

106TH CONGRESS
2D SESSION

H. R. 5656

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2000

Mr. PORTER introduced the following bill; which was referred to the Committee on Appropriations

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, 2001, 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
6 Education, and related agencies for the fiscal year ending
7 September 30, 2001, and for other purposes, namely:

1 TITLE I—DEPARTMENT OF LABOR

2 EMPLOYMENT AND TRAINING ADMINISTRATION

3 TRAINING AND EMPLOYMENT SERVICES

4 For necessary expenses of the Workforce Investment
5 Act, including the purchase and hire of passenger motor
6 vehicles, the construction, alteration, and repair of build-
7 ings and other facilities, and the purchase of real property
8 for training centers as authorized by the Workforce In-
9 vestment Act; the Women in Apprenticeship and Non-
10 traditional Occupations Act; and the National Skill Stand-
11 ards Act of 1994; \$3,207,805,000 plus reimbursements,
12 of which \$1,808,465,000 is available for obligation for the
13 period July 1, 2001 through June 30, 2002; of which
14 \$1,377,965,000 is available for obligation for the period
15 April 1, 2001 through June 30, 2002, including
16 \$1,102,965,000 to carry out chapter 4 of the Workforce
17 Investment Act and \$275,000,000 to carry out section
18 169 of such Act; and of which \$20,375,000 is available
19 for the period July 1, 2001 through June 30, 2004 for
20 necessary expenses of construction, rehabilitation, and ac-
21 quisition of Job Corps centers: *Provided*, That \$9,098,000
22 shall be for carrying out section 172 of the Workforce In-
23 vestment Act, and \$3,500,000 shall be for carrying out
24 the National Skills Standards Act of 1994: *Provided fur-*
25 *ther*, That no funds from any other appropriation shall

1 be used to provide meal services at or for Job Corps cen-
2 ters: *Provided further*, That funds provided to carry out
3 section 171(d) of such Act may be used for demonstration
4 projects that provide assistance to new entrants in the
5 workforce and incumbent workers: *Provided further*, That
6 funding provided to carry out projects under section 171
7 of the Workforce Investment Act of 1998 that are identi-
8 fied in the Conference Agreement, shall not be subject to
9 the requirements of section 171(b)(2)(B) of such Act, the
10 requirements of section 171(c)(4)(D) of such Act, or the
11 joint funding requirements of sections 171(b)(2)(A) and
12 171(c)(4)(A) of such Act: *Provided further*, That funding
13 appropriated herein for Dislocated Worker Employment
14 and Training Activities under section 132(a)(2)(A) of the
15 Workforce Investment Act of 1998 may be distributed for
16 Dislocated Worker Projects under section 171(d) of the
17 Act without regard to the 10 percent limitation contained
18 in section 171(d) of the Act: *Provided further*, That of the
19 funds made available for Job Corps operating expenses in
20 the Department of Labor Appropriations Act, 2000, as en-
21 acted by section 1000(a)(4) of Public Law 106–113,
22 \$586,487 shall be paid to the city of Vergennes, Vermont
23 in settlement of the city’s claim: *Provided further*, That
24 \$4,600,000 provided herein for dislocated worker employ-
25 ment and training activities shall be made available to the

1 New Mexico Telecommunications Call Center Training
2 Consortium for training in telecommunications-related oc-
3 cupations.

4 For necessary expenses of the Workforce Investment
5 Act, including the purchase and hire of passenger motor
6 vehicles, the construction, alteration, and repair of build-
7 ings and other facilities, and the purchase of real property
8 for training centers as authorized by the Workforce In-
9 vestment Act; \$2,463,000,000 plus reimbursements, of
10 which \$2,363,000,000 is available for obligation for the
11 period October 1, 2001 through June 30, 2002, and of
12 which \$100,000,000 is available for the period October 1,
13 2001 through June 30, 2004, for necessary expenses of
14 construction, rehabilitation, and acquisition of Job Corps
15 centers.

16 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
17 AMERICANS

18 To carry out title V of the Older Americans Act of
19 1965, as amended, \$440,200,000.

20 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

21 For payments during the current fiscal year of trade
22 adjustment benefit payments and allowances under part
23 I; and for training, allowances for job search and reloca-
24 tion, and related State administrative expenses under part
25 II, subchapters B and D, chapter 2, title II of the Trade
26 Act of 1974, as amended, \$406,550,000, together with

1 such amounts as may be necessary to be charged to the
2 subsequent appropriation for payments for any period sub-
3 sequent to September 15 of the current year.

4 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
5 SERVICE OPERATIONS

6 For authorized administrative expenses,
7 \$193,452,000, together with not to exceed
8 \$3,172,246,000 (including not to exceed \$1,228,000
9 which may be used for amortization payments to States
10 which had independent retirement plans in their State em-
11 ployment service agencies prior to 1980), which may be
12 expended from the Employment Security Administration
13 account in the Unemployment Trust Fund including the
14 cost of administering section 51 of the Internal Revenue
15 Code of 1986, as amended, section 7(d) of the Wagner-
16 Peyser Act, as amended, the Trade Act of 1974, as
17 amended, the Immigration Act of 1990, and the Immigra-
18 tion and Nationality Act, as amended, and of which the
19 sums available in the allocation for activities authorized
20 by title III of the Social Security Act, as amended (42
21 U.S.C. 502–504), and the sums available in the allocation
22 for necessary administrative expenses for carrying out 5
23 U.S.C. 8501–8523, shall be available for obligation by the
24 States through December 31, 2001, except that funds
25 used for automation acquisitions shall be available for obli-
26 gation by the States through September 30, 2003; and

1 of which \$193,452,000, together with not to exceed
2 \$773,283,000 of the amount which may be expended from
3 said trust fund, shall be available for obligation for the
4 period July 1, 2001 through June 30, 2002, to fund ac-
5 tivities under the Act of June 6, 1933, as amended, in-
6 cluding the cost of penalty mail authorized under 39
7 U.S.C. 3202(a)(1)(E) made available to States in lieu of
8 allotments for such purpose: *Provided*, That to the extent
9 that the Average Weekly Insured Unemployment (AWIU)
10 for fiscal year 2001 is projected by the Department of
11 Labor to exceed 2,396,000, an additional \$28,600,000
12 shall be available for obligation for every 100,000 increase
13 in the AWIU level (including a pro rata amount for any
14 increment less than 100,000) from the Employment Secu-
15 rity Administration Account of the Unemployment Trust
16 Fund: *Provided further*, That funds appropriated in this
17 Act which are used to establish a national one-stop career
18 center system, or which are used to support the national
19 activities of the Federal-State unemployment insurance
20 programs, may be obligated in contracts, grants, or agree-
21 ments with non-State entities: *Provided further*, That
22 funds appropriated under this Act for activities authorized
23 under the Wagner-Peyser Act, as amended, and title III
24 of the Social Security Act, may be used by the States to
25 fund integrated Employment Service and Unemployment

1 gether with not to exceed \$48,507,000, which may be ex-
2 pended from the Employment Security Administration ac-
3 count in the Unemployment Trust Fund.

4 PENSION AND WELFARE BENEFITS ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for the Pension and Welfare
7 Benefits Administration, \$107,832,000.

8 PENSION BENEFIT GUARANTY CORPORATION
9 PENSION BENEFIT GUARANTY CORPORATION FUND

10 The Pension Benefit Guaranty Corporation is author-
11 ized to make such expenditures, including financial assist-
12 ance authorized by section 104 of Public Law 96-364,
13 within limits of funds and borrowing authority available
14 to such Corporation, and in accord with law, and to make
15 such contracts and commitments without regard to fiscal
16 year limitations as provided by section 104 of the Govern-
17 ment Corporation Control Act, as amended (31 U.S.C.
18 9104), as may be necessary in carrying out the program
19 through September 30, 2001, for such Corporation: *Pro-*
20 *vided*, That not to exceed \$11,652,000 shall be available
21 for administrative expenses of the Corporation: *Provided*
22 *further*, That expenses of such Corporation in connection
23 with the termination of pension plans, for the acquisition,
24 protection or management, and investment of trust assets,
25 and for benefits administration services shall be consid-

1 ered as nonadministrative expenses for the purposes here-
2 of, and excluded from the above limitation.

3 EMPLOYMENT STANDARDS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Employment Stand-
6 ards Administration, including reimbursement to State,
7 Federal, and local agencies and their employees for inspec-
8 tion services rendered, \$361,491,000, together with
9 \$1,985,000 which may be expended from the Special Fund
10 in accordance with sections 39(e), 44(d), and 44(j) of the
11 Longshore and Harbor Workers' Compensation Act: *Pro-*
12 *vided*, That \$2,000,000 shall be for the development of
13 an alternative system for the electronic submission of re-
14 ports required to be filed under the Labor-Management
15 Reporting and Disclosure Act of 1959, as amended, and
16 for a computer database of the information for each sub-
17 mission by whatever means, that is indexed and easily
18 searchable by the public via the Internet: *Provided further*,
19 That the Secretary of Labor is authorized to accept, re-
20 tain, and spend, until expended, in the name of the De-
21 partment of Labor, all sums of money ordered to be paid
22 to the Secretary of Labor, in accordance with the terms
23 of the Consent Judgment in Civil Action No. 91-0027 of
24 the United States District Court for the District of the
25 Northern Mariana Islands (May 21, 1992): *Provided fur-*

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

10 SPECIAL BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the payment of compensation, benefits, and ex-
13 penses (except administrative expenses) accruing during
14 the current or any prior fiscal year authorized by title 5,
15 chapter 81 of the United States Code; continuation of ben-
16 efits as provided for under the heading “Civilian War Ben-
17 efits” in the Federal Security Agency Appropriation Act,
18 1947; the Employees’ Compensation Commission Appro-
19 priation Act, 1944; sections 4(c) and 5(f) of the War
20 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
21 cent of the additional compensation and benefits required
22 by section 10(h) of the Longshore and Harbor Workers’
23 Compensation Act, as amended, \$56,000,000 together
24 with such amounts as may be necessary to be charged to
25 the subsequent year appropriation for the payment of
26 compensation and other benefits for any period subse-

1 quent to August 15 of the current year: *Provided*, That
2 amounts appropriated may be used under section 8104 of
3 title 5, United States Code, by the Secretary of Labor to
4 reimburse an employer, who is not the employer at the
5 time of injury, for portions of the salary of a reemployed,
6 disabled beneficiary: *Provided further*, That balances of re-
7 imbursements unobligated on September 30, 2000, shall
8 remain available until expended for the payment of com-
9 pensation, benefits, and expenses: *Provided further*, That
10 in addition there shall be transferred to this appropriation
11 from the Postal Service and from any other corporation
12 or instrumentality required under section 8147(c) of title
13 5, United States Code, to pay an amount for its fair share
14 of the cost of administration, such sums as the Secretary
15 determines to be the cost of administration for employees
16 of such fair share entities through September 30, 2001:
17 *Provided further*, That of those funds transferred to this
18 account from the fair share entities to pay the cost of ad-
19 ministration, \$34,910,000 shall be made available to the
20 Secretary as follows: (1) for the operation of and enhance-
21 ment to the automated data processing systems, including
22 document imaging, medical bill review, and periodic roll
23 management, in support of Federal Employees' Com-
24 pensation Act administration, \$23,371,000; (2) for con-
25 version to a paperless office, \$7,005,000; (3) for commu-

1 nications redesign, \$1,750,000; (4) for information tech-
2 nology maintenance and support, \$2,784,000; and (5) the
3 remaining funds shall be paid into the Treasury as mis-
4 cellaneous receipts: *Provided further*, That the Secretary
5 may require that any person filing a notice of injury or
6 a claim for benefits under chapter 81 of title 5, United
7 States Code, or 33 U.S.C. 901 et seq., provide as part
8 of such notice and claim, such identifying information (in-
9 cluding Social Security account number) as such regula-
10 tions may prescribe.

11 BLACK LUNG DISABILITY TRUST FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For payments from the Black Lung Disability Trust
14 Fund, \$1,028,000,000, of which \$975,343,000 shall be
15 available until September 30, 2002, for payment of all
16 benefits as authorized by section 9501(d)(1), (2), (4), and
17 (7) of the Internal Revenue Code of 1954, as amended,
18 and interest on advances as authorized by section
19 9501(c)(2) of that Act, and of which \$30,393,000 shall
20 be available for transfer to Employment Standards Ad-
21 ministration, Salaries and Expenses, \$21,590,000 for
22 transfer to Departmental Management, Salaries and Ex-
23 penses, \$318,000 for transfer to Departmental Manage-
24 ment, Office of Inspector General, and \$356,000 for pay-
25 ment into miscellaneous receipts for the expenses of the
26 Department of the Treasury, for expenses of operation

1 and administration of the Black Lung Benefits program
2 as authorized by section 9501(d)(5) of that Act: *Provided*,
3 That, in addition, such amounts as may be necessary may
4 be charged to the subsequent year appropriation for the
5 payment of compensation, interest, or other benefits for
6 any period subsequent to August 15 of the current year.

7 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
8 SALARIES AND EXPENSES

9 For necessary expenses for the Occupational Safety
10 and Health Administration, \$425,983,000, including not
11 to exceed \$88,493,000 which shall be the maximum
12 amount available for grants to States under section 23(g)
13 of the Occupational Safety and Health Act, which grants
14 shall be no less than 50 percent of the costs of State occu-
15 pational safety and health programs required to be in-
16 curred under plans approved by the Secretary under sec-
17 tion 18 of the Occupational Safety and Health Act of
18 1970; and, in addition, notwithstanding 31 U.S.C. 3302,
19 the Occupational Safety and Health Administration may
20 retain up to \$750,000 per fiscal year of training institute
21 course tuition fees, otherwise authorized by law to be col-
22 lected, and may utilize such sums for occupational safety
23 and health training and education grants: *Provided*, That,
24 notwithstanding 31 U.S.C. 3302, the Secretary of Labor
25 is authorized, during the fiscal year ending September 30,

1 2001, to collect and retain fees for services provided to
2 Nationally Recognized Testing Laboratories, and may uti-
3 lize such sums, in accordance with the provisions of 29
4 U.S.C. 9a, to administer national and international lab-
5 oratory recognition programs that ensure the safety of
6 equipment and products used by workers in the workplace:
7 *Provided further*, That none of the funds appropriated
8 under this paragraph shall be obligated or expended to
9 prescribe, issue, administer, or enforce any standard, rule,
10 regulation, or order under the Occupational Safety and
11 Health Act of 1970 which is applicable to any person who
12 is engaged in a farming operation which does not maintain
13 a temporary labor camp and employs 10 or fewer employ-
14 ees: *Provided further*, That no funds appropriated under
15 this paragraph shall be obligated or expended to admin-
16 ister or enforce any standard, rule, regulation, or order
17 under the Occupational Safety and Health Act of 1970
18 with respect to any employer of 10 or fewer employees
19 who is included within a category having an occupational
20 injury lost workday case rate, at the most precise Stand-
21 ard Industrial Classification Code for which such data are
22 published, less than the national average rate as such
23 rates are most recently published by the Secretary, acting
24 through the Bureau of Labor Statistics, in accordance
25 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, \$246,747,000, 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 2001 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, \$374,327,000, together with not to exceed
15 \$67,257,000, which may be expended from the Employ-
16 ment Security Administration account in the Unemploy-
17 ment Trust Fund; and \$10,000,000 which shall be avail-
18 able for obligation for the period July 1, 2001 through
19 June 30, 2002, 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, of which the funds
2 designated to carry out bilateral assistance under the
3 international child labor initiative shall be available for ob-
4 ligation through September 30, 2002, and \$37,000,000
5 for the acquisition of Departmental information tech-
6 nology, architecture, infrastructure, equipment, software,
7 and related needs which will be allocated by the Depart-
8 ment's Chief Information Officer in accordance with the
9 Department's capital investment management process to
10 assure a sound investment strategy, \$380,529,000; to-
11 gether with not to exceed \$310,000, which may be ex-
12 pended from the Employment Security Administration ac-
13 count in the Unemployment Trust Fund: *Provided*, That
14 no funds made available by this Act may be used by the
15 Solicitor of Labor to participate in a review in any United
16 States court of appeals of any decision made by the Bene-
17 fits Review Board under section 21 of the Longshore and
18 Harbor Workers' Compensation Act (33 U.S.C. 921)
19 where such participation is precluded by the decision of
20 the United States Supreme Court in *Director, Office of*
21 *Workers' Compensation Programs v. Newport News Ship-*
22 *building*, 115 S. Ct. 1278 (1995), notwithstanding any
23 provisions to the contrary contained in Rule 15 of the Fed-
24 eral Rules of Appellate Procedure: *Provided further*, That
25 no funds made available by this Act may be used by the

1 Secretary of Labor to review a decision under the
2 Longshore and Harbor Workers' Compensation Act (33
3 U.S.C. 901 et seq.) that has been appealed and that has
4 been pending before the Benefits Review Board for more
5 than 12 months: *Provided further*, That any such decision
6 pending a review by the Benefits Review Board for more
7 than 1 year shall be considered affirmed by the Benefits
8 Review Board on the 1-year anniversary of the filing of
9 the appeal, and shall be considered the final order of the
10 Board for purposes of obtaining a review in the United
11 States courts of appeals: *Provided further*, That these pro-
12 visions shall not be applicable to the review or appeal of
13 any decision issued under the Black Lung Benefits Act
14 (30 U.S.C. 901 et seq.): *Provided further*, That beginning
15 in fiscal year 2001, there is established in the Department
16 of Labor an office of disability employment policy which
17 shall, under the overall direction of the Secretary, provide
18 leadership, develop policy and initiatives, and award
19 grants furthering the objective of eliminating barriers to
20 the training and employment of people with disabilities.
21 Such office shall be headed by an Assistant Secretary:
22 *Provided further*, That of amounts provided under this
23 head, not more than \$23,002,000 is for this purpose.

24 VETERANS EMPLOYMENT AND TRAINING

25 Not to exceed \$186,913,000 may be derived from the
26 Employment Security Administration account in the Un-

1 employment Trust Fund to carry out the provisions of 38
2 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
3 Public Law 103–353, and which shall be available for obli-
4 gation by the States through December 31, 2001. To
5 carry out the Stewart B. McKinney Homeless Assistance
6 Act and section 168 of the Workforce Investment Act of
7 1998, \$24,800,000, of which \$7,300,000 shall be available
8 for obligation for the period July 1, 2001 through June
9 30, 2002.

10 OFFICE OF INSPECTOR GENERAL

11 For salaries and expenses of the Office of Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, as amended, \$50,015,000, together
14 with not to exceed \$4,770,000, which may be expended
15 from the Employment Security Administration account in
16 the Unemployment Trust Fund.

17 GENERAL PROVISIONS

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

23 (TRANSFER OF FUNDS)

24 SEC. 102. Not to exceed 1 percent of any discre-
25 tionary funds (pursuant to the Balanced Budget and
26 Emergency Deficit Control Act of 1985, as amended)

1 which are appropriated for the current fiscal year for the
2 Department of Labor in this Act may be transferred be-
3 tween appropriations, but no such appropriation shall be
4 increased by more than 3 percent by any such transfer:
5 *Provided*, That the Appropriations Committees of both
6 Houses of Congress are notified at least 15 days in ad-
7 vance of any transfer.

8 SEC. 103. Section 403(a)(5)(C)(viii) of the Social Se-
9 curity Act (42 U.S.C. 603(a)(5)(C)(viii)) (as amended by
10 section 801(b)(1)(A) of the Departments of Labor, Health
11 and Human Services, and Education, and Related Agen-
12 cies Appropriations Act, 2000 (as enacted into law by sec-
13 tion 1000(a)(4) of Public Law 106–113)) is amended by
14 striking “3 years” and inserting “5 years”.

15 SEC. 104. No funds appropriated in this Act or any
16 other Act making appropriations for fiscal year 2001 may
17 be used to implement or enforce the proposed and final
18 regulations appearing in 65 Fed. Reg. 43528–43583, re-
19 garding temporary alien labor certification applications
20 and petitions for admission of nonimmigrant workers, or
21 any similar or successor rule with an effective date prior
22 to October 1, 2001: *Provided*, That nothing in this section
23 shall prohibit the development or revision of such a rule,
24 or the publication of any similar or successor proposed or
25 final rule, or the provision of training or technical assist-

1 ance, or other activities necessary and appropriate in pre-
2 paring to implement such a rule with an effective date
3 after September 30, 2001.

4 SEC. 105. Section 218(c)(4) of the Immigration and
5 Nationality Act (8 U.S.C. 1188(c)(4)) is amended by add-
6 ing at the end the following new sentence: “The deter-
7 mination as to whether the housing furnished by an em-
8 ployer for an H-2A worker meets the requirements im-
9 posed by this paragraph must be made prior to the date
10 specified in paragraph (3)(A) by which the Secretary of
11 Labor is required to make a certification described in sub-
12 section (a)(1) with respect to a petition for the importa-
13 tion of such worker.”.

14 SEC. 106. Section 286(s)(6) of the Immigration and
15 Naturalization Act (8 U.S.C. 1356(s)(6)) is amended by
16 inserting “and section 212(a)(5)(A)” after the second ref-
17 erence to “section 212(n)(1)”.

18 SEC. 107. (a) Section 403(a)(5) of the Social Security
19 Act (as amended by section 806(b) of the Departments
20 of Labor, Health and Human Services, and Education,
21 and Related Agencies Appropriations Act, 2000 (as en-
22 acted into law by section 1000(a)(4) of Public Law 106-
23 113)) is amended by striking subparagraph (E) and redес-
24 ignating subparagraphs (F) through (K) as subpara-
25 graphs (E) through (J), respectively.

1 (b) The Social Security Act (as amended by section
2 806(b) of the Departments of Labor, Health and Human
3 Services, and Education, and Related Agencies Appropria-
4 tions Act, 2000 (as enacted into law by section 1000(a)(4)
5 of Public Law 106–113)) is further amended as follows:

6 (1) Section 403(a)(5)(A)(i) (42 U.S.C.
7 603(a)(5)(A)(i)) is amended by striking “subpara-
8 graph (I)” and inserting “subparagraph (H)”.

9 (2) Subclause (I) of each of subparagraphs
10 (A)(iv) and (B)(v) of section 403(a)(5) (42 U.S.C.
11 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

12 (A) in item (aa)—

13 (i) by striking “(I)” and inserting
14 “(H)”; and

15 (ii) by striking “(G), and (H)” and
16 inserting “and (G)”; and

17 (B) in item (bb), by striking “(F)” and in-
18 serting “(E)”.

19 (3) Section 403(a)(5)(B)(v) (42 U.S.C.
20 603(a)(5)(B)(v)) is amended in the matter preceding
21 subclause (I) by striking “(I)” and inserting “(H)”.

22 (4) Subparagraphs (E), (F), and (G)(i) of sec-
23 tion 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesign-
24 nated by subsection (a) of this section, are each
25 amended by striking “(I)” and inserting “(H)”.

1 amended, and the Poison Control Center Enhancement
2 and Awareness Act, \$5,525,476,000, of which
3 \$226,224,000 shall be available for the construction and
4 renovation of health care and other facilities, and of which
5 \$25,000,000 from general revenues, notwithstanding sec-
6 tion 1820(j) of the Social Security Act, shall be available
7 for carrying out the Medicare rural hospital flexibility
8 grants program under section 1820 of such Act: *Provided*,
9 That the Division of Federal Occupational Health may
10 utilize personal services contracting to employ professional
11 management/administrative and occupational health pro-
12 fessionals: *Provided further*, That of the funds made avail-
13 able under this heading, \$250,000 shall be available until
14 expended for facilities renovations at the Gillis W. Long
15 Hansen’s Disease Center: *Provided further*, That in addi-
16 tion to fees authorized by section 427(b) of the Health
17 Care Quality Improvement Act of 1986, fees shall be col-
18 lected for the full disclosure of information under the Act
19 sufficient to recover the full costs of operating the Na-
20 tional Practitioner Data Bank, and shall remain available
21 until expended to carry out that Act: *Provided further*,
22 That fees collected for the full disclosure of information
23 under the “Health Care Fraud and Abuse Data Collection
24 Program,” authorized by section 1128E(d)(2) of the So-
25 cial Security Act, shall be sufficient to recover the full

1 costs of operating the program, and shall remain available
2 until expended to carry out that Act: *Provided further*,
3 That no more than \$5,000,000 is available for carrying
4 out the provisions of Public Law 104–73: *Provided further*,
5 That of the funds made available under this heading,
6 \$253,932,000 shall be for the program under title X of
7 the Public Health Service Act to provide for voluntary
8 family planning projects: *Provided further*, That amounts
9 provided to said projects under such title shall not be ex-
10 pended for abortions, that all pregnancy counseling shall
11 be nondirective, and that such amounts shall not be ex-
12 pended for any activity (including the publication or dis-
13 tribution of literature) that in any way tends to promote
14 public support or opposition to any legislative proposal or
15 candidate for public office: *Provided further*, That
16 \$589,000,000 shall be for State AIDS Drug Assistance
17 Programs authorized by section 2616 of the Public Health
18 Service Act: *Provided further*, That of the amount pro-
19 vided under this heading, \$700,000 shall be for the Amer-
20 ican Federation of Negro Affairs Education and Research
21 Fund of Philadelphia, \$900,000 shall be for the Des
22 Moines University Osteopathic Medical Center, \$250,000
23 shall be for the University of Alaska, Anchorage, to train
24 Alaska Natives as psychologists, \$900,000 shall be for
25 Northeastern University in Boston, Massachusetts, to

1 train doctors to serve in low-income communities,
2 \$500,000 shall be for the University of Alaska, Anchorage,
3 to recruit and train nurses in rural areas, and \$230,000
4 shall be for the Illinois Poison Center: *Provided further,*
5 That, notwithstanding section 502(a)(1) of the Social Se-
6 curity Act, not to exceed \$113,728,000 is available for car-
7 rying out special projects of regional and national signifi-
8 cance pursuant to section 501(a)(2) of such Act, of which
9 \$5,000,000 is for Columbia Hospital for Women Medical
10 Center in Washington, D.C., to support community out-
11 reach programs for women, \$5,000,000 is for continuation
12 of the traumatic brain injury State demonstration
13 projects, and \$100,000 is for St. Joseph's Health Services
14 of Rhode Island for the Providence Smiles dental program
15 for low-income children.

16 For special projects of regional and national signifi-
17 cance under section 501(a)(2) of the Social Security Act,
18 \$30,000,000, which shall become available on October 1,
19 2001, and shall remain available until September 30,
20 2002: *Provided,* That such amount shall not be counted
21 toward compliance with the allocation required in section
22 502(a)(1) of such Act: *Provided further,* That such
23 amount shall be used only for making competitive grants
24 to provide abstinence education (as defined in section
25 510(b)(2) of such Act) to adolescents and for evaluations

1 (including longitudinal evaluations) of activities under the
2 grants and for Federal costs of administering the grants:
3 *Provided further*, That grants shall be made only to public
4 and private entities which agree that, with respect to an
5 adolescent to whom the entities provide abstinence edu-
6 cation under such grant, the entities will not provide to
7 that adolescent any other education regarding sexual con-
8 duct, except that, in the case of an entity expressly re-
9 quired by law to provide health information or services the
10 adolescent shall not be precluded from seeking health in-
11 formation or services from the entity in a different setting
12 than the setting in which the abstinence education was
13 provided: *Provided further*, That the funds expended for
14 such evaluations may not exceed 3.5 percent of such
15 amount.

16 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

17 Such sums as may be necessary to carry out the pur-
18 pose of the program, as authorized by title VII of the Pub-
19 lic Health Service Act, as amended. For administrative ex-
20 penses to carry out the guaranteed loan program, includ-
21 ing section 709 of the Public Health Service Act,
22 \$3,679,000.

23 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

24 For payments from the Vaccine Injury Compensation
25 Program Trust Fund, such sums as may be necessary for
26 claims associated with vaccine-related injury or death with

1 respect to vaccines administered after September 30,
2 1988, pursuant to subtitle 2 of title XXI of the Public
3 Health Service Act, to remain available until expended:
4 *Provided*, That for necessary administrative expenses, not
5 to exceed \$2,992,000 shall be available from the Trust
6 Fund to the Secretary of Health and Human Services.

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 DISEASE CONTROL, RESEARCH, AND TRAINING

9 To carry out titles II, III, VII, XI, XV, XVII, XIX,
10 and XXVI of the Public Health Service Act, sections 101,
11 102, 103, 201, 202, 203, 301, and 501 of the Federal
12 Mine Safety and Health Act of 1977, sections 20, 21, and
13 22 of the Occupational Safety and Health Act of 1970,
14 title IV of the Immigration and Nationality Act, and sec-
15 tion 501 of the Refugee Education Assistance Act of 1980;
16 including insurance of official motor vehicles in foreign
17 countries; and hire, maintenance, and operation of air-
18 craft, \$3,868,027,000, of which \$175,000,000 shall re-
19 main available until expended for the facilities master plan
20 for equipment and construction and renovation of facili-
21 ties, and in addition, such sums as may be derived from
22 authorized user fees, which shall be credited to this ac-
23 count, and of which \$104,527,000 for international HIV/
24 AIDS programs shall remain available until September
25 30, 2002: *Provided*, That in addition to amounts provided

1 herein, up to \$71,690,000 shall be available from amounts
2 available under section 241 of the Public Health Service
3 Act to carry out the National Center for Health Statistics
4 Surveys: *Provided further*, That none of the funds made
5 available for injury prevention and control at the Centers
6 for Disease Control and Prevention may be used to advo-
7 cate or promote gun control: *Provided further*, That the
8 Director may redirect the total amount made available
9 under authority of Public Law 101–502, section 3, dated
10 November 3, 1990, to activities the Director may so des-
11 ignate: *Provided further*, That the Congress is to be noti-
12 fied promptly of any such transfer: *Provided further*, That
13 not to exceed \$10,000,000 may be available for making
14 grants under section 1509 of the Public Health Service
15 Act to not more than 15 States: *Provided further*, That
16 notwithstanding any other provision of law, a single con-
17 tract or related contracts for development and construc-
18 tion of facilities may be employed which collectively include
19 the full scope of the project: *Provided further*, That the
20 solicitation and contract shall contain the clause “avail-
21 ability of funds” found at 48 CFR 52.232–18: *Provided*
22 *further*, That funds obligated for influenza vaccine stock-
23 pile in fiscal year 2000 and fiscal year 2001 shall be con-
24 sidered as appropriated under section 3 of Public Law
25 101–502.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to cancer,
5 \$3,757,242,000.

6 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to cardiovascular, lung,
9 and blood diseases, and blood and blood products,
10 \$2,299,866,000.

11 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
12 RESEARCH

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to dental disease,
15 \$306,448,000.

16 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
17 KIDNEY DISEASES

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to diabetes and diges-
20 tive and kidney disease, \$1,303,385,000.

21 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
22 AND STROKE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to neurological dis-
25 orders and stroke, \$1,176,482,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to allergy and infec-
5 tious diseases, \$2,043,208,000.

6 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to general medical
9 sciences, \$1,535,823,000.

10 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
11 DEVELOPMENT

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to child health and
14 human development, \$976,455,000.

15 NATIONAL EYE INSTITUTE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to eye diseases and
18 visual disorders, \$510,611,000.

19 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
20 SCIENCES

21 For carrying out sections 301 and 311 and title IV
22 of the Public Health Service Act with respect to environ-
23 mental health sciences, \$502,549,000.

1 NATIONAL INSTITUTE ON AGING

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to aging,
4 \$786,039,000.

5 NATIONAL INSTITUTE OF ARTHRITIS AND
6 MUSCULOSKELETAL AND SKIN DISEASES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to arthritis and mus-
9 culoskeletal and skin diseases, \$396,687,000.

10 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
11 COMMUNICATION DISORDERS

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to deafness and other
14 communication disorders, \$300,581,000.

15 NATIONAL INSTITUTE OF NURSING RESEARCH

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to nursing research,
18 \$104,370,000.

19 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
20 ALCOHOLISM

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to alcohol abuse and
23 alcoholism, \$340,678,000.

1 NATIONAL INSTITUTE ON DRUG ABUSE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to drug abuse,
4 \$781,327,000.

5 NATIONAL INSTITUTE OF MENTAL HEALTH

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to mental health,
8 \$1,107,028,000.

9 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to human genome re-
12 search, \$382,384,000.

13 NATIONAL CENTER FOR RESEARCH RESOURCES

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to research resources
16 and general research support grants, \$817,475,000: *Pro-*
17 *vided*, That none of these funds shall be used to pay recipi-
18 ents of the general research support grants program any
19 amount for indirect expenses in connection with such
20 grants: *Provided further*, That \$75,000,000 shall be for
21 extramural facilities construction grants.

22 JOHN E. FOGARTY INTERNATIONAL CENTER

23 For carrying out the activities at the John E.
24 Fogarty International Center, \$50,514,000.

1 NATIONAL LIBRARY OF MEDICINE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to health information
4 communications, \$246,801,000, of which \$4,000,000 shall
5 be available until expended for improvement of informa-
6 tion systems: *Provided*, That in fiscal year 2001, the Li-
7 brary may enter into personal services contracts for the
8 provision of services in facilities owned, operated, or con-
9 structed under the jurisdiction of the National Institutes
10 of Health.

11 NATIONAL CENTER FOR COMPLEMENTARY AND
12 ALTERNATIVE MEDICINE

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to complementary and
15 alternative medicine, \$89,211,000.

16 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
17 DISPARITIES

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to minority health and
20 health disparities research, \$130,200,000.

21 OFFICE OF THE DIRECTOR
22 (INCLUDING TRANSFER OF FUNDS)

23 For carrying out the responsibilities of the Office of
24 the Director, National Institutes of Health, \$213,581,000,
25 of which \$48,271,000 shall be for the Office of AIDS Re-
26 search: *Provided*, That funding shall be available for the

1 purchase of not to exceed 20 passenger motor vehicles for
2 replacement only: *Provided further*, That the Director may
3 direct up to 1 percent of the total amount made available
4 in this or any other Act to all National Institutes of
5 Health appropriations to activities the Director may so
6 designate: *Provided further*, That no such appropriation
7 shall be decreased by more than 1 percent by any such
8 transfers and that the Congress is promptly notified of
9 the transfer: *Provided further*, That the National Insti-
10 tutes of Health is authorized to collect third party pay-
11 ments for the cost of clinical services that are incurred
12 in National Institutes of Health research facilities and
13 that such payments shall be credited to the National Insti-
14 tutes of Health Management Fund: *Provided further*, That
15 all funds credited to the National Institutes of Health
16 Management Fund shall remain available for 1 fiscal year
17 after the fiscal year in which they are deposited: *Provided*
18 *further*, That up to \$500,000 shall be available to carry
19 out section 499 of the Public Health Service Act: *Provided*
20 *further*, That, notwithstanding section 499(k)(10) of the
21 Public Health Service Act, funds from the Foundation for
22 the National Institutes of Health may be transferred to
23 the National Institutes of Health.

24 BUILDINGS AND FACILITIES

25 For the study of, construction of, and acquisition of
26 equipment for, facilities of or used by the National Insti-

1 tutes of Health, including the acquisition of real property,
2 \$153,790,000, to remain available until expended, of
3 which \$47,300,000 shall be for the National Neuroscience
4 Research Center: *Provided*, That notwithstanding any
5 other provision of law, a single contract or related con-
6 tracts for the development and construction of the first
7 phase of the National Neuroscience Research Center may
8 be employed which collectively include the full scope of the
9 project: *Provided further*, That the solicitation and con-
10 tract shall contain the clause “availability of funds” found
11 at 48 CFR 52.232–18.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

13 ADMINISTRATION

14 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

15 For carrying out titles V and XIX of the Public
16 Health Service Act with respect to substance abuse and
17 mental health services, the Protection and Advocacy for
18 Mentally Ill Individuals Act of 1986, and section 301 of
19 the Public Health Service Act with respect to program
20 management, \$2,958,001,000, of which \$24,605,000 shall
21 be available for the projects and in the amounts specified
22 in the statement of the managers on the conference report
23 accompanying this Act.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the Public
4 Health Service Act, and part A of title XI of the Social
5 Security Act, \$104,963,000; in addition, amounts received
6 from Freedom of Information Act fees, reimbursable and
7 interagency agreements, and the sale of data shall be cred-
8 ited to this appropriation and shall remain available until
9 expended: *Provided*, That the amount made available pur-
10 suant to section 926(b) of the Public Health Service Act
11 shall not exceed \$164,980,000.

12 HEALTH CARE FINANCING ADMINISTRATION

13 GRANTS TO STATES FOR MEDICAID

14 For carrying out, except as otherwise provided, titles
15 XI and XIX of the Social Security Act, \$93,586,251,000,
16 to remain available until expended.

17 For making, after May 31, 2001, payments to States
18 under title XIX of the Social Security Act for the last
19 quarter of fiscal year 2001 for unanticipated costs, in-
20 curred for the current fiscal year, such sums as may be
21 necessary.

22 For making payments to States or in the case of sec-
23 tion 1928 on behalf of States under title XIX of the Social
24 Security Act for the first quarter of fiscal year 2002,
25 \$36,207,551,000, to remain available until expended.

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

5 PAYMENTS TO HEALTH CARE TRUST FUNDS

6 For payment to the Federal Hospital Insurance and
7 the Federal Supplementary Medical Insurance Trust
8 Funds, as provided under sections 217(g) and 1844 of the
9 Social Security Act, sections 103(c) and 111(d) of the So-
10 cial Security Amendments of 1965, section 278(d) of Pub-
11 lic Law 97–248, and for administrative expenses incurred
12 pursuant to section 201(g) of the Social Security Act,
13 \$70,381,600,000.

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the Public Health Service Act, and
18 the Clinical Laboratory Improvement Amendments of
19 1988, not to exceed \$2,246,326,000, to be transferred
20 from the Federal Hospital Insurance and the Federal Sup-
21 plementary Medical Insurance Trust Funds, as authorized
22 by section 201(g) of the Social Security Act; together with
23 all funds collected in accordance with section 353 of the
24 Public Health Service Act and such sums as may be col-
25 lected from authorized user fees and the sale of data,
26 which shall remain available until expended, and together

1 with administrative fees collected relative to Medicare
2 overpayment recovery activities, which shall remain avail-
3 able until expended: *Provided*, That all funds derived in
4 accordance with 31 U.S.C. 9701 from organizations estab-
5 lished under title XIII of the Public Health Service Act
6 shall be credited to and available for carrying out the pur-
7 poses of this appropriation: *Provided further*, That
8 \$18,000,000 appropriated under this heading for the man-
9 aged care system redesign shall remain available until ex-
10 pended: *Provided further*, That \$20,000,000 of the
11 amount available for research, demonstration, and evalua-
12 tion activities shall be available to continue carrying out
13 demonstration projects on Medicaid coverage of commu-
14 nity-based attendant care services for people with disabil-
15 ities which ensures maximum control by the consumer to
16 select and manage their attendant care services: *Provided*
17 *further*, That the Secretary of Health and Human Services
18 is directed to enter into an agreement with the Mind-Body
19 Institute of Boston, Massachusetts, to conduct a dem-
20 onstration of a lifestyle modification program: *Provided*
21 *further*, That \$2,800,000 of the amount available for re-
22 search, demonstration, and evaluation activities shall be
23 awarded for administration, evaluation, quality monitoring
24 and peer review of this lifestyle modification demonstra-
25 tion: *Provided further*, That \$2,800,000 of the amount

1 available for research, demonstration, and evaluation ac-
2 tivities shall be awarded to a joint application from the
3 University of Pittsburgh, Case Western Reserve in Cleve-
4 land, Ohio, and Mt. Sinai Hospital in Miami, Florida, to
5 use integrated nursing services and technology to imple-
6 ment daily monitoring of congestive heart failure patients
7 in underserved populations in accordance with established
8 clinical guidelines: *Provided further*, That \$500,000 of the
9 amount available for research, demonstration, and evalua-
10 tion activities shall be awarded to the University of Pitts-
11 burgh Medical Center and University of Pennsylvania for
12 a study of the efficacy of surgical versus non-surgical man-
13 agement of abdominal aneurysms: *Provided further*, That
14 \$650,000 of the amount available for research, demonstra-
15 tion, and evaluation activities shall be awarded to the Vas-
16 cular Surgery Outcome Initiative at Dartmouth College:
17 *Provided further*, That up to \$300,000 of the amount
18 available for research, demonstration, and evaluation ac-
19 tivities shall be awarded to the United States-Mexico Bor-
20 der Counties Coalition for a study to determine the unre-
21 imbursed costs incurred to treat undocumented aliens for
22 medical emergencies in southwest border States, their bor-
23 der counties, and hospitals within the jurisdiction of these
24 States and counties: *Provided further*, That \$1,700,000 of
25 the amount available for research, demonstration, and

1 evaluation activities shall be awarded to the AIDS
2 Healthcare Foundation in Los Angeles for a demonstra-
3 tion of residential and outpatient treatment facilities: *Pro-*
4 *vided further*, That \$350,000 of the amount available for
5 research, demonstration, and evaluation activities shall be
6 awarded to the Cook County, Illinois Bureau of Health
7 for the Asthma Champion Initiative demonstration to re-
8 duce morbidity and mortality from asthma in high preva-
9 lence areas: *Provided further*, That \$1,000,000 of the
10 amount available for research, demonstration, and evalua-
11 tion activities shall be awarded to the West Virginia Uni-
12 versity School of Medicine's Eye Center to test interven-
13 tions and improve the quality of life for individuals with
14 low vision, with a particular focus on the elderly: *Provided*
15 *further*, That \$1,000,000 of the amount available for re-
16 search, demonstration, and evaluation activities shall be
17 awarded to the Iowa Department of Public Health for the
18 establishment and operation of a mercantile prescription
19 drug purchasing cooperative or non-profit corporation
20 demonstration: *Provided further*, That \$691,000 of the
21 amount available for research, demonstration, and evalua-
22 tion activities shall be awarded to Ohio State University
23 to determine the benefits of compliance packaging: *Pro-*
24 *vided further*, That \$855,000 of the amount available for
25 research, demonstration, and evaluation activities shall be

1 awarded to Children’s Hospice International for a dem-
2 onstration project to provide a continuum of care for chil-
3 dren with life-threatening conditions and their families:
4 *Provided further*, That \$921,000 of the amount available
5 for research, demonstration, and evaluation activities shall
6 be awarded to Equip for Equality for a demonstration
7 project to document the impact of an independent inves-
8 tigative unit that will examine deaths or other serious alle-
9 gations of abuse and neglect of people with disabilities at
10 facilities in Illinois: *Provided further*, That \$1,000,000 of
11 the amount available for research, demonstration, and
12 evaluation activities shall be awarded to Duke University
13 Medical Center to demonstrate the potential savings in the
14 Medicare program of a reimbursement system based on
15 preventative care: *Provided further*, That \$1,843,000 of
16 the amount available for research, demonstration, and
17 evaluation activities shall be awarded to Bucks County,
18 Pennsylvania, for a health improvement project: *Provided*
19 *further*, That \$255,000 of the amount available for re-
20 search, demonstration, and evaluation activities shall be
21 awarded to the LA Care Health Plan in Los Angeles, Cali-
22 fornia, for a demonstration program to improve clinical
23 data coordination among Medicaid providers: *Provided*
24 *further*, That \$646,000 of the amount available for re-
25 search, demonstration, and evaluation activities shall be

1 for the Shelby County Regional Medical Center to estab-
 2 lish a Master Patient Index to determine patient Medicaid/
 3 TennCare eligibility: *Provided further*, That the Secretary
 4 of Health and Human Services is directed to collect fees
 5 in fiscal year 2001 from Medicare + Choice organizations
 6 pursuant to section 1857(e)(2) of the Social Security Act
 7 and from eligible organizations with risk-sharing contracts
 8 under section 1876 of that Act pursuant to section
 9 1876(k)(4)(D) of that Act.

10 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
 11 GUARANTEE FUND

12 For carrying out subsections (d) and (e) of section
 13 1308 of the Public Health Service Act, any amounts re-
 14 ceived by the Secretary in connection with loans and loan
 15 guarantees under title XIII of the Public Health Service
 16 Act, to be available without fiscal year limitation for the
 17 payment of outstanding obligations. During fiscal year
 18 2001, no commitments for direct loans or loan guarantees
 19 shall be made.

20 ADMINISTRATION FOR CHILDREN AND FAMILIES
 21 PAYMENTS TO STATES FOR CHILD SUPPORT
 22 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

23 For making payments to States or other non-Federal
 24 entities under titles I, IV–D, X, XI, XIV, and XVI of the
 25 Social Security Act and the Act of July 5, 1960 (24
 26 U.S.C. ch. 9), \$2,441,800,000, to remain available until

1 expended; and for such purposes for the first quarter of
2 fiscal year 2002, \$1,000,000,000, to remain available until
3 expended.

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

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

23 LOW INCOME HOME ENERGY ASSISTANCE

24 For making payments under title XXVI of the Omni-
25 bus Budget Reconciliation Act of 1981, in addition to

1 amounts already appropriated for fiscal year 2001,
2 \$300,000,000.

3 For making payments under title XXVI of the Omni-
4 bus Reconciliation Act of 1981, \$300,000,000: *Provided*,
5 That these funds are hereby designated by the Congress
6 to be emergency requirements pursuant to section
7 251(b)(2)(A) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985: *Provided further*, That these
9 funds shall be made available only after submission to the
10 Congress of a formal budget request by the President that
11 includes designation of the entire amount of the request
12 as an emergency requirement as defined in such Act.

13 REFUGEE AND ENTRANT ASSISTANCE

14 For making payments for refugee and entrant assist-
15 ance activities authorized by title IV of the Immigration
16 and Nationality Act and section 501 of the Refugee Edu-
17 cation Assistance Act of 1980 (Public Law 96-422),
18 \$423,109,000: *Provided*, That funds appropriated pursu-
19 ant to section 414(a) of the Immigration and Nationality
20 Act for fiscal year 2001 shall be available for the costs
21 of assistance provided and other activities through Sep-
22 tember 30, 2003: *Provided further*, That up to \$5,000,000
23 is available to carry out the Trafficking Victims Protection
24 Act of 2000.

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

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For carrying out sections 658A through 658R of the
4 Omnibus Budget Reconciliation Act of 1981 (The Child
5 Care and Development Block Grant Act of 1990), in addi-
6 tion to amounts already appropriated for fiscal year 2001,
7 \$817,328,000, such funds shall be used to supplement, not
8 supplant State general revenue funds for child care assist-
9 ance for low-income families: *Provided*, That of the funds
10 appropriated for fiscal year 2001, \$19,120,000 shall be
11 available for child care resource and referral and school-
12 aged child care activities, of which \$1,000,000 shall be for
13 the Child Care Aware toll free hotline: *Provided further*,
14 That of the funds appropriated for fiscal year 2001, in
15 addition to the amounts required to be reserved by the
16 States under section 658G, \$272,672,000 shall be re-
17 served by the States for activities authorized under section
18 658G, of which \$100,000,000 shall be for activities that
19 improve the quality of infant and toddler child care: *Pro-*
20 *vided further*, That of the funds appropriated for fiscal
21 year 2001, \$10,000,000 shall be for use by the Secretary
22 for child care research, demonstration, and evaluation ac-
23 tivities.

24 SOCIAL SERVICES BLOCK GRANT

25 For making grants to States pursuant to section
26 2002 of the Social Security Act, \$1,725,000,000: *Pro-*

1 *vided*, That notwithstanding section 2003(c) of such Act,
2 as amended, the amount specified for allocation under
3 such section for fiscal year 2001 shall be \$1,725,000,000:
4 *Provided further*, That, notwithstanding subparagraph (B)
5 of section 404(d)(2) of such Act, the applicable percent
6 specified under such subparagraph for a State to carry
7 out State programs pursuant to title XX of such Act shall
8 be 10 percent.

9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 (INCLUDING RESCISSIONS)

11 For carrying out, except as otherwise provided, the
12 Runaway and Homeless Youth Act, the Developmental
13 Disabilities Assistance and Bill of Rights Act, the Head
14 Start Act, the Child Abuse Prevention and Treatment Act,
15 the Native American Programs Act of 1974, title II of
16 Public Law 95–266 (adoption opportunities), the Adoption
17 and Safe Families Act of 1997 (Public Law 105–89), the
18 Abandoned Infants Assistance Act of 1988, the Early
19 Learning Opportunities Act, part B(1) of title IV and sec-
20 tions 413, 429A, 1110, and 1115 of the Social Security
21 Act, and sections 40155, 40211, and 40241 of Public law
22 103–322; for making payments under the Community
23 Services Block Grant Act, section 473A of the Social Secu-
24 rity Act, and title IV of Public Law 105–285, and for nec-
25 essary administrative expenses to carry out said Acts and
26 titles I, IV, X, XI, XIV, XVI, and XX of the Social Secu-

1 rity Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the
2 Omnibus Budget Reconciliation Act of 1981, title IV of
3 the Immigration and Nationality Act, section 501 of the
4 Refugee Education Assistance Act of 1980, section 5 of
5 the Torture Victims Relief Act of 1998 (Public Law 105–
6 320), sections 40155, 40211, and 40241 of Public Law
7 103–322 and section 126 and titles IV and V of Public
8 Law 100–485, \$7,956,345,000, of which \$43,000,000, to
9 remain available until September 30, 2002, shall be for
10 grants to States for adoption incentive payments, as au-
11 thorized by section 473A of title IV of the Social Security
12 Act (42 U.S.C. 670–679) and may be made for adoptions
13 completed in fiscal years 1999 and 2000; of which
14 \$682,876,000 shall be for making payments under the
15 Community Services Block Grant Act; and of which
16 \$6,200,000,000 shall be for making payments under the
17 Head Start Act, of which \$1,400,000,000 shall become
18 available October 1, 2001 and remain available through
19 September 30, 2002: *Provided*, That to the extent Com-
20 munity Services Block Grant funds are distributed as
21 grant funds by a State to an eligible entity as provided
22 under the Act, and have not been expended by such entity,
23 they shall remain with such entity for carryover into the
24 next fiscal year for expenditure by such entity consistent
25 with program purposes: *Provided further*, That the Sec-

1 retary shall establish procedures regarding the disposition
2 of intangible property which permits grant funds, or intan-
3 gible assets acquired with funds authorized under section
4 680 of the Community Services Block Grant Act, as
5 amended, to become the sole property of such grantees
6 after a period of not more than 12 years after the end
7 of the grant for purposes and uses consistent with the
8 original grant.

9 Funds appropriated for fiscal year 2001 under sec-
10 tion 429A(e), part B of title IV of the Social Security Act
11 shall be reduced by \$6,000,000.

12 Funds appropriated for fiscal year 2001 under sec-
13 tion 413(h)(1) of the Social Security Act shall be reduced
14 by \$15,000,000.

15 PROMOTING SAFE AND STABLE FAMILIES

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

18 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
19 ASSISTANCE

20 For making payments to States or other non-Federal
21 entities under title IV–E of the Social Security Act,
22 \$4,863,100,000.

23 For making payments to States or other non-Federal
24 entities under title IV–E of the Social Security Act, for
25 the first quarter of fiscal year 2002, \$1,735,900,000.

1 ADMINISTRATION ON AGING
2 AGING SERVICES PROGRAMS

3 For carrying out, to the extent not otherwise pro-
4 vided, the Older Americans Act of 1965, as amended, and
5 section 398 of the Public Health Service Act,
6 \$1,103,135,000, of which \$5,000,000 shall be available for
7 activities regarding medication management, screening,
8 and education to prevent incorrect medication and adverse
9 drug reactions: *Provided*, That notwithstanding section
10 308(b)(1) of the Older Americans Act of 1965, as amend-
11 ed, the amounts available to each State for administration
12 of the State plan under title III of such Act shall be re-
13 duced not more than 5 percent below the amount that was
14 available to such State for such purpose for fiscal year
15 1995.

16 OFFICE OF THE SECRETARY
17 GENERAL DEPARTMENTAL MANAGEMENT

18 For necessary expenses, not otherwise provided, for
19 general departmental management, including hire of six
20 sedans, and for carrying out titles III, XVII, and XX of
21 the Public Health Service Act, and the United States-Mex-
22 ico Border Health Commission Act, \$285,224,000, to-
23 gether with \$5,851,000, to be transferred and expended
24 as authorized by section 201(g)(1) of the Social Security
25 Act from the Hospital Insurance Trust Fund and the Sup-

1 plemental Medical Insurance Trust Fund: *Provided fur-*
2 *ther*, That of the funds made available under this heading
3 for carrying out title XX of the Public Health Service Act,
4 \$10,377,000 shall be for activities specified under section
5 2003(b)(2), of which \$10,157,000 shall be for prevention
6 service demonstration grants under section 510(b)(2) of
7 title V of the Social Security Act, as amended, without
8 application of the limitation of section 2010(c) of said title
9 XX: *Provided further*, That no funds shall be obligated for
10 minority AIDS prevention and treatment activities until
11 the Department of Health and Human Services submits
12 an operating plan to the House and Senate Committees
13 on Appropriations.

14 OFFICE OF INSPECTOR GENERAL

15 For expenses necessary for the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, as amended, \$33,849,000: *Provided*,
18 That of such amount, necessary sums are available for
19 providing protective services to the Secretary and inves-
20 tigating non-payment of child support cases for which non-
21 payment is a Federal offense under 18 U.S.C. 228, each
22 of which activities is hereby authorized in this and subse-
23 quent fiscal years.

24 OFFICE FOR CIVIL RIGHTS

25 For expenses necessary for the Office for Civil
26 Rights, \$24,742,000, together with not to exceed

1 \$3,314,000, to be transferred and expended as authorized
2 by section 201(g)(1) of the Social Security Act from the
3 Hospital Insurance Trust Fund and the Supplemental
4 Medical Insurance Trust Fund.

5 POLICY RESEARCH

6 For carrying out, to the extent not otherwise pro-
7 vided, research studies under section 1110 of the Social
8 Security Act, \$16,738,000.

9 RETIREMENT PAY AND MEDICAL BENEFITS FOR
10 COMMISSIONED OFFICERS

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

20 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
21 FUND

22 For expenses necessary to support activities related
23 to countering potential biological, disease and chemical
24 threats to civilian populations, \$241,231,000: *Provided*,
25 That this amount is distributed as follows: Centers for
26 Disease Control and Prevention, \$181,131,000, of which

1 or other extramural mechanism, at a rate in excess of Ex-
2 ecutive Level I.

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

12 (TRANSFER OF FUNDS)

13 SEC. 206. Not to exceed 1 percent of any discre-
14 tionary funds (pursuant to the Balanced Budget and
15 Emergency Deficit Control Act of 1985, as amended)
16 which are appropriated for the current fiscal year for the
17 Department of Health and Human Services in this Act
18 may be transferred between appropriations, but no such
19 appropriation shall be increased by more than 3 percent
20 by any such transfer: *Provided*, That the Appropriations
21 Committees of both Houses of Congress are notified at
22 least 15 days in advance of any transfer.

23 SEC. 207. The Director of the National Institutes of
24 Health, jointly with the Director of the Office of AIDS
25 Research, may transfer up to 3 percent among institutes,
26 centers, and divisions from the total amounts identified

1 by these two Directors as funding for research pertaining
2 to the human immunodeficiency virus: *Provided*, That the
3 Congress is promptly notified of the transfer.

4 SEC. 208. Of the amounts made available in this Act
5 for the National Institutes of Health, the amount for re-
6 search related to the human immunodeficiency virus, as
7 jointly determined by the Director of the National Insti-
8 tutes of Health and the Director of the Office of AIDS
9 Research, shall be made available to the “Office of AIDS
10 Research” account. The Director of the Office of AIDS
11 Research shall transfer from such account amounts nec-
12 essary to carry out section 2353(d)(3) of the Public
13 Health Service Act.

14 SEC. 209. None of the funds appropriated in this Act
15 may be made available to any entity under title X of the
16 Public Health Service Act unless the applicant for the
17 award certifies to the Secretary that it encourages family
18 participation in the decision of minors to seek family plan-
19 ning services and that it provides counseling to minors on
20 how to resist attempts to coerce minors into engaging in
21 sexual activities.

22 SEC. 210. None of the funds appropriated by this Act
23 (including funds appropriated to any trust fund) may be
24 used to carry out the Medicare+Choice program if the
25 Secretary denies participation in such program to an oth-

1 erwise eligible entity (including a Provider Sponsored Or-
2 ganization) because the entity informs the Secretary that
3 it will not provide, pay for, provide coverage of, or provide
4 referrals for abortions: *Provided*, That the Secretary shall
5 make appropriate prospective adjustments to the capita-
6 tion payment to such an entity (based on an actuarially
7 sound estimate of the expected costs of providing the serv-
8 ice to such entity’s enrollees): *Provided further*, That noth-
9 ing in this section shall be construed to change the Medi-
10 care program’s coverage for such services and a
11 Medicare+Choice organization described in this section
12 shall be responsible for informing enrollees where to obtain
13 information about all Medicare covered services.

14 SEC. 211. Notwithstanding any other provision of
15 law, no provider of services under title X of the Public
16 Health Service Act shall be exempt from any State law
17 requiring notification or the reporting of child abuse, child
18 molestation, sexual abuse, rape, or incest.

19 SEC. 212. The Foreign Operations, Export Financ-
20 ing, and Related Programs Appropriations Act, 1990
21 (Public Law 101–167) is amended—

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

23 (A) in subsection (b)(3), by striking
24 “1997, 1998, 1999, and 2000” and inserting
25 “1997, 1998, 1999, 2000, and 2001”; and

1 (B) in subsection (e), by striking “October
2 1, 2000” each place it appears and inserting
3 “October 1, 2001”; and

4 (2) in section 599E (8 U.S.C. 1255 note) in
5 subsection (b)(2), by striking “September 30, 2000”
6 and inserting “September 30, 2001”.

7 SEC. 213. None of the funds provided in this Act or
8 in any other Act making appropriations for fiscal year
9 2001 may be used to administer or implement in Arizona
10 or in the Kansas City, Missouri or in the Kansas City,
11 Kansas area the Medicare Competitive Pricing Dem-
12 onstration Project (operated by the Secretary of Health
13 and Human Services).

14 SEC. 214. (a) Except as provided by subsection (e)
15 none of the funds appropriated by this Act may be used
16 to withhold substance abuse funding from a State pursu-
17 ant to section 1926 of the Public Health Service Act (42
18 U.S.C. 300x-26) if such State certifies to the Secretary
19 of Health and Human Services by March 1, 2001 that
20 the State will commit additional State funds, in accord-
21 ance with subsection (b), to ensure compliance with State
22 laws prohibiting the sale of tobacco products to individuals
23 under 18 years of age.

24 (b) The amount of funds to be committed by a State
25 under subsection (a) shall be equal to 1 percent of such

1 State's substance abuse block grant allocation for each
2 percentage point by which the State misses the retailer
3 compliance rate goal established by the Secretary of
4 Health and Human Services under section 1926 of such
5 Act.

6 (c) The State is to maintain State expenditures in
7 fiscal year 2001 for tobacco prevention programs and for
8 compliance activities at a level that is not less than the
9 level of such expenditures maintained by the State for fis-
10 cal year 2000, and adding to that level the additional
11 funds for tobacco compliance activities required under
12 subsection (a). The State is to submit a report to the Sec-
13 retary on all fiscal year 2000 State expenditures and all
14 fiscal year 2001 obligations for tobacco prevention and
15 compliance activities by program activity by July 31,
16 2001.

17 (d) The Secretary shall exercise discretion in enfore-
18 ing the timing of the State obligation of the additional
19 funds required by the certification described in subsection
20 (a) as late as July 31, 2001.

21 (e) None of the funds appropriated by this Act may
22 be used to withhold substance abuse funding pursuant to
23 section 1926 from a territory that receives less than
24 \$1,000,000.

1 SEC. 215. Section 448 of the Public Health Service
2 Act (42 U.S.C. 285g) is amended by inserting
3 “gynecologic health,” after “with respect to”.

4 SEC. 216. None of the funds appropriated under this
5 Act shall be expended by the National Institutes of Health
6 on a contract for the care of the 288 chimpanzees acquired
7 by the National Institutes of Health from the Coulston
8 Foundation, unless the contractor is accredited by the As-
9 sociation for the Assessment and Accreditation of Labora-
10 tory Animal Care International or has a Public Health
11 Services assurance, and has not been charged multiple
12 times with egregious violations of the Animal Welfare Act:
13 *Provided*, That the requirements of section 481(A)(e)(1)
14 shall not apply to funds awarded to nonhuman primate
15 research facilities of special interest to NIH.

16 SEC. 217. No grants may be awarded under the first
17 paragraph under the heading “Department of Health and
18 Human Services, Health Resources and Services Adminis-
19 tration, Health Resources and Services” in chapter 4 of
20 title II of the Emergency Supplemental Act, 2000 (Public
21 Law 106–246, division B) until March 1, 2001.

22 SEC. 218. (a) The second sentence of section 5948(d)
23 of title 5, United States Code, is amended to read as fol-
24 lows: “No agreement shall be entered into under this sec-
25 tion later than September 30, 2005, nor shall any agree-

1 ment cover a period of service extending beyond Sep-
2 tember 30, 2007.”.

3 (b) Section 3 of the Federal Physicians Comparability
4 Allowance Act of 1978 (5 U.S.C. 5948 note) is amended
5 by striking “September 30, 2002” and inserting “Sep-
6 tember 30, 2007”.

7 SEC. 219. (a) Congress makes the following findings:

8 (1) Organ procurement organizations play an
9 important role in the effort to increase organ dona-
10 tion in the United States.

11 (2) The current process for the certification and
12 recertification of organ procurement organizations
13 conducted by the Department of Health and Human
14 Services has created a level of uncertainty that is
15 interfering with the effectiveness of organ procure-
16 ment organizations in raising the level of organ do-
17 nation.

18 (3) The General Accounting Office, the Insti-
19 tute of Medicine, and the Harvard School of Public
20 Health have identified substantial limitations in the
21 organ procurement organization certification and re-
22 certification process and have recommended changes
23 in that process.

24 (4) The limitations in the recertification process
25 include:

1 (A) An exclusive reliance on population-
2 based measures of performance that do not ac-
3 count for the potential in the population for
4 organ donation and do not permit consideration
5 of other outcome and process standards that
6 would more accurately reflect the relative capa-
7 bility and performance of each organ procure-
8 ment organization.

9 (B) A lack of due process to appeal to the
10 Secretary of Health and Human Services for
11 recertification on either substantive or proce-
12 dural grounds.

13 (5) The Secretary of Health and Human Serv-
14 ices has the authority under section 1138(b)(1)(A)(i)
15 of the Social Security Act (42 U.S.C. 1320b-
16 8(b)(1)(A)(i)) to extend the period for recertification
17 of an organ procurement organization from 2 to 4
18 years on the basis of its past practices in order to
19 avoid the inappropriate disruption of the nation's
20 organ system.

21 (6) The Secretary of Health and Human Serv-
22 ices can use the extended period described in para-
23 graph (5) for recertification of all organ procure-
24 ment organizations to—

1 (A) develop improved performance meas-
2 ures that would reflect organ donor potential
3 and interim outcomes, and to test these meas-
4 ures to ensure that they accurately measure
5 performance differences among the organ pro-
6 curement organizations; and

7 (B) improve the overall certification proc-
8 ess by incorporating process as well as outcome
9 performance measures, and developing equitable
10 processes for appeals.

11 (b) Section 371(b)(1) of the Public Health Service
12 Act (42 U.S.C. 273(b)(1)) is amended—

13 (1) by redesignating subparagraphs (D)
14 through (G) as subparagraphs (E) through (H), re-
15 spectively;

16 (2) by realigning the margin of subparagraph
17 (F) (as so redesignated) so as to align with subpara-
18 graph (E) (as so redesignated); and

19 (3) by inserting after subparagraph (C) the fol-
20 lowing:

21 “(D) notwithstanding any other provision of
22 law, has met the other requirements of this section
23 and has been certified or recertified by the Secretary
24 within the previous 4-year period as meeting the
25 performance standards to be a qualified organ pro-

1 curement organization through a process that
2 either—

3 “(i) granted certification or recertification
4 within such 4-year period with such certification
5 or recertification in effect as of January 1,
6 2000, and remaining in effect through the ear-
7 lier of—

8 “(I) January 1, 2002; or

9 “(II) the completion of recertification
10 under the requirements of clause (ii); or

11 “(ii) is defined through regulations that
12 are promulgated by the Secretary by not later
13 than January 1, 2002, that—

14 “(I) require recertifications of quali-
15 fied organ procurement organizations not
16 more frequently than once every 4 years;

17 “(II) rely on outcome and process per-
18 formance measures that are based on em-
19 pirical evidence, obtained through reason-
20 able efforts, of organ donor potential and
21 other related factors in each service area of
22 qualified organ procurement organizations;

23 “(III) use multiple outcome measures
24 as part of the certification process; and

1 “(IV) provide for a qualified organ
2 procurement organization to appeal a de-
3 certification to the Secretary on sub-
4 stantive and procedural grounds;”.

5 SEC. 220. (a) In order for the Centers for Disease
6 Control and Prevention to carry out international HIV/
7 AIDS and other infectious disease, chronic and environ-
8 mental disease, and other health activities abroad during
9 fiscal year 2001, the Secretary of Health and Human
10 Services is authorized to—

11 (1) utilize the authorities contained in sub-
12 section 2(c) of the State Department Basic Authori-
13 ties Act of 1956, as amended, subject to the limita-
14 tions set forth in subsection (b), and

15 (2) enter into reimbursable agreements with the
16 Department of State using any funds appropriated
17 to the Department of Health and Human Services,
18 for the purposes for which the funds were appro-
19 priated in accordance with authority granted to the
20 Secretary of Health and Human Services or under
21 authority governing the activities of the Department
22 of State.

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

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

3 (2) shall follow otherwise applicable Federal
4 procurement laws and regulations to the maximum
5 extent practicable.

6 SEC. 221. Notwithstanding any other provision of
7 law, the Director, National Institutes of Health, may enter
8 into and administer a long-term lease for facilities for the
9 purpose of providing laboratory, office and other space for
10 biomedical and behavioral research at the Bayview Cam-
11 pus in Baltimore, Maryland: *Provided*, That the House
12 and Senate Appropriations Committees will be notified of
13 the terms and conditions of the lease upon its execution.

14 SEC. 222. Of the funds appropriated in this Act for
15 the National Institutes of Health, \$5,800,000 shall be
16 transferred to the Office of the Secretary, General Depart-
17 mental Management to support the newly established Of-
18 fice for Human Research Protections.

19 SEC. 223. Section 487E(a)(1) of the Public Health
20 Service Act is amended by striking “as employees of the
21 National Institutes of Health”.

22 SEC. 224. Notwithstanding any other provision of law
23 relating to vacancies in offices for which appointments
24 must be made by the President, including any time limita-
25 tion on serving in an acting capacity, the Acting Director

1 if any State educational agency does not apply for a grant
2 under section 3132, that State's allotment under section
3 3131 shall be reserved by the Secretary for grants to local
4 educational agencies in that State that apply directly to
5 the Secretary according to the terms and conditions pub-
6 lished by the Secretary in the Federal Register: *Provided*
7 *further*, That with respect to all funds appropriated to
8 carry out section 10901 et seq. in this Act, the Secretary
9 shall strongly encourage applications for grants that are
10 to be submitted jointly by a local educational agency (or
11 a consortium of local educational agencies) and a commu-
12 nity-based organization that has experience in providing
13 before- and after-school services and all applications sub-
14 mitted to the Secretary shall contain evidence that the
15 project contains elements that are designed to assist stu-
16 dents in meeting or exceeding State and local standards
17 in core academic subjects, as appropriate to the needs of
18 participating children: *Provided further*, That
19 \$125,000,000, which shall become available on July 1,
20 2001, and remain available through September 30, 2002,
21 shall be available to support activities under section 10105
22 of part A of title X of the Elementary and Secondary Edu-
23 cation Act of 1965, of which up to 6 percent shall become
24 available October 1, 2000, and be available for evaluation,
25 technical assistance, school networking, peer review of ap-

1 plications, and program outreach activities: *Provided fur-*
2 *ther*, That funds made available to local educational agen-
3 cies under this section shall be used only for activities re-
4 lated to establishing smaller learning communities in high
5 schools: *Provided further*, That \$46,328,000 of the funds
6 available to carry out section 3136 of the Elementary and
7 Secondary Education Act of 1965, \$8,768,000 of the
8 funds available to carry out part B of title III of that Act
9 and \$20,614,000 of the funds available to carry out part
10 I of title X of that Act shall be available for the projects
11 and in the amounts specified in the statement of the man-
12 agers on the conference report accompanying this Act.

13 EDUCATION FOR THE DISADVANTAGED

14 For carrying out title I of the Elementary and Sec-
15 ondary Education Act of 1965, and section 418A of the
16 Higher Education Act of 1965, \$9,532,621,000, of which
17 \$2,731,921,000 shall become available on July 1, 2001,
18 and shall remain available through September 30, 2002,
19 and of which \$6,758,300,000 shall become available on
20 October 1, 2001 and shall remain available through Sep-
21 tember 30, 2002, for academic year 2001–2002: *Provided*,
22 That \$7,332,721,000 shall be available for basic grants
23 under section 1124: *Provided further*, That \$225,000,000
24 of these funds shall be allocated among the States in the
25 same proportion as funds are allocated among the States
26 under section 1122, to carry out section 1116(c): *Provided*

1 *further*, That 100 percent of these funds shall be allocated
2 by States to local educational agencies for the purposes
3 of carrying out section 1116(c): *Provided further*, That all
4 local educational agencies receiving an allocation under
5 the preceding proviso, and all other local educational agen-
6 cies that are within a State that receives funds under part
7 A of title I of the Elementary and Secondary Education
8 Act of 1965 (other than a local educational agency within
9 a State receiving a minimum grant under section 1124(d)
10 or 1124A(a)(1)(B) of such Act), shall provide all students
11 enrolled in a school identified under section 1116(c) with
12 the option to transfer to another public school within the
13 local educational agency, including a public charter school,
14 that has not been identified for school improvement under
15 section 1116(c), unless such option to transfer is prohib-
16 ited by State law, or local law, which includes school
17 board-approved local educational agency policy: *Provided*
18 *further*, That if the local educational agency demonstrates
19 to the satisfaction of the State educational agency that
20 the local educational agency lacks the capacity to provide
21 all students with the option to transfer to another public
22 school, and after giving notice to the parents of children
23 affected that it is not possible, consistent with State and
24 local law, to accommodate the transfer request of every
25 student, the local educational agency shall permit as many

1 students as possible (who shall be selected by the local
2 educational agency on an equitable basis) to transfer to
3 a public school that has not been identified for school im-
4 provement under section 1116(c): *Provided further*, That
5 up to \$3,500,000 of these funds shall be available to the
6 Secretary on October 1, 2000, to obtain updated local edu-
7 cational agency level census poverty data from the Bureau
8 of the Census: *Provided further*, That \$1,364,000,000
9 shall be available for concentration grants under section
10 1124A: *Provided further*, That grant awards under sec-
11 tions 1124 and 1124A of title I of the Elementary and
12 Secondary Education Act of 1965 shall be not less than
13 the greater of 100 percent of the amount each State and
14 local educational agency received under this authority for
15 fiscal year 2000 or the amount such State and local edu-
16 cational agency would receive if \$6,883,503,000 for Basic
17 Grants and \$1,222,397,000 for Concentration Grants
18 were allocated in accordance with section 1122(c)(3) of
19 title I: *Provided further*, That notwithstanding any other
20 provision of law, grant awards under section 1124A of
21 title I of the Elementary and Secondary Education Act
22 of 1965 shall be made to those local educational agencies
23 that received a Concentration Grant under the Depart-
24 ment of Education Appropriations Act, 2000, but are not
25 eligible to receive such a grant for fiscal year 2001: *Pro-*

1 *vided further*, That the Secretary shall not take into ac-
2 count the hold harmless provisions in this section in deter-
3 mining State allocations under any other program admin-
4 istered by the Secretary in any fiscal year: *Provided fur-*
5 *ther*, That \$8,900,000 shall be available for evaluations
6 under section 1501 and not more than \$8,500,000 shall
7 be reserved for section 1308, of which not more than
8 \$3,000,000 shall be reserved for section 1308(d): *Provided*
9 *further*, That \$210,000,000 shall be available under sec-
10 tion 1002(g)(2) to demonstrate effective approaches to
11 comprehensive school reform to be allocated and expended
12 in accordance with the instructions relating to this activity
13 in the statement of the managers on the conference report
14 accompanying Public Law 105–78 and in the statement
15 of the managers on the conference report accompanying
16 Public Law 105–277: *Provided further*, That in carrying
17 out this initiative, the Secretary and the States shall sup-
18 port only approaches that show the most promise of ena-
19 bling children served by title I to meet challenging State
20 content standards and challenging State student perform-
21 ance standards based on reliable research and effective
22 practices, and include an emphasis on basic academics and
23 parental involvement.

24 IMPACT AID

25 For carrying out programs of financial assistance to
26 federally affected schools authorized by title VIII of the

1 Elementary and Secondary Education Act of 1965,
2 \$993,302,000, of which \$882,000,000 shall be for basic
3 support payments under section 8003(b), \$50,000,000
4 shall be for payments for children with disabilities under
5 section 8003(d), \$12,802,000 shall be for construction
6 under section 8007, \$40,500,000 shall be for Federal
7 property payments under section 8002, and \$8,000,000,
8 to remain available until expended, shall be for facilities
9 maintenance under section 8008: *Provided*, That
10 \$6,802,000 of the funds for section 8007 shall be available
11 for the local educational agencies and in the amounts spec-
12 ified in the statement of the managers on the conference
13 report accompanying this Act: *Provided further*, That from
14 the amount appropriated for section 8002, the Secretary
15 shall treat as timely filed, and shall process for payment,
16 an application for a fiscal year 1999 payment from Acad-
17 emy School District 20, Colorado, under that section if
18 the Secretary has received that application not later than
19 30 days after the enactment of this Act: *Provided further*,
20 That the Secretary of Education shall consider the local
21 educational agency serving the Kadoka School District,
22 35-1, in South Dakota, eligible for payments under sec-
23 tion 8002 for fiscal year 2001 and each succeeding fiscal
24 year, with respect to land in Washabaugh and Jackson
25 Counties, South Dakota, that is owned by the Department

1 of Defense and used as a bombing range: *Provided further*,
2 That from the amount appropriated for section 8002, the
3 Secretary shall first increase the payment of any local edu-
4 cational agency that was denied funding or had its pay-
5 ment reduced under that section for fiscal year 1998 due
6 to section 8002(b)(1)(C) to the amount that would have
7 been made without the limitation of that section: *Provided*
8 *further*, That from the amount appropriated for section
9 8002, \$500,000 shall be for subsection 8002(j).

10 SCHOOL IMPROVEMENT PROGRAMS

11 For carrying out school improvement activities au-
12 thorized by titles II, IV, V–A and B, VI, IX, X, and XIII
13 of the Elementary and Secondary Education Act of 1965
14 (“ESEA”); the McKinney-Vento Homeless Assistance
15 Act; and the Civil Rights Act of 1964 and part B of title
16 VIII of the Higher Education Amendments of 1998;
17 \$4,872,084,000, of which \$2,403,750,000 shall become
18 available on July 1, 2001, and remain available through
19 September 30, 2002, and of which \$1,765,000,000 shall
20 become available on October 1, 2001 and shall remain
21 available through September 30, 2002 for academic year
22 2001–2002: *Provided*, That \$485,000,000 shall be avail-
23 able for Eisenhower professional development State grants
24 under part B of title II of the Elementary and Secondary
25 Education Act of 1965: *Provided further*, That each local
26 educational agency shall use funds in excess of the alloca-

1 tion it received under such part for the preceding fiscal
2 year to improve teacher quality by reducing the percentage
3 of teachers who do not have State certification or are cer-
4 tified through emergency or provisional means; are teach-
5 ing out of field in some or all of the subject areas and
6 grade levels in which they teach; or who lack sufficient
7 content knowledge to teach effectively in the areas they
8 teach to obtain that knowledge: *Provided further*, That the
9 local educational agency may also use such excess funds
10 for: activities authorized under section 2210 of the Ele-
11 mentary and Secondary Education Act of 1965; mentoring
12 programs for new teachers; providing opportunities for
13 teachers to attend multi-week institutes, such as those
14 provided in the summer months, that provide intensive
15 professional development in partnership with local edu-
16 cational agencies; and carrying out initiatives to promote
17 the retention of highly qualified teachers who have a
18 record of success in helping low-achieving students im-
19 prove their academic success: *Provided further*, That each
20 State educational agency may use such excess funds to
21 carry out activities under section 2207 of the Elementary
22 and Secondary Education Act of 1965: *Provided further*,
23 That each State agency for higher education may use such
24 excess funds to carry out activities under section 2211 of
25 the Elementary and Secondary Education Act of 1965:

1 *Provided further*, That both State educational agencies
2 and State agencies for higher education may also use such
3 excess funds for multi-week institutes, such as those pro-
4 vided in the summer months, that provide intensive profes-
5 sional development in partnership with local educational
6 agencies; and grants to partnerships of such entities as
7 local educational agencies, institutions of higher edu-
8 cation, and private business, to recruit, and prepare, and
9 provide professional development to, and help retain,
10 school principals and superintendents, especially for such
11 individuals who serve, or are preparing to serve, in high-
12 poverty, low-performing schools and local educational
13 agencies: *Provided further*, That such activities may be un-
14 dertaken in consortium with other States: *Provided fur-*
15 *ther*, That of the funds appropriated for part B of title
16 II of the Elementary and Secondary Education Act of
17 1965, \$45,000,000 shall be available to States and allo-
18 cated in accordance with section 2202(b) of that Act (ex-
19 cept that the requirements of section 2203 shall not
20 apply): *Provided further*, That notwithstanding any other
21 provision of law, each State shall use the amount made
22 available under the preceding proviso to support efforts
23 to meet the requirements for State eligibility for the Ed-
24 Flex Partnership Act of 1999 or the requirements under
25 section 1111 of title I of the Elementary and Secondary

1 Education Act of 1965: *Provided further*, That
2 \$44,000,000 shall be available for national activities under
3 section 2102 of the Elementary and Secondary Education
4 Act of 1965: *Provided further*, That of the amount avail-
5 able in the preceding proviso, \$3,000,000 shall be made
6 available to the Secretary for the Troops-to-Teachers Pro-
7 gram for transfer to the Defense Activity for Non-Tradi-
8 tional Education Support of the Department of Defense:
9 *Provided further*, That the funds transferred under the
10 preceding proviso shall be used by the Secretary of De-
11 fense to administer the Troops-to-Teachers Program, in-
12 cluding the selection of participants in the Program under
13 the Troops-to-Teachers Program Act of 1999 (title XVII
14 of Public Law 106–65; 20 U.S.C. 9301 et seq.): *Provided*
15 *further*, That for purposes of sections 1702(b) and (c) of
16 the Troops-to-Teachers Program Act of 1999, the Sec-
17 retary of Education shall be the administering Secretary
18 and may, at the Secretary’s discretion, carry out the ac-
19 tivities under section 1702(c) of that Act and retain a por-
20 tion of the funds made available for the Troops-to-Teach-
21 ers Program to carry out section 1702(b) and (c) of that
22 Act: *Provided further*, That of the amount made available
23 under this heading for national activities under section
24 2102 of the Elementary and Secondary Education Act of
25 1965, the Secretary is authorized to use a portion of such

1 funds to carry out activities to improve the knowledge and
2 skills of early childhood educators and caregivers who
3 work in urban or rural communities with high concentra-
4 tions of young children living in poverty: *Provided further,*
5 That of the amount appropriated, \$3,208,000,000 shall
6 be for title VI of the Elementary and Secondary Education
7 Act of 1965 and to carry out activities under part B of
8 the Individuals with Disabilities Education Act (20 U.S.C.
9 1411 et seq.): *Provided further,* That of the amount made
10 available for title VI, \$1,623,000,000 shall be available,
11 notwithstanding any other provision of law, in accordance
12 with section 306 of this Act in order to reduce class size,
13 particularly in the early grades, using highly qualified
14 teachers to improve educational achievement for regular
15 and special needs children: *Provided further,* That of the
16 amount made available for title VI, \$1,200,000,000 shall
17 be available, notwithstanding any other provision of law,
18 for grants for school repair and renovation, activities
19 under part B of the Individuals with Disabilities Edu-
20 cation Act (20 U.S.C. 1411 et seq.), and technology activi-
21 ties, in accordance with section 321 of this Act: *Provided*
22 *further,* That funds made available under this heading to
23 carry out section 6301(b) of the Elementary and Sec-
24 ondary Education Act of 1965 shall be available for edu-
25 cation reform projects that provide same gender schools

1 and Secondary Education Act of 1965, as amended,
2 \$115,500,000.

3 BILINGUAL AND IMMIGRANT EDUCATION

4 For carrying out, to the extent not otherwise pro-
5 vided, bilingual, foreign language and immigrant edu-
6 cation activities authorized by parts A and C and section
7 7203 of title VII of the Elementary and Secondary Edu-
8 cation Act of 1965, \$460,000,000: *Provided*, That State
9 educational agencies may use all, or any part of, their part
10 C allocation for competitive grants to local educational
11 agencies.

12 SPECIAL EDUCATION

13 For carrying out the Individuals with Disabilities
14 Education Act, \$7,439,948,000, of which \$2,090,452,000
15 shall become available for obligation on July 1, 2001, and
16 shall remain available through September 30, 2002, and
17 of which \$5,072,000,000 shall become available on Octo-
18 ber 1, 2001 and shall remain available through September
19 30, 2002, for academic year 2001–2002: *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 \$7,353,000 of the
2 funds for section 672 of the Act shall be available for the
3 projects and in the amounts specified in the statement of
4 the managers on the conference report accompanying this
5 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, \$2,805,339,000: *Provided*, That the funds provided
11 for title I of the Assistive Technology Act of 1998 (“the
12 AT Act”) shall be allocated notwithstanding section
13 105(b)(1) of the AT Act: *Provided further*, That each
14 State shall be provided \$50,000 for activities under section
15 102 of the AT Act: *Provided further*, That \$15,000,000
16 shall be used to support grants for up to 3 years to States
17 under title III of the AT Act, of which the Federal share
18 shall not exceed 75 percent in the first year, 50 percent
19 in the second year, and 25 percent in the third year, and
20 that the requirements in section 301(c)(2) and section 302
21 of that Act shall not apply to such grants: *Provided fur-*
22 *ther*, That \$4,600,000 of the funds for section 303 of the
23 Rehabilitation Act of 1973 shall be available for the
24 projects and in the amounts specified in the statement of
25 the managers on the conference report accompanying this
26 Act: *Provided further*, That \$400,000 of the funds for title

1 II of the Rehabilitation Act of 1973 shall be for the Cere-
2 bral Palsy Research Foundation in Wichita, Kansas for
3 the establishment of a Rehabilitation Research and Train-
4 ing Center to study and recommend incentives for employ-
5 ers to hire persons with significant disabilities.

6 SPECIAL INSTITUTIONS FOR PERSONS WITH
7 DISABILITIES

8 AMERICAN PRINTING HOUSE FOR THE BLIND

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

11 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

12 For the National Technical Institute for the Deaf
13 under titles I and II of the Education of the Deaf Act
14 of 1986 (20 U.S.C. 4301 et seq.), \$53,376,000, of which
15 \$5,376,000 shall be for construction and shall remain
16 available until expended: *Provided*, That from the total
17 amount available, the Institute may at its discretion use
18 funds for the endowment program as authorized under
19 section 207.

20 GALLAUDET UNIVERSITY

21 For the Kendall Demonstration Elementary School,
22 the Model Secondary School for the Deaf, and the partial
23 support of Gallaudet University under titles I and II of
24 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
25 et seq.), \$89,400,000: *Provided*, That from the total
26 amount available, the University may at its discretion use

1 funds for the endowment program as authorized under
2 section 207.

3 VOCATIONAL AND ADULT EDUCATION

4 For carrying out, to the extent not otherwise pro-
5 vided, the Carl D. Perkins Vocational and Technical Edu-
6 cation Act, the Adult Education and Family Literacy Act,
7 and title VIII–D of the Higher Education Act of 1965,
8 as amended, and Public Law 102–73, \$1,825,600,000, of
9 which \$1,000,000 shall remain available until expended,
10 and of which \$1,028,000,000 shall become available on
11 July 1, 2001 and shall remain available through Sep-
12 tember 30, 2002 and of which \$791,000,000 shall become
13 available on October 1, 2001 and shall remain available
14 through September 30, 2002: *Provided*, That of the
15 amounts made available for the Carl D. Perkins Voca-
16 tional and Technical Education Act, \$5,600,000 shall be
17 for tribally controlled postsecondary vocational and tech-
18 nical institutions under section 117: *Provided further*,
19 That \$9,000,000 shall be for carrying out section 118 of
20 such Act: *Provided further*, That of the amounts made
21 available for the Carl D. Perkins Vocational and Technical
22 Education Act, \$5,000,000 shall be for demonstration ac-
23 tivities authorized by section 207: *Provided further*, That
24 of the amount provided for Adult Education State Grants,
25 \$70,000,000 shall be made available for integrated
26 English literacy and civics education services to immi-

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

HIGHER EDUCATION

1
2 For carrying out, to the extent not otherwise pro-
3 vided, section 121 and titles II, III, IV, V, VI, and VII
4 of the Higher Education Act of 1965, as amended, section
5 1543 of the Higher Education Amendments of 1992 and
6 title VIII of the Higher Education Amendments of 1998,
7 and the Mutual Educational and Cultural Exchange Act
8 of 1961, \$1,911,710,000, of which \$10,000,000 for inter-
9 est subsidies authorized by section 121 of the Higher Edu-
10 cation Act of 1965, shall remain available until expended:
11 *Provided*, That \$10,000,000, to remain available through
12 September 30, 2002, shall be available to fund fellowships
13 for academic year 2002–2003 under part A, subpart 1 of
14 title VII of said Act, under the terms and conditions of
15 part A, subpart 1: *Provided further*, That \$3,000,000 is
16 for data collection and evaluation activities for programs
17 under the Higher Education Act of 1965, including such
18 activities needed to comply with the Government Perform-
19 ance and Results Act of 1993: *Provided further*, That
20 \$15,000,000 shall be available for tribally controlled col-
21 leges and universities under section 316 of the Higher
22 Education Act of 1965, of which \$5,000,000 shall be used
23 for construction and renovation: *Provided further*, That
24 \$250,000 shall be for the Web-Based Education Commis-
25 sion to continue activities authorized under part J of title

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

5 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

6 For carrying out activities authorized by the Edu-
7 cational Research, Development, Dissemination, and Im-
8 provement Act of 1994, including part E; the National
9 Education Statistics Act of 1994, including sections 411
10 and 412; section 2102 of title II, parts A, B, K, and L
11 and sections 10102 and 10601 of title X, and part C of
12 title XIII of the Elementary and Secondary Education Act
13 of 1965, as amended, and title VI of Public Law 103-
14 227, \$732,721,000: *Provided*, That of the funds appro-
15 priated for part A of title X of the Elementary and Sec-
16 ondary Education Act of 1965, as amended, \$5,000,000
17 shall be made available for a high school reform program
18 of grants to State educational agencies to improve aca-
19 demic performance and provide technical skills training:
20 *Provided further*, That of the funds appropriated for part
21 A of title X of the Elementary and Secondary Education
22 Act of 1965, as amended, \$5,000,000 shall be made avail-
23 able to carry out part L of title X of the Act: *Provided*
24 *further*, That of the amount available for part A of title
25 X of the Elementary and Secondary Education Act of
26 1965, as amended, \$5,000,000 shall be available for

1 grants to State and local educational agencies, in collabo-
2 ration with other agencies and organizations, for school
3 dropout prevention programs designed to address the
4 needs of populations or communities with the highest
5 dropout rates: *Provided further*, That of the amount made
6 available for part A of title X of the Elementary and Sec-
7 ondary Education Act of 1965, as amended, \$50,000,000
8 shall be made available to enable the Secretary of Edu-
9 cation to award grants to develop, implement, and
10 strengthen programs to teach American history (not social
11 studies) as a separate subject within school curricula: *Pro-*
12 *vided further*, That \$53,000,000 of the amount available
13 for the national education research institutes shall be allo-
14 cated notwithstanding section 912(m)(1)(B–F) and sub-
15 paragraphs (B) and (C) of section 931(c)(2) of Public
16 Law 103–227 and \$20,000,000 of that \$53,000,000 shall
17 be made available for the Interagency Education Research
18 Initiative: *Provided further*, That of the funds appro-
19 priated for part A of title X of the Elementary and Sec-
20 ondary Education Act, as amended, \$50,000,000 shall be
21 available to demonstrate effective approaches to com-
22 prehensive school reform, to be allocated and expended in
23 accordance with the instructions relating to this activity
24 in the statement of managers on the conference report ac-
25 companying Public Law 105–78 and in the statement of

1 the managers on the conference report accompanying Pub-
2 lic Law 105–277: *Provided further*, That the funds made
3 available for comprehensive school reform shall become
4 available on July 1, 2001, and remain available through
5 September 30, 2002, and in carrying out this initiative,
6 the Secretary and the States shall support only ap-
7 proaches that show the most promise of enabling children
8 to meet challenging State content standards and chal-
9 lenging State student performance standards based on re-
10 liable research and effective practices, and include an em-
11 phasis on basic academics and parental involvement: *Pro-*
12 *vided further*, That \$139,624,000 of the funds for section
13 10101 of the Elementary and Secondary Education Act
14 of 1965 shall be available for the projects and in the
15 amounts specified in the statement of the managers on
16 the conference report accompanying this Act: *Provided*
17 *further*, That of the funds appropriated under section
18 10601 of title X of the Elementary and Secondary Edu-
19 cation Act of 1965, as amended, \$2,000,000 shall be used
20 to conduct a violence prevention demonstration program:
21 *Provided further*, That of the funds available for section
22 10601 of title X of the Elementary and Secondary Edu-
23 cation Act of 1965, as amended, \$150,000 shall be award-
24 ed to the Center for Educational Technologies to complete
25 production and distribution of an effective CD–ROM prod-

1 uct that would complement the “We the People: The Cit-
2 izen and the Constitution” curriculum: *Provided further*,
3 That, of the funds for title VI of Public Law 103–227
4 and notwithstanding the provisions of section
5 601(c)(1)(C) of that Act, \$1,200,000 shall be available to
6 the Center for Civic Education to conduct a civic edu-
7 cation program with Northern Ireland and the Republic
8 of Ireland and, consistent with the civics and Government
9 activities authorized in section 601(c)(3) of Public Law
10 103–227, to provide civic education assistance to democ-
11 racies in developing countries. The term “developing coun-
12 tries” shall have the same meaning as the term “devel-
13 oping country” in the Education for the Deaf Act.

14 DEPARTMENTAL MANAGEMENT

15 PROGRAM ADMINISTRATION

16 For carrying out, to the extent not otherwise pro-
17 vided, the Department of Education Organization Act, in-
18 cluding rental of conference rooms in the District of Co-
19 lumbia and hire of two passenger motor vehicles,
20 \$413,184,000.

21 OFFICE FOR CIVIL RIGHTS

22 For expenses necessary for the Office for Civil
23 Rights, as authorized by section 203 of the Department
24 of Education Organization Act, \$76,000,000.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector
3 General, as authorized by section 212 of the Department
4 of Education Organization Act, \$36,500,000.

5 GENERAL PROVISIONS

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

14 SEC. 302. None of the funds contained in this Act
15 shall be used to require, directly or indirectly, the trans-
16 portation of any student to a school other than the school
17 which is nearest the student's home, except for a student
18 requiring special education, to the school offering such
19 special education, in order to comply with title VI of the
20 Civil Rights Act of 1964. For the purpose of this section
21 an indirect requirement of transportation of students in-
22 cludes the transportation of students to carry out a plan
23 involving the reorganization of the grade structure of
24 schools, the pairing of schools, or the clustering of schools,
25 or any combination of grade restructuring, pairing or clus-

1 tering. The prohibition described in this section does not
2 include the establishment of magnet schools.

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

6 (TRANSFER OF FUNDS)

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

16 SEC. 305. The Comptroller General of the United
17 States shall evaluate the extent to which funds made avail-
18 able under part A of title I of the Elementary and Sec-
19 ondary Education Act of 1965 are allocated to schools and
20 local educational agencies with the greatest concentrations
21 of school-age children from low-income families, the extent
22 to which allocations of such funds adjust to shifts in con-
23 centrations of pupils from low-income families in different
24 regions, States, and substate areas, the extent to which
25 the allocation of such funds encourages the targeting of
26 State funds to areas with higher concentrations of children

1 from low-income families, and the implications of current
2 distribution methods for such funds, shall make formula
3 and other policy recommendations to improve the tar-
4 geting of such funds to more effectively serve low-income
5 children in both rural and urban areas, and shall prepare
6 interim and final reports based on the results of the study,
7 to be submitted to Congress not later than February 1,
8 2001, and April 1, 2001.

9 SEC. 306. (a) From the amount appropriated for title
10 VI of the Elementary and Secondary Education Act of
11 1965 in accordance with this section, the Secretary of
12 Education—

13 (1) shall make available a total of \$6,000,000
14 to the Secretary of the Interior (on behalf of the Bu-
15 reau of Indian Affairs) and the outlying areas for
16 activities under this section; and

17 (2) shall allocate the remainder by providing
18 each State the same percentage of that remainder as
19 it received of the funds allocated to States under
20 section 307(a)(2) of the Department of Education
21 Appropriations Act, 1999.

22 (b)(1) Each State that receives funds under this sec-
23 tion shall distribute 100 percent of such funds to local
24 educational agencies, of which—

1 (A) 80 percent of such amount shall be allo-
2 cated to such local educational agencies in propor-
3 tion to the number of children, aged 5 to 17, who
4 reside in the school district served by such local edu-
5 cational agency from families with incomes below the
6 poverty line (as defined by the Office of Manage-
7 ment and Budget and revised annually in accordance
8 with section 673(2) of the Community Services
9 Block Grant Act (42 U.S.C. 9902(2))) applicable to
10 a family of the size involved for the most recent fis-
11 cal year for which satisfactory data are available
12 compared to the number of such individuals who re-
13 side in the school districts served by all the local
14 educational agencies in the State for that fiscal year;
15 and

16 (B) 20 percent of such amount shall be allo-
17 cated to such local educational agencies in accord-
18 ance with the relative enrollments of children, aged
19 5 to 17, in public and private nonprofit elementary
20 and secondary schools within the boundaries of such
21 agencies.

22 (2) Notwithstanding paragraph (1), if the award to
23 a local educational agency under this section is less than
24 the starting salary for a new fully qualified teacher in that
25 agency, who is certified within the State (which may in-

1 clude certification through State or local alternative
2 routes), has a baccalaureate degree, and demonstrates the
3 general knowledge, teaching skills, and subject matter
4 knowledge required to teach in his or her content areas,
5 that agency may use funds under this section to (A) help
6 pay the salary of a full- or part-time teacher hired to re-
7 duce class size, which may be in combination with other
8 Federal, State, or local funds; or (B) pay for activities
9 described in subsection (c)(2)(A)(iii) which may be related
10 to teaching in smaller classes.

11 (c)(1) The basic purpose and intent of this section
12 is to reduce class size with fully qualified teachers. Each
13 local educational agency that receives funds under this
14 section shall use such funds to carry out effective ap-
15 proaches to reducing class size with fully qualified teach-
16 ers who are certified within the State, including teachers
17 certified through State or local alternative routes, and who
18 demonstrate competency in the areas in which they teach,
19 to improve educational achievement for both regular and
20 special needs children, with particular consideration given
21 to reducing class size in the early elementary grades for
22 which some research has shown class size reduction is
23 most effective.

24 (2)(A) Each such local educational agency may use
25 funds under this section for—

1 (i) recruiting (including through the use of
2 signing bonuses, and other financial incentives), hir-
3 ing, and training fully qualified regular and special
4 education teachers (which may include hiring special
5 education teachers to team-teach with regular teach-
6 ers in classrooms that contain both children with
7 disabilities and non-disabled children) and teachers
8 of special-needs children who are certified within the
9 State, including teachers certified through State or
10 local alternative routes, have a baccalaureate degree
11 and demonstrate the general knowledge, teaching
12 skills, and subject matter knowledge required to
13 teach in their content areas;

14 (ii) testing new teachers for academic content
15 knowledge and to meet State certification require-
16 ments that are consistent with title II of the Higher
17 Education Act of 1965; and

18 (iii) providing professional development (which
19 may include such activities as those described in sec-
20 tion 2210 of the Elementary and Secondary Edu-
21 cation Act of 1965, opportunities for teachers to at-
22 tend multi-week institutes, such as those made avail-
23 able during the summer months that provide inten-
24 sive professional development in partnership with
25 local educational agencies and initiatives that pro-

1 mote retention and mentoring), to teachers, includ-
2 ing special education teachers and teachers of spe-
3 cial-needs children, in order to meet the goal of en-
4 suring that all instructional staff have the subject
5 matter knowledge, teaching knowledge, and teaching
6 skills necessary to teach effectively in the content
7 area or areas in which they provide instruction, con-
8 sistent with title II of the Higher Education Act of
9 1965.

10 (B)(i) Except as provided under clause (ii), a local
11 educational agency may use not more than a total of 25
12 percent of the award received under this section for activi-
13 ties described in clauses (ii) and (iii) of subparagraph (A).

14 (ii) A local educational agency in which 10 per-
15 cent or more of teachers in elementary schools, as
16 defined by section 14101(14) of the Elementary and
17 Secondary Education Act of 1965, have not met ap-
18 plicable State and local certification requirements
19 (including certification through State or local alter-
20 native routes), or if such requirements have been
21 waived, may use more than 25 percent of the funds
22 it receives under this section for activities described
23 in subparagraph (A)(iii) to help teachers who are
24 not certified by the State become certified, including
25 through State or local alternative routes, or to help

1 teachers affected by class size reduction who lack
2 sufficient content knowledge to teach effectively in
3 the areas they teach to obtain that knowledge, if the
4 local educational agency notifies the State edu-
5 cational agency of the percentage of the funds that
6 it will use for the purpose described in this clause.

7 (C) A local educational agency that has already re-
8 duced class size in the early grades to 18 or less children
9 (or has already reduced class size to a State or local class
10 size reduction goal that was in effect on the day before
11 the enactment of the Department of Education Appropria-
12 tions Act, 2000, if that State or local educational agency
13 goal is 20 or fewer children) may use funds received under
14 this section—

15 (i) to make further class size reductions in
16 grades kindergarten through 3;

17 (ii) to reduce class size in other grades; or

18 (iii) to carry out activities to improve teacher
19 quality including professional development.

20 (D) If a local educational agency has already reduced
21 class size in the early grades to 18 or fewer children and
22 intends to use funds provided under this section to carry
23 out professional development activities, including activities
24 to improve teacher quality, then the State shall make the

1 award under subsection (b) to the local educational agen-
2 cy.

3 (3) Each such agency shall use funds under this sec-
4 tion only to supplement, and not to supplant, State and
5 local funds that, in the absence of such funds, would oth-
6 erwise be spent for activities under this section.

7 (4) No funds made available under this section may
8 be used to increase the salaries or provide benefits, other
9 than participation in professional development and enrich-
10 ment programs, to teachers who are not hired under this
11 section. Funds under this section may be used to pay the
12 salary of teachers hired under section 307 of the Depart-
13 ment of Education Appropriations Act, 1999, or under
14 section 310 of the Department of Education Appropria-
15 tions Act, 2000.

16 (d)(1) Each State receiving funds under this section
17 shall report on activities in the State under this section,
18 consistent with section 6202(a)(2) of the Elementary and
19 Secondary Education Act of 1965.

20 (2) Each State and local educational agency receiving
21 funds under this section shall publicly report to parents
22 on its progress in reducing class size, increasing the per-
23 centage of classes in core academic areas taught by fully
24 qualified teachers who are certified within the State and
25 demonstrate competency in the content areas in which

1 they teach, and on the impact that hiring additional highly
2 qualified teachers and reducing class size, has had, if any,
3 on increasing student academic achievement.

4 (3) Each school receiving funds under this section
5 shall provide to parents, upon request, the professional
6 qualifications of their child's teacher.

7 (e) If a local educational agency uses funds made
8 available under this section for professional development
9 activities, the agency shall ensure for the equitable partici-
10 pation of private nonprofit elementary and secondary
11 schools in such activities. Section 6402 of the Elementary
12 and Secondary Education Act of 1965 shall not apply to
13 other activities under this section.

14 (f) A local educational agency that receives funds
15 under this section may use not more than 3 percent of
16 such funds for local administrative costs.

17 (g) Each local educational agency that desires to re-
18 ceive funds under this section shall include in the applica-
19 tion required under section 6303 of the Elementary and
20 Secondary Education Act of 1965 a description of the
21 agency's program to reduce class size by hiring additional
22 highly qualified teachers.

23 (h) No funds under this section may be used to pay
24 the salary of any teacher hired with funds under section
25 307 of the Department of Education Appropriations Act,

1 1999, unless, by the start of the 2001–2002 school year,
2 the teacher is certified within the State (which may in-
3 clude certification through State or local alternative
4 routes) and demonstrates competency in the subject areas
5 in which he or she teaches.

6 (i) Not later than 30 days after the date of the enact-
7 ment of this Act, the Secretary shall provide specific noti-
8 fication to each local educational agency eligible to receive
9 funds under this part regarding the flexibility provided
10 under subsection (c)(2)(B)(ii) and the ability to use such
11 funds to carry out activities described in subsection
12 (c)(2)(A)(iii).

13 SEC. 307. Section 412 of the National Education
14 Statistics Act of 1994 (Public Law 103–382) is
15 amended—

16 (1) in subsection 412(c)(1), after “period of”
17 and before “years,” by striking “3” and inserting
18 “4”; and

19 (2) after “expiration of such term.”, by adding
20 the following new subsection:

21 “(4) CONFORMING PROVISION.—Members of
22 the Board previously granted 3 year terms, whose
23 terms are in effect on the date of enactment of the
24 Department of Education Appropriations Act, 2001,
25 shall have their terms extended by 1 year.”.

1 SEC. 308. (a) Section 435(a)(2) of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1085(a)(2)) is amended by
3 adding at the end thereof the following new subparagraph:

4 “(D) Notwithstanding the first sentence of subpara-
5 graph (A), the Secretary shall restore the eligibility to par-
6 ticipate in a program under subpart 1 of part A, part B,
7 or part D of an institution that did not appeal its loss
8 of eligibility within 30 days of receiving notification if the
9 Secretary determines, on a case-by-case basis, that the in-
10 stitution’s failure to appeal was substantially justified
11 under the circumstances, and that—

12 “(i) the institution made a timely request that
13 the appropriate guaranty agency correct errors in
14 the draft data used to calculate the institution’s co-
15 hort default rate;

16 “(ii) the guaranty agency did not correct the er-
17 roneous data in a timely fashion; and

18 “(iii) the institution would have been eligible if
19 the erroneous data had been corrected by the guar-
20 anty agency.”.

21 (b) The amendment made by subsection (a) of this
22 section shall be effective for cohort default rate calcula-
23 tions for fiscal years 1997 and 1998.

24 SEC. 309. Section 439(r)(2) of the Higher Education
25 Act of 1965 (20 U.S.C. 1087–2(r)(2)) is amended—

1 (1) in clause (A)(i), by striking “auditors and
2 examiners” and inserting “and fix the compensation
3 of such auditors and examiners as may be nec-
4 essary”; and

5 (2) by inserting at the end of subparagraph (E)
6 the following new subparagraph:

7 “(F) COMPENSATION OF AUDITORS AND
8 EXAMINERS.—

9 “(i) RATES OF PAY.—Rates of basic
10 pay for all auditors and examiners ap-
11 pointed pursuant to subparagraph (A) may
12 be set and adjusted by the Secretary of the
13 Treasury without regard to the provisions
14 of chapter 51 or subchapter III of chapter
15 53 of title 5, United States Code.

16 “(ii) COMPARABILITY.—

17 “(I) IN GENERAL.—Subject to
18 section 5373 of title 5, United States
19 Code, the Secretary of the Treasury
20 may provide additional compensation
21 and benefits to auditors and exam-
22 iners appointed pursuant to subpara-
23 graph (A) if the same type of com-
24 pensation or benefits are then being
25 provided by any agency referred to in

1 section 1206 of the Financial Institu-
2 tions Reform, Recovery, and Enforce-
3 ment Act of 1989 (12 U.S.C. 1833b)
4 or, if not then being provided, could
5 be provided by such an agency under
6 applicable provisions of law, rule, or
7 regulation.

8 “(II) CONSULTATION.—In set-
9 ting and adjusting the total amount of
10 compensation and benefits for audi-
11 tors and examiners appointed pursu-
12 ant to subparagraph (A), the Sec-
13 retary of the Treasury shall consult
14 with, and seek to maintain com-
15 parability with, the agencies referred
16 to in section 1206 of the Financial In-
17 stitutions Reform, Recovery, and En-
18 forcement Act of 1989 (12 U.S.C.
19 1833b).”.

20 SEC. 310. Section 117(i) of the Carl D. Perkins Vo-
21 cational and Technical Education Act of 1998 (20 U.S.C.
22 2327(i)) is amended by inserting “such sums as may be
23 necessary for” before “each of the 4 succeeding fiscal
24 years.”.

1 SEC. 311. Section 432(m)(1) of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1082(m)(1)) is amended—

3 (1) by striking clause (iv) of subparagraph (D);

4 and

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

7 “(E) PERFECTION OF SECURITY INTER-
8 ESTS IN STUDENT LOANS.—

9 “(i) IN GENERAL.—Notwithstanding
10 the provisions of any State law to the con-
11 trary, including the Uniform Commercial
12 Code as in effect in any State, a security
13 interest in loans made under this part, on
14 behalf of any eligible lender (as defined in
15 section 435(d)) shall attach, be perfected,
16 and be assigned priority in the manner
17 provided by the applicable State’s law for
18 perfection of security interests in accounts,
19 as such law may be amended from time to
20 time (including applicable transition provi-
21 sions). If any such State’s law provides for
22 a statutory lien to be created in such
23 loans, such statutory lien may be created
24 by the entity or entities governed by such
25 State law in accordance with the applicable

1 statutory provisions that created such a
2 statutory lien.

3 “(ii) COLLATERAL DESCRIPTION.—In
4 addition to any other method for describ-
5 ing collateral in a legally sufficient manner
6 permitted under the laws of the State, the
7 description of collateral in any financing
8 statement filed pursuant to this subpara-
9 graph shall be deemed legally sufficient if
10 it lists such loans, or refers to records
11 (identifying such loans) retained by the se-
12 cured party or any designee of the secured
13 party identified in such financing state-
14 ment, including the debtor or any loan
15 servicer.

16 “(iii) SALES.—Notwithstanding
17 clauses (i) and (ii) and any provisions of
18 any State law to the contrary, other than
19 any such State’s law providing for creation
20 of a statutory lien, an outright sale of
21 loans made under this part shall be effec-
22 tive and perfected automatically upon at-
23 tachment as defined in the Uniform Com-
24 mercial Code of such State.”.

1 SEC. 312. Section 435(a)(5) of the Higher Education
2 Act of 1965 (20 U.S.C. 1085(a)(5)) is amended—

3 (1) in subparagraph (A)(i), by striking “July 1,
4 2002,” and inserting “July 1, 2004,”; and

5 (2) in subparagraph (B), by striking “1999,
6 2000, and 2001” and inserting “1999 through
7 2003”.

8 SEC. 313. From the amounts made available for the
9 “Fund for the Improvement of Education” under the
10 heading “Education Research, Statistics, and Improve-
11 ment”, \$10,000,000, to remain available until expended,
12 shall be available to the Secretary of Education to be
13 transferred to the Secretary of the Interior for an award
14 to the National Constitution Center for construction ac-
15 tivities authorized under Public Law 100–433.

16 SEC. 314. Section 4116(b)(4) of the Elementary and
17 Secondary Education Act of 1965 is amended by striking
18 subparagraph (D) and inserting in lieu thereof: “(D) the
19 development and implementation of character education
20 and training programs that reflect the values of parents,
21 teachers, and local communities, and incorporate elements
22 of good character, including honesty, citizenship, courage,
23 justice, respect, personal responsibility, and trust-
24 worthiness; and”.

1 SEC. 315. The Secretary of Education shall review
2 the nursing program operated by Graceland University in
3 Lamoni, Iowa, and may exercise the waiver authority pro-
4 vided in section 102(a)(3)(B) of the Higher Education Act
5 of 1965, without regard to the provisions of 34 CFR
6 600.7(b)(3)(ii), if the Secretary determines that such a
7 waiver is appropriate.

8 SEC. 316. Section 415 of the Higher Education Act
9 of 1965 is amended—

10 (1) in section 415A(a)(2), by striking “section
11 415F” and inserting “section 415E”; and

12 (2) in section 415E, by striking 415E(c) and
13 inserting in lieu thereof the following:

14 “(c) AUTHORIZED ACTIVITIES.—Each State receiv-
15 ing a grant under this section may use the grant funds
16 for—

17 “(1) making awards that—

18 “(A) supplement grants received under
19 section 415C(b)(2) by eligible students who
20 demonstrate financial need; or

21 “(B) provide grants under section
22 415C(b)(2) to additional eligible students who
23 demonstrate financial need;

24 “(2) providing scholarships for eligible
25 students—

1 “(A) who demonstrate financial need; and

2 “(B) who—

3 “(i) desire to enter a program of
4 study leading to a career in—

5 “(I) information technology;

6 “(II) mathematics, computer
7 science, or engineering;

8 “(III) teaching; or

9 “(IV) another field determined
10 by the State to be critical to the
11 State’s workforce needs; or

12 “(ii) demonstrate merit or academic
13 achievement; and

14 “(3) making awards that—

15 “(A) supplement community service work-
16 study awards received under section 415C(b)(2)
17 by eligible students who demonstrate financial
18 need; or

19 “(B) provide community service work-
20 study awards under section 415C(b)(2) to addi-
21 tional eligible students who demonstrate finan-
22 cial need.”.

23 (3) in section 415E, adding at the end the fol-
24 lowing new subsections:

1 “(f) SPECIAL RULE.—Notwithstanding subsection
 2 (d), for purposes of determining a State’s share of the cost
 3 of the authorized activities described in subsection (c), the
 4 State shall consider only those expenditures from non-
 5 Federal sources that exceed its total expenditures for
 6 need-based grants, scholarships, and work-study assist-
 7 ance for fiscal year 1999 (including any such assistance
 8 provided under this subpart).

9 “(g) USE OF FUNDS FOR ADMINISTRATIVE COSTS
 10 PROHIBITED.—A State receiving a grant under this sec-
 11 tion shall not use any of the grant funds to pay adminis-
 12 trative costs associated with any of the authorized activi-
 13 ties described in subsection (c).”.

14 SEC. 317. (a) Section 402D of the Higher Education
 15 Act of 1965 (20 U.S.C. 1070a–14) is amended—

16 (1) by redesignating subsection (c) as sub-
 17 section (d); and

18 (2) by inserting after subsection (b) the fol-
 19 lowing new subsection:

20 “(c) SPECIAL RULE.—

21 “(1) USE FOR STUDENT AID.—A recipient of a
 22 grant that undertakes any of the permissible services
 23 identified in subsection (b) may, in addition, use
 24 such funds to provide grant aid to students. A grant
 25 provided under this paragraph shall not exceed the

1 maximum appropriated Pell Grant or, be less than
2 the minimum appropriated Pell Grant, for the cur-
3 rent academic year. In making grants to students
4 under this subsection, an institution shall ensure
5 that adequate consultation takes place between the
6 student support service program office and the insti-
7 tution's financial aid office.

8 “(2) ELIGIBLE STUDENTS.—For purposes of
9 receiving grant aid under this subsection, eligible
10 students shall be current participants in the student
11 support services program offered by the institution
12 and be—

13 “(A) students who are in their first 2 years
14 of postsecondary education and who are receiv-
15 ing Federal Pell Grants under subpart 1; or

16 “(B) students who have completed their
17 first 2 years of postsecondary education and
18 who are receiving Federal Pell Grants under
19 subpart 1 if the institution demonstrates to the
20 satisfaction of the Secretary that—

21 “(i) these students are at high risk of
22 dropping out; and

23 “(ii) it will first meet the needs of all
24 its eligible first- and second-year students
25 for services under this paragraph.

1 “(3) DETERMINATION OF NEED.—A grant pro-
2 vided to a student under paragraph (1) shall not be
3 considered in determining that student’s need for
4 grant or work assistance under this title, except that
5 in no case shall the total amount of student financial
6 assistance awarded to a student under this title ex-
7 ceed that student’s cost of attendance, as defined in
8 section 472.

9 “(4) MATCHING REQUIRED.—A recipient of a
10 grant who uses such funds for the purpose described
11 in paragraph (1) shall match the funds used for
12 such purpose, in cash, from non-Federal funds, in
13 an amount that is not less than 33 percent of the
14 total amount of funds used for that purpose. This
15 paragraph shall not apply to any grant recipient
16 that is an institution of higher education eligible to
17 receive funds under part A or B of title III or title
18 V.

19 “(5) RESERVATION.—In no event may a recipi-
20 ent use more than 20 percent of the funds received
21 under this section for grant aid.

22 “(6) SUPPLEMENT, NOT SUPPLANT.—Funds re-
23 ceived by a grant recipient that are used under this
24 subsection shall be used to supplement, and not sup-

1 plant, non-Federal funds expended for student sup-
2 port services programs.”.

3 (b) The amendments made by subsection (a) shall
4 apply with respect to student support services grants
5 awarded on or after the date of enactment of this Act.

6 SEC. 318. (a) Subparagraph (B) of section
7 427A(c)(4) of the Higher Education Act of 1965 (20
8 U.S.C. 1077a(c)(4)) is amended to read as follows:

9 “(B)(i) For any 12-month period begin-
10 ning on July 1 and ending on or before June
11 30, 2001, the rate determined under this sub-
12 paragraph is determined on the preceding June
13 1 and is equal to—

14 “(I) the bond equivalent rate of 52-
15 week Treasury bills auctioned at the final
16 auction held prior to such June 1; plus

17 “(II) 3.25 percent.

18 “(ii) For any 12-month period beginning
19 on July 1 of 2001 or any succeeding year, the
20 rate determined under this subparagraph is de-
21 termined on the preceding June 26 and is equal
22 to—

23 “(I) the weekly average 1-year con-
24 stant maturity Treasury yield, as published
25 by the Board of Governors of the Federal

1 Reserve System, for the last calendar week
2 ending on or before such June 26; plus
3 “(II) 3.25 percent.”.

4 (b) Subparagraph (A) of section 455(b)(4) of such
5 Act (20 U.S.C. 1087e(b)(4)) is amended to read as fol-
6 lows:

7 “(A)(i) For Federal Direct PLUS Loans
8 for which the first disbursement is made on or
9 after July 1, 1994, the applicable rate of inter-
10 est shall, during any 12-month period beginning
11 on July 1 and ending on or before June 30,
12 2001, be determined on the preceding June 1
13 and be equal to—

14 “(I) the bond equivalent rate of 52-
15 week Treasury bills auctioned at final auc-
16 tion held prior to such June 1; plus

17 “(II) 3.1 percent,
18 except that such rate shall not exceed 9 per-
19 cent.

20 “(ii) For any 12-month period beginning
21 on July 1 of 2001 or any succeeding year, the
22 applicable rate of interest determined under
23 this subparagraph shall be determined on the
24 preceding June 26 and be equal to—

1 “(I) the weekly average 1-year con-
2 stant maturity Treasury yield, as published
3 by the Board of Governors of the Federal
4 Reserve System, for the last calendar week
5 ending on or before such June 26; plus

6 “(II) 3.1 percent,
7 except that such rate shall not exceed 9 per-
8 cent.”.

9 SEC. 319. Section 1543 of the Higher Education
10 Amendments of 1992 (20 U.S.C. 1070 note) is amended
11 by adding at the end the following new subsection:

12 “(e) DESIGNATION.—Scholarships awarded under
13 this section shall be known as ‘B.J. Stupak Olympic Schol-
14 arships’.”.

15 SEC. 320. (a) Subject to subsection (c), the Secretary
16 of Education shall release the reversionary interests that
17 were retained by the United States, as part of the convey-
18 ance of certain real property situated in the County of
19 Marin, State of California, in an April 3, 1978 Quitclaim
20 Deed, which was filed for record on June 5, 1978, in Book
21 3384, at page 33, of the official Records of Marin County,
22 California.

23 (b) The Secretary shall execute the release of the re-
24 versionary interests under subsection (a) without consider-
25 ation.

1 (c) The Secretary shall execute and file in the appro-
2 priate office or offices a deed of release, amended deed,
3 or other appropriate instruments effectuating the release
4 of the reversionary interests under subsection (a). In all
5 other respects the provisions of the April 3, 1978 Quit-
6 claim Deed shall remain intact.

7 SEC. 321. (a) GRANTS TO NATIVE AMERICAN
8 SCHOOLS AND STATE EDUCATIONAL AGENCIES.—

9 (1) ALLOCATION OF FUNDS.—Of the amount
10 made available under the heading “School improve-
11 ment programs” for grants made in accordance with
12 this section for school repair and renovation, activi-
13 ties under part B of the Individuals with Disabilities
14 Education Act (20 U.S.C. 1411 et seq.), and tech-
15 nology activities, the Secretary of Education shall
16 allocate—

17 (A) \$75,000,000 for grants to impacted
18 local educational agencies (as defined in para-
19 graph (3)) for school repair, renovation, and
20 construction;

21 (B) \$3,250,000 for grants to outlying
22 areas for school repair and renovation in high-
23 need schools and communities, allocated on
24 such basis, and subject to such terms and con-

1 conditions, as the Secretary determines appro-
2 priate;

3 (C) \$25,000,000 for grants to public enti-
4 ties, private nonprofit entities, and consortia of
5 such entities, for use in accordance with sub-
6 part 2 of part C of title X of the Elementary
7 and Secondary Education Act of 1965; and

8 (D) the remainder to State educational
9 agencies in proportion to the amount each State
10 received under part A of title I of the Elemen-
11 tary and Secondary Education Act of 1965 (20
12 U.S.C. 6311 et seq.) for fiscal year 2000, ex-
13 cept that no State shall receive less than 0.5
14 percent of the amount allocated under this sub-
15 paragraph.

16 (2) DETERMINATION OF GRANT AMOUNT.—

17 (A) DETERMINATION OF WEIGHTED STU-
18 DENT UNITS.—For purposes of computing the
19 grant amounts under paragraph (1)(A) for fis-
20 cal year 2001, the Secretary shall determine the
21 results obtained by the computation made
22 under section 8003 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C.
24 7703) with respect to children described in sub-
25 section (a)(1)(C) of such section and computed

1 under subsection (a)(2)(B) of such section for
2 such year—

3 (i) for each impacted local educational
4 agency that receives funds under this sec-
5 tion; and

6 (ii) for all such agencies together.

7 (B) COMPUTATION OF PAYMENT.—For fis-
8 cal year 2001, the Secretary shall calculate the
9 amount of a grant to an impacted local edu-
10 cational agency by—

11 (i) dividing the amount described in
12 paragraph (1)(A) by the results of the
13 computation described in subparagraph
14 (A)(ii); and

15 (ii) multiplying the number derived
16 under clause (i) by the results of the com-
17 putation described in subparagraph (A)(i)
18 for such agency.

19 (3) DEFINITION.—For purposes of this section,
20 the term “impacted local educational agency”
21 means, for fiscal year 2001—

22 (A) a local educational agency that receives
23 a basic support payment under section 8003(b)
24 of the Elementary and Secondary Education

1 Act of 1965 (20 U.S.C. 7703(b)) for such fiscal
2 year; and

3 (B) with respect to which the number of
4 children determined under section
5 8003(a)(1)(C) of such Act for the preceding
6 school year constitutes at least 50 percent of
7 the total student enrollment in the schools of
8 the agency during such school year.

9 (b) WITHIN-STATE ALLOCATIONS.—

10 (1) ADMINISTRATIVE COSTS.—

11 (A) STATE EDUCATIONAL AGENCY ADMIN-
12 ISTRATION.—Except as provided in subpara-
13 graph (B), each State educational agency may
14 reserve not more than 1 percent of its allocation
15 under subsection (a)(1)(D) for the purpose of
16 administering the distribution of grants under
17 this subsection.

18 (B) STATE ENTITY ADMINISTRATION.—If
19 the State educational agency transfers funds to
20 a State entity described in paragraph (2)(A),
21 the agency shall transfer to such entity 0.75 of
22 the amount reserved under this paragraph for
23 the purpose of administering the distribution of
24 grants under this subsection.

1 (2) RESERVATION FOR COMPETITIVE SCHOOL
2 REPAIR AND RENOVATION GRANTS TO LOCAL EDU-
3 CATIONAL AGENCIES.—

4 (A) IN GENERAL.—Subject to the reserva-
5 tion under paragraph (1), of the funds allocated
6 to a State educational agency under subsection
7 (a)(1)(D), the State educational agency shall
8 distribute 75 percent of such funds to local edu-
9 cational agencies or, if such State educational
10 agency is not responsible for the financing of
11 education facilities, the agency shall transfer
12 such funds to the State entity responsible for
13 the financing of education facilities (referred to
14 in this section as the “State entity”) for dis-
15 tribution by such entity to local educational
16 agencies in accordance with this paragraph, to
17 be used, consistent with subsection (c), for
18 school repair and renovation.

19 (B) COMPETITIVE GRANTS TO LOCAL EDU-
20 CATIONAL AGENCIES.—

21 (i) IN GENERAL.—The State edu-
22 cational agency or State entity shall carry
23 out a program of competitive grants to
24 local educational agencies for the purpose
25 described in subparagraph (A). Of the

1 total amount available for distribution to
2 such agencies under this paragraph, the
3 State educational agency or State entity,
4 shall, in carrying out the competition—

5 (I) award to high poverty local
6 educational agencies described in
7 clause (ii), in the aggregate, at least
8 an amount which bears the same rela-
9 tionship to such total amount as the
10 aggregate amount such local edu-
11 cational agencies received under part
12 A of title I of the Elementary and
13 Secondary Education Act of 1965 for
14 fiscal year 2000 bears to the aggre-
15 gate amount received for such fiscal
16 year under such part by all local edu-
17 cational agencies in the State;

18 (II) award to rural local edu-
19 cational agencies in the State, in the
20 aggregate, at least an amount which
21 bears the same relationship to such
22 total amount as the aggregate amount
23 such rural local educational agencies
24 received under part A of title I of the
25 Elementary and Secondary Education

1 Act of 1965 for fiscal year 2000 bears
2 to the aggregate amount received for
3 such fiscal year under such part by all
4 local educational agencies in the
5 State; and

6 (III) award the remaining funds
7 to local educational agencies not re-
8 ceiving an award under subclause (I)
9 or (II), including high poverty and
10 rural local educational agencies that
11 did not receive such an award.

12 (ii) HIGH POVERTY LOCAL EDU-
13 CATIONAL AGENCIES.—A local educational
14 agency is described in this clause if—

15 (I) the percentage described in
16 subparagraph (C)(i) with respect to
17 the agency is 30 percent or greater; or

18 (II) the number of children de-
19 scribed in such subparagraph with re-
20 spect to the agency is at least 10,000.

21 (C) CRITERIA FOR AWARDING GRANTS.—

22 In awarding competitive grants under this para-
23 graph, a State educational agency or State enti-
24 ty shall take into account the following criteria:

1 (i) The percentage of poor children 5
2 to 17 years of age, inclusive, in a local
3 educational agency.

4 (ii) The need of a local educational
5 agency for school repair and renovation, as
6 demonstrated by the condition of its public
7 school facilities.

8 (iii) The fiscal capacity of a local edu-
9 cational agency to meet its needs for repair
10 and renovation of public school facilities
11 without assistance under this section, in-
12 cluding its ability to raise funds through
13 the use of local bonding capacity and oth-
14 erwise.

15 (iv) In the case of a local educational
16 agency that proposes to fund a repair or
17 renovation project for a charter school or
18 schools, the extent to which the school or
19 schools have access to funding for the
20 project through the financing methods
21 available to other public schools or local
22 educational agencies in the State.

23 (v) The likelihood that the local edu-
24 cational agency will maintain, in good con-

1 dition, any facility whose repair or renova-
2 tion is assisted under this section.

3 (D) POSSIBLE MATCHING REQUIRE-
4 MENT.—

5 (i) IN GENERAL.—A State educational
6 agency or State entity may require local
7 educational agencies to match funds
8 awarded under this subsection.

9 (ii) MATCH AMOUNT.—The amount of
10 a match described in clause (i) may be es-
11 tablished by using a sliding scale that
12 takes into account the relative poverty of
13 the population served by the local edu-
14 cational agency.

15 (3) RESERVATION FOR COMPETITIVE IDEA OR
16 TECHNOLOGY GRANTS TO LOCAL EDUCATIONAL
17 AGENCIES.—

18 (A) IN GENERAL.—Subject to the reserva-
19 tion under paragraph (1), of the funds allocated
20 to a State educational agency under subsection
21 (a)(1)(D), the State educational agency shall
22 distribute 25 percent of such funds to local edu-
23 cational agencies through competitive grant
24 processes, to be used for the following:

1 (i) To carry out activities under part
2 B of the Individuals with Disabilities Edu-
3 cation Act (20 U.S.C. 1411 et seq.).

4 (ii) For technology activities that are
5 carried out in connection with school repair
6 and renovation, including—

7 (I) wiring;

8 (II) acquiring hardware and soft-
9 ware;

10 (III) acquiring connectivity link-
11 ages and resources; and

12 (IV) acquiring microwave, fiber
13 optics, cable, and satellite trans-
14 mission equipment.

15 (B) CRITERIA FOR AWARDING IDEA
16 GRANTS.—In awarding competitive grants
17 under subparagraph (A) to be used to carry out
18 activities under part B of the Individuals with
19 Disabilities Education Act (20 U.S.C. 1411 et
20 seq.), a State educational agency shall take into
21 account the following criteria:

22 (i) The need of a local educational
23 agency for additional funds for a student
24 whose individually allocable cost for ex-
25 penses related to the Individuals with Dis-

1 abilities Education Act substantially ex-
2 ceeds the State's average per-pupil expend-
3 iture (as defined in section 14101(2) of the
4 Elementary and Secondary Education Act
5 of 1965 (20 U.S.C. 8801(2))).

6 (ii) The need of a local educational
7 agency for additional funds for special edu-
8 cation and related services under part B of
9 the Individuals with Disabilities Education
10 Act (20 U.S.C. 1411 et seq.).

11 (iii) The need of a local educational
12 agency for additional funds for assistive
13 technology devices (as defined in section
14 602 of the Individuals with Disabilities
15 Education Act (20 U.S.C. 1401)) or assist-
16 ive technology services (as so defined) for
17 children being served under part B of the
18 Individuals with Disabilities Education Act
19 (20 U.S.C. 1411 et seq.).

20 (iv) The need of a local educational
21 agency for additional funds for activities
22 under part B of the Individuals with Dis-
23 abilities Education Act (20 U.S.C. 1411 et
24 seq.) in order for children with disabilities
25 to make progress toward meeting the per-

1 formance goals and indicators established
2 by the State under section 612(a)(16) of
3 such Act (20 U.S.C. 1412).

4 (C) CRITERIA FOR AWARDING TECH-
5 NOLOGY GRANTS.—In awarding competitive
6 grants under subparagraph (A) to be used for
7 technology activities that are carried out in con-
8 nection with school repair and renovation, a
9 State educational agency shall take into account
10 the need of a local educational agency for addi-
11 tional funds for such activities, including the
12 need for the activities described in subclauses
13 (I) through (IV) of subparagraph (A)(ii).

14 (c) RULES APPLICABLE TO SCHOOL REPAIR AND
15 RENOVATION.—With respect to funds made available
16 under this section that are used for school repair and ren-
17 ovation, the following rules shall apply:

18 (1) PERMISSIBLE USES OF FUNDS.—School re-
19 pair and renovation shall be limited to one or more
20 of the following:

21 (A) Emergency repairs or renovations to
22 public school facilities only to ensure the health
23 and safety of students and staff, including—

1 (i) repairing, replacing, or installing
2 roofs, electrical wiring, plumbing systems,
3 or sewage systems;

4 (ii) repairing, replacing, or installing
5 heating, ventilation, or air conditioning
6 systems (including insulation); and

7 (iii) bringing public schools into com-
8 pliance with fire and safety codes.

9 (B) School facilities modifications nec-
10 essary to render public school facilities acces-
11 sible in order to comply with the Americans
12 with Disabilities Act of 1990 (42 U.S.C. 12101
13 et seq.).

14 (C) School facilities modifications nec-
15 essary to render public school facilities acces-
16 sible in order to comply with section 504 of the
17 Rehabilitation Act of 1973 (29 U.S.C. 794).

18 (D) Asbestos abatement or removal from
19 public school facilities.

20 (E) Renovation, repair, and acquisition
21 needs related to the building infrastructure of a
22 charter school.

23 (2) IMPERMISSIBLE USES OF FUNDS.—No
24 funds received under this section may be used for—

1 (A) payment of maintenance costs in con-
2 nection with any projects constructed in whole
3 or in part with Federal funds provided under
4 this section;

5 (B) the construction of new facilities, ex-
6 cept for facilities for an impacted local edu-
7 cational agency (as defined in subsection
8 (a)(3)); or

9 (C) stadiums or other facilities primarily
10 used for athletic contests or exhibitions or other
11 events for which admission is charged to the
12 general public.

13 (3) CHARTER SCHOOLS.—A public charter
14 school that constitutes a local educational agency
15 under State law shall be eligible for assistance under
16 the same terms and conditions as any other local
17 educational agency (as defined in section 14101(18)
18 of the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 8801(18))).

20 (4) SUPPLEMENT, NOT SUPPLANT.—Excluding
21 the uses described in subparagraphs (B) and (C) of
22 paragraph (1), a local educational agency shall use
23 Federal funds subject to this subsection only to sup-
24 plement the amount of funds that would, in the ab-
25 sence of such Federal funds, be made available from

1 non-Federal sources for school repair and renova-
2 tion.

3 (d) SPECIAL RULE.—Each local educational agency
4 that receives funds under this section shall ensure that,
5 if it carries out repair or renovation through a contract,
6 any such contract process ensures the maximum number
7 of qualified bidders, including small, minority, and women-
8 owned businesses, through full and open competition.

9 (e) PUBLIC COMMENT.—Each local educational agen-
10 cy receiving funds under paragraph (2) or (3) of sub-
11 section (b)—

12 (1) shall provide parents, educators, and all
13 other interested members of the community the op-
14 portunity to consult on the use of funds received
15 under such paragraph;

16 (2) shall provide the public with adequate and
17 efficient notice of the opportunity described in para-
18 graph (1) in a widely read and distributed medium;
19 and

20 (3) shall provide the opportunity described in
21 paragraph (1) in accordance with any applicable
22 State and local law specifying how the comments
23 may be received and how the comments may be re-
24 viewed by any member of the public.

25 (f) REPORTING.—

1 (1) LOCAL REPORTING.—Each local educational
2 agency receiving funds under subsection (a)(1)(D)
3 shall submit a report to the State educational agen-
4 cy, at such time as the State educational agency
5 may require, describing the use of such funds for—

6 (A) school repair and renovation (and con-
7 struction, in the case of an impacted local edu-
8 cational agency (as defined in subsection
9 (a)(3)));

10 (B) activities under part B of the Individ-
11 uals with Disabilities Education Act (20 U.S.C.
12 1411 et seq.); and

13 (C) technology activities that are carried
14 out in connection with school repair and renova-
15 tion, including the activities described in sub-
16 clauses (I) through (IV) of subsection
17 (b)(3)(A)(ii).

18 (2) STATE REPORTING.—Each State edu-
19 cational agency shall submit to the Secretary of
20 Education, not later than December 31, 2002, a re-
21 port on the use of funds received under subsection
22 (a)(1)(D) by local educational agencies for—

23 (A) school repair and renovation (and con-
24 struction, in the case of an impacted local edu-

1 educational agency (as defined in subsection
2 (a)(3));

3 (B) activities under part B of the Individ-
4 uals with Disabilities Education Act (20 U.S.C.
5 1411 et seq.); and

6 (C) technology activities that are carried
7 out in connection with school repair and renova-
8 tion, including the activities described in sub-
9 clauses (I) through (IV) of subsection
10 (b)(3)(A)(ii).

11 (3) ADDITIONAL REPORTS.—Each entity receiv-
12 ing funds allocated under subsection (a)(1)(A) or
13 (B) shall submit to the Secretary, not later than De-
14 cember 31, 2002, a report on its uses of funds under
15 this section, in such form and containing such infor-
16 mation as the Secretary may require.

17 (g) APPLICABILITY OF PART B OF IDEA.—If a local
18 educational agency uses funds received under this section
19 to carry out activities under part B of the Individuals with
20 Disabilities Education Act (20 U.S.C. 1411 et seq.), such
21 part (including provisions respecting the participation of
22 private school children), and any other provision of law
23 that applies to such part, shall apply to such use.

24 (h) REALLOCATION.—If a State educational agency
25 does not apply for an allocation of funds under subsection

1 (a)(1)(D) for fiscal year 2001, or does not use its entire
2 allocation for such fiscal year, the Secretary may reallo-
3 cate the amount of the State educational agency's alloca-
4 tion (or the remainder thereof, as the case may be) to the
5 remaining State educational agencies in accordance with
6 subsection (a)(1)(D).

7 (i) PARTICIPATION OF PRIVATE SCHOOLS.—

8 (1) IN GENERAL.—Section 6402 of the Elemen-
9 tary and Secondary Education Act of 1965 (20
10 U.S.C. 7372) shall apply to subsection (b)(2) in the
11 same manner as it applies to activities under title VI
12 of such Act, except that—

13 (A) such section shall not apply with re-
14 spect to the title to any real property renovated
15 or repaired with assistance provided under this
16 section;

17 (B) the term “services” as used in section
18 6402 of such Act with respect to funds under
19 this section shall be provided only to private,
20 nonprofit elementary or secondary schools with
21 a rate of child poverty of at least 40 percent
22 and may include for purposes of subsection
23 (b)(2) only—

24 (i) modifications of school facilities
25 necessary to meet the standards applicable

1 to public schools under the Americans with
2 Disabilities Act of 1990 (42 U.S.C. 12101
3 et seq.);

4 (ii) modifications of school facilities
5 necessary to meet the standards applicable
6 to public schools under section 504 of the
7 Rehabilitation Act of 1973 (29 U.S.C.
8 794); and

9 (iii) asbestos abatement or removal
10 from school facilities; and

11 (C) notwithstanding the requirements of
12 section 6402(b) of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C.
14 7372(b)), expenditures for services provided
15 using funds made available under subsection
16 (b)(2) shall be considered equal for purposes of
17 such section if the per-pupil expenditures for
18 services described in subparagraph (B) for stu-
19 dents enrolled in private nonprofit elementary
20 and secondary schools that have child poverty
21 rates of at least 40 percent are consistent with
22 the per-pupil expenditures under this section for
23 children enrolled in the public schools in the
24 school district of the local educational agency
25 receiving funds under this section.

1 (2) REMAINING FUNDS.—If the expenditure for
2 services described in paragraph (1)(B) is less than
3 the amount calculated under paragraph (1)(C) be-
4 cause of insufficient need for such services, the re-
5 mainder shall be available to the local educational
6 agency for renovation and repair of public school fa-
7 cilities.

8 (3) APPLICATION.—If any provision of this sec-
9 tion, or the application thereof, to any person or cir-
10 cumstances is judicially determined to be invalid, the
11 provisions of the remainder of the section and the
12 application to other persons or circumstances shall
13 not be affected thereby.

14 (j) DEFINITIONS.—For purposes of this section:

15 (1) CHARTER SCHOOL.—The term “charter
16 school” has the meaning given such term in section
17 10310(1) of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 8066(1)).

19 (2) ELEMENTARY SCHOOL.—The term “elemen-
20 tary school” has the meaning given such term in
21 section 14101(14) of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 8801(14)).

23 (3) LOCAL EDUCATIONAL AGENCY.—The term
24 “local educational agency” has the meaning given
25 such term in subparagraphs (A) and (B) of section

1 14101(18) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 8801(18)).

3 (4) OUTLYING AREA.—The term “outlying
4 area” has the meaning given such term in section
5 14101(21) of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 8801(21)).

7 (5) POOR CHILDREN AND CHILD POVERTY.—
8 The terms “poor children” and “child poverty” refer
9 to children 5 to 17 years of age, inclusive, who are
10 from families with incomes below the poverty line
11 (as defined by the Office of Management and Budg-
12 et and revised annually in accordance with section
13 673(2) of the Community Services Block Grant (42
14 U.S.C. 9902(2)) applicable to a family of the size in-
15 volved for the most recent fiscal year for which data
16 satisfactory to the Secretary are available.

17 (6) RURAL LOCAL EDUCATIONAL AGENCY.—
18 The term “rural local educational agency” means a
19 local educational agency that the State determines is
20 located in a rural area using objective data and a
21 commonly employed definition of the term “rural”.

22 (7) SECONDARY SCHOOL.—The term “sec-
23 ondary school” has the meaning given such term in
24 section 14101(25) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 8801(25)).

1 (8) STATE.—The term “State” means each of
2 the 50 States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 SEC. 322. (a) Part C of title X of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 8061
6 et seq.) is amended—

7 (1) by inserting after the part heading the fol-
8 lowing:

9 **“Subpart 1—Basic Charter School Grant Program”;**

10 and

11 (2) by adding at the end the following:

12 **“Subpart 2—Credit Enhancement Initiatives To As-**
13 **sist Charter School Facility Acquisition, Con-**
14 **struction, and Renovation**

15 **“SEC. 10321. PURPOSE.**

16 “The purpose of this subpart is to provide one-time
17 grants to eligible entities to permit them to demonstrate
18 innovative credit enhancement initiatives that assist char-
19 ter schools to address the cost of acquiring, constructing,
20 and renovating facilities.

21 **“SEC. 10322. GRANTS TO ELIGIBLE ENTITIES.**

22 “(a) IN GENERAL.—The Secretary shall use 100 per-
23 cent of the amount available to carry out this subpart to
24 award not less than three grants to eligible entities having
25 applications approved under this subpart to demonstrate

1 innovative methods of assisting charter schools to address
2 the cost of acquiring, constructing, and renovating facili-
3 ties by enhancing the availability of loans or bond financ-
4 ing.

5 “(b) GRANTEE SELECTION.—The Secretary shall
6 evaluate each application submitted, and shall make a de-
7 termination of which are sufficient to merit approval and
8 which are not. The Secretary shall award at least one
9 grant to an eligible entity described in section
10 10330(2)(A), at least one grant to an eligible entity de-
11 scribed in section 10330(2)(B), and at least one grant to
12 an eligible entity described in section 10330(2)(C), if ap-
13 plications are submitted that permit the Secretary to do
14 so without approving an application that is not of suffi-
15 cient quality to merit approval.

16 “(c) GRANT CHARACTERISTICS.—Grants under this
17 subpart shall be of a sufficient size, scope, and quality so
18 as to ensure an effective demonstration of an innovative
19 means of enhancing credit for the financing of charter
20 school acquisition, construction, or renovation.

21 “(d) SPECIAL RULE.—In the event the Secretary de-
22 termines that the funds available are insufficient to permit
23 the Secretary to award not less than three grants in ac-
24 cordance with subsections (a) through (c), such three-
25 grant minimum and the second sentence of subsection (b)

1 shall not apply, and the Secretary may determine the ap-
2 propriate number of grants to be awarded in accordance
3 with subsection (c).

4 **“SEC. 10323. APPLICATIONS.**

5 “(a) IN GENERAL.—To receive a grant under this
6 subpart, an eligible entity shall submit to the Secretary
7 an application in such form as the Secretary may reason-
8 ably require.

9 “(b) CONTENTS.—An application under subsection
10 (a) shall contain—

11 “(1) a statement identifying the activities pro-
12 posed to be undertaken with funds received under
13 this subpart, including how the applicant will deter-
14 mine which charter schools will receive assistance,
15 and how much and what types of assistance charter
16 schools will receive;

17 “(2) a description of the involvement of charter
18 schools in the application’s development and the de-
19 sign of the proposed activities;

20 “(3) a description of the applicant’s expertise in
21 capital market financing;

22 “(4) a description of how the proposed activities
23 will leverage the maximum amount of private-sector
24 financing capital relative to the amount of govern-

1 ment funding used and otherwise enhance credit
2 available to charter schools;

3 “(5) a description of how the applicant pos-
4 sesses sufficient expertise in education to evaluate
5 the likelihood of success of a charter school program
6 for which facilities financing is sought;

7 “(6) in the case of an application submitted by
8 a State governmental entity, a description of the ac-
9 tions that the entity has taken, or will take, to en-
10 sure that charter schools within the State receive the
11 funding they need to have adequate facilities; and

12 “(7) such other information as the Secretary
13 may reasonably require.

14 **“SEC. 10324. CHARTER SCHOOL OBJECTIVES.**

15 “An eligible entity receiving a grant under this sub-
16 part shall use the funds deposited in the reserve account
17 established under section 10325(a) to assist one or more
18 charter schools to access private sector capital to accom-
19 plish one or both of the following objectives:

20 “(1) The acquisition (by purchase, lease, dona-
21 tion, or otherwise) of an interest (including an inter-
22 est held by a third party for the benefit of a charter
23 school) in improved or unimproved real property
24 that is necessary to commence or continue the oper-
25 ation of a charter school.

1 “(2) The construction of new facilities, or the
2 renovation, repair, or alteration of existing facilities,
3 necessary to commence or continue the operation of
4 a charter school.

5 **“SEC. 10325. RESERVE ACCOUNT.**

6 “(a) USE OF FUNDS.—To assist charter schools to
7 accomplish the objectives described in section 10324, an
8 eligible entity receiving a grant under this subpart shall,
9 in accordance with State and local law, directly or indi-
10 rectly, alone or in collaboration with others, deposit the
11 funds received under this subpart (other than funds used
12 for administrative costs in accordance with section 10326)
13 in a reserve account established and maintained by the
14 entity for this purpose. Amounts deposited in such account
15 shall be used by the entity for one or more of the following
16 purposes:

17 “(1) Guaranteeing, insuring, and reinsuring
18 bonds, notes, evidences of debt, loans, and interests
19 therein, the proceeds of which are used for an objec-
20 tive described in section 10324.

21 “(2) Guaranteeing and insuring leases of per-
22 sonal and real property for an objective described in
23 section 10324.

24 “(3) Facilitating financing by identifying poten-
25 tial lending sources, encouraging private lending,

1 and other similar activities that directly promote
2 lending to, or for the benefit of, charter schools.

3 “(4) Facilitating the issuance of bonds by char-
4 ter schools, or by other public entities for the benefit
5 of charter schools, by providing technical, adminis-
6 trative, and other appropriate assistance (including
7 the recruitment of bond counsel, underwriters, and
8 potential investors and the consolidation of multiple
9 charter school projects within a single bond issue).

10 “(b) INVESTMENT.—Funds received under this sub-
11 part and deposited in the reserve account shall be invested
12 in obligations issued or guaranteed by the United States
13 or a State, or in other similarly low-risk securities.

14 “(c) REINVESTMENT OF EARNINGS.—Any earnings
15 on funds received under this subpart shall be deposited
16 in the reserve account established under subsection (a)
17 and used in accordance with such subsection.

18 **“SEC. 10326. LIMITATION ON ADMINISTRATIVE COSTS.**

19 “An eligible entity may use not more than 0.25 per-
20 cent of the funds received under this subpart for the ad-
21 ministrative costs of carrying out its responsibilities under
22 this subpart.

23 **“SEC. 10327. AUDITS AND REPORTS.**

24 “(a) FINANCIAL RECORD MAINTENANCE AND
25 AUDIT.—The financial records of each eligible entity re-

1 ceiving a grant under this subpart shall be maintained in
2 accordance with generally accepted accounting principles
3 and shall be subject to an annual audit by an independent
4 public accountant.

5 “(b) REPORTS.—

6 “(1) GRANTEE ANNUAL REPORTS.—Each eligi-
7 ble entity receiving a grant under this subpart annu-
8 ally shall submit to the Secretary a report of its op-
9 erations and activities under this subpart.

10 “(2) CONTENTS.—Each such annual report
11 shall include—

12 “(A) a copy of the most recent financial
13 statements, and any accompanying opinion on
14 such statements, prepared by the independent
15 public accountant reviewing the financial
16 records of the eligible entity;

17 “(B) a copy of any report made on an
18 audit of the financial records of the eligible en-
19 tity that was conducted under subsection (a)
20 during the reporting period;

21 “(C) an evaluation by the eligible entity of
22 the effectiveness of its use of the Federal funds
23 provided under this subpart in leveraging pri-
24 vate funds;

1 be required to be paid under any obligation made by an
2 eligible entity pursuant to any provision of this subpart.

3 **“SEC. 10329. RECOVERY OF FUNDS.**

4 “(a) IN GENERAL.—The Secretary, in accordance
5 with chapter 37 of title 31, United States Code, shall
6 collect—

7 “(1) all of the funds in a reserve account estab-
8 lished by an eligible entity under section 10325(a) if
9 the Secretary determines, not earlier than 2 years
10 after the date on which the entity first received
11 funds under this subpart, that the entity has failed
12 to make substantial progress in carrying out the
13 purposes described in section 10325(a); or

14 “(2) all or a portion of the funds in a reserve
15 account established by an eligible entity under sec-
16 tion 10325(a) if the Secretary determines that the
17 eligible entity has permanently ceased to use all or
18 a portion of the funds in such account to accomplish
19 any purpose described in section 10325(a).

20 “(b) EXERCISE OF AUTHORITY.—The Secretary shall
21 not exercise the authority provided in subsection (a) to
22 collect from any eligible entity any funds that are being
23 properly used to achieve one or more of the purposes de-
24 scribed in section 10325(a).

1 “(c) PROCEDURES.—The provisions of sections 451,
2 452, and 458 of the General Education Provisions Act (20
3 U.S.C. 1234 et seq.) shall apply to the recovery of funds
4 under subsection (a).

5 “(d) CONSTRUCTION.—This section shall not be con-
6 strued to impair or affect the authority of the Secretary
7 to recover funds under part D of the General Education
8 Provisions Act (20 U.S.C. 1234 et seq.).

9 **“SEC. 10330. DEFINITIONS.**

10 “**In this subpart:**

11 “(1) The term ‘charter school’ has the meaning
12 given such term in section 10310.

13 “(2) The term ‘eligible entity’ means—

14 “(A) a public entity, such as a State or
15 local governmental entity;

16 “(B) a private nonprofit entity; or

17 “(C) a consortium of entities described in
18 subparagraphs (A) and (B).

19 **“SEC. 10331. AUTHORIZATION OF APPROPRIATIONS.**

20 “**For the purpose of carrying out this subpart, there**
21 **are authorized to be appropriated \$100,000,000 for fiscal**
22 **year 2001.”.**

23 (b) Part C of title X of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C. 8061 et seq.)
25 is amended in each of the following provisions by striking

1 “part” each place such term appears and inserting “sub-
2 part”:

3 (1) Sections 10301 through 10305.

4 (2) Section 10307.

5 (3) Sections 10309 through 10311.

6 SEC. 323. (a) Section 8003(b)(2)(F) of the Elemen-
7 tary and Secondary Education Act of 1965 (20 U.S.C.
8 7703(b)(2)(F)) is amended—

9 (1) by striking “the Secretary shall use” and
10 inserting “the Secretary—

11 “(i) shall use”;

12 (2) by striking the period at the end and insert-
13 ing “; and”; and

14 (3) by adding at the end the following:

15 “(ii) except as provided in subpara-
16 graph (C)(i)(I), shall include all of the chil-
17 dren described in subparagraphs (F) and
18 (G) of subsection (a)(1) enrolled in schools
19 of the local educational agency in deter-
20 mining (I) the eligibility of the agency for
21 assistance under this paragraph, and (II)
22 the amount of such assistance if the num-
23 ber of such children meet the requirements
24 of subsection (a)(3).”.

1 (b) Section 8003(b)(2) of the Elementary and Sec-
 2 ondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is
 3 amended by adding at the end the following:

4 “(G) DETERMINATION OF AVERAGE TAX
 5 RATES FOR GENERAL FUND PURPOSES.—For
 6 the purpose of determining average tax rates
 7 for general fund purposes for local educational
 8 agencies in a State under this paragraph (ex-
 9 cept under subparagraph (C)(i)(II)(bb)), the
 10 Secretary shall use either—

11 “(i) the average tax rate for general
 12 fund purposes for comparable local edu-
 13 cational agencies, as determined by the
 14 Secretary in regulations; or

15 “(ii) the average tax rate of all the
 16 local educational agencies in the State.”.

17 This title may be cited as the “Department of Edu-
 18 cation Appropriations Act, 2001”.

19 TITLE IV—RELATED AGENCIES
 20 ARMED FORCES RETIREMENT HOME

21 For expenses necessary for the Armed Forces Retire-
 22 ment Home to operate and maintain the United States
 23 Soldiers’ and Airmen’s Home and the United States Naval
 24 Home, to be paid from funds available in the Armed
 25 Forces Retirement Home Trust Fund, \$69,832,000, of

1 which \$9,832,000 shall remain available until expended
2 for construction and renovation of the physical plants at
3 the United States Soldiers' and Airmen's Home and the
4 United States Naval Home: *Provided*, That, notwith-
5 standing any other provision of law, a single contract or
6 related contracts for development and construction, to in-
7 clude construction of a long-term care facility at the
8 United States Naval Home, may be employed which collec-
9 tively include the full scope of the project: *Provided fur-*
10 *ther*, That the solicitation and contract shall contain the
11 clause "availability of funds" found at 48 CFR 52.232-
12 18 and 252.232-7007, Limitation of Government Obliga-
13 tions.

14 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
15 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
16 EXPENSES

17 For expenses necessary for the Corporation for Na-
18 tional and Community Service to carry out the provisions
19 of the Domestic Volunteer Service Act of 1973, as amend-
20 ed, \$303,850,000: *Provided*, That none of the funds made
21 available to the Corporation for National and Community
22 Service in this Act for activities authorized by part E of
23 title II of the Domestic Volunteer Service Act of 1973
24 shall be used to provide stipends or other monetary incen-

1 tives to volunteers or volunteer leaders whose incomes ex-
2 ceed 125 percent of the national poverty level.

3 CORPORATION FOR PUBLIC BROADCASTING

4 For payment to the Corporation for Public Broad-
5 casting, as authorized by the Communications Act of
6 1934, an amount which shall be available within limita-
7 tions specified by that Act, for the fiscal year 2003,
8 \$365,000,000: *Provided*, That no funds made available to
9 the Corporation for Public Broadcasting by this Act shall
10 be used to pay for receptions, parties, or similar forms
11 of entertainment for Government officials or employees:
12 *Provided further*, That none of the funds contained in this
13 paragraph shall be available or used to aid or support any
14 program or activity from which any person is excluded,
15 or is denied benefits, or is discriminated against, on the
16 basis of race, color, national origin, religion, or sex: *Pro-*
17 *vided further*, That in addition to the amounts provided
18 above, \$20,000,000, to remain available until expended,
19 shall be for digitalization, pending enactment of author-
20 izing legislation.

21 FEDERAL MEDIATION AND CONCILIATION SERVICE

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mediation
24 and Conciliation Service to carry out the functions vested
25 in it by the Labor Management Relations Act, 1947 (29

1 U.S.C. 171–180, 182–183), including hire of passenger
2 motor vehicles; for expenses necessary for the Labor-Man-
3 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
4 for expenses necessary for the Service to carry out the
5 functions vested in it by the Civil Service Reform Act,
6 Public Law 95–454 (5 U.S.C. ch. 71), \$38,200,000, in-
7 cluding \$1,500,000, to remain available through Sep-
8 tember 30, 2002, for activities authorized by the Labor-
9 Management Cooperation Act of 1978 (29 U.S.C. 175a):
10 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
11 charged, up to full-cost recovery, for special training ac-
12 tivities and other conflict resolution services and technical
13 assistance, including those provided to foreign govern-
14 ments and international organizations, and for arbitration
15 services shall be credited to and merged with this account,
16 and shall remain available until expended: *Provided fur-*
17 *ther*, That fees for arbitration services shall be available
18 only for education, training, and professional development
19 of the agency workforce: *Provided further*, That the Direc-
20 tor of the Service is authorized to accept and use on behalf
21 of the United States gifts of services and real, personal,
22 or other property in the aid of any projects or functions
23 within the Director’s jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission (30 U.S.C. 801 et seq.),
6 \$6,320,000.

7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8 OFFICE OF LIBRARY SERVICES: GRANTS AND

9 ADMINISTRATION

10 For carrying out subtitle B of the Museum and Li-
11 brary Services Act, \$207,219,000: *Provided*, That of the
12 amount provided, \$1,000,000 shall be awarded to the Na-
13 tional Museum of Women in the Arts in Washington,
14 D.C., \$700,000 shall be awarded to the University of
15 Idaho Institute for the Historic Study of Jazz, \$2,600,000
16 shall be awarded to Southeast Missouri State University
17 River Campus and Museum, \$900,000 shall be awarded
18 to the Heritage Harbor Museum in Rhode Island,
19 \$500,000 shall be awarded to the Alaska Native Heritage
20 Center, \$576,000 shall be awarded to the Franklin Insti-
21 tute in Philadelphia, \$925,000 shall be awarded to the
22 Please Touch Museum, \$250,000 shall be awarded to the
23 Pittsburgh Children's Museum, \$510,000 shall be award-
24 ed to the Temple University Library, \$1,800,000 shall be
25 awarded to Franklin Pierce College in New Hampshire,

1 \$500,000 shall be awarded to the Louisville Zoo in Ken-
2 tucky, \$150,000 shall be awarded to the Oregon Historical
3 Society, \$1,200,000 shall be awarded to the Mississippi
4 River Museum and Discovery Center in Dubuque, Iowa,
5 \$650,000 shall be awarded to the Salisbury House Foun-
6 dation in Des Moines, Iowa, \$150,000 shall be awarded
7 to the History Center for the Linn County Historical Mu-
8 seum in Iowa, \$4,000,000 shall be awarded to the
9 Newsline for the Blind, of which \$100,000 shall be award-
10 ed to the Iowa Newsline for the Blind and \$100,000 shall
11 be awarded to the West Virginia Newsline for the Blind,
12 \$1,000,000 shall be awarded to the Clay Center for the
13 Arts and Sciences, \$650,000 shall be awarded to Bishops
14 Museum in Hawaii, \$500,000 shall be awarded to the Wis-
15 consin Maritime Museum, \$250,000 shall be awarded to
16 the Natural History Museum of Los Angeles, \$400,000
17 shall be awarded to the Perkins Geology Museum at the
18 University of Vermont, \$400,000 shall be awarded to the
19 Walt Whitman Cultural Arts Center in Camden, New Jer-
20 sey, \$400,000 shall be awarded to the Plainfield Public
21 Library in Plainfield, New Jersey, \$150,000 shall be
22 awarded to the Ducktown Arts District in Atlantic City,
23 New Jersey, \$400,000 shall be awarded to the Lake
24 Champlain Science Center in Vermont, \$250,000 shall be
25 awarded to the Foundation for the Arts, Music, and En-

1 tertainment of Shreveport-Bossier, Inc., \$100,000 shall be
2 awarded to Bryant College in Rhode Island, \$120,000
3 shall be awarded to the Fenton Historical Museum of
4 Jamestown, New York, \$921,000 shall be awarded to the
5 Mariners' Museum in Newport News, Virginia, \$461,000
6 shall be awarded to DuPage County Children's Museum
7 in Naperville, Illinois, \$369,000 shall be awarded to the
8 National Baseball Hall of Fame Library in Cooperstown,
9 New York, \$92,000 shall be awarded to the City of Co-
10 rona, Riverside, California, \$6,000 shall be awarded to the
11 City of Murrieta, California Public Library, \$1,382,000
12 shall be awarded to the Sierra Madre, California Public
13 Library, \$23,000 shall be awarded to the Brooklyn Public
14 Library in Brooklyn, New York, \$46,000 shall be awarded
15 to the New York Public Library Staten Island branch,
16 \$266,000 shall be awarded to the Edward H. Nabb Re-
17 search Center at Salisbury State University in Salisbury,
18 Maryland, \$461,000 shall be awarded to Texas Tech Uni-
19 versity, \$230,000 shall be awarded to the City of Ontario,
20 California Public Library, \$461,000 shall be awarded to
21 the Southern Oregon University in Ashland, Oregon,
22 \$1,106,000 shall be awarded to Christopher Newport Uni-
23 versity in Newport News, Virginia, \$128,000 shall be
24 awarded to the Nassau County Museum of Art in Roslyn
25 Harbor, New York, \$850,000 shall be awarded to the Chil-

1 dren's Museum of Los Angeles, \$43,000 shall be awarded
2 to Sumter County Library in Sumter, South Carolina,
3 \$298,000 shall be awarded to Columbia College Center for
4 Black Music Research in Chicago, Illinois, \$723,000 shall
5 be awarded to Old Sturbridge Village in Sturbridge, Mas-
6 sachusetts, \$723,000 shall be awarded to New Bedford
7 Whaling Museum in Massachusetts, \$298,000 shall be
8 awarded to Mystic Seaport Museum of America and the
9 Sea in Connecticut, \$468,000 shall be awarded to the City
10 of Houston Public Library, \$128,000 shall be awarded to
11 the Roberson Museum and Science Center in
12 Binghamton, New York, \$850,000 shall be awarded to
13 Berman Museum of Art at Ursinus College in Collegeville,
14 Pennsylvania, \$680,000 shall be awarded to AMISTAD
15 Research Center at Tulane University, \$2,125,000 shall
16 be awarded to Silas Bronson Library in Waterbury, Con-
17 necticut, \$213,000 shall be awarded to Fitchburg Art Mu-
18 seum in Fitchburg, Massachusetts, \$128,000 shall be
19 awarded to North Carolina Museum of Life and Science,
20 \$2,435,000 shall be awarded to New York Public Library,
21 \$85,000 shall be awarded to the New York Botanical Gar-
22 den in Bronx, New York, \$170,000 shall be awarded to
23 George Eastman House in Rochester, New York,
24 \$425,000 shall be awarded to The National Aviary in
25 Pittsburgh, Pennsylvania, \$723,000 shall be awarded to

1 the George C. Page Museum in Los Angeles, California,
2 \$461,000 shall be awarded to the Abraham Lincoln Bicen-
3 tennial Commission, and \$410,000 shall be awarded to the
4 AE Seaman Mineral Museum in Houghton, Michigan.

5 MEDICARE PAYMENT ADVISORY COMMISSION

6 SALARIES AND EXPENSES

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

12 NATIONAL COMMISSION ON LIBRARIES AND

13 INFORMATION SCIENCE

14 SALARIES AND EXPENSES

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

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, as amended, \$2,615,000.

1 NATIONAL EDUCATION GOALS PANEL

2 For expenses necessary for the National Education
3 Goals Panel, as authorized by title II, part A of the Goals
4 2000: Educate America Act, \$1,500,000.

5 NATIONAL LABOR RELATIONS BOARD

6 SALARIES AND EXPENSES

7 For expenses necessary for the National Labor Rela-
8 tions Board to carry out the functions vested in it by the
9 Labor-Management Relations Act, 1947, as amended (29
10 U.S.C. 141–167), and other laws, \$216,438,000: *Pro-*
11 *vided*, That no part of this appropriation shall be available
12 to organize or assist in organizing agricultural laborers or
13 used in connection with investigations, hearings, direc-
14 tives, or orders concerning bargaining units composed of
15 agricultural laborers as referred to in section 2(3) of the
16 Act of July 5, 1935 (29 U.S.C. 152), and as amended
17 by the Labor-Management Relations Act, 1947, as amend-
18 ed, and as defined in section 3(f) of the Act of June 25,
19 1938 (29 U.S.C. 203), and including in said definition em-
20 ployees engaged in the maintenance and operation of
21 ditches, canals, reservoirs, and waterways when main-
22 tained or operated on a mutual, nonprofit basis and at
23 least 95 percent of the water stored or supplied thereby
24 is used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, as amended (45 U.S.C. 151–
5 188), including emergency boards appointed by the Presi-
6 dent, \$10,400,000.

7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Occupational Safety
11 and Health Review Commission (29 U.S.C. 661),
12 \$8,720,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$160,000,000, which shall include
18 amounts becoming available in fiscal year 2001 pursuant
19 to section 224(e)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds \$160,000,000: *Provided*, That the
24 total amount provided herein shall be credited in 12 ap-

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

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2002, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board for administration of the Railroad Retirement Act
15 and the Railroad Unemployment Insurance Act,
16 \$95,000,000, to be derived in such amounts as determined
17 by the Board from the railroad retirement accounts and
18 from moneys credited to the railroad unemployment insur-
19 ance administration fund.

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General for audit, investigatory and review activities, as
23 authorized by the Inspector General Act of 1978, as
24 amended, not more than \$5,700,000, to be derived from
25 the railroad retirement accounts and railroad unemploy-
26 ment insurance account: *Provided*, That none of the funds

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

10 SOCIAL SECURITY ADMINISTRATION

11 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

12 For payment to the Federal Old-Age and Survivors
13 Insurance and the Federal Disability Insurance trust
14 funds, as provided under sections 201(m), 228(g), and
15 1131(b)(2) of the Social Security Act, \$20,400,000.

16 SPECIAL BENEFITS FOR DISABLED COAL MINERS

17 For carrying out title IV of the Federal Mine Safety
18 and Health Act of 1977, \$365,748,000, to remain avail-
19 able until expended.

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

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

1 quarter of fiscal year 2002, \$114,000,000, 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 \$23,043,000,000, 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, \$210,000,000, to remain available until
15 September 30, 2002, 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 2002, \$10,470,000,000, 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 \$10,000 for offi-
8 cial reception and representation expenses, not more than
9 \$6,583,000,000 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 2001 not needed for fiscal
15 year 2001 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 previous paragraph,
6 notwithstanding the provision under this heading in Public
7 Law 106–113 regarding unobligated balances at the end
8 of fiscal year 2000 not needed for such fiscal year, an
9 amount not to exceed \$50,000,000 from such unobligated
10 balances shall, in addition to funding already available
11 under this heading for fiscal year 2001, be available for
12 necessary expenses.

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

16 In addition to funding already available under this
17 heading, and subject to the same terms and conditions,
18 \$450,000,000, to remain available until September 30,
19 2002, for continuing disability reviews as authorized by
20 section 103 of Public Law 104–121 and section 10203 of
21 Public Law 105–33. The term “continuing disability re-
22 views” means reviews and redeterminations as defined
23 under section 201(g)(1)(A) of the Social Security Act, as
24 amended.

1 pending as authorized by section 201(g)(1) of the Social
2 Security Act from the Federal Old-Age and Survivors In-
3 surance Trust Fund and the Federal Disability Insurance
4 Trust Fund.

5 In addition, an amount not to exceed 3 percent of
6 the total provided in this appropriation may be transferred
7 from the “Limitation on Administrative Expenses”, Social
8 Security Administration, to be merged with this account,
9 to be available for the time and purposes for which this
10 account is available: *Provided*, That notice of such trans-
11 fers shall be transmitted promptly to the Committees on
12 Appropriations of the House and Senate.

13 UNITED STATES INSTITUTE OF PEACE

14 OPERATING EXPENSES

15 For necessary expenses of the United States Institute
16 of Peace as authorized in the United States Institute of
17 Peace Act, \$15,000,000.

18 TITLE V—GENERAL PROVISIONS

19 SEC. 501. The Secretaries of Labor, Health and
20 Human Services, and Education are authorized to transfer
21 unexpended balances of prior appropriations to accounts
22 corresponding to current appropriations provided in this
23 Act: *Provided*, That such transferred balances are used for
24 the same purpose, and for the same periods of time, for
25 which they were originally appropriated.

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

4 SEC. 503. (a) No part of any appropriation contained
5 in this Act shall be used, other than for normal and recog-
6 nized executive-legislative relationships, for publicity or
7 propaganda purposes, for the preparation, distribution, or
8 use of any kit, pamphlet, booklet, publication, radio, tele-
9 vision, or video presentation designed to support or defeat
10 legislation pending before the Congress or any State legis-
11 lature, except in presentation to the Congress or any State
12 legislature itself.

13 (b) No part of any appropriation contained in this
14 Act shall be used to pay the salary or expenses of any
15 grant or contract recipient, or agent acting for such recipi-
16 ent, related to any activity designed to influence legislation
17 or appropriations pending before the Congress or any
18 State legislature.

19 SEC. 504. The Secretaries of Labor and Education
20 are authorized to make available not to exceed \$20,000
21 and \$15,000, respectively, from funds available for sala-
22 ries and expenses under titles I and III, respectively, for
23 official reception and representation expenses; the Direc-
24 tor of the Federal Mediation and Conciliation Service is
25 authorized to make available for official reception and rep-

1 representation expenses not to exceed \$2,500 from the funds
2 available for “Salaries and expenses, Federal Mediation
3 and Conciliation Service”; and the Chairman of the Na-
4 tional Mediation Board is authorized to make available for
5 official reception and representation expenses not to ex-
6 ceed \$2,500 from funds available for “Salaries and ex-
7 penses, National Mediation Board”.

8 SEC. 505. Notwithstanding any other provision of
9 this Act, no funds appropriated under this Act shall be
10 used to carry out any program of distributing sterile nee-
11 dles or syringes for the hypodermic injection of any illegal
12 drug.

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

17 (b) In providing financial assistance to, or entering
18 into any contract with, any entity using funds made avail-
19 able in this Act, the head of each Federal agency, to the
20 greatest extent practicable, shall provide to such entity a
21 notice describing the statement made in subsection (a) by
22 the Congress.

23 (c) If it has been finally determined by a court or
24 Federal agency that any person intentionally affixed a
25 label bearing a “Made in America” inscription, or any in-

1 scription with the same meaning, to any product sold in
2 or shipped to the United States that is not made in the
3 United States, the person shall be ineligible to receive any
4 contract or subcontract made with funds made available
5 in this Act, pursuant to the debarment, suspension, and
6 ineligibility procedures described in sections 9.400 through
7 9.409 of title 48, Code of Federal Regulations.

8 SEC. 507. When issuing statements, press releases,
9 requests for proposals, bid solicitations and other docu-
10 ments describing projects or programs funded in whole or
11 in part with Federal money, all grantees receiving Federal
12 funds included in this Act, including but not limited to
13 State and local governments and recipients of Federal re-
14 search grants, shall clearly state: (1) the percentage of the
15 total costs of the program or project which will be financed
16 with Federal money; (2) the dollar amount of Federal
17 funds for the project or program; and (3) percentage and
18 dollar amount of the total costs of the project or program
19 that will be financed by non-governmental sources.

20 SEC. 508. (a) None of the funds appropriated under
21 this Act, and none of the funds in any trust fund to which
22 funds are appropriated under this Act, shall be expended
23 for any abortion.

24 (b) None of the funds appropriated under this Act,
25 and none of the funds in any trust fund to which funds

1 are appropriated under this Act, shall be expended for
2 health benefits coverage that includes coverage of abor-
3 tion.

4 (c) The term “health benefits coverage” means the
5 package of services covered by a managed care provider
6 or organization pursuant to a contract or other arrange-
7 ment.

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

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

12 (2) in the case where a woman suffers from a
13 physical disorder, physical injury, or physical illness,
14 including a life-endangering physical condition
15 caused by or arising from the pregnancy itself, that
16 would, as certified by a physician, place the woman
17 in danger of death unless an abortion is performed.

18 (b) Nothing in the preceding section shall be con-
19 strued as prohibiting the expenditure by a State, locality,
20 entity, or private person of State, local, or private funds
21 (other than a State’s or locality’s contribution of Medicaid
22 matching funds).

23 (c) Nothing in the preceding section shall be con-
24 strued as restricting the ability of any managed care pro-
25 vider from offering abortion coverage or the ability of a

1 State or locality to contract separately with such a pro-
2 vider for such coverage with State funds (other than a
3 State's or locality's contribution of Medicaid matching
4 funds).

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

7 (1) the creation of a human embryo or embryos
8 for research purposes; or

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

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

21 SEC. 511. (a) None of the funds made available in
22 this Act may be used for any activity that promotes the
23 legalization of any drug or other substance included in
24 schedule I of the schedules of controlled substances estab-

1 lished by section 202 of the Controlled Substances Act (21
2 U.S.C. 812).

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

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

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

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

21 SEC. 513. (a) Section 403(a)(5)(H)(iii) of the Social
22 Security Act (42 U.S.C. 603(a)(5)(H)(iii)) is amended by
23 striking “2001” and inserting “2005”.

1 (b) Section 403(a)(5)(H) of such Act (42 U.S.C.
2 603(a)(5)(G)) is amended by adding at the end the fol-
3 lowing:

4 “(iv) INTERIM REPORT.—Not later
5 than January 1, 2002, the Secretary shall
6 submit to the Congress an interim report
7 on the evaluations referred to in clause
8 (i).”.

9 SEC. 514. None of the funds made available in this
10 Act may be used to promulgate or adopt any final stand-
11 ard under section 1173(b) of the Social Security Act (42
12 U.S.C. 1320d–2(b)) providing for, or providing for the as-
13 signment of, a unique health identifier for an individual
14 (except in an individual’s capacity as an employer or a
15 health care provider), until legislation is enacted specifi-
16 cally approving the standard.

17 SEC. 515. Section 410(b) of The Ticket to Work and
18 Work Incentives Improvement Act of 1999 (Public Law
19 106–170) is amended by striking “2009” both places it
20 appears and inserting “2001”.

21 SEC. 516. (a) HUMAN PAPILLOMAVIRUS.—Part B of
22 title III of the Public Health Services Act (42 U.S.C. 243
23 et seq.) is amended by inserting before section 318 the
24 following section:

25 “HUMAN PAPILLOMAVIRUS

26 “SEC. 317P. (a) SURVEILLANCE.—

1 “(1) IN GENERAL.—The Secretary, acting
2 through the Centers for Disease Control and Preven-
3 tion, shall—

4 “(A) enter into cooperative agreements
5 with States and other entities to conduct sen-
6 tinel surveillance or other special studies that
7 would determine the prevalence in various age
8 groups and populations of specific types of
9 human papillomavirus (referred to in this sec-
10 tion as ‘HPV’) in different sites in various re-
11 gions of the United States, through collection of
12 special specimens for HPV using a variety of
13 laboratory-based testing and diagnostic tools;
14 and

15 “(B) develop and analyze data from the
16 HPV sentinel surveillance system described in
17 subparagraph (A).

18 “(2) REPORT.—The Secretary shall make a
19 progress report to the Congress with respect to
20 paragraph (1) no later than 1 year after the effec-
21 tive date of this section.

22 “(b) PREVENTION ACTIVITIES; EDUCATION PRO-
23 GRAM.—

24 “(1) IN GENERAL.—The Secretary, acting
25 through the Centers for Disease Control and Preven-

1 tion, shall conduct prevention research on HPV,
2 including—

3 “(A) behavioral and other research on the
4 impact of HPV-related diagnosis on individuals;

5 “(B) formative research to assist with the
6 development of educational messages and infor-
7 mation for the public, for patients, and for their
8 partners about HPV;

9 “(C) surveys of physician and public
10 knowledge, attitudes, and practices about gen-
11 ital HPV infection; and

12 “(D) upon the completion of and based on
13 the findings under subparagraphs (A) through
14 (C), develop and disseminate educational mate-
15 rials for the public and health care providers re-
16 garding HPV and its impact and prevention.

17 “(2) REPORT; FINAL PROPOSAL.—The Sec-
18 retary shall make a progress report to the Congress
19 with respect to paragraph (1) not later than 1 year
20 after the effective date of this section, and shall de-
21 velop a final report not later than 3 years after such
22 effective date, including a detailed summary of the
23 significant findings and problems and the best strat-
24 egies to prevent future infections, based on available
25 science.

1 “(c) HPV EDUCATION AND PREVENTION.—

2 “(1) IN GENERAL.—The Secretary shall pre-
3 pare and distribute educational materials for health
4 care providers and the public that include informa-
5 tion on HPV. Such materials shall address—

6 “(A) modes of transmission;

7 “(B) consequences of infection, including
8 the link between HPV and cervical cancer;

9 “(C) the available scientific evidence on the
10 effectiveness or lack of effectiveness of condoms
11 in preventing infection with HPV; and

12 “(D) the importance of regular Pap
13 smears, and other diagnostics for early inter-
14 vention and prevention of cervical cancer pur-
15 poses in preventing cervical cancer.

16 “(2) MEDICALLY ACCURATE INFORMATION.—

17 Educational material under paragraph (1), and all
18 other relevant educational and prevention materials
19 prepared and printed from this date forward for the
20 public and health care providers by the Secretary
21 (including materials prepared through the Food and
22 Drug Administration, the Centers for Disease Con-
23 trol and Prevention, and the Health Resources and
24 Services Administration), or by contractors, grant-
25 ees, or subgrantees thereof, that are specifically de-

1 signed to address STDs including HPV shall contain
2 medically accurate information regarding the effec-
3 tiveness or lack of effectiveness of condoms in pre-
4 venting the STD the materials are designed to ad-
5 dress. Such requirement only applies to materials
6 mass produced for the public and health care pro-
7 viders, and not to routine communications.”.

8 (b) LABELING OF CONDOMS.—The Secretary of
9 Health and Human Services shall reexamine existing
10 condom labels that are authorized pursuant to the Federal
11 Food, Drug, and Cosmetic Act to determine whether the
12 labels are medically accurate regarding the overall effec-
13 tiveness or lack of effectiveness of condoms in preventing
14 sexually transmitted diseases, including HPV.

15 SEC. 517. Section 403(o) of the Food, Drug, and
16 Cosmetic Act (21 U.S.C. 343(o)) is repealed. Subsections
17 (c) and (d) of section 4 of the Saccharin Study and Label-
18 ing Act are repealed.

19 SEC. 518. (a) Title VIII of the Social Security Act
20 is amended by inserting after section 810 (42 U.S.C.
21 1010) the following new section:

22 **“SEC. 810A. OPTIONAL FEDERAL ADMINISTRATION OF**
23 **STATE RECOGNITION PAYMENTS.**

24 “(a) IN GENERAL.—The Commissioner of Social Se-
25 curity may enter into an agreement with any State (or

1 political subdivision thereof) that provides cash payments
2 on a regular basis to individuals entitled to benefits under
3 this title under which the Commissioner of Social Security
4 shall make such payments on behalf of such State (or sub-
5 division).

6 “(b) AGREEMENT TERMS.—

7 “(1) IN GENERAL.—Such agreement shall in-
8 clude such terms as the Commissioner of Social Se-
9 curity finds necessary to achieve efficient and effec-
10 tive administration of both this title and the State
11 program.

12 “(2) FINANCIAL TERMS.—Such agreement shall
13 provide for the State to pay the Commissioner of So-
14 cial Security, at such times and in such installments
15 as the parties may specify—

16 “(A) an amount equal to the expenditures
17 made by the Commissioner of Social Security
18 pursuant to such agreement as payments to in-
19 dividuals on behalf of such State; and

20 “(B) an administration fee to reimburse
21 the administrative expenses incurred by the
22 Commissioner of Social Security in making pay-
23 ments to individuals on behalf of the State.

24 “(c) SPECIAL DISPOSITION OF ADMINISTRATION
25 FEES.—Administration fees, upon collection, shall be

1 credited to a special fund established in the Treasury of
2 the United States for State recognition payments for cer-
3 tain World War II veterans. The amounts so credited, to
4 the extent and in the amounts provided in advance in ap-
5 propriations Acts, shall be available to defray expenses in-
6 curred in carrying out this title.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) The table of contents of title VIII of the So-
9 cial Security Act is amended by inserting after

“Sec. 810. Other administrative provisions.”

10 the following:

“Sec. 810A. Optional Federal administration of State recognition payments.”.

11 (2) Section 1129A(e) of the Social Security Act
12 (42 U.S.C. 1320a–8a(e)) is amended—

13 (A) by inserting “VIII or” after “benefits
14 under”;

15 (B) by inserting “810A or” after “agree-
16 ment under section”;

17 (C) by inserting “1010A or” before
18 “1382(e)(a)”; and

19 (D) by inserting “, as the case may be”
20 immediately before the period.

21 SEC. 519. Section 1612(a)(1) of the Social Security
22 Act (42 U.S.C. 1382(a)) is amended—

1 enabling the eligible individual to make an emergency
2 withdrawal”.

3 **SEC. 603. ADDITIONAL QUALIFIED ENTITIES.**

4 Section 404(7)(A) of the Assets for Independence Act
5 (42 U.S.C. 604 note) is amended—

6 (1) in clause (i), by striking “or” at the end
7 thereof;

8 (2) in clause (ii), by striking the period at the
9 end and inserting “; or”; and

10 (3) by adding at the end the following new
11 clause:

12 “(iii) an entity that—

13 “(I) is—

14 “(aa) a credit union des-
15 ignated as a low-income credit
16 union by the National Credit
17 Union Administration (NCUA);
18 or

19 “(bb) an organization des-
20 ignated as a community develop-
21 ment financial institution by the
22 Secretary of the Treasury (or the
23 Community Development Finan-
24 cial Institutions Fund); and

1 “(II) can demonstrate a collabo-
2 rative relationship with a local com-
3 munity-based organization whose ac-
4 tivities are designed to address pov-
5 erty in the community and the needs
6 of community members for economic
7 independence and stability.”.

8 **SEC. 604. HOME PURCHASE COSTS.**

9 Section 404(8)(B)(i) of the Assets for Independence
10 Act (42 U.S.C. 604 note) is amended by striking “100”
11 and inserting “120”.

12 **SEC. 605. INCREASED SET-ASIDE FOR ECONOMIC LITERACY**
13 **TRAINING AND ADMINISTRATIVE COSTS.**

14 Section 407(c)(3) of the Assets for Independence Act
15 (42 U.S.C. 604 note) is amended—

16 (1) by striking “9.5” and inserting “15”; and

17 (2) by inserting after the first sentence the fol-
18 lowing: “Of the total amount specified in this para-
19 graph, not more than 7.5 percent shall be used for
20 administrative functions under paragraph (1)(C), in-
21 cluding program management, reporting require-
22 ments, recruitment and enrollment of individuals,
23 and monitoring. The remainder of the total amount
24 specified in this paragraph (not including the
25 amount specified for use for the purposes described

1 in paragraph (1)(D)) shall be used for nonadminis-
2 trative functions described in paragraph (1)(A), in-
3 cluding case management, budgeting, economic lit-
4 eracy, and credit counseling. If the cost of non-
5 administrative functions described in paragraph
6 (1)(A) is less than 5.5 percent of the total amount
7 specified in this paragraph, such excess funds may
8 be used for administrative functions.”.

9 **SEC. 606. ALTERNATIVE ELIGIBILITY CRITERIA.**

10 Section 408(a)(1) of the Assets for Independence Act
11 (42 U.S.C. 604 note) is amended by striking “does not
12 exceed” and inserting “is equal to or less than 200 percent
13 of the poverty line (as determined by the Office of Man-
14 agement and Budget) or”.

15 **SEC. 607. REVISED ANNUAL PROGRESS REPORT DEADLINE.**

16 (a) IN GENERAL.—Section 412(c) of the Assets for
17 Independence Act (42 U.S.C. 604 note) is amended by
18 striking “calendar” and inserting “project”.

19 (b) TRANSITIONAL DEADLINE.—Notwithstanding the
20 amendment made by subsection (a), the submission of the
21 initial report of a qualified entity under section 412(c)
22 shall not be required prior to the date that is 90 days
23 after the date of enactment of this title.

1 **SEC. 608. REVISED INTERIM EVALUATION REPORT DEAD-**
2 **LINE.**

3 (a) IN GENERAL.—Section 414(d)(1) of the Assets
4 for Independence Act (42 U.S.C. 604 note) is amended
5 by striking “calendar” and inserting “project”.

6 (b) TRANSITIONAL DEADLINE.—Notwithstanding the
7 amendment made by subsection (a), the submission of the
8 initial interim report of the Secretary under section 412(c)
9 shall not be required prior to the date that is 90 days
10 after the date of enactment of this title.

11 **SEC. 609. INCREASED APPROPRIATIONS FOR EVALUATION**
12 **EXPENSES.**

13 Subsection (e) of section 414 of the Assets for Inde-
14 pendence Act (42 U.S.C. 604 note) is amended to read
15 as follows:

16 “(e) EVALUATION EXPENSES.—Of the amount ap-
17 propriated under section 416 for a fiscal year, the Sec-
18 retary may expend not more than \$500,000 for such fiscal
19 year to carry out the objectives of this section.”.

20 **SEC. 610. NO REDUCTION IN BENEFITS.**

21 Section 415 of the Assets for Independence Act (42
22 U.S.C. 604 note) is amended to read as follows:

23 **“SEC. 415. NO REDUCTION IN BENEFITS.**

24 “Notwithstanding any other provision of Federal law
25 (other than the Internal Revenue Code of 1986) that re-
26 quires consideration of one or more financial cir-

1 cumstances of an individual, for the purpose of deter-
2 mining eligibility to receive, or the amount of, any assist-
3 ance or benefit authorized by such law to be provided to
4 or for the benefit of such individual, funds (including in-
5 terest accruing) in an individual development account
6 under this Act shall be disregarded for such purpose with
7 respect to any period during which such individual main-
8 tains or makes contributions into such an account.”.

9 **TITLE VII—PHYSICAL EDUCATION FOR**
10 **PROGRESS ACT**

11 **SEC. 701. PHYSICAL EDUCATION FOR PROGRESS.**
12 Title X of the Elementary and Secondary Education Act
13 of 1965 (20 U.S.C. 8001 et seq.) is amended by adding
14 at the end the following:

15 **“PART L—PHYSICAL EDUCATION FOR PROGRESS**

16 **“SEC. 10999A. SHORT TITLE.**

17 “‘This part may be cited as the ‘Physical Education
18 for Progress Act’.

19 **“SEC. 10999B. PURPOSE.**

20 “‘The purpose of this part is to award grants and con-
21 tracts to local educational agencies to enable the local edu-
22 cational agencies to initiate, expand and improve physical
23 education programs for all kindergarten through 12th
24 grade students.

1 **“SEC. 10999C. FINDINGS.**

2 “Congress makes the following findings:

3 “(1) Physical education is essential to the devel-
4 opment of growing children.

5 “(2) Physical education helps improve the over-
6 all health of children by improving their cardio-
7 vascular endurance, muscular strength and power,
8 and flexibility, and by enhancing weight regulation,
9 bone development, posture, skillful moving, active
10 lifestyle habits, and constructive use of leisure time.

11 “(3) Physical education helps improve the self
12 esteem, interpersonal relationships, responsible be-
13 havior, and independence of children.

14 “(4) Children who participate in high quality
15 daily physical education programs tend to be more
16 healthy and physically fit.

17 “(5) The percentage of young people who are
18 overweight has more than doubled in the 30 years
19 preceding 1999.

20 “(6) Low levels of activity contribute to the
21 high prevalence of obesity among children in the
22 United States.

23 “(7) Obesity related diseases cost the United
24 States economy more than \$100,000,000,000 every
25 year.

1 “(8) Inactivity and poor diet cause at least
2 300,000 deaths a year in the United States.

3 “(9) Physically fit adults have significantly re-
4 duced risk factors for heart attacks and stroke.

5 “(10) Children are not as active as they should
6 be and fewer than one in four children get 20 min-
7 utes of vigorous activity every day of the week.

8 “(11) The Surgeon General’s 1996 Report on
9 Physical Activity and Health, and the Centers for
10 Disease Control and Prevention, recommend daily
11 physical education for all students in kindergarten
12 through grade 12.

13 “(12) Twelve years after Congress passed
14 House Concurrent Resolution 97, 100th Congress,
15 agreed to December 11, 1987, encouraging State
16 and local governments and local educational agencies
17 to provide high quality daily physical education pro-
18 grams for all children in kindergarten through grade
19 12, little progress has been made.

20 “(13) Every student in our Nation’s schools,
21 from kindergarten through grade 12, should have
22 the opportunity to participate in quality physical
23 education. It is the unique role of quality physical
24 education programs to develop the health-related fit-
25 ness, physical competence, and cognitive under-

1 standing about physical activity for all students so
2 that the students can adopt healthy and physically
3 active lifestyles.

4 **“SEC. 10999D. PROGRAM AUTHORIZED.**

5 “The Secretary is authorized to award grants to, and
6 enter into contracts with, local educational agencies to pay
7 the Federal share of the costs of initiating, expanding, and
8 improving physical education programs for kindergarten
9 through grade 12 students by—

10 “(1) providing equipment and support to enable
11 students to actively participate in physical education
12 activities; and

13 “(2) providing funds for staff and teacher
14 training and education.

15 **“SEC. 10999E. APPLICATIONS; PROGRAM ELEMENTS.**

16 “(a) APPLICATIONS.—Each local educational agency
17 desiring a grant or contract under this part shall submit
18 to the Secretary an application that contains a plan to
19 initiate, expand, or improve physical education programs
20 in the schools served by the agency in order to make
21 progress toward meeting State standards for physical edu-
22 cation.

23 “(b) PROGRAM ELEMENTS.—A physical education
24 program described in any application submitted under
25 subsection (a) may provide—

1 “(1) fitness education and assessment to help
2 children understand, improve, or maintain their
3 physical well-being;

4 “(2) instruction in a variety of motor skills and
5 physical activities designed to enhance the physical,
6 mental, and social or emotional development of every
7 child;

8 “(3) development of cognitive concepts about
9 motor skill and physical fitness that support a life-
10 long healthy lifestyle;

11 “(4) opportunities to develop positive social and
12 cooperative skills through physical activity participa-
13 tion;

14 “(5) instruction in healthy eating habits and
15 good nutrition; and

16 “(6) teachers of physical education the oppor-
17 tunity for professional development to stay abreast
18 of the latest research, issues, and trends in the field
19 of physical education.

20 “(c) SPECIAL RULE.—For the purpose of this part,
21 extracurricular activities such as team sports and Reserve
22 Officers’ Training Corps (ROTC) program activities shall
23 not be considered as part of the curriculum of a physical
24 education program assisted under this part.

1 **“SEC. 10999F. PROPORTIONALITY.**

2 “The Secretary shall ensure that grants awarded and
3 contracts entered into under this part shall be equitably
4 distributed between local educational agencies serving
5 urban and rural areas, and between local educational
6 agencies serving large and small numbers of students.

7 **“SEC. 10999G. PRIVATE SCHOOL STUDENTS AND HOME-**
8 **SCHOOLED STUDENTS.**

9 “An application for funds under this part may pro-
10 vide for the participation, in the activities funded under
11 this part, of—

12 “(1) home-schooled children, and their parents
13 and teachers; or

14 “(2) children enrolled in private nonprofit ele-
15 mentary schools or secondary schools, and their par-
16 ents and teachers.

17 **“SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUND-**
18 **ING.**

19 “As a condition to continue to receive grant or con-
20 tract funding after the first year of a multiyear grant or
21 contract under this part, the administrator of the grant
22 or contract for the local educational agency shall submit
23 to the Secretary an annual report that describes the activi-
24 ties conducted during the preceding year and dem-
25 onstrates that progress has been made toward meeting
26 State standards for physical education.

1 **“SEC. 10999I. REPORT TO CONGRESS.**

2 “The Secretary shall submit a report to Congress not
3 later than June 1, 2003, that describes the programs as-
4 sisted under this part, documents the success of such pro-
5 grams in improving physical fitness, and makes such rec-
6 ommendations as the Secretary determines appropriate for
7 the continuation and improvement of the programs as-
8 sisted under this part.

9 **“SEC. 10999J. ADMINISTRATIVE COSTS.**

10 “Not more than 5 percent of the grant or contract
11 funds made available to a local educational agency under
12 this part for any fiscal year may be used for administra-
13 tive costs.

14 **“SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUP-**
15 **PLANT.**

16 “(a) FEDERAL SHARE.—The Federal share under
17 this part may not exceed—

18 “(1) 90 percent of the total cost of a project for
19 the first year for which the project receives assist-
20 ance under this part; and

21 “(2) 75 percent of such cost for the second and
22 each subsequent such year.

23 “(b) SUPPLEMENT NOT SUPPLANT.—Funds made
24 available under this part shall be used to supplement and
25 not supplant other Federal, State and local funds available
26 for physical education activities.

1 **“SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated
3 \$30,000,000 for fiscal year 2001, \$70,000,000 for fiscal
4 year 2002, and \$100,000,000 for each of the fiscal years
5 2003 through 2005, to carry out this part. Such funds
6 shall remain available until expended.”.

7 **TITLE VIII—EARLY LEARNING OPPORTUNITIES**

8 **SEC. 801. SHORT TITLE; FINDINGS.**

9 (a) **SHORT TITLE.**—This title may be cited as the
10 “Early Learning Opportunities Act”.

11 (b) **FINDINGS.**—Congress finds that—

12 (1) medical research demonstrates that ade-
13 quate stimulation of a young child’s brain between
14 birth and age 5 is critical to the physical develop-
15 ment of the young child’s brain;

16 (2) parents are the most significant and effec-
17 tive teachers of their children, and they alone are re-
18 sponsible for choosing the best early learning oppor-
19 tunities for their child;

20 (3) parent education and parent involvement
21 are critical to the success of any early learning pro-
22 gram or activity;

23 (4) the more intensively parents are involved in
24 their child’s early learning, the greater the cognitive
25 and noncognitive benefits to their children;

1 (5) many parents have difficulty finding the in-
2 formation and support the parents seek to help their
3 children grow to their full potential;

4 (6) each day approximately 13,000,000 young
5 children, including 6,000,000 infants or toddlers,
6 spend some or all of their day being cared for by
7 someone other than their parents;

8 (7) quality early learning programs, including
9 those designed to promote effective parenting, can
10 increase the literacy rate, the secondary school grad-
11 uation rate, the employment rate, and the college en-
12 rollment rate for children who have participated in
13 voluntary early learning programs and activities;

14 (8) early childhood interventions can yield sub-
15 stantial advantages to participants in terms of emo-
16 tional and cognitive development, education, eco-
17 nomic well-being, and health, with the latter two ad-
18 vantages applying to the children's families as well;

19 (9) participation in quality early learning pro-
20 grams, including those designed to promote effective
21 parenting, can decrease the future incidence of teen-
22 age pregnancy, welfare dependency, at-risk behav-
23 iors, and juvenile delinquency for children;

24 (10) several cost-benefit analysis studies indi-
25 cate that for each \$1 invested in quality early learn-

1 ing programs, the Federal Government can save over
2 \$5 by reducing the number of children and families
3 who participate in Federal Government programs
4 like special education and welfare;

5 (11) for children placed in the care of others
6 during the workday, the low salaries paid to the
7 child care staff, the lack of career progression for
8 the staff, and the lack of child development special-
9 ists involved in early learning and child care pro-
10 grams, make it difficult to attract and retain the
11 quality of staff necessary for a positive early learn-
12 ing experience;

13 (12) Federal Government support for early
14 learning has primarily focused on out-of-home care
15 programs like those established under the Head
16 Start Act, the Child Care and Development Block
17 Grant of 1990, and part C of the Individuals with
18 Disabilities Education Act, and these programs—

19 (A) serve far fewer than half of all eligible
20 children;

21 (B) are not primarily designed to provide
22 support for parents who care for their young
23 children in the home; and

24 (C) lack a means of coordinating early
25 learning opportunities in each community; and

1 (13) by helping communities increase, expand,
2 and better coordinate early learning opportunities
3 for children and their families, the productivity and
4 creativity of future generations will be improved, and
5 the Nation will be prepared for continued leadership
6 in the 21st century.

7 **SEC. 802. PURPOSES.**

8 The purposes of this title are—

9 (1) to increase the availability of voluntary pro-
10 grams, services, and activities that support early
11 childhood development, increase parent effectiveness,
12 and promote the learning readiness of young chil-
13 dren so that young children enter school ready to
14 learn;

15 (2) to support parents, child care providers, and
16 caregivers who want to incorporate early learning ac-
17 tivities into the daily lives of young children;

18 (3) to remove barriers to the provision of an ac-
19 cessible system of early childhood learning programs
20 in communities throughout the United States;

21 (4) to increase the availability and affordability
22 of professional development activities and compensa-
23 tion for caregivers and child care providers; and

24 (5) to facilitate the development of community-
25 based systems of collaborative service delivery mod-

1 els characterized by resource sharing, linkages be-
2 tween appropriate supports, and local planning for
3 services.

4 **SEC. 803. DEFINITIONS.**

5 In this title:

6 (1) CAREGIVER.—The term “caregiver” means
7 an individual, including a relative, neighbor, or fam-
8 ily friend, who regularly or frequently provides care,
9 with or without compensation, for a child for whom
10 the individual is not the parent.

11 (2) CHILD CARE PROVIDER.—The term “child
12 care provider” means a provider of non-residential
13 child care services (including center-based, family-
14 based, and in-home child care services) for com-
15 pensation who or that is legally operating under
16 State law, and complies with applicable State and
17 local requirements for the provision of child care
18 services.

19 (3) EARLY LEARNING.—The term “early
20 learning”, used with respect to a program or activ-
21 ity, means learning designed to facilitate the devel-
22 opment of cognitive, language, motor, and social-
23 emotional skills for, and to promote learning readi-
24 ness in, young children.

1 (4) EARLY LEARNING PROGRAM.—The term
2 “early learning program” means—

3 (A) a program of services or activities that
4 helps parents, caregivers, and child care pro-
5 viders incorporate early learning into the daily
6 lives of young children; or

7 (B) a program that directly provides early
8 learning to young children.

9 (5) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 450b).

13 (6) LOCAL COUNCIL.—The term “Local Coun-
14 cil” means a Local Council established or designated
15 under section 814(a) that serves one or more local-
16 ities.

17 (7) LOCALITY.—The term “locality” means a
18 city, county, borough, township, or area served by
19 another general purpose unit of local government, an
20 Indian tribe, a Regional Corporation, or a Native
21 Hawaiian entity.

22 (8) PARENT.—The term “parent” means a bio-
23 logical parent, an adoptive parent, a stepparent, a
24 foster parent, or a legal guardian of, or a person
25 standing in loco parentis to, a child.

1 (9) POVERTY LINE.—The term “poverty line”
2 means the poverty line (as defined by the Office of
3 Management and Budget, and revised annually in
4 accordance with section 673(2) of the Community
5 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
6 plicable to a family of the size involved.

7 (10) REGIONAL CORPORATION.—The term “Re-
8 gional Corporation” means an entity listed in section
9 419(4)(B) of the Social Security Act (42 U.S.C.
10 619(4)(B)).

11 (11) SECRETARY.—The term “Secretary”
12 means the Secretary of Health and Human Services.

13 (12) STATE.—The term “State” means each of
14 the several States of the United States, the District
15 of Columbia, and the Commonwealth of Puerto Rico.

16 (13) TRAINING.—The term “training” means
17 instruction in early learning that—

18 (A) is required for certification under
19 State and local laws, regulations, and policies;

20 (B) is required to receive a nationally or
21 State recognized credential or its equivalent;

22 (C) is received in a postsecondary edu-
23 cation program focused on early learning or
24 early childhood development in which the indi-
25 vidual is enrolled; or

1 (D) is provided, certified, or sponsored by
2 an organization that is recognized for its exper-
3 tise in promoting early learning or early child-
4 hood development.

5 (14) YOUNG CHILD.—The term “young child”
6 means any child from birth to the age of mandatory
7 school attendance in the State where the child re-
8 sides.

9 **SEC. 804. PROHIBITIONS.**

10 (a) PARTICIPATION NOT REQUIRED.—No person, in-
11 cluding a parent, shall be required to participate in any
12 program of early childhood education, early learning, par-
13 ent education, or developmental screening pursuant to the
14 provisions of this title.

15 (b) RIGHTS OF PARENTS.—Nothing in this title shall
16 be construed to affect the rights of parents otherwise es-
17 tablished in Federal, State, or local law.

18 (c) PARTICULAR METHODS OR SETTINGS.—No entity
19 that receives funds under this title shall be required to
20 provide services under this title through a particular in-
21 structional method or in a particular instructional setting
22 to comply with this title.

23 (d) NONDUPLICATION.—No funds provided under
24 this title shall be used to carry out an activity funded
25 under another provision of law providing for Federal child

1 care or early learning programs, unless an expansion of
2 such activity is identified in the local needs assessment
3 and performance goals under this title.

4 **SEC. 805. AUTHORIZATION AND APPROPRIATION OF**
5 **FUNDS.**

6 There are authorized to be appropriated to the De-
7 partment of Health and Human Services to carry out this
8 title—

- 9 (1) \$750,000,000 for fiscal year 2001;
10 (2) \$1,000,000,000 for fiscal year 2002;
11 (3) \$1,500,000,000 for fiscal year 2003; and
12 (4) such sums as may be necessary for each of
13 the fiscal years 2004 and 2005.

14 **SEC. 806. COORDINATION OF FEDERAL PROGRAMS.**

15 (a) COORDINATION.—The Secretary and the Sec-
16 retary of Education shall develop mechanisms to resolve
17 administrative and programmatic conflicts between Fed-
18 eral programs that would be a barrier to parents, care-
19 givers, service providers, or children related to the coordi-
20 nation of services and funding for early learning pro-
21 grams.

22 (b) USE OF EQUIPMENT AND SUPPLIES.—In the case
23 of a collaborative activity funded under this title and an-
24 other provision of law providing for Federal child care or
25 early learning programs, the use of equipment and

1 nonconsumable supplies purchased with funds made avail-
2 able under this title or such provision shall not be re-
3 stricted to children enrolled or otherwise participating in
4 the program carried out under this title or such provision,
5 during a period in which the activity is predominately
6 funded under this title or such provision.

7 **SEC. 807. PROGRAM AUTHORIZED.**

8 (a) GRANTS.—From amounts appropriated under
9 section 805 the Secretary shall award grants to States to
10 enable the States to award grants to Local Councils to
11 pay the Federal share of the cost of carrying out early
12 learning programs in the locality served by the Local
13 Council.

14 (b) FEDERAL SHARE.—

15 (1) IN GENERAL.—The Federal share of the
16 cost described in subsections (a) and (e) shall be 85
17 percent for the first and second years of the grant,
18 80 percent for the third and fourth years of the
19 grant, and 75 percent for the fifth and subsequent
20 years of the grant.

21 (2) NON-FEDERAL SHARE.—The non-Federal
22 share of the cost described in subsections (a) and (e)
23 may be contributed in cash or in kind, fairly evalu-
24 ated, including facilities, equipment, or services,
25 which may be provided from State or local public

1 sources, or through donations from private entities.
2 For the purposes of this paragraph the term “facili-
3 ties” includes the use of facilities, but the term
4 “equipment” means donated equipment and not the
5 use of equipment.

6 (c) MAINTENANCE OF EFFORT.—The Secretary shall
7 not award a grant under this title to any State unless the
8 Secretary first determines that the total expenditures by
9 the State and its political subdivisions to support early
10 learning programs (other than funds used to pay the non-
11 Federal share under subsection (b)(2)) for the fiscal year
12 for which the determination is made is equal to or greater
13 than such expenditures for the preceding fiscal year.

14 (d) SUPPLEMENT NOT SUPPLANT.—Amounts re-
15 ceived under this title shall be used to supplement and
16 not supplant other Federal, State, and local public funds
17 expended to promote early learning.

18 (e) SPECIAL RULE.—If funds appropriated to carry
19 out this title are less than \$150,000,000 for any fiscal
20 year, the Secretary shall award grants for the fiscal year
21 directly to Local Councils, on a competitive basis, to pay
22 the Federal share of the cost of carrying out early learning
23 programs in the locality served by the Local Council. In
24 carrying out the preceding sentence—

1 (1) subsection (c), subsections (b) and (c) of
2 section 810, and paragraphs (1), (2), and (3) of sec-
3 tion 811(a) shall not apply;

4 (2) State responsibilities described in section
5 811(d) shall be carried out by the Local Council
6 with regard to the locality;

7 (3) the Secretary shall provide such technical
8 assistance and monitoring as necessary to ensure
9 that the use of the funds by Local Councils and the
10 distribution of the funds to Local Councils are con-
11 sistent with this title; and

12 (4) subject to paragraph (1), the Secretary
13 shall assume the responsibilities of the Lead State
14 Agency under this title, as appropriate.

15 **SEC. 808. USES OF FUNDS.**

16 (a) **IN GENERAL.**—Subject to section 810, grant
17 funds under this title shall be used to pay for developing,
18 operating, or enhancing voluntary early learning programs
19 that are likely to produce sustained gains in early learn-
20 ing.

21 (b) **LIMITED USES.**—Subject to section 810, Lead
22 State Agencies and Local Councils shall ensure that funds
23 made available under this title to the agencies and Local
24 Councils are used for three or more of the following activi-
25 ties:

1 (1) Helping parents, caregivers, child care pro-
2 viders, and educators increase their capacity to fa-
3 cilitate the development of cognitive, language com-
4 prehension, expressive language, social-emotional,
5 and motor skills, and promote learning readiness.

6 (2) Promoting effective parenting.

7 (3) Enhancing early childhood literacy.

8 (4) Developing linkages among early learning
9 programs within a community and between early
10 learning programs and health care services for
11 young children.

12 (5) Increasing access to early learning opportu-
13 nities for young children with special needs, includ-
14 ing developmental delays, by facilitating coordination
15 with other programs serving such young children.

16 (6) Increasing access to existing early learning
17 programs by expanding the days or times that the
18 young children are served, by expanding the number
19 of young children served, or by improving the afford-
20 ability of the programs for low-income families.

21 (7) Improving the quality of early learning pro-
22 grams through professional development and train-
23 ing activities, increased compensation, and recruit-
24 ment and retention incentives, for early learning
25 providers.

1 (8) Removing ancillary barriers to early learn-
2 ing, including transportation difficulties and absence
3 of programs during nontraditional work times.

4 (c) REQUIREMENTS.—Each Lead State Agency des-
5 ignated under section 810(c) and Local Councils receiving
6 a grant under this title shall ensure—

7 (1) that Local Councils described in section 814
8 work with local educational agencies to identify cog-
9 nitive, social, emotional, and motor developmental
10 abilities which are necessary to support children’s
11 readiness for school;

12 (2) that the programs, services, and activities
13 assisted under this title will represent develop-
14 mentally appropriate steps toward the acquisition of
15 those abilities; and

16 (3) that the programs, services, and activities
17 assisted under this title collectively provide benefits
18 for children cared for in their own homes as well as
19 children placed in the care of others.

20 (d) SLIDING SCALE PAYMENTS.—States and Local
21 Councils receiving assistance under this title shall ensure
22 that programs, services, and activities assisted under this
23 title which customarily require a payment for such pro-
24 grams, services, or activities, adjust the cost of such pro-
25 grams, services, and activities provided to the individual

1 or the individual's child based on the individual's ability
2 to pay.

3 **SEC. 809. RESERVATIONS AND ALLOTMENTS.**

4 (a) RESERVATION FOR INDIAN TRIBES, ALASKA NA-
5 TIVES, AND NATIVE HAWAIIANS.—The Secretary shall re-
6 serve 1 percent of the total amount appropriated under
7 section 805 for each fiscal year, to be allotted to Indian
8 tribes, Regional Corporations, and Native Hawaiian enti-
9 ties, of which—

10 (1) 0.5 percent shall be available to Indian
11 tribes; and

12 (2) 0.5 percent shall be available to Regional
13 Corporations and Native Hawaiian entities.

14 (b) ALLOTMENTS.—From the funds appropriated
15 under this title for each fiscal year that are not reserved
16 under subsection (a), the Secretary shall allot to each
17 State the sum of—

18 (1) an amount that bears the same ratio to 50
19 percent of such funds as the number of children 4
20 years of age and younger in the State bears to the
21 number of such children in all States; and

22 (2) an amount that bears the same ratio to 50
23 percent of such funds as the number of children 4
24 years of age and younger living in families with in-

1 comes below the poverty line in the State bears to
2 the number of such children in all States.

3 (c) MINIMUM ALLOTMENT.—No State shall receive
4 an allotment under subsection (b) for a fiscal year in an
5 amount that is less than .40 percent of the total amount
6 appropriated for the fiscal year under this title.

7 (d) AVAILABILITY OF FUNDS.—Any portion of the al-
8 lotment to a State that is not expended for activities under
9 this title in the fiscal year for which the allotment is made
10 shall remain available to the State for two additional
11 years, after which any unexpended funds shall be returned
12 to the Secretary. The Secretary shall use the returned
13 funds to carry out a discretionary grant program for re-
14 search-based early learning demonstration projects.

15 (e) DATA.—The Secretary shall make allotments
16 under this title on the basis of the most recent data avail-
17 able to the Secretary.

18 **SEC. 810. GRANT ADMINISTRATION.**

19 (a) FEDERAL ADMINISTRATIVE COSTS.—The Sec-
20 retary may use not more than 3 percent of the amount
21 appropriated under section 805 for a fiscal year to pay
22 for the administrative costs of carrying out this title, in-
23 cluding the monitoring and evaluation of State and local
24 efforts.

1 (b) STATE ADMINISTRATIVE COSTS.—A State that
2 receives a grant under this title may use—

3 (1) not more than 2 percent of the funds made
4 available through the grant to carry out activities
5 designed to coordinate early learning programs on
6 the State level, including programs funded or oper-
7 ated by the State educational agency, health, chil-
8 dren and family, and human service agencies, and
9 any State-level collaboration or coordination council
10 involving early learning and education, such as the
11 entities funded under section 640(a)(5) of the Head
12 Start Act (42 U.S.C. 9835(a)(5));

13 (2) not more than 2 percent of the funds made
14 available through the grant for the administrative
15 costs of carrying out the grant program and the
16 costs of reporting State and local efforts to the Sec-
17 retary; and

18 (3) not more than 3 percent of the funds made
19 available through the grant for training, technical
20 assistance, and wage incentives provided by the
21 State to Local Councils.

22 (c) LEAD STATE AGENCY.—

23 (1) IN GENERAL.—To be eligible to receive an
24 allotment under this title, the Governor of a State
25 shall appoint, after consultation with the leadership

1 of the State legislature, a Lead State Agency to
2 carry out the functions described in paragraph (2).

3 (2) LEAD STATE AGENCY.—

4 (A) ALLOCATION OF FUNDS.—The Lead
5 State Agency described in paragraph (1) shall
6 allocate funds to Local Councils as described in
7 section 812.

8 (B) FUNCTIONS OF AGENCY.—In addition
9 to allocating funds pursuant to subparagraph
10 (A), the Lead State Agency shall—

11 (i) advise and assist Local Councils in
12 the performance of their duties under this
13 title;

14 (ii) develop and submit the State ap-
15 plication;

16 (iii) evaluate and approve applications
17 submitted by Local Councils under section
18 813;

19 (iv) ensure collaboration with respect
20 to assistance provided under this title be-
21 tween the State agency responsible for
22 education and the State agency responsible
23 for children and family services;

24 (v) prepare and submit to the Sec-
25 retary, an annual report on the activities

1 carried out in the State under this title,
2 which shall include a statement describing
3 how all funds received under this title are
4 expended and documentation of the effects
5 that resources under this title have had
6 on—

7 (I) parental capacity to improve
8 learning readiness in their young chil-
9 dren;

10 (II) early childhood literacy;

11 (III) linkages among early learn-
12 ing programs;

13 (IV) linkages between early
14 learning programs and health care
15 services for young children;

16 (V) access to early learning ac-
17 tivities for young children with special
18 needs;

19 (VI) access to existing early
20 learning programs through expansion
21 of the days or times that children are
22 served;

23 (VII) access to existing early
24 learning programs through expansion

1 of the number of young children
2 served;

3 (VIII) access to and affordability
4 of existing early learning programs for
5 low-income families;

6 (IX) the quality of early learning
7 programs resulting from professional
8 development, and recruitment and re-
9 tention incentives for caregivers; and

10 (X) removal of ancillary barriers
11 to early learning, including transpor-
12 tation difficulties and absence of pro-
13 grams during nontraditional work
14 times; and

15 (vi) ensure that training and research
16 is made available to Local Councils and
17 that such training and research reflects the
18 latest available brain development and
19 early childhood development research re-
20 lated to early learning.

21 **SEC. 811. STATE REQUIREMENTS.**

22 (a) **ELIGIBILITY.**—To be eligible for a grant under
23 this title, a State shall—

24 (1) ensure that funds received by the State
25 under this title shall be subject to appropriation by

1 the State legislature, consistent with the terms and
2 conditions required under State law;

3 (2) designate a Lead State Agency under sec-
4 tion 810(c) to administer and monitor the grant and
5 ensure State-level coordination of early learning
6 programs;

7 (3) submit to the Secretary an application at
8 such time, in such manner, and accompanied by
9 such information as the Secretary may require;

10 (4) ensure that funds made available under this
11 title are distributed on a competitive basis through-
12 out the State to Local Councils serving rural, urban,
13 and suburban areas of the State; and

14 (5) assist the Secretary in developing mecha-
15 nisms to ensure that Local Councils receiving funds
16 under this title comply with the requirements of this
17 title.

18 (b) STATE PREFERENCE.—In awarding grants to
19 Local Councils under this title, the State, to the maximum
20 extent possible, shall ensure that a broad variety of early
21 learning programs that provide a continuity of services
22 across the age spectrum assisted under this title are fund-
23 ed under this title, and shall give preference to
24 supporting—

1 (1) a Local Council that meets criteria, that are
2 specified by the State and approved by the Sec-
3 retary, for qualifying as serving an area of greatest
4 need for early learning programs; and

5 (2) a Local Council that demonstrates, in the
6 application submitted under section 813, the Local
7 Council's potential to increase collaboration as a
8 means of maximizing use of resources provided
9 under this title with other resources available for
10 early learning programs.

11 (c) LOCAL PREFERENCE.—In awarding grants under
12 this title, Local Councils shall give preference to
13 supporting—

14 (1) projects that demonstrate their potential to
15 collaborate as a means of maximizing use of re-
16 sources provided under this title with other resources
17 available for early learning programs;

18 (2) programs that provide a continuity of serv-
19 ices for young children across the age spectrum, in-
20 dividually, or through community-based networks or
21 cooperative agreements; and

22 (3) programs that help parents and other care-
23 givers promote early learning with their young chil-
24 dren.

25 (d) PERFORMANCE GOALS.—

1 (1) ASSESSMENTS.—Based on information and
2 data received from Local Councils, and information
3 and data available through State resources, the
4 State shall biennially assess the needs and available
5 resources related to the provision of early learning
6 programs within the State.

7 (2) PERFORMANCE GOALS.—Based on the anal-
8 ysis of information described in paragraph (1), the
9 State shall establish measurable performance goals
10 to be achieved through activities assisted under this
11 title.

12 (3) REQUIREMENT.—The State shall award
13 grants to Local Councils only for purposes that are
14 consistent with the performance goals established
15 under paragraph (2).

16 (4) REPORT.—The State shall report to the
17 Secretary annually regarding the State’s progress to-
18 ward achieving the performance goals established in
19 paragraph (2) and any necessary modifications to
20 those goals, including the rationale for the modifica-
21 tions.

22 (5) IMPROVEMENT PLANS.—If the Secretary de-
23 termines, based on the State report submitted under
24 paragraph (4), that the State is not making progress
25 toward achieving the performance goals described in

1 paragraph (2), then the State shall submit a per-
2 formance improvement plan to the Secretary, and
3 demonstrate reasonable progress in implementing
4 such plan, in order to remain eligible for funding
5 under this title.

6 **SEC. 812. LOCAL ALLOCATIONS.**

7 (a) IN GENERAL.—The Lead State Agency shall allo-
8 cate to Local Councils in the State not less than 93 per-
9 cent of the funds provided to the State under this title
10 for a fiscal year.

11 (b) LIMITATION.—The Lead State Agency shall allo-
12 cate funds provided under this title on the basis of the
13 population of the locality served by the Local Council.

14 **SEC. 813. LOCAL APPLICATIONS.**

15 (a) IN GENERAL.—To be eligible to receive assistance
16 under this title, the Local Council shall submit an applica-
17 tion to the Lead State Agency at such time, in such man-
18 ner, and containing such information as the Lead State
19 Agency may require.

20 (b) CONTENTS.—Each application submitted pursu-
21 ant to subsection (a) shall include a statement ensuring
22 that the local government entity, Indian tribe, Regional
23 Corporation, or Native Hawaiian entity has established or
24 designated a Local Council under section 814, and the

1 Local Council has developed a local plan for carrying out
2 early learning programs under this title that includes—

3 (1) a needs and resources assessment con-
4 cerning early learning services and a statement de-
5 scribing how early learning programs will be funded
6 consistent with the assessment;

7 (2) a statement of how the Local Council will
8 ensure that early learning programs will meet the
9 performance goals reported by the Lead State Agen-
10 cy under this title; and

11 (3) a description of how the Local Council will
12 form collaboratives among local youth, social service,
13 and educational providers to maximize resources and
14 concentrate efforts on areas of greatest need.

15 **SEC. 814. LOCAL ADMINISTRATION.**

16 (a) LOCAL COUNCIL.—

17 (1) IN GENERAL.—To be eligible to receive
18 funds under this title, a local government entity, In-
19 dian tribe, Regional Corporation, or Native Hawai-
20 ian entity, as appropriate, shall establish or des-
21 ignate a Local Council, which shall be composed
22 of—

23 (A) representatives of local agencies di-
24 rectly affected by early learning programs as-
25 sisted under this title;

1 (B) parents;

2 (C) other individuals concerned with early
3 learning issues in the locality, such as rep-
4 resentative entities providing elementary edu-
5 cation, child care resource and referral services,
6 early learning opportunities, child care, and
7 health services; and

8 (D) other key community leaders.

9 (2) DESIGNATING EXISTING ENTITY.—If a local
10 government entity, Indian tribe, Regional Corpora-
11 tion, or Native Hawaiian entity has, before the date
12 of enactment of the Early Learning Opportunities
13 Act, a Local Council or a regional entity that is
14 comparable to the Local Council described in para-
15 graph (1), the entity, tribe, or corporation may des-
16 ignate the council or entity as a Local Council under
17 this title, and shall be considered to have established
18 a Local Council in compliance with this subsection.

19 (3) FUNCTIONS.—The Local Council shall be
20 responsible for preparing and submitting the appli-
21 cation described in section 813.

22 (b) ADMINISTRATION.—

23 (1) ADMINISTRATIVE COSTS.—Not more than 3
24 percent of the funds received by a Local Council
25 under this title shall be used to pay for the adminis-

1 trative costs of the Local Council in carrying out
2 this title.

3 (2) FISCAL AGENT.—A Local Council may des-
4 ignate any entity, with a demonstrated capacity for
5 administering grants, that is affected by, or con-
6 cerned with, early learning issues, including the
7 State, to serve as fiscal agent for the administration
8 of grant funds received by the Local Council under
9 this title.

10 TITLE IX—RURAL EDUCATION ACHIEVEMENT
11 PROGRAM

12 **SEC. 901. RURAL EDUCATION INITIATIVE.**

13 Subpart 2 of part J of title X of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 8291 et
15 seq.) is amended to read as follows:

16 **“Subpart 2—Rural Education Initiative**

17 **“SEC. 10971. SHORT TITLE.**

18 “This subpart may be cited as the ‘Rural Education
19 Achievement Program’.

20 **“SEC. 10972. PURPOSE.**

21 “It is the purpose of this subpart to address the
22 unique needs of rural school districts that frequently—

23 “(1) lack the personnel and resources needed to
24 compete for Federal competitive grants; and

1 “(2) receive formula allocations in amounts too
2 small to be effective in meeting their intended pur-
3 poses.

4 **“SEC. 10973. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out
6 this subpart \$62,500,000 for fiscal year 2001.

7 **“SEC. 10974. FORMULA GRANT PROGRAM AUTHORIZED.**

8 “(a) ALTERNATIVE USES.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, an eligible local educational agency
11 may use the applicable funding, that the agency is
12 eligible to receive from the State educational agency
13 for a fiscal year, to carry out local activities author-
14 ized in part A of title I, section 2210(b), section
15 3134, or section 4116.

16 “(2) NOTIFICATION.—An eligible local edu-
17 cational agency shall notify the State educational
18 agency of the local educational agency’s intention to
19 use the applicable funding in accordance with para-
20 graph (1) not later than a date that is established
21 by the State educational agency for the notification.

22 “(b) ELIGIBILITY.—A local educational agency shall
23 be eligible to use the applicable funding in accordance with
24 subsection (a) if—

1 “(1) the total number of students in average
2 daily attendance at all of the schools served by the
3 local educational agency is less than 600; and

4 “(2) all of the schools served by the local edu-
5 cational agency are designated with a School Locale
6 Code of 7 or 8, as determined by the Secretary of
7 Education.

8 “(c) APPLICABLE FUNDING.—In this section, the
9 term ‘applicable funding’ means funds provided under
10 each of titles II, IV, and VI, except for funds made avail-
11 able under section 321 of the Department of Education
12 Appropriations Act, 2001.

13 “(d) DISBURSAL.—Each State educational agency
14 that receives applicable funding for a fiscal year shall dis-
15 burse the applicable funding to local educational agencies
16 for alternative uses under this section for the fiscal year
17 at the same time that the State educational agency dis-
18 burses the applicable funding to local educational agencies
19 that do not intend to use the applicable funding for such
20 alternative uses for the fiscal year.

21 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made
22 available under this section shall be used to supplement
23 and not supplant any other State or local education funds.

24 “(f) SPECIAL RULE.—References in Federal law to
25 funds for the provisions of law set forth in subsection (c)

1 may be considered to be references to funds for this sec-
2 tion.

3 “(g) CONSTRUCTION.—Nothing in this subpart shall
4 be construed to prohibit a local educational agency that
5 enters into cooperative arrangements with other local edu-
6 cational agencies for the provision of special, compen-
7 satory, or other education services pursuant to State law
8 or a written agreement from entering into similar arrange-
9 ments for the use or the coordination of the use of the
10 funds made available under this subpart.

11 **“SEC. 10975. COMPETITIVE GRANT PROGRAM AUTHORIZED.**

12 “(a) IN GENERAL.—The Secretary is authorized to
13 award grants to eligible local educational agencies to en-
14 able the local educational agencies to carry out local activi-
15 ties authorized in part A of title I, section 2210(b), section
16 3134, or section 4116.

17 “(b) ELIGIBILITY.—A local educational agency shall
18 be eligible to receive a grant under this section if—

19 “(1) the total number of students in average
20 daily attendance at all of the schools served by the
21 local educational agency is less than 600; and

22 “(2) all of the schools served by the local edu-
23 cational agency are designated with a School Locale
24 Code of 7 or 8, as determined by the Secretary of
25 Education.

1 “(c) AMOUNT.—

2 “(1) IN GENERAL.—The Secretary shall award
3 a grant to a local educational agency under this sec-
4 tion for a fiscal year in an amount equal to the
5 amount determined under paragraph (2) for the fis-
6 cal year minus the total amount received under the
7 provisions of law described under section 10974(c)
8 for the fiscal year.

9 “(2) DETERMINATION.—The amount referred
10 to in paragraph (1) is equal to \$100 multiplied by
11 the total number of students in excess of 50 stu-
12 dents that are in average daily attendance at the
13 schools served by the local educational agency, plus
14 \$20,000, except that the amount may not exceed
15 \$60,000.

16 “(3) CENSUS DETERMINATION.—

17 “(A) IN GENERAL.—Each local educational
18 agency desiring a grant under this section shall
19 determine for each year the number of kinder-
20 garten through grade 12 students in average
21 daily attendance at the schools served by the
22 local educational agency during the period be-
23 ginning or the first day of classes and ending
24 on December 1.

1 “(B) SUBMISSION.—Each local educational
2 agency shall submit the number described in
3 subparagraph (A) to the Secretary not later
4 than March 1 of each year.

5 “(4) PENALTY.—If the Secretary determines
6 that a local educational agency has knowingly sub-
7 mitted false information under paragraph (3) for the
8 purpose of gaining additional funds under this sec-
9 tion, then the local educational agency shall be fined
10 an amount equal to twice the difference between the
11 amount the local educational agency received under
12 this section, and the correct amount the local edu-
13 cational agency would have received under this sec-
14 tion if the agency had submitted accurate informa-
15 tion under paragraph (3).

16 “(d) DISBURSAL.—The Secretary shall disburse the
17 funds awarded to a local educational agency under this
18 section for a fiscal year not later than July 1 of that year.

19 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made
20 available under this section shall be used to supplement
21 and not supplant any other State or local education funds.

22 **“SEC. 10976. ACCOUNTABILITY.**

23 “(a) ACADEMIC ACHIEVEMENT.—

1 “(1) IN GENERAL.—Each local educational
2 agency that uses or receives funds under section
3 10974 or 10975 for a fiscal year shall—

4 “(A) administer an assessment that is used
5 statewide and is consistent with the assessment
6 described in section 1111(b), to assess the aca-
7 demic achievement of students in the schools
8 served by the local educational agency; or

9 “(B) in the case of a local educational
10 agency for which there is no statewide assess-
11 ment described in subparagraph (A), administer
12 a test, that is selected by the local educational
13 agency, to assess the academic achievement of
14 students in the schools served by the local edu-
15 cational agency.

16 “(2) SPECIAL RULE.—Each local educational
17 agency that uses or receives funds under section
18 10974 or 10975 shall use the same assessment or
19 test described in paragraph (1) for each year of par-
20 ticipation in the program carried out under such sec-
21 tion.

22 “(b) STATE EDUCATIONAL AGENCY DETERMINATION
23 REGARDING CONTINUING PARTICIPATION.—Each State
24 educational agency that receives funding under the provi-
25 sions of law described in section 10974(c) shall—

1 “(1) after the third year that a local edu-
2 cational agency in the State participates in a pro-
3 gram authorized under section 10974 or 10975 and
4 on the basis of the results of the assessments or
5 tests described in subsection (a), determine whether
6 the students served by the local educational agency
7 participating in the program performed better on the
8 assessments or tests after the third year of the par-
9 ticipation than the students performed on the as-
10 sessments or tests after the first year of the partici-
11 pation;

12 “(2) permit only the local educational agencies
13 that participated in the program and served students
14 that performed better on the assessments or tests,
15 as described in paragraph (1), to continue to partici-
16 pate in the program for an additional period of 3
17 years; and

18 “(3) prohibit the local educational agencies that
19 participated in the program and served students that
20 did not perform better on the assessments or tests,
21 as described in paragraph (1), from participating in
22 the program, for a period of 3 years from the date
23 of the determination.

1 **“SEC. 10977. RATABLE REDUCTIONS IN CASE OF INSUFFI-**
2 **CIENT APPROPRIATIONS.**

3 “(a) IN GENERAL.—If the amount appropriated for
4 any fiscal year and made available for grants under this
5 subpart is insufficient to pay the full amount for which
6 all agencies are eligible under this subpart, the Secretary
7 shall ratably reduce each such amount.

8 “(b) ADDITIONAL AMOUNTS.—If additional funds be-
9 come available for making payments under paragraph (1)
10 for such fiscal year, payments that were reduced under
11 subsection (a) shall be increased on the same basis as such
12 payments were reduced.

13 **“SEC. 10978. APPLICABILITY.**

14 “Sections 10951 and 10952 shall not apply to this
15 subpart.”.

16 This Act may be cited as the “Departments of Labor,
17 Health and Human Services, and Education, and Related
18 Agencies Appropriations Act, 2001”.

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