

**Calendar No. 193**107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1536****[Report No. 107-84]**

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.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2001

Mr. HARKIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 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,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending  
2 September 30, 2002, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

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

1 *ther*, That funding provided herein for carrying out Dis-  
2 located Worker Employment and Training Activities  
3 under the Workforce Investment Act shall include  
4 \$402,000,000 under section 132(a)(2)(B) of the Act, and  
5 \$87,000,000 under section 132(a)(2)(A) of the Act: *Pro-*  
6 *vided further*, That, notwithstanding any other provision  
7 of law or related regulation, \$80,770,000 shall be for car-  
8 rying out section 167 of the Workforce Investment Act,  
9 including \$74,751,000 for formula grants, \$5,000,000 for  
10 migrant and seasonal housing, and \$1,019,000 for other  
11 discretionary purposes: *Provided further*, That funding  
12 provided herein under section 166 of the Workforce In-  
13 vestment Act shall include \$1,711,000 for use under sec-  
14 tion 166(j)(1) of the Act: *Provided further*, That funds  
15 provided to carry out section 171(d) of the Workforce In-  
16 vestment Act may be used for demonstration projects that  
17 provide assistance to new entrants in the workforce and  
18 incumbent workers: *Provided further*, That funding appro-  
19 priated herein for Dislocated Worker Employment and  
20 Training Activities under section 132(a)(2)(A) of the  
21 Workforce Investment Act may be distributed for Dis-  
22 located Worker Projects under section 171(d) of the Act  
23 without regard to the 10 percent limitation contained in  
24 section 171(d) of the Act: *Provided further*, That no funds

1 from any other appropriation shall be used to provide meal  
2 services at or for Job Corps centers.

3 For necessary expenses of the Workforce Investment  
4 Act, including the purchase and hire of passenger motor  
5 vehicles, the construction, alteration, and repair of build-  
6 ings and other facilities, and the purchase of real property  
7 for training centers as authorized by the Workforce In-  
8 vestment Act; \$2,463,000,000 plus reimbursements, of  
9 which \$2,363,000,000 is available for obligation for the  
10 period October 1, 2002 through June 30, 2003, and of  
11 which \$100,000,000 is available for the period October 1,  
12 2002 through June 30, 2005, for necessary expenses of  
13 construction, rehabilitation, and acquisition of Job Corps  
14 centers: *Provided*, That funding provided herein for car-  
15 rying out Dislocated Worker Employment and Training  
16 Activities under the Workforce Investment Act shall in-  
17 clude \$880,800,000 under section 132(a)(2)(B) of the  
18 Act, and \$179,200,000 under section 132(a)(2)(A) of the  
19 Act.

20 COMMUNITY SERVICE EMPLOYMENT FOR OLDER  
21 AMERICANS

22 To carry out title V of the Older Americans Act of  
23 1965, as amended, \$450,000,000.

24 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

25 For payments during the current fiscal year of trade  
26 adjustment benefit payments and allowances under part

1 I; and for training, allowances for job search and reloca-  
2 tion, and related State administrative expenses under part  
3 II, subchapters B and D, chapter 2, title II of the Trade  
4 Act of 1974, as amended, \$415,650,000, together with  
5 such amounts as may be necessary to be charged to the  
6 subsequent appropriation for payments for any period sub-  
7 sequent to September 15 of the current year.

8 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
9 SERVICE OPERATIONS

10 For authorized administrative expenses,  
11 \$191,452,000, together with not to exceed  
12 \$3,238,886,000 (including not to exceed \$1,228,000  
13 which may be used for amortization payments to States  
14 which had independent retirement plans in their State em-  
15 ployment service agencies prior to 1980), which may be  
16 expended from the Employment Security Administration  
17 account in the Unemployment Trust Fund including the  
18 cost of administering section 51 of the Internal Revenue  
19 Code of 1986, as amended, section 7(d) of the Wagner-  
20 Peyser Act, as amended, the Trade Act of 1974, as  
21 amended, the Immigration Act of 1990, and the Immigra-  
22 tion and Nationality Act, as amended, and of which the  
23 sums available in the allocation for activities authorized  
24 by title III of the Social Security Act, as amended (42  
25 U.S.C. 502–504), and the sums available in the allocation  
26 for necessary administrative expenses for carrying out 5

1 U.S.C. 8501–8523, shall be available for obligation by the  
2 States through December 31, 2002, except that funds  
3 used for automation acquisitions shall be available for obli-  
4 gation by the States through September 30, 2004; and  
5 of which \$191,452,000, together with not to exceed  
6 \$773,283,000 of the amount which may be expended from  
7 said trust fund, shall be available for obligation for the  
8 period July 1, 2002 through June 30, 2003, to fund ac-  
9 tivities under the Act of June 6, 1933, as amended, in-  
10 cluding the cost of penalty mail authorized under 39  
11 U.S.C. 3202(a)(1)(E) made available to States in lieu of  
12 allotments for such purpose: *Provided*, That to the extent  
13 that the Average Weekly Insured Unemployment (AWIU)  
14 for fiscal year 2002 is projected by the Department of  
15 Labor to exceed 2,622,000, an additional \$28,600,000  
16 shall be available for obligation for every 100,000 increase  
17 in the AWIU level (including a pro rata amount for any  
18 increment less than 100,000) from the Employment Secu-  
19 rity Administration Account of the Unemployment Trust  
20 Fund: *Provided further*, That funds appropriated in this  
21 Act which are used to establish a national one-stop career  
22 center system, or which are used to support the national  
23 activities of the Federal-State unemployment insurance  
24 programs, may be obligated in contracts, grants or agree-  
25 ments with non-State entities: *Provided further*, That

1 funds appropriated under this Act for activities authorized  
2 under the Wagner-Peyser Act, as amended, and title III  
3 of the Social Security Act, may be used by the States to  
4 fund integrated Employment Service and Unemployment  
5 Insurance automation efforts, notwithstanding cost alloca-  
6 tion principles prescribed under Office of Management  
7 and Budget Circular A-87: *Provided further*, That not-  
8 withstanding any other provisions of law, the portion of  
9 the funds received by the State of Mississippi in the settle-  
10 ment of litigation with a contractor relating to the acquisi-  
11 tion of an automated system for benefit payments under  
12 the unemployment compensation program that is attrib-  
13 utable to the expenditure of Federal grant funds awarded  
14 to the State shall be transferred to the account under this  
15 heading and shall be made available by the Department  
16 of Labor to the State of Mississippi for obligation by the  
17 State through fiscal year 2004 to carry out automation  
18 and related activities under the unemployment compensa-  
19 tion program.

20 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
21 OTHER FUNDS

22 For repayable advances to the Unemployment Trust  
23 Fund as authorized by sections 905(d) and 1203 of the  
24 Social Security Act, as amended, and to the Black Lung  
25 Disability Trust Fund as authorized by section 9501(c)(1)  
26 of the Internal Revenue Code of 1954, as amended; and

1 for nonrepayable advances to the Unemployment Trust  
2 Fund as authorized by section 8509 of title 5, United  
3 States Code, and to the “Federal unemployment benefits  
4 and allowances” account, to remain available until Sep-  
5 tember 30, 2003, \$464,000,000.

6 In addition, for making repayable advances to the  
7 Black Lung Disability Trust Fund in the current fiscal  
8 year after September 15, 2002, for costs incurred by the  
9 Black Lung Disability Trust Fund in the current fiscal  
10 year, such sums as may be necessary.

11 PROGRAM ADMINISTRATION

12 For expenses of administering employment and train-  
13 ing programs, \$112,571,000, including \$5,903,000 to ad-  
14 minister welfare-to-work grants, together with not to ex-  
15 ceed \$48,507,000, which may be expended from the Em-  
16 ployment Security Administration account in the Unem-  
17 ployment Trust Fund.

18 PENSION AND WELFARE BENEFITS ADMINISTRATION

19 SALARIES AND EXPENSES

20 For necessary expenses for the Pension and Welfare  
21 Benefits Administration, \$112,418,000.

22 PENSION BENEFIT GUARANTY CORPORATION

23 PENSION BENEFIT GUARANTY CORPORATION FUND

24 The Pension Benefit Guaranty Corporation is author-  
25 ized to make such expenditures, including financial assist-  
26 ance authorized by section 104 of Public Law 96–364,



1 within limits of funds and borrowing authority available  
2 to such Corporation, and in accord with law, and to make  
3 such contracts and commitments without regard to fiscal  
4 year limitations as provided by section 104 of the Govern-  
5 ment Corporation Control Act, as amended (31 U.S.C.  
6 9104), as may be necessary in carrying out the program  
7 through September 30, 2002, for such Corporation: *Pro-*  
8 *vided*, That not to exceed \$11,690,000 shall be available  
9 for administrative expenses of the Corporation: *Provided*  
10 *further*, That expenses of such Corporation in connection  
11 with the termination of pension plans, for the acquisition,  
12 protection or management, and investment of trust assets,  
13 and for benefits administration services shall be consid-  
14 ered as non-administrative expenses for the purposes here-  
15 of, and excluded from the above limitation.

16           EMPLOYMENT STANDARDS ADMINISTRATION

17                           SALARIES AND EXPENSES

18           For necessary expenses for the Employment Stand-  
19 ards Administration, including reimbursement to State,  
20 Federal, and local agencies and their employees for inspec-  
21 tion services rendered, \$375,164,000, together with  
22 \$1,981,000 which may be expended from the Special Fund  
23 in accordance with sections 39(c), 44(d) and 44(j) of the  
24 Longshore and Harbor Workers' Compensation Act: *Pro-*  
25 *vided*, That \$2,000,000 shall be for the development of

1 an alternative system for the electronic submission of re-  
2 ports required to be filed under the Labor-Management  
3 Reporting and Disclosure Act of 1959, as amended, and  
4 for a computer database of the information for each sub-  
5 mission by whatever means, that is indexed and easily  
6 searchable by the public via the Internet: *Provided further,*  
7 That the Secretary of Labor is authorized to accept, re-  
8 tain, and spend, until expended, in the name of the De-  
9 partment of Labor, all sums of money ordered to be paid  
10 to the Secretary of Labor, in accordance with the terms  
11 of the Consent Judgment in Civil Action No. 91-0027 of  
12 the United States District Court for the District of the  
13 Northern Mariana Islands (May 21, 1992): *Provided fur-*  
14 *ther,* That the Secretary of Labor is authorized to estab-  
15 lish and, in accordance with 31 U.S.C. 3302, collect and  
16 deposit in the Treasury fees for processing applications  
17 and issuing certificates under sections 11(d) and 14 of the  
18 Fair Labor Standards Act of 1938, as amended (29  
19 U.S.C. 211(d) and 214) and for processing applications  
20 and issuing registrations under title I of the Migrant and  
21 Seasonal Agricultural Worker Protection Act (29 U.S.C.  
22 1801 et seq.).

23 SPECIAL BENEFITS

24 (INCLUDING TRANSFER OF FUNDS)

25 For the payment of compensation, benefits, and ex-  
26 penses (except administrative expenses) accruing during

1 the current or any prior fiscal year authorized by title 5,  
2 chapter 81 of the United States Code; continuation of ben-  
3 efits as provided for under the heading “Civilian War Ben-  
4 efits” in the Federal Security Agency Appropriation Act,  
5 1947; the Employees’ Compensation Commission Appro-  
6 priation Act, 1944; sections 4(c) and 5(f) of the War  
7 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-  
8 cent of the additional compensation and benefits required  
9 by section 10(h) of the Longshore and Harbor Workers’  
10 Compensation Act, as amended, \$121,000,000 together  
11 with such amounts as may be necessary to be charged to  
12 the subsequent year appropriation for the payment of  
13 compensation and other benefits for any period subse-  
14 quent to August 15 of the current year: *Provided*, That  
15 amounts appropriated may be used under section 8104 of  
16 title 5, United States Code, by the Secretary of Labor to  
17 reimburse an employer, who is not the employer at the  
18 time of injury, for portions of the salary of a reemployed,  
19 disabled beneficiary: *Provided further*, That balances of re-  
20 imbursements unobligated on September 30, 2001, shall  
21 remain available until expended for the payment of com-  
22 pensation, benefits, and expenses: *Provided further*, That  
23 in addition there shall be transferred to this appropriation  
24 from the Postal Service and from any other corporation  
25 or instrumentality required under section 8147(c) of title

1 5, United States Code, to pay an amount for its fair share  
 2 of the cost of administration, such sums as the Secretary  
 3 determines to be the cost of administration for employees  
 4 of such fair share entities through September 30, 2002:  
 5 *Provided further*, That of those funds transferred to this  
 6 account from the fair share entities to pay the cost of ad-  
 7 ministration of the Federal Employees' Compensation Act,  
 8 \$36,696,000 shall be made available to the Secretary as  
 9 follows: (1) for the operation of and enhancement to the  
 10 automated data processing systems, including document  
 11 imaging and conversion to a paperless office, \$24,522,000;  
 12 (2) for medical bill review and periodic roll management,  
 13 \$11,474,000; (3) for communications redesign, \$700,000;  
 14 and (4) the remaining funds shall be paid into the Treas-  
 15 ury as miscellaneous receipts: *Provided further*, That the  
 16 Secretary may require that any person filing a notice of  
 17 injury or a claim for benefits under chapter 81 of title  
 18 5, United States Code, or 33 U.S.C. 901 et seq., provide  
 19 as part of such notice and claim, such identifying informa-  
 20 tion (including Social Security account number) as such  
 21 regulations may prescribe.

22 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS

23 COMPENSATION FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to administer the Energy  
 26 Employees Occupational Illness Compensation Act,

1 \$136,000,000, to remain available until expended: *Pro-*  
 2 *vided*, That the Secretary of Labor is authorized to trans-  
 3 fer to any Executive agency with authority under the En-  
 4 ergy Employees Occupational Illness Compensation Act,  
 5 including within the Department of Labor, such sums as  
 6 may be necessary in fiscal year 2002 to carry out those  
 7 authorities: *Provided further*, That the Secretary may re-  
 8 quire that any person filing a claim for benefits under the  
 9 Act provide as part of such claim, such identifying infor-  
 10 mation (including Social Security account number) as may  
 11 be prescribed.

12 BLACK LUNG DISABILITY TRUST FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 In fiscal year 2002, such sums as may be necessary  
 15 from the Black Lung Disability Trust Fund, to remain  
 16 available until expended, for payment of all benefits au-  
 17 thorized by section 9501(d) (1), (2), (4), and (7), of the  
 18 Internal Revenue Code of 1954, as amended; and interest  
 19 on advances as authorized by section 9501(c)(2) of that  
 20 Act. In addition, the following amounts shall be available  
 21 from the Fund for fiscal year 2002 for expenses of oper-  
 22 ation and administration of the Black Lung Benefits pro-  
 23 gram as authorized by section 9501(d)(5) of that Act:  
 24 \$31,558,000 for transfer to the Employment Standards  
 25 Administration, "Salaries and Expenses"; \$22,590,000  
 26 for transfer to Departmental Management, "Salaries and

1 Expenses”; \$328,000 for transfer to Departmental Man-  
2 agement, “Office of Inspector General”; and \$356,000 for  
3 payments into miscellaneous receipts for the expenses of  
4 the Department of Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety  
8 and Health Administration, \$450,262,000, including not  
9 to exceed \$92,119,000 which shall be the maximum  
10 amount available for grants to States under section 23(g)  
11 of the Occupational Safety and Health Act, which grants  
12 shall be no less than 50 percent of the costs of State occu-  
13 pational safety and health programs required to be in-  
14 curred under plans approved by the Secretary under sec-  
15 tion 18 of the Occupational Safety and Health Act of  
16 1970; and, in addition, notwithstanding 31 U.S.C. 3302,  
17 the Occupational Safety and Health Administration may  
18 retain up to \$750,000 per fiscal year of training institute  
19 course tuition fees, otherwise authorized by law to be col-  
20 lected, and may utilize such sums for occupational safety  
21 and health training and education grants: *Provided*, That,  
22 notwithstanding 31 U.S.C. 3302, the Secretary of Labor  
23 is authorized, during the fiscal year ending September 30,  
24 2002, to collect and retain fees for services provided to  
25 Nationally Recognized Testing Laboratories, and may uti-

1 lize such sums, in accordance with the provisions of 29  
2 U.S.C. 9a, to administer national and international lab-  
3 oratory recognition programs that ensure the safety of  
4 equipment and products used by workers in the workplace:  
5 *Provided further,* That none of the funds appropriated  
6 under this paragraph shall be obligated or expended to  
7 prescribe, issue, administer, or enforce any standard, rule,  
8 regulation, or order under the Occupational Safety and  
9 Health Act of 1970 which is applicable to any person who  
10 is engaged in a farming operation which does not maintain  
11 a temporary labor camp and employs 10 or fewer employ-  
12 ees: *Provided further,* That no funds appropriated under  
13 this paragraph shall be obligated or expended to admin-  
14 ister or enforce any standard, rule, regulation, or order  
15 under the Occupational Safety and Health Act of 1970  
16 with respect to any employer of 10 or fewer employees  
17 who is included within a category having an occupational  
18 injury lost workday case rate, at the most precise Stand-  
19 ard Industrial Classification Code for which such data are  
20 published, less than the national average rate as such  
21 rates are most recently published by the Secretary, acting  
22 through the Bureau of Labor Statistics, in accordance  
23 with section 24 of that Act (29 U.S.C. 673), except—

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

4           (2) to conduct an inspection or investigation in  
5           response to an employee complaint, to issue a cita-  
6           tion for violations found during such inspection, and  
7           to assess a penalty for violations which are not cor-  
8           rected within a reasonable abatement period and for  
9           any willful violations found;

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

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

14          (5) to take any action authorized by such Act  
15          with respect to a report of an employment accident  
16          which is fatal to one or more employees or which re-  
17          sults in hospitalization of two or more employees,  
18          and to take any action pursuant to such investiga-  
19          tion authorized by such Act; and

20          (6) to take any action authorized by such Act  
21          with respect to complaints of discrimination against  
22          employees for exercising rights under such Act:

23 *Provided further,* That the foregoing proviso shall not  
24 apply to any person who is engaged in a farming operation



1 which does not maintain a temporary labor camp and em-  
2 ploys 10 or fewer employees.

3 MINE SAFETY AND HEALTH ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Mine Safety and  
6 Health Administration, \$256,093,000, including purchase  
7 and bestowal of certificates and trophies in connection  
8 with mine rescue and first-aid work, and the hire of pas-  
9 senger motor vehicles; including up to \$1,000,000 for  
10 mine rescue and recovery activities, which shall be avail-  
11 able only to the extent that fiscal year 2002 obligations  
12 for these activities exceed \$1,000,000; in addition, not to  
13 exceed \$750,000 may be collected by the National Mine  
14 Health and Safety Academy for room, board, tuition, and  
15 the sale of training materials, otherwise authorized by law  
16 to be collected, to be available for mine safety and health  
17 education and training activities, notwithstanding 31  
18 U.S.C. 3302; and, in addition, the Mine Safety and Health  
19 Administration may retain up to \$1,000,000 from fees col-  
20 lected for the approval and certification of equipment, ma-  
21 terials, and explosives for use in mines, and may utilize  
22 such sums for such activities; the Secretary is authorized  
23 to accept lands, buildings, equipment, and other contribu-  
24 tions from public and private sources and to prosecute  
25 projects in cooperation with other agencies, Federal,

1 State, or private; the Mine Safety and Health Administra-  
2 tion is authorized to promote health and safety education  
3 and training in the mining community through cooperative  
4 programs with States, industry, and safety associations;  
5 and any funds available to the department may be used,  
6 with the approval of the Secretary, to provide for the costs  
7 of mine rescue and survival operations in the event of a  
8 major disaster.

9 BUREAU OF LABOR STATISTICS

10 SALARIES AND EXPENSES

11 For necessary expenses for the Bureau of Labor Sta-  
12 tistics, including advances or reimbursements to State,  
13 Federal, and local agencies and their employees for serv-  
14 ices rendered, \$396,588,000, together with not to exceed  
15 \$69,132,000, which may be expended from the Employ-  
16 ment Security Administration account in the Unemploy-  
17 ment Trust Fund; and \$10,280,000 which shall be avail-  
18 able for obligation for the period July 1, 2002 through  
19 June 30, 2003, for Occupational Employment Statistics.

20 DEPARTMENTAL MANAGEMENT

21 SALARIES AND EXPENSES

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

1 bilateral foreign technical assistance, and \$37,000,000 for  
2 the acquisition of Departmental information technology,  
3 architecture, infrastructure, equipment, software and re-  
4 lated needs which will be allocated by the Department's  
5 Chief Information Officer in accordance with the Depart-  
6 ment's capital investment management process to assure  
7 a sound investment strategy; \$361,524,000; together with  
8 not to exceed \$310,000, which may be expended from the  
9 Employment Security Administration account in the Un-  
10 employment Trust Fund: *Provided*, That no funds made  
11 available by this Act may be used by the Solicitor of Labor  
12 to participate in a review in any United States court of  
13 appeals of any decision made by the Benefits Review  
14 Board under section 21 of the Longshore and Harbor  
15 Workers' Compensation Act (33 U.S.C. 921) where such  
16 participation is precluded by the decision of the United  
17 States Supreme Court in *Director, Office of Workers'*  
18 *Compensation Programs v. Newport News Shipbuilding*,  
19 *115 S. Ct. 1278 (1995)*, notwithstanding any provisions  
20 to the contrary contained in Rule 15 of the Federal Rules  
21 of Appellate Procedure: *Provided further*, That no funds  
22 made available by this Act may be used by the Secretary  
23 of Labor to review a decision under the Longshore and  
24 Harbor Workers' Compensation Act (33 U.S.C. 901 et  
25 seq.) that has been appealed and that has been pending

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

12 OFFICE OF DISABILITY EMPLOYMENT POLICY

13 For necessary expenses of the Office of Disability  
14 Employment Policy to provide leadership, develop policy  
15 and initiatives, and award grants furthering the objective  
16 of eliminating barriers to the training and employment of  
17 people with disabilities, \$43,263,000, of which not to ex-  
18 ceed \$2,640,000 shall be for the President's Task Force  
19 on the Employment of Adults with Disabilities.

20 VETERANS EMPLOYMENT AND TRAINING

21 Not to exceed \$186,903,000 may be derived from the  
22 Employment Security Administration account in the Un-  
23 employment Trust Fund to carry out the provisions of 38  
24 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and  
25 Public Law 103–353, and which shall be available for obli-  
26 gation by the States through December 31, 2002. To

1 carry out the Stewart B. McKinney Homeless Assistance  
2 Act and section 168 of the Workforce Investment Act of  
3 1998, \$26,800,000, of which \$7,800,000 shall be available  
4 for obligation for the period July 1, 2002, through June  
5 30, 2003.

6 OFFICE OF INSPECTOR GENERAL

7 For salaries and expenses of the Office of Inspector  
8 General in carrying out the provisions of the Inspector  
9 General Act of 1978, as amended, \$52,182,000, together  
10 with not to exceed \$4,951,000, which may be expended  
11 from the Employment Security Administration account in  
12 the Unemployment Trust Fund.

13 GENERAL PROVISIONS

14 SEC. 101. None of the funds appropriated in this title  
15 for the Job Corps shall be used to pay the compensation  
16 of an individual, either as direct costs or any proration  
17 as an indirect cost, at a rate in excess of Executive Level  
18 II.

19 (TRANSFER OF FUNDS)

20 SEC. 102. Not to exceed 1 percent of any discre-  
21 tionary funds (pursuant to the Balanced Budget and  
22 Emergency Deficit Control Act of 1985, as amended)  
23 which are appropriated for the current fiscal year for the  
24 Department of Labor in this Act may be transferred be-  
25 tween appropriations, but no such appropriation shall be  
26 increased by more than 3 percent by any such transfer:

1 *Provided*, That the Appropriations Committees of both  
 2 Houses of Congress are notified at least 15 days in ad-  
 3 vance of any transfer.

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

6 TITLE II—DEPARTMENT OF HEALTH AND  
 7 HUMAN SERVICES

8 HEALTH RESOURCES AND SERVICES ADMINISTRATION  
 9 HEALTH RESOURCES AND SERVICES

10 For carrying out titles II, III, VII, VIII, X, XII, XIX,  
 11 and XXVI of the Public Health Service Act, section  
 12 427(a) of the Federal Coal Mine Health and Safety Act,  
 13 title V and sections 1128E and 1820 of the Social Security  
 14 Act, the Health Care Quality Improvement Act of 1986,  
 15 as amended, the Native Hawaiian Health Care Act of  
 16 1988, as amended, the Cardiac Arrest Survival Act of  
 17 2000, and the Poison Control Center Enhancement and  
 18 Awareness Act, \$5,488,843,000, of which \$10,000,000  
 19 shall be available for construction and renovation of health  
 20 care and other facilities, and of which \$25,000,000 from  
 21 general revenues, notwithstanding section 1820(j) of the  
 22 Social Security Act, shall be available for carrying out the  
 23 Medicare rural hospital flexibility grants program under  
 24 section 1820 of such Act: *Provided*, That the Division of  
 25 Federal Occupational Health may utilize personal services

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

1 all pregnancy counseling shall be nondirective, and that  
2 such amounts shall not be expended for any activity (in-  
3 cluding the publication or distribution of literature) that  
4 in any way tends to promote public support or opposition  
5 to any legislative proposal or candidate for public office:  
6 *Provided further*, That \$610,000,000 shall be for State  
7 AIDS Drug Assistance Programs authorized by section  
8 2616 of the Public Health Service Act.

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



1 duct, except that, in the case of an entity expressly re-  
 2 quired by law to provide health information or services the  
 3 adolescent shall not be precluded from seeking health in-  
 4 formation or services from the entity in a different setting  
 5 than the setting in which the abstinence education was  
 6 provided: *Provided further*, That the funds expended for  
 7 such evaluations may not exceed 3.5 percent of such  
 8 amount.

9 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

10 ACCOUNT

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

17 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

1       CENTERS FOR DISEASE CONTROL AND PREVENTION

2             DISEASE CONTROL, RESEARCH, AND TRAINING

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

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

16 NATIONAL INSTITUTES OF HEALTH

17 NATIONAL CANCER INSTITUTE

18 For carrying out section 301 and title IV of the Pub-  
 19 lic Health Service Act with respect to cancer,  
 20 \$4,258,516,000.

21 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

22 For carrying out section 301 and title IV of the Pub-  
 23 lic Health Service Act with respect to cardiovascular, lung,  
 24 and blood diseases, and blood and blood products,  
 25 \$2,618,966,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL  
2 RESEARCH

3 For carrying out section 301 and title IV of the Pub-  
4 lic Health Service Act with respect to dental disease,  
5 \$348,767,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND  
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the Pub-  
9 lic Health Service Act with respect to diabetes and diges-  
10 tive and kidney disease, \$1,501,476,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
12 AND STROKE

13 For carrying out section 301 and title IV of the Pub-  
14 lic Health Service Act with respect to neurological dis-  
15 orders and stroke, \$1,352,055,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
17 DISEASES

18 For carrying out section 301 and title IV of the Pub-  
19 lic Health Service Act with respect to allergy and infec-  
20 tious diseases, \$2,375,836,000.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the Pub-  
23 lic Health Service Act with respect to general medical  
24 sciences, \$1,753,465,000.

1 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
2 DEVELOPMENT

3 For carrying out section 301 and title IV of the Pub-  
4 lic Health Service Act with respect to child health and  
5 human development, \$1,123,692,000.

6 NATIONAL EYE INSTITUTE

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to eye diseases and  
9 visual disorders, \$614,000,000.

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
11 SCIENCES

12 For carrying out sections 301 and 311 and title IV  
13 of the Public Health Service Act with respect to environ-  
14 mental health sciences, \$585,946,000.

15 NATIONAL INSTITUTE ON AGING

16 For carrying out section 301 and title IV of the Pub-  
17 lic Health Service Act with respect to aging,  
18 \$909,174,000.

19 NATIONAL INSTITUTE OF ARTHRITIS AND  
20 MUSCULOSKELETAL AND SKIN DISEASES

21 For carrying out section 301 and title IV of the Pub-  
22 lic Health Service Act with respect to arthritis and mus-  
23 culoskeletal and skin diseases, \$460,202,000.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the Pub-  
4 lic Health Service Act with respect to deafness and other  
5 communication disorders, \$349,983,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to nursing research,  
9 \$125,659,000.

10 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
11 ALCOHOLISM

12 For carrying out section 301 and title IV of the Pub-  
13 lic Health Service Act with respect to alcohol abuse and  
14 alcoholism, \$390,761,000.

15 NATIONAL INSTITUTE ON DRUG ABUSE

16 For carrying out section 301 and title IV of the Pub-  
17 lic Health Service Act with respect to drug abuse,  
18 \$902,000,000.

19 NATIONAL INSTITUTE OF MENTAL HEALTH

20 For carrying out section 301 and title IV of the Pub-  
21 lic Health Service Act with respect to mental health,  
22 \$1,279,383,000.

23 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

24 For carrying out section 301 and title IV of the Pub-  
25 lic Health Service Act with respect to human genome re-  
26 search, \$440,448,000.

1 NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND  
2 BIOENGINEERING

3 For carrying out section 301 and title IV of the Pub-  
4 lic Health Service Act with respect to biomedical imaging  
5 and bioengineering research, \$140,000,000.

6 NATIONAL CENTER FOR RESEARCH RESOURCES

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to research resources  
9 and general research support grants, \$1,014,044,000:  
10 *Provided*, That none of these funds shall be used to pay  
11 recipients of the general research support grants program  
12 any amount for indirect expenses in connection with such  
13 grants: *Provided further*, That \$125,000,000 shall be for  
14 extramural facilities construction grants.

15 NATIONAL CENTER FOR COMPLEMENTARY AND  
16 ALTERNATIVE MEDICINE

17 For carrying out section 301 and title IV of the Pub-  
18 lic Health Service Act with respect to complementary and  
19 alternative medicine, \$110,000,000.

20 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
21 DISPARITIES

22 For carrying out section 301 and title IV of the Pub-  
23 lic Health Service Act with respect to minority health and  
24 health disparities research, \$158,421,000.

1 JOHN E. FOGARTY INTERNATIONAL CENTER

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

4 NATIONAL LIBRARY OF MEDICINE

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

14 OFFICE OF THE DIRECTOR

15 (INCLUDING TRANSFER OF FUNDS)

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



1 *vided further*, That the National Institutes of Health is  
2 authorized to collect third party payments for the cost of  
3 clinical services that are incurred in National Institutes  
4 of Health research facilities and that such payments shall  
5 be credited to the National Institutes of Health Manage-  
6 ment Fund: *Provided further*, That all funds credited to  
7 the National Institutes of Health Management Fund shall  
8 remain available for one fiscal year after the fiscal year  
9 in which they are deposited: *Provided further*, That up to  
10 \$500,000 shall be available to carry out section 499 of  
11 the Public Health Service Act: *Provided further*, That, not-  
12 withstanding section 499(k)(10) of the Public Health  
13 Service Act, funds from the Foundation for the National  
14 Institutes of Health may be transferred to the National  
15 Institutes of Health.

16 BUILDINGS AND FACILITIES

17 For the study of, construction of, and acquisition of  
18 equipment for, facilities of or used by the National Insti-  
19 tutes of Health, including the acquisition of real property,  
20 \$306,600,000, to remain available until expended, of  
21 which \$26,000,000 shall be for the John Edward Porter  
22 Neuroscience Research Center and of which \$53,000,000  
23 shall be for the animal vivarium: *Provided*, That notwith-  
24 standing any other provision of law, a single contract or  
25 related contracts for the development and construction of  
26 the first phase of the National Neuroscience Research

1 Center may be employed which collectively include the full  
2 scope of the project: *Provided further*, That the solicitation  
3 and contract shall contain the clause “availability of  
4 funds” found at 48 CFR 52.232–18.

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
6 ADMINISTRATION

7 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

8 For carrying out titles V and XIX of the Public  
9 Health Service Act with respect to substance abuse and  
10 mental health services, the Protection and Advocacy for  
11 Mentally Ill Individuals Act of 1986, and section 301 of  
12 the Public Health Service Act with respect to program  
13 management, \$3,073,456,000.

14 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY  
15 HEALTHCARE RESEARCH AND QUALITY

16 For carrying out titles III and IX of the Public  
17 Health Service Act, \$291,245,000, together with amounts  
18 received from Freedom of Information Act fees, reimburs-  
19 able and interagency agreements, and the sale of data,  
20 which shall be credited to this appropriation and shall re-  
21 main available until expended.

1       CENTER FOR MEDICARE AND MEDICAID SERVICES  
2                   GRANTS TO STATES FOR MEDICAID

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

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

11       For making payments to States or in the case of sec-  
12 tion 1928 on behalf of States under title XIX of the Social  
13 Security Act for the first quarter of fiscal year 2003,  
14 \$46,601,937,000, to remain available until expended.

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

19                   PAYMENTS TO HEALTH CARE TRUST FUNDS

20       For payment to the Federal Hospital Insurance and  
21 the Federal Supplementary Medical Insurance Trust  
22 Funds, as provided under section 1844 of the Social Secu-  
23 rity Act, sections 103(c) and 111(d) of the Social Security  
24 Amendments of 1965, section 278(d) of Public Law 97-  
25 248, and for administrative expenses incurred pursuant

1 to section 201(g) of the Social Security Act,  
2 \$81,994,200,000.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles  
5 XI, XVIII, XIX, and XXI of the Social Security Act, titles  
6 XIII and XXVII of the Public Health Service Act, and  
7 the Clinical Laboratory Improvement Amendments of  
8 1988, not to exceed \$2,464,658,000, to be transferred  
9 from the Federal Hospital Insurance and the Federal Sup-  
10 plementary Medical Insurance Trust Funds, as authorized  
11 by section 201(g) of the Social Security Act; together with  
12 all funds collected in accordance with section 353 of the  
13 Public Health Service Act, section 1857(e)(2) of the Social  
14 Security Act, and such sums as may be collected from au-  
15 thorized user fees and the sale of data, which shall remain  
16 available until expended, and together with administrative  
17 fees collected relative to Medicare overpayment recovery  
18 activities, which shall remain available until expended:  
19 *Provided*, That all funds derived in accordance with 31  
20 U.S.C. 9701 from organizations established under title  
21 XIII of the Public Health Service Act shall be credited  
22 to and available for carrying out the purposes of this ap-  
23 propriation: *Provided further*, That \$18,200,000 appro-  
24 priated under this heading for the managed care system  
25 redesign shall remain available until expended: *Provided*  
26 *further*, That the Secretary of Health and Human Services

1 is directed to collect fees in fiscal year 2002 from Medi-  
 2 care+Choice organizations pursuant to section  
 3 1857(e)(2) of the Social Security Act and from eligible  
 4 organizations with risk-sharing contracts under section  
 5 1876 of that Act pursuant to section 1876(k)(4)(D) of  
 6 that Act.

7 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
 8 GUARANTEE FUND

9 For carrying out subsections (d) and (e) of section  
 10 1308 of the Public Health Service Act, any amounts re-  
 11 ceived by the Secretary in connection with loans and loan  
 12 guarantees under title XIII of the Public Health Service  
 13 Act, to be available without fiscal year limitation for the  
 14 payment of outstanding obligations. During fiscal year  
 15 2002, no commitments for direct loans or loan guarantees  
 16 shall be made.

17 ADMINISTRATION FOR CHILDREN AND FAMILIES  
 18 PAYMENTS TO STATES FOR CHILD SUPPORT  
 19 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

1 For making payments to each State for carrying out  
2 the program of Aid to Families with Dependent Children  
3 under title IV–A of the Social Security Act before the ef-  
4 fective date of the program of Temporary Assistance to  
5 Needy Families (TANF) with respect to such State, such  
6 sums as may be necessary: *Provided*, That the sum of the  
7 amounts available to a State with respect to expenditures  
8 under such title IV–A in fiscal year 1997 under this ap-  
9 propriation and under such title IV–A as amended by the  
10 Personal Responsibility and Work Opportunity Reconcili-  
11 ation Act of 1996 shall not exceed the limitations under  
12 section 116(b) of such Act.

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

20 LOW INCOME HOME ENERGY ASSISTANCE

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

23 For making payments under title XXVI of the Omni-  
24 bus Budget Reconciliation Act of 1981, \$300,000,000:  
25 *Provided*, That these funds are hereby designated by the  
26 Congress to be emergency requirements pursuant to sec-

1 tion 251(b)(2)(A) of the Balanced Budget and Emergency  
 2 Deficit Control Act of 1985: *Provided further*, That these  
 3 funds shall be made available only after submission to the  
 4 Congress of an official budget request by the President  
 5 that includes designation of the entire amount of the re-  
 6 quest as an emergency requirement as defined in such Act.

7 REFUGEE AND ENTRANT ASSISTANCE

8 For making payments for refugee and entrant assist-  
 9 ance activities authorized by title IV of the Immigration  
 10 and Nationality Act and section 501 of the Refugee Edu-  
 11 cation Assistance Act of 1980 (Public Law 96-422),  
 12 \$435,224,000 to remain available through September 30,  
 13 2004: *Provided*, That up to \$10,000,000 is available to  
 14 carry out the Trafficking Victims Protection Act of 2000.

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

17 PAYMENTS TO STATES FOR THE CHILD CARE AND  
 18 DEVELOPMENT BLOCK GRANT

19 For carrying out sections 658A through 658R of the  
 20 Omnibus Budget Reconciliation Act of 1981 (The Child  
 21 Care and Development Block Grant Act of 1990),  
 22 \$2,000,000,000 shall be used to supplement, not supplant  
 23 state general revenue funds for child care assistance for  
 24 low-income families: *Provided*, That \$19,120,000 shall be  
 25 available for child care resource and referral and school-  
 26 aged child care activities, of which \$1,000,000 shall be for

1 the Child Care Aware toll free hotline: *Provided further*,  
 2 That, in addition to the amounts required to be reserved  
 3 by the States under section 658G, \$272,672,000 shall be  
 4 reserved by the States for activities authorized under sec-  
 5 tion 658G, of which \$100,000,000 shall be for activities  
 6 that improve the quality of infant and toddler child care:  
 7 *Provided further*, That \$10,000,000 shall be for use by the  
 8 Secretary for child care research, demonstration, and eval-  
 9 uation activities.

10 SOCIAL SERVICES BLOCK GRANT

11 For making grants to States pursuant to section  
 12 2002 of the Social Security Act, \$1,700,000,000: *Pro-*  
 13 *vided*, That notwithstanding paragraph (B) of section  
 14 404(d)(2) of such Act, the applicable percent specified  
 15 under such subparagraph for a State to carry out State  
 16 programs pursuant to title XX of such Act shall be 5.9  
 17 percent.

18 CHILDREN AND FAMILIES SERVICES PROGRAMS

19 (INCLUDING RESCISSIONS)

20 For carrying out, except as otherwise provided, the  
 21 Runaway and Homeless Youth Act, the Developmental  
 22 Disabilities Assistance and Bill of Rights Act, the Head  
 23 Start Act, the Child Abuse Prevention and Treatment Act,  
 24 sections 310 and 316 of the Family Violence Prevention  
 25 and Services Act, as amended, the Native American Pro-  
 26 grams Act of 1974, title II of Public Law 95–266 (adop-



1 tion opportunities), the Adoption and Safe Families Act  
2 of 1997 (Public Law 105–89), sections 1201 and 1211  
3 of the Children’s Health Act of 2000, the Abandoned In-  
4 fants Assistance Act of 1988, the Early Learning Oppor-  
5 tunities Act, part B(1) of title IV and sections 413, 429A,  
6 1110, and 1115 of the Social Security Act, and sections  
7 40155, 40211, and 40241 of Public Law 103–322; for  
8 making payments under the Community Services Block  
9 Grant Act, section 473A of the Social Security Act, and  
10 title IV of Public Law 105–285, and for necessary admin-  
11 istrative expenses to carry out said Acts and titles I, IV,  
12 X, XI, XIV, XVI, and XX of the Social Security Act, the  
13 Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budg-  
14 et Reconciliation Act of 1981, title IV of the Immigration  
15 and Nationality Act, section 501 of the Refugee Education  
16 Assistance Act of 1980, section 5 of the Torture Victims  
17 Relief Act of 1998 (Public Law 105–320), sections 40155,  
18 40211, and 40241 of Public Law 103–322, sections 310  
19 and 316 of the Family Violence Prevention and Services  
20 Act, as amended, and section 126 and titles IV and V of  
21 Public Law 100–485, \$8,592,496,000, of which  
22 \$43,000,000, to remain available until September 30,  
23 2003, shall be for grants to States for adoption incentive  
24 payments, as authorized by section 473A of title IV of the  
25 Social Security Act (42 U.S.C. 670–679) and may be

1 made for adoptions completed in fiscal years 2000 and  
2 2001; of which \$765,304,000 shall be for making pay-  
3 ments under the Community Services Block Grant Act;  
4 and of which \$6,600,000,000 shall be for making pay-  
5 ments under the Head Start Act, of which \$1,400,000,000  
6 shall become available October 1, 2002 and remain avail-  
7 able through September 30, 2003: *Provided*, That to the  
8 extent Community Services Block Grant funds are distrib-  
9 uted as grant funds by a State to an eligible entity as  
10 provided under the Act, and have not been expended by  
11 such entity, they shall remain with such entity for carry-  
12 over into the next fiscal year for expenditure by such enti-  
13 ty consistent with program purposes: *Provided further*,  
14 That all eligible entities currently in good standing in the  
15 Community Services Block Grant program shall receive an  
16 increase in funding proportionate to the increase provided  
17 in this Act for the Community Services Block Grant: *Pro-*  
18 *vided further*, That \$105,133,000 shall be for activities au-  
19 thorized by the Runaway and Homeless Youth Act, not-  
20 withstanding the allocation requirements of section 388(a)  
21 of such Act, of which \$33,000,000 is for Maternity Group  
22 Homes: *Provided further*, That \$89,000,000 is for a com-  
23 passion capital fund to provide grants to charitable organi-  
24 zations to emulate model social service programs and to  
25 encourage research on the best practices of social service

1 organizations: *Provided further*, That the Secretary shall  
2 establish procedures regarding the disposition of intan-  
3 gible property which permits grant funds, or intangible as-  
4 sets acquired with funds authorized under section 680 of  
5 the Community Services Block Grant Act, as amended, to  
6 become the sole property of such grantees after a period  
7 of not more than 12 years after the end of the grant for  
8 purposes and uses consistent with the original grant: *Pro-*  
9 *vided further*, That funds appropriated for section  
10 680(a)(2) of the Community Services Block Grant Act,  
11 as amended, shall be available for financing construction  
12 and rehabilitation and loans or investments in private  
13 business enterprises owned by community development  
14 corporations.

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

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

21 PROMOTING SAFE AND STABLE FAMILIES

22 For carrying out section 430 of the Social Security  
23 Act, \$305,000,000.

1 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION  
2 ASSISTANCE

3 For making payments to States or other non-Federal  
4 entities under title IV–E of the Social Security Act,  
5 \$4,885,200,000.

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

9 ADMINISTRATION ON AGING

10 AGING SERVICES PROGRAMS

11 For carrying out, to the extent not otherwise pro-  
12 vided, the Older Americans Act of 1965, as amended, and  
13 section 398 of the Public Health Service Act,  
14 \$1,209,756,000, of which \$5,000,000 shall be available for  
15 activities regarding medication management, screening,  
16 and education to prevent incorrect medication and adverse  
17 drug reactions.

18 OFFICE OF THE SECRETARY

19 GENERAL DEPARTMENTAL MANAGEMENT

20 For necessary expenses, not otherwise provided, for  
21 general departmental management, including hire of six  
22 sedans, and for carrying out titles III, XVII, and XX of  
23 the Public Health Service Act, and the United States-Mex-  
24 ico Border Health Commission Act, \$416,361,000, to-  
25 gether with \$5,851,000, to be transferred and expended

1 as authorized by section 201(g)(1) of the Social Security  
2 Act from the Hospital Insurance Trust Fund and the Sup-  
3 plemental Medical Insurance Trust Fund: *Provided*, That  
4 of the funds made available under this heading for car-  
5 rying out title XX of the Public Health Service Act,  
6 \$11,885,000 shall be for activities specified under section  
7 2003(b)(2), of which \$10,157,000 shall be for prevention  
8 service demonstration grants under section 510(b)(2) of  
9 title V of the Social Security Act, as amended, without  
10 application of the limitation of section 2010(c) of said title  
11 XX: *Provided further*, That of this amount, \$68,700,000  
12 shall be available to support activities to counter potential  
13 biological disease, and chemical threats to civilian popu-  
14 lations; \$50,000,000 is for minority AIDS prevention and  
15 treatment activities; and \$15,000,000 shall be for an In-  
16 formation Technology Security and Innovation Fund for  
17 department-wide activities involving cybersecurity, infor-  
18 mation technology security, and related innovation  
19 projects.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector  
22 General, including the hire of passenger motor vehicles for  
23 investigations, in carrying out the provisions of the Inspec-  
24 tor General Act of 1978, as amended, \$35,786,000: *Pro-*  
25 *vided*, That of such amount, necessary sums are available  
26 for providing protective services to the Secretary and in-

1 vestigating non-payment of child support cases for which  
2 non-payment is a Federal offense under 18 U.S.C. 228,  
3 each of which activities is hereby authorized in this and  
4 subsequent fiscal years.

5 OFFICE FOR CIVIL RIGHTS

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

12 POLICY RESEARCH

13 For carrying out, to the extent not otherwise pro-  
14 vided, research studies under section 1110 of the Social  
15 Security Act and title III of the Public Health Service Act,  
16 \$20,500,000.

17 RETIREMENT PAY AND MEDICAL BENEFITS FOR

18 COMMISSIONED OFFICERS

19 For retirement pay and medical benefits of Public  
20 Health Service Commissioned Officers as authorized by  
21 law, for payments under the Retired Serviceman's Family  
22 Protection Plan and Survivor Benefit Plan, for medical  
23 care of dependents and retired personnel under the De-  
24 pendants' Medical Care Act (10 U.S.C. ch. 55), and for  
25 payments pursuant to section 229(b) of the Social Secu-

1 rity Act (42 U.S.C. 429(b)), such amounts as may be re-  
2 quired during the current fiscal year.

3 **GENERAL PROVISIONS**

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

8 **SEC. 202.** The Secretary shall make available through  
9 assignment not more than 60 employees of the Public  
10 Health Service to assist in child survival activities and to  
11 work in AIDS programs through and with funds provided  
12 by the Agency for International Development, the United  
13 Nations International Children's Emergency Fund or the  
14 World Health Organization.

15 **SEC. 203.** None of the funds appropriated under this  
16 Act may be used to implement section 399F(b) of the Pub-  
17 lic Health Service Act or section 1503 of the National In-  
18 stitutes of Health Revitalization Act of 1993, Public Law  
19 103-43.

20 **SEC. 204.** None of the funds appropriated in this Act  
21 for the National Institutes of Health and the Substance  
22 Abuse and Mental Health Services Administration shall  
23 be used to pay the salary of an individual, through a grant  
24 or other extramural mechanism, at a rate in excess of Ex-  
25 ecutive Level I.

1       SEC. 205. None of the funds appropriated in this Act  
2 may be expended pursuant to section 241 of the Public  
3 Health Service Act, except for funds specifically provided  
4 for in this Act, or for other taps and assessments made  
5 by any office located in the Department of Health and  
6 Human Services, prior to the Secretary's preparation and  
7 submission of a report to the Committee on Appropria-  
8 tions of the Senate and of the House detailing the planned  
9 uses of such funds.

10       SEC. 206. Notwithstanding section 241(a) of the  
11 Public Health Service Act, such portion as the Secretary  
12 shall determine, but not more than 2 percent, of any  
13 amounts appropriated for programs authorized under the  
14 PHS Act and other Acts shall be made available for the  
15 evaluation (directly, or by grants or contracts) of the im-  
16 plementation and effectiveness of such programs.

17                                   (TRANSFER OF FUNDS)

18       SEC. 207. Not to exceed 1 percent of any discre-  
19 tionary funds (pursuant to the Balanced Budget and  
20 Emergency Deficit Control Act of 1985, as amended)  
21 which are appropriated for the current fiscal year for the  
22 Department of Health and Human Services in this Act  
23 may be transferred between appropriations, but no such  
24 appropriation shall be increased by more than 3 percent  
25 by any such transfer: *Provided*, That the Appropriations



1 Committees of both Houses of Congress are notified at  
2 least 15 days in advance of any transfer.

3       SEC. 208. The Director of the National Institutes of  
4 Health, jointly with the Director of the Office of AIDS  
5 Research, may transfer up to 3 percent among institutes,  
6 centers, and divisions from the total amounts identified  
7 by these two Directors as funding for research pertaining  
8 to the human immunodeficiency virus: *Provided*, That the  
9 Congress is promptly notified of the transfer.

10       SEC. 209. Of the amounts made available in this Act  
11 for the National Institutes of Health, the amount for re-  
12 search related to the human immunodeficiency virus, as  
13 jointly determined by the Director of the National Insti-  
14 tutes of Health and the Director of the Office of AIDS  
15 Research, shall be made available to the “Office of AIDS  
16 Research” account. The Director of the Office of AIDS  
17 Research shall transfer from such account amounts nec-  
18 essary to carry out section 2353(d)(3) of the Public  
19 Health Service Act.

20       SEC. 210. None of the funds appropriated in this Act  
21 may be made available to any entity under title X of the  
22 Public Health Service Act unless the applicant for the  
23 award certifies to the Secretary that it encourages family  
24 participation in the decision of minors to seek family plan-  
25 ning services and that it provides counseling to minors on

1 how to resist attempts to coerce minors into engaging in  
2 sexual activities.

3       SEC. 211. None of the funds appropriated by this Act  
4 (including funds appropriated to any trust fund) may be  
5 used to carry out the Medicare+Choice program if the  
6 Secretary denies participation in such program to an oth-  
7 erwise eligible entity (including a Provider Sponsored Or-  
8 ganization) because the entity informs the Secretary that  
9 it will not provide, pay for, provide coverage of, or provide  
10 referrals for abortions: *Provided*, That the Secretary shall  
11 make appropriate prospective adjustments to the capita-  
12 tion payment to such an entity (based on an actuarially  
13 sound estimate of the expected costs of providing the serv-  
14 ice to such entity's enrollees): *Provided further*, That noth-  
15 ing in this section shall be construed to change the Medi-  
16 care program's coverage for such services and a  
17 Medicare+Choice organization described in this section  
18 shall be responsible for informing enrollees where to obtain  
19 information about all Medicare covered services.

20       SEC. 212. Notwithstanding any other provision of  
21 law, no provider of services under title X of the Public  
22 Health Service Act shall be exempt from any State law  
23 requiring notification or the reporting of child abuse, child  
24 molestation, sexual abuse, rape, or incest.

1        SEC. 213. The Foreign Operations, Export Finance-  
2 ing, and Related Programs Appropriations Act, 1990  
3 (Public Law 101–167) is amended—

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

5                    (A) in subsection (b)(3), by striking  
6            “1997, 1998, 1999, 2000, and 2001” and in-  
7            serting “1997, 1998, 1999, 2000, 2001, and  
8            2002”; and

9                    (B) in subsection (e), by striking “October  
10            1, 2001” each place it appears and inserting  
11            “October 1, 2002”; and

12            (2) in section 599E (8 U.S.C. 1255 note) in  
13            subsection (b)(2), by striking “September 30, 2001”  
14            and inserting “September 30, 2002”.

15        SEC. 214. (a) Except as provided by subsection (e)  
16 none of the funds appropriated by this Act may be used  
17 to withhold substance abuse funding from a State pursu-  
18 ant to section 1926 of the Public Health Service Act (42  
19 U.S.C. 300x–26) if such State certifies to the Secretary  
20 of Health and Human Services by May 1, 2002 that the  
21 State will commit additional State funds, in accordance  
22 with subsection (b), to ensure compliance with State laws  
23 prohibiting the sale of tobacco products to individuals  
24 under 18 years of age.

1           (b) The amount of funds to be committed by a State  
2 under subsection (a) shall be equal to 1 percent of such  
3 State's substance abuse block grant allocation for each  
4 percentage point by which the State misses the retailer  
5 compliance rate goal established by the Secretary of  
6 Health and Human Services under section 1926 of such  
7 Act.

8           (c) The State is to maintain State expenditures in  
9 fiscal year 2002 for tobacco prevention programs and for  
10 compliance activities at a level that is not less than the  
11 level of such expenditures maintained by the State for fis-  
12 cal year 2001, and adding to that level the additional  
13 funds for tobacco compliance activities required under  
14 subsection (a). The State is to submit a report to the Sec-  
15 retary on all fiscal year 2001 State expenditures and all  
16 fiscal year 2002 obligations for tobacco prevention and  
17 compliance activities by program activity by July 31,  
18 2002.

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

23           (e) None of the funds appropriated by this Act may  
24 be used to withhold substance abuse funding pursuant to

1 section 1926 from a territory that receives less than  
2 \$1,000,000.

3 SEC. 215. (a) In order for the Centers for Disease  
4 Control and Prevention to carry out international health  
5 activities, including HIV/AIDS and other infectious dis-  
6 ease, chronic and environmental disease, and other health  
7 activities abroad during fiscal year 2002, the Secretary of  
8 Health and Human Services is authorized to—

9 (1) utilize the authorities contained in sub-  
10 section 2(c) of the State Department Basic Authori-  
11 ties Act of 1956, as amended, and

12 (2) utilize the authorities contained in 22  
13 U.S.C. sections 291 and 292 and directly or through  
14 contract or cooperative agreement to lease, alter or  
15 renovate facilities in foreign countries, to carry out  
16 programs supported by this appropriation notwith-  
17 standing PHS Act section 307.

18 In exercising the authority set forth in (1) and (2),  
19 the Secretary of Health and Human Services shall consult  
20 with the Department of State to assure that planned ac-  
21 tivities are within the legal strictures of the State Depart-  
22 ment Basic Authorities Act of 1956, as amended, and  
23 other applicable parts of U.S.C. Title 22.

24 SEC. 216. Notwithstanding any other provision of law  
25 relating to vacancies in offices for which appointments

1 must be made by the President, including any time limita-  
2 tion on serving in an acting capacity, the Acting Director  
3 of the National Institutes of Health as of January 12,  
4 2000, may serve in that position until a new Director of  
5 the National Institutes of Health is confirmed by the Sen-  
6 ate.

7       SEC. 217. The following amounts, appropriated in  
8 this title, shall be transferred to International Assistance  
9 Programs, “Global Fund to Fight HIV/AIDS, Malaria,  
10 and Tuberculosis”, to remain available until expended:  
11 from National Institutes of Health, “National Institute of  
12 Allergy and Infectious Diseases”, \$25,000,000; from Na-  
13 tional Institutes of Health, “Buildings and Facilities”,  
14 \$70,000,000; and from Departmental Management, “Gen-  
15 eral Departmental Management”, \$5,000,000.

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

### 18       TITLE III—DEPARTMENT OF EDUCATION

#### 19               EDUCATION FOR THE DISADVANTAGED

20       For carrying out title I of the Elementary and Sec-  
21 ondary Education Act of 1965 as amended by H.R. 1 as  
22 passed by the Senate on June 14, 2001 (“ESEA”); the  
23 McKinney-Vento Homeless Assistance Act; and section  
24 418A of the Higher Education Act of 1965,  
25 \$11,879,900,000, of which \$4,104,200,000 shall become

1 available on July 1, 2002, and shall remain available  
2 through September 30, 2003, and of which  
3 \$6,953,300,000 shall become available on October 1,  
4 2002, and shall remain available through September 30,  
5 2003, for academic year 2002–2003: *Provided*, That  
6 \$8,568,000,000 shall be available for basic grants under  
7 section 1124: *Provided further*, That up to \$3,500,000 of  
8 these funds shall be available to the Secretary of Edu-  
9 cation on October 1, 2001, to obtain updated educational-  
10 agency-level census poverty data from the Bureau of the  
11 Census: *Provided further*, That \$1,632,000,000 shall be  
12 available for concentration grants under section 1124A:  
13 *Provided further*, That grant awards under sections 1124  
14 and 1124A of title I of the ESEA shall be not less than  
15 the greater of 100 percent of the amount each State and  
16 local educational agency received under this authority for  
17 fiscal year 2001 or the amount each State and local edu-  
18 cational agency would receive if \$8,568,000,000 for basic  
19 grants and \$1,632,000,000 for concentration grants were  
20 allocated in accordance with section 1122(c)(3) of title I  
21 of the Elementary and Secondary Education Act of 1965  
22 as in effect prior to the Senate passage of H.R. 1: *Pro-*  
23 *vided further*, That notwithstanding any other provision of  
24 law, grant awards under 1124A of title I of the ESEA  
25 shall be made to those local educational agencies that re-

1 ceived a concentration grant under the Department of  
2 Education Appropriations Act, 2001, but are not eligible  
3 to receive such a grant for fiscal year 2002.

#### 4 IMPACT AID

5 For carrying out programs of financial assistance to  
6 federally affected schools authorized by title VIII of the  
7 Elementary and Secondary Education Act of 1965, as  
8 amended by H.R. 1 as passed by the Senate on June 14,  
9 2001, \$1,130,500,000, of which \$954,000,000 shall be for  
10 basic support payments under section 8003(b),  
11 \$50,000,000 shall be for payments for children with dis-  
12 abilities under section 8003(d), \$68,000,000 shall be for  
13 formula grants for construction under section 8007(a),  
14 \$50,500,000 shall be for Federal property payments under  
15 section 8002, and \$8,000,000, to remain available until  
16 expended, shall be for facilities maintenance under section  
17 8008.

#### 18 SCHOOL IMPROVEMENT PROGRAMS

19 For carrying out school improvement activities au-  
20 thorized by sections 1117A and 1229 and subpart 1 of  
21 part F of title I and titles II, IV, V, VI, parts B and C  
22 of title VII, and title XI of the Elementary and Secondary  
23 Education Act of 1965, as amended by H.R. 1 as passed  
24 by the Senate on June 14, 2001 (“ESEA”); and the Civil  
25 Rights Act of 1964; \$8,717,014,000, of which  
26 \$1,165,750,000 shall become available on July 1, 2002,



1 and remain available through September 30, 2003, and  
2 of which \$1,765,000,000 shall become available on Octo-  
3 ber 1, 2002, and shall remain available through September  
4 30, 2003, for academic year 2002–2003: *Provided*, That  
5 \$28,000,000 shall be for part A of title XIII of the ESEA  
6 as in effect prior to Senate passage of H.R. 1 to continue  
7 the operation of the current Comprehensive Regional As-  
8 sistance Centers: *Provided further*, That of the amount  
9 made available for subpart 4 of part B of title V of the  
10 ESEA, \$925,000,000 shall be available, notwithstanding  
11 any other provision of law, to State educational agencies  
12 and outlying areas under the terms and conditions set  
13 forth in section 305 of this Act for grants for school repair  
14 and renovation: *Provided further*, That funds made avail-  
15 able to local education agencies under subpart B of part  
16 F of title XI shall be used for activities related to the rede-  
17 sign of large high schools: *Provided further*, That of the  
18 funds appropriated for part F of title XI, \$10,000,000  
19 shall be available for dropout prevention programs under  
20 part H of title I and \$100,000,000 shall be available under  
21 part C of title IX to enable the Secretary of Education  
22 to award grants to develop, implement, and strengthen  
23 programs to teach American history (not social studies)  
24 as a separate subject within school curricula.

## 1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent  
3 not otherwise provided, title VII, part A of the Elementary  
4 and Secondary Education Act of 1965, as amended by  
5 H.R. 1 as passed by the Senate on June 14, 2001,  
6 \$117,000,000.

## 7 BILINGUAL AND IMMIGRANT EDUCATION

8 For section 3202 of part B and section D of title  
9 III of the Elementary and Secondary Education Act of  
10 1965, as amended by H.R. 1 as passed by the Senate on  
11 June 14, 2001, \$516,000,000.

## 12 SPECIAL EDUCATION

13 For carrying out the Individuals with Disabilities  
14 Education Act, \$8,439,643,000, of which \$3,090,452,000  
15 shall become available for obligation on July 1, 2002, and  
16 shall remain available through September 30, 2003, and  
17 of which \$5,072,000,000 shall become available on Octo-  
18 ber 1, 2002, and shall remain available through September  
19 30, 2003, for academic year 2002–2003: *Provided*, That  
20 \$9,500,000 shall be for Recording for the Blind and  
21 Dyslexic to support the development, production, and cir-  
22 culation of recorded educational materials: *Provided fur-*  
23 *ther*, That \$1,500,000 shall be for the recipient of funds  
24 provided by Public Law 105–78 under section  
25 687(b)(2)(G) of the Act to provide information on diag-  
26 nosis, intervention, and teaching strategies for children

1 with disabilities: *Provided further*, That the amount for  
2 section 611(c) of the Act shall be equal to the amount  
3 available for that section under Public Law 106–554, in-  
4 creased by the amount of inflation as specified in section  
5 611(f)(1)(B)(ii) of the Act.

6 REHABILITATION SERVICES AND DISABILITY RESEARCH

7 For carrying out, to the extent not otherwise pro-  
8 vided, the Rehabilitation Act of 1973, the Assistive Tech-  
9 nology Act of 1998, and the Helen Keller National Center  
10 Act, \$2,932,617,000, of which \$60,000,000 shall remain  
11 available through September 30, 2003: *Provided*, That the  
12 funds provided for Title I of the Assistive Technology Act  
13 of 1998 (the AT Act) shall be allocated notwithstanding  
14 section 105(b)(1) of the AT Act: *Provided further*, That  
15 section 101(f) of the AT Act shall not limit the award  
16 of an extension grant to three years: *Provided further*,  
17 That each State shall be provided a minimum of \$500,000  
18 and each outlying area \$150,000 for activities under sec-  
19 tion 101 of the AT Act and each State shall be provided  
20 a minimum of \$100,000 and each outlying area \$50,000  
21 for activities under section 102 of the Act: *Provided fur-*  
22 *ther*, That if the funds appropriated for Title I of the AT  
23 Act are less than required to fund these minimum allot-  
24 ments, grants provided under sections 101 and 102 of the  
25 AT Act shall be the same as their fiscal year 2001  
26 amounts and any amounts in excess of these minimum re-

1 requirements shall be allocated proportionally to achieve the  
2 prescribed minimums: *Provided further*, That \$26,884,000  
3 shall be used to support grants for up to three years to  
4 States under title III of the AT Act, of which the Federal  
5 share shall not exceed 75 percent in the first year, 50 per-  
6 cent in the second year, and 25 percent in the third year,  
7 and that the requirements in section 301(c)(2) and section  
8 302 of that Act shall not apply to such grants.

9           SPECIAL INSTITUTIONS FOR PERSONS WITH  
10                                   DISABILITIES

11           AMERICAN PRINTING HOUSE FOR THE BLIND

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

14           NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

23                                   GALLAUDET UNIVERSITY

24           For the Kendall Demonstration Elementary School,  
25 the Model Secondary School for the Deaf, and the partial  
26 support of Gallaudet University under titles I and II of

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

6 VOCATIONAL AND ADULT EDUCATION

7 For carrying out, to the extent not otherwise pro-  
8 vided, the Carl D. Perkins Vocational and Technical Edu-  
9 cation Act, the Adult Education and Family Literacy Act,  
10 and title VIII–D of the Higher Education Act of 1965,  
11 as amended, and Public Law 102–73, \$1,818,060,000, of  
12 which \$1,020,060,000 shall become available on July 1,  
13 2002 and shall remain available through September 30,  
14 2003 and of which \$791,000,000 shall become available  
15 on October 1, 2002 and shall remain available through  
16 September 30, 2003: *Provided*, That of the amounts made  
17 available for the Carl D. Perkins Vocational and Technical  
18 Education Act, \$7,000,000 shall be for tribally controlled  
19 postsecondary vocational and technical institutions under  
20 section 117: *Provided further*, That \$10,000,000 shall be  
21 for carrying out section 118 of such Act: *Provided further*,  
22 That of the amounts made available for the Carl D. Per-  
23 kins Vocational and Technical Education Act, \$5,000,000  
24 shall be for demonstration activities authorized by section  
25 207: *Provided further*, That of the amount provided for  
26 Adult Education State Grants, \$70,000,000 shall be made

1 available for integrated English literacy and civics edu-  
2 cation services to immigrants and other limited English  
3 proficient populations: *Provided further*, That of the  
4 amount reserved for integrated English literacy and civics  
5 education, notwithstanding section 211 of the Adult Edu-  
6 cation and Family Literacy Act, 65 percent shall be allo-  
7 cated to States based on a State's absolute need as deter-  
8 mined by calculating each State's share of a 10-year aver-  
9 age of the Immigration and Naturalization Service data  
10 for immigrants admitted for legal permanent residence for  
11 the 10 most recent years, and 35 percent allocated to  
12 States that experienced growth as measured by the aver-  
13 age of the 3 most recent years for which Immigration and  
14 Naturalization Service data for immigrants admitted for  
15 legal permanent residence are available, except that no  
16 State shall be allocated an amount less than \$60,000: *Pro-*  
17 *vided further*, That of the amounts made available for the  
18 Adult Education and Family Literacy Act, \$9,500,000  
19 shall be for national leadership activities under section 243  
20 and \$6,560,000 shall be for the National Institute for Lit-  
21 eracy under section 242: *Provided further*, That  
22 \$22,000,000 shall be for Youth Offender Grants, of which  
23 \$5,000,000 shall be used in accordance with section 601  
24 of Public Law 102-73 as that section was in effect prior  
25 to the enactment of Public Law 105-220: *Provided fur-*

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

11   STUDENT FINANCIAL ASSISTANCE

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

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

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

5 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

6 For Federal administrative expenses to carry out  
7 guaranteed student loans authorized by title IV, part B,  
8 of the Higher Education Act of 1965, as amended,  
9 \$49,636,000.

10 HIGHER EDUCATION

11 For carrying out, to the extent not otherwise pro-  
12 vided, section 121 and titles II, III, IV, V, VI, and VII  
13 of the Higher Education Act of 1965, as amended, title  
14 VIII of the Higher Education Amendments of 1998, and  
15 the Mutual Educational and Cultural Exchange Act of  
16 1961, \$1,764,223,000, of which \$5,000,000 for interest  
17 subsidies authorized by section 121 of the Higher Edu-  
18 cation Act of 1965, shall remain available until expended:  
19 *Provided*, That \$10,000,000, to remain available through  
20 September 30, 2003, shall be available to fund fellowships  
21 for academic year 2003–2004 under part A, subpart 1 of  
22 title VII of said Act, under the terms and conditions of  
23 part A, subpart 1: *Provided further*, That \$1,500,000 is  
24 for data collection and evaluation activities for programs  
25 under the Higher Education Act of 1965, including such  
26 activities needed to comply with the Government Perform-



1 ance and Results Act of 1993: *Provided further*, That  
2 \$18,000,000 shall be available for tribally controlled col-  
3 leges and universities under section 316 of the Higher  
4 Education Act of 1965, of which \$6,000,000 shall be used  
5 for construction and renovation: *Provided further*, That  
6 the funds provided for title II of the Higher Education  
7 Act of 1965 shall be allocated notwithstanding section 210  
8 of the Higher Education Act of 1965: *Provided further*,  
9 That funds for part B of title VII of the Higher Education  
10 Act of 1965 may be used, at the discretion of the Sec-  
11 retary of Education, to fund continuation awards under  
12 title IV, part A, subpart 8 of such Act.

13   HOWARD UNIVERSITY

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

19           COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

20   PROGRAM

21           For Federal administrative expenses authorized  
22 under section 121 of the Higher Education Act of 1965,  
23 \$762,000 to carry out activities related to existing facility  
24 loans entered into under the Higher Education Act of  
25 1965.

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY  
2 CAPITAL FINANCING PROGRAM ACCOUNT

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

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

12 EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

13 For carrying out activities authorized by the Edu-  
14 cational Research, Development, Dissemination, and Im-  
15 provement Act of 1994, including part E; the National  
16 Education Statistics Act of 1994, including sections 411  
17 and 412; and parts B, D, and E of title XI of the Elemen-  
18 tary and Secondary Education Act as amended by H.R.  
19 1 as passed by the Senate on June 14, 2001 (ESEA),  
20 \$431,567,000: *Provided*, That \$53,000,000 of the amount  
21 available for the national education research institutes  
22 shall be allocated notwithstanding section 912(m)(1)(B-  
23 F) and subparagraphs (B) and (C) of section 931(e)(2)  
24 of Public Law 103-227: *Provided further*, That funds ap-  
25 propriated to support activities conducted under section  
26 411 of the National Education Statistics Act of 1994 may

1 be used to pay for the administration of State assessment:  
2 *Provided further*, That of the funds appropriated under  
3 section 11305 of part D of title XI of the ESEA,  
4 \$1,500,000 shall be used to conduct a violence prevention  
5 demonstration program and \$500,000 to conduct a native  
6 American civic education initiative: *Provided further*, That  
7 \$12,000,000 of the funds appropriated under part D of  
8 title XI shall be used to support activities conducted under  
9 section 11306, consistent with the distribution specified  
10 under section 11304(2)(b).

11 DEPARTMENTAL MANAGEMENT

12 PROGRAM ADMINISTRATION

13 For carrying out, to the extent not otherwise pro-  
14 vided, the Department of Education Organization Act, in-  
15 cluding rental of conference rooms in the District of Co-  
16 lumbia and hire of two passenger motor vehicles,  
17 \$424,212,000.

18 OFFICE FOR CIVIL RIGHTS

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

22 OFFICE OF THE INSPECTOR GENERAL

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



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 (TRANSFER OF FUNDS)

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

14 SEC. 305. (a) From the amount made available for  
15 urgent school renovation grants under the heading  
16 “School Improvement Programs” in accordance with this  
17 section, the Secretary of Education shall provide grants  
18 to the State and outlying area entities responsible for the  
19 financing of education facilities (hereinafter in this section  
20 referred to as the “State entity”), on the basis of the same  
21 percentage as the State educational agency received of the  
22 funds allocated to States and outlying areas through the  
23 Department of Education Appropriations Act, 2001 for  
24 carrying out part A, title I of the Elementary and Sec-  
25 ondary Education Act of 1965, for awarding grants in ac-  
26 cordance with subsection (b) to local educational agencies

1 to enable them to make urgent repairs and renovations  
 2 to public school facilities.

3 (b)(1) A State entity shall award urgent school ren-  
 4 ovation grants to local educational agencies under this sec-  
 5 tion on a competitive basis that includes consideration of  
 6 each local educational agency applicant's—

7 (A) relative percentage of children from low-in-  
 8 come families;

9 (B) need for school repairs and renovations;

10 (C) fiscal capacity; and

11 (D) plans to maintain the facilities repaired or  
 12 renovated under the grant.

13 (2) The Federal share of the cost of each project as-  
 14 sisted by funds made available under subsection (a)(2)  
 15 shall be determined based on the percentage of the local  
 16 educational agency's attendance that is comprised of chil-  
 17 dren 5 to 17 years of age, inclusive, who are from families  
 18 with incomes below the poverty line (as defined by the Of-  
 19 fice of Management and Budget and revised annually in  
 20 accordance with section 673(2) of the Community Services  
 21 Block Grant Act (42 U.S.C. 9902(2)) applicable to a fam-  
 22 ily of the size involved for the most recent fiscal year for  
 23 which data satisfactory to the Secretary are available:

<b>If the percentage is:</b>	<b>Then the Federal share shall be:</b>
40 percent or greater .....	100 percent
30–39.99 percent .....	90 percent
20–29.99 percent .....	80 percent

<b>If the percentage is:</b>	<b>Then the Federal share shall be:</b>
10–19.99 percent .....	70 percent
less than 10 percent .....	60 percent.

1       (3) If, after providing an opportunity to the public  
2 and all local educational agencies in the State to comment,  
3 consistent with any applicable State and local law speci-  
4 fying how the comments may be received and how the  
5 comments may be reviewed by any member of the public,  
6 the State entity demonstrates that the amount of the  
7 State’s allocation exceeds the amount needed to address  
8 the needs of the local educational agencies in the State  
9 for school repair and renovation under this section—

10           (A) the State entity shall transfer any excess  
11 portion of that allocation to the State educational  
12 agency; and

13           (B) the State educational agency shall allocate  
14 100 percent of those excess funds received under  
15 subsection (a) in accordance with section 5312 of  
16 the Elementary and Secondary Education Act of  
17 1965 as amended by H.R. 1 as passed the Senate  
18 on June 14, 2001 for activities authorized under  
19 section 5331 of the Elementary and Secondary Edu-  
20 cation Act of 1965 as amended by H.R. 1 as passed  
21 the Senate on June 14, 2001 to be determined by  
22 each such local educational agency as part of a local  
23 strategy for improving academic achievement.

1 (c) If a local educational agency uses funds for urgent  
2 school renovation, then the following provisions shall  
3 apply—

4 (1) Urgent school renovation shall be limited to  
5 one or more of the following—

6 (A) school facilities modifications necessary  
7 to render school facilities accessible in order to  
8 comply with the Americans With Disabilities  
9 Act;

10 (B) school facilities modifications necessary  
11 to render school facilities accessible in order to  
12 comply with section 504 of the Rehabilitation  
13 Act;

14 (C) asbestos abatement or removal from  
15 school facilities;

16 (D) emergency renovations or repairs to  
17 the school facilities only to ensure the health  
18 and safety of students and staff; and

19 (E) security upgrades.

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

22 (A) payment of maintenance costs in con-  
23 nection with any projects constructed in whole  
24 or part with Federal funds provided under this  
25 section; or



1 (B) stadiums or other facilities primarily  
2 used for athletic contests or exhibitions or other  
3 events for which admission is charged to the  
4 general public.

5 This title may be cited as the “Department of Edu-  
6 cation Appropriations Act, 2002”.

#### 7 TITLE IV—RELATED AGENCIES

##### 8 ARMED FORCES RETIREMENT HOME

9 For expenses necessary for the Armed Forces Retire-  
10 ment Home to operate and maintain the United States  
11 Soldiers’ and Airmen’s Home and the United States Naval  
12 Home, to be paid from funds available in the Armed  
13 Forces Retirement Home Trust Fund, \$71,440,000, of  
14 which \$9,812,000 shall remain available until expended  
15 for construction and renovation of the physical plants at  
16 the United States Soldiers’ and Airmen’s Home and the  
17 United States Naval Home: *Provided*, That, notwith-  
18 standing any other provision of law, a single contract or  
19 related contracts for development and construction, to in-  
20 clude construction of a long-term care facility at the  
21 United States Naval Home, may be employed which collec-  
22 tively include the full scope of the project: *Provided fur-*  
23 *ther*, That the solicitation and contract shall contain the  
24 clause “availability of funds” found at 48 CFR 52.232–

1 18 and 252.232–7007, Limitation of Government Obliga-  
2 tions.

3 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
4 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
5 EXPENSES

6 For expenses necessary for the Corporation for Na-  
7 tional and Community Service to carry out the provisions  
8 of the Domestic Volunteer Service Act of 1973, as amend-  
9 ed, \$321,276,000: *Provided*, That none of the funds made  
10 available to the Corporation for National and Community  
11 Service in this Act for activities authorized by part E of  
12 title II of the Domestic Volunteer Service Act of 1973  
13 shall be used to provide stipends or other monetary incen-  
14 tives to volunteers or volunteer leaders whose incomes ex-  
15 ceed 125 percent of the national poverty level.

16 CORPORATION FOR PUBLIC BROADCASTING

17 For payment to the Corporation for Public Broad-  
18 casting, as authorized by the Communications Act of  
19 1934, an amount which shall be available within limita-  
20 tions specified by that Act, for the fiscal year 2004,  
21 \$395,000,000: *Provided*, That no funds made available to  
22 the Corporation for Public Broadcasting by this Act shall  
23 be used to pay for receptions, parties, or similar forms  
24 of entertainment for Government officials or employees:  
25 *Provided further*, That none of the funds contained in this

1 paragraph shall be available or used to aid or support any  
2 program or activity from which any person is excluded,  
3 or is denied benefits, or is discriminated against, on the  
4 basis of race, color, national origin, religion, or sex: *Pro-*  
5 *vided further*, That in addition to the amounts provided  
6 above, \$25,000,000, for costs related to digital program  
7 production, development, and distribution, associated with  
8 the transition of public broadcasting to digital broad-  
9 casting, to be awarded as determined by the Corporation  
10 in consultation with public radio and television licensees  
11 or permittees, or their designated representatives.

12 FEDERAL MEDIATION AND CONCILIATION SERVICE

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mediation  
15 and Conciliation Service to carry out the functions vested  
16 in it by the Labor Management Relations Act, 1947 (29  
17 U.S.C. 171–180, 182–183), including hire of passenger  
18 motor vehicles; for expenses necessary for the Labor-Man-  
19 agement Cooperation Act of 1978 (29 U.S.C. 175a); and  
20 for expenses necessary for the Service to carry out the  
21 functions vested in it by the Civil Service Reform Act,  
22 Public Law 95–454 (5 U.S.C. ch. 71), \$40,482,000, in-  
23 cluding \$1,500,000, to remain available through Sep-  
24 tember 30, 2003, for activities authorized by the Labor-  
25 Management Cooperation Act of 1978 (29 U.S.C. 175a):

1 *Provided*, That notwithstanding 31 U.S.C. 3302, fees  
 2 charged, up to full-cost recovery, for special training ac-  
 3 tivities and other conflict resolution services and technical  
 4 assistance, including those provided to foreign govern-  
 5 ments and international organizations, and for arbitration  
 6 services shall be credited to and merged with this account,  
 7 and shall remain available until expended: *Provided fur-*  
 8 *ther*, That fees for arbitration services shall be available  
 9 only for education, training, and professional development  
 10 of the agency workforce: *Provided further*, That the Direc-  
 11 tor of the Service is authorized to accept and use on behalf  
 12 of the United States gifts of services and real, personal,  
 13 or other property in the aid of any projects or functions  
 14 within the Director's jurisdiction.

15 FEDERAL MINE SAFETY AND HEALTH REVIEW

16 COMMISSION

17 SALARIES AND EXPENSES

18 For expenses necessary for the Federal Mine Safety  
 19 and Health Review Commission (30 U.S.C. 801 et seq.),  
 20 \$6,939,000.

21 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

22 OFFICE OF LIBRARY SERVICES: GRANTS AND

23 ADMINISTRATION

24 For carrying out subtitle B of the Museum and Li-  
 25 brary Services Act, \$168,078,000, of which \$11,081,000

1 shall be for projects authorized by section 262 of such Act,  
2 notwithstanding section 221(a)(1)(B).

3           MEDICARE PAYMENT ADVISORY COMMISSION

4                           SALARIES AND EXPENSES

5           For expenses necessary to carry out section 1805 of  
6 the Social Security Act, \$8,500,000, to be transferred to  
7 this appropriation from the Federal Hospital Insurance  
8 and the Federal Supplementary Medical Insurance Trust  
9 Funds.

10           NATIONAL COMMISSION ON LIBRARIES AND

11                           INFORMATION SCIENCE

12                           SALARIES AND EXPENSES

13           For necessary expenses for the National Commission  
14 on Libraries and Information Science, established by the  
15 Act of July 20, 1970 (Public Law 91–345, as amended),  
16 \$1,495,000.

17           NATIONAL COUNCIL ON DISABILITY

18                           SALARIES AND EXPENSES

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

22           NATIONAL EDUCATION GOALS PANEL

23           For expenses necessary for the National Education  
24 Goals Panel, as authorized by title II, part A of the Goals  
25 2000: Educate America Act, \$2,000,000.

## 1 NATIONAL LABOR RELATIONS BOARD

## 2 SALARIES AND EXPENSES

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

## 21 NATIONAL MEDIATION BOARD

## 22 SALARIES AND EXPENSES

23 For expenses necessary to carry out the provisions  
24 of the Railway Labor Act, as amended (45 U.S.C. 151–

1 188), including emergency boards appointed by the Presi-  
2 dent, \$10,635,000.

3 OCCUPATIONAL SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

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

9 RAILROAD RETIREMENT BOARD

10 DUAL BENEFITS PAYMENTS ACCOUNT

11 For payment to the Dual Benefits Payments Ac-  
12 count, authorized under section 15(d) of the Railroad Re-  
13 tirement Act of 1974, \$146,000,000, which shall include  
14 amounts becoming available in fiscal year 2002 pursuant  
15 to section 224(c)(1)(B) of Public Law 98-76; and in addi-  
16 tion, an amount, not to exceed 2 percent of the amount  
17 provided herein, shall be available proportional to the  
18 amount by which the product of recipients and the average  
19 benefit received exceeds \$146,000,000: *Provided*, That the  
20 total amount provided herein shall be credited in 12 ap-  
21 proximately equal amounts on the first day of each month  
22 in the fiscal year.

23 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

24 ACCOUNTS

25 For payment to the accounts established in the  
26 Treasury for the payment of benefits under the Railroad

1 Retirement Act for interest earned on unnegotiated  
2 checks, \$150,000, to remain available through September  
3 30, 2003, which shall be the maximum amount available  
4 for payment pursuant to section 417 of Public Law 98–  
5 76.

6 LIMITATION ON ADMINISTRATION

7 For necessary expenses for the Railroad Retirement  
8 Board for administration of the Railroad Retirement Act  
9 and the Railroad Unemployment Insurance Act,  
10 \$97,700,000, to be derived in such amounts as determined  
11 by the Board from the railroad retirement accounts and  
12 from moneys credited to the railroad unemployment insur-  
13 ance administration fund.

14 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

15 For expenses necessary for the Office of Inspector  
16 General for audit, investigatory and review activities, as  
17 authorized by the Inspector General Act of 1978, as  
18 amended, not more than \$6,480,000, to be derived from  
19 the railroad retirement accounts and railroad unemploy-  
20 ment insurance account: *Provided*, That none of the funds  
21 made available in any other paragraph of this Act may  
22 be transferred to the Office; used to carry out any such  
23 transfer; used to provide any office space, equipment, of-  
24 fice supplies, communications facilities or services, mainte-  
25 nance services, or administrative services for the Office;  
26 used to pay any salary, benefit, or award for any personnel



1 of the Office; used to pay any other operating expense of  
2 the Office; or used to reimburse the Office for any service  
3 provided, or expense incurred, by the Office: *Provided fur-*  
4 *ther*, That funds made available under the heading in this  
5 Act, or subsequent Departments of Labor, Health and  
6 Human Services, and Education, and Related Agencies  
7 Appropriations Act, may be used for any audit, investiga-  
8 tion, or review of the Medicare program.

9 SOCIAL SECURITY ADMINISTRATION

10 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

15 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

24 For making benefit payments under title IV of the  
25 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 \$21,277,412,000, 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, \$15,207,000.

6                   TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

14       (c) If it has been finally determined by a court or  
15 Federal agency that any person intentionally affixed a  
16 label bearing a “Made in America” inscription, or any in-  
17 scription with the same meaning, to any product sold in  
18 or shipped to the United States that is not made in the  
19 United States, the person shall be ineligible to receive any  
20 contract or subcontract made with funds made available  
21 in this Act, pursuant to the debarment, suspension, and  
22 ineligibility procedures described in sections 9.400 through  
23 9.409 of title 48, Code of Federal Regulations.

24       SEC. 507. When issuing statements, press releases,  
25 requests for proposals, bid solicitations and other docu-



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

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

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

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

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

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

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

9           (b) Nothing in the preceding section shall be con-  
10          strued as prohibiting the expenditure by a State, locality,  
11          entity, or private person of State, local, or private funds  
12          (other than a State's or locality's contribution of Medicaid  
13          matching funds).

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

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

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

1           (2) research in which a human embryo or em-  
2           bryos are destroyed, discarded, or knowingly sub-  
3           jected to risk of injury or death greater than that  
4           allowed for research on fetuses in utero under 45  
5           CFR 46.208(a)(2) and section 498(b) of the Public  
6           Health Service Act (42 U.S.C. 289g(b)).

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

13          (c) Subject to the provisions in section 510 (a) and  
14          (b), Federal dollars are permitted, at the discretion of the  
15          President, solely for the purpose of stem cell research, on  
16          embryos that have been created in excess of clinical need  
17          and will be discarded, and donated with the written con-  
18          sent of the progenitors.

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

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

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

9 (1) such entity is otherwise a contractor with  
10 the United States and is subject to the requirement  
11 in section 4212(d) of title 38, United States Code,  
12 regarding submission of an annual report to the Sec-  
13 retary of Labor concerning employment of certain  
14 veterans; and

15 (2) such entity has not submitted a report as  
16 required by that section for the most recent year for  
17 which such requirement was applicable to such enti-  
18 ty.

19 SEC. 513. None of the funds made available in this  
20 Act may be used to promulgate or adopt any final stand-  
21 ard under section 1173(b) of the Social Security Act (42  
22 U.S.C. 1320d–2(b)) providing for, or providing for the as-  
23 signment of, a unique health identifier for an individual  
24 (except in an individual’s capacity as an employer or a

1 health care provider), until legislation is enacted speci-  
 2 cally approving the standard.

3       SEC. 514. None of the funds in this Act for the De-  
 4 partments of Labor, Health and Human Services, and  
 5 Education may be used to make a grant unless the House  
 6 and Senate Committees on Appropriations are notified not  
 7 less than three full business days before any discretionary  
 8 grant awards or cooperative agreement, totaling \$500,000  
 9 or more is announced by these departments from any dis-  
 10 cretionary grant program other than emergency relief pro-  
 11 grams: *Provided*, That no notification shall involve funds  
 12 that are not available for obligation.

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

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

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

19       (b) TABLE OF CONTENTS.—The table of contents for  
 20 this title is as follows:

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

Sec. 601. Short title and table of contents.

Sec. 602. Purposes.

Sec. 603. Effective date.

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

Sec. 611. Definitions.

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

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

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

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

Sec. 616. Technical corrections.

#### Subtitle B—Office of Multifamily Housing Assistance Restructuring

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

Sec. 622. Appointment of Director.

Sec. 623. Vacancy in position of Director.

Sec. 624. Oversight by Federal Housing Commissioner.

Sec. 625. Limitation on subsequent employment.

#### Subtitle C—Miscellaneous Housing Program Amendments

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

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

Sec. 633. Prepayment and refinancing of loans for section 202 supportive 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;

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

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

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

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

17           (8) to ensure that tenant groups, nonprofit or-  
18 ganizations, and public entities continue to have the  
19 resources for building the capacity of tenant organi-  
20 zations in furtherance of the purposes of subtitle A  
21 of that Act; and

22           (9) to encourage the Office of Multifamily  
23 Housing Assistance Restructuring to continue to  
24 provide participating administrative entities, includ-  
25 ing public participating administrative entities, with

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

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

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

- 9 (1) the date of the enactment of this title; or  
 10 (2) September 30, 2001.

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

15 **SEC. 611. DEFINITIONS.**

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

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

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

24 (a) FUNDING FOR TENANT AND NONPROFIT PAR-  
 25 TICIPATION.—Section 514(f)(3)(A) of the Multifamily As-



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

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

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

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

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

24 “(1) NOTICE TO CERTAIN RESIDENTS.—The  
25 Office shall notify any tenant that is residing in a

1 project or receiving assistance under section 8 of the  
2 United States Housing Act of 1937 (42 U.S.C.  
3 1437f) at the time of rejection under this section, of  
4 such rejection, except that the Office may delegate  
5 the responsibility to provide notice under this para-  
6 graph to the participating administrative entity.

7 “(2) ASSISTANCE AND MOVING EXPENSES.—  
8 Subject to”.

9 (d) RESTRUCTURING PLANS FOR TRANSFERS OF  
10 PREPAYMENT PROJECTS.—The Multifamily Assisted  
11 Housing Reform and Affordability Act of 1997 (42 U.S.C.  
12 1437f note) is amended—

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

15 “(3) MORTGAGE RESTRUCTURING AND RENTAL  
16 ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding  
17 paragraph (1), the owner of the project may request,  
18 and the Secretary may consider, mortgage restruc-  
19 turing and rental assistance sufficiency plans to fa-  
20 cilitate sales or transfers of properties under this  
21 subtitle, subject to an approved plan of action under  
22 the Emergency Low Income Housing Preservation  
23 Act of 1987 (12 U.S.C. 1715l note) or the Low-In-  
24 come Housing Preservation and Resident Home-  
25 ownership Act of 1990 (12 U.S.C. 4101 et seq.),

1 which plans shall result in a sale or transfer of those  
2 properties.”; and

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

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

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

15 (2) in subsection (b)—

16 (A) in paragraph (7), by striking “(7)”  
17 and inserting “(1)”; and

18 (B) by adding at the end the following new  
19 paragraph:

20 “(2) ADDITION OF SIGNIFICANT FEATURES.—

21 “(A) AUTHORITY.—An approved mortgage  
22 restructuring and rental assistance sufficiency  
23 plan may require the improvement of the  
24 project by the addition of significant features  
25 that are not necessary for rehabilitation to the

1 standard provided under paragraph (1), such as  
2 air conditioning, an elevator, and additional  
3 community space. The Secretary shall establish  
4 guidelines regarding the inclusion of require-  
5 ments regarding such additional significant fea-  
6 tures under such plans.

7 “(B) FUNDING.—Significant features  
8 added pursuant to an approved mortgage re-  
9 structuring and rental assistance sufficiency  
10 plan may be paid from the funding sources  
11 specified in the first sentence of paragraph  
12 (1)(A).

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

21 “(D) APPLICABILITY.—This paragraph  
22 shall apply to all eligible multifamily housing  
23 projects, except projects for which the Secretary  
24 and the project owner executed a mortgage re-  
25 structuring and rental assistance sufficiency

1 plan on or before the date of the enactment of  
2 the Mark-to-Market Extension Act of 2001.”;  
3 and

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

6 “(c) REHABILITATION NEEDS AND ADDITION OF  
7 SIGNIFICANT FEATURES.—”.

8 (f) LOOK-BACK PROJECTS.—Section 512(2) of the  
9 Multifamily Assisted Housing Reform and Affordability  
10 Act of 1997 (42 U.S.C. 1437f note) is amended by adding  
11 after the period at the end of the last sentence the fol-  
12 lowing: “Notwithstanding any other provision of this title,  
13 the Secretary may treat a project as an eligible multi-  
14 family housing project for purposes of this title if (I) the  
15 project is assisted pursuant to a contract for project-based  
16 assistance under section 8 of the United States Housing  
17 Act of 1937 renewed under section 524 of this Act, (II)  
18 the owner consents to such treatment, and (III) the  
19 project met the requirements of the first sentence of this  
20 paragraph for eligibility as an eligible multifamily housing  
21 project before the initial renewal of the contract under sec-  
22 tion 524.”.

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

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

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

6                         “(ii) the”; and

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

10          (h) EXEMPTIONS FROM RESTRUCTURING.—Section  
11 514(h)(2) of the Multifamily Assisted Housing Reform  
12 and Affordability Act of 1997 (42 U.S.C. 1437f note) is  
13 amended by inserting before the semicolon the following:  
14 “, or refinanced pursuant to section 811 of the American  
15 Homeownership and Economic Opportunity Act of 2000  
16 (12 U.S.C. 1701q note)”.

17 **SEC. 613. CONSISTENCY OF RENT LEVELS UNDER EN-**  
18 **HANCED VOUCHER ASSISTANCE AND RENT**  
19 **RESTRUCTURINGS.**

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

1 **“SEC. 525. CONSISTENCY OF RENT LEVELS UNDER EN-**  
2 **HANCED VOUCHER ASSISTANCE AND RENT**  
3 **RESTRUCTURINGS.**

4 “(a) IN GENERAL.—The Secretary shall examine the  
5 standards and procedures for determining and estab-  
6 lishing the rent standards described under subsection (b).  
7 Pursuant to such examination, the Secretary shall estab-  
8 lish procedures and guidelines that are designed to ensure  
9 that the amounts determined by the various rent stand-  
10 ards for the same dwelling units are reasonably consistent  
11 and reflect rents for comparable unassisted units in the  
12 same area as such dwelling units.

13 “(b) RENT STANDARDS.—The rent standards de-  
14 scribed in this subsection are as follows:

15 “(1) ENHANCED VOUCHERS.—The payment  
16 standard for enhanced voucher assistance under sec-  
17 tion 8(t) of the United States Housing Act of 1937  
18 (42 U.S.C. 1437f(t)).

19 “(2) MARK-TO-MARKET.—The rents derived  
20 from comparable properties, for purposes of section  
21 514(g) of this Act.

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

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

3 Section 524(a)(4)(C) of the Multifamily Assisted  
4 Housing Reform and Affordability Act of 1997 (42 U.S.C.  
5 1437f note) is amended by adding after the period at the  
6 end the following: “Notwithstanding any other provision  
7 of law, the Secretary shall include in such budget-based  
8 cost increases costs relating to the project as a whole (in-  
9 cluding costs incurred with respect to units not covered  
10 by the contract for assistance), but only (I) if inclusion  
11 of such costs is requested by the owner or purchaser of  
12 the project, (II) if inclusion of such costs will permit cap-  
13 ital repairs to the project or acquisition of the project by  
14 a nonprofit organization, and (III) to the extent that in-  
15 clusion of such costs (or a portion thereof) complies with  
16 the requirement under clause (ii).”.

17 **SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR**  
18 **MISCELLANEOUS HOUSING INSURANCE.**

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

21 (1) by striking “under this Act: *Provided*, That  
22 the principal” and inserting the following: “under  
23 this Act, or an existing mortgage held by the Sec-  
24 retary that is subject to a mortgage restructuring  
25 and rental assistance sufficiency plan pursuant to  
26 the Multifamily Assisted Housing Reform and Af-



1       fordability Act of 1997 (42 U.S.C. 1437f note), pro-  
2       vided that—

3               “(A) the principal”;

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

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

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

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

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

11              “(B) a mortgage”;

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

13              (8) by adding at the end the following new sub-  
14       paragraph:

15              “(C) a mortgage that is subject to a mort-  
16       gage restructuring and rental assistance suffi-  
17       ciency plan pursuant to the Multifamily As-  
18       sisted Housing Reform and Affordability Act of  
19       1997 (42 U.S.C. 1437f note) and is refinanced  
20       under this paragraph may have a term of not  
21       more than 30 years; or”.

22   **SEC. 616. TECHNICAL CORRECTIONS.**

23       (a) EXEMPTIONS FROM RESTRUCTURING.—

24              (1) IN GENERAL.—Section 514(h) of the Multi-  
25       family Assisted Housing Reform and Affordability

1 Act of 1997 (42 U.S.C. 1437f note) is amended to  
2 read as if the amendment made by section 531(c) of  
3 Public Law 106–74 (113 Stat. 1116) were made to  
4 “Section 514(h)(1)” instead of “Section 514(h)”.

5 (2) RETROACTIVE EFFECT.—The amendment  
6 made by paragraph (1) of this subsection is deemed  
7 to have taken effect on the date of the enactment of  
8 Public Law 106–74 (113 Stat. 1109).

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

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

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

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

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

21 (5) in section 517(b)—

22 (A) in each of paragraphs (1) through (6),  
23 by capitalizing the first letter of the first word  
24 that follows the paragraph heading;

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

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

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

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

10 **Subtitle B—Office of Multifamily**  
 11 **Housing Assistance Restructuring**

12 **SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION**  
 13 **OF PROGRAM.**

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

17 (1) by striking subsection (a) and inserting the  
 18 following new subsection:

19 “(a) REPEALS.—

20 “(1) MARK-TO-MARKET PROGRAM.—Subtitle A  
 21 (except for section 524) is repealed effective October  
 22 1, 2006.

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

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

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

6           (4) by striking subsection (d) and inserting the  
7           following new subsection:

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

12   **SEC. 622. APPOINTMENT OF DIRECTOR.**

13          (a) IN GENERAL.—Section 572 of the Multifamily  
14          Assisted Housing Reform and Affordability Act of 1997  
15          (42 U.S.C. 1437f note) is amended by striking subsection  
16          (a) and inserting the following new subsection:

17          “(a) APPOINTMENT.—The Office shall be under the  
18          management of a Director, who shall be appointed by the  
19          President from among individuals who are citizens of the  
20          United States and have a demonstrated understanding of  
21          financing and mortgage restructuring for affordable multi-  
22          family housing.”.

23          (b) APPLICABILITY.—The amendment made by sub-  
24          section (a) shall apply to the first Director of the Office  
25          of Multifamily Housing Assistance Restructuring of the

1 Department of Housing and Urban Development ap-  
2 pointed after the date of the enactment of this Act, and  
3 any such Director appointed thereafter.

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

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

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

14 (b) APPLICABILITY.—The amendment made by sub-  
15 section (a) shall apply to any vacancy in the position of  
16 Director of the Office of Multifamily Housing Assistance  
17 Restructuring of the Department of Housing and Urban  
18 Development which occurs or exists after the date of the  
19 enactment of this Act.

20 **SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMIS-**  
21 **SIONER.**

22 (a) IN GENERAL.—Section 578 of the Multifamily  
23 Assisted Housing Reform and Affordability Act of 1997  
24 (42 U.S.C. 1437f note) is amended to read as follows:

1 **“SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMIS-**  
2 **SIONER.**

3 “All authority and responsibilities assigned under  
4 this subtitle to the Secretary shall be carried out through  
5 the Assistant Secretary of the Department of Housing and  
6 Urban Development who is the Federal Housing Commis-  
7 sioner.”.

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

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

15 Section 576 of the Multifamily Assisted Housing Re-  
16 form and Affordability Act of 1997 (42 U.S.C. 1437f  
17 note) is amended by striking “2-year period” and inserting  
18 “1-year period”.

19 **Subtitle C—Miscellaneous Housing**  
20 **Program Amendments**

21 **SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EX-**  
22 **CEPTION.**

23 Section 105(a)(8) of the Housing and Community  
24 Development Act of 1974 (42 U.S.C. 5305(a)(8)) is  
25 amended by striking “through 2001” and inserting  
26 “through 2003”.

1 **SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR**  
2 **PREPAYMENTS.**

3 Section 8(t)(2) of the United States Housing Act of  
4 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting  
5 after “insurance contract for the mortgage for such hous-  
6 ing project” the following: “(including any such mortgage  
7 prepayment during fiscal year 1996 or a fiscal year there-  
8 after or any insurance contract voluntary termination dur-  
9 ing fiscal year 1996 or a fiscal year thereafter)”.

10 **SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR**  
11 **SECTION 202 SUPPORTIVE HOUSING.**

12 (a) IN GENERAL.—Section 811 of the American  
13 Homeownership and Economic Opportunity Act of 2000  
14 (12 U.S.C. 1701q note) is amended by striking subsection  
15 (e).

16 (b) EFFECTIVENESS UPON DATE OF ENACTMENT.—  
17 The amendment made by subsection (a) of this section  
18 shall take effect upon the date of the enactment of this  
19 Act and the provisions of section 811 of the American  
20 Homeownership and Economic Opportunity Act of 2000  
21 (12 U.S.C. 1701q note), as amended by subsection (a) of  
22 this section, shall apply as so amended upon such date  
23 of enactment, notwithstanding—

24 (1) any authority of the Secretary of Housing  
25 and Urban Development to issue regulations to im-  
26 plement or carry out the amendments made by sub-

1 section (a) of this section or the provisions of section  
2 811 of the American Homeownership and Economic  
3 Opportunity Act of 2000 (12 U.S.C. 1701q note); or  
4 (2) any failure of the Secretary of Housing and  
5 Urban Development to issue any such regulations  
6 authorized.

7 **SEC. 634. TECHNICAL CORRECTION.**

8 (a) IN GENERAL.—Section 101(a) of Public Law  
9 100–77 (42 U.S.C. 11301 note) is amended to read as  
10 if the amendment made by section 1 of Public Law 106–  
11 400 (114 Stat. 1675) were made to “Section 101” instead  
12 of “Section 1”.

13 (b) RETROACTIVE EFFECT.—The amendment made  
14 by subsection (a) of this section is deemed to have taken  
15 effect immediately after the enactment of Public Law  
16 106–400 (114 Stat. 1675).

17 This Act may be cited as the “Departments of Labor,  
18 Health and Human Services, and Education, and Related  
19 Agencies Appropriations Act, 2002”.



**Calendar No. 193**

107TH CONGRESS  
1ST SESSION

**S. 1536**

**[Report No. 107-84]**

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**A BILL**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

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OCTOBER 11, 2001

Read twice and placed on the calendar