

Union Calendar No. 311

117TH CONGRESS
2^D SESSION

H. R. 8295

[Report No. 117–403]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 5, 2022

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

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2023, and for other purposes, namely:

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as “WIOA”) and the National Apprenticeship Act, \$4,597,632,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$3,135,332,000 as follows:

(A) \$940,649,000 for adult employment and training activities, of which \$228,649,000 shall be available for the period July 1, 2023 through June 30, 2024, and of which \$712,000,000 shall be available for the period October 1, 2023 through June 30, 2024;

(B) \$1,033,130,000 for youth activities, which shall be available for the period April 1, 2023 through June 30, 2024; and

(C) \$1,161,553,000 for dislocated worker employment and training activities, of which \$301,553,000 shall be available for the period July 1, 2023 through June 30, 2024, and of which \$860,000,000 shall be available for the period October 1, 2023 through June 30, 2024:

Provided, That the funds available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act: *Provided further*, That notwithstanding the requirements of WIOA, outlying areas may submit a single application for a consolidated grant that awards funds that would otherwise be available to such areas to carry out the activities described in subtitle B of title I of the WIOA: *Provided further*, That such application shall be submitted to the Secretary at such time, in such manner, and containing such information, as the Secretary may require: *Provided further*, That outlying areas awarded a consolidated grant described in the preceding provisos may use the funds for any of the programs and activities authorized under such subtitle B of title I of the WIOA subject to approval of the application and such reporting requirements issued by the Secretary; and

(2) for national programs, \$1,462,300,000 as follows:

(A) \$457,386,000 for the dislocated workers assistance national reserve, of which \$257,386,000 shall be available for the period July 1, 2023 through September 30, 2024, and of which \$200,000,000 shall be available for the period October 1, 2023 through September 30, 2024:

Provided, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as “Secretary”) may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That of the funds provided under this subparagraph, \$195,000,000 shall be for training and employment assistance under sections 168(b), 169(c) (notwithstanding the 10 percent limitation in such section) and 170 of the WIOA as follows:

(i) \$45,000,000 shall be for workers in the Appalachian region, as defined by [40 U.S.C. 14102\(a\)\(1\)](#), workers in the Lower Mississippi, as defined in section 4(2) of the Delta Development Act (Public Law 100–460, 102 Stat. 2246; [7 U.S.C. 2009aa\(2\)](#)), and workers in the region served by the Northern Border Regional Commission, as defined by [40 U.S.C. 15733](#); and

(ii) \$100,000,000 shall be for the purpose of developing, offering, or improving educational or career training programs at community colleges, defined as public institutions of higher education, as described in section 101(a) of the Higher Education Act of 1965 and at which the associate’s degree is primarily the highest degree awarded, with other eligible institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, eligible to participate through consortia, with community colleges as the lead grantee: *Provided*, That the Secretary shall follow the requirements for the program in House Report 116–62: *Provided further*, That any grant funds used for apprenticeships shall be used to support only apprenticeship programs registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA;

(iii) \$50,000,000 shall be for training and employment assistance for workers in communities that have experienced job losses due to dislocations in industries related to fossil fuel extraction or energy production;

(B) \$63,800,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2023 through June 30, 2024;

(C) \$105,000,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including \$97,125,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$7,140,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$735,000 for other discretionary purposes, which shall be available for the period April 1, 2023 through June 30, 2024: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services: *Provided further*, That notwithstanding the definition of “eligible seasonal farmworker” in section 167(i)(3)(A) of the WIOA relating to an individual being “low-income”, an individual is eligible for migrant and seasonal farmworker programs under section 167 of the WIOA under that definition if, in addition to meeting the requirements of clauses (i) and (ii) of section 167(i)(3)(A), such individual is a member of a family with a total family income equal to or less than 150 percent of the poverty line;

(D) \$145,000,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2023 through June 30, 2024;

(E) \$150,000,000 for ex-offender activities, under the authority of section 169 of the WIOA, which shall be available for the period April 1, 2023 through June 30, 2024: *Provided*, That of this amount, \$50,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare for employment young adults with criminal legal histories, young adults who have been justice system-involved, or young adults who have dropped out of school or other educational programs, with a priority for projects serving high-crime, high-poverty areas;

(F) \$6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2023 through June 30, 2024;

(G) \$303,000,000 to expand opportunities through apprenticeships only registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, including equity

intermediaries and business and labor industry partner intermediaries, which shall be available for the period July 1, 2023 through June 30, 2024;

(H) \$75,000,000 for a National Youth Employment Program, under the authority of section 169 of the WIOA, including the expansion of summer and year-round job opportunities for disadvantaged youth, which shall be available for the period April 1, 2023 through June 30, 2024;

(I) \$10,000,000 for a national training program for veterans, members of the armed forces who are separating from active duty, and the spouses of veterans and such members, focused on training related to employment in clean energy sectors and occupations, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2023 through June 30, 2024;

(J) \$15,000,000 for employment and training activities for youth related to high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, to be provided through the award of grants, contracts, or cooperative agreements to State or local public agencies or private nonprofit entities and which may include paid work experiences in public agencies or private nonprofit entities, pre-apprenticeship and registered apprenticeship programs, including but not limited to work experiences and programs offered in public agencies notwithstanding section 194(10) of the WIOA, and other appropriate activities in coordination with climate resilience or mitigation activities undertaken by other federal agencies, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2023 through June 30, 2024; and

(K) \$132,114,000 for carrying out Demonstration and Pilot projects under section 169(c) of the WIOA, which shall be available for the period April 1, 2023 through June 30, 2024, in addition to funds available for such activities under subparagraph (A) for the projects, and in the amounts, specified in the table titled “Labor, HHS, Education Incorporation of Community Project Funding Items” in the report accompanying this Act: *Provided*, That such funds may be used for projects that are related to the employment and training needs of dislocated workers, other adults, or youth: *Provided further*, That the 10 percent funding limitation under such section of the WIOA shall not apply to such funds: *Provided further*, That section 169(b)(6)(C) of the WIOA shall not apply to such funds: *Provided further*, That sections 102 and 107 of this Act shall not apply to such funds.

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, \$1,798,655,000, plus reimbursements, as follows:

(1) \$1,627,325,000 for Job Corps Operations, which shall be available for the period July 1, 2023 through June 30, 2024;

(2) \$133,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2023 through June 30, 2026, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding provision shall not be available for obligation after June 30, 2023: *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; and

(3) \$38,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2022 through September 30, 2023:

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

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as “OAA”), \$450,000,000, which shall be available for the period April 1, 2023 through June 30, 2024, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2023 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration

provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and sections 405(a) and 406 of the Trade Preferences Extension Act of 2015, \$494,400,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2023: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 ([19 U.S.C. 2317\(c\)](#)): *Provided further*, That the termination provisions in sections 246(b) and 285(a) of the Trade Act of 1974, as amended, including the application of those provisions described in paragraphs (4) and (7) of section 406(a) of the Trade Preferences Extension Act of 2015, shall not apply.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For authorized administrative expenses, \$89,066,000, together with not to exceed \$4,124,894,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“the Trust Fund”), of which—

(1) \$3,184,635,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than \$375,000,000 to carry out reemployment services and eligibility assessments under section 306 of such Act, any claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits, may be eligible for such services and assessments: *Provided*, That of such amount, \$117,000,000 is specified for grants under section 306 of the Social Security Act and is provided to meet the terms of section 1(j)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, and \$258,000,000 is additional new budget authority specified for purposes of section 1(j) of such resolution; and \$9,000,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under [5 U.S.C. 8501–8523](#), and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and sections 405(a) and 406 of the Trade Preferences Extension Act of 2015 (except that the termination provisions in sections 246(b) and 285(a) of the Trade Act of 1974, as amended, including the application of those provisions described in paragraphs (4) and (7) of section 406 of the Trade Preferences Extension Act of 2015, shall not apply), and shall be available for obligation by the States through December 31, 2023, except that funds used for automation shall be

available for Federal obligation through December 31, 2023, and for State obligation through September 30, 2025, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2029, and for expenditure through September 30, 2030, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2023 (except that funds for outcome payments pursuant to section 306(f)(2) of the Social Security Act shall be available for Federal obligation through March 31, 2024), and for obligation by the States through September 30, 2025, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2024, and funds used for unemployment insurance workloads experienced through September 30, 2023 shall be available for Federal obligation through December 31, 2023;

(2) \$118,000,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$702,449,000 from the Trust Fund, together with \$21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2023 through June 30, 2024;

(4) \$25,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under [section 51](#) of the Internal Revenue Code of 1986 (including assisting States in adopting or modernizing information technology for use in the processing of certification requests), and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) \$94,810,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$68,528,000 shall be available for the Federal administration of such activities, and \$26,282,000 shall be available for grants to States for the administration of such activities; and

(6) \$67,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2023 through June 30, 2024, of which up to \$9,800,000 may be used to carry out research and demonstration projects related to testing effective ways to promote greater labor force participation of people with disabilities:

Provided, That the Secretary may transfer amounts made available for research and demonstration projects under this paragraph to the “Office of Disability Employment Policy” account for such purposes:

Provided, That to the extent that the Average Weekly Insured Unemployment (‘AWIU’) for fiscal year 2023 is projected by the Department of Labor to exceed 1,778,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled ‘Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards’ at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium or to the entity operating the Unemployment Insurance Information Technology Support Center in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of

higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of [29 U.S.C. 9a](#), for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2024, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by [section 9501\(c\)\(1\)](#) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by [5 U.S.C. 8509](#), and to the “Federal Unemployment Benefits and Allowances” account, such sums as may be necessary, which shall be available for obligation through September 30, 2024.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$144,465,000, together with not to exceed \$64,735,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That funds made available for the Office of Apprenticeship shall be used only for the administration of apprenticeship programs registered under the National Apprenticeship Act and as referred to in section 3(7)(B) of the WIOA and to provide for the full and adequate staffing of the Federal Office of Apprenticeship and each of the State Offices of Apprenticeship.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$233,867,000, of which up to \$3,000,000 shall be made available through September 30, 2024, for the procurement of expert witnesses for enforcement litigation.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (“Corporation”) is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of

funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by [31 U.S.C. 9104](#), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2023, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2023 shall be available for obligations for administrative expenses in excess of \$493,314,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2023, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2027, for obligations for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided for administrative expenses in this paragraph may be incurred and shall be available through September 30, 2027 for obligation for unforeseen and extraordinary pre-termination or termination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That an additional amount shall be available for obligation through September 30, 2027 to the extent the Corporation's costs exceed \$250,000 for the provision of credit or identity monitoring to affected individuals upon suffering a security incident or privacy breach, not to exceed an additional \$100 per affected individual.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$312,678,000: *Provided*, That the Secretary of Labor shall use funds made available under this heading to establish a national hotline to support domestic workers.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, \$45,937,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, \$147,051,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, \$143,772,000, together with \$2,205,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses not otherwise authorized) 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 Longshore and Harbor Workers' Compensation Act, \$250,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under [5 U.S.C. 8147\(a\)](#): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2022, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under [5 U.S.C. 8147\(c\)](#) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2023: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$81,752,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, \$27,727,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$26,125,000;

(3) For periodic roll disability management and medical review, \$26,125,000;

(4) For program integrity, \$1,774,000; and

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

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under [5 U.S.C. 81](#), or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by [Public Law 107-275](#), \$36,031,000, to remain available until expended.

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

For making benefit payments under title IV for the first quarter of fiscal year 2024, \$10,250,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$64,564,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2023 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$42,194,000

for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed \$38,407,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$353,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$712,015,000, including not to exceed \$121,075,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding [31 U.S.C. 3302](#), the Occupational Safety and Health Administration may retain up to \$499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding [31 U.S.C. 3302](#), the Secretary is authorized, during the fiscal year ending September 30, 2023, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of [29 U.S.C. 9a](#), to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That \$14,287,000 shall be available for Susan Harwood training grants, of which not more than \$6,500,000 is for Susan Harwood Training Capacity Building Developmental grants, for program activities starting not later than September 30, 2023 and lasting for a period of 12 months: *Provided further*, That not less than \$3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$403,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$10,537,000 for State assistance grants: *Provided*, That notwithstanding [31 U.S.C. 3302](#), not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and

health education and training activities: *Provided further*, That notwithstanding [31 U.S.C. 3302](#), the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$658,334,000, together with not to exceed \$68,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$58,566,000, of which not less than \$9,000,000 shall be for research and demonstration projects related to testing effective ways to promote greater labor force participation of people with disabilities: *Provided*, That the Secretary may transfer amounts made available under this heading for research and demonstration projects to the “State Unemployment Insurance and Employment Service Operations” account for such purposes.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, \$498,609,000, together with not to exceed \$308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That \$101,325,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2023: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not less than \$40,500,000 shall be for programs to combat exploitative child labor internationally and not less than \$40,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That the Secretary of Labor may waive the application of section 505 of this Act to awards made from funds available to the Bureau of International Labor Affairs if the Secretary determines that the waiver is necessary to protect human health, safety, or welfare: *Provided further*, That \$10,351,000 shall be used for program evaluation and shall be available for obligation through September 30, 2024: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *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: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, not less than \$7,500,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

VETERANS' EMPLOYMENT AND TRAINING

Not to exceed \$268,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which—

(1) \$183,000,000 is for Jobs for Veterans State grants under [38 U.S.C. 4102A\(b\)\(5\)](#) to support disabled veterans' outreach program specialists under

section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for expenditure by the States through September 30, 2025, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members, and to Gold Star spouses;

(2) \$32,379,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and [10 U.S.C. 1144](#);

(3) \$49,548,000 is for Federal administration of chapters 41, 42, and 43 of title 38, and sections 2021, 2021A and 2023 of title 38, United States Code: *Provided*, That, up to \$500,000 may be used to carry out the Hire VETS Act (division O of [Public Law 115–31](#)); and

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

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, \$70,500,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2023, to provide services under such section: *Provided further*, That services provided under sections 2021 or under 2021A may include, in addition to services to homeless veterans described in section 2002(a)(1), services to veterans who were homeless at some point within the 60 days prior to program entry or veterans who are at risk of homelessness within the next 60 days, and that services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness: *Provided further*, That notwithstanding paragraph (3) under this heading, funds appropriated in this paragraph may be used for data systems and contract support to allow for the tracking of participant and performance information: *Provided further*, That notwithstanding sections 2021(e)(2) and

2021A(f)(2) of title 38, United States Code, such funds shall be available for expenditure pursuant to [31 U.S.C. 1553](#).

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

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, \$38,269,000, which shall be available through September 30, 2024.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$93,187,000, together with not to exceed \$5,841,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. 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 the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity 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. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

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

SEC. 105. None of the funds made available by this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to “Program Administration” when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to “Program Administration” in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the “Office of Job

Corps” account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: *Provided further*, That funds transferred under this subsection shall be available to the Secretary to carry out program integrity activities directly or through grants, cooperative agreements, contracts and other arrangements with States and other appropriate entities: *Provided further*, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2024.

(TRANSFER OF FUNDS)

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to “Departmental Management” for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2024: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: “Training and Employment Services”, “Job Corps”, “Community Service Employment for Older Americans”, “State Unemployment Insurance and Employment Service Operations”, “Employee Benefits Security Administration”, “Office of Workers' Compensation Programs”, “Wage and Hour Division”, “Office of Federal Contract Compliance Programs”, “Office of Labor Management Standards”, “Occupational Safety and Health Administration”, “Mine Safety and Health Administration”, “Office of Disability Employment Policy”, funding made available to the “Bureau of International Labor Affairs” and “Women's Bureau” within the “Departmental Management, Salaries and Expenses” account, and “Veterans' Employment and Training”.

SEC. 108. Notwithstanding any other provision of law, the Secretary may furnish through grants, cooperative agreements, contracts, and other arrangements, up to \$2,000,000 of excess personal property, at a value determined by the Secretary, to apprenticeship programs for the purpose of training apprentices in those programs.

SEC. 109. (a) The Act entitled “An Act to create a Department of Labor”, approved March 4, 1913 (37 Stat. 736, chapter 141) shall be applied as if the following text is part of such Act:

“SEC. 12. SECURITY DETAIL.

“(a) IN GENERAL.—The Secretary of Labor is authorized to employ law enforcement officers or special agents to—

“(1) provide protection for the Secretary of Labor during the workday of the Secretary and during any activity that is preliminary or postliminary to the performance of official duties by the Secretary;

“(2) provide protection, incidental to the protection provided to the Secretary, to a member of the immediate family of the Secretary who is participating in an activity or event relating to the official duties of the Secretary;

“(3) provide continuous protection to the Secretary (including during periods not described in paragraph (1)) and to the members of the immediate family of the Secretary if there is a significant and articulable threat of physical harm, in accordance with guidelines established by the Secretary; and

“(4) provide protection to the Deputy Secretary of Labor in the performance of official duties at a public event outside of the United States if there is a significant and articulable threat of physical harm and protective services are not provided as part of an official U.S. visit.

“(b) AUTHORITIES.—The Secretary of Labor may authorize a law enforcement officer or special agent employed under subsection (a), for the purpose of performing the duties authorized under subsection (a), to—

“(1) carry firearms;

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

“(3) perform protective intelligence work, including identifying and mitigating potential threats and conducting advance work to review security matters relating to sites and events;

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

“(5) initiate criminal and other investigations into potential threats to the security of the Secretary, in coordination with the Inspector General of the Department of Labor.

“(c) COMPLIANCE WITH GUIDELINES.—A law enforcement officer or special agent employed under subsection (a) shall exercise any authority provided under this section in accordance with any—

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

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

(b) This section shall be effective on the date of enactment of this Act.

SEC. 110. The Secretary is authorized to dispose of or divest, by any means the Secretary determines appropriate, including an agreement or partnership to construct a new Job Corps center, all or a portion of the real property on which the Treasure Island Job Corps Center is situated. Any sale or other disposition will not be subject to any requirement of any Federal law or regulation relating to the disposition of Federal real property, including but not limited to subchapter III of [chapter 5](#) of title 40 of the United States Code and subchapter V of [chapter 119](#) of title 42 of the United States Code. The net proceeds of such a sale shall be transferred to the Secretary, which shall be available until expended to carry out the Job Corps Program on Treasure Island.

SEC. 111. None of the funds made available by this Act may be used to—

(1) alter or terminate the Interagency Agreement between the United States Department of Labor and the United States Department of Agriculture; or

(2) close any of the Civilian Conservation Centers, except if such closure is necessary to prevent the endangerment of the health and safety of the students, the capacity of the program is retained, and the requirements of section 159(j) of the WIOA are met.

SEC. 112. None of the funds made available by this Act may be used to implement or enforce the final rule entitled “Wagner-Peyser Act Staffing Flexibility” published by the Department of Labor in the Federal Register on January 6, 2020.

SEC. 113. None of the funds made available by this Act may be used to implement or enforce subpart B of part 29 of title 29, Code of Federal Regulations (relating to Standards Recognition Entities of Industry Recognized Apprenticeship Programs).

This title may be cited as the “Department of Labor Appropriations Act, 2023”.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health 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, \$1,946,772,000: *Provided*, That \$50,000,000 shall be available for the purpose of making grants to support school-based health centers as authorized under section 399Z-1 of the PHS Act ([42 U.S.C. 280h-5](#)): *Provided further*, That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than \$120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, \$1,543,566,000: *Provided*, That section 751(j)(2) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the “Secretary”) may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That section 756(c) of the PHS Act shall apply to paragraphs (1) through (4) of section 756(a) of such Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such section and subpart: *Provided further*, That \$155,600,000 shall remain available until expended for the purposes of providing primary health services, assigning National Health Service Corps (“NHSC”) participants to expand the delivery of substance use disorder treatment services, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS Act, and making payments under the NHSC Loan Repayment Program under section 338B of such Act: *Provided further*, That, within the amount made available in the preceding proviso, \$15,600,000 shall remain available until expended for the purposes of making payments under the NHSC Loan Repayment Program under section 338B of the PHS Act to individuals participating in such program who provide primary health services in Indian Health Service facilities, Tribally-Operated 638 Health

Programs, and Urban Indian Health Programs (as those terms are defined by the Secretary), notwithstanding the assignment priorities and limitations under section 333(b) of such Act: *Provided further*, That within the amount made available in the sixth proviso under this heading, \$10,000,000 shall remain available until expended for the purposes of making loan repayment awards to mental and behavioral health providers, including peer support specialists, in accordance with section 338B of the PHS Act, notwithstanding the assignment priorities and limitations under sections 333(a)(1)(D), 333(b), 333A(a)(1)(B)(ii), and 334 of the PHS Act: *Provided further*, That for purposes of the preceding three provisos, section 331(a)(3)(D) of the PHS Act shall be applied as if the term “primary health services” includes clinical substance use disorder treatment services, including those provided by masters level, licensed substance use disorder treatment counselors, and services provided by certified peer support specialists: *Provided further*, That of the funds made available under this heading, \$6,000,000 shall be available to make grants to establish, expand, or maintain optional community-based nurse practitioner fellowship programs that are accredited or in the accreditation process, with a preference for those in Federally Qualified Health Centers, for practicing postgraduate nurse practitioners in primary care or behavioral health: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall remain available until expended for activities under section 775 of the PHS Act: *Provided further*, That the United States may recover liquidated damages in an amount determined by the formula under section 338E(c)(1) of the PHS Act if an individual either fails to begin or complete the service obligated by a contract under section 775(b) of the PHS Act: *Provided further*, That for purposes of section 775(c)(1) of the PHS Act, the Secretary may include other mental and behavioral health disciplines as the Secretary deems appropriate: *Provided further*, That the Secretary may terminate a contract entered into under section 775 of the PHS Act in the same manner articulated in section 206 of this title for fiscal year 2023 contracts entered into under section 338B of the PHS Act.

Of the funds made available under this heading, \$60,000,000 shall remain available until expended for grants to public institutions of higher education to expand or support graduate education for physicians provided by such institutions, including funding for infrastructure development, maintenance, equipment, and minor renovations or alterations: *Provided*, That, in awarding such grants, the Secretary shall give priority to public institutions of higher education located in States with a projected primary care provider shortage in 2026, as determined by the Secretary: *Provided further*, That grants so awarded are limited to such public institutions of higher education in States in the top quintile of States with a projected primary care provider shortage in 2026, as determined by the Secretary: *Provided further*, That the minimum amount of a grant so awarded to such an institution shall be not less than \$1,000,000 per year: *Provided further*, That such a grant may be awarded for a period not to exceed 5 years: *Provided further*, That such a grant awarded with respect to a year to such an institution shall be subject to a matching

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

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health and title V of the Social Security Act, \$1,201,296,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than \$277,416,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,694,776,000, of which \$2,076,562,000 shall remain available to the Secretary through September 30, 2025, for parts A and B of title XXVI of the PHS Act, and of which not less than \$900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act; and of which \$250,000,000, to remain available until expended, shall be available to the Secretary for carrying out a program of grants and contracts under title XXVI or section 311(c) of such Act focused on ending the nationwide HIV/AIDS epidemic, with any grants issued under such section 311(c) administered in conjunction with title XXVI of the PHS Act, including the limitation on administrative expenses.

HEALTH SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, \$99,009,000, of which \$122,000 shall be available until expended for facilities-related expenses of the National Hansen's Disease Program.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, \$375,675,000, of which \$68,500,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, \$20,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of

health information technology, up to \$5,000,000 shall be available to award grants to public or non-profit private entities for the Rural Emergency Hospital Technical Assistance Program, and up to \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services and other efforts to improve health care coordination for rural veterans between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$12,500,000 shall be available for State Offices of Rural Health: *Provided further*, That \$12,700,000 shall remain available through September 30, 2025, to support the Rural Residency Development Program: *Provided further*, That \$160,000,000 shall be for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, \$500,000,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That all entities funded under this heading shall provide clinical services consistent with nationally recognized clinical standards: *Provided further*, That projects funded under section 1001 of the PHS Act shall provide a broad range of contraceptive products approved and cleared by the Food and Drug Administration: *Provided further*, That all patients served under title X of the PHS Act with a positive pregnancy test shall be given the opportunity to be provided information and counseling regarding: (1) prenatal care and delivery; (2) infant care, foster care, and adoption; and (3) pregnancy termination: *Provided further*, That if such a patient requests information specified in the preceding proviso, such patient shall be provided with neutral, factual information and nondirective counseling on each such option, including referral upon request, except with respect to any option about which the patient indicates no interest in receiving such information and counseling.

HRSA-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out title III of the Public Health Service Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Health Resources and Services Administration, \$934,857,000, of which \$37,050,000 shall be for expenses necessary for the Office for the Advancement of Telehealth, including grants, contracts, and cooperative agreements for the advancement of telehealth activities: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings “Primary Health Care”, “Health Workforce”, “Maternal and

Child Health”, “Ryan White HIV/AIDS Program”, “Health Systems”, and “Rural Health”: *Provided further*, That of the amount made available under this heading, \$726,569,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities, and for the projects financing one-time grants that support health-related activities, including training and information technology, and in the amounts specified in the table titled “Labor, HHS, Education Incorporation of Community Project Funding Items” in the report accompanying this Act: *Provided further*, That of the funds made available in the preceding proviso, up to \$6,000,000 may be used for related agency administrative expenses: *Provided further*, That none of the funds made available for projects described in the two preceding provisos shall be subject to section 241 of the PHS Act or section 205 of this Act.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the “Trust Fund”), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$15,200,000 shall be available from the Trust Fund to the Secretary.

COVERED COUNTERMEASURES PROCESS FUND

For carrying out section 319F–4 of the PHS Act, \$7,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, \$663,805,000.

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

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, \$1,463,556,000.

EMERGING AND ZOO NOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, \$747,272,000: *Provided*, That of the amounts made available under this heading, up to \$1,000,000 shall remain available until expended to pay for the transportation, medical care, treatment, and other related costs of persons quarantined or isolated under Federal or State quarantine law.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, \$1,346,964,000: *Provided*, That funds made available under this heading may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, \$16,500,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, \$225,060,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, \$867,497,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, \$311,850,000: *Provided*, That of the amounts appropriated under this heading up to \$4,000,000 may remain available until expended for carrying out the Vessel Sanitation Program, in addition to amounts otherwise available for such purposes: *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 use of funds pursuant to the preceding proviso.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, \$897,779,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, \$363,300,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

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

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, \$757,843,000, of which: (1) \$128,921,000 shall remain available through September 30, 2024 for international HIV/AIDS; and (2) \$353,200,000 shall remain available through September 30, 2025 for global public health protection: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, \$882,200,000: *Provided*, That the Director of the Centers for Disease Control and Prevention (referred to in this title as “CDC”) or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority, a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed, and an update of such report every 180 days until staff are no longer on detail without reimbursement to the CDC Emergency Operations Center.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, installation, demolition, and renovation of facilities, \$55,000,000, which shall remain available until September 30, 2027: *Provided*, That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed \$2,500,000, and that the primary benefit of such improvements accrues to CDC: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, \$958,570,000, of which: (1) \$750,000,000 shall remain available through September 30, 2024, for public health infrastructure and capacity; and (2) \$50,000,000 shall remain available through September 30, 2024 for forecasting epidemics and outbreak analytics: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That of the amounts made available under this heading, \$35,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of [Public Law 115–245](#): *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to \$10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which

shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2024.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, \$7,162,579,000, of which up to \$30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,943,702,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, \$526,051,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$2,283,489,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$2,608,590,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$6,642,608,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, \$3,200,157,000, of which \$1,420,700,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than \$423,076,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, \$1,756,630,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$891,186,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$878,750,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, \$4,443,196,000.

NATIONAL INSTITUTE OF ARTHRITIS AND 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, \$676,395,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$531,136,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, \$208,571,000.

NATIONAL INSTITUTE ON ALCOHOL EFFECTS AND ALCOHOL-ASSOCIATED DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to alcohol misuse, alcohol use disorder, and other alcohol-associated disorders, \$591,757,000.

NATIONAL INSTITUTE ON DRUGS AND ADDICTION

For carrying out section 301 and title IV of the PHS Act with respect to drugs and addiction, \$1,712,832,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, \$2,203,775,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, \$659,233,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, \$437,991,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, \$164,395,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$505,292,000.

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), \$99,622,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$494,572,000: *Provided*, That of the amounts available for improvement of information systems, \$4,000,000 shall be available until September 30, 2024: *Provided further*, That in fiscal year 2023, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as “NIH”).

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$901,678,000: *Provided*, That up to \$60,000,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least \$626,059,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, NIH, \$2,537,213,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That \$180,000,000 shall be for the Environmental Influences on Child Health Outcomes study: *Provided further*, That \$678,151,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That \$70,000,000 shall be used to carry out section 404I of the PHS Act ([42 U.S.C. 283K](#)), relating to biomedical and behavioral research facilities: *Provided further*, That \$5,000,000 shall be transferred to and merged with the appropriation for the “Office of Inspector General” for oversight of grant programs and operations of the NIH, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the NIH: *Provided further*, That the funds provided in the previous proviso may be transferred from one specified activity to another with 15 days prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Inspector General shall consult with the Committees on Appropriations of the House of Representatives and the Senate before submitting to the Committees an audit plan for fiscal years 2023 and 2024 no later than 30 days after the date of enactment of this Act: *Provided further*, That amounts made available under this heading are also available to establish, operate, and support the Research Policy Board authorized by section 2034(f) of the 21st Century Cures Act: *Provided further*, That the funds made available under this heading for the Office of Research on Women’s Health shall also be available for making grants to serve and promote the interests of women in research, and the Director of such Office may, in making such grants, use the authorities available to NIH Institutes and Centers.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, \$12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in [section 9008](#) of the Internal Revenue Code of 1986 ([26 U.S.C. 9008](#)), for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, \$300,000,000, to remain available through September 30, 2027.

NIH INNOVATION ACCOUNT, CURES ACT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described in section 1001(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes in the appropriations provided to the NIH in this Act, \$1,085,000,000, to remain available until expended: *Provided*, That such amounts are appropriated pursuant to section 1001(b)(3) of such Act, are to be derived from amounts transferred under section 1001(b)(2)(A) of such Act, and may be transferred by the Director of the National Institutes of Health to other accounts of the National Institutes of Health solely for the purposes provided in such Act: *Provided further*, That upon a determination by the Director that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the Account: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided by law.

SUBSTANCE USE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, the Protection and Advocacy for Individuals with Mental Illness Act, and the SUPPORT for Patients and Communities Act, \$3,774,152,000: *Provided*, That of the funds made available under this heading, \$150,000,000 shall be for the National Child Traumatic Stress Initiative: *Provided further*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further*, That of the funds made available under this heading for subpart I of part B of title XIX of the PHS Act, at least 10 percent shall be available to support evidence-based crisis systems: *Provided further*, That up to 10 percent of the amounts made available to carry out the Children's Mental Health Services program may be used to carry out demonstration grants or contracts for early interventions with persons not more than 25 years of age at clinical high risk of developing a first episode of psychosis: *Provided further*, That section

520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2023: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That \$400,000,000 shall be available until September 30, 2025 for grants to communities and community organizations who meet criteria for Certified Community Behavioral Health Clinics pursuant to section 223(a) of [Public Law 113–93](#): *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, \$21,420,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 ([Public Law 113–93](#); 42 U.S.C. 290aa 22 note): *Provided further*, That notwithstanding sections 1911(b) and 1912 of the PHS Act, amounts made available under this heading for subpart I of part B of title XIX of such Act shall also be available to support evidence-based programs that address early intervention and prevention of mental disorders among at-risk children and adults: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address early intervention and prevention of mental disorders among at-risk children and adults: *Provided further*, That notwithstanding section 1912 of the PHS Act, the plan described in such section and section 1911(b) of the PHS Act shall also include the evidence-based programs described in the previous proviso, pursuant to plan criteria established by the Secretary.

SUBSTANCE USE SERVICES

For carrying out titles III and V of the PHS Act with respect to substance use treatment and title XIX of such Act with respect to substance use treatment and prevention, and the SUPPORT for Patients and Communities Act, \$4,744,848,000: *Provided*, That \$1,775,000,000 shall be for State Opioid Response Grants for carrying out activities pertaining to opioids and stimulants undertaken by the State agency responsible for administering the substance use prevention and treatment block grant under subpart II of part B of title XIX of the PHS Act ([42 U.S.C. 300x–21 et seq.](#)): *Provided further*, That of such amount \$65,000,000 shall be made available to Indian Tribes or tribal organizations: *Provided further*, That 15 percent of the remaining amount shall be for the States with the highest mortality rate related to opioid use disorders: *Provided further*, That of the amounts provided for State Opioid Response Grants not more than 2 percent shall be available for Federal administrative expenses, training, technical assistance, and evaluation: *Provided further*, That of the amount not reserved by the previous three provisos, the Secretary shall make allocations to States, territories, and the District of Columbia according to a formula using national survey results that the Secretary determines are the most objective and reliable measure of drug use and drug-related deaths:

Provided further, That the Secretary shall submit the formula methodology to the Committees on Appropriations of the House of Representatives and the Senate not less than 21 days prior to publishing a Funding Opportunity Announcement:

Provided further, That prevention and treatment activities funded through such grants may include education, treatment (including the provision of medication), behavioral health services for individuals in treatment programs, referral to treatment services, recovery support, and medical screening associated with such treatment:

Provided further, That each State, as well as the District of Columbia, shall receive not less than \$4,500,000:

Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) \$2,000,000 to evaluate substance use treatment programs: *Provided further*, That for purposes of calculating the HIV set-aside under subpart II of part B of title XIX, the rate of cases of HIV shall be used instead of the rate of cases of AIDS: *Provided further*, That each State that receives funds appropriated under this heading in this Act for carrying out subpart II of part B of title XIX of the PHS Act shall expend not less than 10 percent of such funds for recovery support services: *Provided further*, That none of the funds provided for section 1921 of the PHS Act or State Opioid Response Grants shall be subject to section 241 of such Act.

SUBSTANCE USE PREVENTION SERVICES

For carrying out titles III and V of the PHS Act with respect to substance use prevention, \$248,434,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings “Mental Health”, “Substance Use Services”, and “Substance Use Prevention Services” in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Use And Mental Health Services Administration, \$257,279,000:

Provided, That of the amount made available under this heading, \$110,952,000 shall be used for the projects, and in the amounts, specified in the table titled “Labor, HHS, Education Incorporation of Community Project Funding Items” in the report accompanying this Act: *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act: *Provided further*, That in addition to amounts provided herein, \$31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug use and mental health, to collect and analyze program data, and to conduct public awareness and

technical assistance activities: *Provided further*, That, in addition, fees may be collected for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(o) of the PHS Act shall remain available through September 30, 2024: *Provided further*, That funds made available under this heading (other than amounts specified in the first proviso under this heading) may be used to supplement program support funding provided under the headings “Mental Health”, “Substance Use Services”, and “Substance Use Prevention Services”.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$385,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2023: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2024.

CENTERS FOR MEDICARE & MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$367,357,090,000, to remain available until expended.

In addition, for carrying out such titles after May 31, 2023, for the last quarter of fiscal year 2023 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, to remain available until expended.

In addition, for carrying out such titles for the first quarter of fiscal year 2024, \$197,580,474,000, to remain available until expended.

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

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$548,130,000,000.

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

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare & Medicaid Services, not to exceed \$4,346,985,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 1893(h) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2023 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4) (D) of that Act: *Provided further*, That of the amount made available under this heading, \$494,261,000 shall remain available until September 30, 2024, and shall be available for the Survey and Certification Program: *Provided further*, That amounts available under this heading to support quality improvement organizations (as defined in section 1152 of the Social Security Act) shall not exceed the amount specifically provided for such purpose under this heading in division H of the Consolidated Appropriations Act, 2018 ([Public Law 115–141](#)).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$899,000,000, to remain available through September 30, 2024, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$667,181,000 shall be for the Centers for Medicare &

Medicaid Services program integrity activities, of which \$109,612,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, and of which \$122,207,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2023 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, \$323,000,000 is provided to meet the terms of section 1(h)(2) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, and \$576,000,000 is additional new budget authority specified for purposes of such section 1(h) of such resolution: *Provided further*, That the Secretary shall provide not less than \$35,000,000 from amounts made available under this heading and amounts made available for fiscal year 2023 under section 1817(k)(3)(A) of the Social Security Act for the Senior Medicare Patrol program to combat health care fraud and abuse.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$2,883,000,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2024, \$1,300,000,000, to remain available until expended.

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

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 ([42 U.S.C. 8621 et seq.](#)), \$4,000,000,000: *Provided*, That notwithstanding section 2609A(a) of such Act, not more than \$6,399,000 may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures, and to supplement funding otherwise available for necessary administrative expenses to carry out such Act, and the Secretary may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as nonprofit organizations: *Provided further*, That \$3,795,704,000 of the amount appropriated under this

heading shall be allocated to each State and territory in amounts equal to the amount each State and territory was allocated in fiscal year 2022 pursuant to allocations made from amounts appropriated under this heading in title II of division H of the Consolidated Appropriations Act, 2022 ([Public Law 117–103](#)): *Provided further*, That \$100,000,000 of the amount appropriated under this heading shall be allocated as though the total appropriation for such payments for fiscal year 2023 was less than \$1,975,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 (“TVPA”), and the Torture Victims Relief Act of 1998, \$7,979,346,000, of which \$7,924,346,000 shall remain available through September 30, 2025 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the contribution of funds requirement under section 235(c)(6)(C)(iii) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 shall not apply to funds made available under this heading: *Provided further*, That the Director of the Office of Refugee Resettlement, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act ([8 U.S.C. 1522\(c\)\(1\)\(A\)](#)), may allocate amounts made available under this heading for such section among the States in a manner that accounts for the most current data available.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990 (“CCDBG Act”), \$7,165,330,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act ([42 U.S.C. 618](#)), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act: *Provided further*, That in addition to the amounts required to be reserved by the Secretary under section 658O(a)(2)(A) of such Act, \$184,960,000 shall be for Indian tribes and tribal organizations: *Provided further*, That of the amounts made available under this heading, the Secretary may reserve up to 0.5 percent for Federal administrative expenses.

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, the Community Services Block Grant Act (“CSBG Act”), Grants to Support Culturally Specific Populations, and Grants to Support Survivors of Sexual Assault; and for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960 and the Low-Income Home Energy Assistance Act of 1981, \$15,167,344,000, of which \$75,000,000, to remain available through September 30, 2024, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2023: *Provided*, That \$12,396,820,000 shall be for making payments under the Head Start Act, including for Early Head Start–Child Care Partnerships, and, of which, notwithstanding section 640 of such Act:

(1) \$596,000,000 shall be available for a cost of living adjustment, and with respect to any continuing appropriations act, funding available for a cost of living adjustment shall not be construed as an authority or condition under this Act;

(2) \$25,000,000 shall be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of the Head Start Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12), and 645A(d) of such Act, and such funds shall not be included in the calculation of “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act;

(3) \$262,000,000 shall be available for quality improvement consistent with section 640(a)(5) of such Act except that any amount of the funds may be used on any of the activities in such section, of which not less than \$13,000,000 shall be available to migrant and seasonal Head Start programs for such

activities, in addition to funds made available for migrant and seasonal Head Start programs under any other provision of section 640(a) of such Act;

(4) \$500,000,000, in addition to funds otherwise available for such purposes under section 640 of the Head Start Act, shall be available through September 30, 2024, for awards to eligible entities for Head Start and Early Head Start programs and to entities defined as eligible under section 645A(d) of such Act for high quality infant and toddler care through Early Head Start – Child Care Partnerships, and for training and technical assistance for such activities: *Provided further*, That of the funds made available in this paragraph, up to \$21,000,000 shall be available to the Secretary for the administrative costs of carrying out this paragraph;

(5) \$8,000,000 shall be available for the Tribal Colleges and Universities Head Start Partnership Program consistent with section 648(g) of such Act; and

(6) \$21,000,000 shall be available to supplement funding otherwise available for research, evaluation, and Federal administrative costs:

Provided further, That the Secretary may reduce the reservation of funds under section 640(a)(2)(C) of such Act in lieu of reducing the reservation of funds under sections 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act: *Provided further*, That \$350,000,000 shall be available until December 31, 2023 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That up to 3 percent of the funds in the preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further*, That \$834,383,000 shall be for making payments under the CSBG Act: *Provided further*, That for services furnished under the CSBG Act with funds made available for such purpose in this fiscal year, States may apply the last sentence of section 673(2) of the CSBG Act by substituting ‘200 percent’ for ‘125 percent’: *Provided further*, That \$34,383,000 shall be for section 680 of the CSBG Act, of which not less than \$22,383,000 shall be for section 680(a)(2) and not less than \$12,000,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That, notwithstanding section 675C(a)(3) of the CSBG Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by

grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$300,000,000 shall be for carrying out section 303(a) of the Family Violence Prevention and Services Act, of which \$7,000,000 shall be allocated notwithstanding section 303(a)(2) of such Act for carrying out section 309 of such Act: *Provided further*, That funds made available in the preceding proviso may be used for direct payments to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim, notwithstanding section 308(d)(1) of the Family Violence Prevention and Services Act: *Provided further*, That the percentages specified in section 112(a)(2) of the Child Abuse Prevention and Treatment Act shall not apply to funds appropriated under this heading: *Provided further*, That \$2,364,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That \$69,167,000 shall be used for the projects, and in the amounts, specified in the table titled 'Labor, HHS, Education Incorporation of Community Project Funding Items' included in the report accompanying this Act: *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, \$345,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, \$82,515,000: *Provided*, That of the funds available to carry out section 437, \$59,765,000 shall be allocated consistent with subsections (b) through (d) of such section: *Provided further*, That of the funds available to carry out section 437, to assist in meeting the requirements described in section 471(e)(4) (C), \$20,000,000 shall be for grants to each State, territory, and Indian tribe operating title IV–E plans for developing, enhancing, or evaluating kinship navigator programs, as described in section 427(a)(1) of such Act and \$2,750,000, in addition to funds otherwise appropriated in section 476 for such purposes, shall be for the Family First Clearinghouse and to support evaluation and technical assistance relating to the evaluation of child and family services: *Provided further*, That section 437(b)(1) shall be applied to amounts in the previous proviso by substituting “5 percent” for “3.3 percent”, and notwithstanding section 436(b)(1), such reserved amounts may be used for identifying, establishing, and disseminating

practices to meet the criteria specified in section 471(e)(4)(C): *Provided further*, That the reservation in section 437(b)(2) and the limitations in section 437(d) shall not apply to funds specified in the second proviso: *Provided further*, That the minimum grant award for kinship navigator programs in the case of States and territories shall be \$200,000, and, in the case of tribes, shall be \$25,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, \$7,606,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2024, \$3,200,000,000.

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

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (“OAA”), the RAISE Family Caregivers Act, the Supporting Grandparents Raising Grandchildren Act, titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, \$2,860,008,000, together with \$58,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition, including medically-tailored meals: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That up to 5 percent of the funds provided for adult protective

services grants under section 2042 of title XX of the Social Security Act may be used to make grants to Tribes and Tribal Organizations: *Provided further*, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act ([42 U.S.C. 10802](#))) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 ([20 U.S.C. 15002\(8\)\(A\)](#)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship: *Provided further*, That of the amount made available under this heading, \$30,446,000 shall be used for the projects, and in the amounts, specified in the table titled "Labor, HHS, Education Incorporation of Community Project Funding Items" included in the report accompanying this Act: *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 241 of the PHS Act or section 205 of this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico

Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$563,894,000, together with \$75,728,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$60,000,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, \$130,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$7,700,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That of the funds made available under this heading, \$5,000,000 shall be for carrying out prize competitions sponsored by the Office of the Secretary to accelerate innovation in the prevention, diagnosis, and treatment of kidney diseases (as authorized by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 ([15 U.S.C. 3719](#))): *Provided further*, That the Secretary may use \$5,000,000 of the amounts appropriated under this heading to supplement funds otherwise available to the Secretary for the hire and purchase of electric vehicles and electric vehicle charging stations, and to cover other costs related to electrifying the motor vehicle fleet within HHS.

MEDICARE HEARINGS AND APPEALS

For expenses necessary for Medicare hearings and appeals in the Office of the Secretary, \$196,000,000 shall remain available until September 30, 2024, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for

the development and advancement of interoperable health information technology, \$86,614,000 shall be from amounts made available under section 241 of the PHS Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$94,400,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That of the amount appropriated under this heading, necessary sums shall be available for carrying out activities authorized under section 3022 of the PHS Act ([42 U.S.C. 300jj-52](#)).

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$49,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, \$1,662,356,000, of which \$845,005,000 shall remain available through September 30, 2024, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F-2 of the PHS Act: *Provided further*, That \$5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2025: *Provided further*, That \$132,801,000 of the amounts made available to support coordination of the development, production, and distribution of vaccines,

therapeutics, and other medical countermeasures shall remain available through September 30, 2024.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), \$800,000,000, to remain available until expended.

For expenses necessary to carry out section 319F–2(a) of the PHS Act, \$855,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, \$382,000,000; of which \$347,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to advanced research projects for health, \$2,750,000,000, to remain available through September 30, 2025: *Provided*, That the President shall appoint in the Department of Health and Human Services a director of advanced research projects for health (Director): *Provided further*, That funds may be used to make or rescind appointments of scientific, medical, and professional personnel without regard to any provision in title 5 governing appointments under the civil service laws: *Provided further*, That funds may be used to fix the compensation of such personnel at a rate to be determined by the Director, up to the amount of annual compensation (excluding expenses) specified in section 102 of title 3, United States Code: *Provided further*, That the Director may use funds made available under this heading to make awards in the form of grants, contracts, cooperative agreements, and cash prizes, and enter into other transactions (as defined in section 319L(a)(3) of the PHS Act).

GENERAL PROVISIONS

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 grant or other extramural mechanism, at a rate in

excess of Executive Level II: *Provided*, That none of the funds appropriated in this title shall be used to prevent the NIH from paying up to 100 percent of the salary of an individual at this rate.

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 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 effective date of a contract awarded in fiscal year 2023 under section 338B of such Act, or at any time if the individual who has been awarded such contract has not received funds due under the contract.

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 programs 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. 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 2023:

(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, 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 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. 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. 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. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 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 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. Not to exceed \$100,000,000 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 \$5,000,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. 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. (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. 219. The Secretary shall publish, as part of the fiscal year 2024 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 & 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 2024. 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 report accompanying this Act.

SEC. 220. 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 & Medicaid Services—Program Management” account, may be used for payments under section 1342(b)(1) of [Public Law 111–148](#) (relating to risk corridors).

(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) IN GENERAL.—Effective during the period beginning on November 1, 2015 and ending January 1, 2025, 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\(jj\)](#)).

(b) CLARIFYING THE DEFINITION OF “SCREENING MAMMOGRAPHY”. —Section 1861 (jj) of the Social Security Act ([42 U.S.C. 1395x\(jj\)](#)) is amended by inserting “, including any digital modality (such as screening breast tomosynthesis) of such a procedure,” after “radiological procedure”.

SEC. 223. In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

(TRANSFER OF FUNDS)

SEC. 224. The NIH Director may transfer funds for opioid addiction, opioid alternatives, stimulant misuse and addiction, pain management, and addiction treatment to other Institutes and Centers of the NIH to be used for the same purpose 15 days after notifying the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law.

SEC. 225. (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. 226. The Department of Health and Human Services shall provide the Committees on Appropriations of the House of Representatives and Senate a

biannual report 30 days after the date of enactment of this Act on staffing described in report accompanying this Act.

SEC. 227. Funds appropriated in this Act that are available for salaries and expenses of employees of the Department of Health and Human Services shall also be available to pay travel and related expenses of such an employee or of a member of his or her family, when such employee is assigned to duty, in the United States or in a U.S. territory, during a period and in a location that are the subject of a determination of a public health emergency under section 319 of the Public Health Service Act and such travel is necessary to obtain medical care for an illness, injury, or medical condition that cannot be adequately addressed in that location at that time. For purposes of this section, the term “U.S. territory” means Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

SEC. 228. The Department of Health and Human Services may accept donations from the private sector, nongovernmental organizations, and other groups independent of the Federal Government for the care of unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 ([6 U.S.C. 279\(g\)\(2\)](#))) in the care of the Office of Refugee Resettlement of the Administration for Children and Families, including monetary donations, medical goods and services, which may include early childhood developmental screenings, school supplies, toys, clothing, and any other items or services intended to promote the wellbeing of such children. Monetary donations received by the Department of Health and Human Services under this section shall be retained and credited to the Refugee and Entrant Assistance account and shall remain available until expended for the purposes provided by this section.

SEC. 229. None of the funds made available in this Act under the heading “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 ([6 U.S.C. 279\(g\)\(2\)](#))) in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—

(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than three consecutive months shall require compliance with—

(A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and

(B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;

(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance;

(3) if the Secretary determines that a contractor or grantee is not in compliance after the Secretary has granted a 60-day waiver, the Secretary shall not permit such contractor or grantee to continue to provide services beyond a reasonable period, not to exceed 60 days, needed to award a contract or grant to a new service provider, and the incumbent contractor or grantee shall not be eligible to compete for the new contract or grant;

(4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;

(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and

(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

SEC. 230. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than 72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average

length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

SEC. 231. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 ([6 U.S.C. 279\(g\)\(2\)](#))). Nothing in this section shall be construed to require such a Senator or Member to provide prior notice of the intent to enter such a facility for such purpose.

SEC. 232. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 233. (a) None of the funds made available by this Act may be used to share any information pertaining to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 ([6 U.S.C. 279\(g\)\(2\)](#))) for use or reference in any removal proceeding or otherwise for enforcement of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(17\)](#))).

(b) Subsection (a) shall be construed to preclude the transmission of information described in such subsection to any individual, entity, or government agency with the knowledge or intent that the information would be retransmitted or otherwise shared for a purpose prohibited under such subsection.

(c) All records for which Office of Refugee Resettlement policies require the written release authorization of the Office of Refugee Resettlement shall have the presumption of confidentiality and nondisclosure, including unaccompanied alien child case files, specific information contained in such case files, all information

given to a case manager, therapist, clinical worker, counselor, or social worker by such a child during clinical or therapeutic work, and other confidential information pertaining to such children, their sponsors, or their potential sponsors.

(d) Nothing in this section shall be construed to prohibit or restrict the continued implementation of interagency agreements or coordination under section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ([8 U.S.C. 1232](#)) pertinent to a child's placement after attaining 18 years of age.

SEC. 234. To the extent practicable, and so long as it is appropriate and in the best interest of the child, in cases where the Office of Refugee Resettlement is responsible for the care of siblings who are unaccompanied alien children (as defined in section 462(g)(2)) of the Homeland Security Act of 2002 (6. U.S.C. 279(g)(2)), the Director of the Office shall place the siblings—

(1) in the same facility; or

(2) with the same sponsor.

SEC. 235. Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan of anticipated uses of all funds made available under the heading “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance”, including the following: a list of existing grants and contracts for both permanent and influx facilities, including their costs, capacity, and timelines; costs for expanding capacity through the use of community-based residential care placements (including long-term and transitional foster care and small group homes) through new or modified grants and contracts; current and planned efforts to expand small-scale shelters and available foster care placements, including collaboration with State child welfare providers; influx facilities being assessed for possible use; costs and services to be provided for legal services, child advocates, and post-release services; program administration; and the average number of weekly referrals and discharge rate assumed in the spend plan: *Provided*, That such plan shall be updated to reflect changes and expenditures and submitted to the Committees on Appropriations of the House of Representatives and the Senate every 60 days until all funds are expended or expired.

SEC. 236. Amounts made available to the Department of Health and Human Services in this or any other Act under the heading “Administration for Children and Families—Refugee and Entrant Assistance” may in this fiscal year and hereafter be used to provide, including through grants, contracts, or cooperative agreements, mental health and other supportive services, including access to legal services, to children, parents, and legal guardians who were separated at the United States-

Mexico border between January 20, 2017, and January 20, 2021: *Provided*, That such services shall also be available to immediate family members of such individuals if such family members are in the United States and in the same household: *Provided further*, That amounts made available to the Department of Health and Human Services for refugee and entrant assistance activities in any other provision of law may be used to carry out the purposes of this section: *Provided further*, That the Secretary of Health and Human Services may identify the children, parents, and legal guardians eligible to receive mental health and other supportive services described under this section through reference to the identified members of the classes, and their minor children, in the class-action lawsuits *Ms. J.P. v. Barr* and *Ms. L. v. ICE*: *Provided further*, the Secretary has sole discretion to identify the individuals who will receive services under this section due to their status as immediate family members residing in the same household of class members or class members' minor children, and such identification shall not be subject to judicial review.

SEC. 237. Funds appropriated in this Act that are available for salaries and expenses of employees of the Centers for Disease Control and Prevention shall also be available for the primary and secondary schooling of eligible dependents of personnel stationed in a U.S. territory as defined in section 227 of this Act at costs not in excess of those paid for or reimbursed by the Department of Defense.

(RESCISSION)

SEC. 238. Of the unobligated balances in the “Nonrecurring Expenses Fund” established in section 223 of division G of [Public Law 110–161](#), \$500,000,000 are hereby rescinded not later than September 30, 2023.

SEC. 239. The Secretary of Health and Human Services may waive penalties and administrative requirements in title XXVI of the Public Health Service Act for awards under such title from amounts provided under the heading “Department of Health and Human Services—Health Resources and Services Administration” in this or any other appropriations Act for this fiscal year, including amounts made available to such heading by transfer.

SEC. 240. (a) None of the funds made available by this Act may be awarded to any organization, including under the Child Welfare or Federal Foster Care programs under part B or E of title IV of the Social Security Act, that does not comply with paragraphs (c) and (d) of section 75.300 of title 45, Code of Federal Regulations (prohibiting discrimination on the basis of age, disability, sex, race, color, national origin, religion, gender identity, or sexual orientation), as in effect on October 1, 2019.

(b) None of the funds made available by this Act may be used by the Department of Health and Human Services to grant an exception from either such

paragraph for any Federal grantee.

SEC. 241. (a) PREMIUM PAY AUTHORITY.—If services performed by a Department of Health and Human Services employee during a public health emergency declared under section 319 of the Public Health Service Act are determined by the Secretary of Health and Human Services to be primarily related to preparation for, prevention of, or response to such public health emergency, any premium pay that is provided for such services shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

(b) OVERTIME AUTHORITY.—Any overtime that is provided for such services described in subsection (a) shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining, for purposes of section 5307 of title 5, United States Code, whether an employee's total pay exceeds the annual rate payable under such section, the Secretary of Health and Human Services shall not include pay exempted under this section.

(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(e) DANGER PAY FOR SERVICE IN PUBLIC HEALTH EMERGENCIES.—The Secretary of Health and Human Services may grant a danger pay allowance under section 5928 of title 5, United States Code, without regard to the conditions of the first sentence of such section, for work that is performed by a Department of Health and Human Services employee during a public health emergency declared under section 319 of the Public Health Service Act that the Secretary determines is primarily related to preparation for, prevention of, or response to such public health emergency and is performed under conditions that threaten physical harm or imminent danger to the health or well-being of the employee.

(f) EFFECTIVE DATE.—This section shall take effect as if enacted on September 30, 2021.

SEC. 242. (a) The Public Health Service Act ([42 U.S.C. 201 et seq.](#)), the Controlled Substances Act ([21 U.S.C. 801 et seq.](#)), the Comprehensive Smoking Education Act ([15 U.S.C. 1331 et seq.](#)), the Comprehensive Addiction and Recovery Act of 2016 ([Public Law 114–198](#)), Public Law 92–255, as amended ([21 U.S.C.](#)

[1101 et seq.](#)), the Omnibus Crime Control and Safe Streets Act of 1968 ([34 U.S.C. 10101 et seq.](#)), and title 5 of the United States Code are each amended (including in headings)—

(1) by striking “National Institute on Drug Abuse” each place it appears and inserting “National Institute on Drugs and Addiction”; and

(2) by striking “National Advisory Council on Drug Abuse” each place it appears and inserting “National Advisory Council on Drugs and Addiction”.

(b) Title IV of the Public Health Service Act ([42 U.S.C. 281 et seq.](#)) is amended

(1) in section 464H(b)(5), by striking “National Institute of Drug Abuse” and inserting “National Institute on Drugs and Addiction”;

(2) in sections 464L, 464M(a), 464O, and 494A, by striking “drug abuse” each place it appears and inserting “drug use”;

(3) in section 464L(a), by striking “treatment of drug abusers” and inserting “treatment of drug addiction”;

(4) in section 464M(a), by striking “prevention of such abuse” and inserting “prevention of such use”;

(5) in section 464N—

(A) in the section heading, by striking “DRUG ABUSE RESEARCH CENTERS” and inserting “DRUGS AND ADDICTION RESEARCH CENTERS”;

(B) in subsection (a)—

(i) in matter preceding paragraph (1), by striking “National Drug Abuse Research Centers” and inserting “National Drugs and Addiction Research Centers”; and

(ii) in paragraph (1)(C), by striking “treatment of drug abuse” and inserting “treatment of drug addiction”; and

(C) in subsection (c)—

(i) in the subsection heading, by striking “DRUG ABUSE AND ADDICTION RESEARCH” and inserting “DRUGS AND ADDICTION RESEARCH CENTERS”;

(ii) in paragraph (1), by striking “National Drug Abuse Treatment Clinical Trials Network” and inserting “National Drug Addiction Treatment Clinical Trials Network”; and

(iii) in paragraph (2)(H), by striking “reasons that individuals abuse drugs, or refrain from abusing drugs” and inserting “reasons that individuals use drugs or refrain from using drugs”; and

(6) in section 464P—

(A) in subsection (a)—

(i) in paragraph (1), by striking “drug abuse treatments” and inserting “drug addiction treatments”; and

(ii) in paragraph (6), by striking “treatment of drug abuse” and inserting “treatment of drug addiction”; and

(B) in subsection (d)—

(i) by striking “disease of drug abuse” and inserting “disease of drug addiction”;

(ii) by striking “abused drugs” each place it appears and inserting “addictive drugs”; and

(iii) by striking “drugs of abuse” and inserting “drugs of addiction”.

(c) Section 464N of the Public Health Service Act ([42 U.S.C. 285o–2](#)), as amended by subsection (b)(5), is further amended by striking “drug abuse” each place it appears and inserting “drug use”.

(d) Any reference in any law, regulation, map, document, paper, or other record of the United States to the National Institute on Drug Abuse shall be considered to be a reference to the National Institute on Drugs and Addiction.

SEC. 243. (a) The Public Health Service Act ([42 U.S.C. 201 et seq.](#)) and Public Law 91–616, as amended ([42 U.S.C. 4541 et seq.](#)) are each amended (including in headings)—

(1) by striking “National Institute on Alcohol Abuse and Alcoholism” each place it appears and inserting “National Institute on Alcohol Effects and Alcohol-Associated Disorders”; and

(2) by striking “National Advisory Council on Alcohol Abuse and Alcoholism” each place it appears and inserting “National Advisory Council on Alcohol Effects and Alcohol-Associated Disorders”.

(b) Title IV of the Public Health Service Act ([42 U.S.C. 281 et seq.](#)) is amended

(1) in section 464H—

(A) in subsection (a)—

(i) by striking “prevention of alcohol abuse” and inserting “prevention of alcohol misuse”; and

(ii) by striking “treatment of alcoholism” and inserting “treatment of alcohol-associated disorders”; and

(B) in subsection (b)—

(i) in paragraph (3)—

(I) in subparagraph (A), by striking “alcohol abuse and domestic violence” and inserting “alcohol misuse and domestic violence”;

(II) in subparagraph (D), by striking “abuse of alcohol” and inserting “misuse of alcohol”; and

(III) by amending subparagraph (E) to read as follows:

“(E) the effect of social pressures, legal requirements regarding the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages on the incidence of alcohol misuse, alcohol use disorder, and other alcohol-associated disorders,”; and

(ii) in paragraph (5), by striking “impact of alcohol abuse” and inserting “impact of alcohol misuse”;

(2) in sections 464H(b), 464I, and 494A, by striking “alcohol abuse and alcoholism” each place it appears and inserting “alcohol misuse, alcohol use disorder, and other alcohol-associated disorders”;

(3) in sections 464H(b) and 464J(a), by striking “alcoholism and alcohol abuse” each place it appears and inserting “alcohol misuse, alcohol use disorder, and other alcohol-associated disorders”; and

(4) in section 464J(a)—

(A) by striking “alcoholism and other alcohol problems” each place it appears and inserting “alcohol misuse, alcohol use disorder, and other alcohol-associated disorders”;

(B) in the matter preceding paragraph (1), by striking “interdisciplinary research relating to alcoholism” and inserting “interdisciplinary research relating to alcohol-associated disorders”; and

(C) in paragraph (1)(E), by striking “alcohol problems” each place it appears and inserting “alcohol misuse, alcohol use disorder, and other alcohol-associated disorders”.

(c) Any reference in any law, regulation, map, document, paper, or other record of the United States to the National Institute on Alcohol Abuse and Alcoholism shall be considered to be a reference to the National Institute on Alcohol Effects and Alcohol-Associated Disorders.

SEC. 244. (a) The Public Health Service Act ([42 U.S.C. 201 et seq.](#)) is amended (including in headings)—

(1) by striking “Substance Abuse and Mental Health Services Administration” each place it appears and inserting “Substance Use And Mental Health Services Administration”;

(2) by striking “Center for Substance Abuse Treatment” each place it appears and inserting “Center for Substance Use Services”; and

(3) by striking “Center for Substance Abuse Prevention” each place it appears and inserting “Center for Substance Use Prevention Services”.

(b) Title V of the Public Health Service Act ([42 U.S.C. 290aa et seq.](#)) is amended—

(1) in the title heading, by striking “SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION” and inserting “SUBSTANCE USE AND MENTAL HEALTH SERVICES ADMINISTRATION”;

(2) in section 501—

(A) in the section heading, by striking “SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION” and inserting

“SUBSTANCE USE AND MENTAL HEALTH SERVICES ADMINISTRATION”;
and

(B) in subsection (a), by striking “(hereafter referred to in this title as the ‘Administration’)” and inserting “(hereafter referred to in this title as ‘SAMHSA’ or the ‘Administration’)”;

(3) in section 507, in the section heading, by striking “CENTER FOR SUBSTANCE ABUSE TREATMENT” and inserting “CENTER FOR SUBSTANCE USE SERVICES”;

(4) in section 513(a), in the subsection heading, by striking “CENTER FOR SUBSTANCE ABUSE TREATMENT” and inserting “CENTER FOR SUBSTANCE USE SERVICES”; and

(5) in section 515, in the section heading, by striking “CENTER FOR SUBSTANCE ABUSE PREVENTION” and inserting “CENTER FOR SUBSTANCE USE PREVENTION SERVICES”.

(c) Section 1932(b)(3) of the Public Health Service Act ([42 U.S.C. 300x–32\(b\)](#)) ([\(3\)](#)) is amended in the paragraph heading by striking “CENTER FOR SUBSTANCE ABUSE PREVENTION” and inserting “CENTER FOR SUBSTANCE USE PREVENTION SERVICES”.

(d) Section 1935(b)(2) of the Public Health Service Act ([42 U.S.C. 300x–35\(b\)](#)) ([\(2\)](#)) is amended in the paragraph heading by striking “CENTER FOR SUBSTANCE ABUSE PREVENTION” and inserting “CENTER FOR SUBSTANCE USE PREVENTION SERVICES”.

(e) Subtitle C of title IV of Public Law 99–570, as amended ([25 U.S.C. 2401 et seq.](#)) is amended (including in headings) by striking “Substance Abuse and Mental Health Services Administration” each place it appears and inserting “Substance Use And Mental Health Services Administration”.

(f) The Social Security Act is amended in sections 1861, 1866F, and 1945 ([42 U.S.C. 1395x](#), 1395cc–6, 1396w–4) by striking “Substance Abuse and Mental Health Services Administration” each place it appears and inserting “Substance Use And Mental Health Services Administration”.

(g) Section 105(a)(7)(C)(i)(III) of the Child Abuse Prevention and Treatment Act ([42 U.S.C. 5106\(a\)\(7\)\(C\)\(i\)\(III\)](#)) is amended by striking “Substance Abuse and Mental Health Services Administration” and inserting “Substance Use And Mental Health Services Administration”.

(h) (1) Except as provided in paragraph (2), any reference in any law, regulation, map, document, paper, or other record of the United States to the

Substance Abuse and Mental Health Services Administration, the Center for Substance Abuse Treatment of such Administration, or the Center for Substance Abuse Prevention of such Administration shall be considered to be a reference to the Substance Use And Mental Health Services Administration, the Center for Substance Use Services of such Administration, or the Center for Substance Use Prevention Services of such Administration, respectively.

(2) Paragraph (1) shall not be construed to alter or affect section 6001(d) of the 21st Century Cures Act ([42 U.S.C. 290aa](#) note), providing that a reference to the Administrator of the Substance Abuse and Mental Health Services Administration shall be construed to be a reference to the Assistant Secretary for Mental Health and Substance Use.

SEC. 245. For fiscal year 2023, the notification requirements described in sections 1804(a) and 1851(d) of the Social Security Act may be fulfilled by the Secretary in a manner similar to that described in paragraphs (1) and (2) of section 1806(c) of such Act.

SEC. 246. (a) Funds made available in [Public Law 115–31](#) to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2017 and were obligated for multi-year research grants shall be available through fiscal year 2023 for the liquidation of valid obligations incurred in fiscal year 2017 if the Director of the National Institutes of Health determines the project suffered an interruption of activities attributable to SARS–CoV–2.

(b) (1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

SEC. 247. Section 317G of the Public Health Service Act ([42 U.S.C. 247b-8](#)) is amended by adding at the end the following: “The Secretary may, no later than 120 days after the end of an individual's participation in such a fellowship or training program, and without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint a participant in such a fellowship or training program to a term or permanent position in the Centers for Disease Control and Prevention.”.

TERMINATION OF SUSPENSION OF ENTRIES AND IMPORTS FROM DESIGNATED PLACES RELATED TO THE COVID–19 PANDEMIC

SEC. 248. (a) IN GENERAL.—An order of suspension issued under section 362 of the Public Health Service Act ([42 U.S.C. 265](#)) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID–19) pandemic declared under section 319 of such Act ([42 U.S.C. 247d](#)) on January 31, 2020, and

any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021), shall be lifted not earlier than 60 days after the date on which the Surgeon General provides written notification to the appropriate authorizing and appropriating committees of Congress that such public health emergency declaration (including the continuation described in Proclamation 9994 on February 24, 2021) have been terminated.

(b) PROCEDURES DURING 60-DAY TERMINATION WINDOW.—

(1) PLAN.—Not later than 30 days after the date on which a written notification is provided under subsection (a) with respect to an order of suspension, the Surgeon General, in consultation with the Secretary of Homeland Security, and the head of any other Federal agency, State, local or Tribal government, or nongovernmental organization that has a role in managing outcomes associated with the suspension, as determined by the Surgeon General (or the designee of the Surgeon General), shall develop and submit to the appropriate committees of Congress, a plan to address any possible influx of entries or imports, as defined in such order of suspension, related to the termination of such order.

(2) FAILURE TO SUBMIT.—If a plan under paragraph (1) is not submitted to the appropriate committees of Congress within the 30-day period described in such paragraph, not later than 7 days after the expiration of such 30-day period, the Secretary shall notify the appropriate committees of Congress, in writing, of the status of preparing such a plan and the timing for submission as required under paragraph (1). The termination of order related to such plan shall be delayed until that date that is 30 days after the date on which such plan is submitted to such committees.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2023”.

TITLE III
DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), \$21,260,551,000, of which \$10,306,490,000 shall become available on July 1, 2023, and shall remain available through September 30, 2024, and of which \$10,841,177,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024, for academic year 2023–2024: *Provided*, That \$6,459,401,000 shall be for basic grants under section 1124 of the ESEA:

Provided further, That up to \$5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2022, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That up to \$50,000,000 of these funds shall be available to the Secretary for grants to States for voluntary activities designed to improve State funding formula equity and increase support for high-poverty school districts: *Provided further*, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$6,357,550,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$6,357,550,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$18,761,000 shall be for competitive grants to support strong partnerships, which may include those among State educational agencies, local educational agencies and child welfare agencies, to create and implement innovative strategies for improving the education of foster children and youth under part D of title I of the ESEA: *Provided further*, That the Secretary may reserve up to 3 percent of the amount in the preceding proviso to provide technical assistance in the implementation of these grants: *Provided further*, That \$223,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That \$58,123,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, \$1,614,112,000, of which \$1,464,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d), \$17,406,000, to remain available through September 30, 2024, shall be for construction under section 7007(b), \$79,313,000 shall be for Federal property payments under section 7002, and \$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2022–2023, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,905,642,000, of which \$4,060,312,000 shall become available on July 1, 2023, and remain available through September 30, 2024, and of which \$1,681,441,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024, for academic year 2023-2024: *Provided*, That \$390,000,000 shall be for part B of title I: *Provided further*, That \$1,409,673,000 shall be for part B of title IV: *Provided further*, That \$40,897,000 shall be for part B of title VI, which may be used for construction, renovation, and modernization of any public elementary school, secondary school, or structure related to a public elementary school or secondary school that serves a predominantly Native Hawaiian student body, and that the 5 percent limitation in section 6205(b) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That \$37,953,000 shall be for part C of title VI, which shall be awarded on a competitive basis, and may be used for construction, and that the 5 percent limitation in section 6305 of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That \$54,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That \$24,464,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That \$195,000,000 shall be for part B of title V: *Provided further*, That \$1,355,000,000 shall be available for grants under subpart 1 of part A of title IV.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, \$195,246,000, of which \$72,000,000 shall be for subpart 2 of part A of title VI and \$12,865,000 shall be for subpart 3 of part A of title VI: *Provided*, That the 5 percent limitation in sections 6115(d), 6121(e), and 6133(g) of the ESEA on the use of funds for administrative purposes shall apply only to direct administrative costs: *Provided further*, That grants awarded under sections 6132 and 6133 of the ESEA with funds provided under this heading may be for a period of up to 5 years: *Provided further*, That the Secretary may make awards under subpart 3 of part A of title VI without regard to the funding limitation in section 6133(b)(1) of the ESEA.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C, D, and E and subparts 1 and 4 of part F of title IV of the ESEA, \$1,330,500,000: *Provided*, That \$194,000,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That \$652,500,000 shall be for parts C, D, and E and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A) (i) shall not apply to the funds available for part C of title IV: *Provided further*, That notwithstanding section 4601(b), \$384,000,000 shall be available through December 31, 2023 for subpart 1 of part F of title IV: *Provided further*, That of the funds available for subpart 4 of part F of title I not less than \$8,000,000 shall be for continuation grants for eligible national nonprofit organizations, as described in the Applications for New Awards; Assistance for Arts Education Program—Arts in Education National Program published in the Federal Register on May 7, 2018, for activities described under section 4642(a)(1)(C): *Provided further*, That \$100,000,000 shall be for competitive grants to local educational agencies and State educational agencies to reduce racial and socioeconomic segregation across and within school districts.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, \$1,708,000,000, to remain available through December 31, 2023: *Provided*, That \$1,134,000,000 shall be available for section 4631, of which up to \$5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (Project SERV) program: *Provided further*, That \$468,000,000 shall be available for section 4625: *Provided further*, That \$96,000,000 shall be for section 4624: *Provided further*, That \$10,000,000 shall be for grants to local educational agencies to provide integrated student supports designed to improve student social, emotional, physical, and mental health and academic outcomes.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$1,000,000,000, which shall become available on July 1, 2023, and shall remain available through September 30, 2024, except that 6.5 percent of such amount shall be available on October 1, 2022, and shall remain available through September 30, 2024, to carry out activities under section 3111(c)(1)(C): *Provided*, That the Secretary may reserve up to 2 percent of such amount for technical assistance and capacity building.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA), section 773 of the HEA, and the Special Olympics Sport and Empowerment Act of 2004, \$17,760,679,000, of which \$8,036,736,000 shall become available on July 1, 2023, and shall remain available through September 30, 2024, and of which \$9,283,383,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024, for academic year 2023–2024: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2022, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2022: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed 5, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e) (1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act ([20 U.S.C. 1234a](#)): *Provided further*, That the

funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart: *Provided further*, That States may use funds reserved for other State-level activities under sections 611(e)(2) and 619(f) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private non-profit organizations to carry out activities authorized by those sections: *Provided further*, That, notwithstanding section 643(e)(2)(A) of the IDEA, if 5 or fewer States apply for grants pursuant to section 643(e) of such Act, the Secretary shall provide a grant to each State in an amount equal to the maximum amount described in section 643(e)(2)(B) of such Act: *Provided further*, That if more than 5 States apply for grants pursuant to section 643(e) of the IDEA, the Secretary shall award funds to those States on the basis of the States' relative populations of infants and toddlers except that no such State shall receive a grant in excess of the amount described in section 643(e)(2)(B) of such Act: *Provided further*, That States may use funds allotted under section 643(c) of the IDEA to make subgrants to local educational agencies, institutions of higher education, other public agencies, and private non-profit organizations to carry out activities authorized by section 638 of IDEA: *Provided further*, That, notwithstanding section 638 of the IDEA, a State may use funds it receives under section 633 of the IDEA to offer continued early intervention services to a child who previously received services under part C of the IDEA from age 3 until the beginning of the school year following the child's third birthday with parental consent and without regard to the procedures in section 635(c) of the IDEA: *Provided further*, That, notwithstanding section 638 of the IDEA, any State receiving a grant under section 633 of the IDEA must reserve not less than ten percent of its award for use in a manner described in a State plan, approved by the Secretary, to ensure equitable access to and participation in part C services in the State, particularly for populations that have been traditionally underrepresented in the program: *Provided further*, That, notwithstanding section 632(4)(B) of the IDEA, a State receiving a grant under section 633 of the IDEA may establish a system of payments but may not include in that system family fees or out-of-pocket costs to families for early intervention services: *Provided further*, That any State seeking to amend its eligibility criteria under section 635(a)(1) of the IDEA in such a way that would have the effect of reducing the number of infants and families who are eligible under part C must conduct the public participation under section 637(a)(8) of the IDEA at least 24 months prior to implementing such a change: *Provided further*, That, notwithstanding section 638 of the IDEA, a State may use funds appropriated under part C of the IDEA to conduct child find, public awareness and referral activities for an individual who is expected to become a parent of an infant

with a disability (as that term is defined in section 632(5) of the IDEA), as established by medical or other records.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, \$4,104,906,000, of which \$3,949,707,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at increasing competitive integrated employment as defined in section 7 of such Act for youth and other individuals with disabilities: *Provided further*, That up to 15 percent of the amounts made available by this or prior Acts for innovative activities as described in the preceding proviso may be used for evaluation and technical assistance related to such activities: *Provided further*, That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further*, That any funds made available subsequent to reallocation for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2024.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to Promote the Education of the Blind of March 3, 1879, \$43,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$91,500,000: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$156,361,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 (“Perkins Act”) and the Adult Education and Family Literacy Act (“AEFLA”), \$2,214,981,000, of which \$1,423,981,000 shall become available on July 1, 2023, and shall remain available through September 30, 2024, and of which \$791,000,000 shall become available on October 1, 2023, and shall remain available through September 30, 2024: *Provided*, That \$50,000,000 shall be for competitive grants to consortia of local educational agencies, institutions of higher education, and employers to pilot evidence-based strategies to increase the integration and alignment of the last two years of high school and the first two years of postsecondary education to improve postsecondary and career outcomes for all students: *Provided further*, That section 3(20) of the Perkins Act shall be applied as if the term “eligible institution” includes an apprenticeship program that is registered under the National Apprenticeship Act and accredited by an agency recognized by the United States Department of Education: *Provided further*, That of the amounts made available for AEFLA, \$18,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, \$24,639,234,000 which shall remain available through September 30, 2024.

The maximum Pell Grant for which a student shall be eligible during award year 2023–2024 shall be \$6,335.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, \$2,579,034,000, to remain available through September 30, 2024: *Provided*, That student loan servicers and contractors shall be evaluated based on their ability to meet contract requirements (including an understanding of Federal and State law), future performance on the contracts, and history of compliance with applicable consumer protections laws: *Provided further*, That to the extent Federal Student Aid (FSA) permits student loan servicing subcontracting, FSA shall hold prime contractors accountable for meeting the requirements of the contract, and the performance and expectations of subcontractors shall be accounted for in the prime contract and in the overall performance of the prime contractor: *Provided further*, That FSA shall ensure that contractors have the capacity to meet and are held accountable for performance on service levels; are held accountable for and have a history of compliance with applicable consumer protection laws; and have relevant experience and demonstrated effectiveness.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Perkins Act, \$3,959,485,000, of which \$520,000,000 shall remain available through December 31, 2023: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation: *Provided further*, That section 313(d) of the HEA shall not apply to an institution of higher education that is eligible to receive funding under section 318 of the HEA: *Provided further*, That amounts made available for carrying out section 419N of the HEA may be awarded notwithstanding the limitations in section 419N(b)(2) of the HEA: *Provided further*, That of the amounts made available under this heading, \$209,301,000 shall be used for the projects, and in the amounts, specified in the table titled “Labor, HHS, Education Incorporation of Community Project Funding Items” in the report accompanying this Act: *Provided further*, That none of the funds made available for projects described in the preceding proviso shall be subject to section 302 of this Act.

HOWARD UNIVERSITY

For partial support of Howard University, \$394,018,000, of which not less than \$3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, \$298,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2024: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*,

That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$752,065,725: *Provided further*, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$528,000.

INSTITUTE OF EDUCATION SCIENCES

For necessary expenses for the Institute of Education Sciences as authorized by section 208 of the Department of Education Organization Act and carrying out activities authorized by the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$844,075,000, which shall remain available through September 30, 2024: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to \$6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$462,500,000, of which up to \$17,500,000, to remain available until expended, shall be available for relocation expenses, and for the renovation and repair of leased buildings: *Provided*, That, notwithstanding any other provision of law, none of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education available for obligation or expenditure in the current fiscal year may be used for any activity relating to implementing a reorganization that decentralizes, reduces the staffing level, or alters the responsibilities, structure, authority, or functionality of the Budget Service of the Department of Education, relative to the organization and operation of the Budget Service as in effect on January 1, 2018.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$151,300,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$76,452,000, of which \$2,000,000 shall remain available until expended.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 302. 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 Department of Education 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. 303. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2023, through September 30, 2024.

SEC. 304. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2023 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

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

SEC. 305. Section 114(f) of the HEA ([20 U.S.C. 1011c\(f\)](#)) shall be applied by substituting “2023” for “2022”.

SEC. 306. Section 458(a)(4) of the HEA ([20 U.S.C. 1087h\(a\)](#)) shall be applied by substituting “2023” for “2022”.

SEC. 307. Funds appropriated in this Act under the heading “Student Aid Administration” may be available for payments for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 ([20 U.S.C. 1087aa et seq.](#)).

(RESCISSION)

SEC. 308. Of the amounts appropriated under section 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965 ([20 U.S.C. 1070a\(b\)\(7\)\(A\)\(iv\)\(XI\)](#)) for fiscal year 2023, \$221,000,000 are hereby rescinded.

SEC. 309. Of the amounts made available under this title under the heading “Student Aid Administration”, \$2,300,000 shall be used by the Secretary of Education to conduct outreach to borrowers of loans made under part D of title IV of the Higher Education Act of 1965 who may intend to qualify for loan cancellation under section 455(m) of such Act ([20 U.S.C. 1087e\(m\)](#)), to ensure that borrowers are meeting the terms and conditions of such loan cancellation: *Provided*, That the Secretary shall specifically conduct outreach to assist borrowers who would qualify for loan cancellation under section 455(m) of such Act except that the borrower has made some, or all, of the 120 required payments under a repayment plan that is not described under section 455(m)(A) of such Act, to encourage borrowers to enroll in a qualifying repayment plan: *Provided further*, That the Secretary shall also communicate to all Direct Loan borrowers the full requirements of section 455(m) of such Act and improve the filing of employment certification by providing improved outreach and information such as outbound calls, electronic communications, ensuring prominent access to program requirements and benefits on each servicer’s website, and creating an option for all borrowers to complete the entire payment certification process electronically and on a centralized website.

SEC. 310. In addition to amounts otherwise made available, the unobligated balances of amounts made available in fiscal year 2018 and each fiscal year thereafter for the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) program carried out by the Department of Education, shall be made available in accordance with the following:

(1) Except as provided in paragraphs (2) and (3), notwithstanding the terms and conditions for such program required under such appropriations Acts, such program shall be carried out in the same manner, and with the same terms and conditions, as the Limited PSLF Waiver program carried out by the Department of Education beginning on October 6, 2021, and authorized by the Higher Education Relief Opportunities for Students Act of 2003 ([20 U.S.C. 1098bb](#)), except that—

(A) the application and consolidation deadlines under the Limited PSLF Waiver program shall not apply to the TEPSLF program; and

(B) a loan made under part B or E of title 22 IV of the Higher Education Act of 1965 (other than an excepted PLUS loan or an excepted consolidation loan (as such terms are defined in section 493C(a) of such Act of 1965)) shall be eligible for forgiveness under the TEPSLF program in the same manner and with the same conditions as a Federal Direct Loan, and a borrower of such a loan made under part B or E may receive credit under such program for any repayment on such loan that would otherwise qualify under the TEPSLF program (in accordance with this section), without consolidating such loan into a Federal Direct Consolidation Loan.

(2) The limitation relating to the total loan volume, including outstanding principal, fees, capitalized interest, or accrued interest, applicable with respect to amounts initially made available in fiscal year 2018 and each fiscal year thereafter shall continue to apply with respect to the corresponding unobligated balance from each such fiscal year.

(3) The Secretary shall provide loan forgiveness under this section to eligible borrowers on a first come, first-serve basis, based on the date of application and subject to both the limitation on total loan volume at application for such loan forgiveness specified and the availability of appropriations.

SEC. 311. The Secretary may reserve not more than 0.5 percent from any amount made available in this Act for an HEA program, except for any amounts made available for subpart 1 of part A of title IV of the HEA, to carry out rigorous and independent evaluations and to collect and analyze outcome data for any program authorized by the HEA: *Provided*, That no funds made available in this Act for the “Student Aid Administration” account shall be subject to the reservation under this section: *Provided further*, That any funds reserved under this section shall be available through September 30, 2025: *Provided further*, That if, under any other provision of law, funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may also reserve funds for such program or project for the purposes described in this section so long as the total reservation of funds for such program or project does not exceed any statutory limits on such reservations: *Provided further*, That not later than 30 days prior to the initial obligation of funds reserved under this section, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a plan that identifies the source and amount of funds reserved under this section, the impact on program grantees if funds are withheld for the purposes of this section, and the activities to be carried out with such funds.

SEC. 312. In addition to amounts otherwise appropriated by this Act under the heading “Innovation and Improvement” for purposes authorized by the Elementary and Secondary Education Act of 1965, there are hereby appropriated an additional \$154,108,000 which shall be used for the projects, and in the amounts, specified in the table titled “Labor, HHS, Education Incorporation of Community Project Funding Items” in the report accompanying this Act: *Provided*, That none of the funds made available for such projects shall be subject to section 302 of this Act.

SEC. 313. None of the funds made available under part C of title IV of the ESEA may be awarded to a charter school that enters into a contract with a for-profit management organization under which the management organization and its related entities exercises full or substantial administrative control over the charter school, except that this proviso does not limit the ability of a charter school to contract with a for-profit entity for discrete purposes other than managing or operating the charter school, such as providing food services or payroll services.

SEC. 314. None of the funds appropriated by this title for the Department of Education shall be withheld from an institution of higher education solely because that institution is conducting or preparing to conduct research on marihuana as defined in [21 U.S.C. 802\(16\)](#).

SEC. 315. None of the funds made available by this Act may be used by the Department of Education to support an educational institution that engages in the use of electric shock devices and equipment for aversive conditioning or disciplining of students.

SEC. 316. Section 487(a) of the HEA is amended in paragraph (24) by the striking “ten percent” and “fifteen percent”.

SEC. 317. (a)(1) Section 484(a)(5) of the HEA of 1965 ([20 U.S.C. 1091\(a\)\(5\)](#)) is amended—

(A) by inserting “or a DACA recipient (as defined in subsection (u)), have temporary protected status under section 244 of the Immigration and Nationality Act ([8 U.S.C. 1254a](#)),” after “a permanent resident of the United States,”; and

(B) by inserting “be” after “able”.

(2) Section 484(a) of such Act ([20 U.S.C. 1091\(a\)](#)) is amended by adding at the end the following:

“(u) DACA RECIPIENT.—In this section, the term ‘DACA recipient’ means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(3\)](#)) who is

inadmissible to the United State or deportable from the United States under the immigration laws (as defined in section 101(a)(17) of such Act ([8 U.S.C. 1101\(a\)\(17\)](#)), and who the Secretary of Homeland Security has, in his or her discretion, determined should be afforded a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA) policy.”.

(3) The amendments made by this subsection shall take effect on July 1, 2023.

(b)(1) Subsection (n)(1)(A)(iv) of section 702 of the FAFSA Simplification Act (title VII of division FF of [Public Law 116–260](#)) is amended by striking “by adding at the end” and inserting “by inserting after subsection (r), as redesignated under clause (i),”.

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of the FAFSA Simplification Act (title VII of division FF of [Public Law 116–260](#)).

SEC. 318. Section 344(a) of the HEA (20 U.S.C. 1066(c)(a)) is amended by striking “No institution of higher education that has received assistance under section 8 of the Act of March 2, 1867 ([20 U.S.C. 123](#)) shall be eligible to receive assistance under this part.”.

This title may be cited as the “Department of Education Appropriations Act, 2023”.

TITLE IV RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled (referred to in this title as “the Committee”) established under section 8502 of title 41, United States Code, \$13,124,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement shall contain such auditing, oversight, and reporting provisions as necessary to implement [chapter 85](#) of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under the heading “Committee For Purchase From People Who Are

Blind or Severely Disabled—Written Agreement Elements” in the explanatory statement described in section 4 of [Public Law 114–113](#) (in the matter preceding division A of that consolidated Act): *Provided further*, That any such central nonprofit agency may not charge a fee under section 51–3.5 of title 41, Code of Federal Regulations, prior to executing a written agreement with the Committee: *Provided further*, That no less than \$3,124,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), \$947,829,000 , notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$19,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) \$37,735,000 shall be available to carry out subtitle E of the 1990 Act; and (4) \$6,558,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, \$235,000,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under [31 U.S.C. 1513\(b\)](#).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under [5 U.S.C. 3109](#), and not to exceed \$2,500 for official reception and representation expenses, \$109,686,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$8,121,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2023, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

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

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

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

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

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

1993 (“NCPA”);

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

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

SEC. 406. Notwithstanding sections 139(b), 146 and 147 of the 1990 Act, an individual who successfully completes a term of service of not less than 1,200 hours during a period of not more than one year may receive a national service education award having a value of 70 percent of the value of a national service education award determined under section 147(a) of the Act.

SEC. 407. Section 148(f)(2)(A)(i) of the 1990 Act shall be applied by substituting “an approved national service position” for “a national service program that receives grants under subtitle C”.

SEC. 408. (a) Section 137(a)(5) of the 1990 Act shall be applied in fiscal year 2022 as if the following were inserted before the period: “, or has submitted a request for administrative relief pursuant to the policy established in the memorandum of the Secretary of Homeland Security date June 15, 2012, and entitled ‘Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children’ (Deferred Action for Childhood Arrivals)”.

(b) Section 146(a)(3) of the 1990 Act shall be applied in fiscal year 2022 as if the following were inserted before the period: “, or has submitted a request for administrative relief pursuant to the policy established in the memorandum of the Secretary of Homeland Security dated June 15, 2012, and entitled ‘Exercising Discretion with Respect to Individuals Who Came to the United States as Children (Deferred Action for Childhood Arrivals)’”.

SEC. 409. An individual in an approved national service position in a program under section 152(a) of the 1990 Act may upon the approval of the Director of the National Civilian Community Corps continue in a term of service for up to 180 days beyond the period otherwise specified in section 153(d), or 90 days beyond the period otherwise specified in section 154(c).

SEC. 410. (a) Notwithstanding sections 139, 147, 153, and 154 of the 1990 Act, the Director of the National Civilian Community Corps may enter into agreements with eligible individuals to participate in a National Civilian Community Corps program for a period of not less than 90 days and not more than 180 days.

(b) An eligible individual who enters into an agreement with the Director under subsection (a) may receive an educational award equivalent to a proportional amount of the full-time national service educational award authorized under section 147(a) of the 1990 Act that corresponds to the term of service that such individual completes.

(c) For purposes of this section, the term “eligible individual” means an individual who is at least 18 years of age and not more than 26 years of age as of the date the term of service commences.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (“CPB”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2025, \$565,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system, including the costs of interconnection facilities and operations under subsections (k)(3)(A)(i)(II) and (k)(3)(A)(iv)(I) of section 396 of the Communications Act of 1934, and for other technologies and services that create infrastructure and efficiencies within the public media system, \$60,000,000: *Provided*, That such amounts shall be in addition to any other amounts otherwise available for such purposes.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$53,705,000: *Provided*, That notwithstanding [31 U.S.C. 3302](#), fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign

governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$18,012,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$280,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, \$9,405,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$13,824,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,850,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$319,424,000, of which not less than \$1,000,000 shall be used to develop a system and procedures to conduct union representation elections electronically.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$15,113,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$15,449,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$9,000,000, which shall include amounts becoming available in fiscal year 2023 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2023, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (“Board”) for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$131,666,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013: *Provided further*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act, this limitation may be used to hire students attending qualifying educational institutions or individuals who have recently completed qualifying educational programs using current excepted hiring authorities established by the Office of Personnel Management.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$13,269,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, \$11,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$48,713,576,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That not more than \$86,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2025.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs

incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2024, \$15,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire and purchase of two passenger motor vehicles and charging or fueling infrastructure for zero emission passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$14,300,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than \$2,700,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2023 not needed for fiscal year 2023 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to [5 U.S.C. 7131](#), and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Of the total amount made available in the first paragraph under this heading, not more than \$1,799,000,000, to remain available through March 31, 2024, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, \$288,000,000 is provided to meet the terms of section 1(i)(2)(C) of H. Res. 1151 (117th Congress) as engrossed in the House of Representatives on June 8, 2022, and \$1,511,000,000 is additional new budget authority specified for purposes of section 1(i) of such resolution: *Provided further*, That, of the additional new

budget authority described in the preceding proviso, up to \$15,100,000 may be transferred to the “Office of Inspector General”, Social Security Administration, for the cost of jointly operated co-operative disability investigation units: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of [Public Law 104–121](#) for fiscal years 1996 through 2002.

In addition, \$140,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended: *Provided*, That to the extent that the amounts collected pursuant to such sections in fiscal year 2023 exceed \$140,000,000, the amounts shall be available in fiscal year 2024 only to the extent provided in advance in appropriations Acts.

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

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$33,000,000, together with not to exceed \$84,500,000, to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund: *Provided*, That \$2,000,000 shall remain available until expended for information technology modernization, including related hardware and software infrastructure and equipment, and for administrative expenses directly associated with information technology modernization.

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

TITLE V

GENERAL PROVISIONS

(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, 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 relationships or 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. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for

salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for “Federal Mediation and Conciliation Service, Salaries and Expenses”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for “National Mediation Board, Salaries and Expenses”.

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 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. 507. (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. 508. 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. 509. 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. 510. 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. 511. (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 2023, 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 2023, 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. 512. (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. 513. 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 2023 that are different than those specified in this Act, the report accompanying this Act or the fiscal year 2023 budget request.

SEC. 514. 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, individually or in total for a particular project, activity, or programmatic initiative, in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2023, 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 non-competitive 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. 515. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 516. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 517. (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. 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 relating 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. 519. 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 United States 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. 520. (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 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 2023” for “Fiscal Year 2014” in the title of subsection (b) and by substituting “September 30, 2027” for “September 30, 2018” each place it appears: *Provided*, That such pilots shall include communities that have 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](#), section 524 of division G of [Public Law 113–235](#), section 525 of division H of [Public Law 114–113](#), section 525 of division H of [Public Law 115–31](#), section 525 of division H of [Public Law 115–141](#), section 524 of division A of [Public Law 116–94](#), section 524 of division H of [Public Law 116–260](#), and section 523 of division H of [Public Law 117–103](#).

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

SEC. 521. Not later than 30 days after the end of each calendar quarter, beginning with the first month of fiscal year 2023 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 report on the status of balances of appropriations: *Provided*, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the monthly 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. 522. The Departments of Labor, Health and Human Services, and Education shall provide to the Committees on Appropriations of the House of

Representatives and the Senate a comprehensive list of any new or competitive grant award notifications, including supplements, issued at the discretion of such Departments not less than 3 full business days before any entity selected to receive a grant award is announced by the Department or its offices (other than emergency response grants at any time of the year or for grant awards made during the last 10 business days of the fiscal year, or if applicable, of the program year).

SEC. 523. Each department and related agency funded through this Act shall provide answers to questions submitted for the record by members of the Committee within 45 business days after receipt.

SEC. 524. Of amounts deposited in the Child Enrollment Contingency Fund under section 2104(n)(2) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, \$14,861,000,000 shall not be available for obligation in this fiscal year.

SEC. 525. (a) This section applies to: (1) the Administration for Children and Families in 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, 2027: *Provided*, That 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 referenced 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 such amounts are available.

SEC. 526. None of the funds made available by this Act may be made available to the Wuhan Institute of Virology, or any other laboratory located in a country determined by the Secretary of State to be a foreign adversary, including China, Russia, North Korea, and Iran.

SEC. 527. None of the funds made available by this Act may be used to purchase, procure, or distribute pipes or similar cylindrical objects for use in smoking or inhaling any controlled substance in schedule I of the Controlled Substances Act ([21 U.S.C. 801 et seq.](#)).

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023”.

117TH
CONGRESS
2D SESSION

H. R. 8295

[Report No. 117-403]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

JULY 5, 2022

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