

107TH CONGRESS
1ST SESSION

H. R. 3061

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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:

6 TITLE I—DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Investment
10 Act, including the purchase and hire of passenger motor
11 vehicles, the construction, alteration, and repair of build-
12 ings and other facilities, and the purchase of real property
13 for training centers as authorized by the Workforce In-
14 vestment Act; the Women in Apprenticeship and Non-
15 traditional Occupations Act; and the National Skill Stand-
16 ards Act of 1994; \$3,485,147,000 plus reimbursements,
17 of which \$2,110,707,000 is available for obligation for the
18 period July 1, 2002, through June 30, 2003; of which
19 \$1,353,065,000 is available for obligation for the period
20 April 1, 2002, through June 30, 2003; and of which
21 \$20,375,000 is available for the period July 1, 2002,
22 through June 30, 2005, for necessary expenses of con-
23 struction, rehabilitation, and acquisition of Job Corps cen-
24 ters: *Provided*, That \$3,500,000 shall be for carrying out
25 the National Skills Standards Act of 1994: *Provided fur-*

16 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
17 AMERICANS

20 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$11,000,000, together with such

1 amounts as may be necessary to be charged to the subse-
 2 quent appropriation for payments for any period subse-
 3 quent to September 15 of the current year.

4 In addition, for such purposes, \$404,650,000, to be-
 5 come available only upon the enactment of authorizing leg-
 6 islation.

7 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
 8 SERVICE OPERATIONS

9 For authorized administrative expenses,
 10 \$163,452,000, together with not to exceed
 11 \$3,236,886,000 (including not to exceed \$1,228,000
 12 which may be used for amortization payments to States
 13 which had independent retirement plans in their State em-
 14 ployment service agencies prior to 1980), which may be
 15 expended from the Employment Security Administration
 16 Account in the Unemployment Trust Fund including the
 17 cost of administering section 51 of the Internal Revenue
 18 Code of 1986, as amended, section 7(d) of the Wagner-
 19 Peyser Act, as amended, the Trade Act of 1974, as
 20 amended, the Immigration Act of 1990, and the Immigra-
 21 tion and Nationality Act, as amended, and of which the
 22 sums available in the allocation for activities authorized
 23 by title III of the Social Security Act, as amended (42
 24 U.S.C. 502–504), and the sums available in the allocation
 25 for necessary administrative expenses for carrying out 5
 26 U.S.C. 8501–8523, shall be available for obligation by the

1 States through December 31, 2002, except that funds
2 used for automation acquisitions shall be available for obli-
3 gation by the States through September 30, 2004; and
4 of which \$163,452,000, together with not to exceed
5 \$773,283,000 of the amount which may be expended from
6 said trust fund, shall be available for obligation for the
7 period July 1, 2002, through June 30, 2003, to fund ac-
8 tivities under the Act of June 6, 1933, as amended, in-
9 cluding the cost of penalty mail authorized under 39
10 U.S.C. 3202(a)(1)(E) made available to States in lieu of
11 allotments for such purpose: *Provided*, That to the extent
12 that the Average Weekly Insured Unemployment (AWIU)
13 for fiscal year 2002 is projected by the Department of
14 Labor to exceed 2,622,000, an additional \$28,600,000
15 shall be available for obligation for every 100,000 increase
16 in the AWIU level (including a pro rata amount for any
17 increment less than 100,000) from the Employment Secu-
18 rity Administration Account of the Unemployment Trust
19 Fund: *Provided further*, That funds appropriated in this
20 Act which are used to establish a national one-stop career
21 center system, or which are used to support the national
22 activities of the Federal-State unemployment insurance
23 programs, may be obligated in contracts, grants or agree-
24 ments with non-State entities: *Provided further*, That
25 funds appropriated under this Act for activities authorized

7 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
8 OTHER FUNDS

19 In addition, for making repayable advances to the
20 Black Lung Disability Trust Fund in the current fiscal
21 year after September 15, 2002, for costs incurred by the
22 Black Lung Disability Trust Fund in the current fiscal
23 year, such sums as may be necessary.

25 For expenses of administering employment and train-
26 ing programs, \$113,356,000, including \$5,934,000 to ad-

1 minister welfare-to-work grants, together with not to ex-
 2 ceed \$48,507,000, which may be expended from the Em-
 3 ployment Security Administration Account in the Unem-
 4 ployment Trust Fund.

5 PENSION AND WELFARE BENEFITS ADMINISTRATION
 6 SALARIES AND EXPENSES

7 For necessary expenses for the Pension and Welfare
 8 Benefits Administration, \$109,866,000.

9 PENSION BENEFIT GUARANTY CORPORATION

10 PENSION BENEFIT GUARANTY CORPORATION FUND

11 The Pension Benefit Guaranty Corporation is author-
 12 ized to make such expenditures, including financial assist-
 13 ance authorized by section 104 of Public Law 96–364,
 14 within limits of funds and borrowing authority available
 15 to such Corporation, and in accord with law, and to make
 16 such contracts and commitments without regard to fiscal
 17 year limitations as provided by section 104 of the Govern-
 18 ment Corporation Control Act, as amended (31 U.S.C.
 19 9104), as may be necessary in carrying out the program
 20 through September 30, 2002, for such Corporation: *Pro-*
 21 *vided*, That not to exceed \$11,690,000 shall be available
 22 for administrative expenses of the Corporation: *Provided*
 23 *further*, That expenses of such Corporation in connection
 24 with the termination of pension plans, for the acquisition,
 25 protection or management, and investment of trust assets,

1 and for benefits administration services shall be consid-
2 ered as non-administrative expenses for the purposes here-
3 of, and excluded from the above limitation.

4 EMPLOYMENT STANDARDS ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses for the Employment Stand-
7 ards Administration, including reimbursement to State,
8 Federal, and local agencies and their employees for inspec-
9 tion services rendered, \$367,650,000, together with
10 \$1,981,000 which may be expended from the Special Fund
11 in accordance with sections 39(c), 44(d) and 44(j) of the
12 Longshore and Harbor Workers' Compensation Act: *Pro-*
13 *vided*, That \$2,000,000 shall be for the development of
14 an alternative system for the electronic submission of re-
15 ports as required to be filed under the Labor-Management
16 Reporting and Disclosure Act of 1959, as amended, and
17 for a computer database of the information for each sub-
18 mission by whatever means, that is indexed and easily
19 searchable by the public via the Internet: *Provided further*,
20 That the Secretary of Labor is authorized to accept, re-
21 tain, and spend, until expended, in the name of the De-
22 partment of Labor, all sums of money ordered to be paid
23 to the Secretary of Labor, in accordance with the terms
24 of the Consent Judgment in Civil Action No. 91-0027 of
25 the United States District Court for the District of the

1 Northern Mariana Islands (May 21, 1992): *Provided fur-*
 2 *ther*, That the Secretary of Labor is authorized to estab-
 3 lish and, in accordance with 31 U.S.C. 3302, collect and
 4 deposit in the Treasury fees for processing applications
 5 and issuing certificates under sections 11(d) and 14 of the
 6 Fair Labor Standards Act of 1938, as amended (29
 7 U.S.C. 211(d) and 214) and for processing applications
 8 and issuing registrations under title I of the Migrant and
 9 Seasonal Agricultural Worker Protection Act (29 U.S.C.
 10 1801 et seq.).

11 SPECIAL BENEFITS

12 (INCLUDING TRANSFER OF FUNDS)

13 For the payment of compensation, benefits, and ex-
 14 penses (except administrative expenses) accruing during
 15 the current or any prior fiscal year authorized by title 5,
 16 chapter 81 of the United States Code; continuation of ben-
 17 efits as provided for under the heading “Civilian War Ben-
 18 efits” in the Federal Security Agency Appropriation Act,
 19 1947; the Employees’ Compensation Commission Appro-
 20 priation Act, 1944; sections 4(c) and 5(f) of the War
 21 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
 22 cent of the additional compensation and benefits required
 23 by section 10(h) of the Longshore and Harbor Workers’
 24 Compensation Act, as amended, \$121,000,000 together
 25 with such amounts as may be necessary to be charged to
 26 the subsequent year appropriation for the payment of

1 compensation and other benefits for any period subse-
2 quent to August 15 of the current year: *Provided*, That
3 amounts appropriated may be used under section 8104 of
4 title 5, United States Code, by the Secretary of Labor to
5 reimburse an employer, who is not the employer at the
6 time of injury, for portions of the salary of a reemployed,
7 disabled beneficiary: *Provided further*, That balances of re-
8 imbursements unobligated on September 30, 2001, shall
9 remain available until expended for the payment of com-
10 pensation, benefits, and expenses: *Provided further*, That
11 in addition there shall be transferred to this appropriation
12 from the Postal Service and from any other corporation
13 or instrumentality required under section 8147(c) of title
14 5, United States Code, to pay an amount for its fair share
15 of the cost of administration, such sums as the Secretary
16 determines to be the cost of administration for employees
17 of such fair share entities through September 30, 2002:
18 *Provided further*, That of those funds transferred to this
19 account from the fair share entities to pay the cost of ad-
20 ministration of the Federal Employees' Compensation Act,
21 \$36,696,000 shall be made available to the Secretary as
22 follows: (1) for the operation of and enhancement to the
23 automated data processing systems, including document
24 imaging, and conversion to a paperless office,
25 \$24,522,000; (2) for medical bill review and periodic roll

1 management, \$11,474,000; (3) for communications rede-
2 sign, \$700,000; and (4) the remaining funds shall be paid
3 into the Treasury as miscellaneous receipts: *Provided fur-*
4 *ther*, That the Secretary may require that any person fil-
5 ing a notice of injury or a claim for benefits under chapter
6 81 of title 5, United States Code, or 33 U.S.C. 901 et
7 seq., provide as part of such notice and claim, such identi-
8 fying information (including Social Security account num-
9 ber) as such regulations may prescribe.

10 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

11 COMPENSATION PROGRAM

12 For necessary expenses to administer the Energy
13 Employees Occupational Illness Compensation Act,
14 \$136,000,000, to remain available until expended: *Pro-*
15 *vided*, That the Secretary of Labor is authorized to trans-
16 fer to any Executive agency with authority under the En-
17 ergy Employees Occupational Illness Compensation Act,
18 including within the Department of Labor, such sums as
19 may be necessary in fiscal year 2002 to carry out those
20 authorities: *Provided further*, That the Secretary may re-
21 quire that any person filing a claim for benefits under the
22 Act provide as part of such claim, such identifying infor-
23 mation (including Social Security account number) as may
24 be prescribed.

1 BLACK LUNG DISABILITY TRUST FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For payments from the Black Lung Disability Trust
4 Fund, \$1,036,115,000, of which \$981,283,000 shall be
5 available until September 30, 2003, for payment of all
6 benefits as authorized by section 9501(d)(1), (2), (4), and
7 (7) of the Internal Revenue Code of 1954, as amended,
8 and interest on advances as authorized by section
9 9501(c)(2) of that Act, and of which \$31,558,000 shall
10 be available for transfer to Employment Standards Ad-
11 ministration, Salaries and Expenses, \$22,590,000 for
12 transfer to Departmental Management, Salaries and Ex-
13 penses, \$328,000 for transfer to Departmental Manage-
14 ment, Office of Inspector General, and \$356,000 for pay-
15 ment into miscellaneous receipts for the expenses of the
16 Department of Treasury, for expenses of operation and
17 administration of the Black Lung Benefits program as au-
18 thorized by section 9501(d)(5) of that Act: *Provided,*
19 That, in addition, such amounts as may be necessary may
20 be charged to the subsequent year appropriation for the
21 payment of compensation, interest, or other benefits for
22 any period subsequent to August 15 of the current year.

23 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

24 SALARIES AND EXPENSES

25 For necessary expenses for the Occupational Safety
26 and Health Administration, \$435,307,000, including not

1 to exceed \$88,694,000 which shall be the maximum
2 amount available for grants to States under section 23(g)
3 of the Occupational Safety and Health Act, which grants
4 shall be no less than 50 percent of the costs of State occu-
5 pational safety and health programs required to be in-
6 curred under plans approved by the Secretary under sec-
7 tion 18 of the Occupational Safety and Health Act of
8 1970; and, in addition, notwithstanding 31 U.S.C. 3302,
9 the Occupational Safety and Health Administration may
10 retain up to \$750,000 per fiscal year of training institute
11 course tuition fees, otherwise authorized by law to be col-
12 lected, and may utilize such sums for occupational safety
13 and health training and education grants: *Provided*, That,
14 notwithstanding 31 U.S.C. 3302, the Secretary of Labor
15 is authorized, during the fiscal year ending September 30,
16 2002, to collect and retain fees for services provided to
17 Nationally Recognized Testing Laboratories, and may uti-
18 lize such sums, in accordance with the provisions of 29
19 U.S.C. 9a, to administer national and international lab-
20 oratory recognition programs that ensure the safety of
21 equipment and products used by workers in the workplace:
22 *Provided further*, That none of the funds appropriated
23 under this paragraph shall be obligated or expended to
24 prescribe, issue, administer, or enforce any standard, rule,
25 regulation, or order under the Occupational Safety and

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

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

19 (2) to conduct an inspection or investigation in
20 response to an employee complaint, to issue a cita-
21 tion for violations found during such inspection, and
22 to assess a penalty for violations which are not cor-
23 rected within a reasonable abatement period and for
24 any willful violations found;

1 (3) to take any action authorized by such Act
2 with respect to imminent dangers;

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

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

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

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

18 MINE SAFETY AND HEALTH ADMINISTRATION

19 SALARIES AND EXPENSES

20 For necessary expenses for the Mine Safety and
21 Health Administration, \$251,725,000, including purchase
22 and bestowal of certificates and trophies in connection
23 with mine rescue and first-aid work, and the hire of pas-
24 senger motor vehicles; including up to \$1,000,000 for
25 mine rescue and recovery activities, which shall be avail-

1 able only to the extent that fiscal year 2002 obligations
2 for these activities exceed \$1,000,000; in addition, not to
3 exceed \$750,000 may be collected by the National Mine
4 Health and Safety Academy for room, board, tuition, and
5 the sale of training materials, otherwise authorized by law
6 to be collected, to be available for mine safety and health
7 education and training activities, notwithstanding 31
8 U.S.C. 3302; and, in addition, the Mine Safety and Health
9 Administration may retain up to \$1,000,000 from fees col-
10 lected for the approval and certification of equipment, ma-
11 terials, and explosives for use in mines, and may utilize
12 such sums for such activities; the Secretary is authorized
13 to accept lands, buildings, equipment, and other contribu-
14 tions from public and private sources and to prosecute
15 projects in cooperation with other agencies, Federal,
16 State, or private; the Mine Safety and Health Administra-
17 tion is authorized to promote health and safety education
18 and training in the mining community through cooperative
19 programs with States, industry, and safety associations;
20 and any funds available to the Department may be used,
21 with the approval of the Secretary, to provide for the costs
22 of mine rescue and survival operations in the event of a
23 major disaster.

1 BUREAU OF LABOR STATISTICS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Bureau of Labor Sta-
4 tistics, including advances or reimbursements to State,
5 Federal, and local agencies and their employees for serv-
6 ices rendered, \$397,696,000, together with not to exceed
7 \$69,132,000, which may be expended from the Employ-
8 ment Security Administration Account in the Unemploy-
9 ment Trust Fund; and \$10,280,000, which shall be avail-
10 able for obligation for the period of July 1, 2002, through
11 June 30, 2003, for Occupational Employment Statistics.

12 OFFICE OF DISABILITY EMPLOYMENT POLICY

13 SALARIES AND EXPENSES

14 For necessary expenses for the Office of Disability
15 Employment Policy to provide leadership, develop policy
16 and initiatives, and award grants furthering the objective
17 of eliminating barriers to the training and employment of
18 people with disabilities, \$33,053,000, of which \$2,640,000
19 shall be for the President's Task Force on the Employ-
20 ment of Adults with Disabilities.

21 DEPARTMENTAL MANAGEMENT

22 SALARIES AND EXPENSES

23 For necessary expenses for Departmental Manage-
24 ment, including the hire of three sedans, and including
25 the management or operation, through contracts, grants

1 or other arrangements of Departmental bilateral and mul-
2 tilateral foreign technical assistance, and \$51,708,000 for
3 the acquisition of Departmental information technology,
4 architecture, infrastructure, equipment, software and re-
5 lated needs which will be allocated by the Department's
6 Chief Information Officer in accordance with the Depart-
7 ment's capital investment management process to assure
8 a sound investment strategy; \$383,568,000; together with
9 not to exceed \$310,000, which may be expended from the
10 Employment Security Administration Account in the Un-
11 employment Trust Fund: *Provided*, That no funds made
12 available by this Act may be used by the Solicitor of Labor
13 to participate in a review in any United States court of
14 appeals of any decision made by the Benefits Review
15 Board under section 21 of the Longshore and Harbor
16 Workers' Compensation Act (33 U.S.C. 921) where such
17 participation is precluded by the decision of the United
18 States Supreme Court in *Director, Office of Workers'*
19 *Compensation Programs v. Newport News Shipbuilding*,
20 115 S. Ct. 1278 (1995), notwithstanding any provisions
21 to the contrary contained in rule 15 of the Federal Rules
22 of Appellate Procedure: *Provided further*, That no funds
23 made available by this Act may be used by the Secretary
24 of Labor to review a decision under the Longshore and
25 Harbor Workers' Compensation Act (33 U.S.C. 901 et

1 seq.) that has been appealed and that has been pending
2 before the Benefits Review Board for more than 12
3 months: *Provided further*, That any such decision pending
4 a review by the Benefits Review Board for more than 1
5 year shall be considered affirmed by the Benefits Review
6 Board on the 1-year anniversary of the filing of the ap-
7 peal, and shall be considered the final order of the Board
8 for purposes of obtaining a review in the United States
9 courts of appeals: *Provided further*, That these provisions
10 shall not be applicable to the review or appeal of any deci-
11 sion issued under the Black Lung Benefits Act (30 U.S.C.
12 901 et seq.).

13 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
14 AND TRAINING

15 Not to exceed \$186,903,000 may be derived from the
16 Employment Security Administration Account in the Un-
17 employment Trust Fund to carry out the provisions of 38
18 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
19 Public Law 103–353, and which shall be available for obli-
20 gation by the States through December 31, 2002. To
21 carry out the Stewart B. McKinney Homeless Assistance
22 Act and section 168 of the Workforce Investment Act of
23 1998, \$24,800,000, of which \$7,300,000 shall be available
24 for obligation for the period July 1, 2002, through June
25 30, 2003.

1 OFFICE OF INSPECTOR GENERAL

2 For salaries and expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$52,182,000, together
5 with not to exceed \$4,951,000, which may be expended
6 from the Employment Security Administration Account in
7 the Unemployment Trust Fund.

8 GENERAL PROVISIONS

9 SEC. 101. None of the funds appropriated in this title
10 for the Job Corps shall be used to pay the compensation
11 of an individual, either as direct costs or any proration
12 as an indirect cost, at a rate in excess of Executive Level
13 II.

14 (TRANSFER OF FUNDS)

15 SEC. 102. Not to exceed 1 percent of any discre-
16 tionary funds (pursuant to the Balanced Budget and
17 Emergency Deficit Control Act of 1985, as amended)
18 which are appropriated for the current fiscal year for the
19 Department of Labor in this Act may be transferred be-
20 tween appropriations, but no such appropriation shall be
21 increased by more than 3 percent by any such transfer:
22 *Provided*, That the Appropriations Committees of both
23 Houses of Congress are notified at least 15 days in ad-
24 vance of any transfer.

25 This title may be cited as the “Department of Labor
26 Appropriations Act, 2002”.

4 HEALTH RESOURCES AND SERVICES

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1 main available until expended to carry out that Act: *Pro-*
2 *vided further*, That fees collected for the full disclosure of
3 information under the “Health Care Fraud and Abuse
4 Data Collection Program,” authorized by section
5 1128E(d)(2) of the Social Security Act, shall be sufficient
6 to recover the full costs of operating the program, and
7 shall remain available until expended to carry out that
8 Act: *Provided further*, That no more than \$15,000,000 is
9 available for carrying out the provisions of Public Law
10 104–73: *Provided further*, That of the funds made avail-
11 able under this heading, \$264,170,000 shall be for the
12 program under title X of the Public Health Service Act
13 to provide for voluntary family planning projects: *Provided*
14 *further*, That amounts provided to said projects under
15 such title shall not be expended for abortions, that all
16 pregnancy counseling shall be nondirective, and that such
17 amounts shall not be expended for any activity (including
18 the publication or distribution of literature) that in any
19 way tends to promote public support or opposition to any
20 legislative proposal or candidate for public office: *Provided*
21 *further*, That \$649,000,000 shall be for State AIDS Drug
22 Assistance Programs authorized by section 2616 of the
23 Public Health Service Act: *Provided further*, That, not-
24 withstanding section 502(a)(1) of the Social Security Act,
25 not to exceed \$116,145,000 is available for carrying out

1 special projects of regional and national significance pur-
2 suant to section 501(a)(2) of such Act. For special
3 projects of regional and national significance under section
4 501(a)(2) of the Social Security Act, \$10,000,000: *Pro-*
5 *vided further*, That such amount shall not be counted to-
6 ward compliance with the allocation required in section
7 502(a)(1) of such Act: *Provided further*, That such
8 amount shall be used only for making competitive grants
9 to provide abstinence education (as defined in section
10 510(b)(2) of such Act) to adolescents and for evaluations
11 (including longitudinal evaluations) of activities under the
12 grants and for Federal costs of administering the grants:
13 *Provided further*, That grants shall be made only to public
14 and private entities which agree that, with respect to an
15 adolescent to whom the entities provide abstinence edu-
16 cation under such grant, the entities will not provide to
17 that adolescent any other education regarding sexual con-
18 duct, except that, in the case of an entity expressly re-
19 quired by law to provide health information or services the
20 adolescent shall not be precluded from seeking health in-
21 formation or services from the entity in a different setting
22 than the setting in which the abstinence education was
23 provided: *Provided further*, That the funds expended for
24 such evaluations may not exceed 3.5 percent of such
25 amount.

1 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

2 Such sums as may be necessary to carry out the pur-
3 pose of the program, as authorized by title VII of the Pub-
4 lic Health Service Act, as amended. For administrative ex-
5 penses to carry out the guaranteed loan program, includ-
6 ing section 709 of the Public Health Service Act,
7 \$3,792,000.

8 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

9 For payments from the Vaccine Injury Compensation
10 Program Trust Fund, such sums as may be necessary for
11 claims associated with vaccine-related injury or death with
12 respect to vaccines administered after September 30,
13 1988, pursuant to subtitle 2 of title XXI of the Public
14 Health Service Act, to remain available until expended:
15 *Provided*, That for necessary administrative expenses, not
16 to exceed \$2,992,000 shall be available from the Trust
17 Fund to the Secretary of Health and Human Services.

18 CENTERS FOR DISEASE CONTROL AND PREVENTION

19 DISEASE CONTROL, RESEARCH, AND TRAINING

20 To carry out titles II, III, VII, XI, XV, XVII, XIX,
21 and XXVI of the Public Health Service Act, sections 101,
22 102, 103, 201, 202, 203, 301, and 501 of the Federal
23 Mine Safety and Health Act of 1977, sections 20, 21, and
24 22 of the Occupational Safety and Health Act of 1970,
25 title IV of the Immigration and Nationality Act, and sec-
26 tion 501 of the Refugee Education Assistance Act of 1980;

1 including insurance of official motor vehicles in foreign
2 countries; and hire, maintenance, and operation of air-
3 craft, \$4,077,060,000, of which \$175,000,000 shall re-
4 main available until expended for equipment and construc-
5 tion and renovation of facilities, and of which
6 \$137,527,000 for international HIV/AIDS shall remain
7 available until September 30, 2003, and in addition, such
8 sums as may be derived from authorized user fees, which
9 shall be credited to this account: *Provided*, That in addi-
10 tion to amounts provided herein, up to \$93,964,000 shall
11 be available from amounts available under section 241 of
12 the Public Health Service Act to carry out the National
13 Center for Health Statistics surveys: *Provided further*,
14 That none of the funds made available for injury preven-
15 tion and control at the Centers for Disease Control and
16 Prevention may be used to advocate or promote gun con-
17 trol: *Provided further*, That the Director may redirect the
18 total amount made available under authority of Public
19 Law 101–502, section 3, dated November 3, 1990, to ac-
20 tivities the Director may so designate: *Provided further*,
21 That the Congress is to be notified promptly of any such
22 transfer: *Provided further*, That not to exceed \$10,000,000
23 may be available for making grants under section 1509
24 of the Public Health Service Act to not more than 15
25 States.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to cancer,
5 \$4,146,291,000.

6 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to cardiovascular, lung,
9 and blood diseases, and blood and blood products,
10 \$2,547,675,000.

11 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
12 RESEARCH

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to dental disease,
15 \$339,268,000.

16 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
17 KIDNEY DISEASES

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to diabetes and diges-
20 tive and kidney disease, \$1,446,705,000.

21 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
22 AND STROKE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to neurological dis-
25 orders and stroke, \$1,306,321,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

15 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
16 DEVELOPMENT

20 NATIONAL EYE INSTITUTE

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6 NATIONAL INSTITUTE ON AGING

10 NATIONAL INSTITUTE OF ARTHRITIS AND
11 MUSCULOSKELETAL AND SKIN DISEASES

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
16 COMMUNICATION DISORDERS

20 NATIONAL INSTITUTE OF NURSING RESEARCH

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6 NATIONAL INSTITUTE ON DRUG ABUSE

10 NATIONAL INSTITUTE OF MENTAL HEALTH

14 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

18 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
19 BIOENGINEERING

23 NATIONAL CENTER FOR RESEARCH RESOURCES

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1 *vided*, That none of these funds shall be used to pay recipi-
 2 ents of the general research support grants program any
 3 amount for indirect expenses in connection with such
 4 grants: *Provided further*, That \$97,000,000 shall be for
 5 extramural facilities construction grants, of which
 6 \$5,000,000 shall be for beginning construction of facilities
 7 for a Chimp Sanctuary system as authorized in Public
 8 Law 106–551.

9 JOHN E. FOGARTY INTERNATIONAL CENTER

10 For carrying out the activities at the John E.
 11 Fogarty International Center, \$56,021,000.

12 NATIONAL LIBRARY OF MEDICINE

13 For carrying out section 301 and title IV of the Pub-
 14 lic Health Service Act with respect to health information
 15 communications, \$273,610,000, of which \$4,000,000 shall
 16 be available until expended for improvement of informa-
 17 tion systems: *Provided*, That in fiscal year 2002, the Li-
 18 brary may enter into personal services contracts for the
 19 provision of services in facilities owned, operated, or con-
 20 structed under the jurisdiction of the National Institutes
 21 of Health.

22 NATIONAL CENTER FOR COMPLEMENTARY AND

23 ALTERNATIVE MEDICINE

24 For carrying out section 301 and title IV of the Pub-
 25 lic Health Service Act with respect to complementary and
 26 alternative medicine, \$99,288,000.

1 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
2 DISPARITIES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to minority health and
5 health disparities research, \$157,204,000.

6 OFFICE OF THE DIRECTOR
7 (INCLUDING TRANSFER OF FUNDS)

8 For carrying out the responsibilities of the Office of
9 the Director, National Institutes of Health, \$232,098,000,
10 of which \$53,540,000 shall be for the Office of AIDS Re-
11 search: *Provided*, That funding shall be available for the
12 purchase of not to exceed 29 passenger motor vehicles for
13 replacement only: *Provided further*, That the Director may
14 direct up to 1 percent of the total amount made available
15 in this or any other Act to all National Institutes of
16 Health appropriations to activities the Director may so
17 designate: *Provided further*, That no such appropriation
18 shall be decreased by more than 1 percent by any such
19 transfers and that the Congress is promptly notified of
20 the transfer: *Provided further*, That the National Insti-
21 tutes of Health is authorized to collect third party pay-
22 ments for the cost of clinical services that are incurred
23 in National Institutes of Health research facilities and
24 that such payments shall be credited to the National Insti-
25 tutes of Health Management Fund: *Provided further*, That
26 all funds credited to the National Institutes of Health

1 Management Fund shall remain available for 1 fiscal year
 2 after the fiscal year in which they are deposited.

3 BUILDINGS AND FACILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For the study of, construction of, and acquisition of
 6 equipment for, facilities of or used by the National Insti-
 7 tutes of Health, including the acquisition of real property,
 8 \$311,600,000, to remain available until expended, of
 9 which \$26,000,000 shall be for the John Edward Porter
 10 Neuroscience Research Center: *Provided*, That notwith-
 11 standing any other provision of law, single contracts or
 12 related contracts, which collectively include the full scope
 13 of the project, may be employed for the development and
 14 construction of the first and second phases of the John
 15 Edward Porter Neuroscience Research Center: *Provided*
 16 *further*, That the solicitations and contracts shall contain
 17 the clause “availability of funds” found at 48 CFR
 18 52.232–18: *Provided further*, That the Director may
 19 transfer up to \$75,000,000 to International Assistance
 20 Programs, “Global Fund to Fight HIV/AIDS, Malaria,
 21 and Tuberculosis,” to remain available until expended.

22 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

23 ADMINISTRATION

24 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

25 For carrying out titles V and XIX of the Public
 26 Health Service Act with respect to substance abuse and

1 mental health services, the Protection and Advocacy for
 2 Mentally Ill Individuals Act of 1986, and section 301 of
 3 the Public Health Service Act with respect to program
 4 management, \$3,131,558,000.

5 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
 6 HEALTHCARE RESEARCH AND QUALITY

7 For carrying out titles III and IX of the Public
 8 Health Service Act, and part A of title XI of the Social
 9 Security Act, \$168,435,000; in addition, amounts received
 10 from Freedom of Information Act fees, reimbursable and
 11 interagency agreements, and the sale of data shall be cred-
 12 ited to this appropriation and shall remain available until
 13 expended: *Provided*, That the amount made available pur-
 14 suant to section 926(b) of the Public Health Service Act
 15 shall not exceed \$137,810,000.

16 HEALTH CARE FINANCING ADMINISTRATION
 17 GRANTS TO STATES FOR MEDICAID

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

21 For making, after May 31, 2002, payments to States
 22 under title XIX of the Social Security Act for the last
 23 quarter of fiscal year 2002 for unanticipated costs, in-
 24 curred for the current fiscal year, such sums as may be
 25 necessary.

1 For making payments to States or in the case of sec-
 2 tion 1928 on behalf of States under title XIX of the Social
 3 Security Act for the first quarter of fiscal year 2003,
 4 \$46,601,937,000, to remain available until expended.

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

9 PAYMENTS TO HEALTH CARE TRUST FUNDS

10 For payment to the Federal Hospital Insurance and
 11 the Federal Supplementary Medical Insurance Trust
 12 Funds, as provided under section 1844 of the Social Secu-
 13 rity Act, sections 103(c) and 111(d) of the Social Security
 14 Amendments of 1965, section 278(d) of Public Law 97–
 15 248, and for administrative expenses incurred pursuant
 16 to section 201(g) of the Social Security Act,
 17 \$81,924,200,000.

18 PROGRAM MANAGEMENT

19 For carrying out, except as otherwise provided, titles
 20 XI, XVIII, XIX, and XXI of the Social Security Act, titles
 21 XIII and XXVII of the Public Health Service Act, and
 22 the Clinical Laboratory Improvement Amendments of
 23 1988, not to exceed \$2,361,158,000, to be transferred
 24 from the Federal Hospital Insurance and the Federal Sup-
 25 plementary Medical Insurance Trust Funds, as authorized
 26 by section 201(g) of the Social Security Act; together with

1 all funds collected in accordance with section 353 of the
2 Public Health Service Act and section 1857(e)(2) of the
3 Social Security Act, and such sums as may be collected
4 from authorized user fees and the sale of data, which shall
5 remain available until expended: *Provided*, That all funds
6 derived in accordance with 31 U.S.C. 9701 from organiza-
7 tions established under title XIII of the Public Health
8 Service Act shall be credited to and available for carrying
9 out the purposes of this appropriation: *Provided further*,
10 That \$18,200,000 appropriated under this heading for the
11 managed care system redesign shall remain available until
12 expended: *Provided further*, That the Secretary of Health
13 and Human Services is directed to collect fees in fiscal
14 year 2002 from Medicare+Choice organizations pursuant
15 to section 1857(e)(2) of the Social Security Act and from
16 eligible organizations with risk-sharing contracts under
17 section 1876 of that Act pursuant to section
18 1876(k)(4)(D) of that Act: *Provided further*, That, for the
19 current fiscal year, not more than \$680,000,000 may be
20 made available under section 1817(k)(4) of the Social Se-
21 curity Act (42 U.S.C. 1395i(k)(4)) from the Health Care
22 Fraud and Abuse Control Account of the Federal Hospital
23 Insurance Trust Fund to carry out the Medicare Integrity
24 Program under section 1893 of such Act.

1 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
2 GUARANTEE FUND

3 For carrying out subsections (d) and (e) of section
4 1308 of the Public Health Service Act, any amounts re-
5 ceived by the Secretary in connection with loans and loan
6 guarantees under title XIII of the Public Health Service
7 Act, to be available without fiscal year limitation for the
8 payment of outstanding obligations. During fiscal year
9 2002, no commitments for direct loans or loan guarantees
10 shall be made.

11 ADMINISTRATION FOR CHILDREN AND FAMILIES

12 PAYMENTS TO STATES FOR CHILD SUPPORT

13 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

21 For making payments to each State for carrying out
22 the program of Aid to Families with Dependent Children
23 under title IV–A of the Social Security Act before the ef-
24 fective date of the program of Temporary Assistance to
25 Needy Families (TANF) with respect to such State, such

1 sums as may be necessary: *Provided*, That the sum of the
 2 amounts available to a State with respect to expenditures
 3 under such title IV–A in fiscal year 1997 under this ap-
 4 propriation and under such title IV–A as amended by the
 5 Personal Responsibility and Work Opportunity Reconcili-
 6 ation Act of 1996 shall not exceed the limitations under
 7 section 116(b) of such Act.

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

15 LOW INCOME HOME ENERGY ASSISTANCE

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

18 For making payments under title XXVI of the Omni-
 19 bus Budget Reconciliation Act of 1981, \$300,000,000:
 20 *Provided*, That these funds are for the unanticipated home
 21 energy assistance needs of one or more States, as author-
 22 ized by section 2604(e) of the Act and notwithstanding
 23 the designation requirement of section 2602(e) of such
 24 Act: *Provided further*, That these funds are hereby des-
 25 ignated by Congress to be emergency requirements pursu-
 26 ant to section 251(b)(2)(A) of the Balanced Budget and

1 Emergency Deficit Control Act of 1985: *Provided further*,
 2 That these funds shall be made available only after sub-
 3 mission to Congress of a formal budget request by the
 4 President that includes designation of the entire amount
 5 of the request as an emergency requirement as defined in
 6 the Balanced Budget and Emergency Deficit Control Act
 7 of 1985.

8 REFUGEE AND ENTRANT ASSISTANCE

9 For making payments for refugee and entrant assist-
 10 ance activities authorized by title IV of the Immigration
 11 and Nationality Act and section 501 of the Refugee Edu-
 12 cation Assistance Act of 1980 (Public Law 96-422),
 13 \$450,224,000: *Provided*, That funds appropriated pursu-
 14 ant to section 414(a) of the Immigration and Nationality
 15 Act for fiscal year 2002 shall be available for the costs
 16 of assistance provided and other activities through Sep-
 17 tember 30, 2004: *Provided further*, That up to
 18 \$10,000,000 is available to carry out the Trafficking Vic-
 19 tims Protection Act of 2000.

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

22 PAYMENTS TO STATES FOR THE CHILD CARE AND
 23 DEVELOPMENT BLOCK GRANT

24 For carrying out sections 658A through 658R of the
 25 Omnibus Budget Reconciliation Act of 1981 (The Child
 26 Care and Development Block Grant Act of 1990),

1 \$2,199,987,000 shall be used to supplement, not supplant
 2 state general revenue funds for child care assistance for
 3 low-income families: *Provided*, That \$19,120,000 shall be
 4 available for child care resource and referral and school-
 5 aged child care activities: *Provided further*, That, in addi-
 6 tion to the amounts required to be reserved by the States
 7 under section 658G, \$272,672,000 shall be reserved by
 8 the States for activities authorized under section 658G,
 9 of which \$100,000,000 shall be for activities that improve
 10 the quality of infant and toddler care: *Provided further*,
 11 That \$10,000,000 shall be for use by the Secretary for
 12 child care research, demonstration, and evaluation activi-
 13 ties.

14 SOCIAL SERVICES BLOCK GRANT

15 For making grants to States pursuant to section
 16 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
 17 *vided*, That notwithstanding subparagraph (B) of section
 18 404(d)(2) of such Act, the applicable percent specified
 19 under such subparagraph for a State to carry out State
 20 programs pursuant to title XX of such Act shall be 10
 21 percent.

22 CHILDREN AND FAMILIES SERVICES PROGRAMS

23 (INCLUDING RESCISSIONS)

24 For carrying out, except as otherwise provided, the
 25 Runaway and Homeless Youth Act, the Developmental
 26 Disabilities Assistance and Bill of Rights Act, the Head

1 Start Act, the Child Abuse Prevention and Treatment Act,
2 the Native American Programs Act of 1974, title II of
3 Public Law 95–266 (adoption opportunities), the Adoption
4 and Safe Families Act of 1997 (Public Law 105–89), the
5 Abandoned Infants Assistance Act of 1988, part B(1) of
6 title IV and sections 413, 429A, 1110, and 1115 of the
7 Social Security Act, and sections 40155, 40211, and
8 40241 of Public Law 103–322; for making payments
9 under the Community Services Block Grant Act, section
10 473A of the Social Security Act, and title IV of Public
11 Law 105–285, and for necessary administrative expenses
12 to carry out said Acts and titles I, IV, X, XI, XIV, XVI,
13 and XX of the Social Security Act, the Act of July 5, 1960
14 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act
15 of 1981, title IV of the Immigration and Nationality Act,
16 section 501 of the Refugee Education Assistance Act of
17 1980, section 5 of the Torture Victims Relief Act of 1998
18 (Public Law 105–320), sections 40155, 40211, and 40241
19 of Public Law 103–322, and section 126 and titles IV and
20 V of Public Law 100–485, \$8,275,442,000, of which
21 \$43,000,000, to remain available until September 30,
22 2003, shall be for grants to States for adoption incentive
23 payments, as authorized by section 473A of title IV of the
24 Social Security Act (42 U.S.C. 670–679) and may be
25 made for adoptions completed in fiscal years 2000 and

1 2001; of which \$620,000,000 shall be for making pay-
2 ments under the Community Services Block Grant Act;
3 and of which \$6,475,812,000 shall be for making pay-
4 ments under the Head Start Act, of which \$1,400,000,000
5 shall become available October 1, 2002, and remain avail-
6 able through September 30, 2003: *Provided*, That to the
7 extent Community Services Block Grant funds are distrib-
8 uted as grant funds by a State to an eligible entity as
9 provided under the Act, and have not been expended by
10 such entity, they shall remain with such entity for carry-
11 over into the next fiscal year for expenditure by such enti-
12 ty consistent with program purposes: *Provided further*,
13 That the Secretary shall establish procedures regarding
14 the disposition of intangible property which permits grant
15 funds, or intangible assets acquired with funds authorized
16 under section 680 of the Community Services Block Grant
17 Act, as amended, to become the sole property of such
18 grantees after a period of not more than 12 years after
19 the end of the grant for purposes and uses consistent with
20 the original grant.

21 Funds appropriated for fiscal year 2002 under sec-
22 tion 429A(e), part B of title IV of the Social Security Act
23 shall be reduced by \$6,000,000.

1 Funds appropriated for fiscal year 2002 under sec-
 2 tion 413(h)(1) of the Social Security Act shall be reduced
 3 by \$15,000,000.

4 PROMOTING SAFE AND STABLE FAMILIES

5 For carrying out subpart 2 of part B of title IV of
 6 the Social Security Act, \$305,000,000. In addition, for
 7 such purposes, \$70,000,000 to carry out such subpart.

8 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

9 ASSISTANCE

10 For making payments to States or other non-Federal
 11 entities under title IV–E of the Social Security Act,
 12 \$4,885,600,000.

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

16 ADMINISTRATION ON AGING

17 AGING SERVICES PROGRAMS

18 For carrying out, to the extent not otherwise pro-
 19 vided, the Older Americans Act of 1965, as amended, and
 20 section 398 of the Public Health Service Act,
 21 \$1,144,832,000.

22 OFFICE OF THE SECRETARY

23 GENERAL DEPARTMENTAL MANAGEMENT

24 For necessary expenses, not otherwise provided, for
 25 general departmental management, including hire of six
 26 sedans, and for carrying out titles III, XVII, and XX of

1 the Public Health Service Act, and the United States-Mex-
2 ico Border Health Commission Act, \$333,036,000, to-
3 gether with \$5,851,000, to be transferred and expended
4 as authorized by section 201(g)(1) of the Social Security
5 Act from the Hospital Insurance Trust Fund and the Sup-
6 plemental Medical Insurance Trust Fund: *Provided*, That
7 of this amount \$50,000,000 shall be available for minority
8 AIDS prevention and treatment activities; and
9 \$25,000,000 shall be available for an Information Tech-
10 nology Security and Innovation Fund for Department-
11 wide activities involving cybersecurity, information tech-
12 nology security, and related innovation projects: *Provided*
13 *further*, That no funds shall be obligated for minority
14 AIDS prevention and treatment activities until the De-
15 partment submits an operating plan to the House and
16 Senate Committees on Appropriations.

17 OFFICE OF INSPECTOR GENERAL

18 For expenses necessary for the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$35,786,000: *Provided*,
21 That, of such amount, necessary sums are available for
22 providing protective services to the Secretary and inves-
23 tigating non-payment of child support cases for which non-
24 payment is a Federal offense under 18 U.S.C. section 228:
25 *Provided further*, That, for the current fiscal year, not
26 more than \$130,000,000 may be made available under

1 section 1817(k)(3)(A) of the Social Security Act (42
2 U.S.C. 1395i(k)(3)(A)) from the Health Care Fraud and
3 Abuse Control Account of the Federal Hospital Insurance
4 Trust Fund for purposes of the activities of the Office of
5 Inspector General with respect to the Medicare and Med-
6 icaid programs.

7 OFFICE FOR CIVIL RIGHTS

8 For expenses necessary for the Office for Civil
9 Rights, \$28,691,000, together with not to exceed
10 \$3,314,000, to be transferred and expended as authorized
11 by section 201(g)(1) of the Social Security Act from the
12 Hospital Insurance Trust Fund and the Supplemental
13 Medical Insurance Trust Fund.

14 POLICY RESEARCH

15 For carrying out, to the extent not otherwise pro-
16 vided, research studies under section 1110 of the Social
17 Security Act and title III of the Public Health Service Act,
18 \$2,500,000: *Provided*, That in addition to amounts pro-
19 vided herein, funds from amounts available under section
20 241 of the Public Health Service Act may be used to carry
21 out national health or human services research and eval-
22 uation activities: *Provided further*, That the expenditure
23 of any funds available under section 241 of the Public
24 Health Service Act are subject to the requirements of sec-
25 tion 205 of this Act.

12 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
13 FUND

22 GENERAL PROVISIONS

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1 SEC. 202. The Secretary shall make available through
2 assignment not more than 60 employees of the Public
3 Health Service to assist in child survival activities and to
4 work in AIDS programs through and with funds provided
5 by the Agency for International Development, the United
6 Nations International Children's Emergency Fund or the
7 World Health Organization.

8 SEC. 203. None of the funds appropriated under this
9 Act may be used to implement section 399L(b) of the Pub-
10 lic Health Service Act or section 1503 of the National In-
11 stitutes of Health Revitalization Act of 1993, Public Law
12 103-43.

13 SEC. 204. None of the funds appropriated in this Act
14 for the National Institutes of Health and the Substance
15 Abuse and Mental Health Services Administration shall
16 be used to pay the salary of an individual, through a grant
17 or other extramural mechanism, at a rate in excess of Ex-
18 ecutive Level II.

19 SEC. 205. None of the funds appropriated in this Act
20 may be expended pursuant to section 241 of the Public
21 Health Service Act, except for funds specifically provided
22 for in this Act, or for other taps and assessments made
23 by any office located in the Department of Health and
24 Human Services, prior to the Secretary's preparation and
25 submission of a report to the Committee on Appropria-

1 tions of the Senate and of the House detailing the planned
2 uses of such funds.

3 (TRANSFER OF FUNDS)

4 SEC. 206. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended)
7 which are appropriated for the current fiscal year for the
8 Department of Health and Human Services in this Act
9 may be transferred between appropriations, but no such
10 appropriation shall be increased by more than 10 percent
11 by any such transfer: *Provided*, That the Appropriations
12 Committees of both Houses of Congress are notified at
13 least 15 days in advance of any transfer.

14 SEC. 207. The Director of the National Institutes of
15 Health, jointly with the Director of the Office of AIDS
16 Research, may transfer up to 3 percent among institutes,
17 centers, and divisions from the total amounts identified
18 by these two Directors as funding for research pertaining
19 to the human immunodeficiency virus: *Provided*, That the
20 Congress is promptly notified of the transfer.

21 SEC. 208. Of the amounts made available in this Act
22 for the National Institutes of Health, the amount for re-
23 search related to the human immunodeficiency virus, as
24 jointly determined by the Director of the National Insti-
25 tutes of Health and the Director of the Office of AIDS
26 Research, shall be made available to the “Office of AIDS

1 Research” account. The Director of the Office of AIDS
2 Research shall transfer from such account amounts nec-
3 essary to carry out section 2353(d)(3) of the Public
4 Health Service Act.

5 SEC. 209. None of the funds appropriated in this Act
6 may be made available to any entity under title X of the
7 Public Health Service Act unless the applicant for the
8 award certifies to the Secretary that it encourages family
9 participation in the decision of minors to seek family plan-
10 ning services and that it provides counseling to minors on
11 how to resist attempts to coerce minors into engaging in
12 sexual activities.

13 SEC. 210. None of the funds appropriated by this Act
14 (including funds appropriated to any trust fund) may be
15 used to carry out the Medicare+Choice program if the
16 Secretary denies participation in such program to an oth-
17 erwise eligible entity (including a Provider Sponsored Or-
18 ganization) because the entity informs the Secretary that
19 it will not provide, pay for, provide coverage of, or provide
20 referrals for abortions: *Provided*, That the Secretary shall
21 make appropriate prospective adjustments to the capita-
22 tion payment to such an entity (based on an actuarially
23 sound estimate of the expected costs of providing the serv-
24 ice to such entity’s enrollees): *Provided further*, That noth-
25 ing in this section shall be construed to change the Medi-

1 care program's coverage for such services and a
2 Medicare+Choice organization described in this section
3 shall be responsible for informing enrollees where to obtain
4 information about all Medicare covered services.

5 SEC. 211. Notwithstanding any other provision of
6 law, no provider of services under title X of the Public
7 Health Service Act shall be exempt from any State law
8 requiring notification or the reporting of child abuse, child
9 molestation, sexual abuse, rape, or incest.

10 SEC. 212. (a) Except as provided by subsection (e)
11 none of the funds appropriated by this Act may be used
12 to withhold substance abuse funding from a State pursu-
13 ant to section 1926 of the Public Health Service Act (42
14 U.S.C. 300x-26) if such State certifies to the Secretary
15 of Health and Human Services by May 1, 2002 that the
16 State will commit additional State funds, in accordance
17 with subsection (b), to ensure compliance with State laws
18 prohibiting the sale of tobacco products to individuals
19 under 18 years of age.

20 (b) The amount of funds to be committed by a State
21 under subsection (a) shall be equal to 1 percent of such
22 State's substance abuse block grant allocation for each
23 percentage point by which the State misses the retailer
24 compliance rate goal established by the Secretary of

1 Health and Human Services under section 1926 of such
2 Act.

3 (c) The State is to maintain State expenditures in
4 fiscal year 2002 for tobacco prevention programs and for
5 compliance activities at a level that is not less than the
6 level of such expenditures maintained by the State for fis-
7 cal year 2001, and adding to that level the additional
8 funds for tobacco compliance activities required under
9 subsection (a). The State is to submit a report to the Sec-
10 retary on all fiscal year 2001 State expenditures and all
11 fiscal year 2002 obligations for tobacco prevention and
12 compliance activities by program activity by July 31,
13 2002.

14 (d) The Secretary shall exercise discretion in enforce-
15 ing the timing of the State obligation of the additional
16 funds required by the certification described in subsection
17 (a) as late as July 31, 2002.

18 (e) None of the funds appropriated by this Act may
19 be used to withhold substance abuse funding pursuant to
20 section 1926 from a territory that receives less than
21 \$1,000,000.

22 SEC. 213. (a) In order for the Centers for Disease
23 Control and Prevention to carry out international HIV/
24 AIDS and other infectious disease, chronic and environ-
25 mental disease, and other health activities abroad during

1 fiscal year 2002, the Secretary of Health and Human
2 Services is authorized to—

3 (1) utilize the authorities contained in sub-
4 section 2(c) of the State Department Basic Authori-
5 ties Act of 1956, as amended, subject to the limita-
6 tions set forth in subsection (b); and

7 (2) enter into reimbursable agreements with the
8 Department of State using any funds appropriated
9 to the Department of Health and Human Services,
10 for the purposes for which the funds were appro-
11 priated in accordance with authority granted to the
12 Secretary of Health and Human Services or under
13 authority governing the activities of the Department
14 of State.

15 (b) In exercising the authority set forth in subsection
16 (a)(1), the Secretary of Health and Human Services—

17 (1) shall not award contracts for performance
18 of an inherently governmental function; and

19 (2) shall follow otherwise applicable Federal
20 procurement laws and regulations to the maximum
21 extent practicable.

22 SEC. 214. The Division of Federal Occupational
23 Health may utilize personal services contracting to employ
24 professional management/administrative and occupational
25 health professionals.

1 SEC. 215. Of the funds appropriated for the National
2 Institutes of Health for fiscal year 2002, \$2,875,000,000
3 shall not be available for obligation until September 30,
4 2002.

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

7 TITLE III—DEPARTMENT OF EDUCATION

8 EDUCATION FOR THE DISADVANTAGED

9 For carrying out title I of the Elementary and Sec-
10 ondary Education Act of 1965, as redesignated and
11 amended by H.R. 1 of the 107th Congress, as passed by
12 the House of Representatives on May 23, 2001, and sec-
13 tion 418A of the Higher Education Act of 1965,
14 \$12,547,900,000, of which \$5,667,700,000 shall become
15 available on July 1, 2002, and shall remain available
16 through September 30, 2003, and of which
17 \$6,758,300,000 shall become available on October 1, 2002
18 and shall remain available through September 30, 2003,
19 for academic year 2002–2003: *Provided*, That
20 \$8,037,000,000 shall be available for basic grants under
21 section 1124: *Provided further*, That \$1,684,000,000 shall
22 be available for concentration grants under section 1124A:
23 *Provided further*, That \$779,000,000 shall be available for
24 targeted grants under section 1125.

1 IMPACT AID

2 For carrying out programs of financial assistance to
3 federally affected schools authorized by title VI of the Ele-
4 mentary and Secondary Education Act of 1965, as redes-
5 ignated and amended by H.R. 1 of the 107th Congress,
6 as passed by the House of Representatives on May 23,
7 2001, \$1,130,500,000, of which \$982,500,000 shall be for
8 basic support payments under section 8003(b),
9 \$50,000,000 shall be for payments for children with dis-
10 abilities under section 8003(d), \$35,000,000 shall be for
11 construction under section 8007, \$55,000,000 shall be for
12 Federal property payments under section 8002, and
13 \$8,000,000, to remain available until expended, shall be
14 for facilities maintenance under section 8008.

15 SCHOOL IMPROVEMENT PROGRAMS

16 For carrying out school improvement activities au-
17 thorized by titles I–B, E and G, II, III–A, IV, V and VII–
18 A of the Elementary and Secondary Education Act of
19 1965, as redesignated and amended by H.R. 1 of the
20 107th Congress, as passed by the House of Representa-
21 tives on May 23, 2001; the Stewart B. McKinney Home-
22 less Assistance Act; the Civil Rights Act of 1964; section
23 10105, part B of title IX and part A of title XIII of the
24 Elementary and Secondary Education Act of 1965; and
25 part B of title VIII of the Higher Education Act of 1965;
26 \$7,673,084,000, of which \$2,178,750,000 shall become

1 available on July 1, 2002, and remain available through
2 September 30, 2003, and of which \$1,960,000,000 shall
3 become available on October 1, 2002, and shall remain
4 available through September 30, 2003, for academic year
5 2002–2003.

6 INDIAN EDUCATION

7 For expenses necessary to carry out, to the extent
8 not otherwise provided, title III, part A of the Elementary
9 and Secondary Education Act of 1965, as redesignated
10 and amended by H.R. 1 of the 107th Congress, as passed
11 by the House of Representatives on May 23, 2001,
12 \$123,235,000.

13 BILINGUAL AND IMMIGRANT EDUCATION

14 For carrying out, to the extent not otherwise pro-
15 vided, bilingual, foreign language and immigrant edu-
16 cation activities authorized by title III–A of the Elemen-
17 tary and Secondary Education Act of 1965, as redesign-
18 nated and amended by H.R. 1 of the 107th Congress, as
19 passed by the House of Representatives on May 23, 2001,
20 \$700,000,000.

21 SPECIAL EDUCATION

22 For carrying out the Individuals with Disabilities
23 Education Act, \$8,860,076,000, of which \$3,516,885,000
24 shall become available for obligation on July 1, 2002, and
25 shall remain available through September 30, 2003, and
26 of which \$5,072,000,000 shall become available on Octo-

ber 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That \$9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,942,117,000, of which \$60,000,000 shall remain available through September 30, 2003: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 (“the AT Act”) shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That each State shall be provided \$50,000 for activities under section 102 of the AT Act: *Provided further*, That \$40,000,000 shall be used to support grants for up to 3 years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

1 SPECIAL INSTITUTIONS FOR PERSONS WITH
2 DISABILITIES

3 AMERICAN PRINTING HOUSE FOR THE BLIND

4 For carrying out the Act of March 3, 1879, as
5 amended (20 U.S.C. 101 et seq.), \$13,000,000.

6 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7 For the National Technical Institute for the Deaf
8 under titles I and II of the Education of the Deaf Act
9 of 1986 (20 U.S.C. 4301 et seq.), \$55,376,000, of which
10 \$5,376,000 shall be for construction and shall remain
11 available until expended: *Provided*, That from the total
12 amount available, the Institute may at its discretion use
13 funds for the endowment program as authorized under
14 section 207.

15 GALLAUDET UNIVERSITY

16 For the Kendall Demonstration Elementary School,
17 the Model Secondary School for the Deaf, and the partial
18 support of Gallaudet University under titles I and II of
19 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
20 et seq.), \$95,600,000: *Provided*, That from the total
21 amount available, the University may at its discretion use
22 funds for the endowment program as authorized under
23 section 207.

24 VOCATIONAL AND ADULT EDUCATION

25 For carrying out, to the extent not otherwise pro-
26 vided, the Carl D. Perkins Vocational and Technical Edu-

1 cation Act and the Adult Education and Family Literacy
2 Act and title VIII–D of the Higher Education Act of 1965,
3 as amended, \$2,006,060,000, of which \$1,191,310,000
4 shall become available on July 1, 2002 and shall remain
5 available through September 30, 2003 and of which
6 \$808,750,000 shall become available on October 1, 2002,
7 and shall remain available through September 30, 2003:
8 *Provided*, That of the amount provided for Adult Edu-
9 cation State Grants, \$70,000,000 shall be made available
10 for integrated English literacy and civics education serv-
11 ices to immigrants and other limited English proficient
12 populations: *Provided further*, That of the amount re-
13 served for integrated English literacy and civics education,
14 notwithstanding section 211 of the Adult Education and
15 Family Literacy Act, 65 percent shall be allocated to
16 States based on a State’s absolute need as determined by
17 calculating each State’s share of a 10-year average of the
18 Immigration and Naturalization Service data for immi-
19 grants admitted for legal permanent residence for the 10
20 most recent years, and 35 percent allocated to States that
21 experienced growth as measured by the average of the 3
22 most recent years for which Immigration and Naturaliza-
23 tion Service data for immigrants admitted for legal perma-
24 nent residence are available, except that no State shall be
25 allocated an amount less than \$60,000: *Provided further*,

1 That of the amounts made available for the Adult Edu-
2 cation and Family Literacy Act, \$9,500,000 shall be for
3 national leadership activities under section 243 and
4 \$6,560,000 shall be for the National Institute for Literacy
5 under section 242.

6 STUDENT FINANCIAL ASSISTANCE

7 For carrying out subparts 1, 3, and 4 of part A, sec-
8 tion 428K, part C and part E of title IV of the Higher
9 Education Act of 1965, as amended, \$12,410,100,000,
10 which shall remain available through September 30, 2003.

11 The maximum Pell Grant for which a student shall
12 be eligible during award year 2002–2003 shall be \$4,000:
13 *Provided*, That notwithstanding section 401(g) of the Act,
14 if the Secretary determines, prior to publication of the
15 payment schedule for such award year, that the amount
16 included within this appropriation for Pell Grant awards
17 in such award year, and any funds available from the fis-
18 cal year 2001 appropriation for Pell Grant awards, are
19 insufficient to satisfy fully all such awards for which stu-
20 dents are eligible, as calculated under section 401(b) of
21 the Act, the amount paid for each such award shall be
22 reduced by either a fixed or variable percentage, or by a
23 fixed dollar amount, as determined in accordance with a
24 schedule of reductions established by the Secretary for this
25 purpose.

1 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

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

6 HIGHER EDUCATION

7 For carrying out, to the extent not otherwise pro-
 8 vided, section 121 and titles II, III, IV, V, VI, VII, and
 9 VIII of the Higher Education Act of 1965, as amended,
 10 section 1543 of the Higher Education Amendments of
 11 1992, and the Mutual Educational and Cultural Exchange
 12 Act of 1961; \$1,908,151,000, of which \$5,000,000 for in-
 13 terest subsidies authorized by section 121 of the Higher
 14 Education Act of 1965, shall remain available until ex-
 15 pended: *Provided*, That \$10,000,000, to remain available
 16 through September 30, 2003, shall be available to fund
 17 fellowships for academic year 2003–2004 under part A,
 18 subpart 1 of title VII of said Act, under the terms and
 19 conditions of part A, subpart 1: *Provided further*, That
 20 \$1,000,000 is for data collection and evaluation activities
 21 for programs under the Higher Education Act of 1965,
 22 including such activities needed to comply with the Gov-
 23 ernment Performance and Results Act of 1993.

24 HOWARD UNIVERSITY

25 For partial support of Howard University (20 U.S.C.
 26 121 et seq.), \$242,474,000, of which not less than

1 \$3,600,000 shall be for a matching endowment grant pur-
 2 suant to the Howard University Endowment Act (Public
 3 Law 98–480) and shall remain available until expended.

4 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

5 PROGRAM

6 For Federal administrative expenses authorized
 7 under section 121 of the Higher Education Act of 1965,
 8 \$762,000 to carry out activities related to existing facility
 9 loans entered into under the Higher Education Act of
 10 1965.

11 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

12 CAPITAL FINANCING PROGRAM ACCOUNT

13 The total amount of bonds insured pursuant to sec-
 14 tion 344 of title III, part D of the Higher Education Act
 15 of 1965 shall not exceed \$357,000,000, and the cost, as
 16 defined in section 502 of the Congressional Budget Act
 17 of 1974, of such bonds shall not exceed zero.

18 For administrative expenses to carry out the Histori-
 19 cally Black College and University Capital Financing Pro-
 20 gram entered into pursuant to title III, part D of the
 21 Higher Education Act of 1965, as amended, \$208,000.

22 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

23 For carrying out activities authorized by the Edu-
 24 cational Research, Development, Dissemination, and Im-
 25 provement Act of 1994, including part E; the National
 26 Education Statistics Act of 1994, including sections 411

1 and 412; title II–B and C, title IV–A and title VII–A of
2 the Elementary and Secondary Education Act of 1965, as
3 redesignated and amended by H.R. 1 of the 107th Con-
4 gress, as passed by the House of Representatives on May
5 23, 2001, \$445,620,000: *Provided*, That \$77,500,000 of
6 the funds provided for the national education research in-
7 stitutes shall be allocated notwithstanding section
8 912(m)(1)(B–F) and subparagraphs (B) and (C) of sec-
9 tion 931(c)(2) of Public Law 103–227.

10 DEPARTMENTAL MANAGEMENT

11 PROGRAM ADMINISTRATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Department of Education Organization Act, in-
14 cluding rental of conference rooms in the District of Co-
15 lumbia and hire of two passenger motor vehicles,
16 \$427,212,000.

17 OFFICE FOR CIVIL RIGHTS

18 For expenses necessary for the Office for Civil
19 Rights, as authorized by section 203 of the Department
20 of Education Organization Act, \$79,934,000.

21 OFFICE OF INSPECTOR GENERAL

22 For expenses necessary for the Office of Inspector
23 General, as authorized by section 212 of the Department
24 of Education Organization Act, \$38,720,000.

1 GENERAL PROVISIONS

2 SEC. 301. No funds appropriated in this Act may be
3 used for the transportation of students or teachers (or for
4 the purchase of equipment for such transportation) in
5 order to overcome racial imbalance in any school or school
6 system, or for the transportation of students or teachers
7 (or for the purchase of equipment for such transportation)
8 in order to carry out a plan of racial desegregation of any
9 school or school system.

10 SEC. 302. None of the funds contained in this Act
11 shall be used to require, directly or indirectly, the trans-
12 portation of any student to a school other than the school
13 which is nearest the student's home, except for a student
14 requiring special education, to the school offering such
15 special education, in order to comply with title VI of the
16 Civil Rights Act of 1964. For the purpose of this section
17 an indirect requirement of transportation of students in-
18 cludes the transportation of students to carry out a plan
19 involving the reorganization of the grade structure of
20 schools, the pairing of schools, or the clustering of schools,
21 or any combination of grade restructuring, pairing or clus-
22 tering. The prohibition described in this section does not
23 include the establishment of magnet schools.

1 SEC. 303. No funds appropriated under this Act may
2 be used to prevent the implementation of programs of vol-
3 untary prayer and meditation in the public schools.

4 SEC. 304. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended)
7 which are appropriated for the Department of Education
8 in this Act may be transferred between appropriations, but
9 no such appropriation shall be increased by more than 3
10 percent by any such transfer: *Provided*, That the Appro-
11 priations Committees of both Houses of Congress are noti-
12 fied at least 15 days in advance of any transfer.

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
19 Soldiers’ and Airmen’s Home and the United States Naval
20 Home, to be paid from funds available in the Armed
21 Forces Retirement Home Trust Fund, \$71,440,000, of
22 which \$9,812,000 shall remain available until expended
23 for construction and renovation of the physical plants at
24 the United States Soldiers’ and Airmen’s Home and the
25 United States Naval Home: *Provided*, That, notwith-

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

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

13 For expenses necessary for the Corporation for Na-
 14 tional and Community Service to carry out the provisions
 15 of the Domestic Volunteer Service Act of 1973, as amend-
 16 ed, \$324,450,000: *Provided*, That none of the funds made
 17 available to the Corporation for National and Community
 18 Service in this Act for activities authorized by part E of
 19 title II of the Domestic Volunteer Service Act of 1973
 20 shall be used to provide stipends or other monetary incen-
 21 tives to volunteers or volunteer leaders whose incomes ex-
 22 ceed 125 percent of the national poverty level.

23 CORPORATION FOR PUBLIC BROADCASTING

24 For payment to the Corporation for Public Broad-
 25 casting, as authorized by the Communications Act of

1 1934, an amount which shall be available within limita-
2 tions specified by that Act, for the fiscal year 2004,
3 \$365,000,000: *Provided*, That no funds made available to
4 the Corporation for Public Broadcasting by this Act shall
5 be used to pay for receptions, parties, or similar forms
6 of entertainment for Government officials or employees:
7 *Provided further*, That none of the funds contained in this
8 paragraph shall be available or used to aid or support any
9 program or activity from which any person is excluded,
10 or is denied benefits, or is discriminated against, on the
11 basis of race, color, national origin, religion, or sex: *Pro-*
12 *vided further*, That in addition to the amounts provided
13 above, \$25,000,000, to remain available until expended,
14 shall be for digitalization, pending enactment of author-
15 izing legislation.

16 FEDERAL MEDIATION AND CONCILIATION SERVICE

17 SALARIES AND EXPENSES

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

1 Public Law 95–454 (5 U.S.C. ch. 71), \$39,482,000, in-
2 cluding \$1,500,000, to remain available through Sep-
3 tember 30, 2003, for activities authorized by the Labor-
4 Management Cooperation Act of 1978 (29 U.S.C. 175a):
5 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
6 charged, up to full-cost recovery, for special training ac-
7 tivities and other conflict resolution services and technical
8 assistance, including those provided to foreign govern-
9 ments and international organizations, and for arbitration
10 services shall be credited to and merged with this account,
11 and shall remain available until expended: *Provided fur-*
12 *ther*, That fees for arbitration services shall be available
13 only for education, training, and professional development
14 of the agency workforce: *Provided further*, That the Direc-
15 tor of the Service is authorized to accept and use on behalf
16 of the United States gifts of services and real, personal,
17 or other property in the aid of any projects or functions
18 within the Director’s jurisdiction.

19 FEDERAL MINE SAFETY AND HEALTH REVIEW

20 COMMISSION

21 SALARIES AND EXPENSES

22 For expenses necessary for the Federal Mine Safety
23 and Health Review Commission (30 U.S.C. 801 et seq.),
24 \$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
11 the Social Security Act, \$8,000,000, to be transferred to
12 this appropriation from the Federal Hospital Insurance
13 and the Federal Supplementary Medical Insurance Trust
14 Funds.

15 NATIONAL COMMISSION ON LIBRARIES AND
16 INFORMATION SCIENCE
17 SALARIES AND EXPENSES

18 For necessary expenses for the National Commission
19 on Libraries and Information Science, established by the
20 Act of July 20, 1970 (Public Law 91–345, as amended),
21 \$1,000,000.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, as amended, \$2,830,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, as amended (29
11 U.S.C. 141–167), and other laws, \$221,438,000: *Pro-*
12 *vided*, That no part of this appropriation shall be available
13 to organize or assist in organizing agricultural laborers or
14 used in connection with investigations, hearings, direc-
15 tives, or orders concerning bargaining units composed of
16 agricultural laborers as referred to in section 2(3) of the
17 Act of July 5, 1935 (29 U.S.C. 152), and as amended
18 by the Labor-Management Relations Act, 1947, as amend-
19 ed, and as defined in section 3(f) of the Act of June 25,
20 1938 (29 U.S.C. 203), and including in said definition em-
21 ployees engaged in the maintenance and operation of
22 ditches, canals, reservoirs, and waterways when main-
23 tained or operated on a mutual, nonprofit basis and at
24 least 95 percent of the water stored or supplied thereby
25 is used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, as amended (45 U.S.C. 151–
5 188), including emergency boards appointed by the Presi-
6 dent, \$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 Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$146,000,000, which shall include
18 amounts becoming available in fiscal year 2002 pursuant
19 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds \$146,000,000: *Provided*, That the
24 total amount provided herein shall be credited in 12 ap-

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

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2003, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

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

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General for audit, investigatory and review activities, as
23 authorized by the Inspector General Act of 1978, as
24 amended, not more than \$6,042,000, to be derived from
25 the railroad retirement accounts and railroad unemploy-
26 ment insurance account: *Provided*, That none of the funds

1 made available in any other paragraph of this Act may
2 be transferred to the Office; used to carry out any such
3 transfer; used to provide any office space, equipment, of-
4 fice supplies, communications facilities or services, mainte-
5 nance services, or administrative services for the Office;
6 used to pay any salary, benefit, or award for any personnel
7 of the Office; used to pay any other operating expense of
8 the Office; or used to reimburse the Office for any service
9 provided, or expense incurred, by the Office.

10 SOCIAL SECURITY ADMINISTRATION

11 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

12 For payment to the Federal Old-Age and Survivors
13 Insurance and the Federal Disability Insurance trust
14 funds, as provided under sections 201(m), 217(g), 228(g),
15 and 1131(b)(2) of the Social Security Act, \$434,400,000.

16 SPECIAL BENEFITS FOR DISABLED COAL MINERS

17 For carrying out title IV of the Federal Mine Safety
18 and Health Act of 1977, \$332,840,000, to remain avail-
19 able until expended.

20 For making, after July 31 of the current fiscal year,
21 benefit payments to individuals under title IV of the Fed-
22 eral Mine Safety and Health Act of 1977, for costs in-
23 curred in the current fiscal year, such amounts as may
24 be necessary.

25 For making benefit payments under title IV of the
26 Federal Mine Safety and Health Act of 1977 for the first

1 quarter of fiscal year 2003, \$108,000,000, to remain
2 available until expended.

3 SUPPLEMENTAL SECURITY INCOME PROGRAM

4 For carrying out titles XI and XVI of the Social Se-
5 curity Act, section 401 of Public Law 92–603, section 212
6 of Public Law 93–66, as amended, and section 405 of
7 Public Law 95–216, including payment to the Social Secu-
8 rity trust funds for administrative expenses incurred pur-
9 suant to section 201(g)(1) of the Social Security Act,
10 \$21,270,412,000, to remain available until expended: *Pro-*
11 *vided*, That any portion of the funds provided to a State
12 in the current fiscal year and not obligated by the State
13 during that year shall be returned to the Treasury.

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

22 For making, after June 15 of the current fiscal year,
23 benefit payments to individuals under title XVI of the So-
24 cial Security Act, for unanticipated costs incurred for the
25 current fiscal year, such sums as may be necessary.

1 For making benefit payments under title XVI of the
2 Social Security Act for the first quarter of fiscal year
3 2003, \$10,790,000,000, to remain available until ex-
4 pended.

5 LIMITATION ON ADMINISTRATIVE EXPENSES

6 For necessary expenses, including the hire of two pas-
7 senger motor vehicles, and not to exceed \$35,000 for offi-
8 cial reception and representation expenses, not more than
9 \$7,035,000,000 may be expended, as authorized by sec-
10 tion 201(g)(1) of the Social Security Act, from any one
11 or all of the trust funds referred to therein: *Provided*, That
12 not less than \$1,800,000 shall be for the Social Security
13 Advisory Board: *Provided further*, That unobligated bal-
14 ances at the end of fiscal year 2002 not needed for fiscal
15 year 2002 shall remain available until expended to invest
16 in the Social Security Administration information tech-
17 nology and telecommunications hardware and software in-
18 frastructure, including related equipment and non-payroll
19 administrative expenses associated solely with this infor-
20 mation technology and telecommunications infrastructure:
21 *Provided further*, That reimbursement to the trust funds
22 under this heading for expenditures for official time for
23 employees of the Social Security Administration pursuant
24 to section 7131 of title 5, United States Code, and for
25 facilities or support services for labor organizations pursu-
26 ant to policies, regulations, or procedures referred to in

1 section 7135(b) of such title shall be made by the Sec-
2 retary of the Treasury, with interest, from amounts in the
3 general fund not otherwise appropriated, as soon as pos-
4 sible after such expenditures are made.

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

8 In addition to funding already available under this
9 heading, and subject to the same terms and conditions,
10 \$433,000,000, to remain available until September 30,
11 2003, for continuing disability reviews as authorized by
12 section 103 of Public Law 104–121 and section 10203 of
13 Public Law 105–33. The term “continuing disability re-
14 views” means reviews and redeterminations as defined
15 under section 201(g)(1)(A) of the Social Security Act, as
16 amended.

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

1 2003 only to the extent provided in advance in appropria-
2 tions Acts.

3 From funds previously appropriated for this purpose,
4 any unobligated balances at the end of fiscal year 2001
5 shall be available to continue Federal-State partnerships
6 which will evaluate means to promote Medicare buy-in pro-
7 grams targeted to elderly and disabled individuals under
8 titles 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
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, as amended, \$19,000,000, together
14 with not to exceed \$56,000,000, to be transferred and ex-
15 pended as authorized by section 201(g)(1) of the Social
16 Security Act from the Federal Old-Age and Survivors In-
17 surance Trust Fund and the Federal Disability Insurance
18 Trust Fund.

19 In addition, an amount not to exceed 3 percent of
20 the total provided in this appropriation may be transferred
21 from the “Limitation on Administrative Expenses”, Social
22 Security Administration, to be merged with this account,
23 to be available for the time and purposes for which this
24 account is available: *Provided*, That notice of such trans-
25 fers shall be transmitted promptly to the Committees on
26 Appropriations 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, \$15,000,000.

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 legis-
24 lature, 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
3 grant or contract recipient, or agent acting for such recipi-
4 ent, related to any activity designed to influence legislation
5 or appropriations pending before the Congress or any
6 State legislature.

7 SEC. 504. The Secretaries of Labor and Education
8 are authorized to make available not to exceed \$20,000
9 and \$15,000, respectively, from funds available for sala-
10 ries and expenses under titles I and III, respectively, for
11 official reception and representation expenses; the Direc-
12 tor of the Federal Mediation and Conciliation Service is
13 authorized to make available for official reception and rep-
14 resentation expenses not to exceed \$2,500 from the funds
15 available for “Salaries and expenses, Federal Mediation
16 and Conciliation Service”; and the Chairman of the Na-
17 tional Mediation Board is authorized to make available for
18 official reception and representation expenses not to ex-
19 ceed \$2,500 from funds available for “Salaries and ex-
20 penses, National Mediation Board”.

21 SEC. 505. Notwithstanding any other provision of
22 this Act, no funds appropriated under this Act shall be
23 used to carry out any program of distributing sterile nee-
24 dles or syringes for the hypodermic injection of any illegal
25 drug.

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

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

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

21 SEC. 507. When issuing statements, press releases,
22 requests for proposals, bid solicitations and other docu-
23 ments describing projects or programs funded in whole or
24 in part with Federal money, all grantees receiving Federal
25 funds included in this Act, including but not limited to

1 State and local governments and recipients of Federal re-
2 search grants, shall clearly state: (1) the percentage of the
3 total costs of the program or project which will be financed
4 with Federal money; (2) the dollar amount of Federal
5 funds for the project or program; and (3) percentage and
6 dollar amount of the total costs of the project or program
7 that will be financed by non-governmental sources.

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

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

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

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 con-
8 strued as prohibiting the expenditure by a State, locality,
9 entity, or private person of State, local, or private funds
10 (other than a State's or locality's contribution of Medicaid
11 matching funds).

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

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

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

23 (2) research in which a human embryo or em-
24 bryos are destroyed, discarded, or knowingly sub-
25 jected to risk of injury or death greater than that

1 allowed for research on fetuses in utero under 45
2 CFR 46.208(a)(2) and section 498(b) of the Public
3 Health Service Act (42 U.S.C. 289g(b)).

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

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

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

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

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in section 4212(d) of title 38, United States Code,
2 regarding submission of an annual report to the Sec-
3 retary of Labor concerning employment of certain
4 veterans; and

5 (2) such entity has not submitted a report as
6 required by that section for the most recent year for
7 which such requirement was applicable to such enti-
8 ty.

9 SEC. 513. None of the funds made available in this
10 Act may be used to promulgate or adopt any final stand-
11 ard under section 1173(b) of the Social Security Act (42
12 U.S.C. 1320d–2(b)) providing for, or providing for the as-
13 signment of, a unique health identifier for an individual
14 (except in an individual’s capacity as an employer or a
15 health care provider), until legislation is enacted specifi-
16 cally approving the standard.

17 SEC. 514. No funds appropriated in this Act may be
18 made available to any person or entity that violates the
19 Buy American Act (41 U.S.C. 10a–10e).

20 SEC. 515. None of the funds made available in this
21 Act for the Department of Health and Human Services
22 may be used to grant an exclusive or partially exclusive
23 license pursuant to chapter 18 of title 35, United States
24 Code, except in accordance with section 209 of such title

1 (relating to the availability to the public of an invention
2 and its benefits on reasonable terms).

3 **TITLE VI—EXTENSION OF MARK-**
4 **TO-MARKET PROGRAM FOR**
5 **MULTIFAMILY ASSISTED**
6 **HOUSING**

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

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

10 (b) TABLE OF CONTENTS.—The table of contents for
11 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 insur-
ance.

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 housing.

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
7 mortgage restructurings pursuant to that Act are re-
8 habilitated to a standard that allows the properties
9 to meet their long-term affordability requirements;

10 (3) to ensure that, for properties that undergo
11 mortgage restructurings pursuant to that Act, re-
12 serves are set at adequate levels to allow the prop-
13 erties to meet their long-term affordability require-
14 ments;

15 (4) to ensure that properties that undergo
16 mortgage restructurings pursuant to that Act are
17 operated efficiently, and that operating expenses are
18 sufficient to ensure the long-term financial and
19 physical integrity of the properties;

20 (5) to ensure that properties that undergo rent
21 restructurings have adequate resources to maintain
22 the properties in good condition;

23 (6) to ensure that the Office of Multifamily
24 Housing Assistance Restructuring of the Depart-

1 ment of Housing and Urban Development continues
2 to focus on the portfolio of properties eligible for re-
3 structuring under that Act;

4 (7) to ensure that the Department of Housing
5 and Urban Development carefully tracks the condi-
6 tion of those properties on an ongoing basis;

7 (8) to ensure that tenant groups, nonprofit or-
8 ganizations, and public entities continue to have the
9 resources for building the capacity of tenant organi-
10 zations in furtherance of the purposes of subtitle A
11 of that Act; and

12 (9) to encourage the Office of Multifamily
13 Housing Assistance Restructuring to continue to
14 provide participating administrative entities, includ-
15 ing public participating administrative entities, with
16 the flexibility to respond to specific problems that in-
17 dividual cases may present, while ensuring consistent
18 outcomes around the country.

19 **SEC. 603. EFFECTIVE DATE.**

20 Except as provided in sections 616(a)(2), 633(b), and
21 634(b), this title and the amendments made by this title
22 shall take effect or are deemed to have taken effect, as
23 appropriate, on the earlier of—

24 (1) the date of the enactment of this title; or

25 (2) September 30, 2001.

1 **Subtitle A—Multifamily Housing**
2 **Mortgage and Assistance Re-**
3 **structuring and Section 8 Con-**
4 **tract Renewal**

5 **SEC. 611. DEFINITIONS.**

6 Section 512 of the Multifamily Assisted Housing Re-
7 form and Affordability Act of 1997 (42 U.S.C. 1437f
8 note) is amended by adding at the end the following new
9 paragraph:

10 “(19) OFFICE.—The term ‘Office’ means the
11 Office of Multifamily Housing Assistance Restruc-
12 turing established under section 571.”.

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

14 (a) FUNDING FOR TENANT AND NONPROFIT PAR-
15 TICIPATION.—Section 514(f)(3)(A) of the Multifamily As-
16 sisted Housing Reform and Affordability Act of 1997 (42
17 U.S.C. 1437f note) is amended—

18 (1) by striking “Secretary may provide not
19 more than \$10,000,000 annually in funding” and in-
20 serting “Secretary shall make available not more
21 than \$10,000,000 annually in funding, which
22 amount shall be in addition to any amounts made
23 available under this subparagraph and carried over
24 from previous years,”; and

1 (2) by striking “entities), and for tenant serv-
2 ices,” and inserting “entities), for tenant services,
3 and for tenant groups, nonprofit organizations, and
4 public entities described in section 517(a)(5),”.

5 (b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the
6 Multifamily Assisted Housing Reform and Affordability
7 Act of 1997 (42 U.S.C. 1437f note) is amended by strik-
8 ing “restructured mortgages in any fiscal year” and in-
9 serting “portfolio restructuring agreements”.

10 (c) NOTICE TO DISPLACED TENANTS.—Section
11 516(d) of the Multifamily Assisted Housing Reform and
12 Affordability Act of 1997 (42 U.S.C. 1437f note) is
13 amended by striking “Subject to” and inserting the fol-
14 lowing:

15 “(1) NOTICE TO CERTAIN RESIDENTS.—The
16 Office shall notify any tenant that is residing in a
17 project or receiving assistance under section 8 of the
18 United States Housing Act of 1937 (42 U.S.C.
19 1437f) at the time of rejection under this section, of
20 such rejection, except that the Office may delegate
21 the responsibility to provide notice under this para-
22 graph to the participating administrative entity.

23 “(2) ASSISTANCE AND MOVING EXPENSES.—
24 Subject to”.

1 (d) RESTRUCTURING PLANS FOR TRANSFERS OF
 2 PREPAYMENT PROJECTS.—The Multifamily Assisted
 3 Housing Reform and Affordability Act of 1997 (42 U.S.C.
 4 1437f note) is amended—

5 (1) in section 524(e), by adding at the end the
 6 following new paragraph:

7 “(3) MORTGAGE RESTRUCTURING AND RENTAL
 8 ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding
 9 paragraph (1), the owner of the project may request,
 10 and the Secretary may consider, mortgage restruc-
 11 turing and rental assistance sufficiency plans to fa-
 12 cilitate sales or transfers of properties under this
 13 subtitle, subject to an approved plan of action under
 14 the Emergency Low Income Housing Preservation
 15 Act of 1987 (12 U.S.C. 1715l note) or the Low-In-
 16 come Housing Preservation and Resident Home-
 17 ownership Act of 1990 (12 U.S.C. 4101 et seq.),
 18 which plans shall result in a sale or transfer of those
 19 properties.”; and

20 (2) in the last sentence of section 512(2), by in-
 21 serting “, but does include a project described in
 22 section 524(e)(3)” after “section 524(e)”.

23 (e) ADDITION OF SIGNIFICANT FEATURES.—Section
 24 517 of the Multifamily Assisted Housing Reform and Af-

1 fordability Act of 1997 (42 U.S.C. 1437f note) is
2 amended—

3 (1) by striking subsection (c) (except that the
4 striking of such subsection may not be construed to
5 have any effect on the provisions of law amended by
6 such subsection, as such subsection was in effect be-
7 fore the date of the enactment of this Act);

8 (2) in subsection (b)—

9 (A) in paragraph (7), by striking “(7)”
10 and inserting “(1)”; and

11 (B) by adding at the end the following new
12 paragraph:

13 “(2) ADDITION OF SIGNIFICANT FEATURES.—

14 “(A) AUTHORITY.—An approved mortgage
15 restructuring and rental assistance sufficiency
16 plan may require the improvement of the
17 project by the addition of significant features
18 that are not necessary for rehabilitation to the
19 standard provided under paragraph (1), such as
20 air conditioning, an elevator, and additional
21 community space. The Secretary shall establish
22 guidelines regarding the inclusion of require-
23 ments regarding such additional significant fea-
24 tures under such plans.

1 “(B) FUNDING.—Significant features
2 added pursuant to an approved mortgage re-
3 structuring and rental assistance sufficiency
4 plan may be paid from the funding sources
5 specified in the first sentence of paragraph
6 (1)(A).

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

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

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

1 “(c) REHABILITATION NEEDS AND ADDITION OF
2 SIGNIFICANT 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 fol-
7 lowing: “Notwithstanding any other provision of this title,
8 the Secretary may treat a project as an eligible multi-
9 family housing project for purposes of this title if: (I) the
10 project is assisted pursuant to a contract for project-based
11 assistance under section 8 of the United States Housing
12 Act of 1937 renewed under section 524 of this Act; (II)
13 the owner consents to such treatment; and (III) the
14 project met the requirements of the first sentence of this
15 paragraph for eligibility as an eligible multifamily housing
16 project before the initial renewal of the contract under sec-
17 tion 524.”.

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

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

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

1 “(ii) the”; and

2 (2) in paragraph (5), by inserting “of the sec-
3 ond mortgage, assign the second mortgage to the ac-
4 quiring organization or agency,” after “terms”.

5 (h) EXEMPTIONS FROM RESTRUCTURING.—Section
6 514(h)(2) of the Multifamily Assisted Housing Reform
7 and Affordability Act of 1997 (42 U.S.C. 1437f note) is
8 amended by inserting before the semicolon the following:
9 “, or refinanced pursuant to section 811 of the American
10 Homeownership and Economic Opportunity Act of 2000
11 (12 U.S.C. 1701q note)”.

12 **SEC. 613. CONSISTENCY OF RENT LEVELS UNDER EN-**
13 **HANCED VOUCHER ASSISTANCE AND RENT**
14 **RESTRUCTURINGS.**

15 Subtitle A of the Multifamily Assisted Housing Re-
16 form and Affordability Act of 1997 (42 U.S.C. 1437f
17 note) is amended by adding at the end the following new
18 section:

19 **“SEC. 525. CONSISTENCY OF RENT LEVELS UNDER EN-**
20 **HANCED VOUCHER ASSISTANCE AND RENT**
21 **RESTRUCTURINGS.**

22 “(a) IN GENERAL.—The Secretary shall examine the
23 standards and procedures for determining and estab-
24 lishing the rent standards described under subsection (b).
25 Pursuant to such examination, the Secretary shall estab-

lish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

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

“(1) ENHANCED VOUCHERS.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

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

“(3) CONTRACT RENEWAL.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.”.

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

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: “Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (in-

cluding costs incurred with respect to units not covered by the contract for assistance), but only: (I) if inclusion of such costs is requested by the owner or purchaser of the project; (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization; and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).”.

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

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

(1) by striking “under this Act: *Provided*, That the principal” and inserting the following: “under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

“(A) the principal”;

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

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

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

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

2 (6) by striking “: *Provided further*, That a
3 mortgage” and inserting the following “; and

4 “(B) a mortgage”;

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

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

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

15 **SEC. 616. TECHNICAL CORRECTIONS.**

16 (a) EXEMPTIONS FROM RESTRUCTURING.—

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

23 (2) RETROACTIVE EFFECT.—The amendment
24 made by paragraph (1) of this subsection is deemed

1 to have taken effect on the date of the enactment of
2 Public Law 106–74 (113 Stat. 1109).

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

6 (1) in section 511(a)(12), by striking “this
7 Act” and inserting “this title”;

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

11 (3) in section 514(f)(3)(B), by inserting “Hous-
12 ing” after “Multifamily”;

13 (4) in section 515(c)(1)(B), by inserting “or”
14 after the semicolon;

15 (5) in section 517(b)—

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

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

22 (C) in paragraph (6), by striking “; and”
23 at the end and inserting a period;

24 (6) in section 520(b), by striking “Banking
25 and”; and

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

3 **Subtitle B—Office of Multifamily**
4 **Housing Assistance Restructuring**

5 **SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION**
6 **OF PROGRAM.**

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

10 (1) by striking subsection (a) and inserting the
11 following new subsection:

12 “(a) REPEALS.—

13 “(1) MARK-TO-MARKET PROGRAM.—Subtitle A
14 (except for section 524) is repealed effective October
15 1, 2006.

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

18 (2) in subsection (b), by striking “October 1,
19 2001” and inserting “October 1, 2006”;

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

23 (4) by striking subsection (d) and inserting the
24 following new subsection:

1 “(d) TRANSFER OF AUTHORITY.—Effective upon the
2 repeal of subtitle D under subsection (a)(2) of this section,
3 all authority and responsibilities to administer the pro-
4 gram under subtitle A are transferred to the Secretary.”.

5 **SEC. 622. APPOINTMENT OF DIRECTOR.**

6 (a) IN GENERAL.—Section 572 of the Multifamily
7 Assisted Housing Reform and Affordability Act of 1997
8 (42 U.S.C. 1437f note) is amended by striking subsection
9 (a) and inserting the following new subsection:

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

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

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

23 (a) IN GENERAL.—Section 572 of the Multifamily
24 Assisted Housing Reform and Affordability Act of 1997

1 (42 U.S.C. 1437f note) is amended by striking subsection
2 (b) and inserting the following new subsection:

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

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

14 **SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMIS-**
15 **SIONER.**

16 (a) IN GENERAL.—Section 578 of the Multifamily
17 Assisted Housing Reform and Affordability Act of 1997
18 (42 U.S.C. 1437f note) is amended to read as follows:

19 **“SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMIS-**
20 **SIONER.**

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

1 (b) REPORT.—The second sentence of section 573(b)
 2 of the Multifamily Assisted Housing Reform and Afford-
 3 ability Act of 1997 (42 U.S.C. 1437f note) is amended
 4 by striking “Secretary” and inserting “Assistant Sec-
 5 retary of the Department of Housing and Urban Develop-
 6 ment who is the Federal Housing Commissioner”.

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

8 Section 576 of the Multifamily Assisted Housing Re-
 9 form and Affordability Act of 1997 (42 U.S.C. 1437f
 10 note) is amended by striking “2-year period” and inserting
 11 “1-year period”.

12 **Subtitle C—Miscellaneous Housing**
 13 **Program Amendments**

14 **SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EX-**
 15 **CEPTION.**

16 Section 105(a)(8) of the Housing and Community
 17 Development Act of 1974 (42 U.S.C. 5305(a)(8)) is
 18 amended by striking “through 2001” and inserting
 19 “through 2003”.

20 **SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR**
 21 **PREPAYMENTS.**

22 Section 8(t)(2) of the United States Housing Act of
 23 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting
 24 after “insurance contract for the mortgage for such hous-
 25 ing project” the following: “(including any such mortgage

1 prepayment during fiscal year 1996 or a fiscal year there-
2 after or any insurance contract voluntary termination dur-
3 ing fiscal year 1996 or a fiscal year thereafter)’’.

4 **SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR**
5 **SECTION 202 SUPPORTIVE HOUSING.**

6 (a) IN GENERAL.—Section 811 of the American
7 Homeownership and Economic Opportunity Act of 2000
8 (12 U.S.C. 1701q note) is amended by striking subsection
9 (e).

10 (b) EFFECTIVENESS UPON DATE OF ENACTMENT.—
11 The amendment made by subsection (a) of this section
12 shall take effect upon the date of the enactment of this
13 Act and the provisions of section 811 of the American
14 Homeownership and Economic Opportunity Act of 2000
15 (12 U.S.C. 1701q note), as amended by subsection (a) of
16 this section, shall apply as so amended upon such date
17 of enactment, notwithstanding—

18 (1) any authority of the Secretary of Housing
19 and Urban Development to issue regulations to im-
20 plement or carry out the amendments made by sub-
21 section (a) of this section or the provisions of section
22 811 of the American Homeownership and Economic
23 Opportunity Act of 2000 (12 U.S.C. 1701q note); or

1 (2) any failure of the Secretary of Housing and
2 Urban Development to issue any such regulations
3 authorized.

4 **SEC. 634. TECHNICAL CORRECTION.**

5 (a) IN GENERAL.—Section 101(a) of Public Law
6 100–77 (42 U.S.C. 11301 note) is amended to read as
7 if the amendment made by section 1 of Public Law 106–
8 400 (114 Stat. 1675) were made to “Section 101” instead
9 of “Section 1”.

10 (b) RETROACTIVE EFFECT.—The amendment made
11 by subsection (a) of this section is deemed to have taken
12 effect immediately after the enactment of Public Law
13 106–400 (114 Stat. 1675).

14 This Act may be cited as the “Departments of Labor,
15 Health and Human Services, and Education, and Related
16 Agencies Appropriations Act, 2002”.

Passed the House of Representatives October 11,
2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 3061

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.