative Require-
8 ments, Cost Principles, and Audit Requirements for Fed-
9 eral Awards” at part 200 of title 2, Code of Federal Regu-
10 lations: *Provided further*, That the Secretary, at the re-
11 quest of a State participating in a consortium with other
12 States, may reallocate funds allotted to such State under title
13 III of the Social Security Act to other States participating
14 in the consortium in order to carry out activities that ben-
15 efit the administration of the unemployment compensation
16 law of the State making the request: *Provided further*,
17 That the Secretary may collect fees for the costs associ-
18 ated with additional data collection, analyses, and report-
19 ing services relating to the National Agricultural Workers
20 Survey requested by State and local governments, public
21 and private institutions of higher education, and nonprofit
22 organizations and may utilize such sums, in accordance
23 with the provisions of 29 U.S.C. 9a, for the National Agri-
24 cultural Workers Survey infrastructure, methodology, and
25 data to meet the information collection and reporting

1 needs of such entities, which shall be credited to this ap-
2 propriation and shall remain available until September 30,
3 2020, for such purposes.

4 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
5 OTHER FUNDS

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

17 PROGRAM ADMINISTRATION

18 For expenses of administering employment and train-
19 ing programs, \$108,674,000, together with not to exceed
20 \$49,982,000 which may be expended from the Employ-
21 ment Security Administration Account in the Unemploy-
22 ment Trust Fund.

1 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employee Benefits
4 Security Administration, \$186,500,000, of which up to
5 \$3,000,000 shall be made available through September 30,
6 2020, for the procurement of expert witnesses for enforce-
7 ment litigation.

8 PENSION BENEFIT GUARANTY CORPORATION

9 PENSION BENEFIT GUARANTY CORPORATION FUND

10 The Pension Benefit Guaranty Corporation (“Cor-
11 poration”) is authorized to make such expenditures, in-
12 cluding financial assistance authorized by subtitle E of
13 title IV of the Employee Retirement Income Security Act
14 of 1974, within limits of funds and borrowing authority
15 available to the Corporation, and in accord with law, and
16 to make such contracts and commitments without regard
17 to fiscal year limitations, as provided by 31 U.S.C. 9104,
18 as may be necessary in carrying out the program, includ-
19 ing associated administrative expenses, through Sep-
20 tember 30, 2019, for the Corporation: *Provided*, That
21 none of the funds available to the Corporation for fiscal
22 year 2019 shall be available for obligations for administra-
23 tive expenses in excess of \$445,363,000: *Provided further*,
24 That to the extent that the number of new plan partici-
25 pants in plans terminated by the Corporation exceeds

1 100,000 in fiscal year 2019, an amount not to exceed an
2 additional \$9,200,000 shall be available through Sep-
3 tember 30, 2020, for obligation for administrative ex-
4 penses for every 20,000 additional terminated partici-
5 pants: *Provided further*, That obligations in excess of the
6 amounts provided in this paragraph may be incurred for
7 unforeseen and extraordinary pretermination expenses or
8 extraordinary multiemployer program related expenses
9 after approval by the Office of Management and Budget
10 and notification of the Committees on Appropriations of
11 the House of Representatives and the Senate.

12 WAGE AND HOUR DIVISION

13 SALARIES AND EXPENSES

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

18 OFFICE OF LABOR-MANAGEMENT STANDARDS

19 SALARIES AND EXPENSES

20 For necessary expenses for the Office of Labor-Man-
21 agement Standards, \$40,187,000.

165

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, \$556,787,000, including not
14 to exceed \$102,850,000 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-GY-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 \$337,536,000, 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, \$994,000 shall be used
18 for grants authorized by the Women in Apprenticeship
19 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) \$24,500,000 is for carrying out the Transi-
24 tion Assistance Program under 38 U.S.C. 4113 and
25 10 U.S.C. 1144;

1 (3) \$42,127,000 is for Federal administration
2 of chapters 41, 42, and 43 of title 38, United States
3 Code: *Provided*, That, up to \$500,000 may be used
4 to carry out the Hire VETS Act (division O of Pub-
5 lic Law 115–31); and

6 (4) \$3,414,000 is for the National Veterans’
7 Employment and Training Services Institute under
8 38 U.S.C. 4109:

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

13 In addition, from the General Fund of the Treasury,
14 \$50,000,000 is for carrying out programs to assist home-
15 less veterans and veterans at risk of homelessness who are
16 transitioning from certain institutions under sections
17 2021, 2021A, and 2023 of title 38, United States Code:
18 *Provided*, That notwithstanding subsections (c)(3) and (d)
19 of section 2023, the Secretary may award grants through
20 September 30, 2019, to provide services under such sec-
21 tion: *Provided further*, That services provided under sec-
22 tion 2023 may include, in addition to services to the indi-
23 viduals described in subsection (e) of such section, services
24 to veterans recently released from incarceration who are
25 at risk of homelessness.

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

13 IT MODERNIZATION

14 For necessary expenses for Department of Labor cen-
15 tralized infrastructure technology investment activities re-
16 lated to support systems and modernization, \$20,769,000,
17 which shall be available until expended.

18 OFFICE OF INSPECTOR GENERAL

19 For salaries and expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$83,487,000, together with not to
22 exceed \$5,660,000 which may be expended from the Em-
23 ployment Security Administration account in the Unem-
24 ployment Trust Fund.

1 GENERAL PROVISIONS

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

7 (TRANSFER OF FUNDS)

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

22 SEC. 103. In accordance with Executive Order
23 13126, none of the funds appropriated or otherwise made
24 available pursuant to this Act shall be obligated or ex-
25 pended for the procurement of goods mined, produced,

1 manufactured, or harvested or services rendered, in whole
2 or in part, by forced or indentured child labor in industries
3 and host countries already identified by the United States
4 Department of Labor prior to enactment of this Act.

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

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

1 ceiving salaries and bonuses from subrecipients of such
2 funds, taking into account factors including the relative
3 cost-of-living in the State, the compensation levels for
4 comparable State or local government employees, and the
5 size of the organizations that administer Federal pro-
6 grams involved including Employment and Training Ad-
7 ministration programs.

8 (TRANSFER OF FUNDS)

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

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

1 of funds made available in paragraphs (1) and (2) of the
2 “Office of Job Corps” account to paragraph (3) of such
3 account to carry out program integrity activities related
4 to the Job Corps program: *Provided further*, That funds
5 transferred under the authority provided by this sub-
6 section shall be available for obligation through September
7 30, 2020.

8 (TRANSFER OF FUNDS)

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

23 (b) The accounts referred to in subsection (a) are:
24 “Training and Employment Services”, “Job Corps”,
25 “Community Service Employment for Older Americans”,

1 “State Unemployment Insurance and Employment Service
2 Operations”, “Employee Benefits Security Administra-
3 tion”, “Office of Workers’ Compensation Programs”,
4 “Wage and Hour Division”, “Office of Federal Contract
5 Compliance Programs”, “Office of Labor Management
6 Standards”, “Occupational Safety and Health Adminis-
7 tration”, “Mine Safety and Health Administration”, “Of-
8 fice of Disability Employment Policy”, funding made
9 available to the “Bureau of International Labor Affairs”
10 and “Women’s Bureau” within the “Departmental Man-
11 agement, Salaries and Expenses” account, and “Veterans
12 Employment and Training”.

13 SEC. 108. Notwithstanding any other provision of
14 law, beginning October 1, 2017, the Secretary of Labor,
15 in consultation with the Secretary of Agriculture may se-
16 lect an entity to operate a Civilian Conservation Center
17 on a competitive basis in accordance with section 147 of
18 the WIOA, if the Secretary of Labor determines such Cen-
19 ter has had consistently low performance under the per-
20 formance accountability system in effect for the Job Corps
21 program prior to July 1, 2016, or with respect to expected
22 levels of performance established under section 159(c) of
23 such Act beginning July 1, 2016.

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

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

7 “(A) employed to adjust or evaluate claims re-
8 sulting from or relating to such major disaster, by
9 an employer not engaged, directly or through an af-
10 filiate, in underwriting, selling, or marketing prop-
11 erty, casualty, or liability insurance policies or con-
12 tracts;

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

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

20 “(i) interviewing insured individuals, indi-
21 viduals who suffered injuries or other damages
22 or losses arising from or relating to a disaster,
23 witnesses, or physicians;

1 “(ii) inspecting property damage or review-
2 ing factual information to prepare damage esti-
3 mates;

4 “(iii) evaluating and making recommenda-
5 tions regarding coverage or compensability of
6 claims or determining liability or value aspects
7 of claims;

8 “(iv) negotiating settlements; or

9 “(v) making recommendations regarding
10 litigation.

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

13 “(3) For purposes of this subsection—

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

17 “(B) the term ‘employee employed to adjust or
18 evaluate claims resulting from or relating to such
19 major disaster’ means an individual who timely se-
20 cured or secures a license required by applicable law
21 to engage in and perform the activities described in
22 clauses (i) through (v) of paragraph (1)(C) relating
23 to a major disaster, and is employed by an employer
24 that maintains worker compensation insurance cov-
25 erage or protection for its employees, if required by

1 applicable law, and withholds applicable Federal,
2 State, and local income and payroll taxes from the
3 wages, salaries and any benefits of such employees;
4 and

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

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

13 (RESCISSION)

14 SEC. 110. Of the funds made available under the
15 heading “Employment and Training Administration—
16 Training and Employment Services” in division H of Pub-
17 lic Law 115–141, \$34,000,000 is rescinded, to be derived
18 from the amount made available in paragraph (2)(A)
19 under such heading for the period October 1, 2018,
20 through September 30, 2019.

21 SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE
22 CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE
23 SEAFOOD INDUSTRY.—

24 (1) IN GENERAL.—Subject to paragraph (2), if
25 a petition for H–2B nonimmigrants filed by an em-

1 ployer in the seafood industry is granted, the em-
2 ployer may bring the nonimmigrants described in
3 the petition into the United States at any time dur-
4 ing the 120-day period beginning on the start date
5 for which the employer is seeking the services of the
6 nonimmigrants without filing another petition.

7 (2) REQUIREMENTS FOR CROSSINGS AFTER
8 90TH DAY.—An employer in the seafood industry
9 may not bring H–2B nonimmigrants into the United
10 States after the date that is 90 days after the start
11 date for which the employer is seeking the services
12 of the nonimmigrants unless the employer—

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

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

17 (ii) posting the job opportunity on the
18 appropriate Department of Labor Elec-
19 tronic Job Registry and at the employer’s
20 place of employment; and

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

23 (i) applies for the job; and

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

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

9 (b) H–2B NONIMMIGRANTS DEFINED.—In this sec-
10 tion, the term “H–2B nonimmigrants” means aliens ad-
11 mitted to the United States pursuant to section
12 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
13 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

14 SEC. 112. The determination of prevailing wage for
15 the purposes of the H–2B program shall be the greater
16 of—(1) the actual wage level paid by the employer to other
17 employees with similar experience and qualifications for
18 such position in the same location; or (2) the prevailing
19 wage level for the occupational classification of the posi-
20 tion in the geographic area in which the H–2B non-
21 immigrant will be employed, based on the best information
22 available at the time of filing the petition. In the deter-
23 mination of prevailing wage for the purposes of the H–
24 2B program, the Secretary shall accept private wage sur-
25 veys even in instances where Occupational Employment

1 Statistics survey data are available unless the Secretary
2 determines that the methodology and data in the provided
3 survey are not statistically supported.

4 SEC. 113. None of the funds in this Act shall be used
5 to enforce the definition of corresponding employment
6 found in 20 CFR 655.5 or the three-fourths guarantee
7 rule definition found in 20 CFR 655.20, or any references
8 thereto. Further, for the purpose of regulating admission
9 of temporary workers under the H-2B program, the defi-
10 nition of temporary need shall be that provided in 8 CFR
11 214.2(h)(6)(ii)(B).

12 SEC. 114. Notwithstanding any other provision of
13 law, the Secretary may furnish through grants, coopera-
14 tive agreements, contracts, and other arrangements, up to
15 \$2,000,000 of excess personal property to apprenticeship
16 programs for the purpose of training apprentices in those
17 programs.

18 SEC. 115. The proviso at the end of paragraph (1)
19 under the heading “Department of Labor—Employment
20 and Training Administration—State Unemployment In-
21 surance and Employment Service Operations” in title I
22 of division G of Public Law 113–235 shall be applied in
23 fiscal year 2019 by substituting “seven” for “six”.

24 SEC. 116. (a) The Act entitled “An Act to create a
25 Department of Labor”, approved March 4, 1913 (37 Stat.

1 736, chapter 141) shall be applied as if the following text
2 is part of such Act:

3 **“SEC. 12. SECURITY DETAIL.**

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

7 “(1) provide protection for the Secretary of
8 Labor during the workday of the Secretary and dur-
9 ing any activity that is preliminary or postliminary
10 to the performance of official duties by the Sec-
11 retary;

12 “(2) provide protection, incidental to the protec-
13 tion provided to the Secretary, to a member of the
14 immediate family of the Secretary who is partici-
15 pating in an activity or event relating to the official
16 duties of the Secretary;

17 “(3) provide continuous protection to the Sec-
18 retary (including during periods not described in
19 paragraph (1)) and to the members of the imme-
20 diate family of the Secretary if there is a unique and
21 articulable threat of physical harm, in accordance
22 with guidelines established by the Secretary; and

23 “(4) provide protection to the Deputy Secretary
24 of Labor or another senior officer representing the
25 Secretary of Labor at a public event if there is a

1 unique and articulable threat of physical harm, in
2 accordance with guidelines established by the Sec-
3 retary.

4 “(b) AUTHORITIES.—The Secretary of Labor may
5 authorize a law enforcement officer or special agent em-
6 ployed under subsection (a), for the purpose of performing
7 the duties authorized under subsection (a), to—

8 “(1) carry firearms;

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

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

16 “(4) coordinate with local law enforcement
17 agencies; and

18 “(5) initiate criminal and other investigations
19 into potential threats to the security of the Sec-
20 retary, in coordination with the Inspector General of
21 the Department of Labor.

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

1 “(1) guidelines issued by the Attorney General;
2 and
3 “(2) guidelines prescribed by the Secretary of
4 Labor.”.

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

7 SEC. 117. The Secretary is authorized to dispose of
8 or divest, by any means the Secretary determines appro-
9 priate, including an agreement or partnership to construct
10 a new Job Corps center, all or a portion of the real prop-
11 erty on which the Treasure Island Job Corps Center is
12 situated. Any sale or other disposition will not be subject
13 to any requirement of any Federal law or regulation relat-
14 ing to the disposition of Federal real property, including
15 but not limited to subchapter III of chapter 5 of title 40
16 of the United States Code and subchapter V of chapter
17 119 of title 42 of the United States Code. The net pro-
18 ceeds of such a sale shall be transferred to the Secretary,
19 which shall be available until expended to carry out the
20 Job Corps Program.

21 This title may be cited as the “Department of Labor
22 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 Hawaiian Health Care Act of 1988, \$1,626,522,000: Provided,*
8 *That no more than \$1,000,000 shall be available until ex-*
9 *pendent for carrying out the provisions of section 224(o)*
10 *of the PHS Act: Provided further, That no more than*
11 *\$114,893,000 shall be available until expended for car-*
12 *rying out subsections (g) through (n) and (q) of section*
13 *224 of the PHS Act, and for expenses incurred by the*
14 *Department of Health and Human Services (referred to*
15 *in this Act as “HHS”) pertaining to administrative claims*
16 *made under such law: Provided further, That of funds pro-*
17 *vided for the Health Centers program, as defined by sec-*
18 *tion 330 of the PHS Act, by this Act or any other Act*
19 *for fiscal year 2019, not less than \$200,000,000 shall be*
20 *obligated in fiscal year 2019 for improving quality of care*
21 *or expanded service grants under section 330 of the PHS*
22 *Act to support and enhance behavioral health, mental*
23 *health, or substance use disorder services.*

1 HEALTH WORKFORCE

2 For carrying out titles III, VII, and VIII of the PHS
3 Act with respect to the health workforce, sections 1128E
4 and 1921 of the Social Security Act, and the Health Care
5 Quality Improvement Act of 1986, \$1,072,695,000, of
6 which \$111,916,000 shall be available to carry out sec-
7 tions 755 and 756 of the PHS Act: *Provided*, That sec-
8 tions 747(c)(2), 751(j)(2), 762(k), and the proportional
9 funding amounts in paragraphs (1) through (4) of section
10 756(f) of the PHS Act shall not apply to funds made avail-
11 able under this heading: *Provided further*, That for any
12 program operating under section 751 of the PHS Act on
13 or before January 1, 2009, the Secretary of Health and
14 Human Services (referred to in this title as the “Sec-
15 retary”) may hereafter waive any of the requirements con-
16 tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such
17 Act for the full project period of a grant under such sec-
18 tion: *Provided further*, That no funds shall be available
19 for section 340G–1 of the PHS Act: *Provided further*,
20 That fees collected for the disclosure of information under
21 section 427(b) of the Health Care Quality Improvement
22 Act of 1986 and sections 1128E(d)(2) and 1921 of the
23 Social Security Act shall be sufficient to recover the full
24 costs of operating the programs authorized by such sec-
25 tions and shall remain available until expended for the Na-

1 tional Practitioner Data Bank: *Provided further*, That
2 funds transferred to this account to carry out section 846
3 and subpart 3 of part D of title III of the PHS Act may
4 be used to make prior year adjustments to awards made
5 under such sections: *Provided further*, That \$105,000,000
6 shall remain available until expended for the purposes of
7 providing primary health services, be used to assign Na-
8 tional Health Service Corps (“NHSC”) members to ex-
9 pand the delivery of substance use disorder treatment
10 services, notwithstanding the assignment priorities and
11 limitations in or under sections 333(a)(1)(D), 333(b), and
12 333A(a)(1)(B)(ii) of the PHS Act, and to make NHSC
13 Loan Repayment Program awards under section 338B of
14 such Act: *Provided further*, That for purposes of the pre-
15 vious proviso, section 331(a)(3)(D) of the PHS Act shall
16 be applied as if the term “primary health services” in-
17 cludes clinical substance use disorder treatment services,
18 including those provided by masters level, licensed sub-
19 stance use disorder treatment counselors.

20 MATERNAL AND CHILD HEALTH

21 For carrying out titles III, XI, XII, and XIX of the
22 PHS Act with respect to maternal and child health, title
23 V of the Social Security Act, and section 712 of the Amer-
24 ican Jobs Creation Act of 2004, \$924,789,000, of which
25 \$10,000,000 shall be available for carrying out section

1 330M of the PHS Act: *Provided*, That notwithstanding
2 sections 502(a)(1) and 502(b)(1) of the Social Security
3 Act, not more than \$109,593,000 shall be available for
4 carrying out special projects of regional and national sig-
5 nificance pursuant to section 501(a)(2) of such Act and
6 \$10,276,000 shall be available for projects described in
7 subparagraphs (A) through (F) of section 501(a)(3) of
8 such Act.

9 RYAN WHITE HIV/AIDS PROGRAM

10 For carrying out title XXVI of the PHS Act with
11 respect to the Ryan White HIV/AIDS program,
12 \$2,318,781,000, of which \$1,970,881,000 shall remain
13 available to the Secretary through September 30, 2021,
14 for parts A and B of title XXVI of the PHS Act, and
15 of which not less than \$900,313,000 shall be for State
16 AIDS Drug Assistance Programs under the authority of
17 section 2616 or 311(c) of such Act.

18 HEALTH CARE SYSTEMS

19 For carrying out titles III and XII of the PHS Act
20 with respect to health care systems, and the Stem Cell
21 Therapeutic and Research Act of 2005, \$113,693,000, of
22 which \$122,000 shall be available until expended for facili-
23 ties renovations at the Gillis W. Long Hansen's Disease
24 Center.

1 RURAL HEALTH

2 For carrying out titles III and IV of the PHS Act
3 with respect to rural health, section 427(a) of the Federal
4 Coal Mine Health and Safety Act of 1969, and sections
5 711 and 1820 of the Social Security Act, \$318,794,000,
6 of which \$49,609,000 from general revenues, notwith-
7 standing section 1820(j) of the Social Security Act, shall
8 be available for carrying out the Medicare rural hospital
9 flexibility grants program: *Provided*, That of the funds
10 made available under this heading for Medicare rural hos-
11 pital flexibility grants, \$15,942,000 shall be available for
12 the Small Rural Hospital Improvement Grant Program
13 for quality improvement and adoption of health informa-
14 tion technology and up to \$1,000,000 shall be to carry
15 out section 1820(g)(6) of the Social Security Act, with
16 funds provided for grants under section 1820(g)(6) avail-
17 able for the purchase and implementation of telehealth
18 services, including pilots and demonstrations on the use
19 of electronic health records to coordinate rural veterans
20 care between rural providers and the Department of Vet-
21 erans Affairs electronic health record system: *Provided*
22 *further*, That notwithstanding section 338J(k) of the PHS
23 Act, \$10,000,000 shall be available for State Offices of
24 Rural Health: *Provided further*, That \$15,000,000 shall
25 remain available through September 30, 2021 to support

1 the Rural Residency Development Program: *Provided fur-*
2 *ther*, That \$120,000,000 shall be for the Rural Commu-
3 nities Opioids Response Program.

4 FAMILY PLANNING

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

15 PROGRAM MANAGEMENT

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

23 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

24 For payments from the Vaccine Injury Compensation
25 Program Trust Fund (the “Trust Fund”), such sums as

1 may be necessary for claims associated with vaccine-re-
2 lated injury or death with respect to vaccines administered
3 after September 30, 1988, pursuant to subtitle 2 of title
4 XXI of the PHS Act, to remain available until expended:
5 *Provided*, That for necessary administrative expenses, not
6 to exceed \$9,200,000 shall be available from the Trust
7 Fund to the Secretary.

8 CENTERS FOR DISEASE CONTROL AND PREVENTION
9 IMMUNIZATION AND RESPIRATORY DISEASES

10 For carrying out titles II, III, XVII, and XXI, and
11 section 2821 of the PHS Act, titles II and IV of the Immi-
12 gration and Nationality Act, and section 501 of the Ref-
13 ugee Education Assistance Act, with respect to immuniza-
14 tion and respiratory diseases, \$474,055,000.

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

17 For carrying out titles II, III, XVII, and XXIII of
18 the PHS Act with respect to HIV/AIDS, viral hepatitis,
19 sexually transmitted diseases, and tuberculosis prevention,
20 \$1,132,278,000.

21 EMERGING AND ZOO NOTIC INFECTIOUS DISEASES

22 For carrying out titles II, III, and XVII, and section
23 2821 of the PHS Act, titles II and IV of the Immigration
24 and Nationality Act, and section 501 of the Refugee Edu-

1 cation Assistance Act, with respect to emerging and
2 zoonotic infectious diseases, \$565,572,000.

3 CHRONIC DISEASE PREVENTION AND HEALTH

4 PROMOTION

5 For carrying out titles II, III, XI, XV, XVII, and
6 XIX of the PHS Act with respect to chronic disease pre-
7 vention and health promotion, \$911,821,000: *Provided*,
8 That funds appropriated under this account may be avail-
9 able for making grants under section 1509 of the PHS
10 Act for not less than 21 States, tribes, or tribal organiza-
11 tions: *Provided further*, That of the funds made available
12 under this heading, \$15,000,000 shall be available to con-
13 tinue and expand community specific extension and out-
14 reach programs to combat obesity in counties with the
15 highest levels of obesity: *Provided further*, That the pro-
16 portional funding requirements under section 1503(a) of
17 the PHS Act shall not apply to funds made available
18 under this heading.

19 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,

20 DISABILITIES AND HEALTH

21 For carrying out titles II, III, XI, and XVII of the
22 PHS Act with respect to birth defects, developmental dis-
23 abilities, disabilities and health, \$153,560,000.

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1 PUBLIC HEALTH SCIENTIFIC SERVICES

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to health statistics, surveillance, health
4 informatics, and workforce development, \$492,397,000.

5 ENVIRONMENTAL HEALTH

6 For carrying out titles II, III, and XVII of the PHS
7 Act with respect to environmental health, \$188,750,000.

8 INJURY PREVENTION AND CONTROL

9 For carrying out titles II, III, and XVII of the PHS
10 Act with respect to injury prevention and control,
11 \$648,559,000, of which \$475,579,000 shall remain avail-
12 able until September 30, 2020 for an evidence-based
13 opioid drug overdose prevention program.

14 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND

15 HEALTH

16 For carrying out titles II, III, and XVII of the PHS
17 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
18 of the Federal Mine Safety and Health Act, section 13
19 of the Mine Improvement and New Emergency Response
20 Act, and sections 20, 21, and 22 of the Occupational Safe-
21 ty and Health Act, with respect to occupational safety and
22 health, \$335,300,000.

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 \$1,470,000,000, of which \$610,000,000 shall remain

1 available until expended for the Strategic National Stock-
2 pile: *Provided*, That in the event the Director of the Cen-
3 ters for Disease Control and Prevention (referred to in
4 this title as “CDC”) activates the Emergency Operations
5 Center, the Director of the CDC may detail CDC staff
6 without reimbursement for up to 90 days to support the
7 work of the CDC Emergency Operations Center, so long
8 as the Director provides a notice to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate within 15 days of the use of this authority and
11 a full report within 30 days after use of this authority
12 which includes the number of staff and funding level bro-
13 ken down by the originating center and number of days
14 detailed: *Provided further*, That funds appropriated under
15 this heading may be used to support a contract for the
16 operation and maintenance of an aircraft in direct support
17 of activities throughout CDC to ensure the agency is pre-
18 pared to address public health preparedness emergencies.

19 BUILDINGS AND FACILITIES

20 (INCLUDING TRANSFER OF FUNDS)

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

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

9 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

10 For carrying out titles II, III, XVII and XIX, and
11 section 2821 of the PHS Act and for cross-cutting activi-
12 ties and program support for activities funded in other
13 appropriations included in this Act for the Centers for
14 Disease Control and Prevention, \$113,570,000: *Provided*,
15 That paragraphs (1) through (3) of subsection (b) of sec-
16 tion 2821 of the PHS Act shall not apply to funds appro-
17 priated under this heading and in all other accounts of
18 the CDC: *Provided further*, That employees of CDC or the
19 Public Health Service, both civilian and commissioned of-
20 ficers, detailed to States, municipalities, or other organiza-
21 tions under authority of section 214 of the PHS Act, or
22 in overseas assignments, shall be treated as non-Federal
23 employees for reporting purposes only and shall not be in-
24 cluded within any personnel ceiling applicable to the Agen-
25 cy, Service, or HHS during the period of detail or assign-

1 ment: *Provided further*, That CDC may use up to \$10,000
2 from amounts appropriated to CDC in this Act for official
3 reception and representation expenses when specifically
4 approved by the Director of CDC: *Provided further*, That
5 in addition, such sums as may be derived from authorized
6 user fees, which shall be credited to the appropriation
7 charged with the cost thereof: *Provided further*, That with
8 respect to the previous proviso, authorized user fees from
9 the Vessel Sanitation Program and the Respirator Certifi-
10 cation Program shall be available through September 30,
11 2020.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the PHS
15 Act with respect to cancer, \$5,747,125,000, of which up
16 to \$30,000,000 may be used for facilities repairs and im-
17 provements at the National Cancer Institute—Frederick
18 Federally Funded Research and Development Center in
19 Frederick, Maryland.

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For carrying out section 301 and title IV of the PHS
22 Act with respect to cardiovascular, lung, and blood dis-
23 eases, and blood and blood products, \$3,490,171,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to dental and craniofacial diseases,
5 \$462,024,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to diabetes and digestive and kidney dis-
10 ease, \$2,030,892,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$2,218,080,000: *Provided*, That \$250,000,000 shall be for research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment: *Provided further*, That each for-profit recipient of funds provided in the previous proviso shall be subject to a matching requirement of funds or documented in-kind contributions of not less than 50 percent of the total funds awarded to such entity.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to allergy and infectious diseases,
5 \$5,506,190,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to general medical sciences,
9 \$2,874,292,000, of which \$1,018,321,000 shall be from
10 funds available under section 241 of the PHS Act: *Pro-*
11 *vided*, That not less than \$361,763,000 is provided for
12 the Institutional Development Awards program.

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

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to child health and human development,
17 \$1,507,251,000.

18 NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$796,955,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to environmental health sciences,
5 \$775,115,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to aging, \$3,084,809,000.

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, \$605,383,000.

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$474,653,000.

19 NATIONAL INSTITUTE OF NURSING RESEARCH

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to nursing research, \$163,076,000.

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1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$525,867,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,420,591,000: *Provided*,
9 That \$250,000,000 shall be for research related to opioid
10 addiction, development of opioid alternatives, pain man-
11 agement, and addiction treatment: *Provided further*, That
12 each for-profit recipient of funds provided in the previous
13 proviso shall be subject to a matching requirement of
14 funds or documented in-kind contributions of not less than
15 50 percent of the total funds awarded to such entity.

16 NATIONAL INSTITUTE OF MENTAL HEALTH

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to mental health, \$1,813,750,000.

19 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to human genome research,
22 \$575,882,000.

1 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to biomedical imaging and bioengineering
5 research, \$389,672,000.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 INTEGRATIVE HEALTH

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to complementary and integrative health,
10 \$146,550,000.

11 NATIONAL INSTITUTE ON MINORITY HEALTH AND
12 HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$314,845,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), \$78,150,000.

20 NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$442,230,000: *Provided*, That of the amounts available for improvement of information systems, \$4,000,000 shall be available until September 30, 2020: *Provided further*, That

1 in fiscal year 2019, the National Library of Medicine may
2 enter into personal services contracts for the provision of
3 services in facilities owned, operated, or constructed under
4 the jurisdiction of the National Institutes of Health (re-
5 ferred to in this title as “NIH”).

6 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
7 SCIENCES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to translational sciences, \$806,787,000:
10 *Provided*, That up to \$80,000,000 shall be available to im-
11 plement section 480 of the PHS Act, relating to the Cures
12 Acceleration Network: *Provided further*, That at least
13 \$560,031,000 is provided to the Clinical and Translational
14 Sciences Awards program.

15 OFFICE OF THE DIRECTOR

16 For carrying out the responsibilities of the Office of
17 the Director, NIH, \$1,910,060,000: *Provided*, That fund-
18 ing shall be available for the purchase of not to exceed
19 29 passenger motor vehicles for replacement only: *Pro-*
20 *vided further*, That all funds credited to the NIH Manage-
21 ment Fund shall remain available for one fiscal year after
22 the fiscal year in which they are deposited: *Provided fur-*
23 *ther*, That \$606,885,000 shall be available for the Com-
24 mon Fund established under section 402A(c)(1) of the
25 PHS Act: *Provided further*, That of the funds provided,

1 \$10,000 shall be for official reception and representation
2 expenses when specifically approved by the Director of the
3 NIH: *Provided further*, That the Office of AIDS Research
4 within the Office of the Director of the NIH may spend
5 up to \$8,000,000 to make grants for construction or ren-
6 ovation of facilities as provided for in section
7 2354(a)(5)(B) of the PHS Act: *Provided further*, That
8 \$50,000,000 shall be used to carry out section 404I of
9 the PHS Act (42 U.S.C. 283K), relating to biomedical and
10 behavioral research facilities.

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 For necessary expenses to carry out the purposes de-
3 scribed in section 1001(b)(4) of the 21st Century Cures
4 Act, in addition to amounts available for such purposes
5 in the appropriations provided to the NIH in this Act,
6 \$711,000,000, to remain available until expended: *Pro-*
7 *vided*, That such amounts are appropriated pursuant to
8 section 1001(b)(3) of such Act, are to be derived from
9 amounts transferred under section 1001(b)(2)(A) of such
10 Act, and may be transferred by the Director of the Na-
11 tional Institutes of Health to other accounts of the Na-
12 tional Institutes of Health solely for the purposes provided
13 in such Act: *Provided further*, That upon a determination
14 by the Director that funds transferred pursuant to the
15 previous proviso are not necessary for the purposes pro-
16 vided, such amounts may be transferred back to the Ac-
17 count: *Provided further*, That the transfer authority pro-
18 vided under this heading is in addition to any other trans-
19 fer authority provided by law.

20 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

21 ADMINISTRATION

22 MENTAL HEALTH

23 For carrying out titles III, V, and XIX of the PHS
24 Act with respect to mental health, and the Protection and
25 Advocacy for Individuals with Mental Illness Act,

1 \$1,532,972,000: *Provided*, That notwithstanding section
2 520A(f)(2) of the PHS Act, no funds appropriated for car-
3 rying out section 520A shall be available for carrying out
4 section 1971 of the PHS Act: *Provided further*, That in
5 addition to amounts provided herein, \$21,039,000 shall be
6 available under section 241 of the PHS Act to carry out
7 subpart I of part B of title XIX of the PHS Act to fund
8 section 1920(b) technical assistance, national data, data
9 collection and evaluation activities, and further that the
10 total available under this Act for section 1920(b) activities
11 shall not exceed 5 percent of the amounts appropriated
12 for subpart I of part B of title XIX: *Provided further*, That
13 up to 10 percent of the amounts made available to carry
14 out the Children's Mental Health Services program may
15 be used to carry out demonstration grants or contracts
16 for early interventions with persons not more than 25
17 years of age at clinical high risk of developing a first epi-
18 sode of psychosis: *Provided further*, That section
19 520E(b)(2) of the PHS Act shall not apply to funds ap-
20 propriated in this Act for fiscal year 2019: *Provided fur-*
21 *ther*, That States shall expend at least 10 percent of the
22 amount each receives for carrying out section 1911 of the
23 PHS Act to support evidence-based programs that address
24 the needs of individuals with early serious mental illness,
25 including psychotic disorders, regardless of the age of the

1 individual at onset: *Provided further*, That \$150,000,000
2 shall be available until September 30, 2021 for grants to
3 communities and community organizations who meet cri-
4 teria for Certified Community Behavioral Health Clinics
5 pursuant to section 223(a) of Public Law 113–93: *Pro-*
6 *vided further*, That none of the funds provided for section
7 1911 of the PHS Act shall be subject to section 241 of
8 such Act: *Provided further*, That of the funds made avail-
9 able under this heading, \$15,000,000 shall be to carry out
10 section 224 of the Protecting Access to Medicare Act of
11 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

12 SUBSTANCE ABUSE TREATMENT

13 For carrying out titles III and V of the PHS Act
14 with respect to substance abuse treatment and title XIX
15 of such Act with respect to substance abuse treatment and
16 prevention, \$3,730,806,000: *Provided*, That
17 \$1,500,000,000 shall be for State Opioid Response Grants
18 for carrying out activities pertaining to opioids undertaken
19 by the State agency responsible for administering the sub-
20 stance abuse prevention and treatment block grant under
21 subpart II of part B of title XIX of the PHS Act (42
22 U.S.C. 300x–21 et seq.): *Provided further*, That of such
23 amount \$50,000,000 shall be made available to Indian
24 Tribes or tribal organizations: *Provided further*, That 15
25 percent of the remaining amount shall be for the States

1 with the highest mortality rate related to opioid use dis-
2 orders: *Provided further*, That of the amounts provided for
3 State Opioid Response Grants not more than 2 percent
4 shall be available for Federal administrative expenses,
5 training, technical assistance, and evaluation: *Provided*
6 *further*, That of the amount not reserved by the previous
7 three provisos, the Secretary shall make allocations to
8 States, territories, and the District of Columbia according
9 to a formula using national survey results that the Sec-
10 retary determines are the most objective and reliable
11 measure of drug use and drug-related deaths: *Provided*
12 *further*, That the Secretary shall submit the formula meth-
13 odology to the Committees on Appropriations of the House
14 of Representatives and the Senate not less than 15 days
15 prior to publishing a Funding Opportunity Announce-
16 ment: *Provided further*, That prevention and treatment ac-
17 tivities funded through such grants may include education,
18 treatment (including the provision of medication), behav-
19 ioral health services for individuals in treatment programs,
20 referral to treatment services, recovery support, and med-
21 ical screening associated with such treatment: *Provided*
22 *further*, That each State, as well as the District of Colum-
23 bia, shall receive not less than \$4,000,000: *Provided fur-*
24 *ther*, That in addition to amounts provided herein, the fol-
25 lowing amounts shall be available under section 241 of the

1 PHS Act: (1) \$79,200,000 to carry out subpart II of part
2 B of title XIX of the PHS Act to fund section 1935(b)
3 technical assistance, national data, data collection and
4 evaluation activities, and further that the total available
5 under this Act for section 1935(b) activities shall not ex-
6 ceed 5 percent of the amounts appropriated for subpart
7 II of part B of title XIX; and (2) \$2,000,000 to evaluate
8 substance abuse treatment programs: *Provided further*,
9 That none of the funds provided for section 1921 of the
10 PHS Act or State Opioid Response Grants shall be subject
11 to section 241 of such Act.

12 SUBSTANCE ABUSE PREVENTION

13 For carrying out titles III and V of the PHS Act
14 with respect to substance abuse prevention, \$200,219,000.

15 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

16 For program support and cross-cutting activities that
17 supplement activities funded under the headings “Mental
18 Health”, “Substance Abuse Treatment”, and “Substance
19 Abuse Prevention” in carrying out titles III, V, and XIX
20 of the PHS Act and the Protection and Advocacy for Indi-
21 viduals with Mental Illness Act in the Substance Abuse
22 and Mental Health Services Administration,
23 \$128,830,000: *Provided*, That in addition to amounts pro-
24 vided herein, \$31,428,000 shall be available under section
25 241 of the PHS Act to supplement funds available to

1 carry out national surveys on drug abuse and mental
2 health, to collect and analyze program data, and to con-
3 duct public awareness and technical assistance activities:
4 *Provided further*, That, in addition, fees may be collected
5 for the costs of publications, data, data tabulations, and
6 data analysis completed under title V of the PHS Act and
7 provided to a public or private entity upon request, which
8 shall be credited to this appropriation and shall remain
9 available until expended for such purposes: *Provided fur-*
10 *ther*, That amounts made available in this Act for carrying
11 out section 501(m) of the PHS Act shall remain available
12 through September 30, 2020: *Provided further*, That funds
13 made available under this heading may be used to supple-
14 ment program support funding provided under the head-
15 ings “Mental Health”, “Substance Abuse Treatment”,
16 and “Substance Abuse Prevention”.

17 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
18 HEALTHCARE RESEARCH AND QUALITY

19 For carrying out titles III and IX of the PHS Act,
20 part A of title XI of the Social Security Act, and section
21 1013 of the Medicare Prescription Drug, Improvement,
22 and Modernization Act of 2003, \$334,000,000: *Provided*,
23 That section 947(c) of the PHS Act shall not apply in
24 fiscal year 2019: *Provided further*, That in addition,
25 amounts received from Freedom of Information Act fees,

1 reimbursable and interagency agreements, and the sale of
2 data shall be credited to this appropriation and shall re-
3 main available until September 30, 2020.

4 CENTERS FOR MEDICARE AND MEDICAID SERVICES
5 GRANTS TO STATES FOR MEDICAID

6 For carrying out, except as otherwise provided, titles
7 XI and XIX of the Social Security Act, \$276,236,212,000,
8 to remain available until expended.

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

15 For making payments to States or in the case of sec-
16 tion 1928 on behalf of States under title XIX of the Social
17 Security Act for the first quarter of fiscal year 2020,
18 \$137,931,797,000, to remain available until expended.

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

1 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

2 For payment to the Federal Hospital Insurance
3 Trust Fund and the Federal Supplementary Medical In-
4 surance Trust Fund, as provided under sections 217(g),
5 1844, and 1860D–16 of the Social Security Act, sections
6 103(c) and 111(d) of the Social Security Amendments of
7 1965, section 278(d)(3) of Public Law 97–248, and for
8 administrative expenses incurred pursuant to section
9 201(g) of the Social Security Act, \$378,343,800,000.

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

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the PHS Act, the Clinical Laboratory
18 Improvement Amendments of 1988, and other responsibil-
19 ities of the Centers for Medicare and Medicaid Services,
20 not to exceed \$3,669,744,000, to be transferred from the
21 Federal Hospital Insurance Trust Fund and the Federal
22 Supplementary Medical Insurance Trust Fund, as author-
23 ized by section 201(g) of the Social Security Act; together
24 with all funds collected in accordance with section 353 of
25 the PHS Act and section 1857(e)(2) of the Social Security

1 Act, funds retained by the Secretary pursuant to section
2 1893(h) of the Social Security Act, and such sums as may
3 be collected from authorized user fees and the sale of data,
4 which shall be credited to this account and remain avail-
5 able until expended: *Provided*, That all funds derived in
6 accordance with 31 U.S.C. 9701 from organizations estab-
7 lished under title XIII of the PHS Act shall be credited
8 to and available for carrying out the purposes of this ap-
9 propriation: *Provided further*, That the Secretary is di-
10 rected to collect fees in fiscal year 2019 from Medicare
11 Advantage organizations pursuant to section 1857(e)(2)
12 of the Social Security Act and from eligible organizations
13 with risk-sharing contracts under section 1876 of that Act
14 pursuant to section 1876(k)(4)(D) of that Act.

15 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

16 In addition to amounts otherwise available for pro-
17 gram integrity and program management, \$765,000,000,
18 to remain available through September 30, 2020, to be
19 transferred from the Federal Hospital Insurance Trust
20 Fund and the Federal Supplementary Medical Insurance
21 Trust Fund, as authorized by section 201(g) of the Social
22 Security Act, of which \$600,464,000 shall be for the Cen-
23 ters for Medicare and Medicaid Services Program integrity
24 activities, of which \$86,664,000 shall be for the Depart-
25 ment of Health and Human Services Office of Inspector

1 General to carry out fraud and abuse activities authorized
2 by section 1817(k)(3) of such Act, and of which
3 \$77,872,000 shall be for the Department of Justice to
4 carry out fraud and abuse activities authorized by section
5 1817(k)(3) of such Act: *Provided*, That the report re-
6 quired by section 1817(k)(5) of the Social Security Act
7 for fiscal year 2019 shall include measures of the oper-
8 ational efficiency and impact on fraud, waste, and abuse
9 in the Medicare, Medicaid, and CHIP programs for the
10 funds provided by this appropriation: *Provided further*,
11 That of the amount provided under this heading,
12 \$311,000,000 is provided to meet the terms of section
13 251(b)(2)(C)(ii) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended, and
15 \$454,000,000 is additional new budget authority specified
16 for purposes of section 251(b)(2)(C) of such Act: *Provided*
17 *further*, That the Secretary shall provide not less than
18 \$17,621,000 for the Senior Medicare Patrol program to
19 combat health care fraud and abuse from the funds pro-
20 vided to this account.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 PAYMENTS TO STATES FOR CHILD SUPPORT

23 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

24 For carrying out, except as otherwise provided, titles
25 I, IV–D, X, XI, XIV, and XVI of the Social Security Act

1 and the Act of July 5, 1960, \$2,922,247,000, to remain
2 available until expended; and for such purposes for the
3 first quarter of fiscal year 2020, \$1,400,000,000, to re-
4 main available until expended.

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

11 LOW INCOME HOME ENERGY ASSISTANCE

12 For making payments under subsections (b) and (d)
13 of section 2602 of the Low Income Home Energy Assist-
14 ance Act of 1981, \$3,690,304,000: *Provided*, That all but
15 \$716,000,000 of this amount shall be allocated as though
16 the total appropriation for such payments for fiscal year
17 2019 was less than \$1,975,000,000: *Provided further*,
18 That notwithstanding section 2609A(a), of the amounts
19 appropriated under section 2602(b), not more than
20 \$2,988,000 of such amounts may be reserved by the Sec-
21 retary for technical assistance, training, and monitoring
22 of program activities for compliance with internal controls,
23 policies and procedures and may, in addition to the au-
24 thorities provided in section 2609A(a)(1), use such funds

1 through contracts with private entities that do not qualify
2 as nonprofit organizations.

3 REFUGEE AND ENTRANT ASSISTANCE
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for refugee and entrant as-
6 sistance activities authorized by section 414 of the Immi-
7 gration and Nationality Act and section 501 of the Ref-
8 ugee Education Assistance Act of 1980, and for carrying
9 out section 462 of the Homeland Security Act of 2002,
10 section 235 of the William Wilberforce Trafficking Victims
11 Protection Reauthorization Act of 2008, the Trafficking
12 Victims Protection Act of 2000 (“TVPA”), and the Tor-
13 ture Victims Relief Act of 1998, \$1,905,201,000, of which
14 \$1,864,446,000 shall remain available through September
15 30, 2021 for carrying out such sections 414, 501, 462,
16 and 235: *Provided*, That amounts available under this
17 heading to carry out the TVPA shall also be available for
18 research and evaluation with respect to activities under
19 such Act: *Provided further*, That the limitation in section
20 205 of this Act regarding transfers increasing any appro-
21 priation shall apply to transfers to appropriations under
22 this heading by substituting “15 percent” for “3 percent”.

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For carrying out the Child Care and Development
4 Block Grant Act of 1990 (“CCDBG Act”),
5 \$5,226,000,000 shall be used to supplement, not supplant
6 State general revenue funds for child care assistance for
7 low-income families: *Provided*, That technical assistance
8 under section 658I(a)(3) of such Act may be provided di-
9 rectly, or through the use of contracts, grants, cooperative
10 agreements, or interagency agreements: *Provided further*,
11 That all funds made available to carry out section 418
12 of the Social Security Act (42 U.S.C. 618), including
13 funds appropriated for that purpose in such section 418
14 or any other provision of law, shall be subject to the res-
15 ervation of funds authority in paragraphs (4) and (5) of
16 section 658O(a) of the CCDBG Act: *Provided further*,
17 That in addition to the amounts required to be reserved
18 by the Secretary under section 658O(a)(2)(A) of such Act,
19 \$156,780,000 shall be for Indian tribes and tribal organi-
20 zations.

21 SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified

1 under such subparagraph for a State to carry out State
2 programs pursuant to title XX–A of such Act shall be 10
3 percent.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For carrying out, except as otherwise provided, the
6 Runaway and Homeless Youth Act, the Head Start Act,
7 the Every Student Succeeds Act, the Child Abuse Preven-
8 tion and Treatment Act, sections 303 and 313 of the
9 Family Violence Prevention and Services Act, the Native
10 American Programs Act of 1974, title II of the Child
11 Abuse Prevention and Treatment and Adoption Reform
12 Act of 1978 (adoption opportunities), part B–1 of title IV
13 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
14 of the Social Security Act, and the Community Services
15 Block Grant Act (“CSBG Act”); and for necessary admin-
16 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
17 XVI, and XX–A of the Social Security Act, the Act of
18 July 5, 1960, the Low-Income Home Energy Assistance
19 Act of 1981, the Child Care and Development Block Grant
20 Act of 1990, the Assets for Independence Act, title IV of
21 the Immigration and Nationality Act, and section 501 of
22 the Refugee Education Assistance Act of 1980,
23 \$12,288,225,000, of which \$75,000,000, to remain avail-
24 able through September 30, 2020, shall be for grants to
25 States for adoption and legal guardianship incentive pay-

1 ments, as defined by section 473A of the Social Security
2 Act and may be made for adoptions and legal
3 guardianships completed before September 30, 2019: *Pro-*
4 *vided*, That \$10,113,095,000, of which \$132,000,000
5 shall be available through March 31, 2020, shall be for
6 making payments under the Head Start Act, of which:

7 (1) \$215,000,000 shall be available for a cost
8 of living adjustment notwithstanding section
9 640(a)(3)(A) of such Act, and with respect to any
10 continuing appropriations act, funding available for
11 a cost of living adjustment shall not be construed as
12 an authority or condition under this Act;

13 (2) \$16,000,000 shall be available to supple-
14 ment funding otherwise available for research, eval-
15 uation, and Federal administrative costs;

16 (3) \$25,000,000 shall be available for allocation
17 by the Secretary to supplement activities described
18 in paragraphs (7)(B) and (9) of section 641(c) of
19 the Head Start Act under the Designation Renewal
20 System, established under the authority of sections
21 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
22 and such funds shall not be included in the calcula-
23 tion of “base grant” in subsequent fiscal years, as
24 such term is used in section 640(a)(7)(A) of such
25 Act; and

1 (4) \$35,000,000 of the amount available
2 through March 31, 2020 shall be available for award
3 by the Secretary to grantees that apply for supple-
4 mental funding to increase their hours of program
5 operations and for training and technical assistance
6 for such activities (of which up to one percent may
7 be reserved for research and evaluation in addition
8 to amounts described in paragraph (2)):

9 *Provided further*, That notwithstanding the sixth proviso
10 under this heading in division H of Public Law 115–141,
11 any amount issued through a grant for the purposes de-
12 scribed in the following proviso shall be included in any
13 calculation of “base grant”, as such term is used in section
14 640(a)(7)(A) of the Head Start Act, that affects the allo-
15 cation of funds appropriated in this Act: *Provided further*,
16 That the previous proviso applies to funds granted for
17 Early Head Start programs as described in section 645A
18 of the Head Start Act, for conversion of Head Start serv-
19 ices to Early Head Start services as described in section
20 645(a)(5)(A) of such Act, and for discretionary grants for
21 high quality infant and toddler care through Early Head
22 Start-Child Care Partnerships, to entities defined as eligi-
23 ble under section 645A(d) of such Act: *Provided further*,
24 That the Secretary may reduce the reservation of funds
25 under section 640(a)(2)(C) of such Act in lieu of reducing

1 the reservation of funds under sections 640(a)(2)(B),
2 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided fur-*
3 *ther*, That \$250,000,000 shall be available until December
4 31, 2019 for carrying out sections 9212 and 9213 of the
5 Every Student Succeeds Act: *Provided further*, That up
6 to 3 percent of the funds in the preceding proviso shall
7 be available for technical assistance and evaluation related
8 to grants awarded under such section 9212: *Provided fur-*
9 *ther*, That \$752,883,000 shall be for making payments
10 under the CSBG Act: *Provided further*, That \$28,233,000
11 shall be for sections 680 and 678E(b)(2) of the CSBG
12 Act, of which not less than \$19,883,000 shall be for sec-
13 tion 680(a)(2) and not less than \$8,000,000 shall be for
14 section 680(a)(3)(B) of such Act: *Provided further*, That,
15 notwithstanding section 675C(a)(3) of such Act, to the ex-
16 tent Community Services Block Grant funds are distrib-
17 uted as grant funds by a State to an eligible entity as
18 provided under such Act, and have not been expended by
19 such entity, they shall remain with such entity for carry-
20 over into the next fiscal year for expenditure by such enti-
21 ty consistent with program purposes: *Provided further*,
22 That the Secretary shall establish procedures regarding
23 the disposition of intangible assets and program income
24 that permit such assets acquired with, and program in-
25 come derived from, grant funds authorized under section

1 680 of the CSBG Act to become the sole property of such
2 grantees after a period of not more than 12 years after
3 the end of the grant period for any activity consistent with
4 section 680(a)(2)(A) of the CSBG Act: *Provided further*,
5 That intangible assets in the form of loans, equity invest-
6 ments and other debt instruments, and program income
7 may be used by grantees for any eligible purpose con-
8 sistent with section 680(a)(2)(A) of the CSBG Act: *Pro-*
9 *vided further*, That these procedures shall apply to such
10 grant funds made available after November 29, 1999: *Pro-*
11 *vided further*, That funds appropriated for section
12 680(a)(2) of the CSBG Act shall be available for financing
13 construction and rehabilitation and loans or investments
14 in private business enterprises owned by community devel-
15 opment corporations: *Provided further*, That
16 \$165,000,000 shall be for carrying out section 303(a) of
17 the Family Violence Prevention and Services Act, of which
18 \$5,000,000 shall be allocated notwithstanding section
19 303(a)(2) of such Act for carrying out section 309 of such
20 Act: *Provided further*, That the percentages specified in
21 section 112(a)(2) of the Child Abuse Prevention and
22 Treatment Act shall not apply to funds appropriated
23 under this heading: *Provided further* That \$1,864,000
24 shall be for a human services case management system
25 for federally declared disasters, to include a comprehensive

1 national case management contract and Federal costs of
2 administering the system: *Provided further*, That up to
3 \$2,000,000 shall be for improving the Public Assistance
4 Reporting Information System, including grants to States
5 to support data collection for a study of the system's effec-
6 tiveness.

7 PROMOTING SAFE AND STABLE FAMILIES

8 For carrying out, except as otherwise provided, sec-
9 tion 436 of the Social Security Act, \$345,000,000 and,
10 for carrying out, except as otherwise provided, section 437
11 of such Act, \$99,765,000: *Provided*, That of the funds
12 available to carry out section 437, \$59,765,000 shall be
13 allocated consistent with subsections (b) through (d) of
14 such section: *Provided further*, That of the funds available
15 to carry out section 437, to assist in meeting the require-
16 ments described in section 471(e)(4)(C), \$20,000,000
17 shall be for grants to each State, territory, and Indian
18 tribe operating title IV–E plans for developing, enhancing,
19 or evaluating kinship navigator programs, as described in
20 section 427(a)(1) of such Act, and \$20,000,000, in addi-
21 tion to funds otherwise appropriated in section 436 for
22 such purposes, shall be for competitive grants to regional
23 partnerships as described in section 437(f) and for devel-
24 oping enhancing, or evaluating family-focused residential
25 treatment programs: *Provided further*, That section

1 437(b)(1) shall be applied to amounts in the previous pro-
2 viso by substituting “5 percent” for “3.3 percent”, and
3 notwithstanding section 436(b)(1), such reserved amounts
4 may be used for identifying, establishing, and dissemi-
5 nating practices to meet the criteria specified in section
6 471(e)(4)(C): *Provided further*, That the reservation in
7 section 437(b)(2) and the limitations in section 437(d)
8 shall not apply to funds specified in the second proviso:
9 *Provided further*, That the minimum grant award for kin-
10 ship navigator programs in the case of States and terri-
11 tories shall be \$200,000, and, in the case of tribes, shall
12 be \$25,000.

13 PAYMENTS FOR FOSTER CARE AND PERMANENCY

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

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

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

1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out, to the extent not otherwise pro-
5 vided, the Older Americans Act of 1965 (“OAA”), titles
6 III and XXIX of the PHS Act, sections 1252 and 1253
7 of the PHS Act, section 119 of the Medicare Improve-
8 ments for Patients and Providers Act of 2008, title XX–
9 B of the Social Security Act, the Developmental Disabil-
10 ities Assistance and Bill of Rights Act, parts 2 and 5 of
11 subtitle D of title II of the Help America Vote Act of
12 2002, the Assistive Technology Act of 1998, titles II and
13 VII (and section 14 with respect to such titles) of the Re-
14 habilitation Act of 1973, and for Department-wide coordi-
15 nation of policy and program activities that assist individ-
16 uals with disabilities, \$2,100,400,000, together with
17 \$49,115,000 to be transferred from the Federal Hospital
18 Insurance Trust Fund and the Federal Supplementary
19 Medical Insurance Trust Fund to carry out section 4360
20 of the Omnibus Budget Reconciliation Act of 1990: *Pro-*
21 *vided*, That amounts appropriated under this heading may
22 be used for grants to States under section 361 of the OAA
23 only for disease prevention and health promotion pro-
24 grams and activities which have been demonstrated
25 through rigorous evaluation to be evidence-based and ef-

1 fective: *Provided further*, That of amounts made available
2 under this heading to carry out sections 311, 331, and
3 336 of the OAA, up to one percent of such amounts shall
4 be available for developing and implementing evidence-
5 based practices for enhancing senior nutrition: *Provided*
6 *further*, That notwithstanding any other provision of this
7 Act, funds made available under this heading to carry out
8 section 311 of the OAA may be transferred to the Sec-
9 retary of Agriculture in accordance with such section: *Pro-*
10 *vided further*, That \$2,000,000 shall be for competitive
11 grants to support alternative financing programs that pro-
12 vide for the purchase of assistive technology devices, such
13 as a low-interest loan fund; an interest buy-down program;
14 a revolving loan fund; a loan guarantee; or an insurance
15 program: *Provided further*, That applicants shall provide
16 an assurance that, and information describing the manner
17 in which, the alternative financing program will expand
18 and emphasize consumer choice and control: *Provided fur-*
19 *ther*, That State agencies and community-based disability
20 organizations that are directed by and operated for indi-
21 viduals with disabilities shall be eligible to compete: *Pro-*
22 *vided further*, That none of the funds made available under
23 this heading may be used by an eligible system (as defined
24 in section 102 of the Protection and Advocacy for Individ-
25 uals with Mental Illness Act (42 U.S.C. 10802)) to con-

1 tinue to pursue any legal action in a Federal or State
2 court on behalf of an individual or group of individuals
3 with a developmental disability (as defined in section
4 102(8)(A) of the Developmental Disabilities and Assist-
5 ance and Bill of Rights Act of 2000 (20 U.S.C.
6 15002(8)(A)) that is attributable to a mental impairment
7 (or a combination of mental and physical impairments),
8 that has as the requested remedy the closure of State op-
9 erated intermediate care facilities for people with intellec-
10 tual or developmental disabilities, unless reasonable public
11 notice of the action has been provided to such individuals
12 (or, in the case of mental incapacitation, the legal guard-
13 ians who have been specifically awarded authority by the
14 courts to make healthcare and residential decisions on be-
15 half of such individuals) who are affected by such action,
16 within 90 days of instituting such legal action, which in-
17 forms such individuals (or such legal guardians) of their
18 legal rights and how to exercise such rights consistent with
19 current Federal Rules of Civil Procedure: *Provided further*,
20 That the limitations in the immediately preceding proviso
21 shall not apply in the case of an individual who is neither
22 competent to consent nor has a legal guardian, nor shall
23 the proviso apply in the case of individuals who are a ward
24 of the State or subject to public guardianship.

1 OFFICE OF THE SECRETARY

2 GENERAL DEPARTMENTAL MANAGEMENT

3 For necessary expenses, not otherwise provided, for
4 general departmental management, including hire of six
5 passenger motor vehicles, and for carrying out titles III,
6 XVII, XXI, and section 229 of the PHS Act, the United
7 States-Mexico Border Health Commission Act, and re-
8 search studies under section 1110 of the Social Security
9 Act, \$480,629,000, together with \$64,828,000 from the
10 amounts available under section 241 of the PHS Act to
11 carry out national health or human services research and
12 evaluation activities: *Provided*, That of this amount,
13 \$53,900,000 shall be for minority AIDS prevention and
14 treatment activities: *Provided further*, That of the funds
15 made available under this heading, \$101,000,000 shall be
16 for making competitive contracts and grants to public and
17 private entities to fund medically accurate and age appro-
18 priate programs that reduce teen pregnancy and for the
19 Federal costs associated with administering and evalu-
20 ating such contracts and grants, of which not more than
21 10 percent of the available funds shall be for training and
22 technical assistance, evaluation, outreach, and additional
23 program support activities, and of the remaining amount
24 75 percent shall be for replicating programs that have
25 been proven effective through rigorous evaluation to re-

1 duce teenage pregnancy, behavioral risk factors underlying
2 teenage pregnancy, or other associated risk factors, and
3 25 percent shall be available for research and demonstra-
4 tion grants to develop, replicate, refine, and test additional
5 models and innovative strategies for preventing teenage
6 pregnancy: *Provided further*, That of the amounts pro-
7 vided under this heading from amounts available under
8 section 241 of the PHS Act, \$6,800,000 shall be available
9 to carry out evaluations (including longitudinal evalua-
10 tions) of teenage pregnancy prevention approaches: *Pro-*
11 *vided further*, That of the funds made available under this
12 heading, \$35,000,000 shall be for making competitive
13 grants which exclusively implement education in sexual
14 risk avoidance (defined as voluntarily refraining from non-
15 marital sexual activity): *Provided further*, That funding for
16 such competitive grants for sexual risk avoidance shall use
17 medically accurate information referenced to peer-re-
18 viewed publications by educational, scientific, govern-
19 mental, or health organizations; implement an evidence-
20 based approach integrating research findings with prac-
21 tical implementation that aligns with the needs and de-
22 sired outcomes for the intended audience; and teach the
23 benefits associated with self-regulation, success sequenc-
24 ing for poverty prevention, healthy relationships, goal set-
25 ting, and resisting sexual coercion, dating violence, and

1 other youth risk behaviors such as underage drinking or
2 illicit drug use without normalizing teen sexual activity:
3 *Provided further*, That no more than 10 percent of the
4 funding for such competitive grants for sexual risk avoid-
5 ance shall be available for technical assistance and admin-
6 istrative costs of such programs: *Provided further*, That
7 funds provided in this Act for embryo adoption activities
8 may be used to provide to individuals adopting embryos,
9 through grants and other mechanisms, medical and ad-
10 ministrative services deemed necessary for such adoptions:
11 *Provided further*, That such services shall be provided con-
12 sistent with 42 CFR 59.5(a)(4).

13 OFFICE OF MEDICARE HEARINGS AND APPEALS

14 For expenses necessary for the Office of Medicare
15 Hearings and Appeals, \$182,381,000 shall remain avail-
16 able until September 30, 2020, to be transferred in appro-
17 priate part from the Federal Hospital Insurance Trust
18 Fund and the Federal Supplementary Medical Insurance
19 Trust Fund.

20 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

21 INFORMATION TECHNOLOGY

22 For expenses necessary for the Office of the National
23 Coordinator for Health Information Technology, including
24 grants, contracts, and cooperative agreements for the de-

1 velopment and advancement of interoperable health infor-
2 mation technology, \$60,367,000.

3 OFFICE OF INSPECTOR GENERAL

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

12 OFFICE FOR CIVIL RIGHTS

13 For expenses necessary for the Office for Civil
14 Rights, \$38,798,000.

15 RETIREMENT PAY AND MEDICAL BENEFITS FOR

16 COMMISSIONED OFFICERS

17 For retirement pay and medical benefits of Public
18 Health Service Commissioned Officers as authorized by
19 law, for payments under the Retired Serviceman's Family
20 Protection Plan and Survivor Benefit Plan, and for med-
21 ical care of dependents and retired personnel under the
22 Dependents' Medical Care Act, such amounts as may be
23 required during the current fiscal year.

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

2 FUND

3 For expenses necessary to support activities related
4 to countering potential biological, nuclear, radiological,
5 chemical, and cybersecurity threats to civilian populations,
6 and for other public health emergencies, \$1,026,458,000,
7 of which \$561,700,000 shall remain available through
8 September 30, 2020, for expenses necessary to support
9 advanced research and development pursuant to section
10 319L of the PHS Act and other administrative expenses
11 of the Biomedical Advanced Research and Development
12 Authority: *Provided*, That funds provided under this head-
13 ing for the purpose of acquisition of security counter-
14 measures shall be in addition to any other funds available
15 for such purpose: *Provided further*, That products pur-
16 chased with funds provided under this heading may, at
17 the discretion of the Secretary, be deposited in the Stra-
18 tegic National Stockpile pursuant to section 319F–2 of
19 the PHS Act: *Provided further*, That \$5,000,000 of the
20 amounts made available to support emergency operations
21 shall remain available through September 30, 2021.

22 For expenses necessary for procuring security coun-
23 termeasures (as defined in section 319F–2(c)(1)(B) of the
24 PHS Act), \$735,000,000, to remain available until ex-
25 pended.

1 For an additional amount for expenses necessary to
2 prepare for or respond to an influenza pandemic,
3 \$285,000,000; of which \$250,000,000 shall be available
4 until expended, for activities including the development
5 and purchase of vaccine, antivirals, necessary medical sup-
6 plies, diagnostics, and other surveillance tools: *Provided*,
7 That notwithstanding section 496(b) of the PHS Act,
8 funds may be used for the construction or renovation of
9 privately owned facilities for the production of pandemic
10 influenza vaccines and other biologics, if the Secretary
11 finds such construction or renovation necessary to secure
12 sufficient supplies of such vaccines or biologics.

13 GENERAL PROVISIONS

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

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

22 SEC. 203. None of the funds appropriated in this Act
23 may be expended pursuant to section 241 of the PHS Act,
24 except for funds specifically provided for in this Act, or
25 for other taps and assessments made by any office located

1 in HHS, prior to the preparation and submission of a re-
2 port by the Secretary to the Committees on Appropria-
3 tions of the House of Representatives and the Senate de-
4 tailing the planned uses of such funds.

5 SEC. 204. Notwithstanding section 241(a) of the
6 PHS Act, such portion as the Secretary shall determine,
7 but not more than 2.6 percent, of any amounts appro-
8 priated for programs authorized under such Act shall be
9 made available for the evaluation (directly, or by grants
10 or contracts) and the implementation and effectiveness of
11 programs funded in this title.

12 (TRANSFER OF FUNDS)

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

1 SEC. 206. In lieu of the timeframe specified in section
2 338E(c)(2) of the PHS Act, terminations described in
3 such section may occur up to 60 days after the execution
4 of a contract awarded in fiscal year 2019 under section
5 338B of such Act.

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

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

18 SEC. 209. None of the funds appropriated by this Act
19 (including funds appropriated to any trust fund) may be
20 used to carry out the Medicare Advantage program if the
21 Secretary denies participation in such program to an oth-
22 erwise eligible entity (including a Provider Sponsored Or-
23 ganization) because the entity informs the Secretary that
24 it will not provide, pay for, provide coverage of, or provide
25 referrals for abortions: *Provided*, That the Secretary shall

1 make appropriate prospective adjustments to the capita-
2 tion payment to such an entity (based on an actuarially
3 sound estimate of the expected costs of providing the serv-
4 ice to such entity's enrollees): *Provided further*, That noth-
5 ing in this section shall be construed to change the Medi-
6 care program's coverage for such services and a Medicare
7 Advantage organization described in this section shall be
8 responsible for informing enrollees where to obtain infor-
9 mation about all Medicare covered services.

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

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

20 SEC. 212. In order for HHS to carry out inter-
21 national health activities, including HIV/AIDS and other
22 infectious disease, chronic and environmental disease, and
23 other health activities abroad during fiscal year 2019:

24 (1) The Secretary may exercise authority equiv-
25 alent to that available to the Secretary of State in

1 section 2(c) of the State Department Basic Authori-
2 ties Act of 1956. The Secretary shall consult with
3 the Secretary of State and relevant Chief of Mission
4 to ensure that the authority provided in this section
5 is exercised in a manner consistent with section 207
6 of the Foreign Service Act of 1980 and other appli-
7 cable statutes administered by the Department of
8 State.

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

1 assistance for international health activities, includ-
2 ing activities relating to HIV/AIDS and other infec-
3 tious diseases, chronic and environmental diseases,
4 and other health activities abroad.

5 (3) The Secretary is authorized to provide to
6 personnel appointed or assigned by the Secretary to
7 serve abroad, allowances and benefits similar to
8 those provided under chapter 9 of title I of the For-
9 eign Service Act of 1980, and 22 U.S.C. 4081
10 through 4086 and subject to such regulations pre-
11 scribed by the Secretary. The Secretary is further
12 authorized to provide locality-based comparability
13 payments (stated as a percentage) up to the amount
14 of the locality-based comparability payment (stated
15 as a percentage) that would be payable to such per-
16 sonnel under section 5304 of title 5, United States
17 Code if such personnel's official duty station were in
18 the District of Columbia. Leaves of absence for per-
19 sonnel under this subsection shall be on the same
20 basis as that provided under subchapter I of chapter
21 63 of title 5, United States Code, or section 903 of
22 the Foreign Service Act of 1980, to individuals serv-
23 ing in the Foreign Service.

1 (TRANSFER OF FUNDS)

2 SEC. 213. The Director of the NIH, jointly with the
3 Director of the Office of AIDS Research, may transfer up
4 to 3 percent among institutes and centers from the total
5 amounts identified by these two Directors as funding for
6 research pertaining to the human immunodeficiency virus:
7 *Provided*, That the Committees on Appropriations of the
8 House of Representatives and the Senate are notified at
9 least 15 days in advance of any transfer.

10 (TRANSFER OF FUNDS)

11 SEC. 214. Of the amounts made available in this Act
12 for NIH, the amount for research related to the human
13 immunodeficiency virus, as jointly determined by the Di-
14 rector of NIH and the Director of the Office of AIDS Re-
15 search, shall be made available to the “Office of AIDS
16 Research” account. The Director of the Office of AIDS
17 Research shall transfer from such account amounts nec-
18 essary to carry out section 2353(d)(3) of the PHS Act.

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

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

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

17 (TRANSFER OF FUNDS)

18 SEC. 217. Of the amounts made available for NIH,
19 1 percent of the amount made available for National Re-
20 search Service Awards (“NRSA”) shall be made available
21 to the Administrator of the Health Resources and Services
22 Administration to make NRSA awards for research in pri-
23 mary medical care to individuals affiliated with entities
24 who have received grants or contracts under sections 736,
25 739, or 747 of the PHS Act, and 1 percent of the amount

1 made available for NRSA shall be made available to the
2 Director of the Agency for Healthcare Research and Qual-
3 ity to make NRSA awards for health service research.

4 SEC. 218. (a) The Biomedical Advanced Research
5 and Development Authority (“BARDA”) may enter into
6 a contract, for more than one but no more than 10 pro-
7 gram years, for purchase of research services or of security
8 countermeasures, as that term is defined in section 319F–
9 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
10 if—

11 (1) funds are available and obligated—

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

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

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

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

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

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

3 SEC. 219. (a) The Secretary shall publish in the fiscal
4 year 2020 budget justification and on Departmental Web
5 sites information concerning the employment of full-time
6 equivalent Federal employees or contractors for the pur-
7 poses of implementing, administering, enforcing, or other-
8 wise carrying out the provisions of the ACA, and the
9 amendments made by that Act, in the proposed fiscal year
10 and each fiscal year since the enactment of the ACA.

11 (b) With respect to employees or contractors sup-
12 ported by all funds appropriated for purposes of carrying
13 out the ACA (and the amendments made by that Act),
14 the Secretary shall include, at a minimum, the following
15 information:

16 (1) For each such fiscal year, the section of
17 such Act under which such funds were appropriated,
18 a statement indicating the program, project, or ac-
19 tivity receiving such funds, the Federal operating di-
20 vision or office that administers such program, and
21 the amount of funding received in discretionary or
22 mandatory appropriations.

23 (2) For each such fiscal year, the number of
24 full-time equivalent employees or contracted employ-

1 ees assigned to each authorized and funded provision
2 detailed in accordance with paragraph (1).

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

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

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

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

14 SEC. 220. The Secretary shall publish, as part of the
15 fiscal year 2020 budget of the President submitted under
16 section 1105(a) of title 31, United States Code, informa-
17 tion that details the uses of all funds used by the Centers
18 for Medicare and Medicaid Services specifically for Health
19 Insurance Exchanges for each fiscal year since the enact-
20 ment of the ACA and the proposed uses for such funds
21 for fiscal year 2020. Such information shall include, for
22 each such fiscal year, the amount of funds used for each
23 activity specified under the heading “Health Insurance
24 Exchange Transparency” in the report accompanying this
25 Act.

1 SEC. 221. (a) The Secretary shall provide to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate:

4 (1) Detailed monthly enrollment figures from
5 the Exchanges established under the Patient Protec-
6 tion and Affordable Care Act of 2010 pertaining to
7 enrollments during the open enrollment period; and

8 (2) Notification of any new or competitive grant
9 awards, including supplements, authorized under
10 section 330 of the Public Health Service Act.

11 (b) The Committees on Appropriations of the House
12 and Senate must be notified at least 2 business days in
13 advance of any public release of enrollment information
14 or the award of such grants.

15 SEC. 222. None of the funds made available by this
16 Act from the Federal Hospital Insurance Trust Fund or
17 the Federal Supplemental Medical Insurance Trust Fund,
18 or transferred from other accounts funded by this Act to
19 the “Centers for Medicare and Medicaid Services—Pro-
20 gram Management” account, may be used for payments
21 under section 1342(b)(1) of Public Law 111–148 (relating
22 to risk corridors).

23 SEC. 223. The Secretary shall include in the fiscal
24 year 2020 budget justification an analysis of how section

1 2713 of the PHS Act will impact eligibility for discre-
2 tionary HHS programs.

3 (TRANSFER OF FUNDS)

4 SEC. 224. (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 report 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. 225. 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. 226. 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 SEC. 227. In addition to the amounts otherwise avail-
23 able for “Centers for Medicare and Medicaid Services,
24 Program Management”, the Secretary of Health and
25 Human Services may transfer up to \$305,000,000 to such

1 account from the Federal Hospital Insurance Trust Fund
2 and the Federal Supplementary Medical Insurance Trust
3 Fund to support program management activity related to
4 the Medicare Program: *Provided*, That except for the fore-
5 going purpose, such funds may not be used to support any
6 provision of Public Law 111–148 or Public Law 111–152
7 (or any amendment made by either such Public Law) or
8 to supplant any other amounts within such account.

9 (TRANSFER OF FUNDS)

10 SEC. 228. The NIH Director may transfer funds spe-
11 cifically appropriated for opioid addiction, opioid alter-
12 natives, pain management, and addiction treatment to
13 other Institutes and Centers of the NIH to be used for
14 the same purpose 15 days after notifying the Committees
15 on Appropriations: *Provided*, That the transfer authority
16 provided in the previous proviso is in addition to any other
17 transfer authority provided by law.

18 SEC. 229. None of the funds made available by this
19 Act to carry out the Child Care and Development Block
20 Grant Act of 1990 may be provided to any child care pro-
21 vider if a list of providers (as mentioned in part 98 of
22 title 45 of the Code of Federal Regulations, applicable to
23 the Department of Health and Human Services, Adminis-
24 tration of Children and Families, and in the final rule pub-
25 lished in the Federal Register, Vol. 81, No. 190, on Sept.

1 30, 2016) indicates that a serious injury or death occurred
2 at the provider due to a substantiated health or safety vio-
3 lation.

4 (RESCISSION)

5 SEC. 230. Of the unobligated balances available in
6 the “Nonrecurring Expenses Fund” established in section
7 223 of division G of Public Law 110–161, \$350,000,000
8 are hereby rescinded.

9 SEC. 231. Not later than the 15th day of each month,
10 the Department of Health and Human Services shall pro-
11 vide the Committees on Appropriations of the House of
12 Representatives and Senate a report on staffing described
13 in the report accompanying this Act.

14 SEC. 232. Funds appropriated in this Act that are
15 available for salaries and expenses of employees of the De-
16 partment of Health and Human Services shall also be
17 available to pay travel and related expenses of such an
18 employee or of a member of his or her family, when such
19 employee is assigned to duty, in the United States or in
20 a U.S. territory, during a period and in a location that
21 are the subject of a determination of a public health emer-
22 gency under section 319 of the Public Health Service Act
23 and such travel is necessary to obtain medical care for
24 an illness, injury, or medical condition that cannot be ade-
25 quately addressed in that location at that time. For pur-

1 poses of this section, the term “U.S. territory” means
2 Guam, the Commonwealth of Puerto Rico, the Northern
3 Mariana Islands, the Virgin Islands, American Samoa, or
4 the Trust Territory of the Pacific Islands.

5 This title may be cited as the “Department of Health
6 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”), \$16,568,790,000, of which
9 \$5,650,990,000 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 \$4,031,550,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$4,031,550,000 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, \$1,439,112,000, of which \$1,294,242,000 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, \$5,291,967,000, of which
16 \$3,463,402,000 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 \$1,211,673,000 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 \$1,225,000,000 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 \$1,042,256,000: *Provided*, That \$278,515,000 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 \$628,741,000 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), \$140,000,000, 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), \$135,000,000 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*
10 *further*, That \$17,500,000 shall be available for section
11 4625: *Provided further*, That \$78,254,000 shall be avail-
12 able 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, \$13,493,684,000, of
25 which \$3,970,585,000 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, \$3,656,189,000, 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, \$76,500,000: *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, \$133,000,000:
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”), \$1,855,686,000, of which
21 \$1,064,686,000 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 the Sec-
21 retary shall allow student loan borrowers who are consoli-
22 dating Federal student loans to select from any student
23 loan servicer to service their new consolidated student loan
24 under the current student loan servicing contracts: *Pro-*
25 *vided further*, That in order to promote accountability and

1 high-quality service to borrowers, the Secretary shall not
2 award funding for any contract solicitation for a new Fed-
3 eral student loan servicing environment, including the so-
4 licitation for the FSA Next Generation Processing and
5 Servicing Environment as amended by the Department of
6 Education on February 20, 2018, unless such an environ-
7 ment provides for the participation of multiple student
8 loan servicers that contract directly with the Department
9 of Education to manage a unique portfolio of borrower ac-
10 counts and the full life-cycle of loans from disbursement
11 to pay-off with certain limited exceptions, and allocates
12 student loan borrower accounts to eligible student loan
13 servicers based on performance: *Provided further*, That
14 such servicers described in the previous proviso shall be
15 evaluated based on their ability to meet contract require-
16 ments, future performance on the contracts, and history
17 of compliance with applicable consumer protections laws:
18 *Provided further*, That to the extent Federal Student Aid
19 (FSA) permits student loan servicing subcontracting, FSA
20 shall hold such subcontractors accountable for meeting the
21 requirements of the contract: *Provided further*, That FSA
22 shall create a fee structure with contractors that provides
23 more support to borrowers at risk of being distressed.

1 HIGHER EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, titles II, III, IV, V, VI, and VII of the HEA, the
4 Mutual Educational and Cultural Exchange Act of 1961,
5 and section 117 of the Carl D. Perkins Career and Tech-
6 nical Education Act of 2006, \$2,260,551,000: *Provided*,
7 That notwithstanding any other provision of law, funds
8 made available in this Act to carry out title VI of the HEA
9 and section 102(b)(6) of the Mutual Educational and Cul-
10 tural Exchange Act of 1961 may be used to support visits
11 and study in foreign countries by individuals who are par-
12 ticipating in advanced foreign language training and inter-
13 national studies in areas that are vital to United States
14 national security and who plan to apply their language
15 skills and knowledge of these countries in the fields of gov-
16 ernment, the professions, or international development:
17 *Provided further*, That of the funds referred to in the pre-
18 ceding proviso up to 1 percent may be used for program
19 evaluation, national outreach, and information dissemina-
20 tion activities: *Provided further*, That up to 1.5 percent
21 of the funds made available under chapter 2 of subpart
22 2 of part A of title IV of the HEA may be used for evalua-
23 tion.

1 HOWARD UNIVERSITY

2 For partial support of Howard University,
3 \$236,518,000, of which not less than \$3,405,000 shall be
4 for a matching endowment grant pursuant to the Howard
5 University Endowment Act and shall remain available
6 until expended.

7 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
8 PROGRAM

9 For Federal administrative expenses to carry out ac-
10 tivities related to existing facility loans pursuant to section
11 121 of the HEA, \$435,000.

12 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
13 CAPITAL FINANCING PROGRAM ACCOUNT

14 For the cost of guaranteed loans, \$20,150,000, as au-
15 thorized pursuant to part D of title III of the HEA, which
16 shall remain available through September 30, 2020: *Pro-*
17 *vided*, That such costs, including the cost of modifying
18 such loans, shall be as defined in section 502 of the Con-
19 gressional Budget Act of 1974: *Provided further*, That
20 these funds are available to subsidize total loan principal,
21 any part of which is to be guaranteed, not to exceed
22 \$580,000,000: *Provided further*, That these funds may be
23 used to support loans to public and private Historically
24 Black Colleges and Universities without regard to the limi-
25 tations within section 344(a) of the HEA.

1 In addition, \$10,000,000 shall be made available to
2 provide for the deferment of loans made under part D of
3 title III of the HEA to eligible institutions that are private
4 Historically Black Colleges and Universities, which apply
5 for the deferment of such a loan and demonstrate financial
6 need for such deferment by having a score of 2.6 or less
7 on the Department of Education’s financial responsibility
8 test: *Provided*, That during the period of deferment of
9 such a loan, interest on the loan will not accrue or be cap-
10 italized, and the period of deferment shall be for at least
11 a period of 3-fiscal years and not more than 6-fiscal years:
12 *Provided further*, That when determining priority for such
13 institutions to receive such a deferment, the Secretary
14 shall give priority to institutions that operated in a finan-
15 cial deficit for at least one of the previous 5 years accord-
16 ing to audits provided to the Department, or were sanc-
17 tioned for financial related reasons by the agency or asso-
18 ciation that accredited such institutions: *Provided further*,
19 That the Secretary shall create and execute an outreach
20 plan to work with States and the Capital Financing Advi-
21 sory Board to improve outreach to States and help addi-
22 tional public Historically Black Colleges and Universities
23 participate in the program.

24 In addition, for administrative expenses to carry out
25 the Historically Black College and University Capital Fi-

1 nancing Program entered into pursuant to part D of title
2 III of the HEA, \$334,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by the Edu-
5 cation Sciences Reform Act of 2002, the National Assess-
6 ment of Educational Progress Authorization Act, section
7 208 of the Educational Technical Assistance Act of 2002,
8 and section 664 of the Individuals with Disabilities Edu-
9 cation Act, \$615,462,000, which shall remain available
10 through September 30, 2020: *Provided*, That funds avail-
11 able to carry out section 208 of the Educational Technical
12 Assistance Act may be used to link Statewide elementary
13 and secondary data systems with early childhood, postsec-
14 ondary, and workforce data systems, or to further develop
15 such systems: *Provided further*, That up to \$6,000,000 of
16 the funds available to carry out section 208 of the Edu-
17 cational Technical Assistance Act may be used for awards
18 to public or private organizations or agencies to support
19 activities to improve data coordination, quality, and use
20 at the local, State, and national levels.

21 DEPARTMENTAL MANAGEMENT

22 PROGRAM ADMINISTRATION

23 For carrying out, to the extent not otherwise pro-
24 vided, the Department of Education Organization Act, in-
25 cluding rental of conference rooms in the District of Co-

1 lumbia and hire of three passenger motor vehicles,
2 \$430,000,000: *Provided*, That, notwithstanding any other
3 provision of law, none of the funds provided by this Act
4 or provided by previous Appropriations Acts to the De-
5 partment of Education available for obligation or expendi-
6 ture in the current fiscal year may be used for any activity
7 relating to implementing a reorganization that decentral-
8 izes, reduces the staffing level, or alters the responsibil-
9 ities, structure, authority, or functionality of the Budget
10 Service of the Department of Education, relative to the
11 organization and operation of the Budget Service as in
12 effect on January 1, 2018.

13 OFFICE FOR CIVIL RIGHTS

14 For expenses necessary for the Office for Civil
15 Rights, as authorized by section 203 of the Department
16 of Education Organization Act, \$125,000,000.

17 OFFICE OF INSPECTOR GENERAL

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

21 GENERAL PROVISIONS

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

1 (TRANSFER OF FUNDS)

2 SEC. 302. Not to exceed 1 percent of any discre-
3 tionary funds (pursuant to the Balanced Budget and
4 Emergency Deficit Control Act of 1985) which are appro-
5 priated for the Department of Education in this Act may
6 be transferred between appropriations, but no such appro-
7 priation shall be increased by more than 3 percent by any
8 such transfer: *Provided*, That the transfer authority
9 granted by this section shall not be used to create any
10 new program or to fund any project or activity for which
11 no funds are provided in this Act: *Provided further*, That
12 the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate are notified at least 15 days
14 in advance of any transfer.

15 SEC. 303. Section 105(f)(1)(B)(ix) of the Compact
16 of Free Association Amendments Act of 2003 (48 U.S.C.
17 1921d(f)(1)(B)(ix)) shall be applied by substituting
18 “2019” for “2009”.

19 SEC. 304. Funds appropriated in this Act and con-
20 solidated for evaluation purposes under section 8601(c) of
21 the ESEA shall be available from July 1, 2019, through
22 September 30, 2020.

23 SEC. 305. (a) An institution of higher education that
24 maintains an endowment fund supported with funds ap-
25 propriated for title III or V of the HEA for fiscal year

1 2019 may use the income from that fund to award schol-
2 arships to students, subject to the limitation in section
3 331(c)(3)(B)(i) of the HEA. The use of such income for
4 such purposes, prior to the enactment of this Act, shall
5 be considered to have been an allowable use of that in-
6 come, subject to that limitation.

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

9 SEC. 306. Section 114(f) of the HEA (20 U.S.C.
10 1011c(f)) is amended by striking “2018” and inserting
11 “2019”.

12 SEC. 307. Section 458(a) of the HEA (20 U.S.C.
13 1087h(a)) is amended in paragraph (4) by striking
14 “2018” and inserting “2019”.

15 (RESCISSION)

16 SEC. 308. Of the unobligated balances available
17 under the heading “Student Financial Assistance” for car-
18 rying out subpart 1 of part A of title IV of the HEA,
19 \$600,000,000 are hereby rescinded.

20 SEC. 309. Section 401(b)(7)(A)(iv)(IX) of the Higher
21 Education Act of 1965 (20 U.S.C.
22 1070a(b)(7)(A)(iv)(IX)) is amended by striking
23 “\$1,409,000,000” and inserting “\$1,370,000,000”.

24 SEC. 310. (a) An institution of higher education may,
25 with explicit written consent of an applicant who has com-

1 pleted a FAFSA under such section 483(a), provide such
2 information collected from the applicant’s FAFSA as is
3 necessary to a scholarship granting organization, includ-
4 ing a tribal organization (defined in section 4 of the Indian
5 Self-Determination and Education Assistance Act (25
6 U.S.C. 5304)), or to an organization assisting the appli-
7 cant in applying for and receiving Federal, State, local,
8 or tribal assistance, that is designated by the applicant
9 to assist the applicant in applying for and receiving finan-
10 cial assistance for any component of the applicant’s cost
11 of attendance (defined in section 472 of the HEA) at that
12 institution.

13 (b) An organization that receives information pursu-
14 ant to subsection (a) shall not sell or otherwise share such
15 information.

16 (c) This section shall be in effect until title IV of the
17 HEA is reauthorized.

18 SEC. 311. For an additional amount for “Department
19 of Education—Federal Direct Student Loan Program Ac-
20 count”, \$350,000,000, to remain available until expended,
21 shall be for the cost, as defined under section 502 of the
22 Congressional Budget Act of 1974, of the Secretary of
23 Education providing loan cancellation in the same manner
24 as under section 455(m) of the Higher Education Act of
25 1965 (20 U.S.C. 1087e(m)), for borrowers of loans made

1 under part D of title IV of such Act who would qualify
2 for loan cancellation under section 455(m) except some,
3 or all, of the 120 required payments under section
4 455(m)(1)(A) do not qualify for purposes of the program
5 because they were monthly payments made in accordance
6 with graduated or extended repayment plans as described
7 under subparagraph (B) or (C) of section 455(d)(1) or
8 the corresponding repayment plan for a consolidation loan
9 made under section 455(g) and that were less than the
10 amount calculated under section 455(d)(1)(A), based on
11 a 10-year repayment period: *Provided*, That the monthly
12 payment made 12 months before the borrower applied for
13 loan cancellation as described in the matter preceding this
14 proviso and the most recent monthly payment made by
15 the borrower at the time of such application were each
16 not less than the monthly amount that would be calculated
17 under, and for which the borrower would otherwise qualify
18 for, clause (i) or (iv) of section 455(m)(1)(A) regarding
19 income-based or income-contingent repayment plans, with
20 exception for a borrower who would have otherwise been
21 eligible under this section but demonstrates an unusual
22 fluctuation of income over the past 5 years: *Provided fur-*
23 *ther*, That the total loan volume, including outstanding
24 principal, fees, capitalized interest, or accrued interest, at
25 application that is eligible for such loan cancellation by

1 such borrowers shall not exceed \$500,000,000: *Provided*
2 *further*, That the Secretary shall develop and make avail-
3 able a simple method for borrowers to apply for loan can-
4 cellation under this section within 60 days of enactment
5 of this Act: *Provided further*, That the Secretary shall pro-
6 vide loan cancellation under this section to eligible bor-
7 rowers on a first-come, first-serve basis, based on the date
8 of application and subject to both the limitation on total
9 loan volume at application for such loan cancellation speci-
10 fied in the second proviso and the availability of appropria-
11 tions under this section: *Provided further*, That no bor-
12 rower may, for the same service, receive a reduction of
13 loan obligations under both this section and section 428J,
14 428K, 428L, or 460 of such Act.

15 SEC. 312. Of the amounts made available under this
16 title under the heading “Student Aid Administration”,
17 \$2,300,000 shall be used by the Secretary of Education
18 to conduct outreach to borrowers of loans made under part
19 D of title IV of the Higher Education Act of 1965 who
20 may intend to qualify for loan cancellation under section
21 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
22 borrowers are meeting the terms and conditions of such
23 loan cancellation: *Provided*, That the Secretary shall spe-
24 cifically conduct outreach to assist borrowers who would
25 qualify for loan cancellation under section 455(m) of such

1 Act except that the borrower has made some, or all, of
2 the 120 required payments under a repayment plan that
3 is not described under section 455(m)(A) of such Act, to
4 encourage borrowers to enroll in a qualifying repayment
5 plan: *Provided further*, That the Secretary shall also com-
6 municate to all Direct Loan borrowers the full require-
7 ments of section 455(m) of such Act and improve the fil-
8 ing of employment certification by providing improved out-
9 reach and information such as outbound calls, electronic
10 communications, ensuring prominent access to program
11 requirements and benefits on each servicer’s website, and
12 creating an option for all borrowers to complete the entire
13 payment certification process electronically and on a cen-
14 tralized website.

15 This title may be cited as the “Department of Edu-
16 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 established under section 8502 of title 41, United States
9 Code, \$8,250,000: *Provided*, That in order to authorize
10 any central nonprofit agency designated pursuant to sec-
11 tion 8503(e) of title 41, United States Code, to perform
12 contract requirements of the Committee as prescribed
13 under section 51–3.2 of title 41, Code of Federal Regula-
14 tions, the Committee shall enter into a written agreement
15 with any such central nonprofit agency: *Provided further*,
16 That such agreement entered into under the preceding
17 proviso shall contain such auditing, oversight, and report-
18 ing provisions as necessary to implement chapter 85 of
19 title 41, United States Code: *Provided further*, That such
20 agreement shall include the elements listed under this
21 heading in the explanatory statement accompanying Pub-
22 lic Law 114–113: *Provided further*, That a fee may not
23 be charged under section 51–3.5 of title 41, Code of Fed-
24 eral Regulations, unless such fee is under the terms of
25 the written agreement between the Committee and any

1 such central nonprofit agency: *Provided further*, That no
2 less than \$1,250,000 shall be available for the Office of
3 Inspector General.

4 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
5 OPERATING EXPENSES

6 For necessary expenses for the Corporation for Na-
7 tional and Community Service (referred to in this title as
8 “CNCS”) to carry out the Domestic Volunteer Service Act
9 of 1973 (referred to in this title as “1973 Act”) and the
10 National and Community Service Act of 1990 (referred
11 to in this title as “1990 Act”), \$770,629,000, notwith-
12 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
13 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
14 amounts provided under this heading: (1) up to 1 percent
15 of program grant funds may be used to defray the costs
16 of conducting grant application reviews, including the use
17 of outside peer reviewers and electronic management of
18 the grants cycle; (2) \$17,538,000 shall be available to pro-
19 vide assistance to State commissions on national and com-
20 munity service, under section 126(a) of the 1990 Act and
21 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
22 \$32,000,000 shall be available to carry out subtitle E of
23 the 1990 Act; and (4) \$5,400,000 shall be available for
24 expenses authorized under section 501(a)(4)(F) of the
25 1990 Act, which, notwithstanding the provisions of section

1 198P shall be awarded by CNCS on a competitive basis:
2 *Provided further*, That for the purposes of carrying out
3 the 1990 Act, satisfying the requirements in section
4 122(c)(1)(D) may include a determination of need by the
5 local community.

6 PAYMENT TO THE NATIONAL SERVICE TRUST
7 (INCLUDING TRANSFER OF FUNDS)

8 For payment to the National Service Trust estab-
9 lished under subtitle D of title I of the 1990 Act,
10 \$198,163,000, to remain available until expended: *Pro-*
11 *vided*, That CNCS may transfer additional funds from the
12 amount provided within “Operating Expenses” allocated
13 to grants under subtitle C of title I of the 1990 Act to
14 the National Service Trust upon determination that such
15 transfer is necessary to support the activities of national
16 service participants and after notice is transmitted to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate: *Provided further*, That amounts ap-
19 propriated for or transferred to the National Service Trust
20 may be invested under section 145(b) of the 1990 Act
21 without regard to the requirement to apportion funds
22 under 31 U.S.C. 1513(b).

23 SALARIES AND EXPENSES

24 For necessary expenses of administration as provided
25 under section 501(a)(5) of the 1990 Act and under section

1 504(a) of the 1973 Act, including payment of salaries, au-
2 thorized travel, hire of passenger motor vehicles, the rental
3 of conference rooms in the District of Columbia, the em-
4 ployment of experts and consultants authorized under 5
5 U.S.C. 3109, and not to exceed \$2,500 for official recep-
6 tion and representation expenses, \$83,737,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the Inspector General Act of 1978,
10 \$5,750,000.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. CNCS shall make any significant changes
13 to program requirements, service delivery or policy only
14 through public notice and comment rulemaking. For fiscal
15 year 2019, during any grant selection process, an officer
16 or employee of CNCS shall not knowingly disclose any cov-
17 ered grant selection information regarding such selection,
18 directly or indirectly, to any person other than an officer
19 or employee of CNCS that is authorized by CNCS to re-
20 ceive such information.

21 SEC. 402. AmeriCorps programs receiving grants
22 under the National Service Trust program shall meet an
23 overall minimum share requirement of 24 percent for the
24 first 3 years that they receive AmeriCorps funding, and
25 thereafter shall meet the overall minimum share require-

1 ment as provided in section 2521.60 of title 45, Code of
2 Federal Regulations, without regard to the operating costs
3 match requirement in section 121(e) or the member sup-
4 port Federal share limitations in section 140 of the 1990
5 Act, and subject to partial waiver consistent with section
6 2521.70 of title 45, Code of Federal Regulations.

7 SEC. 403. Donations made to CNCS under section
8 196 of the 1990 Act for the purposes of financing pro-
9 grams and operations under titles I and II of the 1973
10 Act or subtitle B, C, D, or E of title I of the 1990 Act
11 shall be used to supplement and not supplant current pro-
12 grams and operations.

13 SEC. 404. In addition to the requirements in section
14 146(a) of the 1990 Act, use of an educational award for
15 the purpose described in section 148(a)(4) shall be limited
16 to individuals who are veterans as defined under section
17 101 of the Act.

18 SEC. 405. For the purpose of carrying out section
19 189D of the 1990 Act—

20 (1) entities described in paragraph (a) of such
21 section shall be considered “qualified entities” under
22 section 3 of the National Child Protection Act of
23 1993 (“NCPA”);

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

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

9 SEC. 406. Notwithstanding sections 139(b), 146 and
10 147 of the 1990 Act, an individual who successfully com-
11 pletes a term of service of not less than 1,200 hours dur-
12 ing a period of not more than one year may receive a na-
13 tional service education award having a value of 70 per-
14 cent of the value of a national service education award
15 determined under section 147(a) of the Act.

16 CORPORATION FOR PUBLIC BROADCASTING

17 For payment to the Corporation for Public Broad-
18 casting (“CPB”), as authorized by the Communications
19 Act of 1934, an amount which shall be available within
20 limitations specified by that Act, for the fiscal year 2021,
21 \$445,000,000: *Provided*, That none of the funds made
22 available to CPB by this Act shall be used to pay for re-
23 ceptions, parties, or similar forms of entertainment for
24 Government officials or employees: *Provided further*, That
25 none of the funds made available to CPB by this Act shall

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

12 In addition, for the costs associated with replacing
13 and upgrading the public broadcasting interconnection
14 system and other technologies and services that create in-
15 frastructure and efficiencies within the public media sys-
16 tem, \$20,000,000.

17 FEDERAL MEDIATION AND CONCILIATION SERVICE

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Mediation
20 and Conciliation Service (“Service”) to carry out the func-
21 tions vested in it by the Labor-Management Relations Act,
22 1947, including hire of passenger motor vehicles; for ex-
23 penses necessary for the Labor-Management Cooperation
24 Act of 1978; and for expenses necessary for the Service
25 to carry out the functions vested in it by the Civil Service

1 Reform Act, \$46,650,000, including up to \$900,000 to re-
2 main available through September 30, 2020, for activities
3 authorized by the Labor-Management Cooperation Act of
4 1978: *Provided*, That notwithstanding 31 U.S.C. 3302,
5 fees charged, up to full-cost recovery, for special training
6 activities and other conflict resolution services and tech-
7 nical assistance, including those provided to foreign gov-
8 ernments and international organizations, and for arbitra-
9 tion services shall be credited to and merged with this ac-
10 count, and shall remain available until expended: *Provided*
11 *further*, That fees for arbitration services shall be available
12 only for education, training, and professional development
13 of the agency workforce: *Provided further*, That the Direc-
14 tor of the Service is authorized to accept and use on behalf
15 of the United States gifts of services and real, personal,
16 or other property in the aid of any projects or functions
17 within the Director's jurisdiction.

18 FEDERAL MINE SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Federal Mine Safety
22 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 \$41,390,721,000, 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 \$12,816,945,000 may be expended, as authorized by sec-
22 tion 201(g)(1) of the Social Security Act, from any one
23 or all of the trust funds referred to in such section: *Pro-*
24 *vided*, That not less than \$2,300,000 shall be for the So-
25 cial Security Advisory Board: *Provided further*, That

1 \$85,000,000 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 under this head-
7 ing, not more than \$1,683,000,000, to remain available
8 through March 31, 2020, is for the costs associated with
9 continuing disability reviews under titles II and XVI of
10 the Social Security Act, including work-related continuing
11 disability reviews to determine whether earnings derived
12 from services demonstrate an individual's ability to engage
13 in substantial gainful activity, for the cost associated with
14 conducting redeterminations of eligibility under title XVI
15 of the Social Security Act, for the cost of co-operative dis-
16 ability investigation units, and for the cost associated with
17 the prosecution of fraud in the programs and operations
18 of the Social Security Administration by Special Assistant
19 United States Attorneys: *Provided*, That, of such amount,
20 \$273,000,000 is provided to meet the terms of section
21 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985, as amended, and
23 \$1,410,000,000 is additional new budget authority speci-
24 fied for purposes of section 251(b)(2)(B) of such Act: *Pro-*
25 *vided further*, That the Commissioner shall provide to the

1 Congress (at the conclusion of the fiscal year) a report
2 on the obligation and expenditure of these funds, similar
3 to the reports that were required by section 103(d)(2) of
4 Public Law 104–121 for fiscal years 1996 through 2002.

5 In addition, \$134,000,000 to be derived from admin-
6 istration fees in excess of \$5.00 per supplementary pay-
7 ment collected pursuant to section 1616(d) of the Social
8 Security Act or section 212(b)(3) of Public Law 93–66,
9 which shall remain available until expended. To the extent
10 that the amounts collected pursuant to such sections in
11 fiscal year 2019 exceed \$134,000,000, the amounts shall
12 be available in fiscal year 2020 only to the extent provided
13 in advance in appropriations Acts.

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

18 OFFICE OF INSPECTOR GENERAL

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary for the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$30,000,000, together with not to
23 exceed \$75,500,000, to be transferred and expended as
24 authorized by section 201(g)(1) of the Social Security Act

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

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

301

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 report
2 accompanying this Act or the fiscal year 2019 budget re-
3 quest.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000 in value and awarded by the
10 Department on a non-competitive basis during each quar-
11 ter of fiscal year 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. Notwithstanding any other provision of
15 this Act, no funds appropriated in this Act shall be used
16 to purchase sterile needles or syringes for the hypodermic
17 injection of any illegal drug: *Provided*, That such limita-
18 tion does not apply to the use of funds for elements of
19 a program other than making such purchases if the rel-
20 evant State or local health department, in consultation
21 with the Centers for Disease Control and Prevention, de-
22 termines that the State or local jurisdiction, as applicable,
23 is experiencing, or is at risk for, a significant increase in
24 hepatitis infections or an HIV outbreak due to injection

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

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

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

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

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

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

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

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

11 SEC. 525. (a) Federal agencies may use Federal dis-
12 cretionary funds that are made available in this Act to
13 carry out up to 10 Performance Partnership Pilots. Such
14 Pilots shall be governed by the provisions of section 526
15 of division H of Public Law 113–76, except that in car-
16 rying out such Pilots section 526 shall be applied by sub-
17 stituting “FISCAL YEAR 2019” for “FISCAL YEAR 2014”
18 in the title of subsection (b) and by substituting “Sep-
19 tember 30, 2023” for “September 30, 2018” each place
20 it appears: *Provided*, That such pilots shall include com-
21 munities that have experienced civil unrest.

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

1 section 526 of division H of Public Law 113–76, section
2 524 of division G of Public Law 113–235, section 525 of
3 division H of Public Law 114–113, section 525 of division
4 H of Public Law 115–31, and section 525 of division H
5 of Public Law 115–141.

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

10 SEC. 526. Not later than 30 days after the end of
11 each calendar quarter, beginning with the first month of
12 fiscal year 2019, the Departments of Labor, Health and
13 Human Services and Education and the Social Security
14 Administration shall provide the Committees on Appro-
15 priations of the House of Representatives and Senate a
16 report on the status of balances of appropriations: *Pro-*
17 *vided*, That for balances that are unobligated and uncom-
18 mitted, committed, and obligated but unexpended, the
19 monthly reports shall separately identify the amounts at-
20 tributable to each source year of appropriation (beginning
21 with fiscal year 2012, or, to the extent feasible, earlier
22 fiscal years) from which balances were derived.

23 (RESCISSION)

24 SEC. 527. Of any available amounts appropriated
25 under section 2104(a)(22) of the Social Security Act (42

1 U.S.C. 1397dd) that are unobligated as of September 25,
2 2019, \$3,345,000,000 are hereby rescinded as of such
3 date.

4 SEC. 528. Of the amounts deposited in the Child En-
5 rollment Contingency Fund for fiscal year 2019 under sec-
6 tion 2104(n)(2) of the Social Security Act and the income
7 derived from investment of those funds pursuant to sec-
8 tion 2104(n)(2)(C) of that Act, \$3,398,000,000 shall not
9 be available for obligation in this fiscal year.

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