

In the Senate of the United States,

November 6, 2001.

Resolved, That the bill from the House of Representatives (H.R. 3061) entitled “An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Departments of Labor, Health and Human Services, and*
- 4 *Education, and related agencies for the fiscal year ending*
- 5 *September 30, 2002, and for other purposes, namely:*

1 *TITLE I—DEPARTMENT OF LABOR*2 *EMPLOYMENT AND TRAINING ADMINISTRATION*3 *TRAINING AND EMPLOYMENT SERVICES*

4 *For necessary expenses of the Workforce Investment*
5 *Act, including the purchase and hire of passenger motor*
6 *vehicles, the construction, alteration, and repair of build-*
7 *ings and other facilities, and the purchase of real property*
8 *for training centers as authorized by the Workforce Invest-*
9 *ment Act and the National Skill Standards Act of 1994;*
10 *\$3,070,281,000 plus reimbursements, of which*
11 *\$1,670,941,000 is available for obligation for the period*
12 *July 1, 2002 through June 30, 2003; of which*
13 *\$1,377,965,000 is available for obligation for the period*
14 *April 1, 2002 through June 30, 2003, including*
15 *\$1,127,965,000 to carry out chapter 4 of the Workforce In-*
16 *vestment Act and \$250,000,000 to carry out section 169 of*
17 *such Act; of which \$3,500,000 is available for obligation Oc-*
18 *tober 1, 2001 until expended for carrying out the National*
19 *Skills Standards Act of 1994; and of which \$20,375,000 is*
20 *available for the period July 1, 2002 through June 30, 2005*
21 *for necessary expenses of construction, rehabilitation, and*
22 *acquisition of Job Corps centers: Provided, That \$9,098,000*
23 *shall be for carrying out section 172 of the Workforce Invest-*
24 *ment Act: Provided further, That funding provided herein*
25 *for carrying out Dislocated Worker Employment and*

1 *Training Activities under the Workforce Investment Act*
2 *shall include \$402,000,000 under section 132(a)(2)(B) of*
3 *the Act, and \$87,000,000 under section 132(a)(2)(A) of the*
4 *Act: Provided further, That, notwithstanding any other pro-*
5 *vision of law or related regulation, \$80,770,000 shall be for*
6 *carrying out section 167 of the Workforce Investment Act,*
7 *including \$74,751,000 for formula grants, \$5,000,000 for*
8 *migrant and seasonal housing, and \$1,019,000 for other*
9 *discretionary purposes: Provided further, That funding pro-*
10 *vided herein under section 166 of the Workforce Investment*
11 *Act shall include \$1,711,000 for use under section 166(j)(1)*
12 *of the Act: Provided further, That funds provided to carry*
13 *out section 171(d) of the Workforce Investment Act may be*
14 *used for demonstration projects that provide assistance to*
15 *new entrants in the workforce and incumbent workers: Pro-*
16 *vided further, That funding appropriated herein for Dis-*
17 *located Worker Employment and Training Activities under*
18 *section 132(a)(2)(A) of the Workforce Investment Act may*
19 *be distributed for Dislocated Worker Projects under section*
20 *171(d) of the Act without regard to the 10 percent limita-*
21 *tion contained in section 171(d) of the Act: Provided fur-*
22 *ther, That no funds from any other appropriation shall be*
23 *used to provide meal services at or for Job Corps centers.*
24 *For necessary expenses of the Workforce Investment*
25 *Act, including the purchase and hire of passenger motor*

1 *vehicles, the construction, alteration, and repair of build-*
2 *ings and other facilities, and the purchase of real property*
3 *for training centers as authorized by the Workforce Invest-*
4 *ment Act; \$2,463,000,000 plus reimbursements, of which*
5 *\$2,363,000,000 is available for obligation for the period Oc-*
6 *tober 1, 2002 through June 30, 2003, and of which*
7 *\$100,000,000 is available for the period October 1, 2002*
8 *through June 30, 2005, for necessary expenses of construc-*
9 *tion, rehabilitation, and acquisition of Job Corps centers:*
10 *Provided, That funding provided herein for carrying out*
11 *Dislocated Worker Employment and Training Activities*
12 *under the Workforce Investment Act shall include*
13 *\$880,800,000 under section 132(a)(2)(B) of the Act, and*
14 *\$179,200,000 under section 132(a)(2)(A) of the Act.*

15 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

16 *To carry out title V of the Older Americans Act of*
17 *1965, as amended, \$450,000,000.*

18 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

19 *For payments during the current fiscal year of trade*
20 *adjustment benefit payments and allowances under part I;*
21 *and for training, allowances for job search and relocation,*
22 *and related State administrative expenses under part II,*
23 *subchapters B and D, chapter 2, title II of the Trade Act*
24 *of 1974, as amended, \$415,650,000, together with such*
25 *amounts as may be necessary to be charged to the subse-*

1 *quent appropriation for payments for any period subse-*
2 *quent to September 15 of the current year.*

3 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

4 *SERVICE OPERATIONS*

5 *For authorized administrative expenses, \$191,452,000,*
6 *together with not to exceed \$3,238,886,000 (including not*
7 *to exceed \$1,228,000 which may be used for amortization*
8 *payments to States which had independent retirement plans*
9 *in their State employment service agencies prior to 1980),*
10 *which may be expended from the Employment Security Ad-*
11 *ministration account in the Unemployment Trust Fund in-*
12 *cluding the cost of administering section 51 of the Internal*
13 *Revenue Code of 1986, as amended, section 7(d) of the Wag-*
14 *ner-Peyser Act, as amended, the Trade Act of 1974, as*
15 *amended, the Immigration Act of 1990, and the Immigra-*
16 *tion and Nationality Act, as amended, and of which the*
17 *sums available in the allocation for activities authorized by*
18 *title III of the Social Security Act, as amended (42 U.S.C.*
19 *502–504), and the sums available in the allocation for nec-*
20 *essary administrative expenses for carrying out 5 U.S.C.*
21 *8501–8523, shall be available for obligation by the States*
22 *through December 31, 2002, except that funds used for auto-*
23 *mation acquisitions shall be available for obligation by the*
24 *States through September 30, 2004; and of which*
25 *\$191,452,000, together with not to exceed \$773,283,000 of*
26 *the amount which may be expended from said trust fund,*

1 *shall be available for obligation for the period July 1, 2002*
2 *through June 30, 2003, to fund activities under the Act of*
3 *June 6, 1933, as amended, including the cost of penalty*
4 *mail authorized under 39 U.S.C. 3202(a)(1)(E) made*
5 *available to States in lieu of allotments for such purpose:*
6 *Provided, That to the extent that the Average Weekly In-*
7 *sured Unemployment (AWIU) for fiscal year 2002 is pro-*
8 *jected by the Department of Labor to exceed 2,622,000, an*
9 *additional \$28,600,000 shall be available for obligation for*
10 *every 100,000 increase in the AWIU level (including a pro*
11 *rata amount for any increment less than 100,000) from the*
12 *Employment Security Administration Account of the Un-*
13 *employment Trust Fund: Provided further, That funds ap-*
14 *propriated in this Act which are used to establish a na-*
15 *tional one-stop career center system, or which are used to*
16 *support the national activities of the Federal-State unem-*
17 *ployment insurance programs, may be obligated in con-*
18 *tracts, grants or agreements with non-State entities: Pro-*
19 *vided further, That funds appropriated under this Act for*
20 *activities authorized under the Wagner-Peyser Act, as*
21 *amended, and title III of the Social Security Act, may be*
22 *used by the States to fund integrated Employment Service*
23 *and Unemployment Insurance automation efforts, notwith-*
24 *standing cost allocation principles prescribed under Office*
25 *of Management and Budget Circular A-87: Provided fur-*

1 *ther, That notwithstanding any other provisions of law, the*
2 *portion of the funds received by the State of Mississippi*
3 *in the settlement of litigation with a contractor relating to*
4 *the acquisition of an automated system for benefit payments*
5 *under the unemployment compensation program that is at-*
6 *tributable to the expenditure of Federal grant funds award-*
7 *ed to the State shall be transferred to the account under*
8 *this heading and shall be made available by the Department*
9 *of Labor to the State of Mississippi for obligation by the*
10 *State through fiscal year 2004 to carry out automation and*
11 *related activities under the unemployment compensation*
12 *program.*

13 *ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND*
14 *OTHER FUNDS*

15 *For repayable advances to the Unemployment Trust*
16 *Fund as authorized by sections 905(d) and 1203 of the So-*
17 *cial Security Act, as amended, and to the Black Lung Dis-*
18 *ability Trust Fund as authorized by section 9501(c)(1) of*
19 *the Internal Revenue Code of 1954, as amended; and for*
20 *nonrepayable advances to the Unemployment Trust Fund*
21 *as authorized by section 8509 of title 5, United States Code,*
22 *and to the “Federal unemployment benefits and allow-*
23 *ances” account, to remain available until September 30,*
24 *2003, \$464,000,000.*

25 *In addition, for making repayable advances to the*
26 *Black Lung Disability Trust Fund in the current fiscal*

1 *year after September 15, 2002, for costs incurred by the*
2 *Black Lung Disability Trust Fund in the current fiscal*
3 *year, such sums as may be necessary.*

4 *PROGRAM ADMINISTRATION*

5 *For expenses of administering employment and train-*
6 *ing programs, \$112,571,000, including \$5,903,000 to ad-*
7 *minister welfare-to-work grants, together with not to exceed*
8 *\$48,507,000, which may be expended from the Employment*
9 *Security Administration account in the Unemployment*
10 *Trust Fund.*

11 *PENSION AND WELFARE BENEFITS ADMINISTRATION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses for the Pension and Welfare*
14 *Benefits Administration, \$112,418,000.*

15 *PENSION BENEFIT GUARANTY CORPORATION*

16 *PENSION BENEFIT GUARANTY CORPORATION FUND*

17 *The Pension Benefit Guaranty Corporation is author-*
18 *ized to make such expenditures, including financial assist-*
19 *ance authorized by section 104 of Public Law 96-364, with-*
20 *in limits of funds and borrowing authority available to*
21 *such Corporation, and in accord with law, and to make*
22 *such contracts and commitments without regard to fiscal*
23 *year limitations as provided by section 104 of the Govern-*
24 *ment Corporation Control Act, as amended (31 U.S.C.*
25 *9104), as may be necessary in carrying out the program*
26 *through September 30, 2002, for such Corporation: Pro-*

1 *vided, That not to exceed \$11,690,000 shall be available for*
2 *administrative expenses of the Corporation: Provided fur-*
3 *ther, That expenses of such Corporation in connection with*
4 *the termination of pension plans, for the acquisition, pro-*
5 *tection or management, and investment of trust assets, and*
6 *for benefits administration services shall be considered as*
7 *non-administrative expenses for the purposes hereof, and ex-*
8 *cluded from the above limitation.*

9 *EMPLOYMENT STANDARDS ADMINISTRATION*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses for the Employment Standards*
12 *Administration, including reimbursement to State, Federal,*
13 *and local agencies and their employees for inspection serv-*
14 *ices rendered, \$375,164,000, together with \$1,981,000 which*
15 *may be expended from the Special Fund in accordance with*
16 *sections 39(c), 44(d) and 44(j) of the Longshore and Harbor*
17 *Workers' Compensation Act: Provided, That \$2,000,000*
18 *shall be for the development of an alternative system for*
19 *the electronic submission of reports required to be filed*
20 *under the Labor-Management Reporting and Disclosure Act*
21 *of 1959, as amended, and for a computer database of the*
22 *information for each submission by whatever means, that*
23 *is indexed and easily searchable by the public via the Inter-*
24 *net: Provided further, That the Secretary of Labor is au-*
25 *thorized to accept, retain, and spend, until expended, in*

1 *the name of the Department of Labor, all sums of money*
2 *ordered to be paid to the Secretary of Labor, in accordance*
3 *with the terms of the Consent Judgment in Civil Action*
4 *No. 91–0027 of the United States District Court for the Dis-*
5 *trict of the Northern Mariana Islands (May 21, 1992): Pro-*
6 *vided further, That the Secretary of Labor is authorized to*
7 *establish and, in accordance with 31 U.S.C. 3302, collect*
8 *and deposit in the Treasury fees for processing applications*
9 *and issuing certificates under sections 11(d) and 14 of the*
10 *Fair Labor Standards Act of 1938, as amended (29 U.S.C.*
11 *211(d) and 214) and for processing applications and*
12 *issuing registrations under title I of the Migrant and Sea-*
13 *sonal Agricultural Worker Protection Act (29 U.S.C. 1801*
14 *et seq.).*

15 *SPECIAL BENEFITS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For the payment of compensation, benefits, and ex-*
18 *penses (except administrative expenses) accruing during the*
19 *current or any prior fiscal year authorized by title 5, chap-*
20 *ter 81 of the United States Code; continuation of benefits*
21 *as provided for under the heading “Civilian War Benefits”*
22 *in the Federal Security Agency Appropriation Act, 1947;*
23 *the Employees’ Compensation Commission Appropriation*
24 *Act, 1944; sections 4(c) and 5(f) of the War Claims Act*
25 *of 1948 (50 U.S.C. App. 2012); and 50 percent of the addi-*
26 *tional compensation and benefits required by section 10(h)*

1 *of the Longshore and Harbor Workers' Compensation Act,*
2 *as amended, \$121,000,000 together with such amounts as*
3 *may be necessary to be charged to the subsequent year ap-*
4 *propriation for the payment of compensation and other ben-*
5 *efits for any period subsequent to August 15 of the current*
6 *year: Provided, That amounts appropriated may be used*
7 *under section 8104 of title 5, United States Code, by the*
8 *Secretary of Labor to reimburse an employer, who is not*
9 *the employer at the time of injury, for portions of the salary*
10 *of a reemployed, disabled beneficiary: Provided further,*
11 *That balances of reimbursements unobligated on September*
12 *30, 2001, shall remain available until expended for the pay-*
13 *ment of compensation, benefits, and expenses: Provided fur-*
14 *ther, That in addition there shall be transferred to this ap-*
15 *propriation from the Postal Service and from any other cor-*
16 *poration or instrumentality required under section 8147(c)*
17 *of title 5, United States Code, to pay an amount for its*
18 *fair share of the cost of administration, such sums as the*
19 *Secretary determines to be the cost of administration for*
20 *employees of such fair share entities through September 30,*
21 *2002: Provided further, That of those funds transferred to*
22 *this account from the fair share entities to pay the cost of*
23 *administration of the Federal Employees' Compensation*
24 *Act, \$36,696,000 shall be made available to the Secretary*
25 *as follows: (1) for the operation of and enhancement to the*

1 *automated data processing systems, including document*
 2 *imaging and conversion to a paperless office, \$24,522,000;*
 3 *(2) for medical bill review and periodic roll management,*
 4 *\$11,474,000; (3) for communications redesign, \$700,000;*
 5 *and (4) the remaining funds shall be paid into the Treasury*
 6 *as miscellaneous receipts: Provided further, That the Sec-*
 7 *retary may require that any person filing a notice of injury*
 8 *or a claim for benefits under chapter 81 of title 5, United*
 9 *States Code, or 33 U.S.C. 901 et seq., provide as part of*
 10 *such notice and claim, such identifying information (in-*
 11 *cluding Social Security account number) as such regula-*
 12 *tions may prescribe.*

13 *ENERGY EMPLOYEES OCCUPATIONAL ILLNESS*

14 *COMPENSATION FUND*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For necessary expenses to administer the Energy Em-*
 17 *ployees Occupational Illness Compensation Act,*
 18 *\$136,000,000, to remain available until expended: Pro-*
 19 *vided, That the Secretary of Labor is authorized to transfer*
 20 *to any Executive agency with authority under the Energy*
 21 *Employees Occupational Illness Compensation Act, includ-*
 22 *ing within the Department of Labor, such sums as may*
 23 *be necessary in fiscal year 2002 to carry out those authori-*
 24 *ties: Provided further, That the Secretary may require that*
 25 *any person filing a claim for benefits under the Act provide*

1 *as part of such claim, such identifying information (includ-*
 2 *ing Social Security account number) as may be prescribed.*

3 *BLACK LUNG DISABILITY TRUST FUND*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *In fiscal year 2002, such sums as may be necessary*
 6 *from the Black Lung Disability Trust Fund, to remain*
 7 *available until expended, for payment of all benefits author-*
 8 *ized by section 9501(d) (1), (2), (4), and (7), of the Internal*
 9 *Revenue Code of 1954, as amended; and interest on ad-*
 10 *vances as authorized by section 9501(c)(2) of that Act. In*
 11 *addition, the following amounts shall be available from the*
 12 *Fund for fiscal year 2002 for expenses of operation and ad-*
 13 *ministration of the Black Lung Benefits program as au-*
 14 *thorized by section 9501(d)(5) of that Act: \$31,558,000 for*
 15 *transfer to the Employment Standards Administration,*
 16 *“Salaries and Expenses”; \$22,590,000 for transfer to De-*
 17 *partmental Management, “Salaries and Expenses”;*
 18 *\$328,000 for transfer to Departmental Management, “Office*
 19 *of Inspector General”; and \$356,000 for payments into mis-*
 20 *cellaneous receipts for the expenses of the Department of*
 21 *Treasury.*

22 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses for the Occupational Safety*
 25 *and Health Administration, \$450,262,000, including not to*
 26 *exceed \$92,119,000 which shall be the maximum amount*

1 available for grants to States under section 23(g) of the Oc-
2 cupational Safety and Health Act, which grants shall be
3 no less than 50 percent of the costs of State occupational
4 safety and health programs required to be incurred under
5 plans approved by the Secretary under section 18 of the
6 Occupational Safety and Health Act of 1970; and, in addi-
7 tion, notwithstanding 31 U.S.C. 3302, the Occupational
8 Safety and Health Administration may retain up to
9 \$750,000 per fiscal year of training institute course tuition
10 fees, otherwise authorized by law to be collected, and may
11 utilize such sums for occupational safety and health train-
12 ing and education grants: Provided, That, notwithstanding
13 31 U.S.C. 3302, the Secretary of Labor is authorized, dur-
14 ing the fiscal year ending September 30, 2002, to collect
15 and retain fees for services provided to Nationally Recog-
16 nized Testing Laboratories, and may utilize such sums, in
17 accordance with the provisions of 29 U.S.C. 9a, to admin-
18 ister national and international laboratory recognition pro-
19 grams that ensure the safety of equipment and products
20 used by workers in the workplace: Provided further, That
21 none of the funds appropriated under this paragraph shall
22 be obligated or expended to prescribe, issue, administer, or
23 enforce any standard, rule, regulation, or order under the
24 Occupational Safety and Health Act of 1970 which is ap-
25 plicable to any person who is engaged in a farming oper-

1 *ation which does not maintain a temporary labor camp*
2 *and employs 10 or fewer employees: Provided further, That*
3 *no funds appropriated under this paragraph shall be obli-*
4 *gated or expended to administer or enforce any standard,*
5 *rule, regulation, or order under the Occupational Safety*
6 *and Health Act of 1970 with respect to any employer of*
7 *10 or fewer employees who is included within a category*
8 *having an occupational injury lost workday case rate, at*
9 *the most precise Standard Industrial Classification Code*
10 *for which such data are published, less than the national*
11 *average rate as such rates are most recently published by*
12 *the Secretary, acting through the Bureau of Labor Statis-*
13 *tics, in accordance with section 24 of that Act (29 U.S.C.*
14 *673), except—*

15 *(1) to provide, as authorized by such Act, con-*
16 *sultation, technical assistance, educational and train-*
17 *ing services, and to conduct surveys and studies;*

18 *(2) to conduct an inspection or investigation in*
19 *response to an employee complaint, to issue a citation*
20 *for violations found during such inspection, and to*
21 *assess a penalty for violations which are not corrected*
22 *within a reasonable abatement period and for any*
23 *willful violations found;*

24 *(3) to take any action authorized by such Act*
25 *with respect to imminent dangers;*

1 (4) to take any action authorized by such Act
2 with respect to health hazards;

3 (5) to take any action authorized by such Act
4 with respect to a report of an employment accident
5 which is fatal to one or more employees or which re-
6 sults in hospitalization of two or more employees, and
7 to take any action pursuant to such investigation au-
8 thorized by such Act; and

9 (6) to take any action authorized by such Act
10 with respect to complaints of discrimination against
11 employees for exercising rights under such Act:

12 *Provided further, That the foregoing proviso shall not apply*
13 *to any person who is engaged in a farming operation which*
14 *does not maintain a temporary labor camp and employs*
15 *10 or fewer employees.*

16 MINE SAFETY AND HEALTH ADMINISTRATION

17 SALARIES AND EXPENSES

18 *For necessary expenses for the Mine Safety and Health*
19 *Administration, \$256,093,000, including purchase and be-*
20 *stowal of certificates and trophies in connection with mine*
21 *rescue and first-aid work, and the hire of passenger motor*
22 *vehicles; including up to \$1,000,000 for mine rescue and*
23 *recovery activities, which shall be available only to the ex-*
24 *tent that fiscal year 2002 obligations for these activities ex-*
25 *ceed \$1,000,000; in addition, not to exceed \$750,000 may*

1 *be collected by the National Mine Health and Safety Acad-*
2 *emy for room, board, tuition, and the sale of training mate-*
3 *rials, otherwise authorized by law to be collected, to be*
4 *available for mine safety and health education and training*
5 *activities, notwithstanding 31 U.S.C. 3302; and, in addi-*
6 *tion, the Mine Safety and Health Administration may re-*
7 *tain up to \$1,000,000 from fees collected for the approval*
8 *and certification of equipment, materials, and explosives for*
9 *use in mines, and may utilize such sums for such activities;*
10 *the Secretary is authorized to accept lands, buildings,*
11 *equipment, and other contributions from public and private*
12 *sources and to prosecute projects in cooperation with other*
13 *agencies, Federal, State, or private; the Mine Safety and*
14 *Health Administration is authorized to promote health and*
15 *safety education and training in the mining community*
16 *through cooperative programs with States, industry, and*
17 *safety associations; and any funds available to the depart-*
18 *ment may be used, with the approval of the Secretary, to*
19 *provide for the costs of mine rescue and survival operations*
20 *in the event of a major disaster.*

21 *BUREAU OF LABOR STATISTICS*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses for the Bureau of Labor Statis-*
24 *tics, including advances or reimbursements to State, Fed-*
25 *eral, and local agencies and their employees for services ren-*

1 *dered, \$396,588,000, together with not to exceed*
2 *\$69,132,000, which may be expended from the Employment*
3 *Security Administration account in the Unemployment*
4 *Trust Fund; and \$10,280,000 which shall be available for*
5 *obligation for the period July 1, 2002 through June 30,*
6 *2003, for Occupational Employment Statistics.*

7 *DEPARTMENTAL MANAGEMENT*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses for Departmental Management,*
10 *including the hire of three sedans, and including the man-*
11 *agement or operation, through contracts, grants or other ar-*
12 *rangements of Departmental bilateral and multilateral for-*
13 *eign technical assistance, and \$37,000,000 for the acquisi-*
14 *tion of Departmental information technology, architecture,*
15 *infrastructure, equipment, software and related needs which*
16 *will be allocated by the Department's Chief Information Of-*
17 *ficer in accordance with the Department's capital invest-*
18 *ment management process to assure a sound investment*
19 *strategy; \$361,524,000; together with not to exceed*
20 *\$310,000, which may be expended from the Employment*
21 *Security Administration account in the Unemployment*
22 *Trust Fund: Provided, That no funds made available by*
23 *this Act may be used by the Solicitor of Labor to participate*
24 *in a review in any United States court of appeals of any*
25 *decision made by the Benefits Review Board under section*

1 *21 of the Longshore and Harbor Workers' Compensation Act*
2 *(33 U.S.C. 921) where such participation is precluded by*
3 *the decision of the United States Supreme Court in Direc-*
4 *tor, Office of Workers' Compensation Programs v. Newport*
5 *News Shipbuilding, 115 S. Ct. 1278 (1995), notwith-*
6 *standing any provisions to the contrary contained in Rule*
7 *15 of the Federal Rules of Appellate Procedure: Provided*
8 *further, That no funds made available by this Act may be*
9 *used by the Secretary of Labor to review a decision under*
10 *the Longshore and Harbor Workers' Compensation Act (33*
11 *U.S.C. 901 et seq.) that has been appealed and that has*
12 *been pending before the Benefits Review Board for more*
13 *than 12 months: Provided further, That any such decision*
14 *pending a review by the Benefits Review Board for more*
15 *than 1 year shall be considered affirmed by the Benefits*
16 *Review Board on the 1-year anniversary of the filing of*
17 *the appeal, and shall be considered the final order of the*
18 *Board for purposes of obtaining a review in the United*
19 *States courts of appeals: Provided further, That these provi-*
20 *sions shall not be applicable to the review or appeal of any*
21 *decision issued under the Black Lung Benefits Act (30*
22 *U.S.C. 901 et seq.).*

23 *OFFICE OF DISABILITY EMPLOYMENT POLICY*

24 *For necessary expenses of the Office of Disability Em-*
25 *ployment Policy to provide leadership, develop policy and*
26 *initiatives, and award grants furthering the objective of*

1 *eliminating barriers to the training and employment of*
 2 *people with disabilities, \$43,263,000, of which not to exceed*
 3 *\$2,640,000 shall be for the President's Task Force on the*
 4 *Employment of Adults with Disabilities.*

5 *VETERANS EMPLOYMENT AND TRAINING*

6 *Not to exceed \$186,903,000 may be derived from the*
 7 *Employment Security Administration account in the Un-*
 8 *employment Trust Fund to carry out the provisions of 38*
 9 *U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Pub-*
 10 *lic Law 103–353, and which shall be available for obliga-*
 11 *tion by the States through December 31, 2002. To carry*
 12 *out the Stewart B. McKinney Homeless Assistance Act and*
 13 *section 168 of the Workforce Investment Act of 1998,*
 14 *\$26,800,000, of which \$7,800,000 shall be available for obli-*
 15 *gation for the period July 1, 2002, through June 30, 2003.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For salaries and expenses of the Office of Inspector*
 18 *General in carrying out the provisions of the Inspector Gen-*
 19 *eral Act of 1978, as amended, \$52,182,000, together with*
 20 *not to exceed \$4,951,000, which may be expended from the*
 21 *Employment Security Administration account in the Un-*
 22 *employment Trust Fund.*

23 *GENERAL PROVISIONS*

24 *SEC. 101. None of the funds appropriated in this title*
 25 *for the Job Corps shall be used to pay the compensation*
 26 *of an individual, either as direct costs or any proration*

1 *as an indirect cost, at a rate in excess of Executive Level*
2 *II.*

3 (TRANSFER OF FUNDS)

4 SEC. 102. *Not to exceed 1 percent of any discretionary*
5 *funds (pursuant to the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985, as amended) which are appro-*
7 *priated for the current fiscal year for the Department of*
8 *Labor in this Act may be transferred between appropria-*
9 *tions, but no such appropriation shall be increased by more*
10 *than 3 percent by any such transfer: Provided, That the*
11 *Appropriations Committees of both Houses of Congress are*
12 *notified at least 15 days in advance of any transfer.*

13 SEC. 103. *It is the sense of the Senate that amounts*
14 *should be appropriated to provide dislocated worker em-*
15 *ployment and training assistance under the Workforce In-*
16 *vestment Act to airport career centers (to be located with*
17 *the Port Authority of New York and New Jersey) to enable*
18 *such centers to provide services to workers in the airline*
19 *and related industries (including ground transportation*
20 *and other businesses) who have been dislocated as a result*
21 *of the September 11, 2001 attack on the World Trade Cen-*
22 *ter.*

23 SEC. 104. *It is the sense of the Senate that amounts*
24 *should be appropriated to provide adult employment and*
25 *training activities to assist individuals with disabilities*
26 *from New York and New Jersey who require vocational re-*

1 *habilitative services as a result of the September 11, 2001*
2 *attack on the World Trade Center in order to permit such*
3 *individuals to return to work or maintain employment.*

4 *This title may be cited as the “Department of Labor*
5 *Appropriations Act, 2002”.*

6 *TITLE II—DEPARTMENT OF HEALTH AND*
7 *HUMAN SERVICES*

8 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

9 *HEALTH RESOURCES AND SERVICES*

10 *For carrying out titles II, III, VII, VIII, X, XII, XIX,*
11 *and XXVI of the Public Health Service Act, section 427(a)*
12 *of the Federal Coal Mine Health and Safety Act, title V*
13 *and sections 1128E and 1820 of the Social Security Act,*
14 *the Health Care Quality Improvement Act of 1986, as*
15 *amended, the Native Hawaiian Health Care Act of 1988,*
16 *as amended, the Cardiac Arrest Survival Act of 2000, and*
17 *the Poison Control Center Enhancement and Awareness*
18 *Act, \$5,496,343,000, of which \$10,000,000 shall be available*
19 *for construction and renovation of health care and other*
20 *facilities, and of which \$25,000,000 from general revenues,*
21 *notwithstanding section 1820(j) of the Social Security Act,*
22 *shall be available for carrying out the Medicare rural hos-*
23 *pital flexibility grants program under section 1820 of such*
24 *Act: Provided, That the Division of Federal Occupational*
25 *Health may utilize personal services contracting to employ*

1 *professional management/administrative and occupational*
2 *health professionals: Provided further, That of the funds*
3 *made available under this heading, \$250,000 shall be avail-*
4 *able until expended for facilities renovations at the Gillis*
5 *W. Long Hansen’s Disease Center: Provided further, That*
6 *in addition to fees authorized by section 427(b) of the*
7 *Health Care Quality Improvement Act of 1986, fees shall*
8 *be collected for the full disclosure of information under the*
9 *Act sufficient to recover the full costs of operating the Na-*
10 *tional Practitioner Data Bank, and shall remain available*
11 *until expended to carry out that Act: Provided further, That*
12 *fees collected for the full disclosure of information under the*
13 *“Health Care Fraud and Abuse Data Collection Program,”*
14 *authorized by section 1128E(d)(2) of the Social Security*
15 *Act, shall be sufficient to recover the full costs of operating*
16 *the program, and shall remain available until expended to*
17 *carry out that Act: Provided further, That no more than*
18 *\$5,000,000 is available for carrying out the provisions of*
19 *Public Law 104–73: Provided further, That of the funds*
20 *made available under this heading, \$266,000,000 shall be*
21 *for the program under title X of the Public Health Service*
22 *Act to provide for voluntary family planning projects: Pro-*
23 *vided further, That amounts provided to said projects under*
24 *such title shall not be expended for abortions, that all preg-*
25 *nancy counseling shall be nondirective, and that such*

1 amounts shall not be expended for any activity (including
2 the publication or distribution of literature) that in any
3 way tends to promote public support or opposition to any
4 legislative proposal or candidate for public office: Provided
5 further, That \$610,000,000 shall be for State AIDS Drug
6 Assistance Programs authorized by section 2616 of the Pub-
7 lic Health Service Act: Provided further, That of the
8 amount provided for Rural Health Outreach Grants,
9 \$12,500,000 shall be available to improve access to auto-
10 matic external defibrillators in rural communities.

11 For special projects of regional and national signifi-
12 cance under section 501(a)(2) of the Social Security Act,
13 \$30,000,000, which shall become available on October 1,
14 2002, and shall remain available until September 30, 2003:
15 Provided, That such amount shall not be counted toward
16 compliance with the allocation required in section 502(a)(1)
17 of such Act: Provided further, That such amount shall be
18 used only for making competitive grants to provide absti-
19 nence education (as defined in section 510(b)(2) of such
20 Act) to adolescents and for evaluations (including longitu-
21 dinal evaluations) of activities under the grants and for
22 Federal costs of administering the grants: Provided further,
23 That grants shall be made only to public and private enti-
24 ties which agree that, with respect to an adolescent to whom
25 the entities provide abstinence education under such grant,

1 *the entities will not provide to that adolescent any other*
2 *education regarding sexual conduct, except that, in the case*
3 *of an entity expressly required by law to provide health in-*
4 *formation or services the adolescent shall not be precluded*
5 *from seeking health information or services from the entity*
6 *in a different setting than the setting in which the absti-*
7 *nence education was provided: Provided further, That the*
8 *funds expended for such evaluations may not exceed 3.5 per-*
9 *cent of such amount.*

10 *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM*

11 *ACCOUNT*

12 *Such sums as may be necessary to carry out the pur-*
13 *pose of the program, as authorized by title VII of the Public*
14 *Health Service Act, as amended. For administrative ex-*
15 *penses to carry out the guaranteed loan program, including*
16 *section 709 of the Public Health Service Act, \$3,792,000.*

17 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

18 *For payments from the Vaccine Injury Compensation*
19 *Program Trust Fund, such sums as may be necessary for*
20 *claims associated with vaccine-related injury or death with*
21 *respect to vaccines administered after September 30, 1988,*
22 *pursuant to subtitle 2 of title XXI of the Public Health*
23 *Service Act, to remain available until expended: Provided,*
24 *That for necessary administrative expenses, not to exceed*
25 *\$2,992,000 shall be available from the Trust Fund to the*
26 *Secretary of Health and Human Services.*

1 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

2 *DISEASE CONTROL, RESEARCH, AND TRAINING*

3 *To carry out titles II, III, VII, XI, XV, XVII, XIX*
4 *and XXVI of the Public Health Service Act, sections 101,*
5 *102, 103, 201, 202, 203, 301, and 501 of the Federal Mine*
6 *Safety and Health Act of 1977, sections 20, 21, and 22 of*
7 *the Occupational Safety and Health Act, of 1970, title IV*
8 *of the Immigration and Nationality Act and section 501*
9 *of the Refugee Education Assistance Act of 1980; including*
10 *insurance of official motor vehicles in foreign countries; and*
11 *hire, maintenance, and operation of aircraft,*
12 *\$4,418,910,000, of which \$250,000,000 shall remain avail-*
13 *able until expended for equipment and construction and*
14 *renovation of facilities, and in addition, such sums as may*
15 *be derived from authorized user fees, which shall be credited*
16 *to this account, of which \$52,000,000 shall remain available*
17 *until expended for the National Pharmaceutical Stockpile,*
18 *and of which \$154,527,000 for international HIV/AIDS*
19 *programs shall remain available until September 30, 2003:*
20 *Provided, That \$126,978,000 shall be available to carry out*
21 *the National Center for Health Statistics Surveys: Provided*
22 *further, That none of the funds made available for injury*
23 *prevention and control at the Centers for Disease Control*
24 *and Prevention may be used to advocate or promote gun*
25 *control: Provided further, That the Director may redirect*

1 *the total amount made available under authority of Public*
2 *Law 101–502, section 3, dated November 3, 1990, to activi-*
3 *ties the Director may so designate: Provided further, That*
4 *the Congress is to be notified promptly of any such transfer:*
5 *Provided further, That not to exceed \$10,000,000 may be*
6 *available for making grants under section 1509 of the Pub-*
7 *lic Health Service Act to not more than 15 States: Provided*
8 *further, That notwithstanding any other provision of law,*
9 *a single contract or related contracts for development and*
10 *construction of facilities may be employed which collectively*
11 *include the full scope of the project: Provided further, That*
12 *the solicitation and contract shall contain the clause “avail-*
13 *ability of funds” found at 48 CFR 52.232–18.*

14 *NATIONAL INSTITUTES OF HEALTH*

15 *NATIONAL CANCER INSTITUTE*

16 *For carrying out section 301 and title IV of the Public*
17 *Health Service Act with respect to cancer, \$4,258,516,000.*

18 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

19 *For carrying out section 301 and title IV of the Public*
20 *Health Service Act with respect to cardiovascular, lung,*
21 *and blood diseases, and blood and blood products,*
22 *\$2,618,966,000.*

1 *JOHN E. FOGARTY INTERNATIONAL CENTER*

2 *For carrying out the activities at the John E. Fogarty*
3 *International Center, \$57,874,000.*

4 *NATIONAL LIBRARY OF MEDICINE*

5 *For carrying out section 301 and title IV of the Public*
6 *Health Service Act with respect to health information com-*
7 *munications, \$281,584,000, of which \$4,000,000 shall be*
8 *available until expended for improvement of information*
9 *systems: Provided, That in fiscal year 2002, the Library*
10 *may enter into personal services contracts for the provision*
11 *of services in facilities owned, operated, or constructed*
12 *under the jurisdiction of the National Institutes of Health.*

13 *OFFICE OF THE DIRECTOR*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For carrying out the responsibilities of the Office of*
16 *the Director, National Institutes of Health, \$236,408,000:*
17 *Provided, That funding shall be available for the purchase*
18 *of not to exceed 29 passenger motor vehicles for replacement*
19 *only: Provided further, That the Director may direct up to*
20 *1 percent of the total amount made available in this or any*
21 *other Act to all National Institutes of Health appropri-*
22 *ations to activities the Director may so designate: Provided*
23 *further, That no such appropriation shall be decreased by*
24 *more than 1 percent by any such transfers and that the*
25 *Congress is promptly notified of the transfer: Provided fur-*
26 *ther, That the National Institutes of Health is authorized*

1 *to collect third party payments for the cost of clinical serv-*
2 *ices that are incurred in National Institutes of Health re-*
3 *search facilities and that such payments shall be credited*
4 *to the National Institutes of Health Management Fund:*
5 *Provided further, That all funds credited to the National*
6 *Institutes of Health Management Fund shall remain avail-*
7 *able for one fiscal year after the fiscal year in which they*
8 *are deposited: Provided further, That up to \$500,000 shall*
9 *be available to carry out section 499 of the Public Health*
10 *Service Act: Provided further, That, notwithstanding sec-*
11 *tion 499(k)(10) of the Public Health Service Act, funds from*
12 *the Foundation for the National Institutes of Health may*
13 *be transferred to the National Institutes of Health.*

14 *BUILDINGS AND FACILITIES*

15 *For the study of, construction of, and acquisition of*
16 *equipment for, facilities of or used by the National Insti-*
17 *tutes of Health, including the acquisition of real property,*
18 *\$306,600,000, to remain available until expended, of which*
19 *\$26,000,000 shall be for the John Edward Porter Neuro-*
20 *science Research Center: Provided, That notwithstanding*
21 *any other provision of law, a single contract or related con-*
22 *tracts, which collectively include the full scope of the project,*
23 *may be employed for the development and construction of*
24 *the first and second phases of the John Edward Porter Neu-*
25 *roscience Research Center: Provided further, That the solici-*

1 *tation and contract shall contain the clause “availability*
 2 *of funds” found at 48 CFR 52.232–18.*

3 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

4 *ADMINISTRATION*

5 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

6 *For carrying out titles V and XIX of the Public Health*
 7 *Service Act with respect to substance abuse and mental*
 8 *health services, the Protection and Advocacy for Mentally*
 9 *Ill Individuals Act of 1986, and section 301 of the Public*
 10 *Health Service Act with respect to program management,*
 11 *\$3,088,456,000: Provided, That \$10,000,000 shall be made*
 12 *available to carry out subtitle C of title XXXVI of the Chil-*
 13 *dren’s Health Act of 2000 (and the amendments made by*
 14 *such subtitle): Provided further, That \$5,000,000 shall be*
 15 *made available for mental health providers serving public*
 16 *safety workers affected by disasters of national significance.*

17 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

18 *HEALTHCARE RESEARCH AND QUALITY*

19 *For carrying out titles III and IX of the Public Health*
 20 *Service Act, \$291,245,000, together with amounts received*
 21 *from Freedom of Information Act fees, reimbursable and*
 22 *interagency agreements, and the sale of data, which shall*
 23 *be credited to this appropriation and shall remain available*
 24 *until expended.*

1 *CENTER FOR MEDICARE AND MEDICAID SERVICES*

2 *GRANTS TO STATES FOR MEDICAID*

3 *For carrying out, except as otherwise provided, titles*
4 *XI and XIX of the Social Security Act, \$106,821,882,000,*
5 *to remain available until expended.*

6 *For making, after May 31, 2002, payments to States*
7 *under title XIX of the Social Security Act for the last quar-*
8 *ter of fiscal year 2002 for unanticipated costs, incurred for*
9 *the current fiscal year, such sums as may be necessary.*

10 *For making payments to States or in the case of sec-*
11 *tion 1928 on behalf of States under title XIX of the Social*
12 *Security Act for the first quarter of fiscal year 2003,*
13 *\$46,601,937,000, to remain available until expended.*

14 *Payment under title XIX may be made for any quarter*
15 *with respect to a State plan or plan amendment in effect*
16 *during such quarter, if submitted in or prior to such quar-*
17 *ter and approved in that or any subsequent quarter.*

18 *PAYMENTS TO HEALTH CARE TRUST FUNDS*

19 *For payment to the Federal Hospital Insurance and*
20 *the Federal Supplementary Medical Insurance Trust*
21 *Funds, as provided under section 1844 of the Social Secu-*
22 *rity Act, sections 103(c) and 111(d) of the Social Security*
23 *Amendments of 1965, section 278(d) of Public Law 97-248,*
24 *and for administrative expenses incurred pursuant to sec-*
25 *tion 201(g) of the Social Security Act, \$81,994,200,000.*

PROGRAM MANAGEMENT

1
2 *For carrying out, except as otherwise provided, titles*
3 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*
4 *XIII and XXVII of the Public Health Service Act, and the*
5 *Clinical Laboratory Improvement Amendments of 1988, not*
6 *to exceed \$2,464,658,000, to be transferred from the Federal*
7 *Hospital Insurance and the Federal Supplementary Med-*
8 *ical Insurance Trust Funds, as authorized by section 201(g)*
9 *of the Social Security Act; together with all funds collected*
10 *in accordance with section 353 of the Public Health Service*
11 *Act, section 1857(e)(2) of the Social Security Act, and such*
12 *sums as may be collected from authorized user fees and the*
13 *sale of data, which shall remain available until expended,*
14 *and together with administrative fees collected relative to*
15 *Medicare overpayment recovery activities, which shall re-*
16 *main available until expended: Provided, That all funds de-*
17 *rived in accordance with 31 U.S.C. 9701 from organiza-*
18 *tions established under title XIII of the Public Health Serv-*
19 *ice Act shall be credited to and available for carrying out*
20 *the purposes of this appropriation: Provided further, That*
21 *\$18,200,000 appropriated under this heading for the man-*
22 *aged care system redesign shall remain available until ex-*
23 *pended: Provided further, That the Secretary of Health and*
24 *Human Services is directed to collect fees in fiscal year*
25 *2002 from Medicare + Choice organizations pursuant to sec-*

1 *tion 1857(e)(2) of the Social Security Act and from eligible*
 2 *organizations with risk-sharing contracts under section*
 3 *1876 of that Act pursuant to section 1876(k)(4)(D) of that*
 4 *Act.*

5 *HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN*
 6 *GUARANTEE FUND*

7 *For carrying out subsections (d) and (e) of section*
 8 *1308 of the Public Health Service Act, any amounts re-*
 9 *ceived by the Secretary in connection with loans and loan*
 10 *guarantees under title XIII of the Public Health Service*
 11 *Act, to be available without fiscal year limitation for the*
 12 *payment of outstanding obligations. During fiscal year*
 13 *2002, no commitments for direct loans or loan guarantees*
 14 *shall be made.*

15 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
 16 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*
 17 *AND FAMILY SUPPORT PROGRAMS*

18 *For making payments to States or other non-Federal*
 19 *entities under titles I, IV–D, X, XI, XIV, and XVI of the*
 20 *Social Security Act and the Act of July 5, 1960 (24 U.S.C.*
 21 *ch. 9), \$2,447,800,000, to remain available until expended;*
 22 *and for such purposes for the first quarter of fiscal year*
 23 *2003, \$1,100,000,000, to remain available until expended.*

24 *For making payments to each State for carrying out*
 25 *the program of Aid to Families with Dependent Children*
 26 *under title IV–A of the Social Security Act before the effec-*

1 *tive date of the program of Temporary Assistance to Needy*
2 *Families (TANF) with respect to such State, such sums as*
3 *may be necessary: Provided, That the sum of the amounts*
4 *available to a State with respect to expenditures under such*
5 *title IV–A in fiscal year 1997 under this appropriation and*
6 *under such title IV–A as amended by the Personal Respon-*
7 *sibility and Work Opportunity Reconciliation Act of 1996*
8 *shall not exceed the limitations under section 116(b) of such*
9 *Act.*

10 *For making, after May 31 of the current fiscal year,*
11 *payments to States or other non-Federal entities under ti-*
12 *ties I, IV–D, X, XI, XIV, and XVI of the Social Security*
13 *Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the*
14 *last 3 months of the current fiscal year for unanticipated*
15 *costs, incurred for the current fiscal year, such sums as may*
16 *be necessary.*

17 *LOW INCOME HOME ENERGY ASSISTANCE*

18 *For making payments under title XXVI of the Omni-*
19 *bus Budget Reconciliation Act of 1981, \$1,700,000,000.*

20 *For making payments under title XXVI of the Omni-*
21 *bus Budget Reconciliation Act of 1981, \$300,000,000: Pro-*
22 *vided, That these funds are hereby designated by the Con-*
23 *gress to be emergency requirements pursuant to section*
24 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
25 *icit Control Act of 1985: Provided further, That these funds*
26 *shall be made available only after submission to the Con-*

1 *gress of an official budget request by the President that in-*
2 *cludes designation of the entire amount of the request as*
3 *an emergency requirement as defined in such Act.*

4 *REFUGEE AND ENTRANT ASSISTANCE*

5 *For making payments for refugee and entrant assist-*
6 *ance activities authorized by title IV of the Immigration*
7 *and Nationality Act and section 501 of the Refugee Edu-*
8 *cation Assistance Act of 1980 (Public Law 96-422),*
9 *\$435,224,000 to remain available through September 30,*
10 *2004: Provided, That up to \$10,000,000 is available to*
11 *carry out the Trafficking Victims Protection Act of 2000.*

12 *For carrying out section 5 of the Torture Victims Re-*
13 *lief Act of 1998 (Public Law 105-320), \$10,000,000.*

14 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
15 *DEVELOPMENT BLOCK GRANT*

16 *For carrying out sections 658A through 658R of the*
17 *Omnibus Budget Reconciliation Act of 1981 (The Child*
18 *Care and Development Block Grant Act of 1990),*
19 *\$2,000,000,000 shall be used to supplement, not supplant*
20 *state general revenue funds for child care assistance for low-*
21 *income families: Provided, That \$19,120,000 shall be avail-*
22 *able for child care resource and referral and school-aged*
23 *child care activities, of which \$1,000,000 shall be for the*
24 *Child Care Aware toll free hotline: Provided further, That,*
25 *in addition to the amounts required to be reserved by the*
26 *States under section 658G, \$272,672,000 shall be reserved*

1 *by the States for activities authorized under section 658G,*
 2 *of which \$100,000,000 shall be for activities that improve*
 3 *the quality of infant and toddler child care: Provided fur-*
 4 *ther, That \$10,000,000 shall be for use by the Secretary for*
 5 *child care research, demonstration, and evaluation activi-*
 6 *ties.*

7 *SOCIAL SERVICES BLOCK GRANT*

8 *For making grants to States pursuant to section 2002*
 9 *of the Social Security Act, \$1,700,000,000: Provided, That*
 10 *notwithstanding paragraph (B) of section 404(d)(2) of such*
 11 *Act, the applicable percent specified under such subpara-*
 12 *graph for a State to carry out State programs pursuant*
 13 *to title XX of such Act shall be 5.7 percent.*

14 *CHILDREN AND FAMILIES SERVICES PROGRAMS*
 15 *(INCLUDING RESCISSIONS)*

16 *For carrying out, except as otherwise provided, the*
 17 *Runaway and Homeless Youth Act, the Developmental Dis-*
 18 *abilities Assistance and Bill of Rights Act, the Head Start*
 19 *Act, the Child Abuse Prevention and Treatment Act, sec-*
 20 *tions 310 and 316 of the Family Violence Prevention and*
 21 *Services Act, as amended, the Native American Programs*
 22 *Act of 1974, title II of Public Law 95–266 (adoption oppor-*
 23 *tunities), the Adoption and Safe Families Act of 1997 (Pub-*
 24 *lic Law 105–89), sections 1201 and 1211 of the Children’s*
 25 *Health Act of 2000, the Abandoned Infants Assistance Act*
 26 *of 1988, the Early Learning Opportunities Act, part B(1)*

1 of title IV and sections 413, 429A, 1110, and 1115 of the
2 Social Security Act, and sections 40155, 40211, and 40241
3 of Public Law 103–322; for making payments under the
4 Community Services Block Grant Act, section 473A of the
5 Social Security Act, and title IV of Public Law 105–285,
6 and for necessary administrative expenses to carry out said
7 Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social
8 Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9),
9 the Omnibus Budget Reconciliation Act of 1981, title IV
10 of the Immigration and Nationality Act, section 501 of the
11 Refugee Education Assistance Act of 1980, section 5 of the
12 Torture Victims Relief Act of 1998 (Public Law 105–320),
13 sections 40155, 40211, and 40241 of Public Law 103–322,
14 sections 310 and 316 of the Family Violence Prevention and
15 Services Act, as amended, and section 126 and titles IV and
16 V of Public Law 100–485, \$8,592,496,000, of which
17 \$43,000,000, to remain available until September 30, 2003,
18 shall be for grants to States for adoption incentive pay-
19 ments, as authorized by section 473A of title IV of the Social
20 Security Act (42 U.S.C. 670–679) and may be made for
21 adoptions completed in fiscal years 2000 and 2001; of which
22 \$765,304,000 shall be for making payments under the Com-
23 munity Services Block Grant Act; and of which
24 \$6,600,000,000 shall be for making payments under the
25 Head Start Act, of which \$1,400,000,000 shall become

1 available October 1, 2002 and remain available through
2 September 30, 2003: Provided, That to the extent Commu-
3 nity Services Block Grant funds are distributed as grant
4 funds by a State to an eligible entity as provided under
5 the Act, and have not been expended by such entity, they
6 shall remain with such entity for carryover into the next
7 fiscal year for expenditure by such entity consistent with
8 program purposes: Provided further, That all eligible enti-
9 ties currently in good standing in the Community Services
10 Block Grant program shall receive an increase in funding
11 proportionate to the increase provided in this Act for the
12 Community Services Block Grant: Provided further, That
13 \$105,133,000 shall be for activities authorized by the Run-
14 away and Homeless Youth Act, notwithstanding the alloca-
15 tion requirements of section 388(a) of such Act, of which
16 \$33,000,000 is for Maternity Group Homes: Provided fur-
17 ther, That \$89,000,000 is for a compassion capital fund to
18 provide grants to charitable organizations to emulate model
19 social service programs and to encourage research on the
20 best practices of social service organizations: Provided fur-
21 ther, That the Secretary shall establish procedures regard-
22 ing the disposition of intangible property which permits
23 grant funds, or intangible assets acquired with funds au-
24 thorized under section 680 of the Community Services Block
25 Grant Act, as amended, to become the sole property of such

1 grantees after a period of not more than 12 years after the
2 end of the grant for purposes and uses consistent with the
3 original grant: Provided further, That funds appropriated
4 for section 680(a)(2) of the Community Services Block
5 Grant Act, as amended, shall be available for financing con-
6 struction and rehabilitation and loans or investments in
7 private business enterprises owned by community develop-
8 ment corporations.

9 Funds appropriated for fiscal year 2002 under section
10 429A(e), part B of title IV of the Social Security Act shall
11 be reduced by \$6,000,000.

12 Funds appropriated for fiscal year 2002 under section
13 413(h)(1) of the Social Security Act shall be reduced by
14 \$15,000,000.

15 PROMOTING SAFE AND STABLE FAMILIES

16 For carrying out section 430 of the Social Security
17 Act, \$305,000,000. In addition, for such purposes,
18 \$70,000,000 to carry out such section.

19 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

20 ASSISTANCE

21 For making payments to States or other non-Federal
22 entities under title IV–E of the Social Security Act,
23 \$4,885,200,000.

24 For making payments to States or other non-Federal
25 entities under title IV–E of the Social Security Act, for the
26 first quarter of fiscal year 2003, \$1,754,000,000.

1 *ADMINISTRATION ON AGING*2 *AGING SERVICES PROGRAMS*

3 *For carrying out, to the extent not otherwise provided,*
4 *the Older Americans Act of 1965, as amended, and section*
5 *398 of the Public Health Service Act, \$1,209,756,000, of*
6 *which \$5,000,000 shall be available for activities regarding*
7 *medication management, screening, and education to pre-*
8 *vent incorrect medication and adverse drug reactions.*

9 *OFFICE OF THE SECRETARY*10 *GENERAL DEPARTMENTAL MANAGEMENT*

11 *For necessary expenses, not otherwise provided, for*
12 *general departmental management, including hire of six se-*
13 *dans, and for carrying out titles III, XVII, and XX of the*
14 *Public Health Service Act, and the United States-Mexico*
15 *Border Health Commission Act, \$416,361,000, together*
16 *with \$5,851,000, to be transferred and expended as author-*
17 *ized by section 201(g)(1) of the Social Security Act from*
18 *the Hospital Insurance Trust Fund and the Supplemental*
19 *Medical Insurance Trust Fund: Provided, That of the funds*
20 *made available under this heading for carrying out title*
21 *XX of the Public Health Service Act, \$11,885,000 shall be*
22 *for activities specified under section 2003(b)(2), of which*
23 *\$10,157,000 shall be for prevention service demonstration*
24 *grants under section 510(b)(2) of title V of the Social Secu-*
25 *rity Act, as amended, without application of the limitation*

1 of section 2010(c) of said title XX: Provided further, That
2 of this amount, \$68,700,000 shall be available to support
3 activities to counter potential biological disease, and chem-
4 ical threats to civilian populations; \$50,000,000 is for mi-
5 nority AIDS prevention and treatment activities; and
6 \$15,000,000 shall be for an Information Technology Secu-
7 rity and Innovation Fund for department-wide activities
8 involving cybersecurity, information technology security,
9 and related innovation projects.

10 *OFFICE OF INSPECTOR GENERAL*

11 *For expenses necessary for the Office of Inspector Gen-*
12 *eral, including the hire of passenger motor vehicles for in-*
13 *vestigations, in carrying out the provisions of the Inspector*
14 *General Act of 1978, as amended, \$35,786,000: Provided,*
15 *That of such amount, necessary sums are available for pro-*
16 *viding protective services to the Secretary and investigating*
17 *non-payment of child support cases for which non-payment*
18 *is a Federal offense under 18 U.S.C. 228, each of which*
19 *activities is hereby authorized in this and subsequent fiscal*
20 *years.*

21 *OFFICE FOR CIVIL RIGHTS*

22 *For expenses necessary for the Office for Civil Rights,*
23 *\$28,691,000, together with not to exceed \$3,314,000, to be*
24 *transferred and expended as authorized by section 201(g)(1)*
25 *of the Social Security Act from the Hospital Insurance*

1 *Trust Fund and the Supplemental Medical Insurance Trust*
2 *Fund.*

3 *POLICY RESEARCH*

4 *For carrying out, to the extent not otherwise provided,*
5 *research studies under section 1110 of the Social Security*
6 *Act and title III of the Public Health Service Act,*
7 *\$20,500,000.*

8 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*
9 *COMMISSIONED OFFICERS*

10 *For retirement pay and medical benefits of Public*
11 *Health Service Commissioned Officers as authorized by law,*
12 *for payments under the Retired Serviceman's Family Pro-*
13 *tection Plan and Survivor Benefit Plan, for medical care*
14 *of dependents and retired personnel under the Dependents'*
15 *Medical Care Act (10 U.S.C. ch. 55), and for payments pur-*
16 *suant to section 229(b) of the Social Security Act (42*
17 *U.S.C. 429(b)), such amounts as may be required during*
18 *the current fiscal year.*

19 *GENERAL PROVISIONS*

20 *SEC. 201. Funds appropriated in this title shall be*
21 *available for not to exceed \$37,000 for official reception and*
22 *representation expenses when specifically approved by the*
23 *Secretary.*

24 *SEC. 202. The Secretary shall make available through*
25 *assignment not more than 60 employees of the Public*
26 *Health Service to assist in child survival activities and to*

1 *work in AIDS programs through and with funds provided*
2 *by the Agency for International Development, the United*
3 *Nations International Children's Emergency Fund or the*
4 *World Health Organization.*

5 *SEC. 203. None of the funds appropriated under this*
6 *Act may be used to implement section 399F(b) of the Public*
7 *Health Service Act or section 1503 of the National Insti-*
8 *tutes of Health Revitalization Act of 1993, Public Law 103-*
9 *43.*

10 *SEC. 204. None of the funds appropriated in this Act*
11 *for the National Institutes of Health and the Substance*
12 *Abuse and Mental Health Services Administration shall be*
13 *used to pay the salary of an individual, through a grant*
14 *or other extramural mechanism, at a rate in excess of Exec-*
15 *utive Level I.*

16 *SEC. 205. None of the funds appropriated in this Act*
17 *may be expended pursuant to section 241 of the Public*
18 *Health Service Act, except for funds specifically provided*
19 *for in this Act, or for other taps and assessments made by*
20 *any office located in the Department of Health and Human*
21 *Services, prior to the Secretary's preparation and submis-*
22 *sion of a report to the Committee on Appropriations of the*
23 *Senate and of the House detailing the planned uses of such*
24 *funds.*

1 *SEC. 209. Of the amounts made available in this Act*
2 *for the National Institutes of Health, the amount for re-*
3 *search related to the human immunodeficiency virus, as*
4 *jointly determined by the Director of the National Institutes*
5 *of Health and the Director of the Office of AIDS Research,*
6 *shall be made available to the “Office of AIDS Research”*
7 *account. The Director of the Office of AIDS Research shall*
8 *transfer from such account amounts necessary to carry out*
9 *section 2353(d)(3) of the Public Health Service Act.*

10 *SEC. 210. None of the funds appropriated in this Act*
11 *may be made available to any entity under title X of the*
12 *Public Health Service Act unless the applicant for the*
13 *award certifies to the Secretary that it encourages family*
14 *participation in the decision of minors to seek family plan-*
15 *ning services and that it provides counseling to minors on*
16 *how to resist attempts to coerce minors into engaging in*
17 *sexual activities.*

18 *SEC. 211. None of the funds appropriated by this Act*
19 *(including funds appropriated to any trust fund) may be*
20 *used to carry out the Medicare+Choice program if the Sec-*
21 *retary denies participation in such program to an other-*
22 *wise eligible entity (including a Provider Sponsored Orga-*
23 *nization) because the entity informs the Secretary that it*
24 *will not provide, pay for, provide coverage of, or provide*
25 *referrals for abortions: Provided, That the Secretary shall*

1 *make appropriate prospective adjustments to the capitation*
2 *payment to such an entity (based on an actuarially sound*
3 *estimate of the expected costs of providing the service to such*
4 *entity’s enrollees): Provided further, That nothing in this*
5 *section shall be construed to change the Medicare program’s*
6 *coverage for such services and a Medicare+Choice organiza-*
7 *tion described in this section shall be responsible for inform-*
8 *ing enrollees where to obtain information about all Medi-*
9 *care covered services.*

10 *SEC. 212. Notwithstanding any other provision of law,*
11 *no provider of services under title X of the Public Health*
12 *Service Act shall be exempt from any State law requiring*
13 *notification or the reporting of child abuse, child molesta-*
14 *tion, sexual abuse, rape, or incest.*

15 *SEC. 213. The Foreign Operations, Export Financing,*
16 *and Related Programs Appropriations Act, 1990 (Public*
17 *Law 101–167) is amended—*

18 *(1) in section 599D (8 U.S.C. 1157 note)—*

19 *(A) in subsection (b)(3), by striking “1997,*
20 *1998, 1999, 2000, and 2001” and inserting*
21 *“1997, 1998, 1999, 2000, 2001, and 2002”; and*

22 *(B) in subsection (e), by striking “October*
23 *1, 2001” each place it appears and inserting*
24 *“October 1, 2002”; and*

1 (2) in section 599E (8 U.S.C. 1255 note) in sub-
2 section (b)(2), by striking “September 30, 2001” and
3 inserting “September 30, 2002”.

4 SEC. 214. (a) Except as provided by subsection (e)
5 none of the funds appropriated by this Act may be used
6 to withhold substance abuse funding from a State pursuant
7 to section 1926 of the Public Health Service Act (42 U.S.C.
8 300x–26) if such State certifies to the Secretary of Health
9 and Human Services by May 1, 2002 that the State will
10 commit additional State funds, in accordance with sub-
11 section (b), to ensure compliance with State laws prohib-
12 iting the sale of tobacco products to individuals under 18
13 years of age.

14 (b) The amount of funds to be committed by a State
15 under subsection (a) shall be equal to 1 percent of such
16 State’s substance abuse block grant allocation for each per-
17 centage point by which the State misses the retailer compli-
18 ance rate goal established by the Secretary of Health and
19 Human Services under section 1926 of such Act.

20 (c) The State is to maintain State expenditures in fis-
21 cal year 2002 for tobacco prevention programs and for com-
22 pliance activities at a level that is not less than the level
23 of such expenditures maintained by the State for fiscal year
24 2001, and adding to that level the additional funds for to-
25 bacco compliance activities required under subsection (a).

1 *The State is to submit a report to the Secretary on all fiscal*
2 *year 2001 State expenditures and all fiscal year 2002 obli-*
3 *gations for tobacco prevention and compliance activities by*
4 *program activity by July 31, 2002.*

5 *(d) The Secretary shall exercise discretion in enforcing*
6 *the timing of the State obligation of the additional funds*
7 *required by the certification described in subsection (a) as*
8 *late as July 31, 2002.*

9 *(e) None of the funds appropriated by this Act may*
10 *be used to withhold substance abuse funding pursuant to*
11 *section 1926 from a territory that receives less than*
12 *\$1,000,000.*

13 *SEC. 215. (a) In order for the Centers for Disease Con-*
14 *trol and Prevention to carry out international health ac-*
15 *tivities, including HIV/AIDS and other infectious disease,*
16 *chronic and environmental disease, and other health activi-*
17 *ties abroad during fiscal year 2002, the Secretary of Health*
18 *and Human Services is authorized to—*

19 *(1) utilize the authorities contained in subsection*
20 *2(c) of the State Department Basic Authorities Act of*
21 *1956, as amended, and*

22 *(2) utilize the authorities contained in 22 U.S.C.*
23 *sections 291 and 292 and directly or through contract*
24 *or cooperative agreement to lease, alter or renovate fa-*
25 *cilities in foreign countries, to carry out programs*

1 supported by this appropriation notwithstanding
2 PHS Act section 307.

3 In exercising the authority set forth in (1) and (2),
4 the Secretary of Health and Human Services shall consult
5 with the Department of State to assure that planned activi-
6 ties are within the legal strictures of the State Department
7 Basic Authorities Act of 1956, as amended, and other appli-
8 cable parts of U.S.C. Title 22.

9 SEC. 216. Notwithstanding any other provision of law
10 relating to vacancies in offices for which appointments
11 must be made by the President, including any time limita-
12 tion on serving in an acting capacity, the Acting Director
13 of the National Institutes of Health as of January 12, 2000,
14 may serve in that position until a new Director of the Na-
15 tional Institutes of Health is confirmed by the Senate.

16 SEC. 217. The following amounts, appropriated in this
17 title, shall be transferred to International Assistance Pro-
18 grams, "Global Fund to Fight HIV/AIDS, Malaria, and
19 Tuberculosis", to remain available until expended: from
20 National Institutes of Health, "National Institute of Allergy
21 and Infectious Diseases", \$25,000,000; from National Insti-
22 tutes of Health, "Buildings and Facilities", \$70,000,000;
23 and from Departmental Management, "General Depart-
24 mental Management", \$5,000,000.

1 *SEC. 218. Of the funds provided to the Office of the*
2 *General Counsel, not less than \$500,000 shall be used to*
3 *provide legal support for enforcement of the labeling provi-*
4 *sions of the Dietary Supplement Health and Education Act*
5 *of 1994.*

6 *SEC. 219. EXPRESSING THE SENSE OF THE SENATE*
7 *THAT THE DEPARTMENT OF HEALTH AND HUMAN SERV-*
8 *ICES PUBLISH A NOTICE REGARDING GOOD MANUFAC-*
9 *TURING PRACTICES FOR DIETARY SUPPLEMENTS. (a) FIND-*
10 *INGS.—*

11 *(1) Over 100,000,000 Americans regularly use*
12 *dietary supplements to maintain and improve their*
13 *health status.*

14 *(2) Congress has established a strong regulatory*
15 *framework to ensure that consumers have access to*
16 *safe dietary supplement products and information*
17 *about those products.*

18 *(3) Good Manufacturing Practice (GMP) regula-*
19 *tions are the primary enforcement tool whereby gov-*
20 *ernment inspectors ensure that all food products (in-*
21 *cluding dietary supplements) are manufactured ac-*
22 *cording to rigorous quality control standards, includ-*
23 *ing appropriate labeling, sanitation, purity and*
24 *records-keeping.*

1 (4) *The Dietary Supplement Health and Edu-*
2 *cation Act of 1994 authorized development of Good*
3 *Manufacturing Practice guidelines for dietary supple-*
4 *ments.*

5 (5) *The Good Manufacturing practice guidelines*
6 *will be instrumental in assuring the American public*
7 *that dietary supplements are properly manufactured*
8 *and labeled.*

9 (6) *Those guidelines have been in development by*
10 *the Department of Health and Human Services, its*
11 *operating divisions, and the Office of Management*
12 *and Budget for over 5 years.*

13 (b) *SENSE OF THE SENATE.—The Senate expresses a*
14 *sense of the Senate that the Department of Health and*
15 *Human Services or its operating divisions publish a Notice*
16 *of Proposed Rulemaking with respect to Good Manufac-*
17 *turing Practices for dietary supplements within 15 days of*
18 *enactment of this Act.*

19 SEC. 220. (a) *FINDINGS.—Congress finds that—*

20 (1) *according to the Centers for Disease Control*
21 *and Prevention, over 765,000 people in the United*
22 *States have been diagnosed with the virus that causes*
23 *AIDS since 1981, and over 442,000 deaths have oc-*
24 *curred in the United States as a result of the disease;*
25 *and*

1 (2) *Federal AIDS prevention funds should be*
2 *used to provide resources, training, technical assist-*
3 *ance, and infrastructure to national, regional, and*
4 *community-based organizations working to educate*
5 *the public on the virus that causes AIDS and stop-*
6 *ping the spread of the disease.*

7 (b) *REPORT.—Not later than 6 months after the date*
8 *of enactment of this Act, the Inspector General of the De-*
9 *partment of Health and Human Services shall conduct an*
10 *audit of all Federal amounts allocated for AIDS prevention*
11 *programs and report to Congress with their findings.*

12 *SEC. 221. It is the sense of the Senate that the Sec-*
13 *retary of Health and Human Services should fund and re-*
14 *imburse hospitals and medical facilities in States that have*
15 *tested and treated Federal workers that have been exposed*
16 *to anthrax, and continue to test and treat Federal workers*
17 *that have been determined by the Centers for Disease Con-*
18 *trol and Prevention as at risk for exposure to anthrax.*

19 *SEC. 222. It is the sense of the Senate that the Sec-*
20 *retary of Health and Human Services should ensure that*
21 *each contract entered into between a State and an entity*
22 *(including a health insuring organization and a medicaid*
23 *managed care organization) that is responsible for the pro-*
24 *vision (directly or through arrangements with providers of*

1 *services) of medical assistance under a State medicaid plan*
2 *should provide for—*

3 *(1) compliance with mandatory blood lead*
4 *screening requirements that are consistent with pre-*
5 *vailing guidelines of the Centers for Disease Control*
6 *and Prevention for such screening; and*

7 *(2) coverage of lead treatment services including*
8 *diagnosis, treatment, and follow-up furnished for chil-*
9 *dren with elevated blood lead levels in accordance*
10 *with prevailing guidelines of the Centers for Disease*
11 *Control and Prevention.*

12 *SEC. 223. It is the sense of the Senate that States*
13 *should be authorized to use funds provided under the State*
14 *children's health insurance program under title XXI of the*
15 *Social Security Act to—*

16 *(1) comply with mandatory blood lead screening*
17 *requirements that are consistent with prevailing*
18 *guidelines of the Centers for Disease Control and Pre-*
19 *vention for such screening; and*

20 *(2) provide coverage of lead treatment services*
21 *including diagnosis, treatment, and follow-up fur-*
22 *nished for children with elevated blood lead levels in*
23 *accordance with prevailing guidelines of the Centers*
24 *for Disease Control and Prevention.*

1 *SEC. 224. It is the sense of the Senate that the Sec-*
2 *retary of Health and Human Services should establish a*
3 *program to improve the blood lead screening rates of States*
4 *for children under the age of 3 enrolled in the medicaid*
5 *program under which, using State-specific blood lead*
6 *screening data, the Secretary would annually pay a State*
7 *an amount to be determined:*

8 (1) *For each 2 year-old child enrolled in the*
9 *medicaid program in the State who has received the*
10 *minimum required (for that age) screening blood lead*
11 *level tests (capillary or venous samples) to determine*
12 *the presence of elevated blood lead levels, as estab-*
13 *lished by the Centers for Disease Control and Preven-*
14 *tion.*

15 (2) *For each such child who has received such*
16 *minimum required tests.*

17 *SEC. 225. For the Health Resources and Services Ad-*
18 *ministration, \$5,000,000 for grants for education, preven-*
19 *tion, and early detection of radiogenic cancers and diseases*
20 *under section 417C of the Public Health Service Act (42*
21 *U.S.C. 285a–9) (as amended by the Radiation Exposure*
22 *Compensation Act Amendments of 2000), of which*
23 *\$1,000,000 shall be available to enter into a contract with*
24 *the National Research Council under which the Council*
25 *shall—*

1 (1) review the most recent scientific information
2 related to radiation exposure and associated cancers
3 or other diseases;

4 (2) make recommendations to—

5 (A) reduce the length of radiation exposure
6 requirements for any compensable illnesses under
7 the Radiation Exposure Compensation Act (42
8 U.S.C. 2210 note); and

9 (B) include additional illnesses, geographic
10 areas, or classes of individuals with the scope of
11 compensation of such Act; and

12 (3) not later than June 30, 2003, prepare and
13 submit to the Committee on Appropriations, Com-
14 mittee on Health, Education, Labor, and Pensions,
15 and Committee on the Judiciary of the Senate and
16 the Committee on Appropriations, Committee on En-
17 ergy and Commerce, and Committee on the Judiciary
18 of the House of Representatives, a report describing
19 the findings made by the Council under paragraphs
20 (1) and (2).

21 SEC. 226. Effective upon the date of enactment of this
22 Act, \$200,000,000 of the amount appropriated under sec-
23 tion 403(a)(4)(F) of the Social Security Act (42 U.S.C.
24 603(a)(4)(F)) is rescinded.

25 SEC. 227. It is the sense of the Senate that—

1 (1) *the Secretary of Health and Human Serv-*
2 *ices, acting through the Director of NIH and the Di-*
3 *rector of the National Institute of Mental Health (in*
4 *this section referred to as the “Institute”), should ex-*
5 *pend and intensify research and related activities of*
6 *the Institute with respect to post-abortion depression*
7 *and post-abortion psychosis (in this section referred to*
8 *as “post-abortion conditions”);*

9 (2) *the Director of the Institute should coordi-*
10 *nate the activities of the Director under paragraph*
11 *(1) with similar activities conducted by the other na-*
12 *tional research institutes and agencies of the National*
13 *Institutes of Health to the extent that such Institutes*
14 *and agencies have responsibilities that are related to*
15 *post-abortion conditions;*

16 (3) *in carrying out paragraph (1)—*

17 (A) *the Director of the Institute should con-*
18 *duct or support research to expand the under-*
19 *standing of the causes of, and to find a cure for,*
20 *post-abortion conditions; and*

21 (B) *activities under such paragraph should*
22 *include conducting and supporting the following:*

23 (i) *basic research concerning the eti-*
24 *ology and causes of the conditions;*

1 (ii) *epidemiological studies to address*
2 *the frequency and natural history of the*
3 *conditions and the differences among racial*
4 *and ethnic groups with respect to the condi-*
5 *tions;*

6 (iii) *the development of improved diag-*
7 *nostic techniques;*

8 (iv) *clinical research for the develop-*
9 *ment and evaluation of new treatments, in-*
10 *cluding new biological agents; and*

11 (v) *information and education pro-*
12 *grams for health care professionals and the*
13 *public; and*

14 (4)(A) *the Director of the Institute should con-*
15 *duct a national longitudinal study to determine the*
16 *incidence and prevalence of cases of post-abortion con-*
17 *ditions, and the symptoms, severity, and duration of*
18 *such cases, toward the goal of more fully identifying*
19 *the characteristics of such cases and developing diag-*
20 *nostic techniques; and*

21 (B) *beginning not later than 3 years after the*
22 *date of the enactment of this Act, and periodically*
23 *thereafter for the duration of the study under sub-*
24 *paragraph (A), the Director of the Institute should*

1 *prepare and submit to the Congress reports on the*
2 *findings of the study.*

3 *SEC. 228. Section 582 of the Public Health Service Act*
4 *(42 U.S.C. 290hh-1(f)) is amended by adding at the end*
5 *the following:*

6 *“(g) SHORT TITLE.—This section may be cited as the*
7 *‘Donald J. Cohen National Child Traumatic Stress Initia-*
8 *tive’.”.*

9 *This title may be cited as the “Department of Health*
10 *and Human Services Appropriations Act, 2002”.*

11 *TITLE III—DEPARTMENT OF EDUCATION*

12 *EDUCATION FOR THE DISADVANTAGED*

13 *For carrying out title I of the Elementary and Sec-*
14 *ondary Education Act of 1965 as amended by H.R. 1 as*
15 *passed by the Senate on June 14, 2001 (“ESEA”); the*
16 *McKinney-Vento Homeless Assistance Act; and section*
17 *418A of the Higher Education Act of 1965,*
18 *\$11,912,900,000, of which \$4,129,200,000, shall become*
19 *available on July 1, 2002, and shall remain available*
20 *through September 30, 2003, and of which \$6,953,300,000*
21 *shall become available on October 1, 2002, and shall remain*
22 *available through September 30, 2003, for academic year*
23 *2002–2003: Provided, That \$7,172,690,000 shall be avail-*
24 *able for basic grants under section 1124: Provided further,*
25 *That up to \$3,500,000 of these funds shall be available to*

1 *the Secretary of Education on October 1, 2001, to obtain*
2 *updated educational-agency-level census poverty data from*
3 *the Bureau of the Census: Provided further, That*
4 *\$1,365,031,000 shall be available for concentration grants*
5 *under section 1124A: Provided further, That \$1,000,000,000*
6 *shall be available for targeted grants under section 1125:*
7 *Provided further, That \$649,979,000 shall be available for*
8 *education finance incentive grants under section 1125A:*
9 *Provided further, That grant awards under sections 1124*
10 *and 1124A of title I of the ESEA shall be not less than*
11 *95 percent of the amount each State and local educational*
12 *agency received under this authority for fiscal year 2001:*
13 *Provided further, That notwithstanding any other provision*
14 *of law, grant awards under section 1124A of title I of the*
15 *ESEA shall be made to those local educational agencies that*
16 *received a concentration grant under the Department of*
17 *Education Appropriations Act, 2001, but are not eligible*
18 *to receive such a grant for fiscal year 2002.*

19 *IMPACT AID*

20 *For carrying out programs of financial assistance to*
21 *federally affected schools authorized by title VI of the Ele-*
22 *mentary and Secondary Education Act of 1965, as redesign-*
23 *ated and amended by H.R. 1 of the 107th Congress, as*
24 *passed by the House of Representatives on May 23, 2001,*
25 *\$1,130,500,000, of which \$982,500,000 shall be for basic*
26 *support payments under section 8003(b), \$50,000,000 shall*

1 *be for payments for children with disabilities under section*
2 *8003(d), \$35,000,000 shall be for construction under section*
3 *8007, \$55,000,000 shall be for Federal property payments*
4 *under section 8002, and \$8,000,000, to remain available*
5 *until expended, shall be for facilities maintenance under*
6 *section 8008.*

7 *SCHOOL IMPROVEMENT PROGRAMS*

8 *For carrying out school improvement activities author-*
9 *ized by sections 1117A and 1229 and subpart 1 of part F*
10 *of title I and titles II, IV, V, VI, parts B and C of title*
11 *VII, and title XI of the Elementary and Secondary Edu-*
12 *cation Act of 1965, as amended by H.R. 1 as passed by*
13 *the Senate on June 14, 2001 (“ESEA”); and the Civil*
14 *Rights Act of 1964; \$8,723,014,000, of which*
15 *\$1,165,750,000 shall become available on July 1, 2002, and*
16 *remain available through September 30, 2003, and of which*
17 *\$1,765,000,000 shall become available on October 1, 2002,*
18 *and shall remain available through September 30, 2003, for*
19 *academic year 2002–2003: Provided, That \$28,000,000*
20 *shall be for part A of title XIII of the ESEA as in effect*
21 *prior to Senate passage of H.R. 1 to continue the operation*
22 *of the current Comprehensive Regional Assistance Centers:*
23 *Provided further, That of the amount made available for*
24 *subpart 4 of part B of title V of the ESEA, \$925,000,000*
25 *shall be available, notwithstanding any other provision of*
26 *law, to State educational agencies and outlying areas under*

1 *the terms and conditions set forth in section 305 of this*
2 *Act for grants for school repair and renovation: Provided*
3 *further, That funds made available to local education agen-*
4 *cies under subpart B of part F of title XI shall be used*
5 *for activities related to the redesign of large high schools:*
6 *Provided further, That of the funds appropriated for part*
7 *F of title XI, \$15,000,000 shall be available for dropout pre-*
8 *vention programs under part H of title I and \$100,000,000*
9 *shall be available under part C of title IX to enable the*
10 *Secretary of Education to award grants to develop, imple-*
11 *ment, and strengthen programs to teach American history*
12 *(not social studies) as a separate subject within school cur-*
13 *ricula: Provided further, That of the funds made available*
14 *to carry out subpart 2 of part A of title IV of the Elemen-*
15 *tary and Secondary Education Act of 1965, as amended*
16 *by H.R. 1 as passed by the Senate on June 14, 2001,*
17 *\$9,000,000 shall be made available to enable the Secretary*
18 *of Education to award grants to enable local educational*
19 *agencies to address the needs of children affected by terrorist*
20 *attacks, times of war or other major violent or traumatic*
21 *crises, including providing mental health services to such*
22 *children, and \$1,000,000 shall be made available to enable*
23 *the Secretary of Education, in consultation with the Sec-*
24 *retary of Health and Human Services, to develop rec-*
25 *ommendations and models to assist communities in devel-*

1 *oping evacuation and parental notification plans for*
2 *schools and other community facilities where children gath-*
3 *er: Provided further, That \$2,500,000 shall be available to*
4 *carry out part E of title II, including administrative ex-*
5 *penses associated with such part.*

6 *INDIAN EDUCATION*

7 *For expenses necessary to carry out, to the extent not*
8 *otherwise provided, title VII, part A of the Elementary and*
9 *Secondary Education Act of 1965, as amended by H.R. 1*
10 *as passed by the Senate on June 14, 2001, \$117,000,000.*

11 *BILINGUAL AND IMMIGRANT EDUCATION*

12 *For section 3202 of part B and section D of title III*
13 *of the Elementary and Secondary Education Act of 1965,*
14 *as amended by H.R. 1 as passed by the Senate on June*
15 *14, 2001, \$616,000,000.*

16 *SPECIAL EDUCATION*

17 *For carrying out the Individuals with Disabilities*
18 *Education Act, \$8,439,643,000, of which \$3,090,452,000*
19 *shall become available for obligation on July 1, 2002, and*
20 *shall remain available through September 30, 2003, and of*
21 *which \$5,072,000,000 shall become available on October 1,*
22 *2002, and shall remain available through September 30,*
23 *2003, for academic year 2002–2003: Provided, That*
24 *\$9,500,000 shall be for Recording for the Blind and*
25 *Dyslexic to support the development, production, and cir-*
26 *culatation of recorded educational materials: Provided fur-*

1 *ther, That \$1,500,000 shall be for the recipient of funds pro-*
2 *vided by Public Law 105–78 under section 687(b)(2)(G) of*
3 *the Act to provide information on diagnosis, intervention,*
4 *and teaching strategies for children with disabilities: Pro-*
5 *vided further, That the amount for section 611(c) of the Act*
6 *shall be equal to the amount available for that section under*
7 *Public Law 106–554, increased by the amount of inflation*
8 *as specified in section 611(f)(1)(B)(ii) of the Act.*

9 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

10 *For carrying out, to the extent not otherwise provided,*
11 *the Rehabilitation Act of 1973, the Assistive Technology Act*
12 *of 1998, and the Helen Keller National Center Act,*
13 *\$2,932,617,000, of which \$60,000,000 shall remain avail-*
14 *able through September 30, 2003: Provided, That the funds*
15 *provided for Title I of the Assistive Technology Act of 1998*
16 *(the AT Act) shall be allocated notwithstanding section*
17 *105(b)(1) of the AT Act: Provided further, That section*
18 *101(f) of the AT Act shall not limit the award of an exten-*
19 *sion grant to three years: Provided further, That each State*
20 *shall be provided a minimum of \$500,000 and each out-*
21 *lying area \$150,000 for activities under section 101 of the*
22 *AT Act and each State shall be provided a minimum of*
23 *\$100,000 and each outlying area \$50,000 for activities*
24 *under section 102 of the Act: Provided further, That if the*
25 *funds appropriated for Title I of the AT Act are less than*
26 *required to fund these minimum allotments, grants pro-*

1 *vided under sections 101 and 102 of the AT Act shall be*
2 *the same as their fiscal year 2001 amounts and any*
3 *amounts in excess of these minimum requirements shall be*
4 *allocated proportionally to achieve the prescribed mini-*
5 *nums: Provided further, That \$26,884,000 shall be used to*
6 *support grants for up to three years to States under title*
7 *III of the AT Act, of which the Federal share shall not ex-*
8 *ceed 75 percent in the first year, 50 percent in the second*
9 *year, and 25 percent in the third year, and that the require-*
10 *ments in section 301(c)(2) and section 302 of that Act shall*
11 *not apply to such grants.*

12 *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*

13 *AMERICAN PRINTING HOUSE FOR THE BLIND*

14 *For carrying out the Act of March 3, 1879, as amended*
15 *(20 U.S.C. 101 et seq.), \$14,000,000.*

16 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

17 *For the National Technical Institute for the Deaf*
18 *under titles I and II of the Education of the Deaf Act of*
19 *1986 (20 U.S.C. 4301 et seq.), \$54,976,000, of which*
20 *\$5,376,000 shall be for construction and shall remain avail-*
21 *able until expended: Provided, That from the total amount*
22 *available, the Institute may at its discretion use funds for*
23 *the endowment program as authorized under section 207.*

24 *GALLAUDET UNIVERSITY*

25 *For the Kendall Demonstration Elementary School,*
26 *the Model Secondary School for the Deaf, and the partial*

1 *support of Gallaudet University under titles I and II of*
2 *the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et*
3 *seq.), \$97,000,000: Provided, That from the total amount*
4 *available, the University may at its discretion use funds*
5 *for the endowment program as authorized under section*
6 *207.*

7 *VOCATIONAL AND ADULT EDUCATION*

8 *For carrying out, to the extent not otherwise provided,*
9 *the Carl D. Perkins Vocational and Technical Education*
10 *Act, the Adult Education and Family Literacy Act, and*
11 *title VIII–D of the Higher Education Act of 1965, as*
12 *amended, and Public Law 102–73, \$1,818,060,000, of which*
13 *\$1,020,060,000 shall become available on July 1, 2002 and*
14 *shall remain available through September 30, 2003 and of*
15 *which \$791,000,000 shall become available on October 1,*
16 *2002 and shall remain available through September 30,*
17 *2003: Provided, That of the amounts made available for the*
18 *Carl D. Perkins Vocational and Technical Education Act,*
19 *\$7,000,000 shall be for tribally controlled postsecondary vo-*
20 *catinal and technical institutions under section 117: Pro-*
21 *vided further, That \$10,000,000 shall be for carrying out*
22 *section 118 of such Act: Provided further, That of the*
23 *amounts made available for the Carl D. Perkins Vocational*
24 *and Technical Education Act, \$5,000,000 shall be for dem-*
25 *onstration activities authorized by section 207: Provided*
26 *further, That of the amount provided for Adult Education*

1 *State Grants, \$70,000,000 shall be made available for inte-*
2 *grated English literacy and civics education services to im-*
3 *migrants and other limited English proficient populations:*
4 *Provided further, That of the amount reserved for integrated*
5 *English literacy and civics education, notwithstanding sec-*
6 *tion 211 of the Adult Education and Family Literacy Act,*
7 *65 percent shall be allocated to States based on a State's*
8 *absolute need as determined by calculating each State's*
9 *share of a 10-year average of the Immigration and Natu-*
10 *ralization Service data for immigrants admitted for legal*
11 *permanent residence for the 10 most recent years, and 35*
12 *percent allocated to States that experienced growth as meas-*
13 *ured by the average of the 3 most recent years for which*
14 *Immigration and Naturalization Service data for immi-*
15 *grants admitted for legal permanent residence are available,*
16 *except that no State shall be allocated an amount less than*
17 *\$60,000: Provided further, That of the amounts made avail-*
18 *able for the Adult Education and Family Literacy Act,*
19 *\$9,500,000 shall be for national leadership activities under*
20 *section 243 and \$6,560,000 shall be for the National Insti-*
21 *tute for Literacy under section 242: Provided further, That*
22 *\$22,000,000 shall be for Youth Offender Grants, of which*
23 *\$5,000,000 shall be used in accordance with section 601 of*
24 *Public Law 102-73 as that section was in effect prior to*
25 *the enactment of Public Law 105-220: Provided further,*

1 *That of the amounts made available for title I of the Perkins*
2 *Act, the Secretary may reserve up to 0.54 percent for incen-*
3 *tive grants under section 503 of the Workforce Investment*
4 *Act, without regard to section 111(a)(1)(C) of the Perkins*
5 *Act: Provided further, That of the amounts made available*
6 *for the Adult Education and Family Literacy Act, the Sec-*
7 *retary may reserve up to 1.72 percent for incentive grants*
8 *under section 503 of the Workforce Investment Act, without*
9 *regard to section 211(a)(3) of the Adult Education and*
10 *Family Literacy Act.*

11 *STUDENT FINANCIAL ASSISTANCE*

12 *For carrying out subparts 1, 3 and 4 of part A, section*
13 *428K, part C and part E of title IV of the Higher Edu-*
14 *cation Act of 1965, as amended, \$12,284,100,000, which*
15 *shall remain available through September 30, 2003.*

16 *The maximum Pell Grant for which a student shall*
17 *be eligible during award year 2002–2003 shall be \$4,000:*
18 *Provided, That notwithstanding section 401(g) of the Act,*
19 *if the Secretary determines, prior to publication of the pay-*
20 *ment schedule for such award year, that the amount in-*
21 *cluded within this appropriation for Pell Grant awards in*
22 *such award year, and any funds available from the fiscal*
23 *year 2001 appropriation for Pell Grant awards, are insuffi-*
24 *cient to satisfy fully all such awards for which students are*
25 *eligible, as calculated under section 401(b) of the Act, the*
26 *amount paid for each such award shall be reduced by either*

1 *a fixed or variable percentage, or by a fixed dollar amount,*
2 *as determined in accordance with a schedule of reductions*
3 *established by the Secretary for this purpose.*

4 *FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT*

5 *For Federal administrative expenses to carry out*
6 *guaranteed student loans authorized by title IV, part B, of*
7 *the Higher Education Act of 1965, as amended,*
8 *\$49,636,000.*

9 *HIGHER EDUCATION*

10 *For carrying out, to the extent not otherwise provided,*
11 *section 121 and titles II, III, IV, V, VI, and VII of the*
12 *Higher Education Act of 1965, as amended, title VIII of*
13 *the Higher Education Amendments of 1998, and the Mutual*
14 *Educational and Cultural Exchange Act of 1961,*
15 *\$1,826,223,000, of which \$5,000,000 for interest subsidies*
16 *authorized by section 121 of the Higher Education Act of*
17 *1965, shall remain available until expended: Provided, That*
18 *\$10,000,000, to remain available through September 30,*
19 *2003, shall be available to fund fellowships for academic*
20 *year 2003–2004 under part A, subpart 1 of title VII of said*
21 *Act, under the terms and conditions of part A, subpart 1:*
22 *Provided further, That \$1,500,000 is for data collection and*
23 *evaluation activities for programs under the Higher Edu-*
24 *cation Act of 1965, including such activities needed to com-*
25 *ply with the Government Performance and Results Act of*
26 *1993: Provided further, That \$18,000,000 shall be available*

1 *for tribally controlled colleges and universities under section*
 2 *316 of the Higher Education Act of 1965, of which*
 3 *\$6,000,000 shall be used for construction and renovation:*
 4 *Provided further, That the funds provided for title II of the*
 5 *Higher Education Act of 1965 shall be allocated notwith-*
 6 *standing section 210 of the Higher Education Act of 1965:*
 7 *Provided further, That funds for part B of title VII of the*
 8 *Higher Education Act of 1965 may be used, at the discre-*
 9 *tion of the Secretary of Education, to fund continuation*
 10 *awards under title IV, part A, subpart 8 of such Act.*

11 *HOWARD UNIVERSITY*

12 *For partial support of Howard University (20 U.S.C.*
 13 *121 et seq.), \$232,474,000, of which not less than \$3,600,000*
 14 *shall be for a matching endowment grant pursuant to the*
 15 *Howard University Endowment Act (Public Law 98-480)*
 16 *and shall remain available until expended.*

17 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*
 18 *PROGRAM*

19 *For Federal administrative expenses authorized under*
 20 *section 121 of the Higher Education Act of 1965, \$762,000*
 21 *to carry out activities related to existing facility loans en-*
 22 *tered into under the Higher Education Act of 1965.*

23 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*
 24 *FINANCING PROGRAM ACCOUNT*

25 *The total amount of bonds insured pursuant to section*
 26 *344 of title III, part D of the Higher Education Act of 1965*

1 shall not exceed \$357,000,000, and the cost, as defined in
2 section 502 of the Congressional Budget Act of 1974, of such
3 bonds shall not exceed zero.

4 *For administrative expenses to carry out the Histori-*
5 *cally Black College and University Capital Financing Pro-*
6 *gram entered into pursuant to title III, part D of the High-*
7 *er Education Act of 1965, as amended, \$208,000.*

8 *EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT*

9 *For carrying out activities authorized by the Edu-*
10 *cational Research, Development, Dissemination, and Im-*
11 *provement Act of 1994, including part E; the National*
12 *Education Statistics Act of 1994, including sections 411*
13 *and 412; and parts B, D, and E of title XI of the Elemen-*
14 *tary and Secondary Education Act as amended by H.R.*
15 *1 as passed by the Senate on June 14, 2001 (ESEA),*
16 *\$431,567,000: Provided, That \$53,000,000 of the amount*
17 *available for the national education research institutes shall*
18 *be allocated notwithstanding section 912(m)(1)(B–F) and*
19 *subparagraphs (B) and (C) of section 931(c)(2) of Public*
20 *Law 103–227: Provided further, That funds appropriated*
21 *to support activities conducted under section 411 of the Na-*
22 *tional Education Statistics Act of 1994 may be used to pay*
23 *for the administration of State assessment: Provided fur-*
24 *ther, That of the funds appropriated under section 11305*
25 *of part D of title XI of the ESEA, \$1,500,000 shall be used*
26 *to conduct a violence prevention demonstration program*

1 *and \$500,000 to conduct a native American civic education*
2 *initiative: Provided further, That \$12,000,000 of the funds*
3 *appropriated under part D of title XI shall be used to sup-*
4 *port activities conducted under section 11306, consistent*
5 *with the distribution specified under section 11304(2)(b).*

6 *DEPARTMENTAL MANAGEMENT*

7 *PROGRAM ADMINISTRATION*

8 *For carrying out, to the extent not otherwise provided,*
9 *the Department of Education Organization Act, including*
10 *rental of conference rooms in the District of Columbia and*
11 *hire of two passenger motor vehicles, \$424,212,000.*

12 *OFFICE FOR CIVIL RIGHTS*

13 *For expenses necessary for the Office for Civil Rights,*
14 *as authorized by section 203 of the Department of Edu-*
15 *cation Organization Act, \$79,934,000.*

16 *OFFICE OF THE INSPECTOR GENERAL*

17 *For expenses necessary for the Office of the Inspector*
18 *General, as authorized by section 212 of the Department*
19 *of Education Organization Act, \$38,720,000.*

20 *GENERAL PROVISIONS*

21 *SEC. 301. No funds appropriated in this Act may be*
22 *used for the transportation of students or teachers (or for*
23 *the purchase of equipment for such transportation) in order*
24 *to overcome racial imbalance in any school or school system,*
25 *or for the transportation of students or teachers (or for the*
26 *purchase of equipment for such transportation) in order to*

1 *such transfer: Provided, That the Appropriations Commit-*
2 *tees of both Houses of Congress are notified at least 15 days*
3 *in advance of any transfer.*

4 *SEC. 305. (a) From the amount made available for ur-*
5 *gent school renovation grants under the heading “School*
6 *Improvement Programs” in accordance with this section,*
7 *the Secretary of Education shall provide grants to the State*
8 *and outlying area entities responsible for the financing of*
9 *education facilities (hereinafter in this section referred to*
10 *as the “State entity”), on the basis of the same percentage*
11 *as the State educational agency received of the funds allo-*
12 *cated to States and outlying areas through the Department*
13 *of Education Appropriations Act, 2001 for carrying out*
14 *part A, title I of the Elementary and Secondary Education*
15 *Act of 1965, for awarding grants in accordance with sub-*
16 *section (b) to local educational agencies to enable them to*
17 *make urgent repairs and renovations to public school facili-*
18 *ties.*

19 *(b)(1) A State entity shall award urgent school renova-*
20 *tion grants to local educational agencies under this section*
21 *on a competitive basis that includes consideration of each*
22 *local educational agency applicant’s—*

23 *(A) relative percentage of children from low-in-*
24 *come families;*

25 *(B) need for school repairs and renovations;*

1 (C) *fiscal capacity; and*

2 (D) *plans to maintain the facilities repaired or*
 3 *renovated under the grant.*

4 (2) *The Federal share of the cost of each project assisted*
 5 *by funds made available under subsection (a)(2) shall be*
 6 *determined based on the percentage of the local educational*
 7 *agency’s attendance that is comprised of children 5 to 17*
 8 *years of age, inclusive, who are from families with incomes*
 9 *below the poverty line (as defined by the Office of Manage-*
 10 *ment and Budget and revised annually in accordance with*
 11 *section 673(2) of the Community Services Block Grant Act*
 12 *(42 U.S.C. 9902(2)) applicable to a family of the size in-*
 13 *volved for the most recent fiscal year for which data satis-*
 14 *factory to the Secretary are available:*

<i>If the percentage is:</i>	<i>Then the Federal share shall be:</i>
40 percent or greater	100 percent
30–39.99 percent	90 percent
20–29.99 percent	80 percent
10–19.99 percent	70 percent
less than 10 percent	60 percent.

15 (3) *If, after providing an opportunity to the public*
 16 *and all local educational agencies in the State to comment,*
 17 *consistent with any applicable State and local law speci-*
 18 *fying how the comments may be received and how the com-*
 19 *ments may be reviewed by any member of the public, the*
 20 *State entity demonstrates that the amount of the State’s al-*
 21 *location exceeds the amount needed to address the needs of*

1 *the local educational agencies in the State for school repair*
2 *and renovation under this section—*

3 (A) *the State entity shall transfer any excess*
4 *portion of that allocation to the State educational*
5 *agency; and*

6 (B) *the State educational agency shall allocate*
7 *100 percent of those excess funds received under sub-*
8 *section (a) in accordance with section 5312 of the Ele-*
9 *mentary and Secondary Education Act of 1965 as*
10 *amended by H.R. 1 as passed the Senate on June 14,*
11 *2001 for activities authorized under section 5331 of*
12 *the Elementary and Secondary Education Act of*
13 *1965 as amended by H.R. 1 as passed the Senate on*
14 *June 14, 2001 to be determined by each such local*
15 *educational agency as part of a local strategy for im-*
16 *proving academic achievement.*

17 (c) *If a local educational agency uses funds for urgent*
18 *school renovation, then the following provisions shall*
19 *apply—*

20 (1) *Urgent school renovation shall be limited to*
21 *one or more of the following—*

22 (A) *school facilities modifications necessary*
23 *to render school facilities accessible in order to*
24 *comply with the Americans With Disabilities*
25 *Act;*

1 (B) school facilities modifications necessary
2 to render school facilities accessible in order to
3 comply with section 504 of the Rehabilitation
4 Act;

5 (C) asbestos abatement or removal from
6 school facilities;

7 (D) emergency renovations or repairs to the
8 school facilities only to ensure the health and
9 safety of students and staff; and

10 (E) security upgrades.

11 (2) no funds received under this section for ur-
12 gent school renovation may be used for—

13 (A) payment of maintenance costs in con-
14 nection with any projects constructed in whole or
15 part with Federal funds provided under this sec-
16 tion; or

17 (B) stadiums or other facilities primarily
18 used for athletic contests or exhibitions or other
19 events for which admission is charged to the gen-
20 eral public.

21 SEC. 306. (a) FINDINGS.—Congress makes the fol-
22 lowing findings:

23 (1) The number of students applying for loans
24 and claiming to attend foreign institutions has risen

1 *from 4,594 students in 1993 to over 12,000 students*
2 *in the 1998–1999 school year.*

3 (2) *Since 1995 there have been at least 25 con-*
4 *victions of students who fraudulently claimed they*
5 *were attending a foreign institution, then cashed the*
6 *check issued directly to them, and did not attend the*
7 *foreign institution.*

8 (3) *Tighter disbursement controls are necessary*
9 *to reduce the number of students fraudulently apply-*
10 *ing for loans under title IV of the Higher Education*
11 *Act of 1965 and claiming they are going to attend*
12 *foreign institutions. Funds should not be disbursed for*
13 *attendance at a foreign institution unless the foreign*
14 *institution can verify that the student is attending*
15 *the institution.*

16 (b) *STUDY AND REPORT.—*

17 (1) *STUDY.—The Comptroller General shall con-*
18 *duct a study regarding—*

19 (A) *Federal student loan disbursements to*
20 *students attending foreign schools; and*

21 (B) *fraud, waste, and abuse in the Federal*
22 *Family Education Loan Program as the fraud,*
23 *waste, and abuse relates to students receiving*
24 *funding in order to attend a foreign school.*

1 (2) *REPORT.*—*The Comptroller General shall re-*
2 *port to Congress regarding the results of the study.*

3 (3) *REPORT CONTENTS.*—*The report described in*
4 *paragraph (2) shall—*

5 (A) *include information on whether or not*
6 *there are standards that a foreign school must*
7 *meet for an American student to attend and re-*
8 *ceive a federally guaranteed student loan;*

9 (B) *compare the oversight controls for loans*
10 *dispensed to students attending foreign schools*
11 *and domestic institutions;*

12 (C) *examine the default rates at foreign*
13 *schools that enroll American students receiving*
14 *federally guaranteed student loans and determine*
15 *the number of students that are receiving loans*
16 *in multiple years; and*

17 (D) *make recommendations for legislative*
18 *changes that are required to ensure the integrity*
19 *of the Federal Family Education Loan Program.*

20 *SEC. 307. The requirement of section 415C(b)(8) of the*
21 *Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)(8))*
22 *shall not apply to a State program during fiscal year 2001*
23 *and the State expenditures under the State program for fis-*
24 *cal year 2001 shall be disregarded in calculating the main-*
25 *tenance of effort requirement under that section for each of*

1 *the fiscal years 2002 through 2004, if the State dem-*
2 *onstrates, to the satisfaction of the Secretary of Education,*
3 *that it—*

4 (1) *allocated all of the funds that the State ap-*
5 *propriated in fiscal year 2001 for need-based scholar-*
6 *ship, grant, and work study assistance to the pro-*
7 *grams described in subpart 4 of part A of title IV of*
8 *the Higher Education Act of 1965 (20 U.S.C. 1070c*
9 *et seq.); and*

10 (2) *did not participate in the program described*
11 *in section 415E of the Higher Education Act of 1965*
12 *(20 U.S.C. 1070c-3a) in fiscal year 2001.*

13 *This title may be cited as the “Department of Edu-*
14 *cation Appropriations Act, 2002”.*

15 **TITLE IV—RELATED AGENCIES**

16 **ARMED FORCES RETIREMENT HOME**

17 *For expenses necessary for the Armed Forces Retire-*
18 *ment Home to operate and maintain the United States Sol-*
19 *diers’ and Airmen’s Home and the United States Naval*
20 *Home, to be paid from funds available in the Armed Forces*
21 *Retirement Home Trust Fund, \$71,440,000, of which*
22 *\$9,812,000 shall remain available until expended for con-*
23 *struction and renovation of the physical plants at the*
24 *United States Soldiers’ and Airmen’s Home and the United*
25 *States Naval Home: Provided, That, notwithstanding any*

1 *other provision of law, a single contract or related contracts*
2 *for development and construction, to include construction*
3 *of a long-term care facility at the United States Naval*
4 *Home, may be employed which collectively include the full*
5 *scope of the project: Provided further, That the solicitation*
6 *and contract shall contain the clause “availability of funds”*
7 *found at 48 CFR 52.232–18 and 252.232–7007, Limitation*
8 *of Government Obligations.*

9 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*
10 *DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING*
11 *EXPENSES*

12 *For expenses necessary for the Corporation for Na-*
13 *tional and Community Service to carry out the provisions*
14 *of the Domestic Volunteer Service Act of 1973, as amended,*
15 *\$321,276,000: Provided, That none of the funds made avail-*
16 *able to the Corporation for National and Community Serv-*
17 *ice in this Act for activities authorized by part E of title*
18 *II of the Domestic Volunteer Service Act of 1973 shall be*
19 *used to provide stipends or other monetary incentives to vol-*
20 *unteers or volunteer leaders whose incomes exceed 125 per-*
21 *cent of the national poverty level.*

22 *CORPORATION FOR PUBLIC BROADCASTING*

23 *For payment to the Corporation for Public Broad-*
24 *casting, as authorized by the Communications Act of 1934,*
25 *an amount which shall be available within limitations spec-*

1 *ified by that Act, for the fiscal year 2004, \$395,000,000:*
2 *Provided, That no funds made available to the Corporation*
3 *for Public Broadcasting by this Act shall be used to pay*
4 *for receptions, parties, or similar forms of entertainment*
5 *for Government officials or employees: Provided further,*
6 *That none of the funds contained in this paragraph shall*
7 *be available or used to aid or support any program or activ-*
8 *ity from which any person is excluded, or is denied benefits,*
9 *or is discriminated against, on the basis of race, color, na-*
10 *tional origin, religion, or sex: Provided further, That in ad-*
11 *dition to the amounts provided above, \$25,000,000, for costs*
12 *related to digital program production, development, and*
13 *distribution, associated with the transition of public broad-*
14 *casting to digital broadcasting, to be awarded as deter-*
15 *mined by the Corporation in consultation with public radio*
16 *and television licensees or permittees, or their designated*
17 *representatives.*

18 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the Federal Mediation and*
21 *Conciliation Service to carry out the functions vested in*
22 *it by the Labor Management Relations Act, 1947 (29 U.S.C.*
23 *171–180, 182–183), including hire of passenger motor vehi-*
24 *cles; for expenses necessary for the Labor-Management Co-*
25 *operation Act of 1978 (29 U.S.C. 175a); and for expenses*

1 *necessary for the Service to carry out the functions vested*
2 *in it by the Civil Service Reform Act, Public Law 95-454*
3 *(5 U.S.C. ch. 71), \$40,482,000, including \$1,500,000, to re-*
4 *main available through September 30, 2003, for activities*
5 *authorized by the Labor-Management Cooperation Act of*
6 *1978 (29 U.S.C. 175a): Provided, That notwithstanding 31*
7 *U.S.C. 3302, fees charged, up to full-cost recovery, for spe-*
8 *cial training activities and other conflict resolution services*
9 *and technical assistance, including those provided to foreign*
10 *governments and international organizations, and for arbi-*
11 *tration services shall be credited to and merged with this*
12 *account, and shall remain available until expended: Pro-*
13 *vided further, That fees for arbitration services shall be*
14 *available only for education, training, and professional de-*
15 *velopment of the agency workforce: Provided further, That*
16 *the Director of the Service is authorized to accept and use*
17 *on behalf of the United States gifts of services and real, per-*
18 *sonal, or other property in the aid of any projects or func-*
19 *tions within the Director's jurisdiction.*

20 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

21 *COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the Federal Mine Safety*
24 *and Health Review Commission (30 U.S.C. 801 et seq.),*
25 *\$6,939,000.*

1 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*2 *OFFICE OF LIBRARY SERVICES: GRANTS AND*3 *ADMINISTRATION*

4 *For carrying out subtitle B of the Museum and Li-*
5 *brary Services Act, \$168,078,000, of which \$11,081,000*
6 *shall be for projects authorized by section 262 of such Act,*
7 *notwithstanding section 221(a)(1)(B).*

8 *MEDICARE PAYMENT ADVISORY COMMISSION*9 *SALARIES AND EXPENSES*

10 *For expenses necessary to carry out section 1805 of the*
11 *Social Security Act, \$8,500,000, to be transferred to this*
12 *appropriation from the Federal Hospital Insurance and the*
13 *Federal Supplementary Medical Insurance Trust Funds.*

14 *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*15 *SCIENCE*16 *SALARIES AND EXPENSES*

17 *For necessary expenses for the National Commission*
18 *on Libraries and Information Science, established by the*
19 *Act of July 20, 1970 (Public Law 91-345, as amended),*
20 *\$1,495,000.*

21 *NATIONAL COUNCIL ON DISABILITY*22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the National Council on*
24 *Disability as authorized by title IV of the Rehabilitation*
25 *Act of 1973, as amended, \$2,830,000.*

1 *NATIONAL EDUCATION GOALS PANEL*

2 *For expenses necessary for the National Education*
3 *Goals Panel, as authorized by title II, part A of the Goals*
4 *2000: Educate America Act, \$2,000,000.*

5 *NATIONAL LABOR RELATIONS BOARD*6 *SALARIES AND EXPENSES*

7 *For expenses necessary for the National Labor Rela-*
8 *tions Board to carry out the functions vested in it by the*
9 *Labor-Management Relations Act, 1947, as amended (29*
10 *U.S.C. 141–167), and other laws, \$226,438,000: Provided,*
11 *That no part of this appropriation shall be available to or-*
12 *ganize or assist in organizing agricultural laborers or used*
13 *in connection with investigations, hearings, directives, or*
14 *orders concerning bargaining units composed of agricul-*
15 *tural laborers as referred to in section 2(3) of the Act of*
16 *July 5, 1935 (29 U.S.C. 152), and as amended by the*
17 *Labor-Management Relations Act, 1947, as amended, and*
18 *as defined in section 3(f) of the Act of June 25, 1938 (29*
19 *U.S.C. 203), and including in said definition employees en-*
20 *gaged in the maintenance and operation of ditches, canals,*
21 *reservoirs, and waterways when maintained or operated on*
22 *a mutual, nonprofit basis and at least 95 percent of the*
23 *water stored or supplied thereby is used for farming pur-*
24 *poses.*

1 *NATIONAL MEDIATION BOARD*2 *SALARIES AND EXPENSES*

3 *For expenses necessary to carry out the provisions of*
4 *the Railway Labor Act, as amended (45 U.S.C. 151–188),*
5 *including emergency boards appointed by the President,*
6 *\$10,635,000.*

7 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*8 *COMMISSION*9 *SALARIES AND EXPENSES*

10 *For expenses necessary for the Occupational Safety*
11 *and Health Review Commission (29 U.S.C. 661),*
12 *\$8,964,000.*

13 *RAILROAD RETIREMENT BOARD*14 *DUAL BENEFITS PAYMENTS ACCOUNT*

15 *For payment to the Dual Benefits Payments Account,*
16 *authorized under section 15(d) of the Railroad Retirement*
17 *Act of 1974, \$146,000,000, which shall include amounts be-*
18 *coming available in fiscal year 2002 pursuant to section*
19 *224(c)(1)(B) of Public Law 98–76; and in addition, an*
20 *amount, not to exceed 2 percent of the amount provided*
21 *herein, shall be available proportional to the amount by*
22 *which the product of recipients and the average benefit re-*
23 *ceived exceeds \$146,000,000: Provided, That the total*
24 *amount provided herein shall be credited in 12 approxi-*

1 *mately equal amounts on the first day of each month in*
2 *the fiscal year.*

3 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

4 *ACCOUNTS*

5 *For payment to the accounts established in the Treas-*
6 *ury for the payment of benefits under the Railroad Retire-*
7 *ment Act for interest earned on unnegotiated checks,*
8 *\$150,000, to remain available through September 30, 2003,*
9 *which shall be the maximum amount available for payment*
10 *pursuant to section 417 of Public Law 98–76.*

11 *LIMITATION ON ADMINISTRATION*

12 *For necessary expenses for the Railroad Retirement*
13 *Board for administration of the Railroad Retirement Act*
14 *and the Railroad Unemployment Insurance Act,*
15 *\$97,700,000, to be derived in such amounts as determined*
16 *by the Board from the railroad retirement accounts and*
17 *from moneys credited to the railroad unemployment insur-*
18 *ance administration fund.*

19 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

20 *For expenses necessary for the Office of Inspector Gen-*
21 *eral for audit, investigatory and review activities, as au-*
22 *thorized by the Inspector General Act of 1978, as amended,*
23 *not more than \$6,480,000, to be derived from the railroad*
24 *retirement accounts and railroad unemployment insurance*
25 *account: Provided, That none of the funds made available*
26 *in any other paragraph of this Act may be transferred to*

1 *the Office; used to carry out any such transfer; used to pro-*
2 *vide any office space, equipment, office supplies, commu-*
3 *nications facilities or services, maintenance services, or ad-*
4 *ministrative services for the Office; used to pay any salary,*
5 *benefit, or award for any personnel of the Office; used to*
6 *pay any other operating expense of the Office; or used to*
7 *reimburse the Office for any service provided, or expense*
8 *incurred, by the Office: Provided further, That funds made*
9 *available under the heading in this Act, or subsequent De-*
10 *partments of Labor, Health and Human Services, and Edu-*
11 *cation, and Related Agencies Appropriations Act, may be*
12 *used for any audit, investigation, or review of the Medicare*
13 *program.*

14 *SOCIAL SECURITY ADMINISTRATION*

15 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

16 *For payment to the Federal Old-Age and Survivors In-*
17 *surance and the Federal Disability Insurance trust funds,*
18 *as provided under sections 201(m), 217(g), 228(g), and*
19 *1131(b)(2) of the Social Security Act, \$434,400,000.*

20 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

21 *For carrying out title IV of the Federal Mine Safety*
22 *and Health Act of 1977, \$332,840,000, to remain available*
23 *until expended.*

24 *For making, after July 31 of the current fiscal year,*
25 *benefit payments to individuals under title IV of the Fed-*
26 *eral Mine Safety and Health Act of 1977, for costs incurred*

1 *in the current fiscal year, such amounts as may be nec-*
2 *essary.*

3 *For making benefit payments under title IV of the Fed-*
4 *eral Mine Safety and Health Act of 1977 for the first quar-*
5 *ter of fiscal year 2003, \$108,000,000, to remain available*
6 *until expended.*

7 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

8 *For carrying out titles XI and XVI of the Social Secu-*
9 *rity Act, section 401 of Public Law 92–603, section 212*
10 *of Public Law 93–66, as amended, and section 405 of Public*
11 *Law 95–216, including payment to the Social Security*
12 *trust funds for administrative expenses incurred pursuant*
13 *to section 201(g)(1) of the Social Security Act,*
14 *\$21,277,412,000, to remain available until expended: Pro-*
15 *vided, That any portion of the funds provided to a State*
16 *in the current fiscal year and not obligated by the State*
17 *during that year shall be returned to the Treasury.*

18 *In addition, \$200,000,000, to remain available until*
19 *September 30, 2003, for payment to the Social Security*
20 *trust funds for administrative expenses for continuing dis-*
21 *ability reviews as authorized by section 103 of Public Law*
22 *104–121 and section 10203 of Public Law 105–33. The term*
23 *“continuing disability reviews” means reviews and redeter-*
24 *minations as defined under section 201(g)(1)(A) of the So-*
25 *cial Security Act, as amended.*

1 *For making, after June 15 of the current fiscal year,*
2 *benefit payments to individuals under title XVI of the So-*
3 *cial Security Act, for unanticipated costs incurred for the*
4 *current fiscal year, such sums as may be necessary.*

5 *For making benefit payments under title XVI of the*
6 *Social Security Act for the first quarter of fiscal year 2003,*
7 *\$10,790,000,000, to remain available until expended.*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES*

9 *For necessary expenses, including the hire of two pas-*
10 *senger motor vehicles, and not to exceed \$35,000 for official*
11 *reception and representation expenses, not more than*
12 *\$7,035,000,000 may be expended, as authorized by section*
13 *201(g)(1) of the Social Security Act, from any one or all*
14 *of the trust funds referred to therein: Provided, That not*
15 *less than \$1,800,000 shall be for the Social Security Advi-*
16 *sory Board: Provided further, That unobligated balances at*
17 *the end of fiscal year 2002 not needed for fiscal year 2002*
18 *shall remain available until expended to invest in the So-*
19 *cial Security Administration information technology and*
20 *telecommunications hardware and software infrastructure,*
21 *including related equipment and non-payroll administra-*
22 *tive expenses associated solely with this information tech-*
23 *nology and telecommunications infrastructure: Provided*
24 *further, That reimbursement to the trust funds under this*
25 *heading for expenditures for official time for employees of*
26 *the Social Security Administration pursuant to section*

1 7131 of title 5, United States Code, and for facilities or
2 support services for labor organizations pursuant to poli-
3 cies, regulations, or procedures referred to in section
4 7135(b) of such title shall be made by the Secretary of the
5 Treasury, with interest, from amounts in the general fund
6 not otherwise appropriated, as soon as possible after such
7 expenditures are made.

8 From funds provided under the first paragraph, not
9 less than \$200,000,000 shall be available for conducting
10 continuing disability reviews.

11 In addition to funding already available under this
12 heading, and subject to the same terms and conditions,
13 \$433,000,000, to remain available until September 30,
14 2003, for continuing disability reviews as authorized by sec-
15 tion 103 of Public Law 104–121 and section 10203 of Pub-
16 lic Law 105–33. The term “continuing disability reviews”
17 means reviews and redeterminations as defined under sec-
18 tion 201(g)(1)(A) of the Social Security Act, as amended.

19 In addition, \$100,000,000 to be derived from adminis-
20 tration fees in excess of \$5.00 per supplementary payment
21 collected pursuant to section 1616(d) of the Social Security
22 Act or section 212(b)(3) of Public Law 93–66, which shall
23 remain available until expended. To the extent that the
24 amounts collected pursuant to such section 1616(d) or
25 212(b)(3) in fiscal year 2002 exceed \$100,000,000, the

1 *amounts shall be available in fiscal year 2003 only to the*
2 *extent provided in advance in appropriations Acts.*

3 *From funds previously appropriated for this purpose,*
4 *any unobligated balances at the end of fiscal year 2001 shall*
5 *be available to continue Federal-State partnerships which*
6 *will evaluate means to promote Medicare buy-in programs*
7 *targeted to elderly and disabled individuals under titles*
8 *XVIII and XIX of the Social Security Act.*

9 *OFFICE OF INSPECTOR GENERAL*
10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For expenses necessary for the Office of Inspector Gen-*
12 *eral in carrying out the provisions of the Inspector General*
13 *Act of 1978, as amended, \$19,000,000, together with not to*
14 *exceed \$56,000,000, to be transferred and expended as au-*
15 *thorized by section 201(g)(1) of the Social Security Act from*
16 *the Federal Old-Age and Survivors Insurance Trust Fund*
17 *and the Federal Disability Insurance Trust Fund.*

18 *In addition, an amount not to exceed 3 percent of the*
19 *total provided in this appropriation may be transferred*
20 *from the "Limitation on Administrative Expenses", Social*
21 *Security Administration, to be merged with this account,*
22 *to be available for the time and purposes for which this*
23 *account is available: Provided, That notice of such transfers*
24 *shall be transmitted promptly to the Committees on Appro-*
25 *priations of the House and Senate.*

1 *UNITED STATES INSTITUTE OF PEACE*
2 *OPERATING EXPENSES*

3 *For necessary expenses of the United States Institute*
4 *of Peace as authorized in the United States Institute of*
5 *Peace Act, \$15,207,000.*

6 *TITLE V—GENERAL PROVISIONS*

7 *SEC. 501. The Secretaries of Labor, Health and*
8 *Human Services, and Education are authorized to transfer*
9 *unexpended balances of prior appropriations to accounts*
10 *corresponding to current appropriations provided in this*
11 *Act: Provided, That such transferred balances are used for*
12 *the same purpose, and for the same periods of time, for*
13 *which they were originally appropriated.*

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

17 *SEC. 503. (a) No part of any appropriation contained*
18 *in this Act shall be used, other than for normal and recog-*
19 *nized executive-legislative relationships, for publicity or*
20 *propaganda purposes, for the preparation, distribution, or*
21 *use of any kit, pamphlet, booklet, publication, radio, tele-*
22 *vision, or video presentation designed to support or defeat*
23 *legislation pending before the Congress or any State legisla-*
24 *ture, except in presentation to the Congress or any State*
25 *legislature itself.*

1 (b) *No part of any appropriation contained in this*
2 *Act shall be used to pay the salary or expenses of any grant*
3 *or contract recipient, or agent acting for such recipient, re-*
4 *lated to any activity designed to influence legislation or ap-*
5 *propriations pending before the Congress or any State legis-*
6 *lature.*

7 *SEC. 504. The Secretaries of Labor and Education are*
8 *authorized to make available not to exceed \$20,000 and*
9 *\$15,000, respectively, from funds available for salaries and*
10 *expenses under titles I and III, respectively, for official re-*
11 *ception and representation expenses; the Director of the*
12 *Federal Mediation and Conciliation Service is authorized*
13 *to make available for official reception and representation*
14 *expenses not to exceed \$2,500 from the funds available for*
15 *“Salaries and expenses, Federal Mediation and Concilia-*
16 *tion Service”;* and the Chairman of the National Mediation
17 Board is authorized to make available for official reception
18 and representation expenses not to exceed \$2,500 from funds
19 available for “Salaries and expenses, National Mediation
20 Board”.

21 *SEC. 505. Notwithstanding any other provision of this*
22 *Act, no funds appropriated under this Act shall be used to*
23 *carry out any program of distributing sterile needles or sy-*
24 *ringes for the hypodermic injection of any illegal drug un-*
25 *less the Secretary of Health and Human Services deter-*

1 *mines that such programs are effective in preventing the*
2 *spread of HIV and do not encourage the use of illegal drugs.*

3 *SEC. 506. (a) It is the sense of the Congress that, to*
4 *the greatest extent practicable, all equipment and products*
5 *purchased with funds made available in this Act should be*
6 *American-made.*

7 *(b) In providing financial assistance to, or entering*
8 *into any contract with, any entity using funds made avail-*
9 *able in this Act, the head of each Federal agency, to the*
10 *greatest extent practicable, shall provide to such entity a*
11 *notice describing the statement made in subsection (a) by*
12 *the Congress.*

13 *(c) If it has been finally determined by a court or Fed-*
14 *eral agency that any person intentionally affixed a label*
15 *bearing a “Made in America” inscription, or any inscrip-*
16 *tion with the same meaning, to any product sold in or*
17 *shipped to the United States that is not made in the United*
18 *States, the person shall be ineligible to receive any contract*
19 *or subcontract made with funds made available in this Act,*
20 *pursuant to the debarment, suspension, and ineligibility*
21 *procedures described in sections 9.400 through 9.409 of title*
22 *48, Code of Federal Regulations.*

23 *SEC. 507. When issuing statements, press releases, re-*
24 *quests for proposals, bid solicitations and other documents*
25 *describing projects or programs funded in whole or in part*

1 *with Federal money, all grantees receiving Federal funds*
2 *included in this Act, including but not limited to State and*
3 *local governments and recipients of Federal research grants,*
4 *shall clearly state: (1) the percentage of the total costs of*
5 *the program or project which will be financed with Federal*
6 *money; (2) the dollar amount of Federal funds for the*
7 *project or program; and (3) percentage and dollar amount*
8 *of the total costs of the project or program that will be fi-*
9 *nanced by non-governmental sources.*

10 *SEC. 508. (a) None of the funds appropriated under*
11 *this Act, and none of the funds in any trust fund to which*
12 *funds are appropriated under this Act, shall be expended*
13 *for any abortion.*

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

18 *(c) The term “health benefits coverage” means the*
19 *package of services covered by a managed care provider or*
20 *organization pursuant to a contract or other arrangement.*

21 *SEC. 509. (a) The limitations established in the pre-*
22 *ceding section shall not apply to an abortion—*

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

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

7 (b) *Nothing in the preceding section shall be construed*
8 *as prohibiting the expenditure by a State, locality, entity,*
9 *or private person of State, local, or private funds (other*
10 *than a State's or locality's contribution of Medicaid match-*
11 *ing funds).*

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

18 SEC. 510. (a) *None of the funds made available in this*
19 *Act may be used for—*

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

22 (2) *research in which a human embryo or em-*
23 *bryos are destroyed, discarded, or knowingly subjected*
24 *to risk of injury or death greater than that allowed*
25 *for research on fetuses in utero under 45 CFR*

1 46.208(a)(2) and section 498(b) of the Public Health
2 Service Act (42 U.S.C. 289g(b)).

3 (b) For purposes of this section, the term “human em-
4 bryo or embryos” includes any organism, not protected as
5 a human subject under 45 CFR 46 as of the date of the
6 enactment of this Act, that is derived by fertilization, par-
7 thenogenesis, cloning, or any other means from one or more
8 human gametes or human diploid cells.

9 SEC. 511. (a) None of the funds made available in this
10 Act may be used for any activity that promotes the legaliza-
11 tion of any drug or other substance included in schedule
12 I of the schedules of controlled substances established by sec-
13 tion 202 of the Controlled Substances Act (21 U.S.C. 812).

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

19 SEC. 512. None of the funds made available in this
20 Act may be obligated or expended to enter into or renew
21 a contract with an entity if—

22 (1) such entity is otherwise a contractor with the
23 United States and is subject to the requirement in
24 section 4212(d) of title 38, United States Code, re-
25 garding submission of an annual report to the Sec-

1 *retary of Labor concerning employment of certain vet-*
2 *erans; and*

3 *(2) such entity has not submitted a report as re-*
4 *quired by that section for the most recent year for*
5 *which such requirement was applicable to such entity.*

6 *SEC. 513. None of the funds made available in this*
7 *Act may be used to promulgate or adopt any final standard*
8 *under section 1173(b) of the Social Security Act (42 U.S.C.*
9 *1320d-2(b)) providing for, or providing for the assignment*
10 *of, a unique health identifier for an individual (except in*
11 *an individual's capacity as an employer or a health care*
12 *provider), until legislation is enacted specifically approving*
13 *the standard.*

14 *SEC. 514. None of the funds in this Act for the Depart-*
15 *ments of Labor, Health and Human Services, and Edu-*
16 *cation may be used to make a grant unless the House and*
17 *Senate Committees on Appropriations are notified not less*
18 *than three full business days before any discretionary grant*
19 *awards or cooperative agreement, totaling \$500,000 or more*
20 *is announced by these departments from any discretionary*
21 *grant program other than emergency relief programs: Pro-*
22 *vided, That no notification shall involve funds that are not*
23 *available for obligation.*

1 *SEC. 515. Section 102 of the Secure Rural Schools and*
2 *Community Self-Determination Act of 2000 (16 U.S.C. 500*
3 *note) is amended by adding at the end the following:*

4 “(f) *STATE CONTRIBUTIONS.—*

5 “(1) *SUPPLEMENT, NOT SUPPLANT.—*

6 “(A) *IN GENERAL.—Effective October 1,*
7 *2002, the portion of the funds made available to*
8 *a State to carry out this section for a fiscal year*
9 *that exceeds the baseline funding for the State*
10 *shall be used to supplement and not supplant*
11 *State (including local) public funds expended to*
12 *provide free public education.*

13 “(B) *DEFINITIONS.—In this paragraph:*

14 “(i) *BASELINE FUNDING.—The term*
15 *‘baseline funding’, used with respect to a*
16 *State, means the funds made available to*
17 *the State to carry out this section for fiscal*
18 *year 2000, increased or decreased by the*
19 *same percentage as the percentage by which*
20 *the Consumer Price Index for All Urban*
21 *Consumers (United States city average),*
22 *published by the Secretary of Labor, has in-*
23 *creased or decreased by June of the pre-*
24 *ceding fiscal year from such Index for June*
25 *2000.*

1 “(i) *FREE PUBLIC EDUCATION.*—*The*
2 *term ‘free public education’ has the mean-*
3 *ing given the term in section 14101 of the*
4 *Elementary and Secondary Education Act*
5 *of 1965 (20 U.S.C. 8801).*

6 “(2) *MAINTENANCE OF EFFORT.*—

7 “(A) *IN GENERAL.*—*Effective October 1,*
8 *2002, a State may receive funds under this sec-*
9 *tion for a fiscal year only if the Secretary of*
10 *Education finds that the aggregate expenditure*
11 *of the State with respect to the provision of free*
12 *public education by such State for the preceding*
13 *fiscal year was not less than 100 percent of the*
14 *baseline expenditure for the State.*

15 “(B) *USE OF FUNDS.*—*If a State fails to re-*
16 *ceive funds under this section for a fiscal year in*
17 *accordance with subparagraph (A), the Secretary*
18 *of the Treasury shall use the funds to make pay-*
19 *ments to the other States, in proportion to the*
20 *amounts already received by the other States*
21 *under this section for the fiscal year.*

22 “(C) *WAIVER.*—*The Secretary of the Treas-*
23 *ury may waive the requirements of this para-*
24 *graph if the Secretary determines that such a*
25 *waiver would be equitable due to—*

1 “(i) *exceptional or uncontrollable cir-*
2 *cumstances such as a natural disaster; or*

3 “(ii) *a precipitous decline in the fi-*
4 *nancial resources of the State.*

5 “(D) *DEFINITIONS.—In this paragraph:*

6 “(i) *AGGREGATE EXPENDITURE.—The*
7 *term ‘aggregate expenditure’, used with re-*
8 *spect to a State, shall not include any funds*
9 *received by the State under this Act.*

10 “(ii) *BASELINE EXPENDITURE.—The*
11 *term ‘baseline expenditure’, used with re-*
12 *spect to a State, means the aggregate ex-*
13 *penditure of the State with respect to the*
14 *provision of free public education by such*
15 *State for fiscal year 2000, increased or de-*
16 *creased by the same percentage as the per-*
17 *centage by which the Consumer Price Index*
18 *for All Urban Consumers (United States*
19 *city average), published by the Secretary of*
20 *Labor, has increased or decreased by June*
21 *of the preceding fiscal year from such Index*
22 *for June 2000.*

23 “(iii) *FREE PUBLIC EDUCATION.—The*
24 *term ‘free public education’ has the mean-*
25 *ing given the term in paragraph (1).”.*

1 *SEC. 516. (a) FINDINGS.—The Senate finds the fol-*
2 *lowing:*

3 (1) *The Low-Income Home Energy Assistance*
4 *Program (referred to in this section as “LIHEAP”)*
5 *is the primary Federal program available to help*
6 *low-income households, the elderly, and individuals*
7 *with disabilities pay their home energy bills.*

8 (2) *Congress provided \$300,000,000 in emer-*
9 *gency funding for LIHEAP in the Supplemental Ap-*
10 *propriations Act, 2001 because regular appropria-*
11 *tions were insufficient to help States offset the in-*
12 *crease in high utility bills during the winter of 2000–*
13 *2001.*

14 (3) *Congress expected that half of the emergency*
15 *funding would be made available for targeted assist-*
16 *ance to States with the most critical needs, and half*
17 *would be given to help States address unmet energy*
18 *assistance needs resulting from the extraordinary*
19 *price increases in home heating fuels and residential*
20 *natural gas, experienced during the winter of 2000–*
21 *2001.*

22 (4) *In the winter of 2000–2001, there was a 30*
23 *percent increase in households receiving LIHEAP as-*
24 *sistance in large part due to the high price of home*
25 *energy and severe weather.*

1 (5) *In the winter of 2000–2001, the LIHEAP*
2 *program was only able to serve 17 percent of the*
3 *29,000,000 households eligible for LIHEAP assist-*
4 *ance.*

5 (6) *In the winter of 2000–2001—*

6 (A) *heating oil prices were 36 percent high-*
7 *er than in the winter of 1999–2000, and residen-*
8 *tial natural gas cost 42 percent more per cubic*
9 *foot than in the winter of 1999–2000; and*

10 (B) *the weather was 10 percent colder than*
11 *in the winter of 1999–2000.*

12 (7) *In the winter of 2000–2001, record cold*
13 *weather and high home energy bills took a financial*
14 *toll on low-income families and the elderly who spend,*
15 *on average, 19.5 percent of their annual income on*
16 *energy bills, as compared to 3.7 percent for all other*
17 *households.*

18 (8) *Families in the United States need emer-*
19 *gency LIHEAP funding to pay home energy bills*
20 *from the winter of 2000–2001 and restore heat as the*
21 *succeeding winter approaches.*

22 (9) *More citizens will need LIHEAP assistance*
23 *in fiscal year 2002 due to the recent increase in un-*
24 *employment and the slowing economy.*

1 (10) *States are being forced to draw down fiscal*
2 *year 2002 LIHEAP funds in order to address unmet*
3 *needs from fiscal year 2001 and help low-income*
4 *households pay overdue home energy bills.*

5 (11) *Emergency LIHEAP funding will provide*
6 *States with critical resources to help provide assist-*
7 *ance to residents.*

8 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
9 *ate that the President should immediately release the*
10 *\$300,000,000 in emergency funding for LIHEAP provided*
11 *by the Supplemental Appropriations Act, 2001.*

12 *SEC. 517. (a) Section 10 of the Native Hawaiian*
13 *Health Care Improvement Act (42 U.S.C. 11709) is*
14 *amended—*

15 (1) *in subsection (a) in the matter preceding*
16 *paragraph (1), by striking “Kamehameha School/*
17 *Bishop Estate” and inserting “Papa Ola Lokahi”;*
18 *and*

19 (2) *in subsection (b)(1)(C), by striking “Kame-*
20 *hameha School/Bishop Estate” and inserting “Papa*
21 *Ola Lokahi”.*

22 (b) *Section 338K(a) of the Public Health Service*
23 *Act (42 U.S.C. 254s(a)) is amended by striking “Ka-*
24 *mehameha School/Bishop Estate” and inserting*
25 *“Papa Ola Lokahi”.*

1 *SEC. 518. (a) REPORT.*—Not later than 180 days after
2 *the date of enactment of this Act, the Comptroller General*
3 *of the United States shall submit a report to the Committee*
4 *on Finance and the Committee on Health, Education,*
5 *Labor, and Pensions of the Senate and to the Committee*
6 *on Energy and Commerce and the Committee on Ways and*
7 *Means of the House of Representatives on the matters de-*
8 *scribed in subsection (b) with respect to the administrative*
9 *simplification requirements of the Health Insurance Port-*
10 *ability and Accountability Act of 1996 (Public Law 104-*
11 *191; 110 Stat. 2021) and programs administered by State*
12 *and local units of government.*

13 *(b) MATTERS STUDIES.*—For purposes of subsection
14 *(a), the matters described in this subsection include the fol-*
15 *lowing:*

16 *(1) An assessment of Federal programs adminis-*
17 *tered by State and local units of government, includ-*
18 *ing local educational agencies, explicitly required to*
19 *implement the administrative simplification require-*
20 *ments under provisions of the Health Insurance Port-*
21 *ability and Accountability Act of 1996.*

22 *(2) An assessment of other Federal and non-Fed-*
23 *eral programs administered by State and local units*
24 *of government, including local educational agencies,*
25 *that will be required to implement the administrative*

1 *simplification requirements of the Health Insurance*
2 *Portability and Accountability Act of 1996 in order*
3 *to exchange electronic health data with private sector*
4 *providers and insurers.*

5 *(3) An analysis of the costs that will be incurred*
6 *by State and local units of government, including*
7 *local educational agencies, to implement the adminis-*
8 *trative simplification requirements of the Health In-*
9 *surance Portability and Accountability Act of 1996*
10 *in programs described in paragraph (1) or (2).*

11 *(4) An analysis of Federal resources available to*
12 *units of State and local government, including local*
13 *educational agencies, for implementing the adminis-*
14 *trative simplification requirements of the Health In-*
15 *surance Portability and Accountability Act of 1996*
16 *in programs described in paragraph (1) or (2).*

17 *(5) An assessment of guidance provided to State*
18 *and local units of government, including local edu-*
19 *cational agencies, by the Centers for Medicare and*
20 *Medicaid Services and the Department of Health and*
21 *Human Services on the implementation of the adminis-*
22 *trative simplification requirements of the Health In-*
23 *surance Portability and Accountability Act of 1996*
24 *in programs described in paragraph (1) or (2).*

1 (6) *An assessment of the coordination between*
2 *the Centers for Medicare and Medicaid Services, the*
3 *Department of Health and Human Services, and*
4 *other Federal agencies on the implementation of the*
5 *administrative simplification requirements of the*
6 *Health Insurance Portability and Accountability Act*
7 *of 1996 in Federal programs administered by State*
8 *and local units of government, including local edu-*
9 *cational agencies, in programs described in para-*
10 *graph (1) or (2).*

11 (c) *DEFINITION.—In this section, the term “adminis-*
12 *trative simplification requirements” means all standards*
13 *for transactions, data elements for such transactions,*
14 *unique health identifiers, code sets, security, and privacy*
15 *issued pursuant to sections 262 and 264 of the Health In-*
16 *surance Portability and Accountability Act of 1996.*

17 SEC. 519. (a) *DEFINITION.—In this section the term*
18 *“qualified magistrate judge” means any person who—*

19 (1) *retired as a magistrate judge before Novem-*
20 *ber 15, 1988; and*

21 (2) *on the date of filing an election under sub-*
22 *section (b)—*

23 (A) *is serving as a recalled magistrate judge*
24 *on a full-time basis under section 636(h) of title*
25 *28, United States Code; and*

1 (B) has completed at least 5 years of full-
2 time recall service.

3 (b) *ELECTION OF ANNUITY.*—*The Director of the Ad-*
4 *ministrative Office of the United States Courts may accept*
5 *the election of a qualified magistrate judge to—*

6 (1) *receive an annuity under section 377 of title*
7 *28, United States Code; and*

8 (2) *come within the purview of section 376 of*
9 *such title.*

10 (c) *CREDIT FOR SERVICE.*—*Full-time recall service*
11 *performed by a qualified magistrate judge shall be credited*
12 *for service in calculating an annuity elected under this sec-*
13 *tion.*

14 (d) *REGULATIONS.*—*The Director of the Administra-*
15 *tive Office of the United States Courts may promulgate reg-*
16 *ulations to carry out this section.*

17 *SEC. 520. Nothing in section 134 of H.R. 2217 shall*
18 *be construed to overturn or otherwise effect the decision of*
19 *the U.S. Court of Appeals for the Tenth Circuit in the case*
20 *of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th*
21 *Cir.2001), or to permit gaming under the Indian Gaming*
22 *Regulatory Act on lands described in section 123 of Public*
23 *Law 106–291 or any lands contiguous to such lands that*
24 *have or have not been taken into trust by the Secretary of*
25 *the Interior.*

1 *SEC. 521. Amounts made available under this Act for*
 2 *the administrative and related expenses for departmental*
 3 *management for the Department of Labor, the Department*
 4 *of Health and Human Services, and the Department of*
 5 *Education, shall be reduced on a pro rata basis by*
 6 *\$98,500,000: Provided, That this provision shall not apply*
 7 *to the Food and Drug Administration and the Indian*
 8 *Health Service: Provided further, That not later than 15*
 9 *days after the enactment of this Act, the Director of the Of-*
 10 *fice of Management and Budget shall report to the Senate*
 11 *Committee on Appropriations the accounts subject to the*
 12 *pro rata reductions and the amount to be reduced in each*
 13 *account.*

14 **TITLE VI—EXTENSION OF MARK-**
 15 **TO-MARKET PROGRAM FOR**
 16 **MULTIFAMILY ASSISTED**
 17 **HOUSING**

18 **SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.**

19 (a) *SHORT TITLE.*—*This title may be cited as the*
 20 *“Mark-to-Market Extension Act of 2001”.*

21 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 22 *this title is as follows:*

*TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR
 MULTIFAMILY ASSISTED HOUSING*

Sec. 601. Short title and table of contents.

Sec. 602. Purposes.

Sec. 603. Effective date.

*Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and
Section 8 Contract Renewal*

Sec. 611. Definitions.

Sec. 612. Mark-to-market program amendments.

*Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent
restructurings.*

Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.

Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.

Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.

Sec. 622. Appointment of Director.

Sec. 623. Vacancy in position of Director.

Sec. 624. Oversight by Federal Housing Commissioner.

Sec. 625. Limitation on subsequent employment.

Subtitle C—Miscellaneous Housing Program Amendments

Sec. 631. Extension of CDBG public services cap exception.

Sec. 632. Use of section 8 enhanced vouchers for prepayments.

*Sec. 633. Prepayment and refinancing of loans for section 202 supportive hous-
ing.*

Sec. 634. Technical correction.

1 SEC. 602. PURPOSES.

2 *The purposes of this title are—*

3 *(1) to continue the progress of the Multifamily*
4 *Assisted Housing Reform and Affordability Act of*
5 *1997 (referred to in this section as “that Act”);*

6 *(2) to ensure that properties that undergo mort-*
7 *gage restructurings pursuant to that Act are rehabili-*
8 *tated to a standard that allows the properties to meet*
9 *their long-term affordability requirements;*

10 *(3) to ensure that, for properties that undergo*
11 *mortgage restructurings pursuant to that Act, reserves*
12 *are set at adequate levels to allow the properties to*
13 *meet their long-term affordability requirements;*

1 (4) to ensure that properties that undergo mort-
2 gage restructurings pursuant to that Act are operated
3 efficiently, and that operating expenses are sufficient
4 to ensure the long-term financial and physical integ-
5 rity of the properties;

6 (5) to ensure that properties that undergo rent
7 restructurings have adequate resources to maintain
8 the properties in good condition;

9 (6) to ensure that the Office of Multifamily
10 Housing Assistance Restructuring of the Department
11 of Housing and Urban Development continues to
12 focus on the portfolio of properties eligible for restruc-
13 turing under that Act;

14 (7) to ensure that the Department of Housing
15 and Urban Development carefully tracks the condition
16 of those properties on an ongoing basis;

17 (8) to ensure that tenant groups, nonprofit orga-
18 nizations, and public entities continue to have the re-
19 sources for building the capacity of tenant organiza-
20 tions in furtherance of the purposes of subtitle A of
21 that Act; and

22 (9) to encourage the Office of Multifamily Hous-
23 ing Assistance Restructuring to continue to provide
24 participating administrative entities, including pub-
25 lic participating administrative entities, with the

1 *flexibility to respond to specific problems that indi-*
2 *vidual cases may present, while ensuring consistent*
3 *outcomes around the country.*

4 **SEC. 603. EFFECTIVE DATE.**

5 *Except as provided in sections 616(a)(2), 633(b), and*
6 *634(b), this title and the amendments made by this title*
7 *shall take effect or are deemed to have taken effect, as appro-*
8 *priate, on the earlier of—*

9 *(1) the date of the enactment of this title; or*

10 *(2) September 30, 2001.*

11 **Subtitle A—Multifamily Housing**
12 **Mortgage and Assistance Re-**
13 **structuring and Section 8 Con-**
14 **tract Renewal**

15 **SEC. 611. DEFINITIONS.**

16 *Section 512 of the Multifamily Assisted Housing Re-*
17 *form and Affordability Act of 1997 (42 U.S.C. 1437f note)*
18 *is amended by adding at the end the following new para-*
19 *graph:*

20 *“(19) OFFICE.—The term ‘Office’ means the Of-*
21 *fice of Multifamily Housing Assistance Restructuring*
22 *established under section 571.”.*

23 **SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.**

24 *(a) FUNDING FOR TENANT AND NONPROFIT PARTICI-*
25 *PATION.—Section 514(f)(3)(A) of the Multifamily Assisted*

1 *Housing Reform and Affordability Act of 1997 (42 U.S.C.*
2 *1437f note) is amended—*

3 (1) *by striking “Secretary may provide not more*
4 *than \$10,000,000 annually in funding” and inserting*
5 *“Secretary shall make available not more than*
6 *\$10,000,000 annually in funding, which amount shall*
7 *be in addition to any amounts made available under*
8 *this subparagraph and carried over from previous*
9 *years,”; and*

10 (2) *by striking “entities), and for tenant serv-*
11 *ices,” and inserting “entities), for tenant services, and*
12 *for tenant groups, nonprofit organizations, and public*
13 *entities described in section 517(a)(5),”.*

14 (b) *EXCEPTION RENTS.—Section 514(g)(2)(A) of the*
15 *Multifamily Assisted Housing Reform and Affordability*
16 *Act of 1997 (42 U.S.C. 1437f note) is amended by striking*
17 *“restructured mortgages in any fiscal year” and inserting*
18 *“portfolio restructuring agreements”.*

19 (c) *NOTICE TO DISPLACED TENANTS.—Section 516(d)*
20 *of the Multifamily Assisted Housing Reform and Afford-*
21 *ability Act of 1997 (42 U.S.C. 1437f note) is amended by*
22 *striking “Subject to” and inserting the following:*

23 “(1) *NOTICE TO CERTAIN RESIDENTS.—The Of-*
24 *fice shall notify any tenant that is residing in a*
25 *project or receiving assistance under section 8 of the*

1 *United States Housing Act of 1937 (42 U.S.C. 1437f)*
2 *at the time of rejection under this section, of such re-*
3 *jection, except that the Office may delegate the respon-*
4 *sibility to provide notice under this paragraph to the*
5 *participating administrative entity.*

6 “(2) *ASSISTANCE AND MOVING EXPENSES.*—Sub-
7 *ject to”.*

8 *(d) RESTRUCTURING PLANS FOR TRANSFERS OF PRE-*
9 *PAYMENT PROJECTS.*—*The Multifamily Assisted Housing*
10 *Reform and Affordability Act of 1997 (42 U.S.C. 1437f*
11 *note) is amended—*

12 *(1) in section 524(e), by adding at the end the*
13 *following new paragraph:*

14 “(3) *MORTGAGE RESTRUCTURING AND RENTAL*
15 *ASSISTANCE SUFFICIENCY PLANS.*—*Notwithstanding*
16 *paragraph (1), the owner of the project may request,*
17 *and the Secretary may consider, mortgage restruc-*
18 *turing and rental assistance sufficiency plans to fa-*
19 *cilitate sales or transfers of properties under this sub-*
20 *title, subject to an approved plan of action under the*
21 *Emergency Low Income Housing Preservation Act of*
22 *1987 (12 U.S.C. 1715l note) or the Low-Income Hous-*
23 *ing Preservation and Resident Homeownership Act of*
24 *1990 (12 U.S.C. 4101 et seq.), which plans shall re-*
25 *sult in a sale or transfer of those properties.”; and*

1 (2) *in the last sentence of section 512(2), by in-*
2 *serting “, but does include a project described in sec-*
3 *tion 524(e)(3)” after “section 524(e)”.*

4 (e) *ADDITION OF SIGNIFICANT FEATURES.—Section*
5 *517 of the Multifamily Assisted Housing Reform and Af-*
6 *fordability Act of 1997 (42 U.S.C. 1437f note) is*
7 *amended—*

8 (1) *by striking subsection (c) (except that the*
9 *striking of such subsection may not be construed to*
10 *have any effect on the provisions of law amended by*
11 *such subsection, as such subsection was in effect before*
12 *the date of the enactment of this Act);*

13 (2) *in subsection (b)—*

14 (A) *in paragraph (7), by striking “(7)” and*
15 *inserting “(1)”;* and

16 (B) *by adding at the end the following new*
17 *paragraph:*

18 “(2) *ADDITION OF SIGNIFICANT FEATURES.—*

19 “(A) *AUTHORITY.—An approved mortgage*
20 *restructuring and rental assistance sufficiency*
21 *plan may require the improvement of the project*
22 *by the addition of significant features that are*
23 *not necessary for rehabilitation to the standard*
24 *provided under paragraph (1), such as air con-*
25 *ditioning, an elevator, and additional commu-*

1 *nity space. The Secretary shall establish guide-*
2 *lines regarding the inclusion of requirements re-*
3 *garding such additional significant features*
4 *under such plans.*

5 *“(B) FUNDING.—Significant features added*
6 *pursuant to an approved mortgage restructuring*
7 *and rental assistance sufficiency plan may be*
8 *paid from the funding sources specified in the*
9 *first sentence of paragraph (1)(A).*

10 *“(C) LIMITATION ON OWNER CONTRIBU-*
11 *TION.—An owner of a project may not be re-*
12 *quired to contribute from non-project resources,*
13 *toward the cost of any additional significant fea-*
14 *tures required pursuant to this paragraph, more*
15 *than 25 percent of the amount of any assistance*
16 *received for the inclusion of such features.*

17 *“(D) APPLICABILITY.—This paragraph*
18 *shall apply to all eligible multifamily housing*
19 *projects, except projects for which the Secretary*
20 *and the project owner executed a mortgage re-*
21 *structuring and rental assistance sufficiency*
22 *plan on or before the date of the enactment of the*
23 *Mark-to-Market Extension Act of 2001.”; and*

24 *(3) by inserting after paragraph (6) of sub-*
25 *section (b) the following:*

1 “(c) *REHABILITATION NEEDS AND ADDITION OF SIG-*
2 *NIFICANT FEATURES.—*”.

3 (f) *LOOK-BACK PROJECTS.—*Section 512(2) of the
4 *Multifamily Assisted Housing Reform and Affordability*
5 *Act of 1997 (42 U.S.C. 1437f note)* is amended by adding
6 *after the period at the end of the last sentence the following:*
7 *“Notwithstanding any other provision of this title, the Sec-*
8 *retary may treat a project as an eligible multifamily hous-*
9 *ing project for purposes of this title if (I) the project is as-*
10 *sisted pursuant to a contract for project-based assistance*
11 *under section 8 of the United States Housing Act of 1937*
12 *renewed under section 524 of this Act, (II) the owner con-*
13 *sents to such treatment, and (III) the project met the re-*
14 *quirements of the first sentence of this paragraph for eligi-*
15 *bility as an eligible multifamily housing project before the*
16 *initial renewal of the contract under section 524.”.*

17 (g) *SECOND MORTGAGES.—*Section 517(a) of the *Mul-*
18 *tifamily Assisted Housing Reform and Affordability Act of*
19 *1997 (42 U.S.C. 1437f note)* is amended—

20 (1) *in paragraph (1)(B), by striking “no more*
21 *than the” and inserting the following: “not more than*
22 *the greater of—*

23 *“(i) the full or partial payment of*
24 *claim made under this subtitle; or*

25 *“(ii) the”; and*

1 *same dwelling units are reasonably consistent and reflect*
2 *rents for comparable unassisted units in the same area as*
3 *such dwelling units.*

4 “(b) *RENT STANDARDS.*—*The rent standards described*
5 *in this subsection are as follows:*

6 “(1) *ENHANCED VOUCHERS.*—*The payment*
7 *standard for enhanced voucher assistance under sec-*
8 *tion 8(t) of the United States Housing Act of 1937*
9 *(42 U.S.C. 1437f(t)).*

10 “(2) *MARK-TO-MARKET.*—*The rents derived from*
11 *comparable properties, for purposes of section 514(g)*
12 *of this Act.*

13 “(3) *CONTRACT RENEWAL.*—*The comparable*
14 *market rents for the market area, for purposes of sec-*
15 *tion 524(a)(4) of this Act.”.*

16 **SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF**
17 **PARTIALLY ASSISTED BUILDINGS.**

18 *Section 524(a)(4)(C) of the Multifamily Assisted*
19 *Housing Reform and Affordability Act of 1997 (42 U.S.C.*
20 *1437f note) is amended by adding after the period at the*
21 *end the following: “Notwithstanding any other provision of*
22 *law, the Secretary shall include in such budget-based cost*
23 *increases costs relating to the project as a whole (including*
24 *costs incurred with respect to units not covered by the con-*
25 *tract for assistance), but only (I) if inclusion of such costs*

1 *is requested by the owner or purchaser of the project, (II)*
 2 *if inclusion of such costs will permit capital repairs to the*
 3 *project or acquisition of the project by a nonprofit organiza-*
 4 *tion, and (III) to the extent that inclusion of such costs*
 5 *(or a portion thereof) complies with the requirement under*
 6 *clause (i).”.*

7 **SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR**
 8 **MISCELLANEOUS HOUSING INSURANCE.**

9 *Section 223(a)(7) of the National Housing Act (12*
 10 *U.S.C. 1715n(a)(7)) is amended—*

11 *(1) by striking “under this Act: Provided, That*
 12 *the principal” and inserting the following: “under*
 13 *this Act, or an existing mortgage held by the Sec-*
 14 *retary that is subject to a mortgage restructuring and*
 15 *rental assistance sufficiency plan pursuant to the*
 16 *Multifamily Assisted Housing Reform and Afford-*
 17 *ability Act of 1997 (42 U.S.C. 1437f note), provided*
 18 *that—*

19 *“(A) the principal”;*

20 *(2) by striking “except that (A)” and inserting*
 21 *“except that (i)”;*

22 *(3) by striking “(B)” and inserting “(ii)”;*

23 *(4) by striking “(C)” and inserting “(iii)”;*

24 *(5) by striking “(D)” and inserting “(iv)”;*

1 (6) by striking “: Provided further, That a mort-
2 gage” and inserting the following “; and

3 “(B) a mortgage”;

4 (7) by striking “or” at the end; and

5 (8) by adding at the end the following new sub-
6 paragraph:

7 “(C) a mortgage that is subject to a mort-
8 gage restructuring and rental assistance suffi-
9 ciency plan pursuant to the Multifamily Assisted
10 Housing Reform and Affordability Act of 1997
11 (42 U.S.C. 1437f note) and is refinanced under
12 this paragraph may have a term of not more
13 than 30 years; or”.

14 **SEC. 616. TECHNICAL CORRECTIONS.**

15 (a) *EXEMPTIONS FROM RESTRUCTURING.*—

16 (1) *IN GENERAL.*—Section 514(h) of the Multi-
17 family Assisted Housing Reform and Affordability
18 Act of 1997 (42 U.S.C. 1437f note) is amended to
19 read as if the amendment made by section 531(c) of
20 Public Law 106–74 (113 Stat. 1116) were made to
21 “Section 514(h)(1)” instead of “Section 514(h)”.

22 (2) *RETROACTIVE EFFECT.*—The amendment
23 made by paragraph (1) of this subsection is deemed
24 to have taken effect on the date of the enactment of
25 Public Law 106–74 (113 Stat. 1109).

1 (b) *OTHER.—The Multifamily Assisted Housing Re-*
2 *form and Affordability Act of 1997 (42 U.S.C. 1437f note)*
3 *is amended—*

4 (1) *in section 511(a)(12), by striking “this Act”*
5 *and inserting “this title”;*

6 (2) *in section 513, by striking “this Act” each*
7 *place such term appears in subsections (a)(2)(I) and*
8 *(b)(3) and inserting “this title”;*

9 (3) *in section 514(f)(3)(B), by inserting “Hous-*
10 *ing” after “Multifamily”;*

11 (4) *in section 515(c)(1)(B), by inserting “or”*
12 *after the semicolon;*

13 (5) *in section 517(b)—*

14 (A) *in each of paragraphs (1) through (6),*
15 *by capitalizing the first letter of the first word*
16 *that follows the paragraph heading;*

17 (B) *in each of paragraphs (1) through (5),*
18 *by striking the semicolon at the end and insert-*
19 *ing a period; and*

20 (C) *in paragraph (6), by striking “; and”*
21 *at the end and inserting a period;*

22 (6) *in section 520(b), by striking “Banking*
23 *and”;* and

24 (7) *in section 573(d)(2), by striking “Banking*
25 *and”.*

1 ***Subtitle B—Office of Multifamily***
2 ***Housing Assistance Restructuring***

3 ***SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION***
4 ***OF PROGRAM.***

5 *Section 579 of the Multifamily Assisted Housing Re-*
6 *form and Affordability Act of 1997 (42 U.S.C. 1437f note)*
7 *is amended—*

8 *(1) by striking subsection (a) and inserting the*
9 *following new subsection:*

10 *“(a) REPEALS.—*

11 *“(1) MARK-TO-MARKET PROGRAM.—Subtitle A*
12 *(except for section 524) is repealed effective October 1,*
13 *2006.*

14 *“(2) OMHAR.—Subtitle D (except for this sec-*
15 *tion) is repealed effective October 1, 2004.”;*

16 *(2) in subsection (b), by striking “October 1,*
17 *2001” and inserting “October 1, 2006”;*

18 *(3) in subsection (c), by striking “upon Sep-*
19 *tember 30, 2001” and inserting “at the end of Sep-*
20 *tember 30, 2004”;* and

21 *(4) by striking subsection (d) and inserting the*
22 *following new subsection:*

23 *“(d) TRANSFER OF AUTHORITY.—Effective upon the*
24 *repeal of subtitle D under subsection (a)(2) of this section,*

1 *all authority and responsibilities to administer the program*
2 *under subtitle A are transferred to the Secretary.”.*

3 **SEC. 622. APPOINTMENT OF DIRECTOR.**

4 *(a) IN GENERAL.—Section 572 of the Multifamily As-*
5 *sisted Housing Reform and Affordability Act of 1997 (42*
6 *U.S.C. 1437f note) is amended by striking subsection (a)*
7 *and inserting the following new subsection:*

8 *“(a) APPOINTMENT.—The Office shall be under the*
9 *management of a Director, who shall be appointed by the*
10 *President from among individuals who are citizens of the*
11 *United States and have a demonstrated understanding of*
12 *financing and mortgage restructuring for affordable multi-*
13 *family housing.”.*

14 *(b) APPLICABILITY.—The amendment made by sub-*
15 *section (a) shall apply to the first Director of the Office*
16 *of Multifamily Housing Assistance Restructuring of the De-*
17 *partment of Housing and Urban Development appointed*
18 *after the date of the enactment of this Act, and any such*
19 *Director appointed thereafter.*

20 **SEC. 623. VACANCY IN POSITION OF DIRECTOR.**

21 *(a) IN GENERAL.—Section 572 of the Multifamily As-*
22 *sisted Housing Reform and Affordability Act of 1997 (42*
23 *U.S.C. 1437f note) is amended by striking subsection (b)*
24 *and inserting the following new subsection:*

1 “(b) *VACANCY.*—*A vacancy in the position of Director*
2 *shall be filled by appointment in the manner provided*
3 *under subsection (a). The President shall make such an ap-*
4 *pointment not later than 60 days after such position first*
5 *becomes vacant.*”.

6 (b) *APPLICABILITY.*—*The amendment made by sub-*
7 *section (a) shall apply to any vacancy in the position of*
8 *Director of the Office of Multifamily Housing Assistance*
9 *Restructuring of the Department of Housing and Urban*
10 *Development which occurs or exists after the date of the en-*
11 *actment of this Act.*

12 **SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMIS-**
13 **SIONER.**

14 (a) *IN GENERAL.*—*Section 578 of the Multifamily As-*
15 *sisted Housing Reform and Affordability Act of 1997 (42*
16 *U.S.C. 1437f note) is amended to read as follows:*

17 **“SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMIS-**
18 **SIONER.**

19 *“All authority and responsibilities assigned under this*
20 *subtitle to the Secretary shall be carried out through the*
21 *Assistant Secretary of the Department of Housing and*
22 *Urban Development who is the Federal Housing Commis-*
23 *sioner.”.*

24 (b) *REPORT.*—*The second sentence of section 573(b) of*
25 *the Multifamily Assisted Housing Reform and Affordability*

1 *Act of 1997 (42 U.S.C. 1437f note) is amended by striking*
2 *“Secretary” and inserting “Assistant Secretary of the De-*
3 *partment of Housing and Urban Development who is the*
4 *Federal Housing Commissioner”.*

5 **SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.**

6 *Section 576 of the Multifamily Assisted Housing Re-*
7 *form and Affordability Act of 1997 (42 U.S.C. 1437f note)*
8 *is amended by striking “2-year period” and inserting “1-*
9 *year period”.*

10 ***Subtitle C—Miscellaneous Housing***
11 ***Program Amendments***

12 **SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EX-**
13 **CEPTION.**

14 *Section 105(a)(8) of the Housing and Community De-*
15 *velopment Act of 1974 (42 U.S.C. 5305(a)(8)) is amended*
16 *by striking “through 2001” and inserting “through 2003”.*

17 **SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR**
18 **PREPAYMENTS.**

19 *Section 8(t)(2) of the United States Housing Act of*
20 *1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after*
21 *“insurance contract for the mortgage for such housing*
22 *project” the following: “(including any such mortgage pre-*
23 *payment during fiscal year 1996 or a fiscal year thereafter*
24 *or any insurance contract voluntary termination during*
25 *fiscal year 1996 or a fiscal year thereafter)”.*

1 **SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR**
2 **SECTION 202 SUPPORTIVE HOUSING.**

3 (a) *IN GENERAL.*—Section 811 of the American Home-
4 ownership and Economic Opportunity Act of 2000 (12
5 U.S.C. 1701q note) is amended by striking subsection (e).

6 (b) *EFFECTIVENESS UPON DATE OF ENACTMENT.*—
7 The amendment made by subsection (a) of this section shall
8 take effect upon the date of the enactment of this Act and
9 the provisions of section 811 of the American Homeowner-
10 ship and Economic Opportunity Act of 2000 (12 U.S.C.
11 1701q note), as amended by subsection (a) of this section,
12 shall apply as so amended upon such date of enactment,
13 notwithstanding—

14 (1) any authority of the Secretary of Housing
15 and Urban Development to issue regulations to imple-
16 ment or carry out the amendments made by sub-
17 section (a) of this section or the provisions of section
18 811 of the American Homeownership and Economic
19 Opportunity Act of 2000 (12 U.S.C. 1701q note); or

20 (2) any failure of the Secretary of Housing and
21 Urban Development to issue any such regulations au-
22 thorized.

23 **SEC. 634. TECHNICAL CORRECTION.**

24 (a) *IN GENERAL.*—Section 101(a) of Public Law 100-
25 77 (42 U.S.C. 11301 note) is amended to read as if the
26 amendment made by section 1 of Public Law 106-400 (114

1 *Stat. 1675) were made to “Section 101” instead of “Section*
2 *1”.*

3 *(b) RETROACTIVE EFFECT.—The amendment made by*
4 *subsection (a) of this section is deemed to have taken effect*
5 *immediately after the enactment of Public Law 106–400*
6 *(114 Stat. 1675).*

7 ***TITLE VII—MENTAL HEALTH***
8 ***EQUITY***

9 ***SEC. 701. SHORT TITLE.***

10 *This title may be cited as the “Mental Health Equi-*
11 *table Treatment Act of 2001”.*

12 ***SEC. 702. AMENDMENT TO THE EMPLOYEE RETIREMENT IN-***
13 ***COME SECURITY ACT OF 1974.***

14 *(a) IN GENERAL.—Section 712 of the Employee Re-*
15 *irement Income Security Act of 1974 (29 U.S.C. 1185a)*
16 *is amended to read as follows:*

17 ***“SEC. 712. MENTAL HEALTH PARITY.***

18 *“(a) IN GENERAL.—In the case of a group health plan*
19 *(or health insurance coverage offered in connection with*
20 *such a plan) that provides both medical and surgical bene-*
21 *fits and mental health benefits, such plan or coverage shall*
22 *not impose any treatment limitations or financial require-*
23 *ments with respect to the coverage of benefits for mental*
24 *illnesses unless comparable treatment limitations or finan-*

1 *cial requirements are imposed on medical and surgical ben-*
2 *efits.*

3 “(b) *CONSTRUCTION.*—

4 “(1) *IN GENERAL.*—*Nothing in this section shall*
5 *be construed as requiring a group health plan (or*
6 *health insurance coverage offered in connection with*
7 *such a plan) to provide any mental health benefits.*

8 “(2) *MEDICAL MANAGEMENT OF MENTAL*
9 *HEALTH BENEFITS.*—*Consistent with subsection (a),*
10 *nothing in this section shall be construed to prevent*
11 *the medical management of mental health benefits, in-*
12 *cluding through concurrent and retrospective utiliza-*
13 *tion review and utilization management practices,*
14 *preauthorization, and the application of medical ne-*
15 *cessity and appropriateness criteria applicable to be-*
16 *havioral health and the contracting and use of a net-*
17 *work of participating providers.*

18 “(3) *NO REQUIREMENT OF SPECIFIC SERV-*
19 *ICES.*—*Nothing in this section shall be construed as*
20 *requiring a group health plan (or health insurance*
21 *coverage offered in connection with such a plan) to*
22 *provide coverage for specific mental health services,*
23 *except to the extent that the failure to cover such serv-*
24 *ices would result in a disparity between the coverage*
25 *of mental health and medical and surgical benefits.*

1 “(c) *SMALL EMPLOYER EXEMPTION.*—

2 “(1) *IN GENERAL.*—*This section shall not apply*
3 *to any group health plan (and group health insurance*
4 *coverage offered in connection with a group health*
5 *plan) for any plan year of any employer who em-*
6 *ployed an average of at least 2 but not more than 50*
7 *employees on business days during the preceding cal-*
8 *endar year.*

9 “(2) *APPLICATION OF CERTAIN RULES IN DETER-*
10 *MINATION OF EMPLOYER SIZE.*—*For purposes of this*
11 *subsection—*

12 “(A) *APPLICATION OF AGGREGATION RULE*
13 *FOR EMPLOYERS.*—*Rules similar to the rules*
14 *under subsections (b), (c), (m), and (o) of section*
15 *414 of the Internal Revenue Code of 1986 shall*
16 *apply for purposes of treating persons as a single*
17 *employer.*

18 “(B) *EMPLOYERS NOT IN EXISTENCE IN*
19 *PRECEDING YEAR.*—*In the case of an employer*
20 *which was not in existence throughout the pre-*
21 *ceding calendar year, the determination of*
22 *whether such employer is a small employer shall*
23 *be based on the average number of employees*
24 *that it is reasonably expected such employer will*

1 *employ on business days in the current calendar*
2 *year.*

3 “(C) *PREDECESSORS.*—*Any reference in*
4 *this paragraph to an employer shall include a*
5 *reference to any predecessor of such employer.*

6 “(d) *SEPARATE APPLICATION TO EACH OPTION OF-*
7 *FERED.*—*In the case of a group health plan that offers a*
8 *participant or beneficiary two or more benefit package op-*
9 *tions under the plan, the requirements of this section shall*
10 *be applied separately with respect to each such option.*

11 “(e) *IN-NETWORK AND OUT-OF-NETWORK RULES.*—*In*
12 *the case of a plan or coverage option that provides in-net-*
13 *work mental health benefits, out-of-network mental health*
14 *benefits may be provided using treatment limitations or fi-*
15 *nancial requirements that are not comparable to the limita-*
16 *tions and requirements applied to medical and surgical*
17 *benefits if the plan or coverage provides such in-network*
18 *mental health benefits in accordance with subsection (a)*
19 *and provides reasonable access to in-network providers and*
20 *facilities.*

21 “(f) *DEFINITIONS.*—*For purposes of this section—*

22 “(1) *FINANCIAL REQUIREMENTS.*—*The term ‘fi-*
23 *nancial requirements’ includes deductibles, coinsur-*
24 *ance, co-payments, other cost sharing, and limitations*
25 *on the total amount that may be paid by a partici-*

1 *pant or beneficiary with respect to benefits under the*
2 *plan or health insurance coverage and shall include*
3 *the application of annual and lifetime limits.*

4 “(2) *MEDICAL OR SURGICAL BENEFITS.*—*The*
5 *term ‘medical or surgical benefits’ means benefits*
6 *with respect to medical or surgical services, as defined*
7 *under the terms of the plan or coverage (as the case*
8 *may be), but does not include mental health benefits.*

9 “(3) *MENTAL HEALTH BENEFITS.*—*The term*
10 *‘mental health benefits’ means benefits with respect to*
11 *services, as defined under the terms and conditions of*
12 *the plan or coverage (as the case may be), for all cat-*
13 *egories of mental health conditions listed in the Diag-*
14 *nostic and Statistical Manual of Mental Disorders,*
15 *Fourth Edition (DSM IV–TR), or the most recent*
16 *edition if different than the Fourth Edition, if such*
17 *services are included as part of an authorized treat-*
18 *ment plan that is in accordance with standard proto-*
19 *cols and such services meet the plan or issuer’s med-*
20 *ical necessity criteria. Such term does not include*
21 *benefits with respect to the treatment of substance*
22 *abuse or chemical dependency.*

23 “(4) *TREATMENT LIMITATIONS.*—*The term*
24 *‘treatment limitations’ means limitations on the fre-*
25 *quency of treatment, number of visits or days of cov-*

1 *health insurance coverage offered in connection with*
2 *such a plan) to provide any mental health benefits.*

3 “(2) *MEDICAL MANAGEMENT OF MENTAL*
4 *HEALTH BENEFITS.*—*Consistent with subsection (a),*
5 *nothing in this section shall be construed to prevent*
6 *the medical management of mental health benefits, in-*
7 *cluding through concurrent and retrospective utiliza-*
8 *tion review and utilization management practices,*
9 *preauthorization, and the application of medical ne-*
10 *cessity and appropriateness criteria applicable to be-*
11 *havioral health and the contracting and use of a net-*
12 *work of participating providers.*

13 “(3) *NO REQUIREMENT OF SPECIFIC SERV-*
14 *ICES.*—*Nothing in this section shall be construed as*
15 *requiring a group health plan (or health insurance*
16 *coverage offered in connection with such a plan) to*
17 *provide coverage for specific mental health services,*
18 *except to the extent that the failure to cover such serv-*
19 *ices would result in a disparity between the coverage*
20 *of mental health and medical and surgical benefits.*

21 “(c) *SMALL EMPLOYER EXEMPTION.*—

22 “(1) *IN GENERAL.*—*This section shall not apply*
23 *to any group health plan (and group health insurance*
24 *coverage offered in connection with a group health*
25 *plan) for any plan year of any employer who em-*

1 *ployed an average of at least 2 but not more than 50*
2 *employees on business days during the preceding cal-*
3 *endar year.*

4 *“(2) APPLICATION OF CERTAIN RULES IN DETER-*
5 *MINATION OF EMPLOYER SIZE.—For purposes of this*
6 *subsection—*

7 *“(A) APPLICATION OF AGGREGATION RULE*
8 *FOR EMPLOYERS.—Rules similar to the rules*
9 *under subsections (b), (c), (m), and (o) of section*
10 *414 of the Internal Revenue Code of 1986 shall*
11 *apply for purposes of treating persons as a single*
12 *employer.*

13 *“(B) EMPLOYERS NOT IN EXISTENCE IN*
14 *PRECEDING YEAR.—In the case of an employer*
15 *which was not in existence throughout the pre-*
16 *ceding calendar year, the determination of*
17 *whether such employer is a small employer shall*
18 *be based on the average number of employees*
19 *that it is reasonably expected such employer will*
20 *employ on business days in the current calendar*
21 *year.*

22 *“(C) PREDECESSORS.—Any reference in*
23 *this paragraph to an employer shall include a*
24 *reference to any predecessor of such employer.*

1 “(d) *SEPARATE APPLICATION TO EACH OPTION OF-*
2 *FERED.*—*In the case of a group health plan that offers a*
3 *participant or beneficiary two or more benefit package op-*
4 *tions under the plan, the requirements of this section shall*
5 *be applied separately with respect to each such option.*

6 “(e) *IN-NETWORK AND OUT-OF-NETWORK RULES.*—*In*
7 *the case of a plan or coverage option that provides in-net-*
8 *work mental health benefits, out-of-network mental health*
9 *benefits may be provided using treatment limitations or fi-*
10 *nancial requirements that are not comparable to the limita-*
11 *tions and requirements applied to medical and surgical*
12 *benefits if the plan or coverage provides such in-network*
13 *mental health benefits in accordance with subsection (a)*
14 *and provides reasonable access to in-network providers and*
15 *facilities.*

16 “(f) *DEFINITIONS.*—*For purposes of this section—*

17 “(1) *FINANCIAL REQUIREMENTS.*—*The term ‘fi-*
18 *nancial requirements’ includes deductibles, coinsur-*
19 *ance, co-payments, other cost sharing, and limitations*
20 *on the total amount that may be paid by a partici-*
21 *part, beneficiary or enrollee with respect to benefits*
22 *under the plan or health insurance coverage and shall*
23 *include the application of annual and lifetime limits.*

24 “(2) *MEDICAL OR SURGICAL BENEFITS.*—*The*
25 *term ‘medical or surgical benefits’ means benefits*

1 *with respect to medical or surgical services, as defined*
2 *under the terms of the plan or coverage (as the case*
3 *may be), but does not include mental health benefits.*

4 “(3) *MENTAL HEALTH BENEFITS.*—*The term*
5 *‘mental health benefits’ means benefits with respect to*
6 *services, as defined under the terms and conditions of*
7 *the plan or coverage (as the case may be), for all cat-*
8 *egories of mental health conditions listed in the Diag-*
9 *nostic and Statistical Manual of Mental Disorders,*
10 *Fourth Edition (DSM IV–TR), or the most recent*
11 *edition if different than the Fourth Edition, if such*
12 *services are included as part of an authorized treat-*
13 *ment plan that is in accordance with standard proto-*
14 *cols and such services meet the plan or issuer’s med-*
15 *ical necessity criteria. Such term does not include*
16 *benefits with respect to the treatment of substance*
17 *abuse or chemical dependency.*

18 “(4) *TREATMENT LIMITATIONS.*—*The term*
19 *‘treatment limitations’ means limitations on the fre-*
20 *quency of treatment, number of visits or days of cov-*
21 *erage, or other similar limits on the duration or scope*
22 *of treatment under the plan or coverage.”*

23 (b) *EFFECTIVE DATE.*—*The amendment made by*
24 *paragraph (1) shall take effect on January 1, 2003 and*

1 *shall apply with respect to plan years beginning on or after*
2 *such date.*

3 **SEC. 704. PREEMPTION.**

4 *Nothing in the amendments made by this title shall*
5 *be construed to preempt any provision of State law, with*
6 *respect to health insurance coverage offered by a health in-*
7 *surance issuer in connection with a group health plan, that*
8 *provides protections to enrollees that are greater than the*
9 *protections provided under such amendments. Nothing in*
10 *the amendments made by this title shall be construed to af-*
11 *fect or modify section 514 of the Employee Retirement In-*
12 *come Security Act of 1974 (29 U.S.C. 1144).*

13 **SEC. 705. GENERAL ACCOUNTING OFFICE STUDY.**

14 *(a) STUDY.—The Comptroller General shall conduct a*
15 *study that evaluates the effect of the implementation of the*
16 *amendments made by this title on the cost of health insur-*
17 *ance coverage, access to health insurance coverage (includ-*
18 *ing the availability of in-network providers), the quality*
19 *of health care, and other issues as determined appropriate*
20 *by the Comptroller General.*

21 *(b) REPORT.—Not later than 2 years after the date*
22 *of enactment of this Act, the Comptroller General shall pre-*
23 *pare and submit to the appropriate committees of Congress*
24 *a report containing the results of the study conducted under*
25 *subsection (a).*

1 **SEC. 706. NO IMPACT ON SOCIAL SECURITY TRUST FUND.**

2 (a) *IN GENERAL.*—*Nothing in this title (or an amend-*
3 *ment made by this title) shall be construed to alter or*
4 *amend the Social Security Act (or any regulation promul-*
5 *gated under that Act).*

6 (b) *TRANSFERS.*—

7 (1) *ESTIMATE OF SECRETARY.*—*The Secretary of*
8 *the Treasury shall annually estimate the impact that*
9 *the enactment of this title has on the income and bal-*
10 *ances of the trust funds established under section 201*
11 *of the Social Security Act (42 U.S.C. 401).*

12 (2) *TRANSFER OF FUNDS.*—*If, under paragraph*
13 *(1), the Secretary of the Treasury estimates that the*
14 *enactment of this title has a negative impact on the*
15 *income and balances of the trust funds established*
16 *under section 201 of the Social Security Act (42*
17 *U.S.C. 401), the Secretary shall transfer, not less fre-*
18 *quently than quarterly, from the general revenues of*
19 *the Federal Government an amount sufficient so as to*
20 *ensure that the income and balances of such trust*
21 *funds are not reduced as a result of the enactment of*
22 *such title.*

23 **SEC. 707. CONGRESSIONAL BUDGET ACT.**

24 *Notwithstanding Rule 3 of the Budget Scorekeeping*
25 *Guidelines set forth in the joint explanatory statement of*
26 *the committee of conference accompanying Conference Re-*

1 port 105–217, the provisions of this title that would have
 2 been estimated by the Office of Management and Budget
 3 as changing direct spending or receipts under section 252
 4 of the Balanced Budget and Emergency Deficit Control Act
 5 of 1985 were it included in an Act other than an appropria-
 6 tions Act shall be treated as direct spending or receipts leg-
 7 islation, as appropriate, under section 252 of the Balanced
 8 Budget and Emergency Deficit Control Act of 1985, and
 9 by the Chairman of the Senate Budget Committee, as ap-
 10 propriate, under the Congressional Budget Act.

11 **TITLE VIII—INFORMATION ON**
 12 **PASSENGERS AND CARGO**

13 **SEC. 801. MANDATORY ADVANCED ELECTRONIC INFORMA-**
 14 **TION FOR AIR CARGO AND PASSENGERS EN-**
 15 **TERING THE UNITED STATES.**

16 (a) *AIR CARGO INFORMATION.*—

17 (1) *IN GENERAL.*—Section 431(b) of the *Tariff*
 18 *Act of 1930* (19 U.S.C. 1431(b)) is amended—

19 (A) by striking “(b) *PRODUCTION OF MANI-*
 20 *FEST.—Any manifest*” and inserting the fol-
 21 *lowing:*

22 “(b) *PRODUCTION OF MANIFEST.*—

23 “(1) *IN GENERAL.*—*Any manifest*”;

24 (B) by indenting the margin of paragraph
 25 (1), as so designated, two ems; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(2) *ADDITIONAL INFORMATION.*—

4 “(A) *IN GENERAL.*—In addition to any
5 other requirement under this section, every air
6 carrier required to make entry or obtain clear-
7 ance under the customs laws of the United
8 States, the pilot, the master, operator, or owner
9 of such carrier (or the authorized agent of such
10 owner or operator) shall provide by electronic
11 transmission cargo manifest information speci-
12 fied in subparagraph (B) in advance of such
13 entry or clearance in such manner, time, and
14 form as the Secretary shall prescribe. The Sec-
15 retary may exclude any class of air carrier for
16 which the Secretary concludes the requirements
17 of this subparagraph are not necessary.

18 “(B) *INFORMATION REQUIRED.*—The infor-
19 mation specified in this subparagraph is as fol-
20 lows:

21 “(i) The port of arrival or departure,
22 whichever is applicable.

23 “(ii) The carrier code, prefix code, or,
24 both.

25 “(iii) The flight or trip number.

1 “(iv) *The date of scheduled arrival or*
2 *date of scheduled departure, whichever is*
3 *applicable.*

4 “(v) *The request for permit to proceed*
5 *to the destination, if applicable.*

6 “(vi) *The numbers and quantities from*
7 *the master and house air waybill or bills of*
8 *lading.*

9 “(vii) *The first port of lading of the*
10 *cargo.*

11 “(viii) *A description and weight of the*
12 *cargo.*

13 “(ix) *The shippers name and address*
14 *from all air waybills or bills of lading.*

15 “(x) *The consignee name and address*
16 *from all air waybills or bills of lading.*

17 “(xi) *Notice that actual boarded quan-*
18 *tities are not equal to air waybill or bills*
19 *of lading quantities.*

20 “(xii) *Transfer or transit information.*

21 “(xiii) *Warehouse or other location of*
22 *the cargo.*

23 “(xiv) *Such other information as the*
24 *Secretary, by regulation, determines is rea-*
25 *sonably necessary to ensure aviation trans-*

1 *portation safety pursuant to the laws en-*
2 *forced or administered by the Customs Serv-*
3 *ice.*

4 “(3) *AVAILABILITY OF INFORMATION.—Informa-*
5 *tion provided under paragraph (2) may be shared*
6 *with other departments and agencies of the Federal*
7 *Government, including the Department of Transpor-*
8 *tation and the law enforcement agencies of the Fed-*
9 *eral Government, for purposes of protecting the na-*
10 *tional security of the United States.”.*

11 (2) *CONFORMING AMENDMENTS.—Subparagraphs*
12 *(A) and (C) of section 431(d)(1) of such Act are each*
13 *amended by inserting before the semicolon “or sub-*
14 *section (b)(2)”.*

15 (b) *PASSENGER INFORMATION.—Part II of title IV of*
16 *the Tariff Act of 1930 is amended by inserting after section*
17 *431 the following new section:*

18 **“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION**

19 **REQUIRED FOR AIR CARRIERS.**

20 “(a) *IN GENERAL.—For every person arriving or de-*
21 *parting on an air carrier required to make entry or obtain*
22 *clearance under the customs laws of the United States, the*
23 *pilot, the master, operator, or owner of such carrier (or the*
24 *authorized agent of such owner or operator) shall provide,*
25 *by electronic transmission, manifest information specified*

1 *in subsection (b) in advance of such entry or clearance in*
2 *such manner, time, and form as the Secretary shall pre-*
3 *scribe.*

4 “(b) *INFORMATION.—The information specified in this*
5 *subsection with respect to a person is—*

6 “(1) *full name;*

7 “(2) *date of birth and citizenship;*

8 “(3) *sex;*

9 “(4) *passport number and country of issuance;*

10 “(5) *United States visa number or resident alien*
11 *card number, as applicable;*

12 “(6) *passenger name record; and*

13 “(7) *such other information as the Secretary, by*
14 *regulation, determines is reasonably necessary to en-*
15 *sure aviation transportation safety pursuant to the*
16 *laws enforced or administered by the Customs Service.*

17 “(c) *AVAILABILITY OF INFORMATION.—Information*
18 *provided under this section may be shared with other de-*
19 *partments and agencies of the Federal Government, includ-*
20 *ing the Department of Transportation and the law enforce-*
21 *ment agencies of the Federal Government, for purposes of*
22 *protecting the national security of the United States.”.*

23 (c) *DEFINITION.—Section 401 of the Tariff Act of 1930*
24 *(19 U.S.C. 1401) is amended by adding at the end the fol-*
25 *lowing new subsection:*

1 “(t) *AIR CARRIER*.—*The term ‘air carrier’*
2 *means an air carrier transporting goods or pas-*
3 *sengers for payment or other consideration, including*
4 *money or services rendered.”.*

5 (d) *EFFECTIVE DATE*.—*The amendments made by this*
6 *section shall take effect 45 days after the date of enactment*
7 *of this Act.*

8 *This Act may be cited as the “Departments of Labor,*
9 *Health and Human Services, and Education, and Related*
10 *Agencies Appropriations Act, 2002”.*

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

H. R. 3061

AMENDMENT