

August 10, 1971, be available for expenses necessary for common personnel support services in the Washington area.

(Pub. L. 92-80, title II, Aug. 10, 1971, 85 Stat. 297; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

#### CODIFICATION

Section was enacted as part of title II of Pub. L. 92-80, popularly known as the Department of Health, Education, and Welfare Appropriation Act, 1972.

Section was formerly classified to section 905a of this title.

#### CHANGE OF NAME

“Department of Health and Human Services” substituted in text for “Department of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

### § 3514. Special account for grants of Department; reports

There is hereby established on the books of the Treasury an account or accounts without fiscal year limitation. There shall be deposited in such account, to the extent provided by the Secretary of Health and Human Services or his designee, all or part of any grant awarded by the Secretary or any other officer or employee of the Department of Health and Human Services. Payments of any such grant shall from time to time be made to the grantee from such account or accounts, subject to such limitations relating to fund accumulation as the Secretary may prescribe, to the extent needed to carry out the purposes of any such grant. Such reports as the Secretary or other officer awarding the grant may find necessary to assure expenditure of funds for the purpose of and in accordance with the terms and conditions of the grant shall be made to the Secretary or such officer by any such grantee.

(Pub. L. 89-105, § 6, Aug. 4, 1965, 79 Stat. 430; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

#### CODIFICATION

Section was formerly classified to section 553 of former Title 31, Money and Finance.

#### CHANGE OF NAME

“Secretary of Health and Human Services” and “Department of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” and “Department of Health, Education, and Welfare”, respectively, pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

### § 3514a. Nonrecurring expenses fund

There is hereby established in the Treasury of the United States a fund to be known as the “Nonrecurring expenses fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated in this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for

which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

(Pub. L. 110-161, div. G, title II, § 223, Dec. 26, 2007, 121 Stat. 2188; Pub. L. 111-8, div. F, title II, § 220, Mar. 11, 2009, 123 Stat. 783.)

#### AMENDMENTS

2009—Pub. L. 111-8 substituted “in this or any succeeding” for “for this or any succeeding”.

### § 3515. Performance of one-year contracts during two fiscal years

Funds provided in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

(Pub. L. 102-394, title II, § 208, Oct. 6, 1992, 106 Stat. 1811.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

Pub. L. 102-170, title II, § 208, Nov. 26, 1991, 105 Stat. 1127.

Pub. L. 101-517, title II, § 208, Nov. 5, 1990, 104 Stat. 2209.

Pub. L. 101-166, title II, § 210, Nov. 21, 1989, 103 Stat. 1177.

Pub. L. 100-202, § 101(h) [title II, § 210], Dec. 22, 1987, 101 Stat. 1329-256, 1329-274.

Pub. L. 99-500, § 101(i) [H.R. 5233, title II, § 210], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, § 101(i) [H.R. 5233, title II, § 210], Oct. 30, 1986, 100 Stat. 3341-287.

Pub. L. 99-178, title II, § 210, Dec. 12, 1985, 99 Stat. 1120.

### § 3515a. Dedicated telephone service between employee residences and computer centers

For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, and the computer centers to which such employees are assigned.

(Pub. L. 102-394, title II, § 210, Oct. 6, 1992, 106 Stat. 1812.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

Pub. L. 102-170, title II, §210, Nov. 26, 1991, 105 Stat. 1127.

Pub. L. 101-517, title II, §210, Nov. 5, 1990, 104 Stat. 2209.

Pub. L. 101-166, title II, §212, Nov. 21, 1989, 103 Stat. 1177.

Pub. L. 100-202, §101(h) [title II, §213], Dec. 22, 1987, 101 Stat. 1329-256, 1329-275.

**§ 3515b. Prohibition on funding certain experiments involving human participants**

None of the funds appropriated by this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

(Pub. L. 102-394, title II, §211, Oct. 6, 1992, 106 Stat. 1812.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in the following prior appropriation acts:

Pub. L. 102-170, title II, §211, Nov. 26, 1991, 105 Stat. 1127.

Pub. L. 101-517, title II, §212, Nov. 5, 1990, 104 Stat. 2209.

Pub. L. 101-166, title II, §215, Nov. 21, 1989, 103 Stat. 1178.

**§ 3515c. Offset against Federal payments to States for provision of services**

For any program funded in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, the Secretary of Health and Human Services is authorized, when providing services or conducting activities for a State with respect to such program for which the Secretary is entitled to reimbursement by the State, to obtain such reimbursement as an offset against Federal payments to which the State would otherwise be entitled under such program from funds appropriated for the same or any subsequent fiscal year. Such offsets shall be credited to the appropriation account which bore the expense of providing the service or conducting the activity, and shall remain available until expended.

(Pub. L. 102-394, title II, §214, Oct. 6, 1992, 106 Stat. 1812.)

**§ 3515d. Expenses of Office of Inspector General; protective services; investigating non-payment of child support**

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,849,000: *Provided*, That of such amount, nec-

essary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under section 228 of title 18, each of which activities is hereby authorized in this and subsequent fiscal years.

(Pub. L. 106-554, §1(a)(1) [title II], Dec. 21, 2000, 114 Stat. 2763, 2763A-24.)

**REFERENCES IN TEXT**

The Inspector General Act of 1978, referred to in text, is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, which is set out in the Appendix to Title 5, Government Organization and Employees.

**CODIFICATION**

Section is from the Department of Health and Human Services Appropriations Act, 2001.

**§ 3515e. Transfer of functions regarding independent living to Department of Health and Human Services, and savings provisions**

**(a) Definitions**

For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term “Administration for Community Living” means the Administration for Community Living of the Department of Health and Human Services;

(2) the term “Federal agency” has the meaning given to the term “agency” by section 551(1) of title 5;

(3) the term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(4) the term “Rehabilitation Services Administration” means the Rehabilitation Services Administration of the Office of Special Education and Rehabilitative Services of the Department of Education.

**(b) Transfer of functions**

There are transferred to the Administration for Community Living, all functions which the Commissioner of the Rehabilitation Services Administration exercised before the effective date of this section (including all related functions of any officer or employee of that Administration) under chapter 1 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.).

**(c) Personnel determinations by the Office of Management and Budget**

The Office of Management and Budget shall—

(1) ensure that this section does not result in any net increase in full-time equivalent employees at any Federal agency impacted by this section; and

(2) not later than 1 year after the effective date of this section, certify compliance with this subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

**(d) Delegation and assignment**

Except where otherwise expressly prohibited by law or otherwise provided by this section, the Administrator of the Administration for Community Living may delegate any of the functions transferred to the Administrator of such Administration by subsection (b) and any func-