DEPARTMENT OF HEALTH AND HUMAN SERVICES
PROPOSED GENERAL PROVISIONS
FOR FISCAL YEAR 2017

The President's Budget recommends that a number of general provisions be included in the FY 2017 Departments of Labor, Health and Human Services, and Education Appropriations Act. These provisions follow appendix schedules for the Department of Health and Human Services (Title II General Provisions) and the Departments of Labor, Health and Human Services, and Education (Title V General Provisions).

TITLE II

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

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

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than **[**2.5**]** *3.0* percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year **[**2016**]** *2017* under section 338B of such Act.

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

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

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

[SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.**]**

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

SEC. **[**212**]***210*. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year **[**2016**]***2017*:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation

governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, *construct,* lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) *The Centers for Disease Control and Prevention may acquire, lease, construct, alter, renovate, equip, furnish, or manage facilities outside of the United States, as necessary to conduct such programs, in consultation with the Secretary of State, either directly for the use of the United States Government or for the use, pursuant to grants, direct assistance, or cooperative agreements, of public or nonprofit private institutions or agencies in participating foreign countries.*

(**[**3**]***4*) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. **[**213**]***211*. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. **[**214**]***212*. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. **[**215**]***213*.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the

PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

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

SEC. **[**216**]***214*. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. **[**217**]***215*. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. **[**218**]***216*. In addition to amounts provided herein, payments made for research organisms or substances, authorized under section 301(a) of the PHS Act, shall be retained and credited to the appropriations accounts of the Institutes and Centers of the NIH making the substance or organism available under section 301(a). *When such substances and organisms are made available through contractors, the Director may direct such contractors to collect such payments on behalf of the NIH and to forward amounts so collected to the NIH in the time and manner specified by the Director.* Amounts credited to the account under this authority shall be available for obligation through September 30, **[**2017**]** *2018*.

SEC. **[**219**]***217*.

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

(1) funds are available and obligated—

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

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

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

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

[SEC. 220.

(a) The Secretary shall establish a publicly accessible Web site to provide information regarding the uses of funds made available under section 4002 of the Patient Protection and Affordable Care Act of 2010 ("ACA'').

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

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

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

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

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

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

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

(1) present the information required in subsection (b)(1) on a single webpage or on a single database;

(2) ensure that all information required in this section is directly accessible from the single webpage or database; and
(3) ensure that all information required in this section is able to be organized by program or State.**]**

[(TRANSFER OF FUNDS)**]**

[SEC. 221.

(a) Within 45 days of enactment of this Act, the Secretary shall transfer funds appropriated under section 4002 of the ACA to the accounts specified, in the amounts specified, and for the activities specified under the heading "Prevention and Public Health Fund'' in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).
(b) Notwithstanding section 4002(c) of the ACA, the Secretary may not further transfer these amounts.
(c) Funds transferred for activities authorized under section 2821 of the PHS Act shall be made available without reference to section 2821(b) of such Act.**]**

[SEC. 222.

(a) The Secretary shall publish in the fiscal year 2017 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.
(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:
(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—
(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.
(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).
(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—
(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;
(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

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

[SEC. 223. The Secretary shall publish, as part of the fiscal year 2017 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2017. Such information shall include, for each such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).**]**

[SEC. 224.

(a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:
(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and
(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

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

[SEC. 225. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare and Medicaid Services—Program Management" account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).**]**

[SEC. 226. In addition to the amounts otherwise available for "Centers for Medicare and Medicaid Services, Program Management'', the Secretary of Health and Human Services may transfer up to $305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.**]**

[(RESCISSION)**]**

[SEC. 227. The following unobligated balances of amounts appropriated prior to fiscal year for 2007 for "Department of Health and Human Services, Health Resources and Services Administration" are hereby permanently rescinded:

(1) $281,003 appropriated to carry out section 1610(b) of the PHS Act;

(2) $3,611 appropriated to carry out section 1602(c) of the PHS Act;
(3) $105,576 appropriated in section 167 of division H of Public Law 108-199; and
(4) $55,793 appropriated to carry out the National Cord Blood Stem Cell Bank Program.**]**

[SEC. 228. The Secretary shall include in the fiscal year 2017 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.**]**

[SEC. 229. Effective during the period beginning on November 1, 2015 and ending January 1, 2018, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer, screening, mammography, and prevention last issued before 2009; and
(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).**]**

(TRANSFER OF FUNDS)

SEC. **[**230**]***218*.

[(a) IN GENERAL.—Subject to the succeeding provisions of this section, activities authorized under part A of title IV and section 1108(b) of the Social Security Act shall continue through September 30, 2016, in the manner authorized for fiscal year 2015, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through September 30, 2016 at the level provided for such activities for fiscal year 2015, except as provided in subsection (b).**]**

(**[**b**]***a*) CONTINGENCY FUND.—In the case of the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act**[**—**]***, the amount appropriated for such section 403(b) shall be $608,000,000 for fiscal year 2018, to remain available until expended.*

[(1) the amount appropriated for such section 403(b) of such Act shall be $608,000,000 for each of fiscal years 2016 and 2017, notwithstanding section 228(b)(1) of the Department of Health and Human Services Appropriations Act, 2015;**]**

[(2) the requirement to reserve funds provided for in section 403(b)(2) of the Social Security Act shall not apply during fiscal years 2016 and 2017; and**]**

[(3) grants and payments may only be made from such Fund for fiscal year 2016 after the application of subsection (c).**]**

(**[**c**]***b*) CENSUS RESEARCH AND WELFARE RESEARCH.—Of the amount made available under **[**subsection (b)(1)**]** *section 230(b)(1) of division H of Public Law 114-113* for section 403(b) of the Social Security Act for fiscal year **[**2016**]***2017*—

(1) $15,000,000 is hereby transferred and made available to carry out section 413(h) of the Social Security Act; and
(2) $10,000,000 is hereby transferred and made available to the Bureau of the Census to conduct activities using the Survey of Income and Program Participation to obtain information to enable interested parties to evaluate the impact of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

[SEC. 231. Section 1886(m)(6) of the Social Security Act (42 U.S.C. 1395ww(m)(6)) is amended—
(1) in subparagraph (A)(i) by striking "subparagraph (C)" and inserting "subparagraphs (C) and (E)"; and
(2) by adding at the end the following new subparagraph:
"(E) TEMPORARY EXCEPTION FOR CERTAIN SEVERE WOUND DISCHARGES FROM CERTAIN LONG-TERM CARE HOSPITALS.—
"(i) IN GENERAL.—In the case of a discharge occurring prior to January 1, 2017, subparagraph (A)(i) shall not apply (and payment shall be made to a long-term care hospital without regard to this paragraph) if such discharge—
"(I) is from a long-term care hospital that is—
"(aa) identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note, Public Law 105-33); and
"(bb) located in a rural area (as defined in subsection (d)(2)(D)) or treated as being so located pursuant to (d)(8)(E); and
"(II) the individual discharged has a severe wound.
"(ii) SEVERE WOUND DEFINED.—In this subparagraph, the term 'severe wound' means a stage 3 wound, a stage 4 wound, unstageable wound, non-healing surgical wound, infected wound, fistula, osteomyelitis, or wound with morbid obesity, as identified in the claim from the long-term care hospital.".**]**

SEC. 219. Subsection 1864(e) of the Social Security Act (42 U.S.C. 1395aa(e)) is amended to read as follows— "(e) FEES FOR CONDUCTING REVISIT SURVEYS.—The Secretary may impose fees upon facilities or entities referred to in this section for conducting revisit surveys in cases where such facilities or entities have been cited for deficiencies during initial certification, recertification, or substantiated complaint surveys. Such fees shall be established and collected in accordance with regulations prescribed by the Secretary that provide for a gradual phase-in of the fee amounts, and collected funds shall be available to supplement funding appropriated for such surveys. Fee amounts assessed upon an entity in an entity class shall not exceed the estimated average cost of performing such surveys for an entity in such class. Such fees shall be collected and available only to the extent and in such amounts as provided in advance in appropriations acts.".

SEC. 220. Funds which are available for Individual Learning Accounts for employees of CDC and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred between appropriate accounts of CDC, to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 221. Section 1204(9) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(9)) is amended—

(1) in subparagraph (C)(ii) by striking "or";
(2) in subparagraph (D), by striking the period and inserting "; or"; and
(3) by adding at the end the following new subparagraph: "(E) an intermittent-disaster response appointee of the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) who is performing official duties of the Service, if those official duties are determined by the Secretary of Health and Human Services to be hazardous duties.".

(TRANSFER OF FUNDS)

SEC. 222. In the event of a public health emergency declared under section 319 of the PHS Act, the Secretary may, during the duration of the emergency, transfer discretionary funds (as defined pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated in this Act for the current fiscal year for the Department of Health and Human Services between appropriations for costs of responding to and aiding in recovery from such public health emergency: Provided, That no appropriation may be reduced by more than 10 percent under this section: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be promptly notified of such transfers: Provided further, That this transfer authority is in addition to any other transfer authority.

SEC. 223. Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by adding at the end the following new subsection: "(e) The Secretary may issue regulations with binding and future effect for the program authorized by this section.".

SEC. 224.

(a) IN GENERAL.—Under the conditions listed in subsection (b), the Secretary or the head of a major organizational unit within the Department may in this fiscal year and hereafter enter into a reimbursable agreement with the head of another major organizational unit within the Department or of another agency under which—

(1)the head of the ordering agency or unit delegates to the head of the servicing agency or unit the authority to issue a grant or cooperative agreement on behalf of the ordering agency or unit;
(2) the servicing agency or unit will execute or manage a grant or cooperative agreement on behalf of the ordering agency or unit; and
(3) the ordering agency or unit will reimburse the servicing unit or agency for the amount of the grant or cooperative agreement and for the service of executing or managing the grant or cooperative agreement.

(b) CONDITIONS.—The conditions for making an agreement described in subsection (a) are that—

(1) amounts are available;

(2) the head of the ordering agency or unit decides the agreement is in the best interest of the United States Government; and

(3) the agency or unit to execute or manage the grant or cooperative agreement is able to provide that service.

(c) PAYMENT.—Payment shall be made promptly through the Intra-governmental Payment and Collection system at the request of the agency or unit providing the service. Payment may be in advance or on providing all or part of the service, and shall be for any part of the estimated or actual cost as determined by the agency of unit providing the service. A bill submitted or a request for payment is not subject to audit or certification in advance of payment. Proper adjustment of amounts paid in advance shall be made as agreed to by the heads of the agencies or units on the basis of the amount of the grant or cooperative agreement and the actual service provided.

(d) LIMITATIONS ON FUNDS.—A condition or limitation applicable to amounts for grants or cooperative agreements of the ordering agency or unit applies to an agreement made under this section and to a grant or cooperative agreement made under such agreement.

(e) OBLIGATION OF APPROPRIATIONS.—An agreement made under this section obligates an appropriation of the ordering agency or unit. The amount obligated is deobligated to the extent that the agency or unit providing the service has not incurred obligations, before the end of the period of availability of the appropriations, in—

(1) awarding the grant or cooperative agreement; or

(2) providing the agreed-on services.

(f) NO EFFECT ON OTHER LAWS.—This section does not affect other laws about reimbursable agreements.

SEC. 225. Notwithstanding subparagraph (B)(i) of section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), the Secretary of Health and Human Services may, using amounts made available in this Act to carry out title V of the Public Health Service Act, establish and carry out a demonstration through fiscal year 2021 in which, for purposes of prescribing buprenorphine under such section 303(g)(2), the term "practitioner" shall be deemed to include non-physician providers authorized to prescribe buprenorphine by the jurisdiction in which the provider is licensed who meet such criteria as determined appropriate by the Secretary, in consultation with the Attorney General, for participation in the project. In implementing this demonstration project, the Secretary and Attorney General shall not be subject to the requirements of 5 U.S.C. 553. The Secretary may enter into grants, contracts, or cooperative agreements with one or more research institutions, and public and nonprofit entities to assist in carrying out such demonstration. In addition, amounts available for this fiscal year in other Acts to the Attorney General for carrying out section 303 of the Controlled Substances Act shall also be available to the Attorney General to facilitate and support the efficient operation of the demonstration under this section. Any authority for a provider to prescribe buprenorphine that results from participating in this demonstration project shall end no later than the date such provider ceases

to participate in this demonstration. (Departments of Health and Human Services Appropriations Act, 2016.)

TITLE V

(TRANSFER OF FUNDS)

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

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

SEC. 503.

(a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, *or* appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative *and State-local* relationships *for presentation to any State or local legislature or legislative body itself,* or *for* participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

[(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.**]**

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal

money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

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

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

SEC. 506.

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

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507.

(a) The limitations established in the preceding section shall not apply to an abortion—

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

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

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)

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

(2) In this subsection, the term "health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

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

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

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

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

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

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

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

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

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

[SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.**]**

SEC. **[**513**]***512*. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

[SEC. 514.

(a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for

obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

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

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.**]**

[SEC. 515.

(a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

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

[SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2016 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) accompanying this Act, or the fiscal year 2016 budget request.**]**

[SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2016, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a noncompetitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.**]**

SEC. **[**520**]** *515*. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

SEC. **[**521**]** *516*.

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

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

SEC. **[**522**]***517*. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. **[**523**]***518*. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated May 11, 2012, and requirements contained in the annual appropriations bills related to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

[SEC. 524. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.**]**

SEC. **[**525**]***519*.

(a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots **[**shall–**]**

[(1) be designed to improve outcomes for disconnected youth;**]**

[(2) include communities that have recently experienced civil unrest; and**]**

(1) **[**(3) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services. Such Pilots**]** shall be governed by the provisions of section 526 of division H of Public Law 113–76*,* except that in carrying out such Pilots section 526 shall be applied by substituting "Fiscal Year **[**2016"**]** *2017"* for "Fiscal Year 2014" in the title of subsection (b) and by substituting "September 30, **[**2020"**]***2021"* for "September 30, 2018" each place it appears. *Such pilots shall include communities that have recently experienced civil unrest.*

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, **[**and**]** section 524 of division G of Public Law 113-235**[**: *Provided*, That new pilots are being carried out with discretionary funds made available in division G of Public Law 113-235 shall include communities that have recently experienced civil unrest.**]***, and section 525 of division H of Public Law 114-113.*

[SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: *Provided,* That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.**]**

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

(1) by redesignating the three sentences as subparagraphs (A), (B), and (C), respectively, and indenting accordingly;

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

(3) in subparagraph (B), as so redesignated, by striking ''With'' and inserting ''APPLICATION TO TRAINING PROGRAMS.— With'';
(4) in subparagraph (C), as so redesignated, by striking ''In'' and inserting ''RESPONSIBILITY OF LABOR SECRETARY.—In''; and
(5) by adding at the end the following new subparagraphs:

''(D) COMPUTATION OF PAY.—In the event of an injury to such an intermittent disaster response appointee, the position of the employee shall be deemed to be 'one which would have afforded employment for substantially a whole year', for purposes of section 8114(d)(2) of such title.

''(E) CONTINUATION OF PAY.—The weekly pay of such an employee shall be deemed to be the hourly pay in effect on the date of the injury multiplied by 40, for purposes of computing benefits under section 8118 of such title.''.**]**

[(RESCISSION)**]**

[SEC. 528. Of the funds made available for fiscal year 2016 under section 3403 of Public Law 111–148, $15,000,000 are rescinded.**]**

SEC. **[**529**]***520*. Amounts deposited **[**or available**]** in the Child Enrollment Contingency Fund from *the* **[**appropriations**]***appropriation* to the Fund *for the first semi-annual allotment period for fiscal year 2017* under section 2104(n)(2)(A)(i*i*) of the Social Security Act and the income derived from investment of those funds pursuant to 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

(**[**RESCISSION**]***CANCELLATIONS*)

SEC. **[**530**]***521*. Of any available amounts appropriated under section 108 of Public Law 111–3, as amended, **[**$4,678,500,000,**]** *$541,900,000* are hereby **[**rescinded**]** *permanently cancelled*.

[This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016".**]**

SEC. 522. Of the funds made available for purposes of carrying out section 2105(a)(3) of the Social Security Act, $5,407,100,000 are hereby permanently cancelled.

(TRANSFER)

SEC.523. EVALUATION FUNDING FLEXIBILITY PILOT.
(a) This section applies to:

(1) the Office of the Assistant Secretary for Planning and Evaluation within the Office of the Secretary and the Administration for Children and Families of the Department of Health and Human Services; and

(2) the Chief Evaluation Office and the statistical-related cooperative and interagency agreements and contracting activities of the Bureau of Labor Statistics in the Department of Labor.

(b) Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the functions and organizations identified in subsection (a) for research, evaluation, or statistical purposes shall be available for obligation through September 30, 2021. When an office referenced in subsection (a) receives research and evaluation funding from multiple appropriations, such offices may use a single Treasury account for such activities, with funding advanced on a reimbursable basis.

(c) Amounts received in subsection (b) that are unexpended at the time of completion of a contract, grant, or cooperative agreement may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that account.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Education, and Related Agencies Appropriations Act, 2017".