

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

Editorial Notes

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, necessary 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.)

Editorial Notes

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 function described in subsection (b) that was transferred or granted to such Administrator after the effective date of this section to such officers and employees of such Administration as the Administrator may designate, and may authorize successive redelegations of such functions described in subsection (b) as may be necessary or appropriate. No delegation of such functions by the Administrator of the Administration for Community Living under this subsection or under any other provision of this section shall relieve such Administrator of responsibility for the administration of such functions.

(e) Reorganization

Except where otherwise expressly prohibited by law or otherwise provided by this Act, the Administrator of the Administration for Community Living is authorized to allocate or re-allocate any function transferred under subsection (b) among the officers of such Administration, and to consolidate, alter, or discontinue such organizational entities in such Administration as may be necessary or appropriate.

(f) Rules

The Administrator of the Administration for Community Living is authorized to prescribe, in

accordance with the provisions of chapters 5 and 6 of title 5, such rules and regulations as that Administrator determines necessary or appropriate to administer and manage the functions described in subsection (b) of that Administration.

(g) Transfer and allocations of appropriations and personnel

Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by subsection (b), subject to section 1531 of title 31, shall be transferred to the Administration for Community Living. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) Incidental transfers

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by subsection (b), and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section, with respect to such functions.

(i) Savings provisions

(1) Continuing effect of legal documents

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under subsection (b); and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator of the Administration for Community Living or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) Proceedings not affected

The provisions of this section shall not affect any proceedings, including notices of pro-

posed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Rehabilitation Services Administration at the time this section takes effect, with respect to functions transferred by subsection (b) but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) Suits not affected

The provisions of this section shall not affect suits commenced (with respect to functions transferred under subsection (b)) before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) Nonabatement of actions

No suit, action, or other proceeding commenced by or against the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), or by or against any individual in the official capacity of such individual as an officer of the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall abate by reason of the enactment of this section.

(5) Administrative actions relating to promulgation of regulations

Any administrative action relating to the preparation or promulgation of a regulation by the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)) may be continued by the Administration for Community Living with the same effect as if this section had not been enacted.

(j) Separability

If a provision of this section or its application to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(k) References

A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Commissioner of the Rehabilitation Services Administration (with regard to functions transferred under subsection (b)), shall be deemed to refer to the Administrator of the Administration for Community Living; and

(2) the Rehabilitation Services Administration (with regard to functions transferred

under subsection (b)), shall be deemed to refer to the Administration for Community Living.

(l) Transition

The Administrator of the Administration for Community Living is authorized to utilize—

- (1) the services of such officers, employees, and other personnel of the Rehabilitation Services Administration with regard to functions transferred under subsection (b); and
- (2) funds appropriated to such functions,

for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) Administration for Community Living

(1) 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 the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.).

(2) Administrative matters

Subsections (d) through (l) shall apply to transfers described in paragraph (1).

(n) National Institute on Disability, Independent Living, and Rehabilitation Research

(1) Definitions

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

(A) the term “NIDILRR” means the National Institute on Disability, Independent Living, and Rehabilitation Research of the Administration for Community Living of the Department of Health and Human Services; and

(B) the term “NIDRR” means the National Institute on Disability and Rehabilitation Research of the Office of Special Education and Rehabilitative Services of the Department of Education.

(2) Transfer of functions

There are transferred to the NIDILRR, all functions which the Director of the NIDRR exercised before the effective date of this section (including all related functions of any officer or employee of the NIDRR).

(3) Administrative matters

(A) In general

Subsections (d) through (l) shall apply to transfers described in paragraph (2).

(B) References

For purposes of applying those subsections under subparagraph (A), those subsections—

(i) shall apply to the NIDRR and the Director of the NIDRR in the same manner and to the same extent as those subsections apply to the Rehabilitation Services Administration and the Commissioner of that Administration; and

(ii) shall apply to the NIDILRR and the Director of the NIDILRR in the same manner and to the same extent as those subsections apply to the Administration for

Community Living and the Administrator of that Administration.

(Pub. L. 113-128, title IV, §491, July 22, 2014, 128 Stat. 1695.)

Editorial Notes

REFERENCES IN TEXT

The effective date of this section, referred to in subsecs. (b), (c)(2), (d), (i)(1)(B), (3), (m)(1), and (n)(2), and the time this section takes effect, referred to in subsec. (i)(1)(B), (2), mean the date of enactment of Pub. L. 113-128, which was approved July 22, 2014. See section 506(d) of Pub. L. 113-128, set out as a note under section 3101 of Title 29, Labor.

The Rehabilitation Act of 1973, referred to in subsec. (b), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355. Chapter 1 of title VII of the Act is classified generally to part A (§796 et seq.) of subchapter VII of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

This Act, referred to in subsec. (e), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted chapter 32 (§3101 et seq.) of Title 29, Labor, repealed chapter 30 (§2801 et seq.) of Title 29 and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Assistive Technology Act of 1998, referred to in subsec. (m)(1), is Pub. L. 105-394, Nov. 13, 1998, 112 Stat. 3627, which is classified principally to chapter 31 (§3001 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 29 and Tables.

CODIFICATION

Section is comprised of section 491 of Pub. L. 113-128. Subsec. (o) of section 491 of Pub. L. 113-128 amended sections 3002, 3005, and 3006 of Title 29, Labor.

SUBCHAPTER II—OFFICE OF INSPECTOR GENERAL

§§ 3521 to 3527. Repealed. Pub. L. 100-504, title I, § 102(e)(2), Oct. 18, 1988, 102 Stat. 2517

Section 3521, Pub. L. 94-505, title II, §201, Oct. 15, 1976, 90 Stat. 2429; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, established Office of Inspector General.

Section 3522, Pub. L. 94-505, title II, §202, Oct. 15, 1976, 90 Stat. 2430; Pub. L. 95-452, §10(c), Oct. 12, 1978, 92 Stat. 1109, provided for Inspector General and Deputy Inspector General, removal of such officers, political activities restriction, and appointment of Assistant Inspector General for Auditing and Assistant Inspector General for Investigations.

Section 3523, Pub. L. 94-505, title II, §203, Oct. 15, 1976, 90 Stat. 2430; Pub. L. 96-226, title II, §201, Apr. 3, 1980, 94 Stat. 315, prescribed duties and responsibilities of Inspector General.

Section 3524, Pub. L. 94-505, title II, §204, Oct. 15, 1976, 90 Stat. 2431; Pub. L. 95-142, §4(c), Oct. 25, 1977, 91 Stat. 1183; Pub. L. 97-375, title II, §206(c), Dec. 21, 1982, 96 Stat. 1824, required preparation and submission of reports.

Section 3525, Pub. L. 94-505, title II, §205, Oct. 15, 1976, 90 Stat. 2432, related to administrative provisions.

Section 3526, Pub. L. 94-505, title II, §206, Oct. 15, 1976, 90 Stat. 2433, provided for transfer of functions.

Section 3527, Pub. L. 94-505, title II, §207, Oct. 15, 1976, 90 Stat. 2434; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, defined “Secretary”, “Department”, “Inspector General”, “Deputy”, and “Federal agency”.

For transfer of functions under sections 3521 to 3527 to and establishment of the Office of Inspector General