Thank all the members of the Committee on Ways and Means, especially the chairman, for moving this piece of legislation. This was, in fact, an oversight that was affecting thousands of businesses if not more across the country. I have been a member of Congress for 30 years in the Congress, I have worked very closely together during the years that I served in the Republican leadership and as the gentleman from Texas was the chairman of the Committee on Ways and Means. I am not sure, as he said, whether we could find a more dedicated public servant, someone who believed in reforming the Tax Code and worked hard on behalf of not only his constituents but taxpayers all across the country. After 30 years in the Congress, he deserves a little rest. He has been a pleasure to work with and I think a model Member of this body. I wish him well in his retirement.

Mr. BEUTER, Mr. Speaker, this Member wishes today to express his support for H.R. 3594, the Installment Tax Correction Act of 2000, of which this Member is a cosponsor. This bill, which is being considered under suspension of the rules, will have a positive effect on small businesses nationwide.

At the outset, this Member would like to thank both the distinguished gentleman from Texas (Mr. ARCHER) and the gentleman from Texas who was the chairman of the Committee on Ways and Means for his efforts in bringing this measure to the House Floor. This legislation, H.R. 3594, eliminates the provision of the tax code which repealed the use of the installment method of accounting for accrual method taxpayers. This bill is necessary because of a provision in the Ticket to Work and Work Incentives Improvement Act (P.L. 106-170), which was signed into law in 1999. Unfortunately, this Act included a provision prohibiting the use of the installment method by accrual method taxpayers. As a result, this provision, type of taxpayers are currently required to pay tax on all capital gains in the first year of an installment sale, regardless of when cash payment is received.

This provision is particularly onerous for small businesses. For example, installment sales methods are common for situations where the seller continues to stay involved in the transferred small business or when a family business transfers from one generation to the next. Furthermore, this Member has been told that neither the Administration nor the Ways and Means Committee anticipated nor understood the effect the inclusion of this prohibition in the Ticket to Work and Work Incentives Improvement Act would have on small businesses. Fortunately, H.R. 3594 remedies this situation by excising the prohibition regarding the use of the installment method of accounting for accrual method taxpayers.

Therefore, for these reasons, this Member urges his colleagues to support H.R. 3594, the Installment Tax Correction Act of 2000. Thank you.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of H.R. 3594, I rise in strong support of the bill. I am very glad that it is being considered today rather than being left to languish until the new Congress convenes next month. The bill would repeal a change in the tax law that was part of the “Ticket to Work” bill enacted last year. It is widely included as a way to help offset the costs of that bill by increasing tax receipts. However, I do not think that it was necessary or appropriate.

The 1999 change prohibited the use of the “installment method” for calculating taxes on certain asset sales where the seller is paid over time rather than all at once. The effect of this is to make it much harder for small-business owners to sell their businesses or to seriously reduce the amount they can receive. I have heard from many people in Colorado who have been and remain concerned about this aspect of the changes made in 1999. H.R. 3594 would repeal that, restoring the ability of sellers to spread their receipts — and taxes—over several years. I think that is a good idea, which is why I joined as a cosponsor.

I urge the House to approve the bill.

Mr. KLECKZA, Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 3594.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o’clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 4 o’clock and 47 minutes.

CONFERENCE REPORT ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4577) 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:

CONFERENCE REPORT (H. REPT. 106-1033)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) “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”, having met, after full and free conference, have agreed to the amendments recommended and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5655, as introduced on December 14, 2000.
(2) H.R. 5657, as introduced on December 14, 2000.
(3) H.R. 5658, as introduced on December 14, 2000.
(4) H.R. 5666, as introduced on December 15, 2000.
(5) H.R. 5660, as introduced on December 14, 2000.
(6) H.R. 5661, as introduced on December 14, 2000.
(7) H.R. 5662, as introduced on December 14, 2000.
(8) H.R. 5653, as introduced on December 14, 2000.
(9) H.R. 5667, as introduced on December 15, 2000.
(b) In publishing this Act in slip form and in the United States Statutes at large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section and the text of any other bill enacted into law by reference by reason of the enactment of this Act.

SEC. 2. (a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the conference accompanying Conference Report 106-261 on legislation enacted by reference by the Department of Transportation and Related Agencies Appropriations Act, 2001, section 312 of the Legislative Branch Appropriations Act, 2001, title X and XI of H.R. 4942 (106th Congress) as enacted by H.R. 4942 (106th Congress), Division B of H.R. 5666 (106th Congress) as enacted by this Act, and sections 1(a)(5) through 1(a)(9) of this Act that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) In preparing the final sequestration report required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2001, in addition to the information required by that section, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal year 2001 under section 252 of that Act to zero.

This Act may be cited as the “Consolidated Appropriations Act, 2001.”

Amend the title of the bill so as to read: “An Act making consolidated appropriations for fiscal year ending September 30, 2001, and for other purposes.”

And the Senate agree to the same.

JOHN EDWARD PORTER,
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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of the Treasury not otherwise appropriated, 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, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $3,207,805,000 plus reimbursements, of which $1,808,465,000 is available for obligation for the period July 1, 2001 through June 30, 2002, of which $1,377,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,102,965,000 to carry out Chapter 1 of the Workforce Investment Act and $257,000,000 to carry out section 171(d) of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Centers: Provided, That $9,096,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skill Standards Act of 1994; Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Centers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall be in addition to, and subject to the requirements of section 171(b)(2)(A)(i) of the Act, the requirement made of section 171(c)(1)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(1)(D) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of such Act for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funds appropriated herein may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall be in addition to, and subject to the requirements of section 171(b)(2)(A)(i) of the Act, the requirement made of section 171(c)(1)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(1)(D) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: Provided further, That the funds made available for Job Corps operating expenses in the Department of Labor Appropriations Act, 2000, as enacted by section 100(a)(4) of Public Law 106-113, shall be available in the city of Vergennes, Vermont in settlement of the city's claim: Provided further, That $4,600,000 provided herein for dislocated worker employment and training activities shall be available to the New Mexico Telecommunications Call Center Training Consortium for training in telecommunications-related occupations.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,365,000,000 is available for obligation for the period July 1, 2001 through June 30, 2002, and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

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

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training allowances for job search and relocation, and related administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $193,452,000, together with not to exceed $3,172,246,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, which may be obligated from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which $19,880,000 is available: Provided further, that the sum available in the allocation for administrative expenses for carrying out 5 U.S.C. 8501-8523 shall be available for obligation by the States through December 31, 2001, except that funds may not be obligated for which the States have not used prior to December 31, 2001, and of which $193,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the amount authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Alternative Weekly Unemployment Insurance (AWUI) fund for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 2,000 increase above such level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further. That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 907 of the Social Security Act, and for the repayment of advances to the Black Lung Disability Trust Fund as authorized by section 9510(c)(1)(C) of the Internal
Revenue Code of 1954, as amended; and for non-
repayable advances to the Unemployment Trust Fund as authorized by section 8009 of title 5, United States Code, and to the ‘Federal Unem-
ployment Allowances’ account in the current year to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 30, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary, $40,100,000.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $110,651,000, including $6,431,000,000 for employment services, to hire full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, to

PENSION AND WELFARE BENEFITS ADMINISTRATION

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

PENSION BENEFIT GUARANTEE CORPORATION

For necessary expenses of the Pension Benefit Guaranty Corporation, $99,800,000:

(1) for costs of claims processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act, $12,371,000; (2) to pay an amount for its fair share of the costs of administering the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001, $34,910,000; (3) to cover processing of claims and data entry costs, $21,770,000; (4) for the Office of the Inspector General, and $356,000 for payment of...
any provisions to the contrary contained in
Compensation Programs v. Newport News Ship-
and Harbor Workers' Compensation Act (33
appeals of any decision made by the Benefits
pate in a review in any United States court of
may be used by the Solicitor of Labor to partici-
vided, That no funds made available by this Act
account in the Unemployment Trust Fund: Pro-
 omitted from public and private sources and to
prosecute projects in cooperation with other agencies. Federal, State, or private; the Mine
prosecute projects in cooperation with other
ctions from public and private sources and to
and which shall be available for mine safe-
A misinterpretation of an existing rule under
... 125 U.S.C. 1501 and 1502, or any similar or successor proposed or
final rule, or the provision of training or tech-
nal assistance, or other activities necessary and
appropriate in preparing to implement such rule
with an effective date after September 30, 2001.
Sec. 105. Section 218(c)(4) of the Immigration
and Naturalization Act (8 U.S.C. 1188(c)(4)) is
amed by adding at the end the following sentence: "The determination as to whether the
housing furnished by an employer for an H-2A
worker meets the requirements imposed by
this paragraph must be made prior to the date
specified in paragraph (3)(A) of the Department of
Labor is required to make a certification
described in subsection (a)(1) with respect to
a petition for the importation of such work-
eer.
Sec. 106. Section 286(s)(6) of the Immigration
and Naturalization Act (8 U.S.C. 1356(s)(6)) is
amed by inserting, "and section
212(a)(5)(A)" after the second reference to "sec-
tion 212(a)(I)"
Sec. 107. (a) Section 403(a)(5) of the Social
Security Act (as amended by section 806(b) of the
Departments of Labor, Health and Human Serv-
ces, and Education, and Related Agencies Ap-
propriations Act, 2000 (as enacted into law by
section 1000(a)(4) of Public Law 106-113)) is
amed by striking subparagraph (E) and
re-designating subparagraphs (F) through (K) as
subparagraphs (E) through (J), respectively.
(b) The Social Security Act (as amended by
section 806(b) of the Departments of Labor, Health
and Human Services, and Education, and Related
Agencies Appropriations Act, 2000 (as enacted into
law by section 1000(a)(4) of Public Law 106-113))
is further amended as follows:
(1) Section 403(a)(5)(A)(I) (42 U.S.C. 603
(a)(5)(A)(I)) is amended by striking "sub-
paragraph (I)" and inserting "subparagraph
(H)".
(2) Subclause (I) of each of subparagraphs
(A)(iv) and (B)(vi) of section 403(a)(5) (42 U.S.C.
603(a)(5)(A)(iv) and (B)(vi)) is amended—
(A) in item (aa), by striking "(I)" and inserting "(H)"; and
(ii) by striking "(G), (H)" and inserting "(G)" and "(H)"; and
(B) in item (bb), by striking "(F)" and insert-
ing "(E)".
(3) Section 403(a)(5)(B)(v) (42 U.S.C. 603
(a)(5)(B)(v)) is amended in the matter pre-
ceding subclause (I) by striking "(I)" and in-
serting "(H)".
(4) Subparagraphs (E), (F), and (G)(I) of sec-
tion 403(a)(5) (42 U.S.C. 603(a)(5), as so redesig-
nated by subsection (a) of this section, are each
amed by striking "(I)" and inserting "(H)".
(5) Section 412(a)(3) (42 U.S.C. 612
(a)(3)(A)) is amended by striking "403(a)(3)(I)" and inserting "403(a)(3)(H)".
(c) Section 403(a)(5)(H)(i)(ii) of such Act (42 U.S.C. 603(a)(5)(H)(i)(ii)) (as redesignated
by subsection (a) of this section and as amended
by section 806(b) of the Departments of Labor,
Health and Human Services, and Education,
and Related Agencies Appropriations Act, 2000
(as enacted into law by section 1000(a)(4) of
Public Law 106-113)) is further amended by
striking "$1,450,000,000" and inserting "$1,400,000,000".
(d) The amendments made by subsections (a),
(b), and (c) of this section shall take effect on
October 1, 2000.
This title may be cited as the "Department of
Labor Appropriations Act, 2001".
TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES ADMINISTRATION

For the fiscal years ending September 30, 2001, and September 30, 2002, for the Public Health Service Act, section 427(a) of the Health Resources and Services Administration, $5,525,476,000, of which $226,224,000 shall be available for the construction and renovation of health care and other facilities, and of which $25,000,000 shall be for the purposes designated under the Community-Based Rural Health Program of the Public Health Service Act, section 201(i) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1880 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center, Galveston, Texas: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, the Medicare Payment Advisory Commission under this heading, $700,000 shall be for the Des Moines University Osteopathic Medical School in Iowa to train doctors to serve in low-income communities: Provided further, That $5,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That not more than any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ‘‘available of funds’’ found at 48 CFR 52.232-18: Provided further, That funds obligated for influenza vaccine stockpile for the year 2000 and fiscal year 2001 shall be considered as appropriated under Section 3 of Public Law 101-502.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,757,242,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,299,866,000.

NATIONAL INSTITUTE OF DENTAL AND CATEGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $306,488,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASE

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,305,100,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,176,402,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,043,208,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,535,823,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $976,455,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $510,611,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $502,549,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $786,035,000.

NATIONAL INSTITUTE OF ARTHRITE AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $396,687,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to
To the National Institutes of Health Manage-

velopment: Provided further, That all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected for the National Institutes of Health under section 278(d) of the Public Health Service Act shall be made available until expended, and together with administrative fees collected relative to Medicare overpayment recovery actions shall be deposited in the Federal Hospital Insur-

sional for the National Institutes of Health may be transferred to the National Institutes of Health.

Buildings and Facilities

For the study of, construction of, and acquisi-
tion of equipment for, facilities of or used by the National Institutes of Health, the acquisition of real property, $333,790,000, to remain available until expended, of which $41,200,000 shall be for the National Neuro-

Science Research Center. Provided, That notwithstanding any other provision of law, a single contract or related contracts for the develop-

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

National Library of Medicine

For carrying out the activities at the National Library of Medicine, $382,384,000.

National Center for Complementary and Alternative Medicine

For carrying out the activities at the National Center for Complementary and Alternative Medicine, $89,211,000.

National Center on Minority Health and Health Disparities

For carrying out the activities of the National Center on Minority Health and Health Disparities, $130,200,000.

Office of the Director

For carrying out the activities of the Office of the Director, National Institutes of Health, $213,581,000, of which $48,271,000 shall be available until expended, of which $4,000,000 shall be available in compliance with the conditions set forth in section 302 of the Freedom of Information Act, and $17,000,000 shall be for the purchase of not to exceed 20 passenger motor vehicles for replacement only: Provided further, That the Director may direct not more than 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropri-

ations to activities the Director may so designate: Provided further, That no such appropriation shall be by transfer and that the Congress is promptly notified of the transfer: Provided fur-

ther, That the National Institutes of Health is authorized to purchase commercial property for the total cost of the services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Manage-

Program Management

For carrying out, except as otherwise pro-

vied, titles XI, XVII, XIX, and XXI of the So-
cial Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Lab-

ratory Improvement Amendments of 1988, not to exceed $2,264,326,000, to be transferred from the Federal Hospital Insur-

ance and the Federal Supplementary Medical Insurance Trust Funds, and as provided by section 926(b) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected for the National Institutes of Health under section 278(d) of the Public Health Service Act, shall be credited to the National Institutes of Health Management Fund: Provided further, That the amount available for the Fiscal Year 1999 Fund shall remain available for one fiscal year after the fiscal year in which they are de-

posited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foun-

dation for the National Institutes of Health may be transferred to the National Institutes of Health.

For carrying out the activities of the Agency for Healthcare Research and Quality, $132,000,000.

Agency for Healthcare Research and Quality

For carrying out the activities of the Agency for Healthcare Research and Quality, $129,800,000.

Health Care Financing Administration

For carrying out the activities of the Health Care Financing Administration, $31,500,000.

Healthy People 2010

For carrying out the activities of the Office of the Director, National Institutes of Health, $150,000,000.

Office of the Director

For carrying out the activities of the Office of the Director, National Institutes of Health, $150,000,000.

National Institute on Deafness and Other Communication Disorders

For carrying out the activities of the National Institute on Deafness and Other Communication Disorders, $395,124,000.
for research, demonstration, and evaluation activities shall be awarded to the West Virginia University School of Medicine’s Eye Center to provide a continuum of care for children with life-threatening conditions and their families. Provided, further, That $921,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Equipment for Quality for a demonstration project to document the impact of an independent investigatory unit to be established in Los Angeles or other serious allegations of abuse and neglect of people with disabilities at facilities in Illinois: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Duke University Medical Center to demonstrate the potential savings in the Medicare program of a system based on preventive care: Provided further, That $1,843,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Bucks County, Pennsylvania, for a demonstration project to improve clinical data coordination among Medicaid providers: Provided further, That $646,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TenCare eligibility: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicaid Managed Care corporations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1877 of that Act pursuant to section 361(a) of the Social Security Act and section 601 of the Omnibus Budget Reconciliation Act of 1981, the Older Americans Act of 1965, as amended, the Runaway and Homeless Youth Act, section 40155, 40211, and 40241 of Public Law 103-322; and for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 501 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322 and section 126 and titles IV and V of Public Law 105-285, 67,966,341,000,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act (670-769) and may be made for adoptees completed in fiscal years 1999 and 2000, of which $682,876,000 shall be for making payments under the Adoption Assistance and Child Welfare Act of 1980, $6,200,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002; Provided, That the to the extent Community Services Block Grant funds are distributed as grant funds to a State by an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with the purposes provided for in the grants made pursuant to the Act. Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired through grant funds and section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not less than 12 years after the end of the grant for purposes and uses consistent with the original grant. Funds appropriated for fiscal year 2001 under section 430A, ACHD, part B of title IV of the Social Security Act shall be reduced by $6,000,000,000. Funds appropriated for fiscal year 2001 under section 431H(1) of the Social Security Act shall be reduced by $15,000,000.

For making payments to States or other non-Federal entities under title X of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expedite; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

For making payments to States or other non-Federal entities under title X-E of the Social Security Act, $4,863,100,000, to remain available until expended; for making payments to States or other non-Federal entities under title X-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.
Service Act, $1,103,135,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reaction reports. The amount for research and training, including hire of six sedans, and for carrying out studies of the anthrax vaccine; and Office of Emergency Preparedness, $60,100,000.

GENERAL PROVISIONS

Sec. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

Sec. 202. None of the funds made available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and who work in AIDS programs through grants funds provided by the Agency for International Development, the United Nations International Children’s Emergency Fund or the World Health Organization.

Sec. 203. Of the funds appropriated under this Act may be used to implement section 399(b) of the Public Health Service Act or section 303(g) of the Public Health Revitalization Act of 1993, Public Law 103-103.

Sec. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Health Resources and Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

Sec. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for the Secretary, for other tapper assessments by any office located in the Department of Health and Human Services, prior to the Secretary’s preparation and submission of the budget and the Appropriations Committees of the House and Senate detailing the planned uses of such funds.

Sec. 206. No funds shall be available to exceed 1 percent of any discretionary funds (purported to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department of Health and Human Services submit an operating plan to the House and Senate Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,849,000. Provided, That such amounts, necessary for the performance of activities relating to the Secretary and investigating non-payment of child support cases for which non-payment is a federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $241,231,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That none of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $30,377,000 shall be for activities specified in section 205(b)(2). Funds provided for the amount for prevention service demonstration grants under section 190(b)(2) of title V of the Social Security Act, as amended, without the authorization of the limitation of section 201(c) of said title XX: Provided, Further, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department of Health and Human Services submit an operating plan to the House and Senate Committees on Appropriations.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions within the institutes, centers, and divisions from the balances of such institutes, centers, and divisions by a process of negotiation with the Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the amount transferred.

Sec. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus as determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ‘Office of AIDS Research’ account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2533(d)(3) of the Public Health Service Act.

Sec. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortion: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected actual costs related to the entity’s enrollment): Provided further, That nothing in this section shall be construed to change the Medicare program’s coverage for such services and a choice of provider: Provided further, That this section shall be responsible for informing enrollees where to obtain information about all Medicare-covered services.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from the requirements of State law for the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—


(b) in subsection (e), by striking “October 1, 1999’’ each place it appears and inserting “October 1, 2001’’; and

(c) in section 599E (8 U.S.C. 1255 note) by striking “October 1, 2000’’ each place it appears and inserting “September 30, 2001’’.

SEC. 213. None of the funds provided in this Act or in any other Act making appropriations for the fiscal year ending September 30, 2000 may be used to carry out the Community Health Centers Act or the Community Health Centers Reauthorization Act of 2000.

SEC. 214. (a) Except as provided by subsection (d) none of the funds appropriated by this Act may be used to withholding substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by March 1, 2001, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws requiring the sale of tobacco products to individuals under 18 years of age.

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

(c) The State is to maintain State expenditures in fiscal year 2001 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2000, and adding to that level the additional funds required by the certification described in subsection (a) as late as July 31, 2001.

(d) The Secretary shall maintain in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2001.

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

SEC. 215. Section 448 of the Public Health Service Act (42 U.S.C. 282g) is amended by inserting “gynecologic health,” after “with respect to”.

SEC. 216. None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston
Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, the contractor is charged with providing with egregious violations of the Animal Welfare Act: Provided, That the requirements of section 408(a) of the Emergency Supplemental Act, 2000 (Public Law 106-5) shall not apply to Federal funds appropriated for the construction or renovation of facilities with a primary purpose of conducting nonhuman primate research facilities of special interest to NIH.

Sec. 217. No grants may be awarded under the first paragraph under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in chapter 4 of title II of the Emergency Supplemental Act, 2000 (Public Law 106-5) until March 1, 2001.

Sec. 218. (a) The second sentence of section 594(b) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 2005, nor shall any agreement cover a period of service extending beyond September 30, 2008.


Sec. 219. (a) Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donations and new transplantations.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification process, and certification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) an exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome measures that would accurately reflect the relative capability and performance of each organ procurement organization;

(B) a lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds;

(5) the Secretary of Health and Human Services has the authority under section 113(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b-8b)(i)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) the Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to:

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures into developing equitable process for appeals.

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

(1) by striking subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary on the previous year's period as meeting the performance standards to be a qualified organ procurement organization through a process that-

(I) grants certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of

(1) January 1, 2002; or

(2) the completion of recertification under the requirements of clause (ii); or

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

(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

(II) rely on outcome and process performance measures that utilize multiple source evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

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

(IV) provide a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds.

"SEC. 220. (a) In order for the Centers for Disease Control and Prevention to carry out inter nal HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2001, the Secretary of Health and Human Services is authorized to:

(1) utilize the authorities contained in subsection (a)(1) of the State Department Basic Authorities Act of 1956, as amended, subject to the limitations set forth in subsection (b), and

(2) enter into reimbursable agreements with the Department of State using any funds appropriated to the Department of Health and Human Services, for the purposes for which the funds were appropriated in accordance with authority granted to the Secretary of Health and Human Services or under authority governing the activities of the Department of State.

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

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

(2) shall follow otherwise applicable Federal procurement laws and regulations to the maximum extent practicable.
Provided further, That $225,000,000 of these funds shall be allocated among the States in the same proportion as funds are allocated among the States under section 1122, to carry out section 1116(c), unless such option to transfer is prohibited by State law, or local law, which includes provisions for school improvement under section 1116(c), unless such option to transfer is prohibited by State law, or local law, which includes provisions for school improvement under section 1116(c). Provided further, That the Secretary shall support those approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

**IMPACT AID**

For carrying out programs of financial assistance for federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, $993,302,000, of which $882,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments under section 8003(b) to States and of which $12,800,000 shall be for construction under section 8007, $40,500,000 shall be for Federal property payments under section 8002, and $8,000,000, until expended, shall be for facilities maintenance under section 8008: Provided, That $6,802,000 of the funds for section 8007 shall be available for the local educational agencies and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That the amount appropriated for section 8002, the Secretary shall treat as timely filed, and shall process for payment, an application for a fiscal year 1999 payment from Academy School District 20, in Colorado, on or before December 15, 2000, that the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That the Secretary of the Interior shall consider the application from the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That the Secretary of Education shall consider the application from the school district serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001, and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range. Provided further, That the funds transferred under the preceding proviso shall be used by the Secretary of Defense to administer the Troops-to-Teachers Program, including the selection of participants and the setting of standards in the Program under the Troops-to-Teachers Program Act of 1999 (title XVII of Public Law 106-65, 20 U.S.C. 9301 et seq.): Provided further, That for purposes of sections 1702(b) and (c) of the Troops-to-Teachers Program Act of 1999, the Secretary of Defense shall be the administering Secretary and may, at the Secretary's discretion, carry out all or any portion of the activities authorized under section 1702(c) of that Act and reallocate the portion of the funds made available for the Troops-to-Teachers Program to carry out section 1702(b) and (c) of that Act: Provided further, That the amount made available under this heading for national activities under section 2102 of the Elementary and Secondary Education Act of 1965, $45,000,000 shall be available to States and allo-
$1,623,000,000 shall be available, notwithstanding any other provision of law, in accordance with section 306 of this Act in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children: Provided further, That of the amount made available for title VI, $1,200,000,000 shall be available, notwithstanding any other provision of law, for grants for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, in accordance with section 321 of this Act: Provided further, That funds made available under this heading to carry out section 601 of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law: Provided further, That of the amount made available to carry out activities authorized under part C of title IX of the Elementary and Secondary Education Act of 1965, $1,000,000 shall be for the Alaska Humanities Forum for operation of the Rose student exchange program and $1,000,000 shall be for the Alaska Native Heritage Center to support its program of cultural activities: Provided further, That of the amount made available for subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, $10,000,000, to remain available until expended, shall be for Project School Emergency Response to Violence to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

**Reading Excellence**

For necessary expenses to carry out the Reading Excellence Act, $91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002, of which $195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

**Indian Education**

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $115,500,000.

**Bilingual and Immigrant Education**

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C of title VII of the Elementary and Secondary Education Act of 1965, $460,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

**Special Education**

For carrying out the Individuals with Disabilities Education Act, $7,439,948,000, of which $2,090,452,000 shall become available for obligations incurred on or after July 1, 2001 and shall remain available through September 30, 2002, of which $5,072,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001-2002: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 608(b)(2)(G) of the Act to provide information on diagnostic, intake units, and teaching strategies for children with disabilities: Provided further, That $7,353,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

**Rehabilitation Services and Disability Research**

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistance for the Deaf and Hard of Hearing Act, the Deaf Education Act, the Deaf Education Act of 1986 (20 U.S.C. 4301 et seq.), and the Rehabilitation Act, the amount provided for section 105(b)(1) of the Act: Provided further, That each State shall be provided $50,000 for activities under section 102 of the AT Act: Provided further, That $10,000,000, to remain available until expended, shall be for the Office of Special Education and Rehabilitation Services to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965: Provided further, That $9,500,000 shall be for the Deaf Education Act of 1986, of which $5,000,000 shall be for the National Institute for Deaf Education and Rehabilitation Research and Training Center to study and recommend incentives for employers to hire persons with significant disabilities.

**Special Institutions for Persons with Shy or Overactive Behaviors**

**American Printing House for the Blind**

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

**National Technical Institute for the Deaf**

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,376,000, of which $5,376,000 shall be for construction of the campus facilities: Provided further, That the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

**Gallaudet University**

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $99,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

**Vocational and Adult Education**

For carrying out, to the extent not otherwise provided, the Vocational and Adult Education Act, the Adult Education and Family Literacy Act, and title VIII-D of the Higher Education Act of 1965, as amended, and Public Law 102-73, $475,600,000, of which $1,000,000 shall remain available until expended, and of which $1,028,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2001, and of which $791,000,000 shall be available on October 1, 2001 and shall remain available through September 30, 2002: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,600,000 shall be for the operation of the Rose student exchange program for the Alaska Humanities Forum for the Alaska Native Heritage Center, $1,000,000 for the American Printing House for the Blind, and $1,000,000 for Gallaudet University.

**Higher Education**

For carrying out, to the extent not otherwise provided, section 121 and 123 of title IV, VI, VII and VIII of the Higher Education Act of 1965, as amended, section 1543 of the Higher Education Amendments of 1992 and title VII of the Higher Education Amendments of 1998, and the Mutual Recognition and Education Cultural Exchange Act of 1961, $1,911,710,000, of which $10,000,000 for interest subsidies authorized by section 121 of the Higher Education Amendments of 1998, of which the Federal share of $2,000,000 shall be available on July 1, 2001 and shall remain available through September 30, 2002, and any other amounts authorized by section 121 of the Higher Education Amendments of 1998, to support the maximum Pell Grant awards in such award year, and any funds available from the fiscal year 2000 appropriations for Pell Grant awards, are insufficient to satisfy fully all such students who are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

**Federal Family Education Loan Program Account**

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part D of the Higher Education Act of 1965, as amended, $48,000,000.
of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall be zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title II of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including part A; and sections 10102 and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $5,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall be zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title II of the Higher Education Act of 1965, as amended, $208,000.

DEPARTMENTAL MANAGEMENT

For expenses necessary for the Office of the Inspector General, as authorized by section 203 of the Department of Education Organization Act, $76,000,000.

FOFFICE OF THE INSPECTOR GENERAL

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

GENERAL PROVISIONS

Sec. 301. No funds appropriated in this Act shall be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Sec. 302. None of the funds contained in this Act shall be used for the transportation of students to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering the special education services to which that student is entitled, or for transportation of any student pursuant to section 912(m)(1)(B±F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227 and $20,000,000 of that $33,000,000 shall be made available for comprehensive school reform, and in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial repayment of Howard University (20 U.S.C. 121 et seq.), $222,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Public Law (98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES PROJECTS AND INSTITUTIONAL IMPROVEMENTS

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

DEPARTMENTAL MANAGEMENT

Program Administration

For carrying out, to the extent not otherwise provided in the Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $413,184,000.

OFFICE OF THE INSPECTOR GENERAL

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

GENERAL PROVISIONS

Sec. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Sec. 302. None of the funds contained in this Act shall be used for the transportation of students to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering the special education services to which that student is entitled, or for transportation of any student pursuant to section 912(m)(1)(B±F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227 and $20,000,000 of that $33,000,000 shall be made available for comprehensive school reform, and in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial repayment of Howard University (20 U.S.C. 121 et seq.), $222,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Public Law (98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES PROJECTS AND INSTITUTIONAL IMPROVEMENTS

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

DEPARTMENTAL MANAGEMENT

Program Administration

For carrying out, to the extent not otherwise provided in the Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $413,184,000.

OFFICE OF THE INSPECTOR GENERAL

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

GENERAL PROVISIONS

Sec. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Sec. 302. None of the funds contained in this Act shall be used for the transportation of students to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering the special education services to which that student is entitled, or for transportation of any student pursuant to section 912(m)(1)(B±F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227 and $20,000,000 of that $33,000,000 shall be made available for comprehensive school reform, and in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial repayment of Howard University (20 U.S.C. 121 et seq.), $222,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Public Law (98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES PROJECTS AND INSTITUTIONAL IMPROVEMENTS

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

DEPARTMENTAL MANAGEMENT

Program Administration

For carrying out, to the extent not otherwise provided in the Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $413,184,000.

OFFICE OF THE INSPECTOR GENERAL

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

GENERAL PROVISIONS

Sec. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Sec. 302. None of the funds contained in this Act shall be used for the transportation of students to a school other than the school which is nearest the student’s home, except for a student requiring special education, to the school offering the special education services to which that student is entitled, or for transportation of any student pursuant to section 912(m)(1)(B±F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227 and $20,000,000 of that $33,000,000 shall be made available for comprehensive school reform, and in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial repayment of Howard University (20 U.S.C. 121 et seq.), $222,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Public Law (98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES PROJECTS AND INSTITUTIONAL IMPROVEMENTS

For Federal and administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.
section is less than the starting salary for a new fully qualified teacher in that agency, who is certified within the State (which may include certification through State or local alternative routes). A local educational agency (which may include certification through State or local alternative routes), that provides an academic degree program that certifies the general knowledge, teaching skills, and subject matter knowledge required to teach in his or her content areas, that agency may use funds under subsection (A) to help provide salary for a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or (B) pays an amount equal to the lesser of (i) the differential in salary that would have been in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency had already reduced class size in the early grades to 18 or less children (or has already reduced class size to 18 or less children which was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency had already reduced class size in the early grades to 18 or less children) and (ii) of subparagraph (A).

(3) Each local educational agency that receives funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits for, or otherwise participate in professional development activities of, teachers who are not hired under this section. Funds under this section may be used to pay the salary of teachers hired under section 307 of the Department of Education Appropriations Act, 1999, or under section 310 of the Department of Education Appropriations Act, 2000.

(5)(I) Each such local educational agency that uses funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size has, had, if any, on increasing student academic achievement.

(3) Each such educational agency that receives funds under this section shall provide to parents, upon request, the professional qualifications of their child’s teacher.

(4) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private school children in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to such activities.

(5)(A) Each such local educational agency that receives funds under this section shall report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size has, had, if any, on increasing student academic achievement.

(5)(B) Each such local educational agency that receives funds under this section shall provide to parents, upon request, the professional qualifications of their child’s teacher.

(5)(C) Each such local educational agency that receives funds under this section shall report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size has, had, if any, on increasing student academic achievement.

(5)(D) Each such local educational agency that receives funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size has, had, if any, on increasing student academic achievement.
SEC. 310. Section 117(i) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(i)) is amended by inserting "such sums as may be necessary for" before "each of the 4 succeeding years".

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

(1) in section 432(a)(2), by striking "section 415E" and inserting "section 415E";

SEC. 314. Section 415E of the Higher Education Act of 1965 (20 U.S.C. 1085a-14) is amended—

(3) (E) P ERFECTION OF SECURITY INTERESTS IN ACCOUNTS.—

SEC. 315. The Secretary of Education shall—

(a) the institution demonstrates to the satisfaction of the institution and be—

(b) (c) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this section shall use such funds to provide grant aid to—

(c) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction

(b) (d) (A)(i) For Federal Direct PLUS Loans for

(c) (e) (i) these students are at high risk of dropping

(e) SEC. 319. Section 1543 of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(4)) is amended to read as follows:

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

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

(h) (A) who demonstrate financial need; and

(i) SEC. 317. From the amounts made available for the "Improvement of Education" under the heading "Education Research, Statistics, and Improvement", $10,000,000, to remain available until expended, shall be available to the Secretary of Education to be transferred to the Secretary of the Interior for an award to the National Constitution Center for construction activities authorized under Public Law 104-203.

SEC. 314. Section 4116(b) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end of the section the following new subsection:

SEC. 319. Section 117(i) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(i)) is amended by inserting "such sums as may be necessary for" before "each of the 4 succeeding years".

SEC. 320. Section 432(a)(15) of the Higher Education Act of 1965 (20 U.S.C. 1085a(15)) is amended—

(1) by inserting after subsection (c) as subsection (c-1) the following new subsection:—

SEC. 321. From the amounts made available for the "Improvement of Education" under the heading "Education Research, Statistics, and Improvement", $10,000,000, to remain available until expended, shall be available to the Secretary of Education to be transferred to the Secretary of the Interior for an award to the National Constitution Center for construction activities authorized under Public Law 104-203.

SEC. 321. Section 4105(c) of the Higher Education Act of 1965 (20 U.S.C. 1085c(c)) is amended by striking "section 415A(b)(2)" and inserting "section 415A(b)(2)";

SEC. 322. Section 4116(b)(4) of the Elementary and Secondary Education Act of 1965 is amended by striking subparagraph (D) and inserting in lieu thereof the following:

(a) Section 4116(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1085a-14) is amended—

(1) by inserting "January 1, 1999, 2000, and 2001" and inserting "1999 through 2003";

(b) Section 4116(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1085a-14) is amended—

(c) by inserting after subsection (d) the following new subsection:—

(2) in subsection (d), for purposes of determining a State's share of the cost of the authorized activities described in subsection (c), the State shall consider only those expenditures from non-Federal sources that exceed the average spending of all States, the territories, and the Commonwealths on need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subparagraph).
amended by adding at the end the following new subsection:

"(e) DESIGNATION.—Scholarships awarded under this section shall be known as 'B. J. Stupak Scholarship Grants'.

SEC. 320. (a) Subject to subsection (c), the Secretary of Education shall release the reversionary interests that were retained by the United States in the qualifying properties to the individual or entity that has title to and possession of the property. The Secretary shall be responsible for ensuring that the reversionary interests are released in a manner that does not impair the ability of the property to be used for the purposes for which it was acquired under this section.

(b) The Secretary shall release the reversionary interests under subsection (a) without charge.

(c) The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instruments effectuating the release of the reversionary interests under subsection (a). In all other respects the provisions of the April 3, 1978 Quitclaim Deed shall remain intact.

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

(1) ALLOCATION OF FUNDS.—Of the amount made available under the heading "School Improvement Programs" for grants made in accordance with this section for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, the Secretary shall allocate—

(A) $75,000,000 for grants to impacted local educational agencies as defined in paragraph (3) for school repair, renovation, and construction;

(B) $3,250,000 for grants to outlying areas for school repair and renovation in high-need schools and communities, allocated on such basis, and subject to such terms and conditions, as the Secretary determines appropriate;

(C) $75,000,000 for grants to public entities, private nonprofit entities, and consortia of such entities, for use in accordance with subparagraph 2 of part C of title X of the Elementary and Secondary Education Act of 1965, and

(D) the remainder to State educational agencies in proportion to the amount each State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 720 et seq.) for fiscal year 2000, except that no State shall receive less than 0.5 percent of the amount allocated under this subparagraph.

(2) DETERMINATION OF GRANT AMOUNT.—

(A) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the grant amount under this paragraphs (A) and (B) for fiscal year 2001, the Secretary shall determine the results of the computation described in paragraph (2) of section 8003 of the Elementary and Secondary Education Act of 1965; and

(B) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the grant amount under this paragraph (B) for fiscal year 2001, the Secretary shall determine the results of the computation described in paragraph (2) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7200 et seq.) for the purpose described in subparagraph (A) for the purpose of administering the distribution of grants under this paragraph.

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

(a) In general.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (1)(D), the State educational agency shall distribute 25 percent of such funds to the State entity responsible for the financing of education facilities, the agency shall transfer such funds to the State entity for the financing of education facilities (referred to in this paragraph or the agency, for the financing of education facilities, to the extent to which the school or schools that proposes to fund a repair or renovation project for a charter school or schools, the extent to which the school or schools have access to funding for the project through the financing methods available to other public schools or local educational agencies in the State.

(b) The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

(c) POSSIBLE MATCHING REQUIREMENT.—

(i) In general.—A State educational agency or State entity may require local educational agencies to match funds awarded under this section.

(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by taking into account the relative poverty of the population served by the local educational agency.

(iii) RESERVATION FOR COMPETITIVE IDEA OR TECHNOLOGY GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(a) In general.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 25 percent of such funds to local educational agencies through competitive grant processes, to be used for the following:

(i) to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

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

(I) wiring;

(II) acquiring hardware and software;

(III) acquiring connectivity linkages and resources; and

(IV) acquiring microwave, fiber optics, cable, and satellite transmission equipment.

(b) Competitive awards.—In awarding competitive grants under subparagraph (A) to be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), a State educational agency shall take into account the following criteria:

(I) The need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401) or assistive technology services (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or assistive technology services (as so defined) for children being served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) The need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401).
B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), in order for children with disabilities to make progress toward meeting the performance goals and indicators, as defined by the State under section 612(a)(16) of such Act (20 U.S.C. 1412).

(C) CRITERIA FOR AWARDING TECHNOLOGY GRANTS.--In awarding competitive grants under subsection (b), the Secretary shall take into account the need for a local educational agency for additional funds for such activities, including the need for the activities described in clauses (i) through (IV) of subparagraph (A)(ii).

(2) SUPPORT OF ATHLETIC CONTESTS OR EXHIBITIONS OR OTHER FACILITIES FOR AN IMPACTED LOCAL EDUCATIONAL AGENCY.--An allocation of funds under this section for athletic contests or exhibitions or other facilities for an impacted local educational agency (as defined in subsection (a)(3)); or

(3) PAYMENT FOR REPAIR OR RENOVATION OF PUBLIC SCHOOL FACILITIES.--An allocation of funds for repair or renovation, and construction, of such facilities, including the activities described in subparagraphs (A) and (B) of subsection (a)(1)(D) (I) of such Act with respect to funds under this section; or

SEC. 322. (a) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1411 et seq.) shall provide parents, educators, and all other interested members of the community the opportunity to consult on the use of funds received under such paragraph;

(b) shall describe to the public, with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

(c) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

(f) REPORTING.--(1) LOCAL REPORTING.--Each local educational agency under subsection (a)(1)(D) shall submit a report to the Secretary of Education, not later than December 31, 2002, a report on the use of funds allocated under subsection (a)(1)(D) for local educational agencies for renovation and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)).

(2) STATE REPORTING.--Each State educational agency shall submit to the Secretary of Education, not later than December 31, 2002, a report on the use of funds under this section to carry out activities under section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1411 et seq.);

(3) TECHNICAL ASSISTANCE.--The Secretary shall ensure that, if it carries out repair or renovation of public school facilities only to ensure the health and safety of students and staff, including--

(A) payment of maintenance costs in connection with such facilities, including roofs, electrical wiring, plumbing systems, or sewage systems;

(B) repairing, replacing, or installing heat, ventilation, or air conditioning systems (including insulation); and

(C) stadiums or other facilities primarily used for athletic contests or exhibitions or other facilities for an impacted local educational agency (as defined in subsection (a)(3)); or

(ii) asbestos abatement or removal from public school facilities.

(f) REPORTING.--Each entity receiving funds under subsection (a)(1)(A) or (B) shall submit to the Secretary, not later than December 31, 2002, a report on the use of funds described in subsection (a)(1)(D) for local educational agencies for repair and renovation, and construction, of such facilities, including the activities described in subparagraphs (A) and (B) of subsection (a)(1)(D) of such Act with respect to funds under this section.

(i) PARTICIPATION OF PRIVATE SCHOOLS.--If a local educational agency does not apply for an allocation of funds under subsection (a)(1)(D) for fiscal year 2001, it does not use its entire allocation for such fiscal year, the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) to the remaining State educational agencies in accordance with subsection (a)(1)(D).

(j) LOCAL EDUCATIONAL AGENCY.--The term "local educational agency" has the meaning given such term in section 10310(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001(1)).
Subpart 1—Basic Charter School Grant Program; and

Subpart 2—Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation

Section 10321. Purpose.

The purpose of this subpart is to provide one-time grants to eligible entities to permit them to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

Section 10322. Grants to Eligible Entities.

(a) In general.—The Secretary shall use 100 percent of the amount available for this subpart to award not less than 3 grants to eligible entities having applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

(b) Application.—The Secretary shall evaluate each application submitted, and shall make a determination of which are sufficient to merit approval and which are not. The Secretary shall award at least one grant to each eligible entity described in section 10323(2)(a), at least one grant to each eligible entity described in section 10323(2)(b), and at least one grant to each eligible entity described in section 10323(2)(c). If applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

(c) Grant Characteristics.—Grants under this subpart shall be of a sufficient size, scope, and quality, as to ensure an effective demonstration of an innovative means of enhancing capital market financing; the funding of new facilities, or the renovation, repair, or alteration of existing facilities, or by other public entities for the benefit of charter schools, or by other public entities for the benefit of charter schools.

(d) Special Rule.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than 3 grants in accordance with subsection (a) through (c), such 3-grant minimum shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

Section 10323. Applications.

(a) In general.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may require.

(b) Contents.—An application under subsection (a) shall contain—

(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the applicant will determine which charter schools will receive assistance, and what types of assistance charter schools will receive;

(2) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

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

(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program, in which the cost of financing is included;

(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the entity receive the funding they need to have adequate facilities; and

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

Section 10324. Charter School Objectives.

(a) An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established by an eligible entity under section 10325(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the objectives described in section 10324(a), (A) or (B).

(b) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of the entity) if the interest is in an under performing or unimproved real property that is necessary to commence or continue the operation of a charter school.

(c) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

Section 10325. Reserve Account.

(a) Use of Funds.—To assist charter schools to accomplish the objectives described in section 10324, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 10326) in a reserve account established by the entity for this purpose.

(b) Investment.—Funds received under this subpart and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States, the District of Columbia, or any jurisdiction that the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in accomplishing the purposes described in section 10325(a); or

(2) all or a portion of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in accomplishing the purposes described in section 10325(a).

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

Section 10326. Limitation on Administrative Costs.

An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

Section 10327. Audits and Reports.

(a) Financial Record Maintenance and Audit.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant reviewing the financial records of the eligible entity.

(b) Reports.—

(1) Grantee annual reports.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

(2) Contests.—Each such annual report shall include—

(1) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

(2) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

(3) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

(4) a listing and description of the charter schools served during the reporting period;

(5) a description of the activities carried out by the eligible entity to assist charter schools in the application’s development and the objectives set forth in section 10324; and

(6) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

Section 10329. Full Faith and Credit for Grant Recipients.

(a) In general.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall—

(1) of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in accomplishing any purpose described in section 10325(a); or

(b) exercise of authority.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any entity eligible entity pursuant to any provision of this subpart.

Section 10330. Definitions.

In this subpart—

(1) the term ‘charter school’ has the meaning given such term in section 10310;

(2) the term ‘eligible entity’ means—

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

(b) a private nonprofit entity; or

(c) a consortium of entities described in subparagraphs (A) and (B);

Section 10331. Authorization of Appropriations.

For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001.”.
(b) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) is amended in each of the following provisions by striking “part” each place such term occurs and inserting in lieu thereof—

(1) Sections 10301 through 10305.
(2) Section 10307.
(3) Sections 10309 through 10311.

Sec. 232. (a) Section 8003(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance of the agency for assistance under this subparagraph, and (II) the amount of such assistance under this subparagraph.

Sec. 233. (a) Section 233(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

Sec. 234. (a) Section 234(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

Sec. 235. (a) Section 235(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 236(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 237. (a) Section 237(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

Sec. 238. (a) Section 238(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 239(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 240. (a) Section 240(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 241(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 242. (a) Section 242(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 243(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 244. (a) Section 244(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 245(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 246. (a) Section 246(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 247(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 248. (a) Section 248(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 249(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 250. (a) Section 250(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.

(b) Section 251(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended by adding at the end the following:

Sec. 252. (a) Section 252(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary shall award”;

(2) by striking the period at the end and inserting “; and”;

and (II) the amount of such assistance under this subparagraph, and (ii) the amount of such assistance under this subparagraph.
For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Old-Age and Survivor Insurance Trust Fund.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 22, 1947 (29 U.S.C. 153), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 22, 1947 (29 U.S.C. 153), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 22, 1947 (29 U.S.C. 153), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 22, 1947 (29 U.S.C. 153), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 22, 1947 (29 U.S.C. 153), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws and regulations thereunder, provided that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, inquiries, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of June 25, 1938 (29 U.S.C. 203), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 22, 1947 (29 U.S.C. 153), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.
In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to the General Fund of the United States Institute of Peace as authorized in this Act, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the United States Senate on Appropriations of the House and Senate.

United States Institute of Peace-operating expenses

For necessary expenses of the United States Institute of Peace as authorized in this Act, in the United States Institute of Peace Act, $5,000,000.

Title V—General Provisions

Sec. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer, without regard to appropriation to which appropriations are determined by the Congress, to the greatest extent practicable, to the appropriate Federal agency, to the greatest extent practicable, to such entity a notice described in the preceding section, to which such appropriation was applicable.

Sec. 502. No part of any appropriation contained in this Act shall remain available for obligation or expenditure beyond the current fiscal year unless expressly so provided.

Sec. 503. (a) No part of any appropriation contained in this Act shall be used, other than for purposes specifically authorized in this Act, to enter into any contract, grant, or other arrangement with any entity that is a这个时候的read to section 301(b) of the Federal Mediation and Conciliation Service Act of 1968. (b) Nothing in the preceding section shall be construed as requiring the establishment or administration of a fund by the Federal Mediation and Conciliation Service.

Sec. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses for which they were originally appropriated.

Sec. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used by any person for any kit, pamphlet, booklet, publication, radio, television, or other communication where the purpose or intent is to influence legislation or activities designed to influence legislation or activities pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

Sec. 506. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any contract, subcontract, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Sec. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded under Federal grants or contracts, no Federal request or Federal agency, shall provide to such entity a notice providing, or for providing for, or the assignment of, a unique health identifier for an individual, or for any activity designed to influence legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

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

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion—

(c) Nothing in the preceding section shall be construed as requiring the establishment or administration of a fund by the Federal Mediation and Conciliation Service.

Sec. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

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

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical illness that would be so substantially injured from the pregnancy itself, that would be substantially injured if modified by a physician, place the woman in danger of death unless an abortion is performed;

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any amount of Federal funds paid for contracts or grants for health care and related programs, including the administration of grants and contracts, to be used for the provision of health care services or goods that are used as a substitute for the services or goods otherwise provided.

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

(b) The creation of a human embryo or embryos for research purposes; or

(c) Research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to research or experiments that result in injury to death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(d) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(e) The limitations in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that for these reasons the use of such drug or other substance is indispensable to the best interests of the pregnant woman, and that the use of such drug or other substance is necessary to preserve or protect the health of the mother or of the potential for the human embryo or embryos to develop into a human being.

Sec. 511. (a) None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with any entity—

(1) that has been convicted of a Federal or State crime involving fraud or false statements in Federal grants, Federal contracts, Federal grants or Federal contracts, or the application for Federal grants or Federal contracts, for which the entity shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the barment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, United States Code; and

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

Sec. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1395note), or the Secretary of Health and Human Services and the Chairman of the Federal Mediation and Conciliation Service, for any activity designed to influence legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

Sec. 513. (a) Section 403(a)(5)(H)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(iii)) is amended by striking "2003" and inserting "2005".

(b) Section 403(a)(5)(H) of such Act (42 U.S.C. 603(a)(5)(G)) is amended by adding at the end of the following:

(iv) interim report.—Not later than January 1, 2002, the Secretary shall submit to the Congress an interim report on the evaluations referred to in clause (i).

Sec. 514. Nothing in the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1395note), or the Secretary of Health and Human Services and the Chairman of the Federal Mediation and Conciliation Service, for any activity designed to influence legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

Sec. 515. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170) is amended by striking "2009" both places it appears and inserting "2007".

Sec. 516. Part B of title III of the Public Health Services Act (42 U.S.C. 243 et seq.) is amended by inserting before section 318 the following section:

"HUMAN PAPILLOMAVIRUS

SEC. 317P. (a) Surveillan—

(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall—

(A) enter into cooperative agreements with States and other entities to conduct sentinel surveillance or other special studies that would determine the prevalence and populations of specific types of human papillomavirus (referred to in this section as "HPV") in different sites in various regions of the United States; take action to collect special specimens for HPV using a variety of laboratory-based testing and diagnostic tools; and

(b) develop and analyze data from the HPV sentinel surveillance system described in subparagraph (A).

(2) REPORT.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) no later than one year after the effective date of this section.

(3) PREVENTION ACTIVITIES; EDUCATION PROGRAMS—

(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall conduct prevention research and develop and disseminate educational materials for the public and health care providers regarding HPV and its impact and prevention.
(2) REPORT: FINAL PROPOSAL.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than one year after the effective date of this section, and shall develop a fiscal report not later than three years after such effective date, including a detailed summary of the significant findings and problems and the best strategies to prevent future incidence of sexually transmitted diseases, in preventing infection with HPV, and (D) the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer purposes in preventing cervical cancer.

(2) MEDICALLY ACCURATE INFORMATION.—Educational material under paragraph (1), and all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary (including materials prepared through the Drug Administration provided the Centers for Disease Control and Prevention, and the Health Resources and Services Administration), or by contractors, grantees, or subcontractors shall specifically and accurately address STIs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing sexual transmitted diseases, in preventing infection with HPV and (D) the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer purposes in preventing cervical cancer.

SEC. 4. LABELING OF CONDOMS.

The Secretary of Health and Human Services shall reexamine existing condom labels that are authorized pursuant to the Federal Food, Drug, and Cosmetic Act to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.

SEC. 517. Section 403(o) of the Food, Drug, and Cosmetic Act (21 U.S.C. 343(o)) is repealed. Subsection (c) of section 4 of the Saccharin Study and Labeling Act are repealed.

SEC. 518. (a) Title VIII of the Social Security Act is amended by inserting after section 810 (42 U.S.C. 1320a是在—

"(1) in clause (i), by striking \"or\" at the end and inserting \"and\";

(b) by inserting \"810A\" after \"agreement under section\";

(c) by inserting \"1010A\" or before \"1320e(a)\";

and

(D) by inserting \"as the case may be\" immediately before the period.

SEC. 520. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be on a pro rata basis shall be $25,000,000. Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. VI—ASSETS FOR INDEPENDENCE

SECTION 601. SHORT TITLE.

That this title may be cited as the \"Aspects for Independence Act Amendments of 2000\".

SEC. 602. MATCHING CONTRIBUTIONS UNAVAIL- FOR EMERGENCY WITH- DRAWALS.

Section 404(h)(4) of the Assets for Independence Act (42 U.S.C. 1320a±8a) is amended by striking \"of\", and enabling the eligible individual to make an emergency withdrawal\".

SEC. 603. ADDITIONAL QUALIFIED ENTITIES.

Section 404(d) of the Assets for Independence Act (42 U.S.C. 1320a±8a) is amended—

(1) in clause (i), by striking \"or\" at the end and inserting \"and\";

(2) in clause (ii), by striking the period at the end and inserting \"; or\";

and

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

\"(iii) an entity that—

\"(aa) a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA); or

\"(bb) an organization designated as a community financial institution by the Secretary of the Treasury (or the Community Development Financial Institutions Fund) and \"(cc) can demonstrate collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability;\".\"

SEC. 604. HOME PURCHASE COSTS.

Section 404(h)(B)(1)(C) of the Aspects for Independence Act (42 U.S.C. 1320a±8a) is amended by striking \"100\" and inserting \"15\"; and

SEC. 605. INCREASED SET-ASIDE FOR ECONOMIC LITERACY TRAINING AND ADMINIS- TRATION.

Section 407(c)(3) of the Aspects for Independence Act (42 U.S.C. 1320a±8a) is amended—

(1) by striking \"9.5\" and inserting \"15\"; and

(2) by inserting after the first sentence the following:

\"of the total amount specified in this paragraph, not more than 7.5 percent shall be used for administrative functions under paragraphs (1)(C), including program management, reporting requirements, recruitment and enrollment of individuals, and monitoring. The remaining of the total amount in this paragraph (not including the amount specified for use for the purposes described in paragraph (1)(D)) shall be used for nonadministrative functions described in paragraphs (1)(A), (B), and (C).\"

SEC. 609. INCREASED APPROPRIATIONS FOR ECONOMIC SECURITY.

Subsection (a) of section 415 of the Aspects for Independence Act (42 U.S.C. 1320a±8a) is amended to read as follows:

\"(a) of the Amendments for Fiscal Year 2000—\"

SEC. 610. NO REDUCTION IN BENEFITS.

Subsection (a) of section 415 of the Aspects for Independence Act (42 U.S.C. 1320a±8a) is amended to read as follows:

\"(a) in general—\"

SEC. 615. NO REDUCTION IN BENEFITS.

Notwithstanding any other provision of Federal law (other than the Internal Revenue Code), no individual shall be eligible for benefits under this Act and the Act shall be used for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in an individual development account under this Act shall be disregarded for such purposes with respect to any period during which such individual maintains or makes contributions into such an account\".

TITLe VII—PHYSICAL EDUCATION FOR PROGRESS ACT

SEC. 702. PHYSICAL EDUCATION FOR PROGRESS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

(1) by striking \"9.5\" and inserting \"15\"; and

(2) by inserting after the first sentence the following:

\"of the total amount specified in this paragraph, not more than 7.5 percent shall be used for administrative functions under paragraphs (1)(C), including program management, reporting requirements, recruitment and enrollment of individuals, and monitoring. The remaining of the total amount in this paragraph (not including the amount specified for use for the purposes described in paragraph (1)(D)) shall be used for nonadministrative functions described in paragraphs (1)(A), (B), and (C).\"
"PART I—PHYSICAL EDUCATION FOR PROGRESS"

SEC. 10999A. SHORT TITLE.

This part may be cited as the 'Physical Education for Progress Act.'

SEC. 10999B. PURPOSE.

The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

SEC. 10999C. FINDINGS.

Congress makes the following findings:

1. Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

2. Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

3. Participants in high quality daily physical education programs tend to be more healthy and physically fit.

4. The percentage of young people who are overweight is more than doubled in the 30 years preceding 1999.

5. Low levels of activity contribute to the high prevalence of obesity among children in the United States.

6. Obesity related diseases cost the United States economy more than $100,000,000,000 every year.

7. Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

8. Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

9. Children are not as active as they should be and fewer than 1 in 4 children get 20 minutes of vigorous activity every day of the week.


11. Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, on November 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

12. Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

SEC. 10999D. PROGRAM AUTHORIZED.

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

1. Providing equipment and support to enable students to actively participate in physical education activities; and

2. Providing inservice for staff and teacher training.

SEC. 10999E. APPLICATIONS; PROGRAM ELEMENTS.

(a) Applications—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting State standards for physical education.

(b) Program Elements—A physical education program described in any application submitted under subsection (a) may provide—

1. A fitness education and assessment program to help children understand, improve, or maintain their physical well-being;

2. Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

3. Development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

4. Opportunities to develop positive social and cooperative skills through physical activity participation;

5. Instruction in healthy eating habits and good nutrition; and

6. Teachers of physical education the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.

(c) Special Rule—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers' Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

SEC. 10999F. PROPORIONALITY.

The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small populations.

SEC. 10999G. PRIVATE SCHOOLS AND HOME-Schooled students.

An application for funds under this part may provide for participation, in the activities funded under this part, of—

1. Homeschooled children, and their parents and teachers;

2. Students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers.

SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUNDING.

As a condition to continue to receive grant or contract funding for the first year of a multiyear grant or contract under this part, the administrator of the grant shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward meeting State standards for physical education.

SEC. 10999I. REPORT TO CONGRESS.

The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary deems appropriate for the continuation and improvement of the programs assisted under this part.

SEC. 10999J. ADMINISTRATIVE COSTS.

Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.

(a) Federal Share. The Federal share under this part may not exceed—

1. Ninety percent of the total cost of a project for the first year for which the project receives assistance under this part; and

2. Seventy-five percent of such cost for the second and each subsequent year.

(b) Supplement Not Supplant. Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 2001, $70,000,000 for fiscal year 2002, and $100,000,000 for each of the fiscal years 2003 through 2007 under this part. Such funds shall remain available until expended.

TITLE VIII—EARLY LEARNING OPPORTUNITIES

SEC. 801. SHORT TITLE; FINDINGS.

(a) Short Title. This title may be cited as the "Early Learning Opportunities Act.

(b) Findings. Congress finds that—

1. Medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;

2. Parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

3. Parent education and parent involvement are critical to the success of any early learning program or activity;

4. The more intensively parents are involved in their child's early learning the greater the cognitive and noncognitive benefits to their children;

5. Many parents have difficulty finding the information and support they need to help their children grow to their full potential;

6. Each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

7. Quality early learning programs, including those designed to promote effective parenting, can increase the likelihood of high school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

8. Early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, educational, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

9. Participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

10. Several cost-benefit analysis studies indicate that for each $1 invested in quality early learning programs, the Federal Government can save over $5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

11. For children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

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

A. Serve far fewer than half of all eligible children;

B. Are not primarily designed to provide support for parents who care for their young children in the home; and

C. Lack a means of coordinating early learning opportunities in each community; and
(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and we will be prepared for continued leadership in the 21st century.

SEC. 802. PURPOSES.

The purposes of this title are:

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based public/private delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

SEC. 803. DEFINITIONS.

In this title:

(a) CAREGIVER. — The term "caregiver" means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(b) CHILD CARE PROVIDER. — The term "child care provider" means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating a business that complies with State and local requirements for the provision of child care services.

(c) EARLY LEARNING. — The term "early learning", used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

(d) EARLY LEARNING PROGRAM. — The term "early learning program" means—

(A) a program of services or activities that is required for certification under State and local laws, regulations, and policies;

(B) a program that directly provides early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of sections 419(4)(B) and 419(d); and

(C) a program focused on early learning or early childhood development.

(e) FAMILY. — The term "family" means any child from birth to the age of mandatory school attendance in the State where the child resides.

(f) FEEDBACK. — The term "feedback" means information obtained from families and providers; and

(g) LINKAGES. — The term "linkages" means any linkages between appropriate supports, and local planning for services.

(h) LOCAL COUNCIL. — The term "Local Council" means—

(A) a program of early childhood education, early learning, parent education, or developmental screening that is provided by or through a particular instructional method or in a particular instructional setting to comply with this title;

(B) nonduplication of funds provided under this title shall be used to carry out an activity funded under another provision of law; and

(C) to remove barriers to the provision of an accessible system of early childhood learning programs, and to provide for early learning programs and health care services, which may be provided from State or local public sources, or through donations from private entities.

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

(j) SUPPLEMENT NOT SUPPLANT. — Amounts received under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

(k) TECHNICAL ASSISTANCE. — Subject to section 810, the Secretary shall provide such technical assistance and monitoring as necessary to ensure that the use of funds provided under this title are consistent with this title, and in accordance with paragraphs (1) and (2) of section 811, the Secretary shall assume the responsibilities of the Lead State Agency under this title, as appropriate.

SEC. 804. PROHIBITIONS.

(a) PARTICIPATION NOT REQUIRED. — No person, including a parent, shall be required to participate in an early learning program.

(b) USE OF EQUIPMENT AND SUPPLIES. — In the case of a State or local public entity that receives funds under this title shall be used to provide equipment and not the use of equipment.

SEC. 805. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this title:

(1) $750,000,000 for fiscal year 2001;

(2) $1,000,000,000 for fiscal year 2002;

(3) $1,500,000,000 for fiscal year 2003; and

(4) such sums as may be necessary for each of the fiscal years of 2004 and 2005.

SEC. 806. COORDINATION OF FEDERAL PROGRAMS.

(a) COORDINATION. — The Secretary and the Director of the National Corporation shall develop an interagency mechanism to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) USE OF EQUIPMENT AND SUPPLIES. — The use of equipment and nonconsumable supplies shall be based on the availability of funds available under this title or such provision.

(c) PROGRAM AUTHORIZED. — Subject to section 810, grants under this title shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in the cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(d) PROMOTING EFFECTIVE PARENTING. — The purpose of these grants shall be to improve the quality and availability of early childhood programs and health care services for young children.

(e) PROMOTING EFFECTIVE PARENTING. — The purpose of these grants shall be to improve the quality and availability of early childhood programs and health care services for young children.

(f) PROMOTING EFFECTIVE PARENTING. — The purpose of these grants shall be to improve the quality and availability of early childhood programs and health care services for young children.

(g) PROMOTING EFFECTIVE PARENTING. — The purpose of these grants shall be to improve the quality and availability of early childhood programs and health care services for young children.

SEC. 807. PROGRAM AUTHORIZED.

(1) GRANTS. — The Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share under this title to the agencies and Local Councils are used for the purpose of implementing the program focused on early learning or early childhood development.

(2) IN GENERAL. — The Federal share of the cost described in subsections (a) and (e) shall be 85 percent for the first and second years of the grant and 75 percent for the third and subsequent years of the grant.

(3) USE OF FUNDS. — The non-Federal share of the cost described in subsections (a) and (e) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities.

SEC. 808. USES OF FUNDS.

(a) IN GENERAL. — Subject to section 810, grants under this title shall be carried out by the Local Council with regard to the locality.

(b) LIMITED USES. — Subject to section 810, Lead State Agencies and Local Councils shall ensure that funds made available under this title are used only for the purposes of this title, and such expenditures by the State and its political subdivisions to support early learning programs, and health care services, which may be provided from State or local public sources, or through donations from private entities.
(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers; and

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

(c) REQUIREMENTS.—Each Lead State Agency designated under section 801(c) and Local Councils receiving a grant under this title shall ensure—

(1) that Local Councils described in section 814 work with local educational agencies to identify cultural, emotional, and social developmental abilities which are necessary to support children’s readiness for school;

(2) that the programs, services, and activities assisted under this title will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this title collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) SLIDING SCALE PAYMENTS.—States and Local Councils receiving assistance under this title shall ensure that programs, services, and activities assisted under this title which customarily require the payment of such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual’s child based on the individual’s ability to pay.

SEC. 810. GRANT ADMINISTRATION.

(a) FEDERAL ADMINISTRATIVE COSTS.—The Secretary may not make more than 3 percent of the amount appropriated under section 805 for a fiscal year to pay for the administrative costs of carrying out this title, including the monitoring and evaluation of grants made under this title.

(b) STATE ADMINISTRATIVE COSTS.—A State that receives a grant under this title may use—

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded by State administrative agencies, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early care and education programs; and

(2) not more than 2 percent of the funds made available through the grant to increase the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(c) ELIGIBILITY.—To be eligible for a grant under this title, a State shall—

(1) ensure that funds received by the State under this title are not reserved under subsection (a), the Secretary annually regarding the State’s progress toward achieving the performance goals established in paragraph (2), and the Secretary, and demonstrate reasonable assurance that the State shall be prepared to allocate funds provided under this title with other resources available for early learning programs;

(2) a Lead State Agency that demonstrates, in the application submitted under section 813, the Lead State Agency’s potential to increase collaboration among the means of early learning programs provided under this title with other resources available for early learning programs, including programs that provide a continuity of services across the age spectrum assisted under title IV-A, the Lead State Agency shall—(i) develop and maintain a data system to ensure that the Lead State Agency is prepared to allocate funds provided under this title with other resources available for early learning programs; and

(3) programs that help parents and other caregivers promote early learning with young children.

(d) PERFORMANCE GOALS.—

(1) ASSESSMENTS.—Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs.

(2) PERFORMANCE GOALS.—Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this title.

(3) REQUIREMENT.—The State shall award grants to Local Councils for purposes that are consistent with the performance goals established under paragraph (2).

(e) REPORT.—The State shall report to the Secretary annually regarding the State’s progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the need for the monies under the State’s fiscal year to pay for the administrative costs of carrying out this title, including the monitoring and evaluation of grants made under this title.

SEC. 811. STATE REQUIREMENTS.

(a) IN GENERAL.—The Lead State Agency shall allocate funds provided under this title to Local Councils serving rural, urban, and suburban areas of the State; and

(b) LIMITATION.—The Lead State Agency shall allocate the monies under the State’s fiscal year to pay for the administrative costs of carrying out this title, including the monitoring and evaluation of grants made under this title, on the basis of the population of the locality served by the Local Council.
SEC. 813. LOCAL APPLICATIONS.
(a) IN GENERAL.—To be eligible to receive assistance under this title, the Local Council shall submit an application to the Lead State Agency at such time and in such manner, and containing such information as the Lead State Agency may require.
(b) CONTENTS.—Each application submitted pursuant to paragraph (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 814, and the Local Council has developed a local plan for carrying out early learning programs under this title that includes:
(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;
(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this title; and
(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest attention.

SEC. 814. LOCAL ADMINISTRATION.
(a) LOCAL COUNCIL.—
(1) IN GENERAL.—To be eligible to receive funds under this title, the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of:
(A) representatives of local agencies directly affected by early learning programs assisted under this title;
(B) other individuals concerned with early learning issues in the locality, such as representative entities providing early childhood education and referral services, early learning opportunities, child care, and health services; and
(C) other key community leaders.
(2) DESIGNATING EXISTING ENTITY.—If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunity Act of 2001, established a Local Council in accordance with paragraph (1), the entity, tribe, or corporation may designate the council or entity as a Local Council under this title, and shall be considered to have established a Local Council in compliance with this subsection.
(b) FUNCTIONS.—The Local Council shall be responsible for, and submitting the application described in section 813.
(c) ADMINISTRATION.—
(1) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds received by a Local Council under this title shall be used to pay for the administrative costs of the Local Council in carrying out this title.
(2) FISCAL AGENT.—A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, such learning issues. The entity, tribe, or corporation that administers an Early Learning Opportunity Act of 2001, shall be considered to have established a Local Council in compliance with this subsection.

T I T L E I X—RURAL EDUCATION INITIATIVE
SEC. 901. RURAL EDUCATION INITIATIVE.
Subpart 2 of part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8291 et seq.) is amended to read as follows:
``Subpart 2—Rural Education Initiative

SEC. 9071. SHORT TITLE.
"This subpart may be cited as the ‘Rural Education Achievement Program’.

SEC. 9072. PURPOSE.
"It is the purpose of this subpart to address the unique needs of rural school districts that frequently—
(A) lack the personnel and resources needed to compete for Federal competitive grants; and
(B) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

SEC. 9073. AUTHORIZATION OF APPROPRIATIONS.
"There are authorized to be appropriated to carry out this subpart $62,500,000 for fiscal year 2001.

SEC. 9074. FORMULA GRANT PROGRAM AUTHORIZED.
(a) ALTERNATIVE ELIGIBILITIES.—
(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out local activities authorized in part A of title I, section 2210(b), section 3134, or section 4116.
(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with subsection (a) by the date that is established by the State educational agency for the notification.
(b) ELIGIBILITY.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—
(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and
(2) all of the schools served by the local educational agency are designated with a School Local Code of 7 or B, as determined by the Secretary of Education.

SEC. 9075. COMPETITIVE GRANT PROGRAM AUTHORIZED.
(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to carry out local activities authorized in part A of title I, section 2210(b), section 3134, or section 4116.
(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if—
(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and
(2) all of the schools served by the local educational agency are designated with a School Local Code of 7 or B, as determined by the Secretary of Education.

SEC. 9076. AMOUNT.
(a) IN GENERAL.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10974(c) for the fiscal year.
(b) DETERMINATION.—The amount referred to in paragraph (a) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

SEC. 9077. CENSUS DETERMINATION.
(a) IN GENERAL.—Each local educational agency desiring a grant under this section shall determine for each year the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency during the period beginning or the first day of classes and ending on December 31.
(b) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.
(c) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

SEC. 9078. SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other State or local educational funds.

SEC. 9079. ACCOUNTABILITY.
(a) ACADEMIC ACHIEVEMENT.—
(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10974 or 10975 for a fiscal year shall test described in paragraph (1) for each year of the fiscal year minus the total amount received under the provisions of law described under section 10974(c) for the fiscal year.

SEC. 9080. GRANT FUNDING.
and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the third year of the participation than the students performed on the assessments or tests after the first year of the participation;

(2) prohibit local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

(3) prohibit the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 3 years from the date of the determination.

SEC. 10977. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

(a) In General.—If the amount appropriated for any fiscal year and made available for grants under this subpart is insufficient to pay the full amount for which all agencies are eligible under this subpart, the Secretary shall ratably reduce the amount of payments to be made on behalf of an agency under this subpart.

(b) Additional Amounts.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that are reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

SEC. 10978. APPLICABILITY.

Sections 10951 and 10952 shall not apply to this subpart.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002."
Education and Research Consortium of Western North Carolina, Inc.;—$464,000, for the Bethel Native Corp.—Alaska; and—$959,000, for the University of Alaska/Ketchikan Shipyards training program for shipyard workers.

Pilots and demonstrations
—$1,275,000, for the Mott Community College Development Institute for Manufacturing Simulation—access to electronic library of technology, developed as part of DOL’s America’s Learning Exchange (AMEX) Michigan;
—$1,000,000, for jobs for America’s Graduates, School-to-Work projects for at-risk youth;
—$500,000, to the University of Mississippi for workforce training to support real time capturing initiatives for the hearing disabled—Oxford, Mississippi;
—$750,000, for Technology Tool Kit to train at-risk young people in occupations related to the use of automated identification technologies—Mississippi Valley State University;
—$550,000, to train Northern Maine’s workforce for employment in the metal trades—Northern Maine Technical College;
—$300,000, for the Daily Diego State University Foundation to implement innovative high-tech training programs;
—$900,000, for the South Dakota Intertribal BISON Model Partnership Program—Sioux Falls, South Dakota;
—$700,000, for the Greater Columbus Ohio Chamber of Commerce Career Academies program—project to design and test programs focused on career exploration and workforce development system;
—$250,000, for Job Corps of North Dakota for the Fellowship Executive Training Program;
—$276,000, to the City of Monrovia, CA to train youth in information technologies;
—$300,000, to the California State Polytechnic University in Pomona, CA to develop technology training programs;
—$921,000, to Precision Manufacturing Institute in Middletown, PA for training in the latest technology in the tooling and machine trades;
—$921,000, to Enterprise State Junior College in Enterprise, AL for technology training in the College’s Center for Higher Technology;
—$500,000, to Employment Solutions in Lexington, KY;
—$550,000, to Florida Community College at Jacksonville for aircraft maintenance training at the Aviation/Aerospace Center of Excellence;
—$520,000, to the Chesapeake Center for Youth Development in Baltimore, MD for serving at-risk youth;
—$276,000, to Benedictine Programs and Services in Ridgely, MD for serving at-risk youth through the Industrial Training Center;
—$920,000, to Green Thumb, Inc. to conduct a program for low-income elders to develop entrepreneurial skills that utilize e-commerce and information technology;
—$500,000, for Kirkwood Community College and ACT, Inc. for workforce skills development in Iowa;
—$500,000, for SMART Partner programs high-tech skills training through establishment of the Virtual Advanced Manufacturing Training Center—Des Moines Area Community College, Iowa;
—$1,036,000, to the National Institute for Metalworking Skills in Fairfax, VA to serve youth in low-income adults in the area’s metalworking industry;
—$464,000, for the American Indian Science and Engineering Society—Rural Computer Utilization Program—$765,000, to Benzie Community College, MI;—$464,000, for the Maui Economic Development Board—Rural Computer Training;—$2,900,000, for the Remote Rural Hawaii Job Training project for low income youth and adults;
—$3,200,000, for Samoa/Asian Pacific Job Training—Hawaii;
—$4,000,000, for Training and Education Opportunities—University of Hawaii at Maui;
—$500,000, for the Vermont Information Technology Training Initiative—Champlain College, Burlington, VT;
—$750,000, for the Vermont Department of Employment and Training one-stop career resource centers;
—$1,900,000, for the North Country Career Center model demonstration and training program—Newport, VT;
—$92,000, for the Westchester-Putnam Counties Consortium for Worker Education and Training, Inc. for apprenticeship and training programs to serve the NY construction industry;
—$485,000, for Wausau, Wisconsin, workforce training for economically disadvantaged youth and adults at La Casa de Esperanza;
—$550,000, for the Dream Center to provide job and training skills for new labor market entrants or reentrants—LA, CA;
—$300,000, for VT Technical College—Technology Training Initiative;
—$890,000, for the OCCuPTEP in Detroit for an Information Technologies Center that provides education and training programs to women and minorities;
—$591,000, to Campbellsville (KY) Industrial Authority for programs to upgrade the Information technology skills in the KY community;
—$230,000, to Career Visions, Inc. in Louisville, KY to pilot computer-based assistive technology training;
—$276,000, for Career Resources, Inc. in Louisville, KY to develop a basic computer training program focusing on workplace applications;
—$461,000, to the University of Northern Iowa for a program to integrate immigrants and refugees into the workforce;
—$463,000, to the Greater Sacramento Urban League, CA for an Urban Achievement Program targeting training, employment and support for urban youth;
—$921,000, to J ones County Junior College in Elko, Nevada to implement and implementation of a technology training program;
—$921,000, for Haymarket Center in Chicago, IL to provide training services through the First Step Center;
—$921,000, to National Student Partnerships in Washington, DC;
—$92,000, to the International Agri-Center, in Tulare, CA for a E-Commerce training initiative;
—$650,000, for the UNLV Center for Workforce Development and Occupational Research;
—$10,000,000, for the Community Self-Empowerment & Employment Program (CSEEP) (PA)—comprehensive employment readiness, job development, job placement, and case management for area low-income residents—Pennsylvania;
—$500,000, for Philadelphia Reintegration and Education Program (PREP) to train minorities for careers in the building trades through its Diversity Apprenticeship Project (DAP)—Pennsylvania;
—$921,000, to Wrightco Technologies, Inc. for information technology training through a “Fast Track to the Future” program;
—$800,000, for the Naval Undersea Warfare Training at the Manufacturing and Applied Technology Training Center (MATC)—Central Oregon Community College;
—$300,000, to the Arkansas Workforce Development Board to provide occupational skills through its Youth Competency Development Program and training in the construction trades for low-income minority women through partnership with Thaddeus Stevens State College of Technology—Lancaster, PA;—$950,000, for the University of Alaska/Barrow to Lehigh University Job Training for hard to serve disadvantaged youth in manufacturing sector—PA;
—$638,000, for the Collegiate Consortium for Workforce & Economic Development, Philadelphia Naval Base (PA) to serve the disabled;
—$225,000, for the Yukon Kushikw Health Corporation—Alaska;
—$300,000, for Koahnic Broadcasting—Alaska;
—$550,000, for Kawerak, Inc. Vocational Training for Alaska Natives—Nome, Alaska;
—$580,000, for Ilisagvik College—Barrow, Alaska;
—$927,000, for the Alaska Federation of Native Indian Councils to support the Flingit-Haida project—job training to unemployed natives in southeast Alaska;
—$2,400,000, for Alaska Works, Construction Job Training—Fairbanks, Alaska;
—$2,500,000, for the University of Alaska Fairbanks in consultation with Western Region, Alaska Native Natives to conduct job training programs;
—$1,250,000, for the Alaska Native Heritage Center, and Bishop Museum in Hawaii;
—$1,000,000, for Jobs for America’s Graduates—Vocational Services, Inc. in Brevard, NC for training people with developmental disabilities;
—$194,000, for the More Opportunities for Vital Employment program through the Tulare (CA) County Office of Education, Services for Education and Employment Division;
—$276,000, to the South Metro Regional Leadership Center in University Park, IL;—$2,037,000, to the Lawton & Rhea Chiles Foundation for Healthy Mothers and Babies in Tampa, FL for training paraprofessionals in the health-care field;—$170,000, for Community Technology and Education Center at the Los Angeles River Centre and Gardens in California for a job training initiative;
—$43,000, to Signature Academy Inc., to further develop the Exodus to Excellence Youth Program;
—$550,000, for Sinclair Community College, Dayton, Ohio for an out-of-school youth training project;
—$856,000, to Kinston-Newbern Enterprise Community, Newburgh, New York, for a workforce development project;
—$213,000, to the Sullivan-Warwarsing Rural Economic Area Partnership, in Ferndale, New York for the planning and development of a manufacturing technology training center;
—$723,000, for Reading Berks Emergency Shelter, Reading, Pennsylvania to provide employment and training opportunities for disadvantaged individuals;
—$213,000, to the Melwood Horticultural Training Center, Upper Marlboro, Maryland, for workforce training for the disabled;
—$340,000, to the Safer Foundation, Chicago, Illinois for a workplace acclimation program for ex-offenders;
—$170,000, for South Suburban College, South Holland, Illinois to expand a bus mechanic workforce development program;
—$213,000, to the Dallas Urban League, Inc. for workforce training for the disabled;
—$250,000, for Green Thumb, Inc.—conduct program for low-income elders to develop computer skills—Pennsylvania;
—$550,000, for Allegheny County, Pennsylvania for training of information technology workers;
—$950,000, for the University of Iowa for a program to integrate immigrants and refugees into the workforce;—$463,000, to the Greater Sacramento Urban League, CA for an Urban Achievement Program targeting training, employment and support for urban youth;—$500,000, to Kirkwood Community College and ACT, Inc. for workforce skills development in Iowa;
— $43,000 to Full Employment Council in partnership with the Greater Kansas City AFL-CIO in Missouri for Project Prepare;  
— $55,000 to Alderson-Broadus College, College of West Virginia for a collaborative information technology training program;  
— $595,000 for the Hiram G. Andrews Rehabilitation Center in Johnstown, Pennsylvania to expand a job training program for people with disabilities;  
— $900,000 for the Northeast Concentrated Employment Program in Ashland, Wisconsin, for an online skill matching initiative tied to the O*Net database;  
— $50,000 to the University of Massachusetts for training and develop distance learning;  
— $1,275,000 to the San Francisco Department of Human Services, California, for its Community Jobs Initiative;  
— $16,000 to the Charity Cultural Services Center, San Francisco, California, for job training;  
— $468,000 for the Rebirth of Englewood Community Development Corporation in Chicago, Illinois, to expand training in partnership with the ITT Research Institute;  
— $468,000 for the Northern Great Plains Initiative for Rural Development, Crookston, Minnesota, to provide education and training in technology support;  
— $212,000 for the Ohio University for the Ohio Employee Ownership Center, for workplace development; and  
— $425,000 to Rhode Island Department of Labor and Training, Providence, Rhode Island, for a job training program.

There is a shortage of trained closed captioners to enable the deaf and hard of hearing to get news and other vital information from live television. In order to meet the requirements set forth by the Telecommunications Act of 1996, there is an urgent need for pilot programs to increase the availability of trained closed captioners. The conferees urge the Employment and Training Administration to invest in and support research and pilot programs, which would allow for an adequate number of captioners to be trained.

The conferees believe that the Association of Fair Opportunity Programs provides valuable technical assistance and training to grantees and has distinguished itself as a tremendous resource. Its Children in the Workplace Campaign provides information, education, and technical assistance related to employment, training (including pesticide and other worker safety training for children and adults). The Department is encouraged to continue the services that the Association provides in these areas.

The conferees urge the Employment & Training Administration to demonstrate program effectiveness upon identification of best practices such as the Public/Private Venture’s model workplace mentoring pilot program.

The conferees are concerned with the lack of mentoring and other support services available to the youth of incarcerated parents or legal guardians. The conferees urge the Employment and Training Administration to fund demonstration programs to meet the special needs of these youth. These activities should build upon identified best practices such as the U.S. Dream Academy’s model which helps youths with parents or guardians involved in life cycles of incarceration and release. Its aim is to help these youths reduce productivity and academic success.  

The fiscal year 2000 conference report (H. Rept. 106-479) included $1,000,000 for the Massachusetts Corporation for Business, Work and Learning for the International Shipbuilding Training Demonstration project. However, the reopening of the Fore River Shipyard in South Weymouth, Massachusetts, for Work and Learning for the Training of workers in the Quincy area for jobs within the Marine and Shipbuilding industries.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $3,365,698,000 for state unemployment insurance and employment operations in place of $3,097,790,000 as proposed by the House and $3,249,430,000 as proposed by the Senate. The agreement includes $355,000,000 for building and equipping facilities to accommodate the increasing number of people with disabilities who will be able to get the customized re-entry to employment. The House provided no funding for this program.

The conference agreement includes $26,100,000 for the foreign labor certification program as proposed by the House instead of $25,600,000 as proposed by the Senate. For one-stop centers/labor market information, in the agreement included $107,832,000 instead of the $110,000,000 proposed by the Senate. The House provided no funding for this program. These funds will be used to support infrastructure projects and additional administrative funding for back-log reduction in the alien labor certification program as listed in the Senate report.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement includes $13,652,000 for the pension and welfare benefit administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.
Millions of gallons of slurry coal waste broke free from an impoundment causing considerable damage to the environment and disrupting water supply for citizens along the Big Sandy and Ohio Rivers. The conferees believe this event warrants a thorough examination of current coal waste disposal methods and an exploration of future dumping alternatives. The conference agreement includes $10,000,000 for a contract with the National Academy of Sciences to examine engineering standards for coal waste impoundments, provide recommendations for improving impoundment structure stabilization, and evaluate potential alternatives for future coal waste disposal, including the benefits of energy recovery. The Academy shall seek the participation of representatives of relevant federal, state, and private entities, to include MSHA, OSM, EPA, Corps of Engineers, State mining authorities, and mining companies. Findings of this study shall be conveyed to the Committees on Appropriations no later than October 15, 2001.

**BUREAU OF LABOR STATISTICS**

**SALARIES AND EXPENSES**

The conference agreement includes $451,584,000 for Bureau of Labor Statistics, salaries and expenses instead of $410,000,000 as proposed by the House and $446,584,000 as proposed by the Senate. The conference agreement also includes the Senate provision making $10,000,000 available for obligation on a program year basis from July 1, 2001 to September 30, 2002. The House bill contained no similar provision. This funding level provides increases for improvements to existing economic measures, improvements in labor market information mandated by WIA, and a new time use survey.

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

The conference agreement includes $380,538,000 for departmental management, salaries and expenses instead of $244,889,000 as proposed by the House and $337,964,000 as proposed by the Senate.

The conference agreement includes $148,150,000 for the Bureau of International Labor Affairs instead of $70,000,000 as proposed by the House and $115,000,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate to authorize the expenditure of funds for the management or operation of Department of Labor foreign multilateral organizations for technical assistance through grants and contracts. The funds for bilateral assistance are made available through September 30, 2002. The House bill contained no similar provision. In total, the conference agreement includes $82,000,000 to assist developing countries with the elimination of child labor. Of this amount, $45,000,000 is for expansion of ILO’s International Programme for the Elimination of Child Labor. In addition, $37,000,000 is provided for bilateral assistance to improve basic education in internationally areas with a high rate of abusive and exploitative child labor. These new bilateral initiatives should be developed in consultation and coordination with USAID to ensure these programs fit with the overall foreign operations policy of the Administration and are in compliance with the Foreign Assistance Act. The conference agreement includes $45,000,000 as proposed by the Senate to augment the capacity of Ministries of Labor to enforce labor standards, to develop social reporting plans, and to provide technical information on enforcement of labor laws around the world. The conference agreement includes $10,000,000 for the Global HIV/AIDS Workplace Initiative, and these funds are includes $10,000,000 for the Global HIV/AIDS Conference that many national economies continue to be profoundly and adversely affected by the HIV-AIDS pandemic. For example, employers in South Africa are beginning to realize that they have one of the most skilled job. The gross domestic product in many countries in Africa and Asia is actually contracting because of a shrinking adult work force attributable to HIV-AIDS related deaths. At the same time, there is mounting evidence that workplace-based HIV-AIDS education and prevention programs can help prevent the spread of HIV, especially in high-risk occupations. Such programs can help stem employers’ loss of skilled workers, reverse declining productivity, and provide conduits and leverage for workers living with HIV and AIDS. Consequently, the conferees expect ILAB to assume a leading role in taking advantage of the burgeoning community-base and union partnerships to improve HIV-AIDS prevention and to improve coordination among the Labor Department, Commerce Department, and USAID.

The conference agreement includes $23,002,000 and language establishing the Office of Disability Employment Policy in the Department of Labor. The program was proposed by the Senate. The House bill continued funding for the President’s Committee on Employment of People with Disabilities, but this activity is subsumed in the new Office of Disability Employment Policy.

The conference agreement includes $37,000,000 to establish a permanent, centralized information technology investment fund.

**VETERANS EMPLOYMENT AND TRAINING**

The conference agreement includes $211,713,000 for veterans employment and training instead of $201,277,000 as proposed by the House and $206,713,000 as proposed by the Senate. Included in this amount is $17,500,000 for the homeless veterans program.

**OFFICE OF INSPECTOR GENERAL**

The conference agreement includes $54,785,000 for the Office of Inspector General as proposed by the Senate instead of $51,925,000 as proposed by the House.

**GENERAL PROVISIONS**

**ERGONOMICS**

The conference agreement does not include a provision included in both the House and Senate bills relating to regulations issued by the Occupational Safety and Health Administration requiring ergonomic protection.

**EXTENDED DEADLINE FOR EXPENDITURE OF WELFARE TO WORK FUNDS**

The conference agreement includes a provision proposed by the Senate extending the availability of Welfare to Work funding from three to five years. The House bill contained no similar provision.

**H2A REGULATIONS**

The conference agreement includes a modified version of the Senate provision prohibiting the implementation or enforcement of the pending H2A regulations, but allows for all activities related to the development of revised regulations. The conferences support the United States Citizenship and Immigration Services and Attorney General designed to streamline the H2A application process. The conferences expect the Department and Immigration and Naturalization Service to work closely with the stakeholders to expeditiously address concerns raised by the growers so that the streamlined application process produces a more efficient new system.

**DEADLINE FOR DETERMINATION ON HOUSING REQUIREMENTS FOR H2A WORKERS**

The conference agreement includes a provision regarding housing for H2A temporary agricultural laborers. This provision ensures that the deadline for housing inspections for H2A workers with the Secretary’s thirty day statutory deadline for making H2A temporary agricultural labor certification decisions. The thirty day deadline may be lawfully nullified in some cases by the current regulations requiring that inspections on employer-provided housing need not be completed until twenty days before the employer needs H2A workers. The provision requires housing inspections to be completed in time for the Secretary to make her certification decision in accordance with the thirty day statutory deadline.

**ALIEN LABOR CERTIFICATION**

The conference agreement includes a provision that authorizes the use of H1B fee revenues for enforcement and certification activities. This is needed because the recent legislation increasing the number of H1B visas authorized will result in a substantial increase in the volume of H1B labor certification applications. The Department of Labor has made significant progress over the past 18 months to reduce the backlog of applications for permanent labor certifications, and in expediting the labor condition application process for the H-1B program. In order to allow the Department to continue its further progress in expediting labor certifications without undermining the review process, the Department will be permitted to utilize a portion of fees generated by the H-1B program to further the administration of the permanent labor certification program.

**ELIMINATION OF WELFARE TO WORK PERFORMANCE BONUSES**

The conference agreement includes a provision proposed by the Senate to eliminate Welfare to Work performance bonuses. The House bill contained no similar provision.

**TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**HEALTH RESOURCES AND SERVICES ADMINISTRATION**

**HEALTH RESOURCES AND SERVICES**

The conference agreement includes $5,525,476,000 for health resources and services instead of $4,784,232,000 as proposed by the House and $4,677,424,000 as proposed by the Senate.

The conference agreement includes bill language including $262,224,000 for the construction and renovation of health care and other facilities instead of $105,000,000 as proposed by the Senate. The House bill contained no similar provision. These funds are to be used for the following projects: Northwestern University Life Sciences Building; ACCESS Community Health Network in Illinois; Northwestern Memorial Hospital; University of Chicago Core Genetics Research Facility; Condell Medical Center, Regional Center for Cardiac Health Services; Lake County Health Department; University Center of Lake County, Illinois; Finch University Health Sciences/Chicago Medical School; Pennington Biomedical Research Center in Baton Rouge, Louisiana; Texas Institute for Rehabilitation and Research; University of Wisconsin; University of Washington; and Aurelia Osborn Fox Memorial Hospital in Oneonta, New York;
December 15, 2000

Margaretville
Memorial
Hospital
in
Margaretville, New York; Martha’s Village
and Kitchen Medical Clinic in Indio, California; Hanson House at the Desert Regional
Medical Center; Nutrition Center at Wake
Forest University Baptist Medical Center;
James Whitcomb Riley Hospital for Children
in Indianapolis, Indiana; University of South
Alabama Gulf Coast Cancer and Research Institute; North Baldwin Hospital Surgery
Center in Bay Minette, Alabama; Monroe
County Hospital in Monroesville, Alabama;
Touro University College of Osteopathic
Medicine in Vallejo, California; Medical
Sciences Building at the University of Cincinnati Medical Center in Cincinnati, Ohio;
Tinnitus Center for Tinnitus Retraining
Therapy at the University of North Carolina
at Greensboro; Alfred E. Mann Institute and
Biomedical Engineering Center at the University of Southern California; Paradise Valley Hospital in National City, California;
Children’s Hospital and Health Center in San
Diego, California; Dental Education in Care
of Disabled Clinic at the University of Washington; Alexander Hughes Community Center in Claremont, California; Biomedical Marine Research Facility at Harbor Branch;
Kessler Rehabilitation Research Institute in
West Orange, New Jersey; Child Health Institute of New Jersey; University of Nevada Las
Vegas
Biotechnology/Bioengineering
Research Facility; McCready Health Services
Foundation in Crisfield, Maryland; Center
for Health Sciences at Dominican College in
Rockland County, New York; Pediatric Cardiac Intensive Care Unit at Cook Children’s
Medical Center in Fort Worth, Texas;
Tricounty Health Center at Northern Illinois
University; Aurora Primary Care Consortium; Turning Point Facility in Union County, North Carolina; Gila River Indian Community Diabetes Center in Arizona; Dalton
Cardiovascular Research Center at the University of Missouri at Columbia; Scripps Memorial East County Hospital in El Cajon,
California; Marklund Children’s Home;
Misericordia Hearts of Mercy in Chicago, Illinois; University of Connecticut Health Center; Nassau County Health Care Corporation;
Women’s Health Center at Proctor Hospital
in Peoria, Illinois; Oklahoma Medical Research Foundation; Louisiana State University Health Sciences Center Feist-Weiller
Cancer Center in Shreveport, Louisiana;
Lewis County General Hospital in Lewis
County, New York; Stetson University in
Deland, Florida; National Center for Primary Care at Morehouse School of Medicine;
Springdale Community Health Center in
Springdale, Washington; Edgemoor Geriatric
Hospital in San Diego County, California;
Union Hospital Midwest Center for Rural
Health in Terre Haute, Indiana; Bennett W.
Smith Family Life Wellness Center in Buffalo, New York; Children’s Hospital of Buffalo; Fresno Community Hospital and Medical Center Regional Ambulatory Care Facility in Fresno, California; Pediatric Oncology
and the Batchelor Children’s Research Center at the University of Miami/Jackson Memorial Medical Center; Valley Hospital Cancer and Ambulatory Care Center in Paramus,
New Jersey; Functional Genomics Research
Center at Florida Atlantic University in
Boca Raton, Florida; Michael and Dianne
Bienes Cancer Center at Holy Cross Hospital
in Ft. Lauderdale, Florida; Outpatient Surgery Facility at Memorial Hospital in
Towanda, Pennsylvania; University of Scranton Allied Health Laboratory; Southern Illinois Healthcare Foundation in East St.
Louis, Illinois; University of St. Francis in
Fort Wayne, Indiana; Maricopa Integrated
Health Systems in Phoenix, Arizona; Albany
Medical Center Breast Cancer Diagnostic
and Treatment Center in Albany, New York;
Adirondack Medical Center in Saranac Lake,

VerDate 11-MAY-2000

11:49 Dec 18, 2000

H12129

CONGRESSIONAL RECORD — HOUSE
New York; Mary McClellan Hospital in Cambridge, New York; North Central Texas Community Health Care Center in Wichita Falls,
Texas; St. Joseph’s Hospital New York Regional Hemodialysis and Cardiac Care Enhancement Center in Syracuse, New York;
Stroud Regional Hospital in Stroud, Oklahoma; Will County Health Center in Illinois;
Molecular Genetics Core for the Center for
Excellence in Cardiovascular-Renal Research
at the University of Mississippi Medical Center; Tallahatchie General Hospital and Extended Care Facility in Charleston, Mississippi; Operation PAR in Pinellas Park,
Florida; Detroit Medical Center, Women’s
and Children’s health facility; Detroit Medical Center, Rehabilitation Institute of
Michigan; Big Springs Medical Association
in Missouri; Southeast Missouri Health Network; People’s Health Center in St. Louis,
Missouri; Denver Children’s Hospital; National Jewish Medical and Research Center
in Denver; Breast Cancer Center at Our Lady
of Fatima Hospital in North Providence,
Rhode Island; Jackson Medical Mall, Mississippi Institute for Cancer Research;
Conehatta Tribal Community Health Care
Clinic; Sharkey/Issaquena Hospital, Rolling
Fork,
Mississippi;
Jackson
Laboratory
Physiogenomics facility in Maine; St. Joseph’s Hospital in Ohio; Huron Hospital in
Cleveland, Ohio; Ohio Poison Control Collaborative; Boys Town National Research
Hospital in Omaha, Nebraska; University of
Utah’s Huntsman Cancer Institute; University of North Carolina Genomics and
Bioinformatics;
Burlington
Community
Health Center, Burlington, Vermont; Red
Logan Community Health Center; Vermont
Cancer Center; Vermont Lung Association
Asthma Clinic; University of Mississippi,
Guyton Building Expansion; Haysi Medical
Clinic in Virginia; Allegheny-Clarion Valley
Community Health Center; University of
Alabama-Birmingham, Interdisciplinary Biomedical Research Facility; Umatilla County
Public Health Facility; Bioengineering Research Facility at Oregon Health Sciences
University; Temple University Outpatient
Facility; Philadelphia College of Osteopathic
Medicine; Thomas Jefferson University Cancer Research Facility; State of Alaska Public Health Laboratory in Anchorage; ‘‘Pathways Home’’ inpatient facility for the
Southcentral Foundation; Montezuma Creek
Health Care Center; Sorenson Multicultural
Health Center; Midvale/West Jordan and
Glendale, Utah Health Centers; St. Vincent
Hospital in Billings, Montana; Rocky Mountain Regional Trauma Center at Denver
Health and Hospital Authority; Carriozo
Health Clinic; Dan C. Trigg Memorial Hospital; El Pueblo Health Services; La Clinica
de Familia in Chaparral, New Mexico; La
Clinica de Familia in San Miguel, New Mexico; Las Clinical del Norte De Abiquiu;
Logan Family Clinic in New Mexico; Montgomery Women’s Health Services Clinic of
Lea County; Mora Community Health Service; Ruidoso Sub-station Health Service; Sierra Vista Family Community Clinic; Tatum
Health Clinic; Children’s National Medical
Center in Washington; Arkansas Children’s
Hospital; Biomedical Biotechnology Center
at the University of Arkansas Medical
School in Little Rock; University of Arkansas, Fayetteville, Center for Protein Structure and Function; University of Arkansas,
Little Rock, Applied Biosciences Program;
Kansas University Human Imaging Institute;
North Philadelphia Health System; Children’s Health Fund; Crozer-Keystone Health
System in Delaware County; Family Care
Health Center in St. Louis, Missouri; Cathedral Healthcare System; Chase Brexton
Health Services, Inc.; Children’s Hospital of
Boston; Children’s Hospital of Wisconsin
Neonatal Intensive Care Unit; Daviess Coun-

Jkt 079061

PO 00000

Frm 00033

Fmt 4634

Sfmt 0634

ty Community Health Center; Family Health
Centers, Inc. of Orangeburg, South Carolina;
Community Health facilities in southeast
Iowa; Hillside Hospital in Long Island, New
York; La Rabida Children’s Hospital, Chicago; Marquette University School of Dentistry; Medical University of South Carolina
Oncology Center; Molokai General Hospital;
New York University School of Medicine;
Palmer College of Chiropractic in Davenport,
Iowa; Pioneer Valley Life Sciences Joint
Venture between the University of Massachusetts and Baystate Medical Center; Rio
Arriba County Residential Treatment Facility; Rutland Regional Medical Center; Sea
Island Comprehensive Health Care Corporation; St. Mary’s Healthcare Promotion Center in Huntington, West Virginia; St. Mary’s
Women and Infants Center of Dorchester; the
Neurosciences program at West Virginia University; Tufts University Center for Nutrition Research; University of South Carolina
School of Public Health; University of
Vermont College of Medicine and Fletcher
Allen Health Care; University of Nevada, Las
Vegas Cancer Center; University of Montana
Center for Environmental Health Sciences;
University of Florida Genetics Institute;
Hackensack University Medical Center in
Hackensack, New Jersey; Brandeis University National Center for the Study of Behavioral Genetics and Genomics; Marlborough
Hospital in Marlborough, Massachusetts;
West Virginia University Eastern Panhandle
Clinical Campus in Martinsburg; St. Mary’s
Hospital for Children, Bayside, New York;
Virginia Mason Medical Center, Seattle,
Washington; Memorial Hospital of Lafayette
County, Darlington, Wisconsin; Saginaw Cooperative Hospitals, Inc., Saginaw, Michigan; El Sereno Family Health Center, El
Sereno, Los Angeles; Community College of
Southern Nevada Medical Careers Center,
North Las Vegas, Nevada; Columbia County
Senior Services, Lake City, Florida; San
Luis Obispo medical therapy unit, California; Greene County Health Care, Inc.,
Snow Hill, North Carolina; St. Clair County,
Belleville, Illinois, senior center and
wellness clinic; Sunshine House, New Haven,
Connecticut; City of Culver City, California,
senior health and social services center;
Community Partners Healthnet Inc., Snow
Hill, North Carolina; North Shore Long Island Jewish Health System, Hillside Hospital
Campus, Glen Oaks, New York; Cooper Green
Hospital, Birmingham, Alabama; WhitmanWalker Clinic, Inc., Washington, DC; Prince
George’s Hospital Center, Cheverly, Maryland; Roseland Community Hospital, Chicago, Illinois; Metropolitan Family Services,
Chicago, Illinois, mental and public health
facility; South Suburban Family Shelter
Inc., Homewood, Illinois; Rush-PresbyterianSt. Luke’s Medical Center, Chicago, Illinois;
Lake Charles Memorial Hospital, Lake
Charles, Louisiana; West End Medical Centers, Atlanta, Georgia; New York Structural
Biology Center, New York, New York; Memorial Freeport-Roosevelt Health Center, Roosevelt, New York; University of North Carolina at Wilmington School of Nursing, Wilmington, North Carolina; Joseph P. Addabbo
Family Health Center, Arverne, New York;
Los Angeles Eye Institute, Los Angeles, California, Boston College, Chestnut Hill, Massachusetts; West Liberty State College Dental
Hygiene Clinic, West Liberty, West Virginia;
Grafton City Hospital, Grafton, West Virginia; New York University Downtown Hospital, New York City, New York; Saint Michael’s Hospital, Stevens Point, Wisconsin;
Holyoke Health Center, Holyoke, Massachusetts; Montefiore Medical Center, Bronx,
New York; Christopher Rural Health Planning Corporation, Christopher, Illinois;
Centro de Salud Familiar La Fe, El Paso,

E:\CR\CRI\H15DE0.REC

pfrm03

PsN: H15DE0


Texas; Englewood Hospital and Medical Center, Englewood, New Jersey; Plaza Community Center, Inc., Los Angeles, California; children's health and social services center; Fairfield Medical Center, Fairfield, Ohio; University of Minnesota, Minnesota; Asian Human Services community health center, Chicago, Illinois; Strong Memorial Hospital, Rochester, New York; University of Arkansas Medical Sciences, Little Rock, Arkansas; Trinity Health Systems, Detroit, Michigan; Henderson County Rural Health Center in Oquawka, Illinois; City of Summersville, West Virginia; senior health and social services facility.

The conferees are supportive of the efforts of the Academic Medicine Development Corporation to implement a strategic initiative for human genetics research in New York.

The conference agreement increases the bi-lingual identifying $253,992,000 for family planning instead of $238,932,000 as proposed by the House and $235,932,000 as proposed by the Senate. The conference concur with Senate report language regarding the distribution of funds appropriated for Title X.

The conference agreement includes bi-lingual identifying $253,992,000 for family planning instead of $238,932,000 as proposed by the House and $235,932,000 as proposed by the Senate. The conference concur with Senate report language regarding the distribution of funds appropriated for Title X.

The conference agreement includes $17,016,000 for the Hansen's disease services instead of $17,016,000 as proposed by both the House and the Senate. Within the total proposed, $4,000,000 is for the Extremity Amputation Prevention program at the University of South Alabama.

The conference agreement includes $90,000,000 for the national and child health block grant instead of $70,130,000 as proposed by both the House and the Senate. The conference agreement includes bill language designating $113,728,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) as proposed by the House. It is intended that $5,000,000 of the SPRANS amount will be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. The Senate bill contained no similar provision, instead it provided $5,000,000 as a separate line item in the table of formula amounts for the block grant.

The conferees are supportive of HRSA's efforts in preventing youth suicides. HRSA has made reducing the rate of youth suicide a priority for State WCH agencies, requiring States to address the crisis of suicide with their block grant funding.

The conference agreement includes $1,200,000 as a separate line item in the table of formula amounts for the block grant.

The conferees urge HRSA to give full and fair consideration to the following proposals to expand access to primary and dental care services for medically underserved populations located in the areas of St. Louis City, and the Missouri counties of Jefferson, Lafayette, Greene, and Douglas.

The conference agreement includes $18,036,000 for the Hansen's disease services instead of $17,016,000 as proposed by both the House and the Senate. Within the total provided, $4,000,000 is for the Extremity Amputation Prevention program at the University of South Alabama.

The conference agreement includes $70,130,000 for the national and child health block grant instead of $70,130,000 as proposed by both the House and the Senate. The conference agreement includes bill language designating $113,728,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) as proposed by the House. It is intended that $5,000,000 of the SPRANS amount will be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. The Senate bill contained no similar provision, instead it provided $5,000,000 as a separate line item in the table of formula amounts for the block grant.

The conferees are supportive of HRSA's efforts in preventing youth suicides. HRSA has made reducing the rate of youth suicide a priority for State WCH agencies, requiring States to address the crisis of suicide with their block grant funding.

The conference agreement includes $1,200,000 as a separate line item in the table of formula amounts for the block grant.

The conferees urge HRSA to give full and fair consideration to the following proposals to expand access to primary and dental care services for medically underserved populations located in the areas of St. Louis City, and the Missouri counties of Jefferson, Lafayette, Greene, and Douglas.

The conference agreement includes $18,036,000 for the Hansen's disease services instead of $17,016,000 as proposed by both the House and the Senate. Within the total provided, $4,000,000 is for the Extremity Amputation Prevention program at the University of South Alabama.

The conference agreement includes $70,130,000 for the national and child health block grant instead of $70,130,000 as proposed by both the House and the Senate. The conference agreement includes bill language designating $113,728,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) as proposed by the House. It is intended that $5,000,000 of the SPRANS amount will be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. The Senate bill contained no similar provision, instead it provided $5,000,000 as a separate line item in the table of formula amounts for the block grant.

The conferees are supportive of HRSA's efforts in preventing youth suicides. HRSA has made reducing the rate of youth suicide a priority for State WCH agencies, requiring States to address the crisis of suicide with their block grant funding.

The conference agreement includes $1,200,000 as a separate line item in the table of formula amounts for the block grant.

The conferees urge HRSA to give full and fair consideration to the following proposals to expand access to primary and dental care services for medically underserved populations located in the areas of St. Louis City, and the Missouri counties of Jefferson, Lafayette, Greene, and Douglas.

The conference agreement includes $18,036,000 for the Hansen's disease services instead of $17,016,000 as proposed by both the House and the Senate. Within the total provided, $4,000,000 is for the Extremity Amputation Prevention program at the University of South Alabama.

The conference agreement includes $70,130,000 for the national and child health block grant instead of $70,130,000 as proposed by both the House and the Senate. The conference agreement includes bill language designating $113,728,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) as proposed by the House. It is intended that $5,000,000 of the SPRANS amount will be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. The Senate bill contained no similar provision, instead it provided $5,000,000 as a separate line item in the table of formula amounts for the block grant.

The conferees are supportive of HRSA's efforts in preventing youth suicides. HRSA has made reducing the rate of youth suicide a priority for State WCH agencies, requiring States to address the crisis of suicide with their block grant funding.

The conference agreement includes $1,200,000 as a separate line item in the table of formula amounts for the block grant.

The conferees urge HRSA to give full and fair consideration to the following proposals to expand access to primary and dental care services for medically underserved populations located in the areas of St. Louis City, and the Missouri counties of Jefferson, Lafayette, Greene, and Douglas.
The conference agreement includes bill language identifying $598,000,000 for the Ryan White Title II State AIDS drug assistance programs instead of $534,000,000 as proposed by the Senate and $589,000,000 as proposed by the House. The Senate concur with Senate report language regarding the Institute of Medicine study to evaluate the effectiveness and cost-effectiveness of the Ryan White CARE Act and the efforts to create a national consumer and provider education center within the program (HRSA/ADAP).

The conference agreement includes $109,200,000 for Ryan White AIDS activities that are targeted to address the trend of the HIV/AIDS epidemic in color, based on the most recent estimated living AIDS cases, HIV infections and AIDS mortality among ethnic and racial minorities as reported by the Centers for Disease Control and Prevention. These funds are allocated as follows:

Within Ryan White Title I, the agreement provides $34,000,000 to the competitive supplemental allocation targeted to minority community based organizations, as defined by the Centers for Disease Control and Prevention, and directs that these funds be allocated through the established planning council processes of eligible metropolitan areas. These funds are designed to improve HIV related health disparities and improve the health outcomes for HIV infected African Americans, Latinos, Native Americans, Asian Americans, Hawaiians, and Pacific Islanders. These funds are expected to expand medical and supportive service capacity in communities of color, and expand peer treatment education that is both culturally and linguistically appropriate to individuals living with HIV/AIDS.

Within Ryan White Title II, the agreement provides $377,000,000 for grants to support educational and outreach grants to minority community-based organizations to increase the number of minorities participating in the AIDS Drug Assistance Program (ADAP). The continuing under representation of African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders in state run ADAP contributes to their persistently poor health outcomes in comparison to other communities.

Within Ryan White Title III, the agreement provides $44,400,000 for planning grants, early intervention service (EIS) grants to minority community-based health care and substance use disorders workers with a history of service provision to communities of color. Funds should also be made available to national, regional and local organizations representing people of color to provide technical assistance collaborations, and linkages designed to strengthen HIV/AIDS systems of care. Funds are intended to support the implementation of the plans developed by minority community based and health care organizations. The conferences expect that fiscal year increases to be directed primarily towards providing early intervention service grants to those organizations that received Title III planning grants in the previous fiscal year and enhancing the service capacity of existing minority EIS providers.

Within Ryan White Title IV, the agreement provides $15,700,000 to fund minority community-based providers of services to minority children, youth and families to develop and implement culturally competent programs and initiatives that recognize and address the needs of specific ethnic and racial groups. These funds are expected to build the capacity of providers to deliver culturally competent services and enhance the quality of existing minority EIS programs.

The conference agreement includes bill language identifying $598,000,000 for the Ryan White Title II State AIDS drug assistance programs instead of $534,000,000 as proposed by the Senate and $589,000,000 as proposed by the House. The Senate concur with Senate report language regarding the Institute of Medicine study to evaluate the effectiveness and cost-effectiveness of the Ryan White CARE Act and the efforts to create a national consumer and provider education center within the program (HRSA/ADAP).

The conference agreement includes $109,200,000 for Ryan White AIDS activities that are targeted to address the trend of the HIV/AIDS epidemic in color, based on the most recent estimated living AIDS cases, HIV infections and AIDS mortality among ethnic and racial minorities as reported by the Centers for Disease Control and Prevention. These funds are allocated as follows:

Within Ryan White Title I, the agreement provides $34,000,000 to the competitive supplemental allocation targeted to minority community based organizations, as defined by the Centers for Disease Control and Prevention, and directs that these funds be allocated through the established planning council processes of eligible metropolitan areas. These funds are designed to improve HIV related health disparities and improve the health outcomes for HIV infected African Americans, Latinos, Native Americans, Asian Americans, Hawaiians, and Pacific Islanders. These funds are expected to expand medical and supportive service capacity in communities of color, and expand peer treatment education that is both culturally and linguistically appropriate to individuals living with HIV/AIDS.

Within Ryan White Title II, the agreement provides $377,000,000 for grants to support educational and outreach grants to minority community-based organizations to increase the number of minorities participating in the AIDS Drug Assistance Program (ADAP). The continuing under representation of African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders in state run ADAP contributes to their persistently poor health outcomes in comparison to other communities.

Within Ryan White Title III, the agreement provides $44,400,000 for planning grants, early intervention service (EIS) grants to minority community-based health care and substance use disorders workers with a history of service provision to communities of color. Funds should also be made available to national, regional and local organizations representing people of color to provide technical assistance collaborations, and linkages designed to strengthen HIV/AIDS systems of care. Funds are intended to support the implementation of the plans developed by minority community based and health care organizations. The conferences expect that fiscal year increases to be directed primarily towards providing early intervention service grants to those organizations that received Title III planning grants in the previous fiscal year and enhancing the service capacity of existing minority EIS providers.

Within Ryan White Title IV, the agreement provides $15,700,000 to fund minority community-based providers of services to minority children, youth and families to develop and implement culturally competent programs and initiatives that recognize and address the needs of specific ethnic and racial groups. These funds are expected to build the capacity of providers to deliver culturally competent services and enhance the quality of existing minority EIS programs.

The conference agreement includes bill language identifying $598,000,000 for the Ryan White Title II State AIDS drug assistance programs instead of $534,000,000 as proposed by the Senate and $589,000,000 as proposed by the House. The Senate concur with Senate report language regarding the Institute of Medicine study to evaluate the effectiveness and cost-effectiveness of the Ryan White CARE Act and the efforts to create a national consumer and provider education center within the program (HRSA/ADAP).

The conference agreement includes $109,200,000 for Ryan White AIDS activities that are targeted to address the trend of the HIV/AIDS epidemic in color, based on the most recent estimated living AIDS cases, HIV infections and AIDS mortality among ethnic and racial minorities as reported by the Centers for Disease Control and Prevention. These funds are allocated as follows:

Within Ryan White Title I, the agreement provides $34,000,000 to the competitive supplemental allocation targeted to minority community based organizations, as defined by the Centers for Disease Control and Prevention, and directs that these funds be allocated through the established planning council processes of eligible metropolitan areas. These funds are designed to improve HIV related health disparities and improve the health outcomes for HIV infected African Americans, Latinos, Native Americans, Asian Americans, Hawaiians, and Pacific Islanders. These funds are expected to expand medical and supportive service capacity in communities of color, and expand peer treatment education that is both culturally and linguistically appropriate to individuals living with HIV/AIDS.

Within Ryan White Title II, the agreement provides $377,000,000 for grants to support educational and outreach grants to minority community-based organizations to increase the number of minorities participating in the AIDS Drug Assistance Program (ADAP). The continuing under representation of African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders in state run ADAP contributes to their persistently poor health outcomes in comparison to other communities.

Within Ryan White Title III, the agreement provides $44,400,000 for planning grants, early intervention service (EIS) grants to minority community-based health care and substance use disorders workers with a history of service provision to communities of color. Funds should also be made available to national, regional and local organizations representing people of color to provide technical assistance collaborations, and linkages designed to strengthen HIV/AIDS systems of care. Funds are intended to support the implementation of the plans developed by minority community based and health care organizations. The conferences expect that fiscal year increases to be directed primarily towards providing early intervention service grants to those organizations that received Title III planning grants in the previous fiscal year and enhancing the service capacity of existing minority EIS providers.

Within Ryan White Title IV, the agreement provides $15,700,000 to fund minority community-based providers of services to minority children, youth and families to develop and implement culturally competent programs and initiatives that recognize and address the needs of specific ethnic and racial groups. These funds are expected to build the capacity of providers to deliver culturally competent services and enhance the quality of existing minority EIS programs.
The conference agreement provides $7,700,000 to AIDS education and training centers. These funds are intended to support the training of community-based minority health care professionals in AIDS-related treatments, standards of care, and methods for the prevention of antiretroviral and other effective clinical interventions, and treatment adherence for HIV/AIDS infected adults, adolescents and children. The conference agreement provides that the University of California, San Francisco, provide state summaries on the development of antiretroviral therapy. The report should also highlight and summarize common findings, methods, and approaches identified by the states.

The conference agreement includes $9,900,000 for an adoption awareness program as authorized in the Child Care Act of 2000. The conference agreement includes $10,000,000 for authorized health-related activities of the Denali Commission. The conference agreement includes $139,246,000 for program management instead of $128,123,000 as proposed by the House and $125,766,000 as proposed by the Senate. The conference includes the following amounts for the following projects and activities in fiscal year 2001:

- $230,000 for the Illinois Poison Center;
- $250,000 for the University of Alaska to establish an INPSYCH Center to train Alaskans as psychologists to practice in Alaska villages;
- $500,000 for the University of Alaska, Anchorage to recruit and train nurses;
- $760,000 to support the efforts of the American Federation for Negro Affairs Education and Research Fund in Boston for training doctors to serve community health centers;
- $4,280,000 for the Illinois Poison Center;
- $952,000 for the University of California, San Francisco, to conduct research on the human immunodeficiency virus.

The conference agreement includes $104,000,000 for health care access for the uninsured instead of $25,000,000 as proposed by the Senate. The House bill did not contain funding for this uninsured program of this amount, $25,000,000 is included to provide grants to public, private, and non-profit health entities to develop and expand integrated health care delivery systems. The agency should use a significant portion of the remaining funds to expand comprehensive services for youth, both through existing and new grants. The conference believes that the agency should expand efforts to facilitate ongoing communication with grantees so that prospective changes in the administration of the program can be discussed.

From the increase provided to pediatric AIDS demonstrations, the conference encourages HRSA to target funds towards approved but unfunded applications from the previous fiscal year.

The conference agreement includes $3,985,027,000 for disease control, research, and training instead of $3,986,369,000 as proposed by the Senate. The conference agreement includes $42,487,000 for operation/infrastructure activities, and $20,000,000 for vaccine purchases and distribution support. The conference agreement includes $469,054,000 in vaccine purchases and distribution support, and consistent with the table, and any changes in funding are subject to the normal notification procedures.

The conference agreement includes $7,756,960,000 for the prevention health services block grant instead of $7,756,960,000 as proposed by the House and $175,124,000 as proposed by the Senate. Within the total provided, $44,225,000 is for rape prevention and $469,054,000 is for funds made available for section 317A of the Public Health Service Act to be used at Early Head Start program sites. The House bill contained no similar provision.

The conference agreement consolidates the salaries and expenses accounts into a single account. Salaries and expenses accounts encompass all non-extramural activities with the exception of program support services, centrally managed services, and buildings and facilities. The agency may allocate administrative funds for extramural program activities according to its judgment. Funds should be apportioned and allocated consistent with the table, and any changes in funding are subject to the normal notification procedures.

The conference agreement includes $7,756,960,000 for the prevention health services block grant instead of $7,756,960,000 as proposed by the House and $175,124,000 as proposed by the Senate. Within the total provided, $44,225,000 is for rape prevention and $469,054,000 is for funds made available for section 317A of the Public Health Service Act to be used at Early Head Start program sites. The House bill contained no similar provision.
$3,000,000 to maintain the current hematologic and blood safety program commitments and to expand support for the treatment centers network in carrying out initiatives to reduce health disparities among Hispanics, including HIV/AIDS, blood safety surveillance and monitoring, and the needs of women with bleeding disorders.

The conference agreement includes funds to expand the impact of the Global AIDS epidemic upon individuals, families, and communities in Africa and other countries. The conferees include $104,527,000 for global HIV/AIDS activities at CDC, which shall be available until September 30, 2002. This amount is an increase of $99,527,000 over the fiscal year 2000 appropriation. With funding received in fiscal year 2000, CDC, in collaboration with USAID and other federal agencies, has begun to combat the AIDS epidemic andlessness in Africa and in India. The conferees urge CDC to continue to work in collaboration with USAID and other departments such as the Department of Defense and the Department of Labor, and other DHHS agencies especially the Office of AIDS, as well as international agencies, non-governmental organizations, and countries, to halt the spread of the epidemic and lessen its impact. In those countries where CDC already has a presence, CDC, in collaboration with USAID and HRSA, should assist in implementing country-wide care and prevention programs. This will include partnering with HRSA to develop services focused on utilizing communities for the development of palliative care, basic treatment, and support services. In addition, CDC should begin to assist other areas at high risk for severe epidemics including other African countries, Southeast Asia, and the Caribbean/Latin American region. Finally, CDC should support both treatment and demonstration projects in countries where sufficient care and treatment infrastructures exist. Within the total for international HIV/AIDS activities, the conferees provide $3,000,000 through CDC to support HRSA activities aimed at improving professional education and training relating to this initiative. The conferences have also included language to extend certain authorities of the Department of State to the Secretary of HHS so that CDC may use State's administrative personnel, contracting and procurement, and for limited renovation or construction of essential program facilities.

As a preventive vaccine offers the world's best hope for turning the tide against the global AIDS pandemic, and since international collaborations are essential for this goal, the conferences encourage CDC to work collaboratively with the International AIDS Vaccine Initiative and other global organizations to accelerate the development and testing of candidate vaccines. The conferences have provided additional funds to respond to the unmet needs identified by the National Institutes of Health for AIDS vaccine research and development.

The conferees have included $13,184,000 for the CDC's HIV-1/HIV-2 review program and $123,578,000 for the Community Care Program. This amount is an increase of $8,874,000 over the fiscal year 2000 appropriation. The conferees have requested $1,500,000 to maintain the current hematology and oncology program.

Within the total provided for nutrition and physical activity, the conferees expect CDC to enhance professional and public awareness of the nutrition-related arthritis action plan, and to enhance public awareness of arthritis and healthy aging. The conference agreement includes $1,918,000 for the Behavioral Risk Factor Surveillance System, $9,234,000 for the Cancer Registries Program, $59,925,000 for the Chronic Fatigue Syndrome Program, $9,901,345 for the Colorectal Cancer Prevention Program, and $9,164,000 for the Comprehensive Cancer Control Program. Within the total provided for cardio-vascular diseases, the conferences expect CDC to enhance professional and public awareness of research activities on pulmonary hypertension. Within the total provided for nutrition/physical activity, the conferences expect CDC to enhance professional and public awareness of arthritis and healthy aging. The conference agreement includes $16,222,438 for the Arthritis & Health Promotion Program, $8,460,000 for the Prevention of Teen Pregnancy Program, $11,173,000 for the School Health Program, $9,775,000 for the Skin Cancer Program, $1,647,000 for the Tobacco Program, and $103,355,000 for the Women's Health Program. Within the total provided for cardio-vascular diseases, the conferences expect CDC to enhance professional and public awareness of research activities on pulmonary hypertension. Within the total provided for nutrition/physical activity, the conferences expect CDC to enhance professional and public awareness of arthritis and healthy aging.
The conference agreement includes $173,928,000 for breast and cervical cancer screening instead of $161,941,000 as proposed by the Senate. The conference agreement includes bill language to allow the agency to expand the WISEWOMAN program to not more than 15 States as proposed by the Senate. The House bill allowed the agency to expand the program to not more than 10 States.

The conferees urge the CDC to give full and fair consideration to proposals from Access Community Health Care, Inc., for delivering breast and cervical cancer screening and follow-up services to minority women.

The conference includes the following amounts for the following projects and activities in fiscal year 2003:

Within the total provided for birth defects, $147,000 is for the Birth Defects Monitoring and Prevention Program at the University of South Alabama and $461,000 is for the University of Louisville Craniofacial Birth Defects Research Center.

Within the total provided for cardiovascular diseases, $46,000 is for the Sisters of Charity Health Care System and Staten Island University Hospital’s Heart Center; $500,000 for the Michael DeBakey Institute for Comparative Cardiovascular Science; $929,000 is for the Kettering Medical Center at Kettering University; and $4,500,000 is for The Paul Coverdell National Acute Stroke Registry to track and improve the delivery of care to patients with acute stroke through early identification and education.

Within the total provided for colorectal cancer, $184,000 is for the Sisters of Charity Health Care System to ensure that patients have access to early detection of gastro-intestinal cancers.

Within the total provided for community health promotion, $553,000 is for the Baltimore City Health Department, to establish a Center for Chronic Diseases and $900,000 is for the University of Texas, Dallas, for the Southwestern Medical Center, National Medical Center, Outreach Center.

Within the total provided for comprehensive cancer control, $425,000 is for the University of Miami Dade County, Florida for the Health Choice Program and Tri-County Community Cancer Prevention Project; $921,000 is for an Appalachian cancer demonstration project at the East Tennessee State University J ames H. Quillen College of Medicine to address cancer care in the rural Appalachian region; $900,000 is for the University of Rhode Island Cancer Prevention Research Center to provide interactive interventions of at-risk populations; and $850,000 is for the University of Texas M.D. Anderson Cancer Center in Houston, Texas, for a comprehensive cancer control program for ethnic minority and medically underserved populations.

Within the total provided for diabetes, $230,000 is for the University of California at San Francisco to support a Diabetes and Nutrition Education Outreach Program, and $46,000 is for the Sisters of Charity Health Care System and $461,000 is for the University of Southern California to support a minority-focused diabetes outreach program; $213,000 is for the Diabetes-Endocrinology Center of New York, New York, to develop a primary care outreach, education, prevention and care.

Within the total provided for disabilities prevention, $3,000,000 is to establish a paralympic sport event in the United States; $921,000 is for the University of Louisville Craniofacial Birth Defects Research Center.

Within the total provided for environmental health activities, $213,000 is for the San Antonio Metropolitan Health District to expand an assessment of human exposure to environmental contaminants near Kelly Air Force Base; $173,928,000 for breast and cervical cancer screening; $150,000 is for the Michigan Department of Community Health, and $500,000 is for the University of Michigan for the National Malaria Surveillance System.

Within the total provided for environmental health activities, $213,000 is for the San Antonio Metropolitan Health District to expand an assessment of human exposure to environmental contaminants near Kelly Air Force Base; $173,928,000 for breast and cervical cancer screening; $150,000 is for the Michigan Department of Community Health, and $500,000 is for the University of Michigan for the National Malaria Surveillance System.

Within the total provided for environmental health activities, $213,000 is for the San Antonio Metropolitan Health District to expand an assessment of human exposure to environmental contaminants near Kelly Air Force Base; $173,928,000 for breast and cervical cancer screening; $150,000 is for the Michigan Department of Community Health, and $500,000 is for the University of Michigan for the National Malaria Surveillance System.

Within the total provided for environmental health activities, $213,000 is for the San Antonio Metropolitan Health District to expand an assessment of human exposure to environmental contaminants near Kelly Air Force Base; $173,928,000 for breast and cervical cancer screening; $150,000 is for the Michigan Department of Community Health, and $500,000 is for the University of Michigan for the National Malaria Surveillance System.
The conference includes $2,000,000 to support a joint project by CDC and the Consumer Product Safety Commission to identify products that contribute to common injuries.

The conference agree that research and study undertaken shall address all products and resources available to finding the best combination of products that currently offer 24-hour trauma service.

The conference agree that any research and/undo study undertaken shall address all products and resources available to finding the best combination of products that currently offer 24-hour trauma service.

The conference agree that any research and/undo study undertaken shall address all products and resources available to finding the best combination of products that currently offer 24-hour trauma service.

The conference agree that any research and/undo study undertaken shall address all products and resources available to finding the best combination of products that currently offer 24-hour trauma service.
The conference agreement includes $306,488,000 for the National Institute of Dental and Craniofacial Research instead of $309,007,000 as proposed by the House and $309,923,000 as proposed by the Senate.

The conferees are concerned about the exception of severe dental caries suffered by American Indian children and encourage NIDCR to support long-term research on the etiology and pathogenesis of dental caries. The conferees also encourage NIDCR to conduct research on effective ways to control severe caries in American Indian children through all available preventive means, as appropriate, including clinical trials.

**NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES**

The conference agreement includes $1,315,385,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,315,530,000 as proposed by the House and $1,318,106,000 as proposed by the Senate.

The conferees are concerned that the etiology research effort is not addressing the large public health impact of urolithic diseases and encourage NIDDK to increase efforts to identify the genetic, environmental and other factors that influence that metabolism, especially the interactions between diabetes and kidney disease. The conferees encourage NIDDK to enhance basic research grants to examine cellular glucose metabolism and the factors that influence that metabolism, especially the interactions between diabetes and kidney disease.

The conference agreement includes $2,066,526,000 as proposed by the Senate instead of $2,043,208,000 for the National Institute of Allergy and Infectious Diseases instead of $2,066,526,000 as proposed by the Senate.

**NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES**

The conference agreement includes $396,687,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $400,025,000 as proposed by the Senate.

Recent advances in Spinal Muscular Atrophy (SMA) research have found that activation of the SMN2 gene may benefit treatment of SMA. The conferees urge NINDS to develop a SMA basic and clinical research portfolio through all available mechanisms, as appropriate, including clinical trials of drug compounds capable of activating SMN2 expression. The conferees also encourage the Institute to explore areas of promising research identified in the 2000 Families of SMA International Workshop.

Mitochondrial disorders comprise a panoply of progressive, neurodegenerative syndromes that affect multiple systems and causing mild to severe disabling neurological complications. At present there is no cure or therapies that are effective. It is recognized that advances in genetics, such as Parkinson’s, Alzheimer’s, and Huntington’s diseases may have an associated mitochondrial defect. The conferees urge NINDS and other relevant Institutes to explore the potential applicability of promising new therapies for these diseases in treating patients with mitochondrial disorders.

The conferees also note that progress continues to be made both with respect to the treatment and in our understanding of the cause of multiple sclerosis. Recent studies have provided the best evidence to date that the disease is caused by over-reactivity of a person’s own immune response. Based on these advances, the conferees encourage NINDS to expand its efforts to test new, innovative therapies. Research strategies should include the use of MRI and other surrogate biomarkers to help determine the effectiveness of new treatments, and to improve diagnosis.

**NATIONAL INSTITUTE ON AGING**

The conference agreement includes $796,039,000 for the National Institute on Aging instead of $790,290,000 as proposed by the House and $794,625,000 as proposed by the Senate.

**NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES**

The conference agreement includes $506,730,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $506,730,000 as proposed by the House and $508,263,000 as proposed by the Senate.

The conferees urge the Institute to foster research on the causes of breast cancer, which are largely unknown. There is little agreement in the scientific community on how the environment impacts breast cancer. While studies have been conducted on the effects of environmental factors like diet, pesticides, and electromagnetic fields, no conclusive evidence exists. The conferees encourage NIEHS to continue research efforts to study the links between the environment and breast cancer through all available mechanisms, as appropriate, including establishment of centers of excellence.

**NATIONAL INSTITUTE ON CANCER**

The conference agreement includes $506,730,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $506,730,000 as proposed by the House and $508,263,000 as proposed by the Senate.

The conferees encourage NCI to coordinate public research efforts to develop innovative, effective treatments, and to improve diagnosis, treatment, prevention, and eventual cure for breast cancer through all available mechanisms.

The conferees encourage NCI to coordinate public research efforts to develop innovative, effective treatments, and to improve diagnosis, treatment, prevention, and eventual cure for breast cancer through all available mechanisms.

The conferees strongly encourage NIAMS to expand its support for research into the causes, diagnosis, treatment, prevention, and eventual cure for osteoporosis and to coordinate public research efforts with those supported by the private sector. The Director of NIAMS is requested to testify on this issue at the fiscal year 2002 appropriations hearing.

**NATIONAL INSTITUTE ON DIABETES, DENTAL AND SKIN DISEASES**

**NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH**

The conference agreement includes $1,716,482,000 for the National Institute of Neurological Disorders and Stroke instead of $1,185,767,000 as proposed by the House and $1,189,000 as proposed by the Senate.

The conferees are aware of the efforts of NINDS to identify the gene that causes Mucolipidosis Type IV (ML-4), a debilitating genetic metabolic disorder that prevents normal development in children. The conferees encourage NINDS to consider conducting pilot studies that will provide the information necessary to develop and implement the full national longitudinal study. To this end, the conferees have provided funds to support the initial planning and learning of the progress made during the fiscal year 2002 appropriations hearing.

**NATIONAL INSTITUTE ON DIABETES AND DENTAL AND SKIN DISEASES**

The conference agreement includes $1,554,176,000 as proposed by the Senate.
The conferees commend NIHAMS for its growing support of research on rheumatic diseases of childhood, including the recent opening of a new Pediatric Rheumatology Clinic on the NIH campus. However, the conferees are concerned about the cadre of pediatric rheumatologists who are trained to treat and study these diseases. NIHAMS is therefore encouraged to work with the Secretary of HHS and other PHS components, as appropriate, to assist in evaluating the status of the pediatric rheumatology workforce. In particular, the Institute is encouraged to take advantage of opportunities to support loan repayment for researchers working in the area of childhood rheumatic diseases.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $300,581,000 for the National Institute on Deafness and Other Communication Disorders as proposed by the Senate instead of $301,787,000 as proposed by the House.

The conferees urge NIDCD to continue research on inner ear hair cell regeneration with a view to developing improved delivery and gene transfer technology with specific relevance to the inner ear and the development of improved hearing aids and cochlear implants for deafness. The conferees also urge NIDCD to continue to recruit experts from the field of molecular and cellular biology and genetics.

NATIONAL INSTITUTE OF NURSING RESEARCH

The conference agreement includes $104,370,000 for the National Institute of Nursing Research instead of $102,312,000 as proposed by the House and $106,848,000 as proposed by the Senate.

The conference agreement includes $340,678,000 for the National Institute on Alcohol Abuse and Alcoholism instead of $340,216,000 as proposed by the House and $336,848,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $781,327,000 for the National Institute on Drug Abuse as proposed by the House and $780,038,000 as proposed by the Senate.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $1,107,028,000 for the National Institute of Mental Health as proposed by the Senate instead of $1,114,638,000 as proposed by the House.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement includes $382,284,000 for the National Human Genome Research Institute instead of $386,410,000 as proposed by the House and $385,888,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $817,475,000 for the National Center for Research Resources instead of $832,027,000 as proposed by the House and $775,212,000 as proposed by the Senate. The conferees included a provision to waive the matching requirement for the grant or contract to manage the 288 chimpanzees acquired by the Coulston Foundation for the grant or contract to manage the 288 chimpanzees acquired by the Coulston Foundation.

Within the total provided, $100,000,000 is for the Institutional Development Awards (IDeA) program as proposed by the House instead of $60,000,000 as proposed by the Senate. In the implementation of these funds, the conferees concur with the language contained in the House report. In addition, the conferees believe that the General Clinical Research Centers (GCRs) are essential to furthering biomedical research progress and have included funds for NCRR above the Administration’s request to permit an increase for GCRCs commensurate with the overall NIH funding increase.

The conferees urge NCRR to use a portion of the increase provided for a new competition of Science Education Program Awards (SEPs) and to provide grants to assist in the effort to ensure that these funds be used consistent with language contained in last year’s House and Senate reports.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $50,514,000 for the John E. Fogarty International Center instead of $50,299,000 as proposed by the House and $61,260,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

The conference agreement includes $246,801,000 for the National Library of Medicine instead of $256,281,000 as proposed by the House and $256,953,000 as proposed by the Senate.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

The conference agreement includes $89,231,000 for the National Center for Complementary and Alternative Medicine instead of $78,880,000 as proposed by the House and $100,089,000 as proposed by the Senate.

The conferees urge NCCAM to continue the health benefits of cranberries and cranberry juice products in maintaining urinary tract health as well as their positive antibacterial and antioxidant benefits and to continue the dissemination of Federally-funded research to test and/or validate these findings which could add to the arsenal of health-based and nutritional alternatives for wellness. The conferees encourage NCCAM to study the health benefits of cranberry products.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

While the overall health of the nation has improved over the last two decades, there continues to be striking disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian-Pacific Islanders. Moreover, the largest numbers of medically underserved are white individuals, and many of these continue to face economic and biological factors. While some of the causes of inequitable health outcomes may be beyond the scope of biomedical research, the conferees recognize that NIH has made research into health disparities a high priority, and has already taken steps to expand the research agenda to consider these disparities.

These disparities are believed to be the result of differences among socioeconomic and biological factors, the environment, and specific behaviors, as well as other factors. While some of the causes of inequitable health outcomes may be beyond the scope of biomedical research, the conferees encourage NINDS to work collaboratively to enhance research into Hutchison-Gilford Progeria Syndrome, an illness that strikes children in their first year causing them to age rapidly and prematurely and to understand which the average life expectancy is 13 years.

The NIH has developed a five-year Parkinson’s Disease Research Agenda. To carry out this Agenda, the professional judgment of the NIH Institute and Center Directors and the Office of the Director is needed. The conferees strongly urge the Director to work toward implementation of the research agenda and to ensure that NIH continues to convene and coordinate the efforts of all Institutes and Centers involved in Parkinson’s research.

The conference agreement includes $213,000,000 for the Office of the Director instead of $242,307,000 as proposed by the House and $332,165,000 as proposed by the Senate.

The agreement includes a designation in bill language of $482,710,000 as obligations of the Office of AIDS Research. The conferees understand that with the funds allocated to AIDS, the NIH expects to provide $2,266,967,000 in 2001 in AIDS research funding.

The conference agreement includes funds within the Office of the Director to address the trend of HIV/AIDS epidemic in communities of color. The Office is encouraged to expand and strengthen science-based HIV prevention research for African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders and consideration should be given to the U.S. Virgin Islands and Puerto Rico. The Office is also encouraged to expand and strengthen science-based HIV behavioral research. The conferees encourage NIH to work with the relevant Institutes to consider expanding support for HIV/AIDS research funding.

The conferees continue to be interested in matching the increased needs of researchers who rely upon human tissue and organs to study human diseases and to search for cures. The conferees urged NIH to continue review by a panel of experts that found that there is a rapidly expanding and unmet demand for the use of human tissue samples for research purposes. The conferees encourage the Director of NIH to work with the relevant Institutes to consider expanding support for such work and request that the Director be prepared to report on its plan to meet the demand for human tissue at the fiscal year 2002 appropriations hearing.

The conferees urge the NIH Director to consider establishing a trans-NIH coordinating committee to focus on a research agenda, with particular emphasis on lymphedema and related lymphatic conditions.

The conferees are aware of concerns raised regarding the progress of NIH research into facioscapulohumeral muscular dystrophy and fascioscapulohumeral disease and encourage NIH to expand research in this area.

The conferees concur with the language contained in the Senate report regarding microbicides research.

The conferees encourage NIA, NICHD, and NINDS to work collaboratively to enhance research into Huntington’s disease, which will enable NIH to move ahead with targeted therapies and a cure for Huntington’s disease.

The NIH has developed a five-year Parkinson’s Disease Research Agenda. To carry out this Agenda, the professional judgment of the NIH Institute and Center Directors and the Office of the Director is needed. The conferees strongly urge the Director to work toward implementation of the research agenda and to ensure that NIH continues to convene and coordinate the efforts of all Institutes and Centers involved in Parkinson’s research. The Director is requested to report by March 1, 2001 on the progress towards implementation of the research agenda and to provide updated professional judgement funding projections for subsequent years.

OFFICE OF THE DIRECTOR

INCLUDING TRANSFER OF FUNDS

The conference agreement includes $123,000,000 for the Office of the Director instead of $146,307,000 as proposed by the House and $332,165,000 as proposed by the Senate.

The agreement includes a designation in bill language of $482,710,000 as obligations of the Office of AIDS Research. The conferees understand that with the funds allocated to AIDS, the NIH expects to provide $2,266,967,000 in 2001 in AIDS research funding.

The conference agreement includes funds within the Office of the Director to address the trend of HIV/AIDS epidemic in communities of color. The Office is encouraged to expand and strengthen science-based HIV prevention research for African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders and consideration should be given to the U.S. Virgin Islands and Puerto Rico. The Office is also encouraged to expand and strengthen science-based HIV behavioral research. The conferees encourage NIH to work with the relevant Institutes to consider expanding support for HIV/AIDS research funding.

The conferees continue to be interested in matching the increased needs of researchers who rely upon human tissue and organs to study human diseases and to search for cures. The conferees urged NIH to continue review by a panel of experts that found that there is a rapidly expanding and unmet demand for the use of human tissue samples for research purposes. The conferees encourage the Director of NIH to work with the relevant Institutes to consider expanding support for such work and request that the Director be prepared to report on its plan to meet the demand for human tissue at the fiscal year 2002 appropriations hearing.

The conferees encourage the NIH Director to consider establishing a trans-NIH coordinating committee to focus on a research agenda, with particular emphasis on lymphedema and related lymphatic conditions.

The conferees are aware of concerns raised regarding the progress of NIH research into facioscapulohumeral muscular dystrophy and fascioscapulohumeral disease and encourage NIH to expand research in this area.

The conferees concur with the language contained in the Senate report regarding microbicides research.

The conferees encourage NIA, NICHD, and NINDS to work collaboratively to enhance research into Hutchison-Gilford Progeria Syndrome, an illness that strikes children in their first year causing them to age rapidly and prematurely and to understand which the average life expectancy is 13 years.

The NIH has developed a five-year Parkinson’s Disease Research Agenda. To carry out this Agenda, the professional judgment of the NIH Institute and Center Directors and the Office of the Director is needed. The conferees strongly urge the Director to work toward implementation of the research agenda and to ensure that NIH continues to convene and coordinate the efforts of all Institutes and Centers involved in Parkinson’s research. The Director is requested to report by March 1, 2001 on the progress towards implementation of the research agenda and to provide updated professional judgement funding projections for subsequent years.
The conferees concur with the language in the Senate report regarding a study of the structure of NIH and expect to receive a report and recommendations one year from the date of confirmation of the new NIH Director.

The conferees have been made aware of the public interest in securing an appropriate relationship between the NIH and the Office of Dietary Supplements. The conferees have the utmost confidence that the director of the Office of Dietary Supplements will be able to appropriately manage these issues.

The conferees concur that perinatal research is essential to the health of mothers, newborns, and young children, and that the success of research programs in this area is crucial to the future of child health and human development. The conferees believe that the NICHD should evaluate the effectiveness of the existing research programs and consider additional funding to support promising research projects.

The conferees are aware of the mounting concern over the cost to patients of therapeutic drugs. By July 1, 2001, based on a list of approved drugs which have been FDA approved, have reached $500,000,000 per year in sales in the United States, and have received NIH funding, NIH will prepare a plan to ensure that taxpayers' interests are protected.

The Office of Dietary Supplements is urged to recommend ways in which the Office of Dietary Supplements can be more effective as an entity that can influence the development of dietary supplements in the United States.

The number of Americans taking dietary supplements containing ephedra has risen dramatically. The conferees encourage the Office of Dietary Supplements to evaluate new clinical research on the safety and efficacy of these products.

The conferees urge NIH to minimize the use of non-human animals in nicotine or tobacco experiments, and to explore any non-human research methods that are currently available or under development that may be an alternative to using non-human animals.

The conferees are concerned about the transfer of HIV prevention interventions that have proven to be effective to service programs supported by other federal agencies, such as CDC and HRSA. The Office of AIDS Research should work with the ICs to increase NIH efforts in this area through the establishment of programs for regional technical assistance, technology transfer, and training for the purpose of providing links between evidence-based HIV prevention science and public health departments, community planning groups, healthcare providers, and prevention service providers.

The conferees strongly urge NIH to implement an intensified research effort regarding autism, as required by the Children's Health Act of 2000. The Director of NIH should also provide a report to the House and Senate Appropriations Committees by March 1, 2001 regarding the establishment of the National Institute of Excellence on Autism Program authorized in the Children's Health Act of 2000.

The conferees commend the efforts of AIDS Research for convening an external review of the Centers for AIDS Research Program and for the five year plan to increase the number of Centers. However, the conferees urge the NIH to consider ways in which the five year plan can be modified to balance the need to expand the number of Centers with the need to adequately support the leading clinical and research institutions with the core center mechanisms that they need to efficiently pursue AIDS research.

The conferees encourage NIH to pursue recommendations from the Diabetes Research Working Group to address the specific needs of minority populations.

The conferees are aware of the National Institute of Child Health and Human Development's (NICHD) efforts to establish a Perinatology Research Branch (PRB) to conduct research programs on pregnancy and perinatology in the greater metropolitan region of the District of Columbia. After several attempts, the conferees understand that NIH intends to request competition for a site for the PRB. The Director is requested to submit a written report by March 1, 2001, explaining why the efforts to establish the PRB in the greater metropolitan region of the District of Columbia have to-date been unsuccessful. The Director should also include information on the current rate of infant mortality in the United States, the highest rate of infants born with low birthweights, and the lowest percentage of delivery by cesarean section for mothers of African-American descent. Therefore, the report should include possible alternative methods for conducting research programs on pregnancy and perinatology in the greater metropolitan region of the District of Columbia.

The conferees believe it appropriate for NIH to recognize Paul Rogers’ numerous contributions to government and medical research. Therefore, the conferees urge the Director to designate the plaza in front of the James Shannon building on the NIH campus as the Paul G. Rogers Plaza and to commemorate it in his honor.

The conferees appreciate the efforts of the Director to ensure that NLM’s future physical needs are met and encourage that sufficient funds be available from within NLM funding to meet these needs.

The conference agreement includes $153,790,000 for facilities instead of $178,700,000 as proposed by the House and $148,900,000 as proposed by the Senate.

The conference agreement includes $2,985,000,000 for substance abuse and mental health services instead of $2,727,626,000 as proposed by the House and $2,730,757,000 as proposed by the Senate. Within the funds provided, the conferees intend that $12,000,000 is to carry out the fetal alcohol spectrum disorder prevention services program.

The Conference agreement includes $420,000,000 for the mental health block grant instead of $416,000,000 as proposed by the House and $396,000,000 as proposed by the Senate.

The conference agreement includes $95,762,000 for children’s mental health instead of $85,000,000 as proposed by both the House and Senate.

The conference agreement includes $36,883,000 for the five year plan for the homeless (PATH) as proposed by the Senate instead of $30,883,000 as proposed by the House.

The conference agreement includes $30,000,000 for the national suicide prevention advocacy instead of $24,903,000 as proposed by the House and $25,903,000 as proposed by the Senate. The conferees continue to be concerned about deaths and serious injuries due to the inappropriate use of seclusion and restraining facilities that treat individuals with mental illnesses and have provided additional resources to the Center for Mental Health Services.

The conference agreement includes $203,674,000 for programs of regional and national significance instead of $132,749,000 as proposed by the House and $148,900,000 as proposed by the Senate.

Within the total provided, $90,000,000 provided under section 581 of the Public Health Service Act is for the support and delivery of school-based and school-related mental health services and supports for schools.

It is intended that the Department will continue to collaborate with the Department of Education to develop a coordinated approach to support service delivery. It may be necessary for the agency to allocate additional resources to the Safe Schools/Healthy Students Action Center to expand its technical assistance to serve new grantees.

Within the total provided, $3,000,000 is for suicide prevention hotlines. The conference agreement included a provision to authorize the location of the effectiveness of these hotlines in preventing suicides.

The conferees believe that SAMHSA is uniquely qualified to support a clearinghouse for youth suicide prevention, including a database and related files of reference materials and organizations. Through this clearinghouse, could provide technical assistance to States to implement the Surgeon General’s recommendations for suicide prevention.

Within the total provided, $10,000,000 is provided under section 582 of the Public Health Service Act to support up to 22 grants to local mental health authorities for the purposes of developing knowledge of best practices and providing mental health services to children and youth suffering from post-traumatic stress disorder as a result of having witnessed or experienced a traumatic event. Grantees can include psychiatric hospitals, general hospitals, provider addictions mental health clinics, and community and university-based mental health programs. With respect to grants for knowledge development, preference should be given to entities with experience in the field of trauma related mental disorders in children and youth.

Within the total provided, $1,500,000 is to support professional training in restraints and seclusion in residential and day treatment centers for children and youth. This training initiative will support grants to non-profit and public entities for the purpose of developing and demonstrating the effectiveness of a best-practices training model to avoid the inappropriate use of restraints and seclusion.

The conferees are supportive of efforts to develop a model training demonstration program to help eliminate inappropriate use of seclusion and restraint that occur in mental health facilities due to the inappropriate use of seclusion and restraints. Such a model training program should emphasize conflict resolution and de-escalation.

Within the total provided, an increase of $200,000 is to provide additional mental health support for minority fellowships in mental health.

Within the total provided, $7,000,000 is for the treatment of mental health disorders related to HIV disease, including clinical depression and the chronic, progressive neurological disabilities that often accompany HIV disease. These direct services grants provided to community-based providers that operate in traditional and non-traditional settings are designed to strengthen their capacity to provide HIV related mental health services.

Funds are included to provide grants to local communities to improve mental health screening and referrals in non-mental health settings and continue support for diversity programs for non-violent mentally ill offenders.

It is intended that funds used to make grants to States for the purpose of developing data infrastructure will be used for mental health only.

The conferees include the following amounts for the following projects and activities in fiscal year 2003:

- $8,000,000 for the Hope Center in Lexington, Kentucky.
- $85,000 for Steinway Child and Family Services, Inc. in Queens, New York for HIV/AIDS prevention programs.
- $10,000 for the American Trauma Society to support its Second Trauma Program which helps train trauma system health care providers to better manage the shock of an unexpected death or critical injury to their family members.
$200,000 for the Concord-Assabet Family Services Center to model a transitional living program for troubled youth; $255,000 for Preschool Anger Management; $500,000 for the Life Quest Community Mental Health Center in Wasilla, Alaska; $600,000 for Pacific Clinics in Arcadia, California, to develop a school-based mental health demonstration program for Latina adolescents in partnership with community groups, mental health agencies, local government and school systems in Southeast Los Angeles County; $903,000 for the Bert Nash Community Mental Health Center in Lawrence, Kansas, to provide substance abuse treatment services to low-income residents of Lawrence and other settings to prevent juvenile crime and substance abuse among high-risk youth; $500,000 for the Alaska Federation of Natives for innovative homeless mental health services in Alaska; $550,000 for the Iowa State University Extension to develop a program which would provide outreach, training, and counseling services in rural areas; $921,000 for the United Power for Action and Justice demonstration project in Chicago land area to end the cycle of homelessness; $921,000 for a mentally ill offender crime reduction demonstration project in Ventura County, California to create the building blocks for a continuum of care for mentally ill offenders who enter the jail system in the county; $500,000 for the University of Connecticut for an urban health initiative to improve mental health services to underserved high-risk individuals living in urban public housing; $1,077,000 for the University of Florida National Rural Behavioral Health Center to train extension agents in crisis intervention and substance abuse treatment methods; $2,210,000 for the Baltimore City Health Department to use innovative methods to enhance drug treatment services; Center for Substance Abuse Treatment The conference agreement includes $1,665,000,000 for the substance abuse block grant instead of $1,631,000,000 as proposed by both the House and the Senate. The conference agreement includes $256,315,000 for programs of regional and national significance instead of $23,716,000, as proposed by the House and $20,566,000, as proposed by the Senate. Within the total provided, $10,000,000 is to initiate grants to local non-profit and public entities for the purpose of developing and expanding substance abuse services for homeless persons. The agreement includes $53,000,000 designed to provide targeted service expansion and capacity enhancement for minority, community-based substance abuse treatment programs with a history of providing services to communities of color severely impacted by substance abuse, including treatment for HIV/AIDS. The conference agreement includes $256,315,000 for programs of regional and national significance instead of $23,716,000, as proposed by the House and $20,566,000, as proposed by the Senate. Within the total provided, $10,000,000 is to initiate grants to local non-profit and public entities for the purpose of developing and expanding substance abuse services for homeless persons. The conference agreement includes $53,000,000 designed to provide targeted service expansion and capacity enhancement for minority, community-based substance abuse treatment programs with a history of providing services to communities of color severely impacted by substance abuse, including treatment for HIV/AIDS.

The conference agreement includes $175,145,000 for programs of regional and national significance instead of $132,742,000 as proposed by the House and $154,000 as proposed by the Senate. Within the total provided, it is intended that high-risk youth grants will at least be maintained at last year's level. The conference agreement includes $32,100,000 for grants to minority community based organizations to implement programs that strengthen substance abuse prevention capacity in communities of color disproportionately impacted by the HIV/AIDS epidemic, based on the most recent estimated population projections and AIDS mortality among ethnic and racial minorities as reported by the CDC. The conference agreement includes amounts for the following projects and activities in fiscal year 2001:

$55,000 for the Rock Island County Council on Addiction in East Moline, Illinois, for the youth substance abuse prevention program; and
$500,000 for the Drug-free Families Initiative at the University of Missouri, St. Louis. The conferees are troubled by the recent Institute of Medicine study which found that as many as 98,000 deaths are caused by medical errors each year. The conference agreement designates $164,980,000 to be available to the agency under the Public Health Service Act one percent evaluation set-aside as proposed by the House.

The conference agreement designates $104,963,000 in appropriated funds instead of $123,669,000 as proposed by the House. The Senate bill did not provide a direct appropriation for the agency, instead it proposed to fund the agency through the evaluation set-aside.

The conference agreement designates $10,000,000 for research that investigates the relationship between the health care workplace and its impact on medical errors and the quality of care provided to patients in the health care workplace, often in response to pressures to reduce costs, suggest
that work environment and processes have had an impact on health and quality of workers' lives as well as the patients for whom they care. As we have learned from the experiences of the aviation industry, reducing errors and promoting safety are a result of improving workforce systems. Like-wise, it is important that workforce considerations be integrated into efforts to reduce medical errors and promote patient safety.

The conferees believe that better understanding of these workforce considerations will lead to improved workplace practices and better outcomes for patients.

The conferees support the efforts of the Agency for Healthcare Research and Quality, the National Institute on Disability and Rehabilitation Research, the National Institute on Aging, and the Department of Labor, and other agencies to work jointly and coordinate their work to improve healthcare quality, patient safety, and worker safety in health care facilities, through such activities as the October 2000 sponsored conference on "Enhancing Working Conditions and Patient Safety: Best Practices." The conferees urge that such coordinated efforts be continued.

The conferees strongly urge the agency to enhance the use of investigator-initiated research funding through all available mechanisms, as appropriate.

**Health Care Financing Administration Program Management**

The conference agreement includes $2,246,326,000 for program management, as opposed to $1,886,302,000 as proposed by the House and $2,018,500,000 as proposed by the Senate. The House bill assumed that the Administration's user fee proposal would be enacted prior to conference. An additional appropriation of $50,000,000 has been provided for the Medicare Integrity Program through the Health Professions Portability and Accountability Act of 1996.

The conferees repeat language included in last year's bill related to administrative fees collected relative to Medicare overpayment recovery activities.

**Research, Demonstration, and Evaluation**

The conference agreement includes $329,311,000 for research, demonstration, and evaluation, as opposed to $251,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

The agreement includes $50,000,000 for Real Choice Systems Change Grants to states to support Medicare/Medicaid spending for end stage renal disease (ESRD) patients current and future. The agreement includes $40,000,000 to support State Renal Data System (USRDS) to test procedures to improve the quality of care for individuals with disabilities at facilities in Illinois; $2,800,000 for the Mind-Body Institute of Pennsylvania to demonstrate the potential savings in the Medicare reimbursement system based on preventative care; $1,000,000 for the Iowa Department of Public Health for the establishment and operation of a mercantile prescription drug purchasing cooperative or non-profit corporation; $921,000 for Equip for Equality for a demonstration of a lifestyle modification program to improve clinical data coordination, hospitalizations, and other medical spending related to patient dialysis and diabetes whose demographic and other characteristics match those of the dialysis patients in 9 to 12 existing programs in the U.S. Such a study should compare outcomes related to diabetes control and diabetes-related patient hospitalization, medication, and diabetic treatment facilities, such as skilled nursing facilities or home health care and any other spending for which data is available to the USDRS.

HCFA is encouraged to work with the United States Renal Data System (USRDS) to test potential savings to the Federal government related to the implementation of a Medicare/Medicaid demonstration program to improve clinical data coordination among Medicaid providers.

HCFA is urged to conduct a demonstration project at Ohio State University to determine the benefits of compliance packaging; $505,868,000 for the Vascular Surgery Outcome Initiatives at Dartmouth College; $564,000 for Shelby County Regional Medical Center to determine a Master Patient Index to determine patient Medicaid/TennCare eligibility; $595,000 for the Children's Hospice International to establish a program that would provide a continuum of care for children with life-threatening conditions and their families; $291,000 for Equip for Equality for a demonstration of a demonstration of a lifestyle modification program to improve clinical data coordination, hospitalizations, and other medical spending related to patient dialysis and diabetes whose demographic and other characteristics match those of the dialysis patients in 9 to 12 existing programs in the U.S. Such a study should compare outcomes related to diabetes control and diabetes-related patient hospitalization, medication, and diabetic treatment facilities, such as skilled nursing facilities or home health care and any other spending for which data is available to the USDRS.
residential substance abuse treatment facilities with 16 or fewer adult treatment beds places an undue burden on the publicly funded substance abuse treatment and prevention infrastructure.

The conferees concur with Senate report language urging HCFA to act more expeditiously to approve new medical technologies, included for Medicare beneficiaries so that seniors will have access to the latest life-saving technologies and treatments.

The conferees understand that HCFA regulations require States to provide documentation and justification before making changes in Medicaid reimbursements. The conferees are concerned that several State Medicaid agencies are paying too much or not enough to pay chain-operated pharmacies lower reimbursement rates than other pharmacies for providing the same prescription products and related services without providing the required justification. The conferees expect HCFA to enforce current regulations when reviewing and approving State submissions. The conferees also believe that the implementation of a different system for Medicaid reimbursements of pharmaceuticals should be addressed by the authorizing committees of jurisdiction. The conferees urge HCFA to be prepared to testify on the status of this issue at the fiscal year 2002 appropriations hearings.

HCFA has proposed guidelines regarding the administrative claims process for schools requesting reimbursement for Medicaid related services. The conferees are concerned that the guidelines are being developed without adequate input from interested parties and will significantly alter the administrative claims program making it more difficult for schools to provide services to poor and disabled children. HCFA is expected to consult with school practitioners and other groups to draft guidance for Medicaid allowing additional administrative claims of the School Based Services program. HCFA is also urged to process pending State applications and to continue to review reimbursement procedures until new guidelines are published. The Administrator should be prepared to testify on this issue at the fiscal year 2002 appropriations hearing.

**ADMINISTRATION FOR CHILDREN AND FAMILIES**

**PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS**

The conference agreement includes $2,441,800,000 for payments to states for child support enforcement and family support programs instead of $2,473,880,000 as proposed by the House and $2,400,000,000 in emergency funds for fiscal year 2002.

**REFUGEE AND ENTRANT ASSISTANCE**

The conference agreement includes $433,309,000 for refugee and entrant assistance as proposed by the Senate. Within this amount, for the Torture Victims Relief Act funds, the conferees provide $9,000,000 as opposed $10,000,000 as proposed by the Senate. Within this amount, the conferees provide funding to implement the Trafficking Victims Protection Act of 2000, which will support efforts to certify eligibility for benefits and services for trafficking victims.

The agreement includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refugee children. Funding of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Support such cash assistance programs should include English language training and cultural assimilation programs.

The agreement also includes $26,000,000 for increased priorities with large concentrations of refugees whose cultural differences make assimilation especially difficult, justifying a more intense level and longer duration of assistance.

**PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT**

The conference agreement includes an additional $6,267,000,000 for child care services, for a total of $6,200,000,000 as opposed to $5,667,000,000 as proposed by the House. The conference agreement includes $69,155,000 for runaway youth as proposed by the Senate.

**SOCIAL SERVICES BLOCK GRANT**

The conference agreement includes $1,725,000,000 for the social services block grant instead of $1,700,000,000 as proposed by the House and $600,000,000 as proposed by the Senate. The conference agreement includes a provision which maintains the percentage of funds that a state may transfer between the Social Services Block Grant and the Temporary Assistance to Needy Families Programs at 10 percent.

**CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)**

The conference agreement includes $7,956,345,000 for children and families services programs instead of $7,231,253,000 as proposed by the House and $6,200,000,000 as proposed by the Senate. In addition, the agreement rescinds $21,000,000 from permanent appropriations as proposed by both the House and the Senate.

The conferees are concerned that while fifty percent of children eligible for the Head Start Program receive services, only about ten percent of children of farm-workers are served by Migrant Head Start. Therefore, the conferees encourage the Secretary to increase funding for Migrant and Seasonal Head Start to the level proposed by the Senate.

The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate.

The conference agreement makes additional $62,000,000 for Head Start instead of $56,667,000 as proposed by the House and $43,109,000 for refugee and entrant assistance as proposed by the Senate. The conferees also urge the agency to ensure that all children participating in the Early Head Start Program receive a blood lead screening test.

The conferees urge the agency to provide funds to the Alaska Federation of Natives to train Head Start teachers in remote Alaska villages. The conferees also encourage the agency to provide funds to the University of Alaska to develop distance training for Head Start teachers through Associate Degree programs.

**Runaway Youth**

The conference agreement includes $69,155,000 for runaway youth as proposed by the Senate instead of $64,155,000 as proposed by the House. The agreement allocates funds for the runaway and homeless youth programs as provided by the P.L. 106-71, the Missing, Exploited, and Runaway Children Protection Act, which consolidates the programs into a single funding stream.

**Adoption Incentive**

The conference agreement includes $3,000,000 for the adoption incentive program as proposed by the Senate instead of $3,528,000 as proposed by the House. The conference agreement also includes a provision that will allow funds under this program to be carried over for use in prior year bonuses.
**CONGRESSIONAL RECORD — HOUSE**

**December 15, 2000**

**SOCIAL SERVICES AND INCOME MAINTENANCE RESEARCH**

The conference agreement includes $37,665,000 for social services and income maintenance programs instead of $37,403,000 as proposed by both the House and the Senate. Of this total, the conferees intend that $5,000,000 be transferred to the Census Bureau for completion of the American Community Survey of Income and Program Participation. The conferees also provide sufficient funding for the following:

- $500,000 for the National Foster Care Initiative
- $300,000 for the State Information Technology Consortium
- $5,000,000 for the Nation Center for Appropriateness Testing and Technology Information Technology clearinghouse.

The conferees also include $500,000 within Social Services and Income Maintenance Research to support adding LIHEAP-related questions to the Residential Energy Consumption Survey (RECS), conducted by the Department of Energy and to the Census Bureau March 2006 population survey to assure that the low-income household component is included in the surveys, and the conferees recommend continuation of the LIHEAP sample size to target LIHEAP recipients. The conferees have also included $2,500,000 for grants to qualified private, non-profit intermediary organizations to coordinate social service resources to improve the quality and supply of child care facilities in low income communities to combat the changes.

**Community Services Block Grant**

The conference agreement includes $600,000,000,000 for the community services block grant as proposed by the Senate and $527,700,000 as proposed by the House. The conferees expect that all local entities that are in good standing in the community services block grant program shall receive an increase in funding for the next program year that is proportionate to the overall increase in the appropriation provided for the block grant.

The agreement includes language proposed by the Senate that requires the Department to establish a certain process regarding the disposition of unassignable property in the community economic development program under the Community Services Block Grant Act. The conferees also set aside $5,500,000 within the community economic development program for the job creation demonstration authorized under the Family Support Port Act.

Within the funds provided for child abuse prevention programs, the agreement includes the following items:

- $737,000 University of North Carolina, Greensboro, NC for Violence Abuse Prevention and Education for Deaf and Hard of Hearing Children and Their Caregivers
- $1,382,000 Public Children Services Association of Ohio, Columbus, OH for child abuse prevention activities
- $460,000 for the Housing Corporation of Louisville, KY for the Homeless Youth Development Program
- $230,000 Neighbor to Family, Des Plaines, IL for providing support services to homeless families
- $524,000 Robert A. Paskal Youth and Family Services Inc., Severna Park, Maryland for the Healthy Families program
- $1,797,000 Project 200, Spokane, WA for the Foster Family Support System
- $230,000 David Thomas Center for Adoption Law at The University of Minnesota Law School, St. Paul, MN for development of an adoption law online database.

**AGING SERVICES PROGRAMS**

The conference agreement includes $125,000,000 to support the National Adoption Center, $1,562,000 to Indian Oaks Academy in Lapeer, MI for a demonstration project serving children and adolescents who are victims of child abuse, and $500,000 for the Alaska Federation of Native Americans to establish a Native American Children's Legal Services Program.

The conferees have also provided for the block grant instead of $550,000,000 as proposed by the House instead of $4,868,100,000 as proposed in the Senate report.

**Administration on Aging**

The conference agreement includes $8,009,100,000 for the administration on aging, including funding for activities such as information on available resources; the development of state and local plans for the elderly; and the establishment of the Office of Aging Policy.

**VETERANS AFFAIRS**

The conferees have included $125,000,000 to support the National Adoption Center and $500,000 for the Alaska Federation of Native Americans to establish a Native American Children's Legal Services Program.

The conferees have also provided for the block grant instead of $550,000,000 as proposed by the House instead of $4,868,100,000 as proposed in the Senate report.

**Social Security Administration**

The conference agreement includes $4,560,500,000 for the Social Security Administration to support the program to provide income security for people who are disabled, are aged 65 or older, or have a dependent child.

**RESEARCH**

The conference agreement includes $75,000,000 for research purposes, including funding for activities such as the development of a national research agenda on aging, the establishment of a national research institute, and the support of research grants and fellowships.

**Rural Development**

The conference agreement includes $2,500,000,000 for rural development programs to support activities such as the development of community facilities and housing for rural families, and the support of rural development programs.
$120,000 Marathon County, Wisconsin to continue an initiative to provide respite care services; $170,000 Walk the Walk, Inc, in Long Island City, New York to continue an initiative to provide respite care services; $510,000 Brooklyn Public Library, Brooklyn, New York to continue to improve the availability of respite care services; $1,000,000 West Virginia University Center for the Health of Older Adults, Morgantown, West Virginia, to continue development of its Center for the Health of Older Adults; $2,000,000 The University of Akron College of Allied Health Sciences, Akron, Ohio, to develop a comprehensive program to improve access to health care services for older adults; $510,000 the University of Akron School of Nursing, Akron, Ohio, to develop best practices in gerontological training, research and instruction; $723,000 Ivy Tech State College in Sellersburg, Indiana, for a seniors technology learning program; $935,000 Landmark Medical Center in Warwick, Rhode Island to support the Positive Aging Project to develop and implement model family-centered approaches to address the needs of the elderly; $1,000,000 University of Arkansas School of Nursing in Little Rock, Arkansas to support and evaluate a community approach to providing services to low income seniors; $200,000 University of Iowa to support the establishment of a community-based health center at the University of Arkansas Medical School. Within the funds provided for state and local innovations, projects of national significance are included that funds be used for ongoing projects scheduled for re-funding in fiscal year 2002.

Office of the Secretary General Departmental Management

The conference agreement includes $20,037,000 for the General Departmental Management instead of $262,631,000 as proposed by the House and $260,117,000 as proposed by the Senate. Within the total provided, $50,000,000 is for minority HIV/AIDS activities that strengthen the medical treatment and HIV prevention capacity within communities of color disproportionately impacted by the HIV/AIDS epidemic, based on rates of new HIV infection and mortality from AIDS. These funds will be allocated to existing and planned HIV/AIDS activities in communities of color. The agreement includes the call for the Secretary to submit an operating plan prior to the obligation of funds within the Department.

Within the total provided, $2,000,000 is for the United States-Mexico Border Health Commission. The conference requests the Secretary to provide the House and Senate Committees on Appropriations with a complete history of the activities and expenses of the Commission. Also within the total provided, $400,000 is to continue the Surgeon General's violence initiative and $400,000 is for a study on the feasibility of tribe compacting for the operation of Departmental programs.

The conference agreement provides $24,327,000 for the adolescent family life program as proposed by the House instead of $19,327,000 as proposed by the Senate. The agreement includes bill language earmarking $10,377,000 under the adolescent family life program for activities specified under section 2003(b)(2) of the Public Health Service Act, of which $10,157,000 shall be for prevention grants under section 510(b)(2) of Title V of the Social Security Act, without application of the limitation of section 2003(c) of Title XX of the Public Health Service Act. The conferees intend that this set-aside is only for continuation costs of ongoing projects.

The agreement provides $49,019,000 for minority health instead of $38,638,000 as proposed by the House and $37,638,000 as proposed by the Senate. Within this total, $7,000,000 for HIV/AIDS build and infra-structure deficiencies within minority community-based organizations in rural and historically underserved urban communities, of which $3,000,000 shall be for the Technical Assistance/Capacity Development Grant Program to fund existing grants in rural and historically underserved communities hard-hit by HIV/AIDS; $5,000,000 is for continued funding to the Bi-Cultural and Bilin- gual Demonstration Program; and $2,600,000 is to support the Minority Health Coalition program, designed to promote early intervention HIV care in minority communities and to improve the health outcomes of the people of color living with HIV disease. Also included is an increase of $1,000,000 for the Office of Minority Health's Center for Linguistics and Cultural Competence in Health Care.

The agreement provides $17,270,000 for the office of women's health instead of $16,405,000 as proposed by the House and $16,895,000 as proposed by the Senate. The conferees urge the office to provide funds to the National Osteoporosis Foundation to support its comple- mentary adolescent bone health initiative.

The agreement provides $1,166,000 for the office of emergency preparedness instead of $9,668,000 as proposed by both the House and Senate.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

Office of the Secretary General Departmental Management

-$461,000 for the Glaucoma Caucus Foun- dation; $500,000 for the Thomas Jefferson Univer- sity; $383,000 in the Office of Minority Health for the San Francisco Department of Public Health; $500,000 to fund, through a contract with the University of California, the Medical Education and Reduction Corps to prevent lead poisoning among low income and minority children; $375,000 to the Office of Women's Health for Spelman College's African-American Women's Health and Wellness Project; $583,000 in the Office of Minority Health for The University of Arizona; $900,000 for the Donald Reynolds Aging Center at the University of Arkansas for Medical Sciences; $1,000,000 West Virginia University Center for the Health of Older Adults; $510,000 for the Glaucoma Caucus Foun- dation to provide glaucoma screening and outreach activities; $680,000 to the Office of Minority Health for the Donald R. Watkins Memorial Founda- tion, to enhance care for African Americans and low income individ- uals living with HIV/AIDS by expanding services and expanding outreach efforts; $765,000 in the Office of Minority Health for the Alameda County Medical Center in Oakland, California to enhance care for minority health; $965,000 to support the Network of Partnerships with community organizations; $585,000 in the Office of Minority Health for the CORE Center at Cook County Hos- pitals in Chicago, Illinois for Community and Minority Education and Training Initi- ative for HIV/AIDS; $595,000 in the Office of Minority Health for the Sumter Family Health Care Center, Sumter, South Carolina to support an innova- tive service delivery effort to provide health care to individuals with disadvan- tageous backgrounds, including minority popu- lations; $1,105,000 in the Office of Minority Health for the San Francisco Department of Public Health to provide HIV/AIDS prevention ser- vices with an emphasis on providing care for women and minorities; $1,100,000 to the Office of Minority Health for the Fresno Community Hospital and Medical Center in California for diabetes care and outreach for Hispanic Americans and low-income individuals; and $1,700,000 in the Office of Minority Health for the National Council of La Raza for mini- ority health research and outreach.

$1,166,000 for the Home and Community Living Program in Madison, Wisconsin, to provide housing and support services to homel ess seniors.

It is understood that the screening of blood and blood products could be improved through the use of nucleic acid testing (NAT) to better detect known infectious diseases such as Human Immunodeficiency Virus (HIV-1) and Hepatitis C virus (HCV). The Na- tional Heart, Lung and Blood Institute in partnership with the Centers for Disease Control and Prevention is con- tracted with private companies to develop fully automated NAT tests for HIV-1 and HCV. In view of the NIH's financial commitment to HIV research and the development of NAT in other countries, the Public Health Service Blood Safety Committee, chaired by the Sur- geon General/Assistant Secretary of Health, is urged to encourage the adoption of these screening tools for individual donor testing of blood and plasma.

The conference requests that the Chief Fi- nancial Officer report to the House and Senate Committees on Appropriations on the status of the HHS financial audit. The con- ferences also request that the Chief Informa- tion Officer report to the House and Senate Committees on Appropriations on the status of the HHS computer security and related in- fractions. These reports are to be presented to the Committees no later than March 1, 2001.

The conferences are concerned about the global AIDS pandemic and are supportive of the Department's international AIDS and infec- tious diseases efforts, especially those of the Office of AIDS Research. The Department is con- tinue to identify opportunities for strength- ened international collaboration with those countries heavily impacted by HIV/AIDS and other new and emerging infectious diseases, as well as those nations that are vulnerable to a rapid acceleration of new cases. The De- partment should continue to work with those of the U.S. Agency for Inter- national Development (USAID) to ensure...
that HHS activities are consistent with the USAID country strategic plan, and with those of multilateral organizations such as the World Health Organization and the Joint United Nations Programme on HIV/AIDS.

The conferees urge the Secretary to establish a program to provide information and education on autism to health professionals and the public, as authorized in the Children's Health Act of 2000.

The conferees direct the Secretary of Health and Human Services, in consultation with the Director of NIH, to conduct a review of the eligibility of the Bermuda Biological Station for Research (BBSR) to receive NIH-supplied research. The conferees are aware that the National Science Foundation, the National Oceanic and Atmospheric Administration, the NRCs, and the Space Administration, and the Office of Naval Research, provide BBSR with direct and indirect costs of research in peer-reviewed, competitive awards. The conferees request that the Secretary report to the House and Senate Appropriations Committees on the status of this review.

The conferees expect the Office of Population, Statistics to better coordinate with the Health Resources and Services Administration regarding family planning activities. The conferees are aware that the HHS agreed to provide the Interdepartmental Task Force on AIDS with administrative support funding in fiscal year 1990 from within funds available to the Department.

The conferees request the Secretary to provide a report to the House and Senate Appropriations Committees by May 1, 2001, on the Department's review and action steps taken in response to the Institute of Medicine's report, "No Time to Lose: Getting More from HIV Research," which included a review of current investments in HIV prevention as they relate to the issues raised by the Institute of Medicine.

The conferees are aware that the Secretary is working to establish the Advisory Committee on Minority Health to assist the Secretary in improving the health of racial and ethnic minority groups, and encourage the Secretary to proceed expeditiously so that the Department's goals and program activities better reflect the health care needs of Hispanic Americans and other racial and ethnic minorities.

The conferees are concerned about the current shortage of available and uneven distribution of influenza vaccine for the nation at a critical time for our most vulnerable populations, especially the elderly, sick and very young. The conferees understand that the Department's policies are developed in consultation with the American public as this unfortunate situation developed. The Secretary, through the National Vaccine Program Office, is directed to report to the Committees on Appropriations of the House and Senate by June 30, 2001, regarding its assessment of this year's distribution problems along with any recommendations for changes in the vaccine development and distribution process.

The conferees understand that the incidence of unreimbursed health care provided to foreign nationals in U.S. hospitals' emergency rooms is a problem costing taxpayers millions of dollars per year. The conferees direct the Secretary to conduct a study regarding this problem, including U.S. hospitals' experiences in obtaining reimbursement from foreign insurers, the identity of foreign insurance companies who do not reimburse U.S. health care providers, the amount of unreimbursed services provided to foreign nationals, along with recommended solutions. This study shall be submitted to the Committees on Appropriations of the House and Senate no later than December 31, 2001.

The conference agreement includes $33,849,000 for the Office of Inspector General as proposed by the Senate instead of $31,394,000 as proposed by the House. The conferees direct the Secretary to proceed expeditiously so that the report required by the House to limit the amount of funds provided by the Inspector General in fiscal year 2000 in accordance with the Independence Portability and Accountability Act of 1996 (HIPAA) to not more than $130,000,000. The Senate bill contained no similar provision.

The conference agreement includes $24,742,000 for the Office of Civil Rights as proposed by both the House and Senate.

The conference agreement includes $12,756,000 to continue the study of the outcomes of welfare reform and to assess the impacts of policy changes on the low-income population. The conferees recommend that this effort include the collection and use of state-specific surveys and state and federal administration data, including data which are newly becoming available from the States. These studies should focus on assessing the well-being of the low-income population, developing and reporting reliable state-by-state measures of family well-being and of the utilization of other support programs, and improving the capabilities and comparability of data collection efforts. These studies should continue to measure outcomes for a broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by welfare reform. The conferees urge the Secretary that the report required by the Senate to measure outcomes for a broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by welfare reform be submitted to the House and Senate Appropriations Committees by May 1, 2001.

The conference agreement includes $254,640,000 as proposed by the House and $23,242,000 as proposed by the Senate.

The conference agreement includes $214,600,000 as proposed by the Senate.

The conference agreement includes $16,738,000 for policy research as proposed by both the House and Senate.

The conference agreement includes $2,200,000 for the Washington Hospital Center, $1,400,000 for the Charlotte Mecklenburg Advanced Local Emergency Response Team (ALERT) project in Charlotte, North Carolina; $1,000,000 for the Public Health Service Mobile Training Center at Fort McClellan, Alabama for bioterrorism training; and $750,000 for the National Rapid Response Teams and hospital emergency and administrative personnel for medical preparedness and readiness for Weapons of Mass Destruction; $2,200,000 for the Washington Hospital Center, the University of Pennsylvania Department of Emergency Medicine, and the University of Tennessee ER One initiative.

The conference agreement includes $214,600,000 as proposed by the Senate.

The conference agreement includes $41,000,000 as proposed by the Senate.

The conference agreement includes $33,849,000 for the Office of Inspector General as proposed by the Senate instead of $31,394,000 as proposed by the House. The conferees direct the Secretary of Health and Human Services, in consultation with the Director of NIH, to conduct a study regarding the eligibility of the Bermuda Biological Station for Research (BBSR) to receive NIH-supplied research. The conferees are aware that the National Science Foundation, the National Oceanic and Atmospheric Administration, the NRCs, and the Space Administration, and the Office of Naval Research, provide BBSR with direct and indirect costs of research in peer-reviewed, competitive awards. The conferees request that the Secretary report to the House and Senate Appropriations Committees on the status of this review.

The conferees expect the Office of Population, Statistics to better coordinate with the Health Resources and Services Administration regarding family planning activities. The conferees are aware that the HHS agreed to provide the Interdepartmental Task Force on AIDS with administrative support funding in fiscal year 1990 from within funds available to the Department.

The conferees request the Secretary to provide a report to the House and Senate Appropriations Committees by May 1, 2001, on the Department's review and action steps taken in response to the Institute of Medicine's report, "No Time to Lose: Getting More from HIV Research," which included a review of current investments in HIV prevention as they relate to the issues raised by the Institute of Medicine.

The conferees are aware that the Secretary is working to establish the Advisory Committee on Minority Health to assist the Secretary in improving the health of racial and ethnic minority groups, and encourage the Secretary to proceed expeditiously so that the Department's goals and program activities better reflect the health care needs of Hispanic Americans and other racial and ethnic minorities.

The conferees are concerned about the current shortage of available and uneven distribution of influenza vaccine for the nation at a critical time for our most vulnerable populations, especially the elderly, sick and very young. The conferees understand that the Department's policies are developed in consultation with the American public as this unfortunate situation developed. The Secretary, through the National Vaccine Program Office, is directed to report to the Committees on Appropriations of the House and Senate by June 30, 2001, regarding its assessment of this year's distribution problems along with any recommendations for changes in the vaccine development and distribution process.

The conferees understand that the incidence of unreimbursed health care provided to foreign nationals in U.S. hospitals' emergency rooms is a problem costing taxpayers millions of dollars per year. The conferees direct the Secretary to conduct a study regarding this problem, including U.S. hospitals' experiences in obtaining reimbursement from foreign insurers, the identity of foreign insurance companies who do not reimburse U.S. health care providers, the amount of unreimbursed services provided to foreign nationals, along with recommended solutions. This study shall be submitted to the Committees on Appropriations of the House and Senate no later than December 31, 2001.

The conference agreement includes $33,849,000 for the Office of Inspector General as proposed by the Senate instead of $31,394,000 as proposed by the House. The conferees direct the Secretary to proceed expeditiously so that the report required by the House to limit the amount of funds available to the Inspector General in fiscal year 2000 in accordance with the Independence Portability and Accountability Act of 1996 (HIPAA) to not more than $130,000,000. The Senate bill contained no similar provision.

The conference agreement includes $24,742,000 for the Office of Civil Rights as proposed by both the House and Senate.

The conference agreement includes $12,756,000 to continue the study of the outcomes of welfare reform and to assess the impacts of policy changes on the low-income population. The conferees recommend that this effort include the collection and use of state-specific surveys and state and federal administration data, including data which are newly becoming available from the States. These studies should focus on assessing the well-being of the low-income population, developing and reporting reliable state-by-state measures of family well-being and of the utilization of other support programs, and improving the capabilities and comparability of data collection efforts. These studies should continue to measure outcomes for a broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by welfare reform. The conferees urge the Secretary that the report required by the Senate to measure outcomes for a broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by welfare reform be submitted to the House and Senate Appropriations Committees by May 1, 2001.

The conference agreement includes $254,640,000 as proposed by the House and $23,242,000 as proposed by the Senate.

The conference agreement includes $214,600,000 as proposed by the Senate.

The conference agreement includes $16,738,000 for policy research as proposed by both the House and Senate.

The conference agreement includes $2,200,000 for the Washington Hospital Center, the University of Pennsylvania Department of Emergency Medicine, and the University of Tennessee ER One initiative.

The conference agreement includes a provision proposed by the Senate to allow for a one percent evaluation tap pursuant to section 241 of the Public Health Service Act. The Senate bill contained a provision to allow for an evaluation tap of not more than 1.6 percent.

The conference agreement includes language to provide general transfer authority for the Department of Health and Human Services. This authority was first provided in fiscal year 1996 with the understanding that the flexibility it provides can only be carried out when proper financial management controls and systems are in place. However, HHS has provided Congress with inaccurate spending data on a number of programs. While it is recognized that HHS is working to rectify problems that have been identified, for fiscal year 2001 the conferees are requiring a letter of reprogramming to the House and Senate Appropriations Committees as a written response from the Committees before any transfer of funds can be made to HHS.
The conference reiterates that it is not the purpose of the transfer authority to provide funding for new policy proposals that can, and should, be included in subsequent budget proposals. Absent the need to respond to emergencies or unforeseen circumstances, this authority cannot be used simply to increase funding for programs, projects, or activities. Agreements to shift the funding level or the difficulty or inconvenience with operating levels set by the Congress.

**SUBSTANCE ABUSE AND MENTAL BLOCK GRANT FORMULA ALLOCATION**

The conference agreement does not include a provision proposed by either the House or the Senate regarding the distribution of substance abuse and mental health block grant funding.

**NIH OBLIGATIONS**

The conference agreement does not include a provision proposed by the House to limit NIH obligations to the President's budget request. The Senate bill contained no similar provision.

**EXTENSION OF CERTAIN ADJUDICATION PROVISIONS**

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. The House bill contained no similar provision.

**MEDICARE COMPETITIVE PRICING DEMONSTRATION PROJECT**

The conference agreement includes a provision proposed by the Senate to prohibit funding to implement or administer the Medicare Program Competitive Pricing Demonstration Project in Arizona or in Kansas City, Missouri or in the Kansas City, Kansas area. The House bill contained no similar provision.

**WITHHOLDING OF SUBSTANCE ABUSE FUNDS**

The conference agreement includes a provision proposed by the Senate to prohibit the Secretary from withholding a State's substance abuse block grant funds if that State is not in compliance with the requirements of the Synar Amendment. The provision also prohibits the Secretary from withholding substance abuse funding for a territory that received less than $1,000,000. The House bill contained no similar provisions.

**STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)**

The conference agreement does not include a provision proposed by the Senate to discontinue fiscal year 1998 SCHIP funds to fiscal year 2003. The House bill contained no similar provision.

**SENSE OF THE SENATE REGARDING NEEDLESTICK INJURY PREVENTION**

The conference deletes without prejudice a Sense of the Senate provision regarding needlestick injury prevention. The House bill contains no similar provision.

**CLEARINGHOUSE ON SAFE NEEDLE TECHNOLOGY**

The conference agreement does not include a provision proposed by the Senate to prohibit funding for new policy proposals that can, and should, be included in subsequent budget proposals. Absent the need to respond to emergencies or unforeseen circumstances, this authority cannot be used simply to increase funding for programs, projects, or activities. Agreements to shift the funding level or the difficulty or inconvenience with operating levels set by the Congress.

**IMMUNIZATION INFRASTRUCTURE AND OPERATIONS ACTIVITIES**

The conference agreement does not include a provision proposed by the Senate to amend the Public Health Service Act to revise the purpose of the Institute relating to gynecologic health. The House bill contained no similar provision.

**ANIMAL CARE CONTRACT REQUIREMENTS**

The conference agreement includes a provision proposed by the Senate to transfer $5,800,000 from the National Institutes of Health to enter into and administer contracts for the maintenance of Laboratory Animal Care International or has PHS assurance. The House bill contained no similar provision.

**SENSE OF THE SENATE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES**

The conference delete without prejudice a Sense of the Senate provision regarding the delivery of emergency medical services. The House bill contained no similar provision.

**SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997**

The conference delete without prejudice a Sense of the Senate provision regarding impacts of The Balanced Budget Act of 1997. The House bill contained no similar provision.

**ARKIDS**

The conference agreement does not include a provision proposed by the House to prohibit the Arkansas State Department of Health and Human Services from awarding funding through the State's own children's health insurance plan. The Senate bill contained no similar provision.

**ABSTINENCE EDUCATION**

The conference agreement includes language to prohibit the awarding of abstinence education grants authorized in the Emergency Supplemental Act, 2000 until March 1, 2001. The House and Senate bills contained no similar provision.

**PHYSICIANS COMPARABILITY ALLOWANCES**

The conference agreement includes a provision not proposed by either the House or the Senate to extend the authority of physicians comparability allowances for five years.

**ORGAN PROCUREMENT ORGANIZATIONS**

The conference agreement includes language to prohibit the reorganization of the Lifeline of Puerto Rico Organ Procurement Organization, the Northeast Organ Procurement Organization and Tissue Bank, and the Central Regional Organ Procurement Organization from participation in the Medicare and Medicaid programs for one year from the date of enactment of this Act. The conference further requires that future certification be determined based upon performance information from these individual Organ Procurement Organizations beginning on January 1, 2000. The House and Senate bills contained no similar provision.

**CDC INTERNATIONAL AUTHORITY**

The conference agreement includes a provision not proposed by either the House or the Senate to provide authority to support CDC carrying out international HIV/AIDS and other infectious and chronic disease activities abroad.

Subsection (a)(1) is intended to allow CDC to meet relatively short-term requirements for management, personnel, and administrative personnel needs abroad through the award of personal services contracts in situations where other options, such as use of existing staff or hiring of independent contractors for a contract, other than one for personal services, are ineffective and impractical. During FY 2001, the conference expect CDC to work with the Office of Management and Budget and other relevant agencies and Congressional committees as appropriate to consider effective longer-term solutions for addressing these types of requirements.

Section (a)(2) is intended to ensure that the Department of State can provide necessary support services (including administrative support services agreements) to support CDC’s international health programs, including the purchase of necessary laboratory equipment and the lease, repair and renovation of laboratory and other facilities.

**BAYVIEW**

The conference agreement includes language to allow the Director of the National Institutes of Health to enter into and administer long-term lease agreements for facilities at the Bayview Campus in Baltimore, Maryland.

**OFFICE FOR HUMAN RESEARCH PROTECTIONS TRANSLATOR**

The conference agreement includes a provision to transfer $5,800,000 from the National Institutes of Health to the Office of the Director, General Departmental Management to support the newly established Office for Human Research Protections. This transfer of funds implements the Secretary’s decision to move the Office of Human Research Protections from NIH and that in the future the Department will request funding for the Office within the Office of the Secretary. The House and Senate bills contained no similar provision.

**CLINICAL RESEARCH LOAN REPAYMENT**

The conference agreement includes a provision to allow extramural clinical research organizations to include in their clinical research loan repayment program for individuals from disadvantaged backgrounds. The House and Senate bills contained no similar provision.

**ACTING DIRECTOR OF NIH**

The conference agreement includes a provision to allow the current acting Director of NIH to remain in that position until a new Director can be confirmed by the Senate. The House and Senate bills contained no similar provision.
The conference agreement includes a provision to name the National Neuroscience Research Center at the National Institutes of Health the John Edward Porter Neuroscience Research Center.

### TITLE II: CITATION

The conference agreement includes a provision proposed by the House to cite title II as the “Department of Health and Human Services Appropriations Act, 2001.” The Senate bill contained no similar provision.

### TITLE III—DEPARTMENT OF EDUCATION

#### EDUCATION REFORM

The conference agreement includes $1,880,710,000 for Education Reform instead of $1,505,000,000 as proposed by the House, and $450,000,000 instead of $425,000,000 as proposed by the Senate.

For education technology, the conference agreement includes $872,096,000 instead of $1,275,000,000 as proposed by the Senate. The conference agreement includes $125,000,000 for teacher training in science and technology, the same amount as proposed by the House. It also includes $64,950,000 to support distance learning projects.

The conference agreement includes $191,950,000 for education technology initiatives, the same amount as proposed by the House. It includes $64,950,000 to support distance learning projects.

For the Technology Innovation Challenge Grants, the conference agreement includes $46,328,000 instead of $197,500,000 as proposed by the House and $100,000,000 as proposed by the Senate. Within the amounts provided for Technology Innovation Challenge Grants, the conference agreement includes $46,328,000 for the following:

- $921,000 to be divided equally among the Blount, Cherokee, Cullman, DeKalb, Etowah, Fayette, Franklin, Lamar, Lawrence, Marion, Marshall, Pickens, Walker and Winston County Boards of Education in Alabama for technology enhancements.
- $500,000 McDermitt Combined School in Nevada for technology enhancements.
- $680,000 Houston Independent School District in Texas for technology enhancements.
- $369,000 The Appalachian Center for Economic Networks, Athens, Ohio, to expand a STAR technology teacher training project.
- $2,000,000 South Carolina Educational TV Foundation, Detroit, Michigan, to deliver electronic student learning and teacher training.
- $125,000,000 for a virtual school designed to increase educational access for students.
- $55,000 Northwood School District in Michigan, Wisconsin for distance education programs.
- $100,000 City of Philadelphia, Pennsylvania for technology training and access to the internet and other high-technology tools.
- $925,000 Marymount University in Virginia for an instructional technology program for teachers.
- $3,100,000 Rutgers, the State University of New Jersey, for the RUNet 2000 project.
- $4,000,000 University of Nebraska, Lincoln, Nebraska, to implement online advanced placement instruction for online advanced placement course development and delivery.
- $184,000 Travis Unified School District, Fairfield, California, to develop the Mobile Crunch plan.
- $44,000 Phenix City Board of Education, AL for technology enhancements.
- $44,000 Sylacauga City Board of Education, AL for technology enhancements.
- $44,000 Jacksonville City Board of Education, AL for technology enhancements.
- $44,000 Mississippi Board of Education, AL for technology enhancements.
- $44,000 Sylacauga City Board of Education, AL for technology enhancements.
- $44,000 Jacksonville City Board of Education, AL for technology enhancements.
- $44,000 Talladega County Board of Education, AL for technology enhancements.
- $44,000 Calloway County Board of Education, AL for technology enhancements.
- $44,000 Russell County Board of Education, AL for technology enhancements.
- $44,000 Panola County Board of Education, AL for technology enhancements.
- $44,000 Marshall County Board of Education, AL for technology enhancements.
- $44,000 Montgomery Public School System in Montgomery, Alabama for technology upgrades and equipment.
- $44,000 Montgomery City Board of Education, AL for technology enhancements.
- $369,000 The Appalachian Center for Economic Networks, Athens, Ohio, to expand a STAR technology teacher training project.
- $170,000 Santa Barbara Industry Education Council and Santa Barbara County Education Office, California for a computers for families program.
- $1,421,000 Future of the Piedmont Foundation, Regional Education Center, Danville, VA for technology enhancements.
- $46,000 Meredith-Dunn School, Louisville, KY for technology enhancements.
- $1,505,000,000 as proposed by the House and $1,880,710,000 for Education Reform instead of $1,505,000,000 as proposed by the House.
- $9,000,000 I CAN LEARN; Title III of the Elementary and Secondary Education Act of 1965; and other programs.
- $1,900,000 Beaufort County School District in South Carolina to continue implementing the Learning With Laptop initiative.
- $1,500,000 Tupelo Public School District in Tupelo, Mississippi to Model successful, replicable technology application and utilization.
- $921,000 California Institute of the Arts, Community Arts Partnership, Santa Clarita, CA for the Digital Arts Network Project.
- $1,421,000 Future of the Piedmont Foundation, Regional Education Center, Danville, VA for technology enhancements.
- $1,275,000 Washington State Office of Public Instruction for online advanced placement course development and delivery.
- $184,000 Travis Unified School District, Fairfield, California, to develop the Mobile Crunch plan.
- $44,000 Phenix City Board of Education, AL for technology enhancements.
- $44,000 Sylacauga City Board of Education, AL for technology enhancements.
- $44,000 Jacksonville City Board of Education, AL for technology enhancements.
- $44,000 Talladega County Board of Education, AL for technology enhancements.
- $44,000 Calloway County Board of Education, AL for technology enhancements.
- $44,000 Russell County Board of Education, AL for technology enhancements.
- $44,000 Panola County Board of Education, AL for technology enhancements.
- $44,000 Marshall County Board of Education, AL for technology enhancements.
- $44,000 Montgomery Public School System in Montgomery, Alabama for technology upgrades and equipment.
- $44,000 Montgomery City Board of Education, AL for technology enhancements.
- $44,000 Talladega County Board of Education, AL for technology enhancements.
- $44,000 Calloway County Board of Education, AL for technology enhancements.
- $44,000 Russell County Board of Education, AL for technology enhancements.
- $44,000 Panola County Board of Education, AL for technology enhancements.
- $44,000 Marshall County Board of Education, AL for technology enhancements.
- $44,000 Montgomery Public School System in Montgomery, Alabama for technology upgrades and equipment.
- $44,000 Montgomery City Board of Education, AL for technology enhancements.
- $44,000 Talladega County Board of Education, AL for technology enhancements.
- $44,000 Calloway County Board of Education, AL for technology enhancements.
- $44,000 Russell County Board of Education, AL for technology enhancements.
- $44,000 Panola County Board of Education, AL for technology enhancements.
- $44,000 Marshall County Board of Education, AL for technology enhancements.
- $44,000 Montgomery Public School System in Montgomery, Alabama for technology upgrades and equipment.
- $44,000 Montgomery City Board of Education, AL for technology enhancements.
- $44,000 Talladega County Board of Education, AL for technology enhancements.
Star Schools

For Star Schools, the conference agreement includes $59,318,000 instead of $45,000,000 as proposed by the House and $43,000,000 as proposed by the Senate. Within the amounts provided for Star Schools, the conference agreement includes $8,768,000 for the following:

$470,000 Winston-Salem/Forsyth County Schools, Winston-Salem, NC for Winston-Net program;

$1,290,000 Galena School District, Galena, Alaska for a distance education program;

$4,000,000 Iowa Communications Network statewide fiber optic demonstration program; and

$3,000,000 South Dakota Department of Education and Cultural Affairs to continue and expand the Digital Dakota Network which provides high speed Internet and local and wide area networking to all public K-12 schools in South Dakota.

Telecommunications demonstration program for mathematics

The conference agreement includes $8,500,000 for telecommunications demonstration project for mathematics as proposed by the Senate. The House proposed no funds. The conferees recognize the position of the Senate that the Public Broadcasting Service (PBS) has done in demonstrating and evaluating the use of different technologies to provide professional development opportunities in mathematics to elementary and secondary school teachers. While the Mathline program clearly has reached many teachers through various media, the conferees want to ensure that the greatest number of educators and students will benefit from this program. The conferees encourage PBS to continue to explore cost effective options for providing high quality professional development opportunities in core curricula to current and future teachers. In addition, the conferees encourage PBS to continue evaluating this program to measure the change in student academic achievement that results from teaching techniques learned through this program.

21st Century Learning Centers

The conference agreement includes $845,614,000 for the 21st Century Learning Centers as proposed by both the House and the Senate. Within the amounts provided for 21st Century Learning Centers, the conference agreement includes $20,614,000 for the following:

$9,000 Thirteenth Place Youth and Family Services in Gadsden Alabama for "The After School Program";

$921,000 Community House Inc. in Hinsdale, IL for youth programs and services;

$220,000 Boys and Girls Club of Coachella Valley in Palm Desert, CA for after school programs;

$553,000 Boys and Girls Club of Danville, Danville, IL for youth programs;

$461,000 Clark County, Kentucky for after school programs;

$69,000 Chrysalis House Inc. in Lexington, KY for equipment related to after-school programs;

$18,000 Goodhue Center, Staten Island, NY for an educational and technology enrichment project;

$18,000 Jewish Family Life Center Inc. in Staten Island NY for after school family preservation program for tutoring and after school;

$23,000 Jewish Community Center of Staten Island, NY for an after school program;

$41,000 Catholic Youth Organization Inc., Staten Island NY for an after school program;

$92,000 Boys and Girls Club of Rochester, MN for Project Learn;

$23,000 Children's Museum of Elizabethtown, KY for after school programming;

$921,000 Boys and Girls Clubs of Santa Clarita Valley, Santa Clarita, CA for youth development programs;

$9,000 First Getsemane Center for Family Development, Louisville, KY for tutoring program;

$18,000 Summerbridge, Louisville, KY for tutoring program;

$14,000 New Creations Development Programs, Inc., Louisville, KY for tutoring/mentoring program;

$18,000 New Zion Community Development Foundation, Louisville, KY for after school mentoring program;

$18,000 Robbie Valentine Stars Club Education Program, Louisville, KY for mentoring programs;

$13,000 Shiloh Community Renewal Center in Louisville, KY for after school and summer tutoring;

$276,000 Tulare County Office of Education, Visalia, CA for a Summer Youth Program;

$691,000 West-End YMCA Association, Ontario, CA for after school programming;

$250,000 Big Brothers/Big Sisters of America to expand its mentoring program to the State of New Hampshire;

$250,000 City of Portland, Oregon to increase student achievement and family involvement with children through its Schools Uniting Neighborhoods program;

$350,000 Cranston Public School District in Cranston, Rhode Island, in collaboration with community partners, to improve parental participation in student learning and enhance the use of technology in after school programs;

$350,000 Discovery Center in Springfield, Missouri for expansion of science education programs available to at risk youth;

$375,000 Bibb County Board of Education in Macon, Georgia for after school programming;

$200,000 John A. Logan College to develop a community learning center in rural Southern Illinois;

$100,000 Project 2000 for mentoring and other support services for low-income and inner-city students in the District of Columbia;

$250,000 Holy Redeemer Health System in Philadelphia, Pennsylvania for after school programs for at risk children;

$1,100,000 State of Alaska for extended learning opportunities for school children through its State Board of Education and Development (or a consortium of local educational agencies) and a community-based organization, including public or private entities with demonstrated effectiveness in providing education and related services to individuals in the community, such as child care providers, youth development organizations (such as YMCAs, the Boys and Girls Clubs, Big Brothers Big Sisters of America, Camp Fire Boys and Girls, and the Girl Scouts), museums, libraries, and Departments of Parks and Recreation. In including this language, the conferees state that the Secretary shall strongly encourage joint applications in order to promote local collaboration and coordination of services. This is especially important where more than one application is received proposing to serve the same community. Additionally, the language requires all applications submitted to the Secretary to contain evidence that the project includes elements that are designed to assist students to meet or exceed State and local standards in core academic subjects appropriate to the participating children. The Senate bill included language stating that a community-based organization that has experience in providing education and after-school programs shall be eligible to receive a grant on the same basis as a school or consortium, and stating that the
Secretary shall give priority to any applica-
tions jointly submitted by a community-
based organization and a school or consor-
tium. The House bill contained no similar lan-
gage. Small Schools

The conference agreement includes $125,000,000 for the Small, Safe and Successful Schools initiative authorized under sec-
tion 2001 of the Elementary and Secondary Education Act. The House bill in-
cluded funding for this initiative under the Fund for the Improvement of Education and the Senate bill proposed no funding.

The conferees agree that these funds shall be used only for activities related to the re-
design of large high schools enrolling 1,000 or more students, stating that this initiative shall continue to be jointly managed by the Office of Elementary and Secondary Education and the Office of Vocational and Adult Edu-
cation.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $9,532,621,000 for Education for the Disadvantaged instead of $8,986,800,000 as proposed by the Senate and $8,605,721,000 instead of $8,235,800,000 as proposed by the Senate and $7,941,397,000 as provided by the House. Of the funds made available for basic grants, $6,394,300,000 becomes available on October 1, 2001 for the academic year 2001-2002.

The conference agreement includes $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act. The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The conferees have included $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Edu-
cation and Related Agencies Act (P.L. 106-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.
for recruiting qualified, nontraditional candidates into teaching and offer viable solutions to our nation’s need to hire over 2.2 million teachers over the next ten years to replace retiring teachers and to accommodate additional student enrollment.

Of the amount made available for teacher recruitment initiatives, $3,000,000 will be available for each State for the Teacher Empowerment Activity for Non-Traditional Education Support of the Department of Defense (Troops-to-Teachers). The Teacher Empowerment Activity for Non-Traditional Education Support of the Department of Defense (Troops-to-Teachers) shall be available for grants as described in the prior paragraph for local educational agencies, State educational agencies, or any nonprofit agencies and organizations, including organizations with expertise in teacher recruitment, or partnerships of these entities to recruit, prepare, place and support mid-career professionals from diverse fields who possess strong subject matter expertise to become teachers, particularly in high-need fields such as mathematics, science, foreign languages, bilingual education, reading, and special education; and to attract, recruit, train, screen, select, train, place, and support fully qualified college graduates with outstanding academic records and a baccalaureate in a field other than education to become fully qualified teachers through nontraditional routes. Innovative education program strategies

For innovative education program strategies, title VI of the Elementary and Secondary Education Act of 1965, the conference agreement includes $385,000,000 instead of $3,100,000,000 for activities to improve teacher quality if the educational agency has not met applicable State and local certification requirements; to provide professional development programs for new teachers; to provide opportunities for teachers to attend multi-week institutes, such as those provided under the Teacher Empowerment Activity for Non-Traditional Education Support of the Department of Defense (Troops-to-Teachers); and to provide intensive professional development in partnership with local educational agencies; and carrying out initiatives to promote the retention of highly qualified teachers who have demonstrated a record of success in helping low-achieving students improve their academic success. Such activities shall have the goal of ensuring that all instructional staff are fully qualified.

A local educational agency that has already reduced class size in the early grades may use its funds to make further reductions in grades kindergarten through 3 or other grades, or carry out activities to improve teacher quality. A local educational agency in which 30 percent or more of its elementary teachers have not met applicable State and local certification requirements (including certification through State or local alternative routes) or if such requirements have been waived, may use 100 percent of funds under this program for the purpose of helping those teachers become certified or to help teachers develop the necessary content knowledge to teach effectively in the areas they teach to obtain that knowledge. A local educational agency must notify the Secretary of Education of the percentage of the funds it will use for these purposes.

A local educational agency that receives an award under this section is that less than the starting salary for a new teacher may use these funds to help pay the salary of a teacher or pay for professional development activities to ensure that all the instructional staff are fully qualified.

To improve accountability, the conference agreement maintains language included as part of last year’s appropriations law requiring that each State and local educational agency receiving funds publicly report to parents on their progress in reducing class size and in increasing the percentage of classes in core academic areas taught by fully qualified teachers, and on the impact that such activities have had on increasing student achievement. Parents, upon request, will also have the right to know the professional qualifications of their children’s teachers.

The conference agreement requires the Secretary of Education to inform local educational agencies of the additional flexibility provided to local educational agencies in which more than 10 percent of their teachers are not fully qualified to spend all of these funds on professional development activities. The conference agreement also permits the Secretary to notify local educational agencies of the flexibility provisions already incorporated into the class size reduction initiative, including the ability of local educational agencies to use up to 25 percent of their educational agency allocations on professional development activities; to spend funds on professional development for existing teachers if the local educational agency receives an award that is less than the starting salary for a new fully qualified teacher; and to spend funds to reduce class sizes in order to improve students’ academic achievement if the local educational agency has already reduced class sizes in the early grades to 18 or fewer children.

School renovation

The conference agreement includes $1,200,000,000 for grants to local educational agencies for school renovation and repair activities; activities under part B of the Individuals with Disabilities Education Act (IDEA); and technology activities. The conference agreement provides that the remaining funds ($1,096,750,000) would be distributed to State educational agencies under the Elementary and Secondary Education Act, with a small State minimum of one half of one percent. After allowing for not more than one percent set aside at the State level for administrative expenses, the State educational agency or other entity with jurisdiction over school facilities financing, as the case may be, may distribute 75 percent of the State’s funds to local educational agencies through competitive grants for emergency school repair and renovation activities.

The State educational agency or other responsible entity would ensure, through a competitive grant process, that high poverty areas had a pro rata share of the aggregate, shares of the State allocation of Federal emergency repair and renovation...
The conference agreement provides for the equitable participation of non-profit, private elementary and secondary schools in repair and renovation funds. The conference agreement includes $640,250,000 for state grants as proposed by the House and $447,000,000 as proposed by the Senate. Included within this amount is $409,250,000 for state grants as proposed by the House and $642,000,000 as proposed by the Senate. The conference agreement includes $35,000,000 for Education for Homeless Children and Youth instead of $32,000,000 as proposed by the House and $31,700,000 as proposed by the Senate. The conference agreement includes $15,000,000 for family based education centers, instead of $16,900,000 as proposed by the Senate instead of $35,000,000 as proposed by the House. The conference agreement includes $10,900,000 for family based education centers for the Native Hawaiian children. If the Department of Education does not use the funds for the Alaska Native Education Program, it must notify the House and Senate Committees on Appropriations prior to the end of the fiscal year.

The conference agreement includes $190,000,000 for Charter Schools instead of $23,000,000 as proposed by the House. When making awards for Charter Schools, the Department shall provide: $6,500,000 for curricula development, teacher training, and recruitment programs, including national language revitalization; $1,000,000 shall be for the Alaska Humanities Forum for operating grants; $15,000,000 for the Alaska Native Educational Equity Program, including support for the 2000 Alaska Native Language Institute. These funds may be used by local educational agencies to meet the requirements of federal mandates such as the Americans with Disabilities Act; and asbestos abatement or removal under Section 504 of the Rehabilitation Act; and (3) asbestos abatement or removal under Section 504 of the Rehabilitation Act; and (3) modifications of private school facilities in connection with school repair and renovation. The conference agreement includes $28,000,000 instead of $36,500,000 as proposed by the House and $38,000,000 as proposed by the Senate. The conference includes $25,000,000 for Education for Homeless Children and Youth instead of $32,000,000 as proposed by the House and $31,700,000 as proposed by the Senate. The conference includes $1,000,000 for Charter Schools instead of $3,000,000 as proposed by the House. The conference includes $1,000,000 for Charter Schools as proposed by the Senate. The conference includes $1,000,000 for Charter Schools instead of $1,000,000 as proposed by the House. The conference includes $1,000,000 for Charter Schools instead of $1,000,000 as proposed by the Senate.
The conference agreement includes $460,000,000 for Bilingual and Immigrant Education for the Office of Bilingual and Immigrant Education. This is $460,000,000 as proposed by the House and $443,000,000 as proposed by the Senate. For instructional services, the conference agreement includes $180,000,000 as proposed by the Senate instead of $192,500,000 as proposed by the House. For support services, the agreement provides $16,000,000 instead of $15,000,000 as proposed by both the House and the Senate. For professional development, the conference agreement includes $1,000,000 as proposed by the Senate and $71,500,000 as proposed by the House. For immigrant education, the conference agreement includes $150,000,000 as proposed by both the House and the Senate. The agreement also provides $14,000,000 for foreign language assistance as proposed by the Senate instead of $8,000,000 as proposed by the House.

**SPECIAL EDUCATION**

The conference agreement includes $7,439,948,000 for Special Education instead of $7,353,141,000 as proposed by the Senate and $6,550,000,000 as proposed by the House. The conference agreement provides $2,367,948,000 in fiscal year 2001 and $5,072,000,000 in fiscal year 2002 funding for this account. Included in these funds is $6,339,685,000 for Grants to States part B instead of $6,279,685,000 as proposed by the Senate and $5,489,685,000 as proposed by the House. This funding level provides an additional $1,350,000,000 to assist the States in meeting the additional per pupil costs of services to special education students.

The conference agreement includes $383,967,000 for Grants for Infants and Families as proposed by the Senate instead of $357,000,000 as proposed by the House. The conference agreement includes $49,200,000 for state program improvement grants instead of $45,200,000 as proposed by the Senate, $22,069,000 for State Assistive Technology Grants instead of $20,000,000 as proposed by the House and $23,000,000 as proposed by the Senate. The conference agreement includes $77,353,000 for research and innovation instead of $64,433,000 as proposed by the House and $74,433,000 as proposed by the Senate. The conference agreement includes $6,339,685,000 for Federal Perkins Loans in fiscal year 2001 and $5,072,000,000 in fiscal year 2002 as proposed by both the House and the Senate. The agreement also includes $9,500,000 for Recordings of the Blind and Dyslexic for the purposes described in both the House and Senate reports.

The conference agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House bill did not contain funds for this activity.

**REHABILITATION SERVICES AND DISABILITY RESEARCH**

The conference agreement includes $2,895,390,000 for Rehabilitation Services and Disability Research instead of $2,776,803,000 as proposed by the House and $2,799,519,000 as proposed by the Senate for this activity.

The conference agreement includes $11,647,000 for client assistance state grants instead of $10,928,000 as proposed by the House and $11,147,000 as proposed by the Senate. The conference agreement includes $21,092,000 for demonstration and training programs instead of $13,402,000 as proposed by the House and $21,672,000 as proposed by the Senate. The conference agreement includes $2,350,000 for migrant and seasonal farmworkers as proposed by the House instead of $2,850,000 as proposed by the Senate. The conference agreement also includes $1,100,000,000 for Protection and Advocacy for Individual Rights as proposed by the House instead of $1,350,000,000 as proposed by the Senate.

The conference agreement includes $400,000,000 for the Cerebral Palsy Foundation in New York for treating at risk, low income children with developmental disorders; $255,000 for Eden Institute in Princeton, New Jersey for community-based services to children and adults with autism; $595,000 for American Foundation for the Blind's National Literacy Center for the Visually Impaired, Atlanta, Georgia to provide state-of-the-art teacher training in the use of Braille, assistive and other technologies to improve the educational achievement of visually impaired children and adults; and $553,000 for Illinois State Board of Education for an Assistive Technology Exchange Program in Chicago, Illinois, to expand services to individuals with disabilities.

**SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES**

The conference agreement includes $12,000,000 for American Printing House for the Blind instead of $11,000,000 as proposed by the House and $12,500,000 as proposed by the Senate. This amount includes $800,000 for the American Printing House commitment to provide accessible textbooks to students who are blind or visually impaired through its innovative Accessible Textbook Initiative and Collaboration Project.

The conference agreement includes $53,376,000 for the National Technical Institute for the Deaf instead of $54,000,000 as proposed by the Senate. The conference agreement includes $98,400,000 for Gallaudet University as proposed by the House instead of $97,650,000 as proposed by the Senate. The conference agreement includes $53,376,000 for the National Technical Institute for the Deaf instead of $54,000,000 as proposed by the Senate. The conference agreement includes $98,400,000 for Gallaudet University as proposed by the House instead of $97,650,000 as proposed by the Senate. The conference agreement includes $53,376,000 for the National Technical Institute for the Deaf instead of $54,000,000 as proposed by the Senate. The conference agreement includes $98,400,000 for Gallaudet University as proposed by the House instead of $97,650,000 as proposed by the Senate.

**VOCATIONAL AND ADULT EDUCATION**

The conference agreement includes $1,825,600,000 for Vocational and Adult Education instead of $1,718,600,000 as proposed by the House and $1,276,600,000 as proposed by the Senate. The conference agreement includes $3,034,600,000 in fiscal year 2001 and
The conference agreement includes $1,100,000,000 for Vocational Education basic state grants as proposed by the House instead of $1,071,000,000 as proposed by the Senate.

The conference agreement includes $5,600,000 for Tribally Controlled Postsecondary Vocational Institutions as proposed by the Senate instead of $4,600,000 as proposed by the House.

The conference agreement includes $17,500,000 for vocational education national programs as proposed by the Senate and the House. The agreement also includes $22,000,000 for State Grants for Incarcerated Youth as proposed by the Senate. The House did not provide funding for these activities.

The conference agreement includes $5,000,000 for the tech-prep demonstration authorized under section 207 of the Perkins Act. The agreement also includes $22,000,000 for State Grants for Incarcerated Youth as proposed by the Senate. The House did not provide funding for these activities.

The conference agreement includes $10,674,000,000 for Student Financial Assistance instead of $10,400,000,000 proposed by both the House and the Senate. Within this amount, $70,000,000 is provided for English literacy and civics education services to new immigrants. Sixty-five percent of these funds will be allocated on the basis of a state's recent growth in need for services. Each state is guaranteed a minimum grant of $60,000. For the purposes of allocating funds to States for these services, the conference directs that the Department of Education use the current data available from the Immigration and Naturalization Service of the Department of Justice to determine the number of immigrants admitted for legal permanent residence for each State in the fiscal year.

The conference agreement includes $540,000,000 for adult education state grants instead of $470,000,000 proposed by both the House and the Senate. The agreement includes $25,500,000 for civics education services to new immigrants. The conference agreement includes $22,000,000 for State Grants for Incarcerated Youth as proposed by the Senate.

The conference agreement includes $222,000,000 for Perkins Loan cancellations instead of $210,000,000 as proposed by the House and $250,000,000 proposed by the Senate. The agreement also includes $55,000,000 for leveraging Educational Assistance Partnerships (LEAP) as proposed by the Senate. The House bill did not provide funding for this program.

The conference agreement also includes $1,000,000,000 for the loan forgiveness for child care providers, instead of the House-funded $500,000,000 provided in the Senate bill. The House bill did not include any funding for this program.

The conference agreement includes $19,913,700,000 for Higher Education instead of $1,688,081,000 as proposed by the House and $1,704,520,000 as proposed by the Senate.

The conference agreement includes $73,000,000 for strengthening Historically Black Colleges and Universities instead of the House-funded $65,000,000 as proposed by the Senate. The agreement also includes $68,500,000 for Hispanic Serving Institutions instead of the House-funded $62,500,000 as proposed by the Senate.

The conference agreement includes $185,000,000 for Strengthening Historically Black Colleges and Universities as proposed by the House instead of $169,000,000 as proposed by the Senate.

The conference agreement includes $46,000,000 for Predoctoral Fellowships as proposed by the House instead of $40,000,000 proposed by the Senate. The agreement also includes $6,000,000 for Hawaiian Institutions as proposed by the Senate instead of $5,000,000 as proposed by the House.
CONGRESSIONAL RECORD — HOUSE
H12153

December 15, 2000

and Science Education, Teaching, and Technology;
$1,713,000 San Bernardino Community College District to support the expansion of distance education telecourse broadcasting, including the purchase of equipment;
$207,000 Office of Global Business & Entrepreneurship, Gordon Ford College of Business, Kent State University for technology capabilities;
$461,000 Northwestern State University of Louisiana, Natchitoches, LA for Technological Infrastructure Improvements;
$1,068,000 University of Colorado at Boulder, Boulder, CO for ATLAS (Alliance for Technology, Learning and Society) Project for technology-enhanced learning;
$921,000 Fort Hays State University, Center for Workforce Learning, Hays, KS for information technology;
$1,704,000 Ocean Institute, Dana Point, CA for the Ocean Education Center;
$1,000,000 Castleton State College in Castleton, VT for technology infrastructure to implement a science education program;
$1,000,000 La Sierra University in Riverside, CA for equipment and operations;
$590,000 University of Alabama, Tuscaloosa, AL for the Child Development Research Center;
$200,000 Center for the Advancement of Distance Education in Rural America (CADERA) in New Mexico;
$1,000,000 Saint Cloud State University, St. Cloud, MN for development of a monitoring environment;
$200,000 University of the District of Columbia for the Integrated Science Education Telecommunications Project;
$500,000 Washington and Lee University in Lexington, Virginia for the Sheppard Program for the Study of Poetry;
$900,000 University of Idaho in Moscow for Interactive Learning Environments Initiative designed to develop and improve Internet-based delivery of education programs;
$1,000,000 University of Evansville, Evansville, IN for new Environmental Science Laboratories;
$921,000 University of California, Berkeley for the Community Law program;
$750,000 Galena School District in Alaska to develop alternative education programs;
$500,000 Pittsburgh Tissue Engineering Institute in Pennsylvania for educational programs;
$200,000 Chippewa Valley Technical College for technology upgrades related to the training of health professionals;
$1,275,000 Portland State University in Portland, OR for the creation of a Tribal Student Center for the Support and Study of Native American Tribes;
$1,152,000 DePaul University, Chicago, IL for the Ph.D. in Technology, Learning and Society Project for programmatic educational activities;
$300,000 Southern Oregon University in Ashland, Oregon to continue efforts to retain technology-enhanced learning;
$1,000,000 University of Redlands, Redlands, CA for advanced technology research and networking;
$276,000 New York Medical College for curriculum development;
$750,000 University of Idaho in Moscow for the Child Development Research Center;
$500,000 University of California, Berkeley for the Community Law program;
$200,000 Chippewa Valley Technical College for technology upgrades related to the training of health professionals;
$1,275,000 Portland State University in Portland, OR for the creation of a Tribal Student Center for the Support and Study of Native American Tribes;
$1,152,000 DePaul University, Chicago, IL for the Ph.D. in Technology, Learning and Society Project for programmatic educational activities;
$300,000 Southern Oregon University in Ashland, Oregon to continue efforts to retain technology-enhanced learning;
$1,000,000 University of Redlands, Redlands, CA for advanced technology research and networking;
$276,000 New York Medical College for curriculum development;
$85,000 Loyola University, Illinois, for a program to provide summer research opportunities for minority students;  
$85,000 Pace University, White Plains, New York, to support a center for advanced technology;  
$90,000 Wausau Health Foundation in Wausau, Wisconsin to support the development, improvement, and implementation of a cardiac nursing certification program;  
$85,000 Foothills Technical Institute, Security, Arkansas, to expand technical training and extension programs for rural residents;  
$106,000 Gateway Community College in Connecticut for faculty technology training and technical equipment upgrades;  
$170,000 Florida State University in Tallahassee, Florida, for a distance learning program;  
$233,000 World Learning School of International Training, Brattleboro, Vermont, for educational technology programs;  
$213,000 Mercy College, Dobbs Ferry, New York, for multicultural, interdisciplinary curricula reform;  
$1,225,000 Association of Jesuit Colleges and Universities to establish the National Center for Competency-based Distance Learning;  
$225,000 East Los Angeles College, South Gate, California, for South Gate Education Center renovations;  
$298,000 Canisius College in Buffalo, New York, to support education technology enhancements including the purchase of equipment;  
$298,000 D’Youville College, Buffalo, New York, to support technology education enhancements including the purchase of equipment;  
$298,000 Niagara University in Lewiston, New York, to support education technology enhancements including the purchase of equipment;  
$298,000 Gogebic Community College, Ironwood, Michigan to enhance teacher training in the use of technology in classroom instruction;  
$340,000 Dean College, Franklin, Massachusetts, for the Institute for Students With Physical or Learning Impairments to improve instructional and support services for students with disabilities;  
$361,000 Lamar University in Beaumont, Texas, to support the planning and creation of the Lamar Institute of Technology Center for Criminal Justice Education and Training;  
$363,000 College of DuPage, Illinois, for technology enhancements at the Lawrence Township/Ft. Harrison campus;  
$425,000 Salve Regina University in Newport, Rhode Island to support program and curriculum development associated with the Pell Center for International Relations and Public Policy, including the purchase of equipment;  
$425,000 University of San Francisco, San Francisco, California for education and program upgrades at the Center for Economic Development;  
$425,000 Diablo Valley College, California, for a teacher mentoring program to recruit high school and community college students into teaching;  
$425,000 Kingsborough Community College, Brooklyn, New York for technology equipment and upgrades;  
$468,000 Paul Quinn College for Education and Technology to provide technology based services to students and the community;  
$544,000 University of North Carolina at Charlotte for a joint project with the J. Johnson C. Smith University, North Carolina, for the Success Program to increase the number of minority students in graduate engineering programs;  
$595,000 Columbia University, New York, for a joint project with the Hostos Community College of the City University of New York, New York, for a distance learning initiative to train minority students in foreign policy disciplines;  
$638,000 University of Wisconsin in Milwaukee, Wisconsin for the Urban Educator Corps Partnership;  
$650,000 Wisconsin Indianhead Technical College, New Richmond, Wisconsin, to provide technology training and for technology infrastructure;  
$680,000 Cambria County Area Community College, Johnstown, Pennsylvania, for a management information system;  
$725,000 Roger Williams University, Providence, Rhode Island, for new technology equipment and systems;  
$723,000 Lehman College at the City University of New York in Bronx, New York, to support a professional development initiative, including the purchase of equipment to support these activities;  
$765,000 Carl Sandburg College Community Technology Center, Galesburg, Illinois to support expanded access to information technology and related services, including the purchase of equipment;  
$808,000 Alabama A & M University Research Institute, Huntsville, Alabama, for continuation of research activities and operations;  
$808,000 Tougaloo College, Tougaloo, Mississippi to expand science and math programs;  
$1,275,000 University of Kansas Center for Research, Inc. for a biodiversity information technology initiative;  
$1,700,000 George Meany Center for Labor Studies, Baltimore, Maryland, to support program and curriculum development associated with a National Center for Training the High Skilled Workforce, including the purchase of equipment;  
$2,550,000 University of Arkansas in Fayetteville to establish academic and research programs for the Diane Blair Center for the Study of Southern Politics and Society;  
$10,000,000 Neumann College, in Aston, Pennsylvania, for curriculum design, teacher training and development, and technology enhancements;  

<table>
<thead>
<tr>
<th>Institution</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kingsborough Community College</td>
<td>$425,000</td>
</tr>
<tr>
<td>University of Wisconsin in Milwaukee, Wisconsin</td>
<td>$638,000</td>
</tr>
<tr>
<td>University of Wisconsin in Milwaukee, Wisconsin</td>
<td>$33,000,000 as proposed by the Senate instead of $207,000,000 as proposed by the House</td>
</tr>
<tr>
<td>Howard University</td>
<td>$220,000,000 for the Historically Black Colleges and University Capital Financing Program Account as proposed by the Senate instead of $207,000,000 as proposed by the House</td>
</tr>
<tr>
<td>State University of New York</td>
<td>$361,000 as provided, $2,000,000 is for the National Adult Literacy Survey; $6,400,000 is for the Birth Cohort of the Early Childhood Longitudinal Study: Kindergarten Class of 2001 (ECLS-K) and $2,600,000 is for the Faculty Salary and Staff Salaries for the National Assessment of Educational Progress (NAEP) and $65,000,000 for regional educational labs as proposed by both the House and the Senate, Consistent with House report 104-357, it is the intention of the conferees that the funds pro \nvided to the regional educational laboratories shall not be conditioned on meeting</td>
</tr>
</tbody>
</table>
The conference agreement includes funding under this heading for an awar
d to maintain and enhance the National Teacher Recruitment
Clearinghouse and for associated outreach
activities.

The conferees are aware of a research-
Based program that assesses a student's cog-
nitive strengths and perceptions and designs a
individualized plan of strengthening
what has promise to improve students' reading
levels, grade, test scores and behavior. The
awards are designed to augment the quality
of a social studies course). Grant
awards are part of a social studies course (not as
part of a standards-based System);

Secretary of Education will award grants to
local educational agencies (LEAs), and in
partnership with institutions of
higher education or other public and private
agencies, organizations or institutions. Pri-
ority will be given to applicants serving
the communities that have the highest dropout
rates.

The conferees recognize the need to pro-
mote the study of American history in our
nation's schools, and therefore, have also in-
cluded $5,000,000 to promote the teaching
of American history in elementary and sec-
tary education. Under this program, the
Secretary of Education will award grants to
local educational agencies (LEAs), and in
turn, the LEAs will make grants to schools
that design an individualized plan of strengths-
and behavior, thereby reducing referrals to
special education.

The conference agreement includes
$50,000,000 for comprehensive school reform
grant to school districts.

The conference agreement includes
$46,000,000 to the Elementary
School Counseling Program. The agreement also includes
$5,000,000 to provide
grants to enable schools to provide
physical education and improve physical
fitness and $3,000,000 for activities to promote
consumer, economic, and personal finance
education such as saving, investing and en-
trepreneurial education.

The conference agreement includes
$5,000,000 to make awards under section 10101
of the Elementary and Secondary Education
Act for a dropout prevention demonstration
project that should be made to implement
innovative program models that un-
dertake activities to provide support, enrich-
ment and motivation to students at risk of
dropout. The awards will undertake activities to
raise standards and expectations for dis-
advantaged students traditionally under-
 served in schools in order to ensure school
completion. The Secretary will make awards to
States or local educational agencies,
working in collaboration with institutions of
higher education or other public and private
agencies, organizations or institutions. Pri-
ority should be given to applicants serving
the communities with the highest dropout
rates.

The conferees recognize the need to pro-
mote the study of American history in our
nation's schools, and therefore, have also in-
cluded $50,000,000 for a new demonstration
program focusing on the instruction of
American history in elementary and sec-
tary education. Under this program, the
Secretary of Education will award grants to
local educational agencies (LEAs), and in
turn, the LEAs will make grants to schools
that design an individualized plan of strengths-
and behavior, thereby reducing referrals to
special education.

The conference agreement includes
$50,000,000 to the Elementary
School Counseling Program. The agreement also includes
$5,000,000 to provide
grants to enable schools to provide
physical education and improve physical
fitness and $3,000,000 for activities to promote
consumer, economic, and personal finance
education such as saving, investing and en-
trepreneurial education.

The conference agreement includes
$5,000,000 to make awards under section 10101
of the Elementary and Secondary Education
Act for a dropout prevention demonstration
project that should be made to implement
innovative program models that un-
dertake activities to provide support, enrich-
ment and motivation to students at risk of
dropout. The awards will undertake activities to
raise standards and expectations for dis-
advantaged students traditionally under-
 served in schools in order to ensure school
completion. The Secretary will make awards to
States or local educational agencies,
working in collaboration with institutions of
higher education or other public and private
agencies, organizations or institutions. Pri-
ority should be given to applicants serving
the communities with the highest dropout
rates.

The conferees recognize the need to pro-
mote the study of American history in our
nation's schools, and therefore, have also in-
cluded $50,000,000 for a new demonstration
program focusing on the instruction of
American history in elementary and sec-
tary education. Under this program, the
Secretary of Education will award grants to
local educational agencies (LEAs), and in
turn, the LEAs will make grants to schools
that design an individualized plan of strengths-
and behavior, thereby reducing referrals to
special education.

The conference agreement includes
$50,000,000 to the Elementary
School Counseling Program. The agreement also includes
$5,000,000 to provide
grants to enable schools to provide
physical education and improve physical
fitness and $3,000,000 for activities to promote
consumer, economic, and personal finance
education such as saving, investing and en-
trepreneurial education.

The conference agreement includes
$5,000,000 to make awards under section 10101
of the Elementary and Secondary Education
Act for a dropout prevention demonstration
project that should be made to implement
innovative program models that un-
dertake activities to provide support, enrich-
ment and motivation to students at risk of
dropout. The awards will undertake activities to
raise standards and expectations for dis-
advantaged students traditionally under-
 served in schools in order to ensure school
completion. The Secretary will make awards to
States or local educational agencies,
working in collaboration with institutions of
higher education or other public and private
agencies, organizations or institutions. Pri-
ority should be given to applicants serving
the communities with the highest dropout
rates.

The conferees recognize the need to pro-
mote the study of American history in our
nation's schools, and therefore, have also in-
cluded $50,000,000 for a new demonstration
program focusing on the instruction of
American history in elementary and sec-
tary education. Under this program, the
Secretary of Education will award grants to
local educational agencies (LEAs), and in
turn, the LEAs will make grants to schools
that design an individualized plan of strengths-
and behavior, thereby reducing referrals to
special education.

The conference agreement includes
$50,000,000 to the Elementary
School Counseling Program. The agreement also includes
$5,000,000 to provide
grants to enable schools to provide
physical education and improve physical
fitness and $3,000,000 for activities to promote
consumer, economic, and personal finance
education such as saving, investing and en-
trepreneurial education.
$46,000—Bridgeport Exempted Village School District, Bridgeport, OH for educational programming;
$46,000—Buckeye Local School District, Rayland, OH for educational programming;
$46,000—Columbiana County Career Center, Lisbon, OH for educational programming;
$46,000—East Liverpool School District, East Liverpool, OH for educational programming;
$46,000—Edison Local School District, Hammondsville, OH for educational programming;
$46,000—Fayette County Schools, New Cumberland, WV for educational programming;
$46,000—J. D. Rockefeller Vocational Technical Center, New Cumberland, WV for educational programming;
$46,000—Indian Creek School District, Wintersville, OH for educational programming;
$46,000—Jefferson County Joint Vocational School, Bloomington, OH for educational programming;
$46,000—Martins Ferry School District, Martins Ferry, OH for educational programming;
$46,000—Midland School District, Midland, PA for educational programming;
$46,000—Southern Local School District, Salineville, OH for educational programming;
$46,000—South Side School District, Hookstown, PA for educational programming;
$46,000—Steubenville City Schools, Steubenville, OH for educational programming;
$46,000—Toronto School District, Toronto, OH for educational programming;
$46,000—Wellsville Local School District, Wellsville, OH for educational programming;
$46,000—Wheeling Park High School, Wheeling, WV for educational programming;
$92,000—Girard Community Committee Inc., for development of the Girard Multigenerational Center in Girard, Ohio;
$92,000—St. Tammany Parish, Louisiana School Board, Covington, LA for teacher technology training;
$92,000—Orleans Parish, LA District Attorney's Office, New Orleans, LA for school based drug awareness education and prevention program;
$200,000—The ReadNet Foundation, New York, NY for innovative learning solutions for the mentally handicapped;
$380,000—Technological Research and Development Authority, Titusville, FL for the Mathematics, Science & Technology Teacher Education Program;
$46,000—Kentucky Sheriff's Boys and Girls Club in Paducah KY for educational and other services; $18,000—Oscar Cross Boys and Girls Club in Paducah KY for technology improvements; $1,382,000—Paducah Community College for the Challenger Learning Center, Paducah, KY for hands-on science, mathematics and technology education;
$461,000—Mississippi Writing/Thinking Institute at Mississippi State University, Starkville, MS for improving teaching and writing in K-12 schools throughout the state; $1,176,000—University of New Mexico, Albuquerque, NM for the Math and Science Teacher Academy;
$871,000—Florida Department of Education for School Net; $533,000—Galena School District, Galena, Alaska for a comprehensive vocational program; $330,000—California Drug Consultants, Moreno Valley, CA for educational learning aids and equipment for disabled and ill children in the Riverside County region; $460,000—Daemen College in Amherst, NY for scholarships, equipment and computer needs for the Center for Achievement in Science; $900,000—New Mexico Department of Education to continue to fund student performance plans at 12 schools and for a model school drop-out prevention program;
$290,000—Oklahoma City Academy in Oklahoma City, Oklahoma in partnership with Integris Health, for literacy programs and other educational enrichment activities;
$580,000—Foundation for Innovative Education in Augusta, Georgia to continue to develop computer based software Exit Exam Review Materials for ESOL students;
$81,000—Project AGRAD USA inc. in Houston, Texas to support expansion of the successful school reform program, Project GRAD;
$800,000—State of Alaska for continuing reading literacy programs for high school students;
$303,000—Provide Public School District in Providence, Rhode Island for comprehensive literacy training to ensure that all students are reading at grade level; $2,000,000—Alaska Initiative for Community Engagement to improve academic achievement of students and involve them in their own communities; $500,000—Semos Unlimited, Inc., in New Mexico to complete a comprehensive initiative for providing bilingual educational and literacy programs; $850,000—Maine Center for Educational Services for the Small Schools & Technology for Assessment & Reflection program, a student performance data system for planning and instructional purposes; $500,000—University of Alabama in Montevallo, Alabama for an innovative civics education initiative that provides students with a better understanding of the Constitution and American self-government; $500,000—Vermont Educational Leadership Alliance in Montpelier, Vermont to address the shortage of school leaders; $600,000—University of Northern Iowa to continue developing a model demonstration program for early childhood education of all students; $700,000—Utah State Office of Education to assist small and geographically isolated schools through the Necessarily Existent Small Schools Program; $2,500,000—University of Alaska to develop innovative teacher recruitment and retention programs; $400,000—Albuquerque Public School System for the National Magnet High School for Math, Science and Technology; $400,000—University of Oklahoma’s Institute for Practical Robotics in Oklahoma City for a model teacher training curriculum to enhance educational outcomes; $500,000—University of New Mexico in Albuquerque, NM for the National Magna Physics and Engineering Mentorship Program; $600,000—University of Iowa for equipment acquisition and educational services to support the integration of health and educational programs developed for at risk youth; $250,000—Iowa State University Center for Excellence in Science and Mathematics Education to collaborate with local school districts and other partners to increase the quality of mathematics and science technology education for K-12 students; $400,000—Council of Chief State School Officers for professional development and recognition activities related to the Christa McAuliffe Foundation on Support; $375,000—Madison Station Elementary School in Madison, Mississippi to begin a replicable, school-wide, arts based curriculum; $250,000—Southeast Kansas Education Service Center in Girard, KS to expand and replicate state-wide a school-based mentoring effort that connects young people from grades K-12 with adult volunteers; $750,000—Keystone Central School District in Youngstown, Pennsylvania, in collaboration with Lack Haven University, to develop a model alternative school, $1,800,000—University of Alaska Anchorage to support expansion of the McAuliffe Foundation grant program; $250,000—School of Professional Psychology, in cooperation with school districts in the San Diego, Los Angeles, San Francisco and Fresno metropolitan areas for master's level training and placement services in psychology; $200,000—Regional Performing Arts Center in Philadelphia, Pennsylvania for equipment acquisition in support of distance learning programs and services arranged with area schools; $250,000—CafePete Net in Bethlehem, Pennsylvania for distance learning technologies and educator training to improve educational outcomes in K-12 programs; $400,000—National Aviation Hall of Fame in Dayton, Ohio for curriculum development, technology upgrades and programmatic improvements related to educational programs offered to students; $250,000—Southside School District in Washington for a reading literacy program; $500,000—California Institute of the Arts in Valencia, California for an urban distance learning program; $500,000—Philadelphia Pops educational outreach program, Jazz in the Schools; $500,000—University of Northern Iowa Center for Mathematics and Science Education to improve the teaching of mathematics and science; $850,000—Southwest Texas State University Center for School Improvement to develop innovative programs to address specific K-12 challenges facing teachers and principals in rural and other areas.
December 15, 2000

CONGRESSIONAL RECORD — HOUSE

H12157

based statewide curriculum aimed at preventing violence in schools; $20,000 — Education, Social and Public Services Association in Seattle, Washington to develop training, educational and medical and day care needs of children and adolescents with disabilities; $25,000 — American Visionary Art Museum in Baltimore, Maryland for educational outreach programs targeted to underserved communities; $25,000 — Philadelphia Zoo in Philadelphia, Pennsylvania to create, develop and implement a high school science learning program; $250,000 — Big Brothers/Big Sisters of America to strengthen and expand its school-based mentoring program; $200,000 — National Foundation for Teaching Entrepreneurship for expansion of basic academic skill development and entrepreneurship training programs for students in low income areas; $250,000 — Jifrieda Company of Philadelphia for an integrated arts education program; $9,000,000 — Iowa Department of Education to continue a demonstration of public school facilities for high risk families; $750,000 — Des Moines Independent School District in Iowa to support the Smoother Sailing Program; $1,000,000 — Iowa Student Aid Commission for teacher training, recruitment and support; $500,000 — Iowa Child Institute located in Des Moines, IA for planning and development of an innovative teacher education and training center; $1,000,000 — Great Basin Community Environmental Education Center in Philadelphia, Pennsylvania for teacher training, research and equipment acquisition in support of environmental education programs; $400,000 — Southeastern Louisiana University to utilize distance learning for the improvement of teacher training; $150,000 — Rock School of Pennsylvania Bal- lon for innovative arts education through after school and summer programs; $250,000 — Allegheny Valley Community College, Montana TREK Center to provide a distance learning opportunity through distance learning technology; $500,000 — Hofstra University for a demonstration school that integrates mathematics, science, technology and literacy studies into the arts and cultural studies; $250,000 — CityVest, a non-profit development corporation in Pennsylvania, to collaborate with area high schools in providing alternative education programs; $300,000 — YMCA of America to expand drop out prevention, mentoring and teen pregnancy prevention programs serving at-risk teens in San Antonio and Houston; $250,000 — American Film Institute for activities supporting a media literacy pilot project undertaken in coordination with the Los Angeles Unified School District; $2,000,000 — Reach Out and Read program to expand literacy and health awareness for at-risk families; $850,000 — South Carolina Association of School Administrators to facilitate and distribute the methodology and pedagogy utilized by Blue Ribbon Schools; $50,000 — State College, Zelpha Wells Cultural Education Center to continue to provide music education and music instruction to minority and disadvantaged youth; $650,000 — Project Inc., Inc. in Dalton, Georgia to assimilate Hispanic immigrant children into mainstream curriculum; $1,000,000 — West Virginia University in Morgantown for school safety research; $1,000,000 — Concord College in West Virginia for technical skills training of new teachers; $900,000 — New York Historical Society to collaborate with area high schools in developing a technology-based program designed to enhance technology literacy and care of children medically unable to attend school; $2,000,000 — University of Montana, including the purchase of books and equipment to support these activities; $425,000 — Detroit Area Pre-College Engineering Program, Inc., Detroit, Michigan, for engineering, science and math instructional materials, teacher training, and parental engagement activities; $723,000 — Babyland Family Services, New- ark, New Jersey for technology training and extended learning opportunities for students, parents and teachers; $723,000 — Chicago Public School System, Illinois, for teacher professional development and university partnerships to support implementation of new magnet school programs; $723,000 — DeKalb County School System in Georgia for a comprehensive school violence prevention initiative; $723,000 — East Hartford Public Schools, Connecticut, to support program and professional development associated with the implementation of a baccalaureate program, including equipment; $723,000 — Sam Houston University, Huntsville, Texas to establish a technical assistance center for after-school programs; $723,000 — Texas A&M University, Corpus Christi, Texas for services to at-risk bilingual families and for a middle school math and science center at the Early Childhood Development Center; $723,000 — University of Illinois, Chicago, Illinois for the Project Impact Hispanic education initiative; $638,000 — Miami-Dade County Public Schools, Miami, Florida to establish career academies; $638,000 — University of Missouri, St. Louis, School of Education, for the Urban Educator Corps Partnership initiative; $900,000 — Rutgers University, New Jersey Law School to support a scholarship fund, public interest activities, and its work with the LEAP Academy Charter School, including the purchase of books and equipment to support these activities; $700,000 — Wisconsin Educational Partnership Initiative in Chippewa Falls, Wisconsin for implementation of new magnet school programs; $690,000 — Washburn Public Schools, Washburn, Wisconsin, for a pilot project designed to provide 6th grade students and school faculty with access to technology, including laptop computers, software, and home internet access, and to provide expert curriculum development assistance to school faculty members; $510,000 — Dillard University, New Orleans, Louisiana, to expand the William L. Gilbert Academy pre-college program for high achieving low-income high school students; $510,000 — Educational Performances Foundation, CIP, Boston, Massachusetts, for the implementation of a new magnet school educational program called "From the Top"; $510,000 — West Windsor-Plainsboro Regional School District in Mercer County, New Jersey, for the "e-m2c" teacher training project; $489,000 — University of Illinois at Chicago, Illinois, for a joint project with the University of New Orleans, Louisiana, for the Great Cities' University Coalition Urban Educators Corps teacher training partnership; $422,000 — Maryland State Department of Education to support the Maryland Educational Opportunities Summer Program; $425,000 — Alameda County Social Services Agency, Oakland, California, to support an education and training program for high school students; $425,000 — Clark County School District, Las Vegas, Nevada for a comprehensive bilingual education program; $425,000 — Cleveland Botanical Garden, Cleveland, Ohio, to expand educational curriculum, outreach and teacher training programs; $425,000 — Detroit Area Pre-College Engineering Program, Inc., Detroit, Michigan, for engineering, science and math instructional materials, teacher training, and parental engagement activities;
The conference agreement includes language to provide general transfer authority for the Departments and agencies that receive funding for the Department of Education (ED). This authority was first provided in fiscal year 1996 with the understanding that the flexibility it provides can only be carried out when proper financial management controls and systems are in place. ED did not receive an unequivocal opinion on its financial statements for either fiscal year 1996 or 1999.

The conference recognizes that ED is working to rectify problems that have been identified, but for fiscal year 2001 the conference reiterates the need to respond to emergencies or unforeseen circumstances. Given the findings and recommendations of the Comptroller General and the Inspector General, the conference recommends that ED fund an additional $200 million for the 2001 fiscal year and that ED establish an adequate systems development fund.

The conference agreement includes $2,000,000,000 for the Educational Technology Innovation Fund, $600,000,000 for the Effective Schools Program, and $36,500,000 for the Office of Inspector General. The conference agreement would provide $250,000,000 for the Workforce Innovation and Opportunity Act (WIOA), $23,000,000 for the Children's Miracle Network, and $15,000,000 for the Children's Miracle Network Endowment.

The conference agreement includes an amendment to the Higher Education Act of 1965 relating to the Higher Education Opportunity Program (HEOP), an amendment to the Vocational and Technical Institutions Act of 1965 relating to postsecondary vocational and technical institutions, and an amendment to the Social Security Act relating to the Higher Education Act of 1965.

The conference agreement includes an amendment to the Higher Education Act of 1965 relating to the Higher Education Opportunity Program (HEOP). The conference agreement would provide $620,000,000 for the HEOP, an increase of $50,000,000 over the President's request. The conference agreement would provide $200,000,000 for the Workforce Innovation and Opportunity Act (WIOA), an increase of $10,000,000 over the President's request. The conference agreement would provide $10,000,000 for the Children's Miracle Network, an increase of $5,000,000 over the President's request. The conference agreement would provide $5,000,000 for the Children's Miracle Network Endowment, an increase of $5,000,000 over the President's request.
The conference agreement includes a provision which provides $10,000,000 to the Secretary of Education to be transferred to the Secretary of the Interior for an award to the National Constitution Center to continue activities authorized by P.L. 100-433.

The conference agreement includes a modification to the Safe and Drug-Free Schools Act foramping within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes a provision that replaces the interest rate formula for certain Parent Loans to Students and Supplemental Loans for Students which used the dollarized rate established by the auction of 52-week Treasury bills for setting new interest rates each July 1st. Interest rates for these loans will now be based on a new formula which uses the weekly average of the one year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 28th preceding the July 1st effective date for interest rate changes.

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes an amendment to Part A of title IV of the Higher Education Act of 1965 which allows grantees receiving funding under the Student Support Services program within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes a provision that replaces the interest rate formula for certain Parent Loans to Students and Supplemental Loans for Students which used the dollarized rate established by the auction of 52-week Treasury bills for setting new interest rates each July 1st. Interest rates for these loans will now be based on a new formula which uses the weekly average of the one year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 28th preceding the July 1st effective date for interest rate changes.

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes a modification to the Safe and Drug-Free Schools Act foramping within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes a modification to the Safe and Drug-Free Schools Act foramping within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes a provision that replaces the interest rate formula for certain Parent Loans to Students and Supplemental Loans for Students which used the dollarized rate established by the auction of 52-week Treasury bills for setting new interest rates each July 1st. Interest rates for these loans will now be based on a new formula which uses the weekly average of the one year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 28th preceding the July 1st effective date for interest rate changes.

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes a modification to the Safe and Drug-Free Schools Act foramping within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes a modification to the Safe and Drug-Free Schools Act foramping within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes a provision that replaces the interest rate formula for certain Parent Loans to Students and Supplemental Loans for Students which used the dollarized rate established by the auction of 52-week Treasury bills for setting new interest rates each July 1st. Interest rates for these loans will now be based on a new formula which uses the weekly average of the one year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 28th preceding the July 1st effective date for interest rate changes.
$150,000 Oregon Historical Society Permanent Exhibition; $250,000 Pittsburgh Children's Museum; $510,000 Temple University Library for digitalization of resources from its Urban History and African-American collections; $576,000 Franklin Institute for the Design of Life exhibition; $925,000 Please Touch Museum in Philadelphia, Pennsylvania; $500,000 Alaska Native Heritage Center portion of the New Trade Winds project; $1,000,000 National Museum of Women in the Arts in Washington, D.C.; $1,200,000 Mississippi River Museum and Discovery Center in Dubuque, Iowa for exhibit and library enhancement; $650,000 Cullman House Foundation in Des Moines, Iowa to improve security and preservation of its collection; $150,000 Linn County, Iowa Historical Museum in support of the "This Old Digital City" project; $4,000,000 Newseum for the Blind to expand services for the blind to libraries across the country; $300,000 for the West Virginia Newseum for the Blind and $200,000 for the Iowa Newseum for the Blind; $1,000,000 Clay Center for the Arts and Sciences for a multimedia display screen, and the fabrication and design of a science exhibit; $60,000 Bishops Museum in Hawaii as part of the New Trade Winds project; $500,000 Wisconsin Maritime Museum for interactive exhibits; $250,000 Natural History Museum of Los Angeles to continue outreach and educational activities; $400,000 Perkins Geology Museum at the University of Vermont to digitalize its collection; $400,000 Walt Whitman Cultural Arts Center in Camden, New Jersey to expand cultural education programs; $400,000 Plainfield Public Library in Plainfield, New Jersey to upgrade and expand computer and internet services; $150,000 Ducktown Arts District in Atlantic City, New Jersey to expand access to cultural arts programs; $400,000 Lake Champlain Science Center for exhibits and programs; $250,000 Foundation for the Arts, Music, and Entertainment of Shreveport-Bossier, Inc.; $100,000 Bryant College in Rhode Island for a technology initiative linking libraries of institutional violence education; $120,000 Fenton Historical Museum of Jamestown, New York; $461,000 Abraham Lincoln Bicentennial Commission; $43,000 Sumter County Library, Sumter, South Carolina for the acquisition of library materials; $65,000 New York Botanical Garden, Bronx, New York, to expand access to plant specimen database; $128,000 Nassau County Museum of Art in Roslyn Harbor, New York, to expand educational programs for elementary and secondary students; $128,000 Roberson Museum and Science Center in Binghampton, New York for an educational science and engineering pilot program; $128,000 North Carolina Museum of Life and Science for development of BioQuest exhibits; $170,000 George Eastman House in Rochester, New York, to digitally archive and catalog photographic collections; $231,000 decorative arts for the American Museum in Fitchburg, Massachusetts to expand public access through technology upgrades; $298,000 Columbia College, Chicago, Center for Black Music Research in Chicago, Illinois, for education and outreach activities; $296,000 Mystic Seaport, the Museum of American History, in the Connecticut, to develop an informal learning laboratory; $498,000 City of Houston Public Library, Houston, Texas, for information technology development and equipment; $410,000 AE Seaman Mineral Museum in Houghton, Michigan; $680,000 AMISTAD Research Center at Tulane University in New Orleans, Louisiana to expand automation, electronic communications, educational outreach and community involvement activities; $723,000 New England Science Museum in Massachusetts for exhibits, technology upgrades and to expand public access; $723,000 The George C. Page Museum, Los Angeles, California to expand education and outreach programs; $850,000 The Children's Museum of Los Angeles, California, for development of exhibits, educational programs and teacher training; $850,000 Berman Museum of Art of Ursinus College, Collegeville, Pennsylvania for expansion of an educational program and community outreach activities; $2,125,000 Silas Bronson Library in Waterbury, Connecticut for information technology equipment and $2,435,000 New York Public Library for the development of a digital archive at the Schomburg Center for Research in Black Culture to document African American migration; $4,245,000 National Aviary in Pittsburgh, Pennsylvania, in collaboration with Carnegie Mellon University, to develop and utilize interactive mobile robots in support of distance learning; $723,000 Sturbridge Village, Sturbridge, Massachusetts for the development of a distance learning project; MEDICARE PAYMENT ADVISORY COMMISSION The conference agreement provides $8,000,000 for the Medicare Payment Advisory Commission (MedPAC), the same as both the House and the Senate. A documented national shortage of geriatricians, physicians who specialize in the management of care for frail, older persons, exists. The shortage has occurred, in part, because of inadequate Medicare reimbursement and physician training payment restrictions. For this reason, MedPAC has been directed by the House and Senate to conduct an investigation specifically on how the hospital specific cap on residents for purposes of Medicare graduate medical education payments impacts geriatric training programs and providing recommendations regarding how to alter the cap to resolve this problem. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE The conference agreement includes $1,495,000 for the National Commission on Libraries and Information Science as proposed by the Senate instead of $1,400,000 as proposed by the House. NATIONAL COUNCIL ON DISABILITY The conference agreement includes $2,615,000 for the National Council on Disability as proposed by the Senate instead of $2,450,000 as proposed by the House. NATIONAL EDUCATION GOALS PANEL The conference agreement includes $1,500,000 for the National Education Goals Panel instead of $2,350,000 as proposed by the Senate. The House bill did not propose funding for this agency. NATIONAL LAbOR RELATIONS BOARD The conference agreement includes $216,438,000 for the National Labor Relations Board as proposed by the Senate instead of $205,717,000 as proposed by the House. NATIONAL MEDIATION BOARD The conference agreement includes $10,400,000 for the National Mediation Board as proposed by the Senate instead of $9,800,000 as proposed by the House. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION The conference agreement includes $6,720,000 for the Occupational Safety and Health Review Commission as proposed by the Senate instead of $8,600,000 as proposed by the House. RAILROAD RETIREMENT BOARD LIMITATION ON ADMINISTRATION The conference agreement includes a limitation on transfers from the railroad trust funds of $95,000,000 for administrative expenses as proposed by the House instead of $92,500,000 as proposed by the Senate. SOCIAL SECURITY ADMINISTRATION SUPPLEMENTAL SECURITY INCOME PROGRAM The conference agreement includes $23,344,000,000 for the Supplemental Security Income Program instead of $23,354,000,000 as proposed by the Senate and $23,127,000,000 as proposed by the House. SUPPLEMENTAL SECURITY INCOME PROGRAM The conference agreement includes $6,979,036,000 as proposed by the House and $7,010,800,000 as proposed by the Senate. The conference agreement includes language proposed by the House clarifying that the Social Security Administration may use unexpended funds for investment in information technology and telecommunications hardware and software infrastructure, including related equipment and related payroll expenses associated solely with information technology and telecommunications technology. The agreement also includes language proposed by the Senate that requires the Secretary of the Treasury to reimburse the Trust Fund from the General Fund for the cost of official time for federal employees and facilities and support services for labor organizations. The Senate bill contained no similar provisions. OFFICE OF INSPECTOR GENERAL The conference agreement includes $69,444,000 for the Office of Inspector General through a combination of general revenues and limitations on trust fund transfers as proposed by the Senate instead of $65,752,000 as proposed by the House. UNITED STATES INSTITUTE OF PEACE The conference agreement includes $35,000,000 for the United States Institute of Peace as proposed by the Senate instead of $32,951,000 as proposed by the Senate. The conference agreement includes language proposed by the United States Institute of Peace to provide information in the fiscal year 2002 Congressional budget justification regarding the use of appropriated funds in the Endowment. Included in this information should be the total amount of appropriated funds transferred into the Endowment from the most recent fiscal year available, the amount of interest earned, the amount of various government programs, a list of all dates in which draws down occur and those amounts,
and a beginning and end of year balance of the Endowment.

**TITLE V—GENERAL PROVISIONS**

**DISTRICTION OF STERILE NEEDLES**

The conference agreement includes a provision proposed by the House that prohibits the use of funds in this Act to carry out any program that distributes sterile needles or syringes for the hypodermic injection of any illegal drug. The Senate bill contained a similar provision except that it would have allowed for such a program if the Secretary of Health and Human Services determines that these programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

**FIFTH QUARTER OBLIGATIONS**

The conference agreement does not include a provision proposed by both the House and Senate to allow fiscal year 2000 unobligated balances for salaries and expenses to remain available through the first quarter of fiscal year 2001.

**RESTORING SSI BENEFITS PAYMENTS TO APPROPRIATE YEAR**

The conference agreement does not include a provision proposed by the House to restore benefit payments for Supplemental Security Income to the appropriate year. The Senate bill contained no similar provision.

**EVALUATION OF ABSTINENCE EDUCATION PROGRAMS**

The conference agreement includes a provision proposed by the House to extend the funding available for evaluations of abstinence education programs to 2005 and provides for an interim report not later than January 1, 2002. The Senate bill contained no similar provision.

**TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)**

The conference agreement does not include a provision proposed by the Senate to reduce TANF supplemental grants in fiscal year 2001. The House bill contained no similar provision.

**DISCRETIONARY ADVANCE APPROPRIATION REDUCTION**

The conference agreement does not include a provision proposed by the House to rescind funds from the Payments to States for the Child Care and Development Block Grant if the total level of discretionary advance appropriation for fiscal year 2002 exceeds $23,500,000,000. The Senate bill contained no similar provision.

**UNIQUE HEALTH IDENTIFIER**

The conference agreement includes a provision proposed by the Senate to prohibit the promulgation or adoption of any final standard relating to a unique health identifier until legislation is enacted specifically approving the standard. The House bill contained a similar provision except it did not provide for legislative action.

**STATE SUPPLEMENTARY PAYMENTS**

The conference agreement includes language proposed by the Senate that accelerates the effective date of current law requiring a State that has entered into an agreement with the Social Security Administration for Federal administration of State supplementary payments be required to remit payments and fees no later than the business day preceding the SSI payment from September, 2000 to September, 2001.

**MILITARY RECRUITING AT SECONDARY SCHOOLS**

The conference agreement does not include a provision proposed by the House preventing secondary schools from prohibiting military recruitment. The Senate bill contained no similar provision.

**NIH LICENSE AGREEMENTS**

The conference agreement deletes without prejudice a provision proposed by the Senate regarding blood lead screening tests on children enrolled in early head start programs. The House bill contained no similar provision.

**RIGHTS OF RESIDENTS OF CERTAIN FACILITIES**

The conference agreement deletes without prejudice a provision proposed by the Senate to amend the Public Health Service Act to add a new section titled "Requirement Regarding Access to the Rights of Residents of Certain Facilities". The Senate bill contained no similar provision.

**SENSE OF THE SENATE ON EARLY HEAD START**

The conference agreement deletes without prejudice a provision proposed by the Senate to prohibit the distribution of or prescription for postcoital emergency contraception to an unemancipated minor on the premises or in the facilities of any elementary or secondary school. The House bill contained no similar provision.

**SENSE OF THE SENATE ON A STUDY OF SEXUAL ABUSE IN SCHOOLS**

The conference agreement deletes without prejudice a provision proposed by the Senate regarding a study on the issue of sexual abuse in schools. The House bill contained no similar provision.

**GAO STUDY INTO FEDERAL FETAL TISSUE PRACTICES**

The conference agreement does not include a provision proposed by the Senate requesting a GAO study into Federal fetal tissue practices. The House bill contained no similar provision.

**GENETIC INFORMATION NONDISCRIMINATION IN HEALTH INSURANCE ACT OF 1999**

The conference agreement does not include a provision proposed by the Senate regarding genetic information. The House bill contained no similar provision.

**HEALTH CARE ACCESS AND PROTECTIONS FOR CONSUMERS**

The conference agreement does not include the health care access and protections for consumers provision as proposed by the Senate. The House bill contained no similar provision.

**HUMAN PAPILLOMAVIRUS**

The conference agreement includes a provision related to human papillomavirus. The House and Senate bills contained no similar provision.

**SAECHINAR LABELING**

The conference agreement includes a provision that repeals the mandated saccharin warning label. The House and Senate bills contained no similar provision.

**SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS**

The conference agreement includes a provision which allows a State and the Commissioner of Social Security to enter into an agreement under which the Commissioner would make State payments, on behalf of the State, to supplement federal payments provided under Title VIII of the Social Security Act.

**STATUTORY EMPLOYEES**

The Conferences note that, given the complexity of issues that were considered under prior law in correctly determining the amount of Supplemental Security Income payable to individuals who are classified as "statutory employees", or their dependents, that in the past cases may have been determined erroneously. The Conferences urge the Social Security Administration to act favorable on requests for waiver of overpayment that may have accrued in such cases.

**TITLE VI—ASSETS FOR INDEPENDENCE ACT**

The conference agreement includes amendments to the Assets for Independence Act to make technical and conforming changes to ensure accurate research and measurement of the effectiveness of Individual Development Accounts.

**TITLE VII—PHYSICAL EDUCATION FOR PROGRESS PROGRAM**

The conference agreement includes the Physical Education for Progress program which will enable local educational agencies to initiate, expand, and improve physical education programs for all K-12 students.

**TITLE VIII—EARLY LEARNING OPPORTUNITIES**

The conference agreement includes the Early Learning Opportunities Act, which is designed to help states increase the availability of voluntary programs, services, and activities that support early childhood education.

**TITLE IX—RURAL EDUCATION**

The conference agreement includes the Rural Achievement Act, which amends Part J of Title X of the Elementary and Secondary Education Act (ESEA) of 1965 to better address the different needs of small, rural school districts. Under this provision, a local educational agency (LEA) would be able to combine funding under various ESEA programs to support compensatory education, teacher professional development, education technology, and school drug and violence prevention activities authorized under ESEA that are intended to improve the academic achievement of elementary and secondary school students.

**CONFERENCE AGREEMENT**

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE 1  DEPARTMENT OF LABOR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EMPLOYMENT AND TRAINING ADMINISTRATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TRAINING AND EMPLOYMENT SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to States:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult training, current year</td>
<td>238,000</td>
<td>238,000</td>
<td>145,000</td>
<td>238,000</td>
<td>238,000</td>
<td>---</td>
<td>+93,000</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>---</td>
<td>(712,000)</td>
<td>(712,000)</td>
<td>(712,000)</td>
<td>(712,000)</td>
<td>---</td>
<td>(712,000)</td>
</tr>
<tr>
<td>FY02</td>
<td>712,000</td>
<td>712,000</td>
<td>712,000</td>
<td>712,000</td>
<td>712,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Adult Training, program level</td>
<td>950,000</td>
<td>950,000</td>
<td>857,000</td>
<td>950,000</td>
<td>950,000</td>
<td>---</td>
<td>+93,000</td>
</tr>
<tr>
<td>Youth Training</td>
<td>1,000,965</td>
<td>1,022,465</td>
<td>1,000,965</td>
<td>1,000,965</td>
<td>1,102,965</td>
<td>+102,000</td>
<td>+102,000</td>
</tr>
<tr>
<td>Dislocated Worker Assistance, current year</td>
<td>529,025</td>
<td>710,510</td>
<td>322,025</td>
<td>529,025</td>
<td>530,040</td>
<td>---</td>
<td>+1,015</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>---</td>
<td>(1,060,000)</td>
<td>(1,060,000)</td>
<td>(1,060,000)</td>
<td>(1,060,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>FY02</td>
<td>1,060,000</td>
<td>1,060,000</td>
<td>1,060,000</td>
<td>1,060,000</td>
<td>1,060,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Distressed Worker Assistance, program level</td>
<td>1,589,025</td>
<td>1,770,510</td>
<td>1,382,025</td>
<td>1,589,025</td>
<td>1,590,040</td>
<td>---</td>
<td>+1,015</td>
</tr>
<tr>
<td>Federally administered programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Americans</td>
<td>58,436</td>
<td>55,000</td>
<td>55,000</td>
<td>55,000</td>
<td>55,000</td>
<td>---</td>
<td>-3,436</td>
</tr>
<tr>
<td>Migrant and Seasonal Farmworkers</td>
<td>76,195</td>
<td>74,445</td>
<td>78,000</td>
<td>76,770</td>
<td>76,770</td>
<td>---</td>
<td>+2,575</td>
</tr>
<tr>
<td>Job Corps:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations</td>
<td>633,140</td>
<td>681,669</td>
<td>668,625</td>
<td>652,408</td>
<td>668,625</td>
<td>---</td>
<td>+55,485</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>---</td>
<td>(591,000)</td>
<td>(591,000)</td>
<td>(591,000)</td>
<td>(591,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>FY02</td>
<td>591,000</td>
<td>591,000</td>
<td>591,000</td>
<td>591,000</td>
<td>591,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Construction and Renovation (1)</td>
<td>33,656</td>
<td>20,375</td>
<td>20,375</td>
<td>20,375</td>
<td>20,375</td>
<td>---</td>
<td>-3,261</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>---</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>(100,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>FY02</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, Job Corps, program level</td>
<td>1,357,776</td>
<td>1,393,044</td>
<td>1,400,000</td>
<td>1,363,783</td>
<td>1,400,000</td>
<td>+42,224</td>
<td>---</td>
</tr>
</tbody>
</table>

(1) Three year forward funded availability.
<table>
<thead>
<tr>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>National activities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pilots, Demonstrations and Research</td>
<td>65,095</td>
<td>35,000</td>
<td>35,000</td>
<td>70,000</td>
<td>97,432</td>
<td>+32,337</td>
<td>+67,432</td>
</tr>
<tr>
<td>Responsible Reintegration of Youthful Offenders</td>
<td>13,907</td>
<td>75,000</td>
<td>13,907</td>
<td>30,000</td>
<td>55,000</td>
<td>+41,003</td>
<td>+41,003</td>
</tr>
<tr>
<td>Evaluation</td>
<td>9,098</td>
<td>12,098</td>
<td>9,098</td>
<td>9,098</td>
<td>9,098</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Fathers Work/Families Win</td>
<td>...</td>
<td>255,000</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Incumbent Workers</td>
<td>...</td>
<td>30,000</td>
<td>...</td>
<td>20,000</td>
<td>20,000</td>
<td>+20,000</td>
<td>+20,000</td>
</tr>
<tr>
<td>Safe Schools/Healthy Students</td>
<td>...</td>
<td>40,000</td>
<td>...</td>
<td>20,000</td>
<td>20,000</td>
<td>+20,000</td>
<td>+20,000</td>
</tr>
<tr>
<td>Youth Opportunity Grants</td>
<td>250,000</td>
<td>375,000</td>
<td>175,000</td>
<td>250,000</td>
<td>275,000</td>
<td>+25,000</td>
<td>+100,000</td>
</tr>
<tr>
<td>Other</td>
<td>5,000</td>
<td>15,000</td>
<td>5,000</td>
<td>15,000</td>
<td>15,000</td>
<td>+10,000</td>
<td>+10,000</td>
</tr>
<tr>
<td>Subtotal, National activities</td>
<td>343,100</td>
<td>837,008</td>
<td>238,005</td>
<td>416,098</td>
<td>491,530</td>
<td>+148,430</td>
<td>+253,525</td>
</tr>
<tr>
<td>Subtotal, Federal activities</td>
<td>1,833,507</td>
<td>2,359,587</td>
<td>1,771,005</td>
<td>1,909,651</td>
<td>2,023,300</td>
<td>+189,793</td>
<td>+252,205</td>
</tr>
<tr>
<td>Total, Workforce Investment Act</td>
<td>5,373,497</td>
<td>6,102,562</td>
<td>5,010,995</td>
<td>5,449,641</td>
<td>5,666,505</td>
<td>+292,808</td>
<td>+655,310</td>
</tr>
<tr>
<td>Women in Apprenticeship</td>
<td>927</td>
<td>...</td>
<td>1,000</td>
<td>...</td>
<td>1,000</td>
<td>+73</td>
<td>...</td>
</tr>
<tr>
<td>Skills Standards</td>
<td>7,000</td>
<td>3,500</td>
<td>3,500</td>
<td>3,500</td>
<td>3,500</td>
<td>-3,500</td>
<td>...</td>
</tr>
<tr>
<td>Subtotal, National activities, TES</td>
<td>351,027</td>
<td>840,598</td>
<td>242,505</td>
<td>417,598</td>
<td>496,030</td>
<td>+145,003</td>
<td>+253,525</td>
</tr>
<tr>
<td>School-to-Work (1)</td>
<td>55,000</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>-55,000</td>
</tr>
<tr>
<td>Total, Training and Employment Services</td>
<td>5,436,424</td>
<td>6,106,062</td>
<td>5,015,495</td>
<td>5,443,141</td>
<td>5,670,805</td>
<td>+234,381</td>
<td>+655,310</td>
</tr>
<tr>
<td>Current Year</td>
<td>(2,973,426)</td>
<td>(3,643,062)</td>
<td>(2,552,495)</td>
<td>(2,900,141)</td>
<td>(3,207,805)</td>
<td>(+234,381)</td>
<td>(+655,310)</td>
</tr>
<tr>
<td>Advance year</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Community Service Employment for Older Americans | 440,200 | 440,200 | 440,200 | 440,200 | 440,200 | ... | ... | ... | D | FF |

(1) 15 month forward funded availability.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade Adjustment</td>
<td>340,000</td>
<td>342,400</td>
<td>342,400</td>
<td>342,400</td>
<td>342,400</td>
<td>-6,400</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>NAFTA Activities</td>
<td>66,150</td>
<td>66,350</td>
<td>66,150</td>
<td>66,150</td>
<td>64,150</td>
<td>-2,000</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>415,150</td>
<td>408,950</td>
<td>408,950</td>
<td>408,550</td>
<td>406,550</td>
<td>-11,400</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployment Compensation:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Operations</td>
<td>2,256,375</td>
<td>2,349,283</td>
<td>2,256,375</td>
<td>2,273,515</td>
<td>2,339,283</td>
<td>+82,908</td>
<td>+82,908</td>
<td>+65,768</td>
</tr>
<tr>
<td>National Activities</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal, Unemployment Comp (trust funds)</strong></td>
<td>2,266,375</td>
<td>2,359,283</td>
<td>2,266,375</td>
<td>2,283,515</td>
<td>2,349,283</td>
<td>+82,908</td>
<td>+82,908</td>
<td>+65,768</td>
</tr>
<tr>
<td>Employment Service:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allotments to States:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Trust funds</td>
<td>738,283</td>
<td>788,283</td>
<td>738,283</td>
<td>763,283</td>
<td>773,283</td>
<td>+35,000</td>
<td>+35,000</td>
<td>+10,000</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>761,735</td>
<td>811,735</td>
<td>761,735</td>
<td>786,735</td>
<td>796,735</td>
<td>+35,000</td>
<td>+35,000</td>
<td>+10,000</td>
</tr>
<tr>
<td><strong>Subtotal, Employment Service</strong></td>
<td>817,405</td>
<td>855,915</td>
<td>811,415</td>
<td>855,915</td>
<td>846,415</td>
<td>+29,010</td>
<td>+35,000</td>
<td>+10,500</td>
</tr>
<tr>
<td>Federal funds</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>23,452</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Trust funds</td>
<td>703,953</td>
<td>832,463</td>
<td>787,063</td>
<td>822,463</td>
<td>822,463</td>
<td>+29,010</td>
<td>+35,000</td>
<td>+10,500</td>
</tr>
<tr>
<td><strong>One Stop Career Centers/Market Information</strong></td>
<td>110,000</td>
<td>154,000</td>
<td>---</td>
<td>110,000</td>
<td>150,000</td>
<td>+40,000</td>
<td>+150,000</td>
<td>+40,000</td>
</tr>
<tr>
<td><strong>Work Incentives Grants</strong></td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total, State Unemployment</strong></td>
<td>3,213,780</td>
<td>3,389,196</td>
<td>3,097,790</td>
<td>3,249,430</td>
<td>3,356,908</td>
<td>+151,918</td>
<td>+267,908</td>
<td>+116,268</td>
</tr>
<tr>
<td>Federal funds</td>
<td>153,452</td>
<td>197,452</td>
<td>133,452</td>
<td>153,452</td>
<td>193,452</td>
<td>+40,000</td>
<td>+150,000</td>
<td>+40,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>3,054,328</td>
<td>3,191,746</td>
<td>3,054,328</td>
<td>3,095,978</td>
<td>3,172,266</td>
<td>+111,918</td>
<td>+117,908</td>
<td>+76,268</td>
</tr>
<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs House</td>
<td>Senate Disc</td>
<td>Hand</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)</td>
<td>356,000</td>
<td>435,000</td>
<td>435,000</td>
<td>435,000</td>
<td>435,000</td>
<td>+79,000</td>
<td>---</td>
<td>M</td>
</tr>
<tr>
<td>PROGRAM ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Employment and Training</td>
<td>79,986</td>
<td>33,113</td>
<td>29,986</td>
<td>31,986</td>
<td>32,986</td>
<td>+3,000</td>
<td>+3,000</td>
<td>+1,000</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>2,420</td>
<td>2,797</td>
<td>2,420</td>
<td>2,797</td>
<td>2,797</td>
<td>+377</td>
<td>+377</td>
<td>---</td>
</tr>
<tr>
<td>Youth Employment and Training</td>
<td>34,086</td>
<td>37,660</td>
<td>34,086</td>
<td>34,086</td>
<td>37,086</td>
<td>+3,000</td>
<td>+3,000</td>
<td>+3,000</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>41,302</td>
<td>43,855</td>
<td>41,302</td>
<td>44,351</td>
<td>44,351</td>
<td>+3,049</td>
<td>+3,049</td>
<td>---</td>
</tr>
<tr>
<td>Apprenticeship Services</td>
<td>19,141</td>
<td>22,069</td>
<td>19,141</td>
<td>22,069</td>
<td>21,069</td>
<td>+928</td>
<td>+1,928</td>
<td>-1,000</td>
</tr>
<tr>
<td>Executive Direction</td>
<td>6,348</td>
<td>6,660</td>
<td>6,348</td>
<td>7,960</td>
<td>7,960</td>
<td>+1,612</td>
<td>+1,612</td>
<td>---</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>1,334</td>
<td>1,583</td>
<td>1,334</td>
<td>1,359</td>
<td>1,359</td>
<td>+25</td>
<td>+25</td>
<td>---</td>
</tr>
<tr>
<td>Welfare to Work</td>
<td>6,431</td>
<td>6,655</td>
<td>6,431</td>
<td>6,431</td>
<td>6,431</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Total, Program Administration</td>
<td>146,000</td>
<td>159,311</td>
<td>146,000</td>
<td>156,158</td>
<td>159,158</td>
<td>+13,158</td>
<td>+13,158</td>
<td>+3,000</td>
</tr>
<tr>
<td>Federal funds</td>
<td>100,944</td>
<td>111,276</td>
<td>100,944</td>
<td>107,651</td>
<td>110,651</td>
<td>+9,707</td>
<td>+9,707</td>
<td>+3,000</td>
</tr>
<tr>
<td>Trust funds</td>
<td>45,056</td>
<td>48,035</td>
<td>45,056</td>
<td>48,507</td>
<td>48,507</td>
<td>+3,451</td>
<td>+3,451</td>
<td>---</td>
</tr>
<tr>
<td>Total, Employment &amp; Training Administration</td>
<td>10,077,554</td>
<td>10,936,321</td>
<td>9,541,035</td>
<td>10,140,479</td>
<td>10,677,411</td>
<td>+469,857</td>
<td>+936,376</td>
<td>+336,932</td>
</tr>
<tr>
<td>Federal funds</td>
<td>6,902,170</td>
<td>7,606,540</td>
<td>6,441,641</td>
<td>6,995,994</td>
<td>7,256,658</td>
<td>+354,488</td>
<td>+815,017</td>
<td>+260,664</td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(2,663,000)</td>
<td>(2,663,000)</td>
<td>(2,663,000)</td>
<td>(2,663,000)</td>
<td>(2,663,000)</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Trust funds</td>
<td>3,105,384</td>
<td>3,239,781</td>
<td>3,099,394</td>
<td>3,144,485</td>
<td>3,220,753</td>
<td>+115,369</td>
<td>+121,359</td>
<td>+7,268</td>
</tr>
</tbody>
</table>

(1) Two year availability.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PENSION AND WELFARE BENEFITS ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALARIES AND EXPENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement and Compliance</td>
<td>78,283</td>
<td>83,652</td>
<td>78,283</td>
<td>81,995</td>
<td>83,652</td>
<td>+3,369</td>
<td>+5,369</td>
<td>+1,657</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Policy, Regulation and Public Service</td>
<td>16,803</td>
<td>20,205</td>
<td>16,803</td>
<td>17,372</td>
<td>20,205</td>
<td>+3,402</td>
<td>+3,402</td>
<td>+2,833</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Program Oversight</td>
<td>3,848</td>
<td>3,975</td>
<td>3,848</td>
<td>3,975</td>
<td>3,975</td>
<td>+127</td>
<td>+127</td>
<td></td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, PWSA</strong></td>
<td><strong>98,934</strong></td>
<td><strong>107,832</strong></td>
<td><strong>98,934</strong></td>
<td><strong>103,342</strong></td>
<td><strong>107,832</strong></td>
<td><strong>+8,898</strong></td>
<td><strong>+8,898</strong></td>
<td><strong>+6,490</strong></td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>PENSION BENEFIT GUARANTY CORPORATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Administration subject to limitation (TF)</td>
<td>11,148</td>
<td>11,871</td>
<td>11,148</td>
<td>11,652</td>
<td>11,652</td>
<td>+504</td>
<td>+504</td>
<td></td>
<td>TF</td>
<td></td>
</tr>
<tr>
<td>Termination services not subject to limitation (NA)</td>
<td>(153,599)</td>
<td>(154,834)</td>
<td>(153,599)</td>
<td>(161,499)</td>
<td>(164,834)</td>
<td>(+11,235)</td>
<td>(+11,235)</td>
<td>(+3,335)</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td><strong>Total, PBGC (Program level)</strong></td>
<td>(164,747)</td>
<td>(166,705)</td>
<td>(164,747)</td>
<td>(173,151)</td>
<td>(176,466)</td>
<td>(+11,739)</td>
<td>(+11,739)</td>
<td>(+3,335)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EMPLOYMENT STANDARDS ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALARIES AND EXPENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforcement of Wage and Hour Standards</td>
<td>141,893</td>
<td>152,688</td>
<td>141,893</td>
<td>148,329</td>
<td>152,688</td>
<td>+10,795</td>
<td>+10,795</td>
<td>+6,359</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Office of Labor Management Standards</td>
<td>29,308</td>
<td>30,356</td>
<td>29,308</td>
<td>30,413</td>
<td>30,356</td>
<td>+1,248</td>
<td>+1,248</td>
<td>+143</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Federal Contractor EEO Standards Enforcement</td>
<td>75,250</td>
<td>76,308</td>
<td>75,250</td>
<td>75,808</td>
<td>76,308</td>
<td>+3,058</td>
<td>+3,058</td>
<td>+500</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Federal Programs for Workers' Compensation</td>
<td>79,968</td>
<td>88,873</td>
<td>79,968</td>
<td>83,163</td>
<td>88,873</td>
<td>+8,905</td>
<td>+8,905</td>
<td>+5,710</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>1,760</td>
<td>1,985</td>
<td>1,760</td>
<td>1,985</td>
<td>1,985</td>
<td>+245</td>
<td>+245</td>
<td></td>
<td>TF</td>
<td></td>
</tr>
<tr>
<td>Program Direction and Support</td>
<td>12,611</td>
<td>13,066</td>
<td>12,611</td>
<td>13,066</td>
<td>13,066</td>
<td>+455</td>
<td>+455</td>
<td></td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, ESA salaries and expenses</strong></td>
<td><strong>338,770</strong></td>
<td><strong>363,476</strong></td>
<td><strong>338,770</strong></td>
<td><strong>352,764</strong></td>
<td><strong>363,476</strong></td>
<td><strong>+24,706</strong></td>
<td><strong>+24,706</strong></td>
<td><strong>+10,712</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>337,030</td>
<td>361,491</td>
<td>337,030</td>
<td>350,779</td>
<td>361,491</td>
<td>+24,461</td>
<td>+24,461</td>
<td>+10,712</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>1,740</td>
<td>1,985</td>
<td>1,740</td>
<td>1,985</td>
<td>1,985</td>
<td>+245</td>
<td>+245</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor, Health and Human Services, Education, and Related Agencies, 2001 ($000)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 House</td>
<td>Senate Disc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Special Benefits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal employees compensation benefits</td>
<td>75,000</td>
<td>53,000</td>
<td>53,000</td>
<td>53,000</td>
<td>53,000</td>
<td>22,000</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Longshore and harbor workers' benefits</td>
<td>4,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>1,000</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Special Benefits</strong></td>
<td>79,000</td>
<td>56,000</td>
<td>56,000</td>
<td>56,000</td>
<td>56,000</td>
<td>23,000</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Black Lung Disability Trust Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefit payments and interest on advances</td>
<td>963,506</td>
<td>975,343</td>
<td>975,343</td>
<td>975,343</td>
<td>975,343</td>
<td>11,837</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Standards Admin. S&amp;E</td>
<td>28,676</td>
<td>30,393</td>
<td>30,393</td>
<td>30,393</td>
<td>30,393</td>
<td>1,717</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental Management S&amp;E</td>
<td>20,783</td>
<td>21,590</td>
<td>21,590</td>
<td>21,590</td>
<td>21,590</td>
<td>807</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental Management, Inspector General</td>
<td>312</td>
<td>318</td>
<td>318</td>
<td>318</td>
<td>318</td>
<td>6</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Black Lung Disability</strong></td>
<td>1,013,277</td>
<td>1,027,644</td>
<td>1,027,644</td>
<td>1,027,644</td>
<td>1,027,644</td>
<td>14,367</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treasury Administrative Costs</td>
<td>356</td>
<td>356</td>
<td>356</td>
<td>356</td>
<td>356</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Black Lung Disability Trust Fund</strong></td>
<td>1,015,633</td>
<td>1,028,000</td>
<td>1,028,000</td>
<td>1,028,000</td>
<td>1,028,000</td>
<td>14,367</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Employment Standards Administration</strong></td>
<td>1,431,403</td>
<td>1,447,476</td>
<td>1,422,770</td>
<td>1,436,764</td>
<td>1,447,476</td>
<td>16,073</td>
<td>24,706</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>1,429,663</td>
<td>1,445,491</td>
<td>1,421,030</td>
<td>1,434,779</td>
<td>1,445,491</td>
<td>15,828</td>
<td>24,461</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>1,740</td>
<td>1,985</td>
<td>1,740</td>
<td>1,985</td>
<td>1,985</td>
<td>245</td>
<td>265</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Occupational Safety and Health Administration</strong>&lt;br&gt;Salaries and Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safety and Health Standards</td>
<td>12,700</td>
<td>15,093</td>
<td>12,700</td>
<td>15,093</td>
<td>15,093</td>
<td>+2,393</td>
<td>+2,393</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Enforcement</td>
<td>141,000</td>
<td>153,073</td>
<td>139,229</td>
<td>153,073</td>
<td>152,073</td>
<td>+11,073</td>
<td>+12,844</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Programs</td>
<td>82,000</td>
<td>88,493</td>
<td>83,771</td>
<td>88,493</td>
<td>88,493</td>
<td>+6,493</td>
<td>+4,722</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Support</td>
<td>17,959</td>
<td>20,149</td>
<td>17,959</td>
<td>20,149</td>
<td>20,149</td>
<td>+2,190</td>
<td>+2,190</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compliance Assistance: Federal Assistance</td>
<td>54,154</td>
<td>67,073</td>
<td>54,154</td>
<td>67,073</td>
<td>67,073</td>
<td>+12,919</td>
<td>+12,919</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Consultation Grants</td>
<td>42,854</td>
<td>47,903</td>
<td>42,854</td>
<td>47,903</td>
<td>48,903</td>
<td>+6,049</td>
<td>+6,049</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>97,008</td>
<td>114,976</td>
<td>97,008</td>
<td>114,976</td>
<td>115,976</td>
<td>+18,968</td>
<td>+18,968</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safety and Health Statistics</td>
<td>22,753</td>
<td>25,637</td>
<td>22,753</td>
<td>25,637</td>
<td>25,637</td>
<td>+2,884</td>
<td>+2,884</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Direction and Administration</td>
<td>8,200</td>
<td>8,562</td>
<td>8,200</td>
<td>8,562</td>
<td>8,562</td>
<td>+362</td>
<td>+362</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, OSHA</strong></td>
<td>381,620</td>
<td>425,983</td>
<td>381,620</td>
<td>425,983</td>
<td>425,983</td>
<td>+44,363</td>
<td>+44,363</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mine Safety and Health Administration</strong>&lt;br&gt;Salaries and Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coal Enforcement</td>
<td>110,570</td>
<td>114,774</td>
<td>111,070</td>
<td>114,774</td>
<td>114,774</td>
<td>+4,204</td>
<td>+5,704</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metal/Non-Metal Enforcement</td>
<td>49,693</td>
<td>55,240</td>
<td>51,818</td>
<td>55,240</td>
<td>55,240</td>
<td>+5,547</td>
<td>+5,542</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standards Development</td>
<td>3,500</td>
<td>3,762</td>
<td>3,500</td>
<td>3,762</td>
<td>3,762</td>
<td>+253</td>
<td>+217</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessments</td>
<td>3,896</td>
<td>4,267</td>
<td>3,983</td>
<td>4,267</td>
<td>4,267</td>
<td>+371</td>
<td>+284</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Policy and Development</td>
<td>26,853</td>
<td>26,977</td>
<td>28,437</td>
<td>29,477</td>
<td>31,477</td>
<td>+4,622</td>
<td>+3,040</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Support</td>
<td>25,312</td>
<td>27,069</td>
<td>25,828</td>
<td>27,069</td>
<td>27,069</td>
<td>+1,757</td>
<td>+1,241</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Administration</td>
<td>10,222</td>
<td>12,158</td>
<td>10,319</td>
<td>12,158</td>
<td>12,158</td>
<td>+1,936</td>
<td>+1,859</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Mine Safety and Health Administration</strong></td>
<td>228,057</td>
<td>242,247</td>
<td>233,000</td>
<td>244,747</td>
<td>246,747</td>
<td>+18,690</td>
<td>+15,747</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor, Health and Human Services, Education, and Related Agencies, 2001 ($000)</td>
<td>FY 2000 Comparable</td>
<td>FY 2000 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs House</td>
<td>Senate Disc</td>
<td>Mand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>------------------</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bureau of Labor Statistics</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment and Unemployment Statistics</td>
<td>125,329</td>
<td>137,317</td>
<td>130,322</td>
<td>135,317</td>
<td>137,317</td>
<td>+11,988</td>
<td>+6,995</td>
<td>+2,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor Market Information (Trust Funds)</td>
<td>66,363</td>
<td>67,257</td>
<td>67,257</td>
<td>67,257</td>
<td>67,257</td>
<td>+894</td>
<td>---</td>
<td>+1,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prices and Cost of Living</td>
<td>128,753</td>
<td>135,608</td>
<td>132,707</td>
<td>133,444</td>
<td>135,344</td>
<td>+6,591</td>
<td>+2,657</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation and Working Conditions</td>
<td>60,921</td>
<td>71,186</td>
<td>71,037</td>
<td>71,186</td>
<td>71,186</td>
<td>+2,265</td>
<td>+169</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Productivity and Technology</td>
<td>7,785</td>
<td>9,262</td>
<td>8,024</td>
<td>8,078</td>
<td>9,178</td>
<td>+1,193</td>
<td>+1,154</td>
<td>+1,100</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Economic Growth and Employment Projections</td>
<td>5,067</td>
<td>6,721</td>
<td>5,202</td>
<td>5,321</td>
<td>5,321</td>
<td>+274</td>
<td>+119</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Executive Direction and Staff Services</td>
<td>24,693</td>
<td>26,481</td>
<td>25,451</td>
<td>25,981</td>
<td>25,981</td>
<td>+1,288</td>
<td>+530</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Consumer Price Index Revision (1)</td>
<td>6,986</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-6,986</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Bureau of Labor Statistics</strong></td>
<td>433,877</td>
<td>453,632</td>
<td>440,000</td>
<td>446,584</td>
<td>451,584</td>
<td>+17,707</td>
<td>+11,584</td>
<td>+5,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>367,514</td>
<td>386,375</td>
<td>372,743</td>
<td>379,327</td>
<td>384,327</td>
<td>+16,813</td>
<td>+11,584</td>
<td>+5,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>66,363</td>
<td>67,257</td>
<td>67,257</td>
<td>67,257</td>
<td>67,257</td>
<td>+894</td>
<td>---</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td><strong>Departmental Management</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Direction</td>
<td>20,426</td>
<td>20,491</td>
<td>20,426</td>
<td>20,341</td>
<td>20,341</td>
<td>-95</td>
<td>-95</td>
<td>-1,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Departmental IT Crosscut</td>
<td>---</td>
<td>34,444</td>
<td>---</td>
<td>30,000</td>
<td>37,000</td>
<td>+37,000</td>
<td>+37,000</td>
<td>+7,000</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Legal Services</td>
<td>68,928</td>
<td>74,502</td>
<td>68,928</td>
<td>72,087</td>
<td>74,502</td>
<td>+5,574</td>
<td>+5,574</td>
<td>+2,415</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Trust Funds</td>
<td>310</td>
<td>319</td>
<td>310</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>+310</td>
<td></td>
</tr>
<tr>
<td>International Labor Affairs</td>
<td>70,000</td>
<td>167,006</td>
<td>70,000</td>
<td>115,000</td>
<td>148,150</td>
<td>+78,150</td>
<td>+78,150</td>
<td>+33,150</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Administration and Management</td>
<td>26,609</td>
<td>24,768</td>
<td>26,609</td>
<td>24,768</td>
<td>24,768</td>
<td>-1,841</td>
<td>-1,841</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Adjudication</td>
<td>23,664</td>
<td>25,070</td>
<td>23,664</td>
<td>24,745</td>
<td>24,745</td>
<td>+1,081</td>
<td>+1,081</td>
<td>---</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Women's Bureau</td>
<td>8,824</td>
<td>9,596</td>
<td>8,824</td>
<td>9,201</td>
<td>10,201</td>
<td>+1,377</td>
<td>+1,377</td>
<td>+1,000</td>
<td>D</td>
<td></td>
</tr>
</tbody>
</table>

(1) Two year availability.
<table>
<thead>
<tr>
<th><strong>Civil Rights Activities</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,684</td>
<td>6,384</td>
<td>5,684</td>
<td>5,848</td>
<td>5,848</td>
<td>+164</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Chief Financial Officer</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,793</td>
<td>5,972</td>
<td>5,793</td>
<td>5,972</td>
<td>5,972</td>
<td>+179</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Disability Policy</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,641</td>
<td>23,002</td>
<td>8,641</td>
<td>23,002</td>
<td>23,002</td>
<td>+14,361</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Total, Salaries and expenses</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>244,889</td>
<td>437,554</td>
<td>244,889</td>
<td>337,964</td>
<td>380,839</td>
<td>+135,950</td>
<td>+135,950</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Federal funds</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>244,579</td>
<td>437,235</td>
<td>244,579</td>
<td>337,964</td>
<td>380,529</td>
<td>+135,950</td>
<td>+135,950</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Trust funds</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>310</td>
<td>310</td>
<td>310</td>
<td>310</td>
<td>310</td>
<td>-</td>
<td>310</td>
</tr>
</tbody>
</table>

**VETERANS EMPLOYMENT AND TRAINING**

<table>
<thead>
<tr>
<th><strong>State Administration</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disabled Veterans Outreach Program</strong></td>
<td>80,215</td>
<td>81,615</td>
<td>80,215</td>
<td>81,615</td>
<td>81,615</td>
<td>+1,400</td>
<td>+1,400</td>
</tr>
<tr>
<td><strong>Local Veterans Employment Program</strong></td>
<td>77,253</td>
<td>77,253</td>
<td>77,253</td>
<td>77,253</td>
<td>77,253</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Subtotal, State Administration**

<table>
<thead>
<tr>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>157,468</td>
<td>158,668</td>
<td>157,468</td>
<td>158,668</td>
<td>158,668</td>
<td>+1,400</td>
<td>+1,400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Federal Administration</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26,873</td>
<td>29,045</td>
<td>26,873</td>
<td>28,045</td>
<td>28,045</td>
<td>+1,172</td>
<td>+1,172</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Homeless Veterans Program</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9,636</td>
<td>15,000</td>
<td>9,636</td>
<td>12,500</td>
<td>17,500</td>
<td>+7,864</td>
<td>+7,864</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Veterans Workforce Investment Programs</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7,300</td>
<td>7,300</td>
<td>7,300</td>
<td>7,300</td>
<td>7,300</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Total, Veterans Employment and Training**

<table>
<thead>
<tr>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>201,277</td>
<td>210,213</td>
<td>201,277</td>
<td>206,713</td>
<td>211,713</td>
<td>+10,436</td>
<td>+10,436</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Federal Funds</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16,936</td>
<td>22,300</td>
<td>16,936</td>
<td>19,800</td>
<td>24,800</td>
<td>+7,864</td>
<td>+7,864</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Trust funds</strong></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>Senate</th>
<th>House</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>184,341</td>
<td>187,913</td>
<td>184,341</td>
<td>186,913</td>
<td>186,913</td>
<td>+2,572</td>
<td>+2,572</td>
</tr>
<tr>
<td></td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Mand</td>
<td>Conference vs Mand</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>--------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>OFFICE OF THE INSPECTOR GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Activities</td>
<td>42,346</td>
<td>44,563</td>
<td>42,346</td>
<td>43,201</td>
<td>43,201</td>
<td>+855</td>
<td>+855</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>3,830</td>
<td>4,770</td>
<td>3,830</td>
<td>4,770</td>
<td>4,770</td>
<td>+940</td>
<td>+940</td>
</tr>
<tr>
<td>Executive Direction and Management</td>
<td>5,749</td>
<td>6,814</td>
<td>5,749</td>
<td>6,814</td>
<td>6,814</td>
<td>+1,065</td>
<td>+1,065</td>
</tr>
<tr>
<td><strong>Total, Office of the Inspector General</strong></td>
<td>51,925</td>
<td>56,147</td>
<td>51,925</td>
<td>54,785</td>
<td>54,785</td>
<td>+2,860</td>
<td>+2,860</td>
</tr>
<tr>
<td>Federal funds</td>
<td>48,095</td>
<td>51,377</td>
<td>48,095</td>
<td>50,015</td>
<td>50,015</td>
<td>+1,920</td>
<td>+1,920</td>
</tr>
<tr>
<td>Trust funds</td>
<td>3,830</td>
<td>4,770</td>
<td>3,830</td>
<td>4,770</td>
<td>4,770</td>
<td>+940</td>
<td>+940</td>
</tr>
<tr>
<td><strong>Total, Departmental Management</strong></td>
<td>498,091</td>
<td>703,914</td>
<td>498,091</td>
<td>599,462</td>
<td>667,337</td>
<td>+169,246</td>
<td>+149,246</td>
</tr>
<tr>
<td>Federal funds</td>
<td>309,610</td>
<td>510,912</td>
<td>309,610</td>
<td>407,779</td>
<td>455,344</td>
<td>+145,734</td>
<td>+145,734</td>
</tr>
<tr>
<td>Trust funds</td>
<td>188,481</td>
<td>193,002</td>
<td>188,481</td>
<td>191,683</td>
<td>191,993</td>
<td>+3,512</td>
<td>+3,512</td>
</tr>
<tr>
<td><strong>Total, Labor Department</strong></td>
<td>13,090,684</td>
<td>14,329,276</td>
<td>12,626,598</td>
<td>13,609,013</td>
<td>15,816,022</td>
<td>+1,189,424</td>
<td>+407,009</td>
</tr>
<tr>
<td>Federal funds</td>
<td>9,717,568</td>
<td>10,815,380</td>
<td>9,258,578</td>
<td>9,991,951</td>
<td>10,322,382</td>
<td>+604,814</td>
<td>+1,065,804</td>
</tr>
<tr>
<td>Current Year</td>
<td>(7,254,568)</td>
<td>(8,352,380)</td>
<td>(6,795,578)</td>
<td>(7,528,951)</td>
<td>(7,859,382)</td>
<td>(+604,814)</td>
<td>(+1,065,804)</td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(+2,463,000)</td>
<td>(+2,463,000)</td>
</tr>
<tr>
<td>Trust funds</td>
<td>3,373,116</td>
<td>3,515,896</td>
<td>3,368,020</td>
<td>3,417,062</td>
<td>3,493,640</td>
<td>+120,524</td>
<td>+125,620</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONGRESSIONAL RECORD—HOUSE
<table>
<thead>
<tr>
<th>Health Resources and Services Administration</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Health Centers</strong></td>
<td>1,018,700</td>
<td>1,068,700</td>
<td>1,100,000</td>
<td>1,168,700</td>
<td>1,168,700</td>
<td>+150,000 +68,700</td>
</tr>
<tr>
<td><strong>National Health Service Corps:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field placements</td>
<td>38,182</td>
<td>38,116</td>
<td>39,823</td>
<td>38,116</td>
<td>41,523</td>
<td>+3,341 +1,700 +3407 D</td>
</tr>
<tr>
<td>Recruitment</td>
<td>78,625</td>
<td>78,625</td>
<td>81,524</td>
<td>78,625</td>
<td>87,924</td>
<td>+9,299 +6,400 +9,299 D</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>116,807</td>
<td>116,741</td>
<td>121,347</td>
<td>116,741</td>
<td>129,447</td>
<td>+12,640 +8,100 +12,706 D</td>
</tr>
<tr>
<td><strong>Health Professions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training for Diversity:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Centers of Excellence</td>
<td>25,641</td>
<td>30,641</td>
<td>28,197</td>
<td>---</td>
<td>30,641</td>
<td>+5,000 +2,444 +30,641 D</td>
</tr>
<tr>
<td>Health careers opportunity program</td>
<td>27,799</td>
<td>32,799</td>
<td>30,570</td>
<td>---</td>
<td>32,799</td>
<td>+5,000 +2,229 +32,799 D</td>
</tr>
<tr>
<td>Faculty loan repayment</td>
<td>1,100</td>
<td>1,100</td>
<td>1,210</td>
<td>---</td>
<td>1,330</td>
<td>+230 +120 +1,330 D</td>
</tr>
<tr>
<td>Scholarships for disadvantaged students</td>
<td>38,099</td>
<td>38,099</td>
<td>41,896</td>
<td>---</td>
<td>44,477</td>
<td>+6,378 +2,581 +44,477 D</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>92,639</td>
<td>102,630</td>
<td>101,873</td>
<td>---</td>
<td>109,247</td>
<td>+16,608 +7,374 +109,247 D</td>
</tr>
<tr>
<td>Training in Primary Care Medicine and Dentistry</td>
<td>78,267</td>
<td>---</td>
<td>86,068</td>
<td>---</td>
<td>91,068</td>
<td>+12,801 +5,000 +91,068 D</td>
</tr>
<tr>
<td>Interdisciplinary Community Based Linkages:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area health education centers</td>
<td>28,587</td>
<td>28,587</td>
<td>31,436</td>
<td>---</td>
<td>33,367</td>
<td>+4,780 +1,931 +33,367 D</td>
</tr>
<tr>
<td>Health education and training centers</td>
<td>3,765</td>
<td>3,765</td>
<td>4,140</td>
<td>---</td>
<td>4,406</td>
<td>+639 +264 +4,404 D</td>
</tr>
<tr>
<td>Allied health and other disciplines</td>
<td>7,355</td>
<td>3,838</td>
<td>7,076</td>
<td>---</td>
<td>8,424</td>
<td>+1,358 +8,424 D</td>
</tr>
<tr>
<td>Geriatric programs</td>
<td>10,640</td>
<td>---</td>
<td>11,701</td>
<td>---</td>
<td>12,412</td>
<td>+1,772 +741 +12,412 D</td>
</tr>
<tr>
<td>Quentin W. Burdick pgm for rural training</td>
<td>5,132</td>
<td>4,720</td>
<td>5,644</td>
<td>---</td>
<td>5,989</td>
<td>+857 +345 +5,989 D</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>55,699</td>
<td>66,910</td>
<td>59,997</td>
<td>---</td>
<td>64,596</td>
<td>+9,117 +4,609 +64,596 D</td>
</tr>
<tr>
<td>Health Professions Workforce Info &amp; Analysis</td>
<td>714</td>
<td>714</td>
<td>785</td>
<td>714</td>
<td>826</td>
<td>+112 +41 +112 D</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Public health, preventive med. &amp; dental pppns</td>
<td>8,121</td>
<td>8,121</td>
<td>8,530</td>
<td>...</td>
<td>9,479</td>
<td>+1,358</td>
</tr>
<tr>
<td>Health administration programs</td>
<td>1,112</td>
<td>...</td>
<td>1,223</td>
<td>...</td>
<td>1,231</td>
<td>+119</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>9,233</td>
<td>8,121</td>
<td>10,153</td>
<td>...</td>
<td>10,710</td>
<td>+1,477</td>
</tr>
<tr>
<td>Children's Hospitals Graduate Medical Educ</td>
<td>40,000</td>
<td>80,000</td>
<td>80,000</td>
<td>...</td>
<td>235,000</td>
<td>+195,000</td>
</tr>
<tr>
<td>Advanced Education Nursing</td>
<td>50,597</td>
<td>50,597</td>
<td>55,640</td>
<td>...</td>
<td>59,055</td>
<td>+8,458</td>
</tr>
<tr>
<td>Basic nurse education and practice</td>
<td>10,968</td>
<td>10,968</td>
<td>12,061</td>
<td>...</td>
<td>12,703</td>
<td>+1,825</td>
</tr>
<tr>
<td>Nursing workforce diversity</td>
<td>4,010</td>
<td>4,010</td>
<td>4,610</td>
<td>...</td>
<td>4,674</td>
<td>+664</td>
</tr>
<tr>
<td>Consolidated Health Professions</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>230,000</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td><strong>Subtotal, Health professions</strong></td>
<td>341,907</td>
<td>297,959</td>
<td>410,987</td>
<td>230,714</td>
<td>587,949</td>
<td>+246,062</td>
</tr>
<tr>
<td>Other HRSA Programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hansen's Disease Services</td>
<td>20,042</td>
<td>17,016</td>
<td>17,016</td>
<td>17,016</td>
<td>17,916</td>
<td>-2,126</td>
</tr>
<tr>
<td>Maternal &amp; Child Health Block Grant</td>
<td>709,130</td>
<td>709,130</td>
<td>709,130</td>
<td>709,130</td>
<td>714,230</td>
<td>+5,100</td>
</tr>
<tr>
<td>Abstinence Education</td>
<td></td>
<td>(20,000)</td>
<td>(20,000)</td>
<td>(20,000)</td>
<td>(20,000)</td>
<td>(+20,000)</td>
</tr>
<tr>
<td>Pres. Proposed Recission</td>
<td>...</td>
<td>(-20,000)</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>FY02</td>
<td>20,000</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>+10,000</td>
</tr>
<tr>
<td>Healthy Start</td>
<td>90,000</td>
<td>90,000</td>
<td>90,000</td>
<td>90,000</td>
<td>90,000</td>
<td>...</td>
</tr>
<tr>
<td>Universal Newborn Hearing</td>
<td>3,375</td>
<td>3,375</td>
<td>8,000</td>
<td>4,000</td>
<td>8,000</td>
<td>+4,625</td>
</tr>
<tr>
<td>Organ Transplantation</td>
<td>10,000</td>
<td>15,000</td>
<td>10,000</td>
<td>15,000</td>
<td>15,000</td>
<td>+5,000</td>
</tr>
<tr>
<td>Health Teaching Facilities Interest Subsidies</td>
<td>150</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Bone Marrow Program</td>
<td>18,000</td>
<td>17,959</td>
<td>22,000</td>
<td>17,959</td>
<td>22,000</td>
<td>+4,000</td>
</tr>
<tr>
<td>Rural outreach grants</td>
<td>35,880</td>
<td>38,892</td>
<td>30,867</td>
<td>38,892</td>
<td>58,218</td>
<td>+22,338</td>
</tr>
<tr>
<td>Rural Health Research</td>
<td>35,201</td>
<td>6,101</td>
<td>11,713</td>
<td>5,000</td>
<td>13,439</td>
<td>-19,762</td>
</tr>
<tr>
<td>Telehealth</td>
<td>...</td>
<td>5,612</td>
<td>...</td>
<td>25,000</td>
<td>35,981</td>
<td>+35,981</td>
</tr>
<tr>
<td>Dembil Commission</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>10,000</td>
</tr>
<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</td>
<td>FY 2000</td>
<td>FY 2001</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Comparable</td>
<td>Request</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ricky ray Hemophilia (1)</strong></td>
<td>75,000</td>
<td>100,000</td>
<td>100,000</td>
<td>85,000</td>
<td>---</td>
<td>75,000</td>
</tr>
<tr>
<td><strong>Critical care programs:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency medical services for children</td>
<td>17,000</td>
<td>15,000</td>
<td>19,000</td>
<td>15,000</td>
<td>19,000</td>
<td>+2,000</td>
</tr>
<tr>
<td><strong>Poison control</strong></td>
<td>3,000</td>
<td>1,500</td>
<td>6,600</td>
<td>26,000</td>
<td>20,000</td>
<td>+17,000</td>
</tr>
<tr>
<td><strong>Subtotal, Critical care programs</strong></td>
<td>20,000</td>
<td>16,500</td>
<td>25,600</td>
<td>41,000</td>
<td>39,000</td>
<td>+19,000</td>
</tr>
<tr>
<td><strong>Black lung clinics</strong></td>
<td>5,943</td>
<td>5,943</td>
<td>5,943</td>
<td>6,000</td>
<td>6,000</td>
<td>+57</td>
</tr>
<tr>
<td><strong>Trauma Care</strong></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>3,000</td>
<td>3,000</td>
<td>+3,000</td>
</tr>
<tr>
<td><strong>Nursing loan repayment for shortage area service</strong></td>
<td>2,279</td>
<td>2,279</td>
<td>2,279</td>
<td>2,279</td>
<td>2,279</td>
<td>---</td>
</tr>
<tr>
<td><strong>Payment to Hawaii, treatment of Hansen's</strong></td>
<td>2,045</td>
<td>2,045</td>
<td>2,045</td>
<td>2,045</td>
<td>2,045</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal, Other HRSA programs, FY01</strong></td>
<td>1,025,045</td>
<td>1,029,852</td>
<td>1,034,593</td>
<td>1,061,321</td>
<td>1,037,108</td>
<td>+12,063</td>
</tr>
<tr>
<td><strong>FY02</strong></td>
<td>---</td>
<td>20,000</td>
<td>---</td>
<td>30,000</td>
<td>---</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>Ryan White AIDS Programs:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Assistance**</td>
<td>566,500</td>
<td>586,500</td>
<td>586,500</td>
<td>556,500</td>
<td>604,200</td>
<td>+57,700</td>
</tr>
<tr>
<td>Comprehensive Care Programs**</td>
<td>824,000</td>
<td>864,000</td>
<td>864,000</td>
<td>834,000</td>
<td>911,000</td>
<td>+87,000</td>
</tr>
<tr>
<td>AIDS Drug Assistance Program (ADAP) (NA)</td>
<td>(528,000)</td>
<td>(554,000)</td>
<td>(554,000)</td>
<td>(538,000)</td>
<td>(589,000)</td>
<td>(+61,000)</td>
</tr>
<tr>
<td>Early Intervention Program</td>
<td>138,400</td>
<td>171,400</td>
<td>173,900</td>
<td>166,400</td>
<td>185,900</td>
<td>+47,500</td>
</tr>
<tr>
<td>Pediatric HIV/AIDS</td>
<td>51,000</td>
<td>60,000</td>
<td>60,000</td>
<td>58,450</td>
<td>65,000</td>
<td>+14,000</td>
</tr>
<tr>
<td>AIDS Dental Services</td>
<td>8,000</td>
<td>8,500</td>
<td>9,000</td>
<td>8,000</td>
<td>10,000</td>
<td>+2,000</td>
</tr>
<tr>
<td>Education and Training Centers</td>
<td>26,650</td>
<td>29,150</td>
<td>31,600</td>
<td>26,650</td>
<td>31,600</td>
<td>+5,950</td>
</tr>
<tr>
<td><strong>Subtotal, Ryan White AIDS programs</strong></td>
<td>1,504,150</td>
<td>1,719,550</td>
<td>1,725,000</td>
<td>1,650,000</td>
<td>1,807,700</td>
<td>+213,150</td>
</tr>
<tr>
<td><strong>Family Planning</strong></td>
<td>238,932</td>
<td>273,932</td>
<td>238,932</td>
<td>253,932</td>
<td>253,932</td>
<td>+15,000</td>
</tr>
<tr>
<td><strong>Health Care and Other Facilities</strong></td>
<td>118,080</td>
<td>---</td>
<td>---</td>
<td>10,000</td>
<td>226,224</td>
<td>+108,144</td>
</tr>
</tbody>
</table>

(1) $105 million is provided in mandatory spending in this bill.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and Facilities</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>--</td>
<td>--</td>
<td>D</td>
</tr>
<tr>
<td>Rural Hospital Flexibility Grants</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>--</td>
<td>--</td>
<td>D</td>
</tr>
<tr>
<td>National Practitioner Data Bank</td>
<td>16,000</td>
<td>17,200</td>
<td>17,200</td>
<td>17,200</td>
<td>17,200</td>
<td>+1,200</td>
<td>--</td>
<td>D</td>
</tr>
<tr>
<td>User Fees</td>
<td>-16,000</td>
<td>-17,200</td>
<td>-17,200</td>
<td>-17,200</td>
<td>-17,200</td>
<td>-1,200</td>
<td>--</td>
<td>D</td>
</tr>
<tr>
<td>Health Care Integrity and Protection Data Bank</td>
<td>3,238</td>
<td>4,317</td>
<td>4,317</td>
<td>4,317</td>
<td>4,317</td>
<td>+1,079</td>
<td>--</td>
<td>D</td>
</tr>
<tr>
<td>Health Care Access for the Uninsured</td>
<td>40,000</td>
<td>125,000</td>
<td>---</td>
<td>25,000</td>
<td>140,000</td>
<td>+100,000</td>
<td>+140,000</td>
<td>+115,000 D</td>
</tr>
<tr>
<td>Adoption Awareness</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>9,900</td>
<td>9,900</td>
<td>+9,900</td>
<td>+9,900</td>
<td>+9,900 D</td>
</tr>
<tr>
<td>Program Management</td>
<td>123,864</td>
<td>124,353</td>
<td>128,123</td>
<td>135,766</td>
<td>139,246</td>
<td>+15,382</td>
<td>+11,123</td>
<td>+3,680 D</td>
</tr>
</tbody>
</table>

**Total, Health resources and services**

4,693,135        4,781,337        4,814,232        4,677,426        5,555,476        +892,341        +741,244        +878,052

Current year

(4,643,135)       (4,781,337)       (4,814,232)       (4,677,426)       (5,525,476)       (+882,341)       (+741,244)       (+848,052)

*Advance Year, FY02*

(20,000)          ---                ---                (30,000)          ---                (30,000)                (+10,000)                ---                (+30,000) D

**MEDICAL FACILITIES GUARANTEE AND LOAN FUND:**

Interest subsidy program

1,000              ---                ---                ---                ---                ---                ---                ---                M

**HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):**

Liquidating account

(15,000)          (10,000)          (10,000)          (10,000)          (10,000)         (-5,000)         ---                ---                NA

Program management


**VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:**

Post-FY02 claims

62,301             114,355           114,355           114,355           114,355           52,054           ---                ---                M

HRSA administration

2,999              2,992             2,992             2,992             2,992             2,992             2,992             2,992             2,992

Total, Vaccine inquiry

65,300             117,347           117,347           117,347           117,347           52,047           ---                ---                ---

**Total, Health Resources & Services Admin.**

4,753,122         4,902,563         4,935,258         4,798,450         5,676,502         +943,380         +741,244         +878,052

Current year

(4,713,122)       (4,902,563)       (4,905,258)       (4,798,450)       (5,646,502)       (+933,380)       (+741,244)       (+848,052)

*Advance Year, FY02*

(20,000)          ---                ---                (30,000)          ---                (30,000)                (+10,000)                ---                (+30,000)
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Markup Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CENFORS FOR DISEASE CONTROL AND PREVENTION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disease Control, Research and Training</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive Health Services Block Grant</td>
<td>176,063</td>
<td>175,904</td>
<td>175,904</td>
<td>175,124</td>
<td>175,904</td>
<td>-74</td>
<td>+5</td>
<td>+865 D</td>
</tr>
<tr>
<td>Prevention Centers</td>
<td>17,119</td>
<td>14,080</td>
<td>23,000</td>
<td>14,080</td>
<td>23,012</td>
<td>+5,893</td>
<td>+12</td>
<td>+8,932 D</td>
</tr>
<tr>
<td>CDC/HFIA vaccine program</td>
<td>461,966</td>
<td>467,505</td>
<td>472,966</td>
<td>499,005</td>
<td>529,461</td>
<td>+67,495</td>
<td>+58,495</td>
<td>+30,456 D</td>
</tr>
<tr>
<td>Childhood Immunization</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HCFIA vaccine purchase (NA)</td>
<td>(545,043)</td>
<td>(469,054)</td>
<td>(469,054)</td>
<td>(469,054)</td>
<td>(469,054)</td>
<td>(-75,989)</td>
<td>---</td>
<td>--- NA</td>
</tr>
<tr>
<td><strong>Subtotal, CDC/HFIA vaccine program level</strong></td>
<td>(1,007,009)</td>
<td>(796,559)</td>
<td>(942,520)</td>
<td>(968,059)</td>
<td>(998,515)</td>
<td>(-8,494)</td>
<td>(-16,495)</td>
<td>(+30,656)</td>
</tr>
<tr>
<td>Communicable Diseases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIDS</td>
<td>619,715</td>
<td>669,791</td>
<td>673,567</td>
<td>640,000</td>
<td>767,246</td>
<td>+167,531</td>
<td>+93,879</td>
<td>+127,246 D</td>
</tr>
<tr>
<td>Tuberculosis</td>
<td>120,420</td>
<td>113,413</td>
<td>120,364</td>
<td>113,413</td>
<td>126,528</td>
<td>+6,164</td>
<td>+6,164</td>
<td>+13,115 D</td>
</tr>
<tr>
<td>Sexually Transmitted Diseases</td>
<td>121,809</td>
<td>131,978</td>
<td>136,743</td>
<td>135,978</td>
<td>148,256</td>
<td>+26,477</td>
<td>+11,513</td>
<td>+12,278 D</td>
</tr>
<tr>
<td>Chronic Diseases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chronic and Environmental Disease Prevention</td>
<td>297,005</td>
<td>293,114</td>
<td>317,174</td>
<td>319,553</td>
<td>417,039</td>
<td>+120,034</td>
<td>+99,465</td>
<td>+97,486 D</td>
</tr>
<tr>
<td>Breast and Cervical Cancer Screening</td>
<td>156,016</td>
<td>160,235</td>
<td>160,941</td>
<td>167,016</td>
<td>173,928</td>
<td>+17,912</td>
<td>+12,987</td>
<td>+6,912 D</td>
</tr>
<tr>
<td>Infectious Diseases</td>
<td>97,910</td>
<td>152,068</td>
<td>111,622</td>
<td>112,000</td>
<td>181,701</td>
<td>+83,079</td>
<td>+70,079</td>
<td>+69,079 D</td>
</tr>
<tr>
<td>Lead Poisoning Prevention</td>
<td>31,036</td>
<td>30,978</td>
<td>31,019</td>
<td>30,978</td>
<td>34,933</td>
<td>+5,997</td>
<td>+3,914</td>
<td>+3,955 D</td>
</tr>
<tr>
<td>Injury Control</td>
<td>66,298</td>
<td>71,060</td>
<td>66,298</td>
<td>69,000</td>
<td>77,332</td>
<td>+11,034</td>
<td>+11,034</td>
<td>+8,332 D</td>
</tr>
<tr>
<td>Occupational Safety and Health (NOSH) (1)</td>
<td>86,819</td>
<td>91,534</td>
<td>86,346</td>
<td>105,000</td>
<td>119,375</td>
<td>+32,556</td>
<td>+33,029</td>
<td>+14,375 D</td>
</tr>
<tr>
<td>Episodic Services</td>
<td>30,374</td>
<td>30,254</td>
<td>155,338</td>
<td>30,254</td>
<td>174,851</td>
<td>+144,477</td>
<td>+19,513</td>
<td>+144,597 D</td>
</tr>
<tr>
<td>National Center for Health Statistics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Operations</td>
<td>15,069</td>
<td>13,981</td>
<td>15,069</td>
<td>13,981</td>
<td>25,664</td>
<td>+10,595</td>
<td>+10,595</td>
<td>+11,683 D</td>
</tr>
<tr>
<td>Budget Authority</td>
<td>(71,600)</td>
<td>(71,600)</td>
<td>(71,600)</td>
<td>(91,129)</td>
<td>(71,600)</td>
<td>---</td>
<td>---</td>
<td>--- (-19,439) NA</td>
</tr>
<tr>
<td>1% evaluation funds (NA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Health Statistics program level</strong></td>
<td>(86,759)</td>
<td>(90,671)</td>
<td>(86,759)</td>
<td>(105,110)</td>
<td>(97,356)</td>
<td>(+10,595)</td>
<td>(+10,595)</td>
<td>(-7,756)</td>
</tr>
</tbody>
</table>

(1) Includes Mine Safety and Health.
<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and facilities</td>
<td>57,131</td>
<td>127,074</td>
<td>145,000</td>
<td>175,000</td>
<td>175,000</td>
<td>+117,869</td>
<td>+30,000</td>
<td>0</td>
</tr>
<tr>
<td>Prevention research</td>
<td>13,000</td>
<td>13,386</td>
<td>14,000</td>
<td>13,386</td>
<td>13,593</td>
<td>+593</td>
<td>+407</td>
<td>+207</td>
</tr>
<tr>
<td>Health disparities demonstration</td>
<td>27,199</td>
<td>31,668</td>
<td>32,184</td>
<td>27,000</td>
<td>35,009</td>
<td>+7,810</td>
<td>+2,825</td>
<td>+8,009</td>
</tr>
<tr>
<td>CDC Program Administration</td>
<td>647,782</td>
<td>692,564</td>
<td>648,774</td>
<td>626,228</td>
<td>669,130</td>
<td>+21,348</td>
<td>+20,356</td>
<td>+42,902</td>
</tr>
<tr>
<td>S&amp;E Reduction</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-15,000</td>
<td>---</td>
<td>---</td>
<td>+15,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total, Disease Control (1)</strong></td>
<td><strong>3,042,711</strong></td>
<td><strong>3,259,487</strong></td>
<td><strong>3,316,369</strong></td>
<td><strong>3,251,996</strong></td>
<td><strong>3,568,027</strong></td>
<td><strong>+825,316</strong></td>
<td><strong>+481,658</strong></td>
<td><strong>+616,031</strong></td>
</tr>
</tbody>
</table>

(1) Totals may not match passed bill totals as amounts have been moved from PHSSEF for comparable purposes.
<p>| Labor, Health and Human Services, Education, and Related Agencies, 2001 ($000) |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| FY 2000 Comparable | FY 2001 Request | House | Senate | Conference | FY 2000 House | Senate | Disc |
| National Institutes of Health |
| National Cancer Institute | 3,110,992 | 3,505,072 | 3,793,587 | 3,804,086 | 3,757,242 | +446,250 | -36,355 | -66,842 | D |
| AIDS (NA) | -- | (255,342) | -- | -- | -- | -- | -- | -- | NA |
| Subtotal, NCI | (3,110,992) | (3,505,072) | (3,793,587) | (3,804,086) | (3,757,242) | (+446,250) | (-36,355) | (-66,842) | NA |
| National Heart, Lung, and Blood Institute | 2,026,006 | 2,156,757 | 2,132,320 | 2,132,102 | 2,299,866 | +273,860 | -21,454 | -28,236 | D |
| AIDS (NA) | -- | (67,175) | -- | -- | -- | -- | -- | -- | NA |
| Subtotal, NHLBI | (2,026,006) | (2,156,757) | (2,132,320) | (2,132,102) | (2,299,866) | (+273,860) | (-21,454) | (-28,236) | NA |
| National Institute of Dental &amp; Craniofacial Research | 269,129 | 284,175 | 309,007 | 309,923 | 306,448 | +37,319 | -2,559 | -3,475 | D |
| AIDS (NA) | -- | (21,100) | -- | -- | -- | -- | -- | -- | NA |
| Subtotal, NIDCR | (269,129) | (284,175) | (309,007) | (309,923) | (306,448) | (+37,319) | (-2,559) | (-3,475) | NA |
| National Institute of Diabetes and Digestive and Kidney Diseases | 1,141,176 | 1,209,173 | 1,315,530 | 1,318,106 | 1,303,385 | +162,209 | -12,145 | -14,721 | D |
| AIDS (NA) | -- | (22,007) | -- | -- | -- | -- | -- | -- | NA |
| Subtotal, NIDDK | (1,141,176) | (1,209,173) | (1,315,530) | (1,318,106) | (1,303,385) | (+162,209) | (-12,145) | (-14,721) | NA |
| National Institute of Neurological Disorders &amp; Stroke | 1,029,528 | 1,084,828 | 1,185,767 | 1,189,425 | 1,176,422 | +146,954 | -9,285 | -12,943 | D |
| AIDS (NA) | -- | (34,616) | -- | -- | -- | -- | -- | -- | NA |
| Subtotal, NINDS | (1,029,528) | (1,084,828) | (1,185,767) | (1,189,425) | (1,176,422) | (+146,954) | (-9,285) | (-12,943) | NA |
| National Institute of Allergy and Infectious Diseases | 1,776,571 | 1,906,213 | 2,062,126 | 2,066,526 | 2,043,208 | +266,637 | -18,918 | -23,318 | D |
| AIDS (NA) | -- | (971,047) | -- | -- | -- | -- | -- | -- | NA |
| Subtotal, NIAID | (1,776,571) | (1,906,213) | (2,062,126) | (2,066,526) | (2,043,208) | (+266,637) | (-18,918) | (-23,318) | D |</p>
<table>
<thead>
<tr>
<th>Agency</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs</th>
<th>Mand</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Institute of General Medical Sciences</td>
<td>1,353,660</td>
<td>1,428,188</td>
<td>1,568,313</td>
<td>1,554,176</td>
<td>1,535,823</td>
<td>182,163</td>
<td>-12,400</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIGMS</td>
<td>(1,353,660)</td>
<td>(1,428,188)</td>
<td>(1,568,313)</td>
<td>(1,554,176)</td>
<td>(1,535,823)</td>
<td>(182,163)</td>
<td>(-12,400)</td>
</tr>
<tr>
<td>National Institute of Child Health &amp; Human Development</td>
<td>859,079</td>
<td>904,705</td>
<td>984,300</td>
<td>986,069</td>
<td>976,455</td>
<td>117,376</td>
<td>-7,865</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NICHD</td>
<td>(859,079)</td>
<td>(904,705)</td>
<td>(984,300)</td>
<td>(986,069)</td>
<td>(976,455)</td>
<td>(117,376)</td>
<td>(-7,865)</td>
</tr>
<tr>
<td>National Eye Institute</td>
<td>450,007</td>
<td>473,952</td>
<td>514,673</td>
<td>516,605</td>
<td>510,611</td>
<td>60,604</td>
<td>-4,062</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NEI</td>
<td>(450,007)</td>
<td>(473,952)</td>
<td>(514,673)</td>
<td>(516,605)</td>
<td>(510,611)</td>
<td>(60,604)</td>
<td>(-4,062)</td>
</tr>
<tr>
<td>National Institute of Environmental Health Sciences</td>
<td>442,596</td>
<td>468,649</td>
<td>506,730</td>
<td>508,263</td>
<td>502,549</td>
<td>59,953</td>
<td>-4,181</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIEMS</td>
<td>(442,596)</td>
<td>(468,649)</td>
<td>(506,730)</td>
<td>(508,263)</td>
<td>(502,549)</td>
<td>(59,953)</td>
<td>(-4,181)</td>
</tr>
<tr>
<td>National Institute on Aging</td>
<td>687,717</td>
<td>725,949</td>
<td>790,299</td>
<td>794,625</td>
<td>786,039</td>
<td>98,322</td>
<td>-4,260</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIA</td>
<td>(687,717)</td>
<td>(725,949)</td>
<td>(790,299)</td>
<td>(794,625)</td>
<td>(786,039)</td>
<td>(98,322)</td>
<td>(-4,260)</td>
</tr>
<tr>
<td>National Institute of Arthritis and Musculoskeletal and Skin Diseases</td>
<td>349,407</td>
<td>368,712</td>
<td>400,025</td>
<td>401,161</td>
<td>396,687</td>
<td>47,780</td>
<td>-3,338</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIAMS</td>
<td>(349,407)</td>
<td>(368,712)</td>
<td>(400,025)</td>
<td>(401,161)</td>
<td>(396,687)</td>
<td>(47,780)</td>
<td>(-3,338)</td>
</tr>
<tr>
<td>National Institute on Deafness and Other Communication Disorders</td>
<td>263,606</td>
<td>278,009</td>
<td>301,787</td>
<td>303,541</td>
<td>300,581</td>
<td>36,975</td>
<td>-1,206</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIDCD</td>
<td>(263,606)</td>
<td>(278,009)</td>
<td>(301,787)</td>
<td>(303,541)</td>
<td>(300,581)</td>
<td>(36,975)</td>
<td>(-1,206)</td>
</tr>
<tr>
<td>Agency</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs House</td>
<td>Senate</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>----------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>National Institute of Nursing Research</td>
<td>89,521</td>
<td>92,524</td>
<td>107,312</td>
<td>106,848</td>
<td>104,370</td>
<td>+16,849</td>
<td>-2,058</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(7,810)</td>
<td>(7,810)</td>
<td>(7,810)</td>
<td>(7,810)</td>
<td>(7,810)</td>
<td>(7,810)</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIH</td>
<td>(89,521)</td>
<td>(90,324)</td>
<td>(107,312)</td>
<td>(106,848)</td>
<td>(104,370)</td>
<td>(+16,849)</td>
<td>(+2,058)</td>
</tr>
<tr>
<td>National Institute on Alcohol Abuse and Alcoholism</td>
<td>203,173</td>
<td>308,661</td>
<td>349,216</td>
<td>336,848</td>
<td>340,678</td>
<td>+47,505</td>
<td>-8,538</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(20,083)</td>
<td>(20,083)</td>
<td>(20,083)</td>
<td>(20,083)</td>
<td>(20,083)</td>
<td>(20,083)</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NIAAA</td>
<td>(203,173)</td>
<td>(328,661)</td>
<td>(369,216)</td>
<td>(336,848)</td>
<td>(340,678)</td>
<td>(+47,505)</td>
<td>(-8,538)</td>
</tr>
<tr>
<td>National Institute on Drug Abuse</td>
<td>687,232</td>
<td>725,667</td>
<td>788,201</td>
<td>790,036</td>
<td>781,327</td>
<td>+94,295</td>
<td>-6,874</td>
</tr>
<tr>
<td>Subtotal, NIDA</td>
<td>(687,232)</td>
<td>(725,667)</td>
<td>(788,201)</td>
<td>(790,036)</td>
<td>(781,327)</td>
<td>(+94,295)</td>
<td>(-6,874)</td>
</tr>
<tr>
<td>National Institute of Mental Health</td>
<td>974,470</td>
<td>1,031,353</td>
<td>1,114,638</td>
<td>1,117,928</td>
<td>1,107,028</td>
<td>+132,558</td>
<td>-7,610</td>
</tr>
<tr>
<td>Subtotal, NIMH</td>
<td>(974,470)</td>
<td>(1,031,353)</td>
<td>(1,114,638)</td>
<td>(1,117,928)</td>
<td>(1,107,028)</td>
<td>(+132,558)</td>
<td>(-7,610)</td>
</tr>
<tr>
<td>National Human Genome Research Institute</td>
<td>335,792</td>
<td>357,740</td>
<td>386,410</td>
<td>385,888</td>
<td>382,384</td>
<td>+46,592</td>
<td>-6,026</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(4,313)</td>
<td>(4,313)</td>
<td>(4,313)</td>
<td>(4,313)</td>
<td>(4,313)</td>
<td>(4,313)</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NHGRI</td>
<td>(335,792)</td>
<td>(357,740)</td>
<td>(386,410)</td>
<td>(385,888)</td>
<td>(382,384)</td>
<td>(+46,592)</td>
<td>(+4,026)</td>
</tr>
<tr>
<td>National Center for Research Resources</td>
<td>674,913</td>
<td>714,192</td>
<td>832,027</td>
<td>775,212</td>
<td>817,675</td>
<td>+142,562</td>
<td>-14,552</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(111,464)</td>
<td>(111,464)</td>
<td>(111,464)</td>
<td>(111,464)</td>
<td>(111,464)</td>
<td>(111,464)</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, NCRR</td>
<td>(674,913)</td>
<td>(714,192)</td>
<td>(832,027)</td>
<td>(775,212)</td>
<td>(817,675)</td>
<td>(+142,562)</td>
<td>(+14,552)</td>
</tr>
<tr>
<td>National Center for Complementary and Alternative Medicine</td>
<td>68,907</td>
<td>72,392</td>
<td>78,880</td>
<td>100,089</td>
<td>89,211</td>
<td>+20,214</td>
<td>+10,331</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td>(1,030)</td>
<td>(1,030)</td>
<td>(1,030)</td>
<td>(1,030)</td>
<td>(1,030)</td>
<td>(1,030)</td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, WCCAM</td>
<td>(68,907)</td>
<td>(72,392)</td>
<td>(78,880)</td>
<td>(100,089)</td>
<td>(89,211)</td>
<td>(+20,214)</td>
<td>(+10,331)</td>
</tr>
<tr>
<td>National Center on Minority Health and Health Disparities (1)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs FY 2000</td>
<td>House</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>-------</td>
<td>-----------</td>
<td>----------------------</td>
<td>-------</td>
</tr>
<tr>
<td>John E. Fogarty International Center</td>
<td>43,319</td>
<td>48,011</td>
<td>50,299</td>
<td>61,260</td>
<td>50,514</td>
<td>+7,195</td>
<td>+215</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, FIC.</td>
<td>(43,319)</td>
<td>(48,011)</td>
<td>(50,299)</td>
<td>(61,260)</td>
<td>(50,514)</td>
<td>(+7,195)</td>
<td>(+215)</td>
</tr>
<tr>
<td>National Library of Medicine</td>
<td>215,154</td>
<td>230,135</td>
<td>256,281</td>
<td>256,953</td>
<td>246,801</td>
<td>+31,647</td>
<td>-9,480</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, NLW.</td>
<td>(215,154)</td>
<td>(230,135)</td>
<td>(256,281)</td>
<td>(256,953)</td>
<td>(246,801)</td>
<td>(+31,647)</td>
<td>(-9,480)</td>
</tr>
<tr>
<td>AIDS (NA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings and facilities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>125,350</td>
<td>148,900</td>
<td>178,700</td>
<td>164,900</td>
<td>153,790</td>
<td>+28,440</td>
<td>-26,910</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>(40,000)</td>
<td>188,300</td>
<td>178,700</td>
<td>194,900</td>
<td>163,790</td>
<td>-28,440</td>
<td>+26,910</td>
</tr>
<tr>
<td>Office of AIDS Research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, OD.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, National Institutes of Health</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Year, FY01</td>
<td>17,740,336</td>
<td>18,812,735</td>
<td>20,512,735</td>
<td>20,512,735</td>
<td>20,312,735</td>
<td>+2,563,399</td>
<td>-200,000</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total N.I.H. program level</td>
<td>17,780,336</td>
<td>18,812,735</td>
<td>20,512,735</td>
<td>20,512,735</td>
<td>20,312,735</td>
<td>+2,523,399</td>
<td>-200,000</td>
</tr>
</tbody>
</table>

(1) Reflects establishment of NCMHD, previously funded under the Office of the Director.
<table>
<thead>
<tr>
<th>SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programs of Regional and National Significance</td>
<td>156,875</td>
<td>166,875</td>
<td>132,749</td>
<td>146,875</td>
<td>203,674</td>
<td>+66,799</td>
<td>+70,925</td>
<td>+56,799</td>
<td>0</td>
</tr>
<tr>
<td>Mental Health Performance Partnership</td>
<td>356,000</td>
<td>416,000</td>
<td>346,000</td>
<td>366,000</td>
<td>420,000</td>
<td>+64,000</td>
<td>+4,000</td>
<td>+54,000</td>
<td>0</td>
</tr>
<tr>
<td>Children's Mental Health</td>
<td>82,763</td>
<td>86,763</td>
<td>86,763</td>
<td>86,763</td>
<td>91,763</td>
<td>+9,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td>0</td>
</tr>
<tr>
<td>Grants to States for the Homeless (PATH)</td>
<td>30,883</td>
<td>35,883</td>
<td>30,883</td>
<td>36,883</td>
<td>36,883</td>
<td>+6,000</td>
<td>+6,000</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Protection and Advocacy</td>
<td>24,903</td>
<td>25,903</td>
<td>24,903</td>
<td>25,903</td>
<td>30,000</td>
<td>+5,097</td>
<td>+5,097</td>
<td>+4,097</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal, Mental Health</td>
<td>631,424</td>
<td>731,424</td>
<td>691,298</td>
<td>662,424</td>
<td>782,320</td>
<td>+150,896</td>
<td>+91,022</td>
<td>+119,896</td>
<td>0</td>
</tr>
<tr>
<td>Substance Abuse Treatment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programs of Regional and National Significance</td>
<td>214,566</td>
<td>258,420</td>
<td>213,716</td>
<td>249,566</td>
<td>256,315</td>
<td>+41,749</td>
<td>+42,599</td>
<td>+6,749</td>
<td>0</td>
</tr>
<tr>
<td>Substance Abuse Performance Partnership</td>
<td>1,600,000</td>
<td>1,631,000</td>
<td>1,631,000</td>
<td>1,665,000</td>
<td>1,650,000</td>
<td>+65,000</td>
<td>+36,000</td>
<td>+34,000</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal, Substance Abuse Treatment</td>
<td>1,814,566</td>
<td>1,889,420</td>
<td>1,844,716</td>
<td>1,880,566</td>
<td>1,921,315</td>
<td>+106,749</td>
<td>+76,599</td>
<td>+40,749</td>
<td>0</td>
</tr>
<tr>
<td>Substance Abuse Prevention:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programs of Regional and National Significance</td>
<td>146,824</td>
<td>142,229</td>
<td>132,742</td>
<td>127,824</td>
<td>175,145</td>
<td>+28,321</td>
<td>+42,403</td>
<td>+67,321</td>
<td>0</td>
</tr>
<tr>
<td>Program Management and Buildings and Facilities</td>
<td>58,528</td>
<td>59,943</td>
<td>58,870</td>
<td>59,943</td>
<td>79,221</td>
<td>+20,693</td>
<td>+20,351</td>
<td>+19,278</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal, Substance Abuse Prevention</td>
<td>205,352</td>
<td>202,172</td>
<td>191,612</td>
<td>187,767</td>
<td>254,366</td>
<td>+49,014</td>
<td>+62,754</td>
<td>+86,045</td>
<td>0</td>
</tr>
<tr>
<td>Total, Substance Abuse and Mental Health</td>
<td>2,651,342</td>
<td>2,823,016</td>
<td>2,727,626</td>
<td>2,730,757</td>
<td>2,958,001</td>
<td>+306,659</td>
<td>+230,375</td>
<td>+227,244</td>
<td>0</td>
</tr>
<tr>
<td>AGENCY FOR HEALTHCARE RESEARCH AND QUALITY</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs</td>
<td>House</td>
<td>Senate</td>
<td>Disc</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
<td>----------------------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>Research on Health Costs, Quality, and Outcomes:</td>
<td>107,718</td>
<td>---</td>
<td>121,169</td>
<td>---</td>
<td>102,463</td>
<td>(+2,505</td>
<td>-18,706</td>
<td>+102,463</td>
<td>D</td>
</tr>
<tr>
<td>1% evaluation funding (NA)</td>
<td>(52,576)</td>
<td>(206,593)</td>
<td>(52,576)</td>
<td>(206,593)</td>
<td>(124,130)</td>
<td>(+71,554)</td>
<td>(+65,000)</td>
<td>(-102,463)</td>
<td>NA</td>
</tr>
<tr>
<td>Portion for reducing medical errors (non-add)</td>
<td>---</td>
<td>(20,000)</td>
<td>(19,984)</td>
<td>(50,000)</td>
<td>(50,000)</td>
<td>(+50,000)</td>
<td>(+30,016)</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>Health Insurance and Expenditure surveys</td>
<td>(36,000)</td>
<td>(40,850)</td>
<td>(40,850)</td>
<td>(40,850)</td>
<td>(40,850)</td>
<td>(+4,850)</td>
<td>---</td>
<td>---</td>
<td>NA</td>
</tr>
<tr>
<td>1% evaluation funding (NA)</td>
<td>2,484</td>
<td>---</td>
<td>2,500</td>
<td>---</td>
<td>2,500</td>
<td>+16</td>
<td>---</td>
<td>+2,500</td>
<td>D</td>
</tr>
<tr>
<td>Program Support</td>
<td>---</td>
<td>(2,500)</td>
<td>---</td>
<td>(2,500)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(-2,500)</td>
<td>NA</td>
</tr>
<tr>
<td>Total, AHRQ</td>
<td>(198,778)</td>
<td>(249,943)</td>
<td>(223,869)</td>
<td>(269,943)</td>
<td>(269,943)</td>
<td>(+71,165)</td>
<td>(+66,294)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>110,202</td>
<td>---</td>
<td>123,669</td>
<td>---</td>
<td>104,963</td>
<td>-5,239</td>
<td>-18,706</td>
<td>+104,963</td>
<td>---</td>
</tr>
<tr>
<td>1% evaluation funding (non-add)</td>
<td>(88,576)</td>
<td>(209,943)</td>
<td>(99,980)</td>
<td>(269,943)</td>
<td>(164,980)</td>
<td>(+6,406)</td>
<td>(+65,000)</td>
<td>(-104,963)</td>
<td>---</td>
</tr>
<tr>
<td>Total, Public Health Service</td>
<td>28,286,713</td>
<td>29,797,601</td>
<td>31,685,657</td>
<td>31,293,938</td>
<td>32,920,228</td>
<td>+4,633,515</td>
<td>+1,234,571</td>
<td>+1,628,290</td>
<td>---</td>
</tr>
<tr>
<td>HEALTH CARE FINANCING ADMINISTRATION</td>
<td>FY 2000</td>
<td>FY 2001</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
<td>House</td>
<td>Senate</td>
<td>Disc</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>Grants to States for Medicaid</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State and local administration</td>
<td>6,379</td>
<td>7,258</td>
<td>7,258</td>
<td>7,258</td>
<td>7,258</td>
<td>+878</td>
<td>700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vaccines for Children</td>
<td>465</td>
<td>469</td>
<td>469</td>
<td>469</td>
<td>469</td>
<td>+3,671</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Medicaid program level, current year</td>
<td>115,166</td>
<td>124,235</td>
<td>124,235</td>
<td>124,235</td>
<td>124,235</td>
<td>+8,068</td>
<td>471</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Medicare Transfer (P.L. 105-33)</td>
<td>-50,000</td>
<td>-60,000</td>
<td>-60,000</td>
<td>-60,000</td>
<td>-60,000</td>
<td>-10,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, request, current year</td>
<td>87,383</td>
<td>93,586</td>
<td>93,586</td>
<td>93,586</td>
<td>93,586</td>
<td>+6,203</td>
<td>073</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New advance 1st quarter, FY02</td>
<td>30,589</td>
<td>36,207</td>
<td>36,207</td>
<td>36,207</td>
<td>36,207</td>
<td>+5,618</td>
<td>548</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PAYMENTS TO HEALTH CARE TRUST FUNDS

| Supplemental medical insurance       | 68,690  | 69,777  | 69,777| 69,777| 69,777      | +1,087  | 000    |        |      |
| Hospital insurance for the uninsured | 349,000 | 321,000 | 321,000| 321,000| 321,000     | -28,000 |        |        |      |
| Federal uninsured payment            | 121,000 | 132,000 | 132,000| 132,000| 132,000     | -11,000 |        |        |      |
| Program management                   | 129,100 | 151,600 | 151,600| 151,600| 151,600     | +22,500 |        |        |      |
| Total, Payments to Trust funds, current law | 69,789 | 70,381 | 70,381| 70,381| 70,381      | +1,092  | 000    |        |      |

PROGRAM MANAGEMENT

<table>
<thead>
<tr>
<th>Research, demonstration, and evaluation:</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Program</td>
<td>64,892</td>
<td>55,000</td>
<td>55,000</td>
<td>65,000</td>
<td>159,311</td>
<td>+74,419</td>
<td>+74,311</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicare Contractors</td>
<td>1,334,000</td>
<td>1,301,287</td>
<td>1,165,287</td>
<td>1,244,000</td>
<td>1,305,000</td>
<td>+61,000</td>
<td>+61,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User fee Legislative proposal</td>
<td>(156,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.R. 3103 funding (NA)</td>
<td>(630,000)</td>
<td>(680,000)</td>
<td>(630,000)</td>
<td>(680,000)</td>
<td>(680,000)</td>
<td>(+50,000)</td>
<td>(+50,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicare Plus Choice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Contractors program level</td>
<td>(1,874,000)</td>
<td>(1,981,287)</td>
<td>(1,795,287)</td>
<td>(1,924,000)</td>
<td>(2,037,000)</td>
<td>(+163,000)</td>
<td>(+241,713)</td>
<td>(+113,000)</td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>FY 2000 Comparable</td>
<td>FY 2000 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 House</td>
<td>Senate</td>
<td>Conference vs Mand</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>----------------</td>
<td>--------</td>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td>State Survey and Certification</td>
<td>204,674</td>
<td>234,147</td>
<td>171,147</td>
<td>219,674</td>
<td>244,147</td>
<td>+39,473</td>
<td>+71,000</td>
<td>+26,473</td>
<td></td>
</tr>
<tr>
<td>User fee legislative proposal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(-63,000)</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Federal Administration</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>User Fees</td>
<td>454,900</td>
<td>497,942</td>
<td>476,942</td>
<td>491,900</td>
<td>507,942</td>
<td>+23,042</td>
<td>+31,000</td>
<td>+16,042</td>
<td></td>
</tr>
<tr>
<td>User fee legislative proposal</td>
<td>-2,026</td>
<td>-2,074</td>
<td>-2,074</td>
<td>-2,074</td>
<td>-2,074</td>
<td>-48</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, federal Administration</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>482,874</td>
<td>495,868</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Program management</strong></td>
<td>1,996,440</td>
<td>2,086,302</td>
<td>1,866,302</td>
<td>2,018,500</td>
<td>2,246,326</td>
<td>+249,866</td>
<td>+380,024</td>
<td>+227,826</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Program management, program level</strong></td>
<td>(2,628,440)</td>
<td>(2,766,302)</td>
<td>(2,496,302)</td>
<td>(2,608,500)</td>
<td>(2,926,326)</td>
<td>(+299,866)</td>
<td>(+430,024)</td>
<td>(+227,826)</td>
<td></td>
</tr>
<tr>
<td>Medicare Trust Fund Activity:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital Insurance 1f (1)</td>
<td>(6,800,000)</td>
<td>(23,465,000)</td>
<td>(23,465,000)</td>
<td>(23,465,000)</td>
<td>(23,465,000)</td>
<td>+16,665,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplemental Medical Ins. 1f (2)</td>
<td>(300,000)</td>
<td>(-1,572,000)</td>
<td>(-1,572,000)</td>
<td>(-1,572,000)</td>
<td>(-1,572,000)</td>
<td>(-1,872,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Health Care Financing Administration</strong></td>
<td>189,257,721</td>
<td>202,261,704</td>
<td>202,061,704</td>
<td>202,193,902</td>
<td>202,421,728</td>
<td>+13,164,007</td>
<td>+380,024</td>
<td>+227,826</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>187,261,281</td>
<td>200,175,422</td>
<td>200,175,422</td>
<td>200,175,422</td>
<td>200,227,422</td>
<td>+12,986,121</td>
<td>+52,000</td>
<td>+52,000</td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(156,672,217)</td>
<td>(163,967,851)</td>
<td>(163,967,851)</td>
<td>(163,967,851)</td>
<td>(164,019,851)</td>
<td>(+7,347,575)</td>
<td>(+52,000)</td>
<td>(+52,000)</td>
<td></td>
</tr>
<tr>
<td>New advance, 1st quarter, FY02</td>
<td>(30,589,003)</td>
<td>(36,207,551)</td>
<td>(36,207,551)</td>
<td>(36,207,551)</td>
<td>(36,207,551)</td>
<td>(+5,618,548)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>1,996,440</td>
<td>2,086,302</td>
<td>1,866,302</td>
<td>2,018,500</td>
<td>2,194,326</td>
<td>+197,866</td>
<td>+328,024</td>
<td>+175,826</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Conference vs</th>
<th>Hand</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADMINISTRATION FOR CHILDREN AND FAMILIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>January 19, 2000</td>
<td></td>
</tr>
<tr>
<td>FAMILY SUPPORT PAYMENTS TO STATES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>January 19, 2000</td>
<td></td>
</tr>
<tr>
<td>Payments to territories</td>
<td>23,000</td>
<td>23,000</td>
<td>23,000</td>
<td>23,000</td>
<td>23,000</td>
<td>--</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Emergency assistance</td>
<td>98,000</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>State &amp; Local Administrative Training</td>
<td>2,000</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Repatriation</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>--</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Subtotal, Welfare payments</td>
<td>124,000</td>
<td>24,000</td>
<td>24,000</td>
<td>24,000</td>
<td>24,000</td>
<td>--</td>
<td>100,000</td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>Child Support Enforcement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>January 19, 2000</td>
<td></td>
</tr>
<tr>
<td>State and local administration</td>
<td>2,018,800</td>
<td>3,089,800</td>
<td>3,089,800</td>
<td>3,089,800</td>
<td>3,089,800</td>
<td>+271,000</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Federal incentive payments</td>
<td>317,000</td>
<td>404,000</td>
<td>404,000</td>
<td>404,000</td>
<td>404,000</td>
<td>+33,000</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Hold Harmless payments</td>
<td>11,000</td>
<td>11,000</td>
<td>11,000</td>
<td>11,000</td>
<td>11,000</td>
<td>--</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Access and visitation</td>
<td>--</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>+10,000</td>
<td>--</td>
<td>M</td>
</tr>
<tr>
<td>Subtotal, Child Support Enforcement</td>
<td>3,228,800</td>
<td>3,514,800</td>
<td>3,514,800</td>
<td>3,514,800</td>
<td>3,514,800</td>
<td>+314,000</td>
<td>--</td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>Total, Payments, current year program level</td>
<td>3,324,800</td>
<td>3,544,800</td>
<td>3,544,800</td>
<td>3,544,800</td>
<td>3,544,800</td>
<td>+314,000</td>
<td>--</td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>Less funds advanced in previous years</td>
<td>-750,000</td>
<td>-650,000</td>
<td>-650,000</td>
<td>-650,000</td>
<td>-650,000</td>
<td>+100,000</td>
<td>--</td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>Total, payments, current request</td>
<td>2,574,800</td>
<td>2,894,800</td>
<td>2,894,800</td>
<td>2,894,800</td>
<td>2,894,800</td>
<td>+314,000</td>
<td>--</td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>New advance, 1st quarter, FY02</td>
<td>650,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>+350,000</td>
<td>--</td>
<td><strong>M</strong></td>
</tr>
<tr>
<td>Low Income Home Energy Assistance Program</td>
<td>FY 2000</td>
<td>FY 2001</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
<td>House</td>
<td>Senate</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>-------</td>
<td>--------</td>
</tr>
<tr>
<td>Advance from prior year (MA)</td>
<td>(1,100,000)</td>
<td>(1,100,000)</td>
<td>(1,100,000)</td>
<td>(1,100,000)</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>NA EMG</td>
</tr>
<tr>
<td>Additional Current Year</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>300,000</td>
<td>+300,000</td>
<td>+300,000</td>
<td>+300,000</td>
</tr>
<tr>
<td>Current year program level</td>
<td>1,100,000</td>
<td>1,100,000</td>
<td>1,100,000</td>
<td>1,100,000</td>
<td>1,400,000</td>
<td>+300,000</td>
<td>+300,000</td>
<td>+300,000</td>
</tr>
<tr>
<td>Emergency Allocation</td>
<td>900,000</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td>-600,000</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Advance funding FY02</td>
<td>1,100,000</td>
<td>1,100,000</td>
<td>1,100,000</td>
<td>...</td>
<td>...</td>
<td>-1,100,000</td>
<td>-1,100,000</td>
<td>...</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Refugee and Entrant Assistance</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transitional and Medical Services</td>
<td>220,620</td>
<td>225,176</td>
<td>225,176</td>
<td>220,693</td>
<td>225,176</td>
<td>+4,556</td>
<td>...</td>
<td>+4,683</td>
</tr>
<tr>
<td>Social Services</td>
<td>143,621</td>
<td>143,316</td>
<td>143,621</td>
<td>143,316</td>
<td>143,621</td>
<td>...</td>
<td>...</td>
<td>+305</td>
</tr>
<tr>
<td>Preventive Health</td>
<td>4,835</td>
<td>4,835</td>
<td>4,835</td>
<td>4,835</td>
<td>4,835</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Targeted Assistance</td>
<td>49,477</td>
<td>49,477</td>
<td>49,477</td>
<td>49,477</td>
<td>49,477</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Victims of Torture</td>
<td>7,265</td>
<td>9,765</td>
<td>10,000</td>
<td>7,265</td>
<td>10,000</td>
<td>+2,735</td>
<td>...</td>
<td>+2,735</td>
</tr>
<tr>
<td>Total, Refugee and entrant assistance</td>
<td>425,818</td>
<td>432,569</td>
<td>433,109</td>
<td>425,586</td>
<td>433,109</td>
<td>+7,291</td>
<td>...</td>
<td>+7,523</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Child Care and Development Grant</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance funding from prior year (NA)</td>
<td>(1,182,672)</td>
<td>(1,182,672)</td>
<td>(1,182,672)</td>
<td>(1,182,672)</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>NA</td>
</tr>
<tr>
<td>Current year additional request</td>
<td>...</td>
<td>817,328</td>
<td>400,000</td>
<td>817,328</td>
<td>817,328</td>
<td>+817,328</td>
<td>...</td>
<td>+817,328</td>
</tr>
<tr>
<td>Advance funding FY02</td>
<td>1,182,672</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>...</td>
<td>...</td>
<td>-1,182,672</td>
<td>-2,000,000</td>
<td>...</td>
</tr>
<tr>
<td>Social Services Block Grant (Title XX)</td>
<td>1,775,000</td>
<td>1,700,000</td>
<td>1,700,000</td>
<td>600,000</td>
<td>1,725,000</td>
<td>-50,000</td>
<td>+25,000</td>
<td>+1,125,000</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>---------------------------</td>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>Head Start, current funded...................</td>
<td>3,867,000</td>
<td>4,867,000</td>
<td>4,267,000</td>
<td>4,867,000</td>
<td>4,800,000</td>
<td>+933,000</td>
<td>+533,000</td>
<td>-67,000</td>
</tr>
<tr>
<td>Advance from prior year........................</td>
<td>(1,400,000)</td>
<td>(1,400,000)</td>
<td>(1,400,000)</td>
<td>(1,400,000)</td>
<td>(1,400,000)</td>
<td>(+1,400,000)</td>
<td>NA</td>
<td>D</td>
</tr>
<tr>
<td>FY02..................................................</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Head Start program level...........</td>
<td>5,267,000</td>
<td>6,267,000</td>
<td>5,667,000</td>
<td>6,267,000</td>
<td>6,200,000</td>
<td>+933,000</td>
<td>+533,000</td>
<td>-67,000</td>
</tr>
<tr>
<td>Consolidated Runaway, Homeless Youth Programs.</td>
<td></td>
<td></td>
<td>64,155</td>
<td>69,155</td>
<td>69,155</td>
<td>+5,000</td>
<td>+69,155</td>
<td>D</td>
</tr>
<tr>
<td>Runaway and Homeless Youth....................</td>
<td>43,652</td>
<td>43,652</td>
<td>46,152</td>
<td>46,152</td>
<td>46,152</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Runaway Youth Transitional Living.............</td>
<td>20,503</td>
<td>20,503</td>
<td>23,003</td>
<td>23,003</td>
<td>23,003</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Strengthening Parent/Child Relationships......</td>
<td></td>
<td></td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, runaway..................................</td>
<td>64,155</td>
<td>76,155</td>
<td>64,155</td>
<td>69,155</td>
<td>69,155</td>
<td>+5,000</td>
<td>+5,000</td>
<td>D</td>
</tr>
<tr>
<td>Child Abuse State Grants.....................</td>
<td>21,026</td>
<td>21,026</td>
<td>21,026</td>
<td>21,026</td>
<td>21,026</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Child Abuse Discretionary Activities..........</td>
<td>18,028</td>
<td>18,028</td>
<td>18,028</td>
<td>18,028</td>
<td>18,028</td>
<td>+3,737</td>
<td>+15,709</td>
<td>+15,709</td>
</tr>
<tr>
<td>Abandoned Infants Assistance..................</td>
<td>12,207</td>
<td>12,207</td>
<td>12,207</td>
<td>12,207</td>
<td>12,207</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Child Welfare Training.......................</td>
<td>7,000</td>
<td>7,000</td>
<td>7,000</td>
<td>7,000</td>
<td>7,000</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Adoption Opportunities......................</td>
<td>27,419</td>
<td>27,419</td>
<td>27,419</td>
<td>27,419</td>
<td>27,419</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Adoption Incentive............................</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Adoption Incentive (no cap adjustment).....</td>
<td>21,791</td>
<td>21,791</td>
<td>23,000</td>
<td>35,928</td>
<td>23,000</td>
<td>+1,209</td>
<td>-12,928</td>
<td>D</td>
</tr>
<tr>
<td>Social Services and Income Maintenance Research.</td>
<td>27,491</td>
<td>6,500</td>
<td>27,491</td>
<td>27,491</td>
<td>37,666</td>
<td>+10,175</td>
<td>+10,175</td>
<td>+10,175</td>
</tr>
<tr>
<td>Community Based Resource Centers.............</td>
<td>32,835</td>
<td>32,835</td>
<td>32,835</td>
<td>32,835</td>
<td>32,835</td>
<td>-</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>-----------</td>
<td>-----------------------------</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td>Developmental disabilities program:</td>
<td>65,750</td>
<td>65,803</td>
<td>65,803</td>
<td>65,803</td>
<td>67,800</td>
<td>+2,050</td>
<td>+1,997</td>
<td></td>
</tr>
<tr>
<td>Protection and Advocacy:</td>
<td>28,110</td>
<td>28,110</td>
<td>28,110</td>
<td>31,000</td>
<td>33,000</td>
<td>+4,890</td>
<td>+6,890</td>
<td></td>
</tr>
<tr>
<td>Developmental Disabilities Special Projects</td>
<td>10,244</td>
<td>10,264</td>
<td>10,264</td>
<td>10,244</td>
<td>10,944</td>
<td>+700</td>
<td>+700</td>
<td></td>
</tr>
<tr>
<td>Developmental Disabilities University Affiliated.</td>
<td>18,171</td>
<td>18,171</td>
<td>18,171</td>
<td>20,500</td>
<td>21,800</td>
<td>+3,629</td>
<td>+3,629</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Developmental disabilities</td>
<td>122,275</td>
<td>122,328</td>
<td>122,328</td>
<td>127,347</td>
<td>133,544</td>
<td>+11,269</td>
<td>+11,216</td>
<td></td>
</tr>
<tr>
<td>Native American Programs:</td>
<td>35,420</td>
<td>35,420</td>
<td>35,420</td>
<td>35,420</td>
<td>46,020</td>
<td>+10,600</td>
<td>+10,600</td>
<td></td>
</tr>
<tr>
<td>Community services:</td>
<td>527,700</td>
<td>510,000</td>
<td>527,700</td>
<td>550,000</td>
<td>600,000</td>
<td>+72,300</td>
<td>+72,300</td>
<td></td>
</tr>
<tr>
<td>Grants to States for Community Services:</td>
<td>30,040</td>
<td>5,500</td>
<td>30,040</td>
<td>30,040</td>
<td>30,040</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Individual Development Account Initiative.</td>
<td>10,000</td>
<td>25,000</td>
<td>10,000</td>
<td>25,000</td>
<td>15,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td></td>
</tr>
<tr>
<td>Rural Community Facilities.</td>
<td>5,321</td>
<td>...</td>
<td>5,321</td>
<td>5,321</td>
<td>5,321</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Subtotal, discretionary funds</td>
<td>45,361</td>
<td>30,500</td>
<td>45,361</td>
<td>35,361</td>
<td>60,361</td>
<td>+15,000</td>
<td>+15,000</td>
<td></td>
</tr>
<tr>
<td>National Youth Sports:</td>
<td>15,000</td>
<td>...</td>
<td>16,000</td>
<td>15,000</td>
<td>16,000</td>
<td>+1,000</td>
<td>+1,000</td>
<td></td>
</tr>
<tr>
<td>Community Food and Nutrition</td>
<td>6,315</td>
<td>...</td>
<td>6,315</td>
<td>6,315</td>
<td>6,315</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Community services</td>
<td>594,376</td>
<td>540,500</td>
<td>595,376</td>
<td>606,676</td>
<td>682,676</td>
<td>+88,300</td>
<td>+87,300</td>
<td></td>
</tr>
<tr>
<td>Runaway Youth Prevention:</td>
<td>16,999</td>
<td>14,999</td>
<td>16,999</td>
<td>14,999</td>
<td>14,999</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Domestic Violence Hotline:</td>
<td>1,957</td>
<td>2,157</td>
<td>1,957</td>
<td>2,157</td>
<td>2,157</td>
<td>+200</td>
<td>+200</td>
<td></td>
</tr>
<tr>
<td>Battereds Women's Shelters:</td>
<td>101,118</td>
<td>116,918</td>
<td>101,118</td>
<td>116,918</td>
<td>116,918</td>
<td>+15,800</td>
<td>+15,800</td>
<td></td>
</tr>
<tr>
<td>Early Learning Fund:</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Program Direction:</td>
<td>146,820</td>
<td>164,448</td>
<td>147,908</td>
<td>157,131</td>
<td>164,000</td>
<td>+17,180</td>
<td>+16,092</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Children and Families Services Programs:</td>
<td>6,879,603</td>
<td>7,805,717</td>
<td>7,231,253</td>
<td>7,885,723</td>
<td>7,956,345</td>
<td>+1,184,442</td>
<td>+1,229,092</td>
<td></td>
</tr>
<tr>
<td>Current Year:</td>
<td>5,427,903</td>
<td>6,405,717</td>
<td>5,831,253</td>
<td>6,495,723</td>
<td>6,556,345</td>
<td>(+1,184,442) (+1,229,092)</td>
<td>(+1,229,092) (+1,229,092)</td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY02:</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>1,400,000</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
</tbody>
</table>

**Hand Disc:**
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable Request</th>
<th>FY 2001 House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rescission of permanent appropriations</td>
<td>-21,000</td>
<td>---</td>
<td>-21,000</td>
<td>-21,000</td>
<td>-21,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>PROMOTING SAFE AND STABLE FAMILIES</td>
<td>205,000</td>
<td>305,000</td>
<td>305,000</td>
<td>305,000</td>
<td>305,000</td>
<td>+10,000</td>
<td>---</td>
</tr>
<tr>
<td>PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foster Care</td>
<td>4,572,200</td>
<td>5,063,500</td>
<td>5,063,500</td>
<td>5,063,500</td>
<td>5,063,500</td>
<td>+491,300</td>
<td>---</td>
</tr>
<tr>
<td>Adoption Assistance</td>
<td>1,020,100</td>
<td>1,197,600</td>
<td>1,197,600</td>
<td>1,197,600</td>
<td>1,197,600</td>
<td>+177,500</td>
<td>---</td>
</tr>
<tr>
<td>Independent Living</td>
<td>140,000</td>
<td>140,000</td>
<td>140,000</td>
<td>140,000</td>
<td>140,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Child Welfare Tribal Initiative (1)</td>
<td>---</td>
<td>5,000</td>
<td>---</td>
<td>5,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Total, Payments, current year program level</td>
<td>5,732,300</td>
<td>6,406,100</td>
<td>6,401,100</td>
<td>6,401,100</td>
<td>6,401,100</td>
<td>+668,800</td>
<td>---</td>
</tr>
<tr>
<td>Less Advances from Prior Year</td>
<td>-1,355,000</td>
<td>-1,538,000</td>
<td>-1,538,000</td>
<td>-1,538,000</td>
<td>-1,538,000</td>
<td>-183,000</td>
<td>---</td>
</tr>
<tr>
<td>Total, Payments, current request</td>
<td>4,377,300</td>
<td>4,868,100</td>
<td>4,863,100</td>
<td>4,863,100</td>
<td>4,863,100</td>
<td>+485,800</td>
<td>---</td>
</tr>
<tr>
<td>New Advance, 1st quarter, FY02</td>
<td>1,538,000</td>
<td>1,735,900</td>
<td>1,735,900</td>
<td>1,735,900</td>
<td>1,735,900</td>
<td>+197,900</td>
<td>---</td>
</tr>
<tr>
<td>Total, Administration for Children &amp; Families</td>
<td>21,625,493</td>
<td>24,953,414</td>
<td>23,956,162</td>
<td>20,815,437</td>
<td>22,303,582</td>
<td>+678,089</td>
<td>-1,632,580</td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(9,870,672)</td>
<td>(7,235,900)</td>
<td>(7,235,900)</td>
<td>(4,135,900)</td>
<td>(4,135,900)</td>
<td>(-1,734,772)</td>
<td>(-3,100,000)</td>
</tr>
</tbody>
</table>

(1) Unauthorized.
<table>
<thead>
<tr>
<th>Administrations on Aging</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants to States:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supportive Services and Centers</td>
<td>310,082</td>
<td>450,082</td>
<td>325,082</td>
<td>325,082</td>
<td>325,082</td>
<td>+15,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive Health</td>
<td>16,123</td>
<td>16,123</td>
<td>16,123</td>
<td>16,123</td>
<td>21,123</td>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td></td>
</tr>
<tr>
<td>Title VII</td>
<td>13,181</td>
<td>13,181</td>
<td>13,181</td>
<td>14,181</td>
<td>14,181</td>
<td>+1,000</td>
<td>+1,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Caregivers (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nutrition:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congregate Meals</td>
<td>374,412</td>
<td>374,412</td>
<td>374,412</td>
<td>374,412</td>
<td>378,412</td>
<td>+4,000</td>
<td>+4,000</td>
<td>+4,000</td>
<td></td>
</tr>
<tr>
<td>Home Delivered Meals</td>
<td>147,000</td>
<td>147,000</td>
<td>147,000</td>
<td>147,000</td>
<td>152,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td></td>
</tr>
<tr>
<td>Grants to Indians</td>
<td>18,457</td>
<td>23,457</td>
<td>18,457</td>
<td>23,457</td>
<td>23,457</td>
<td>+5,000</td>
<td>+5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aging Research, Training and Special Projects</td>
<td>31,162</td>
<td>36,162</td>
<td>9,119</td>
<td>31,162</td>
<td>37,678</td>
<td>+6,516</td>
<td>+28,559</td>
<td>+6,516</td>
<td></td>
</tr>
<tr>
<td>Alzheimer's Initiative</td>
<td>5,970</td>
<td>5,970</td>
<td>5,970</td>
<td>5,970</td>
<td>8,970</td>
<td>+3,000</td>
<td>+3,000</td>
<td>+3,000</td>
<td></td>
</tr>
<tr>
<td>Program Administration</td>
<td>16,277</td>
<td>17,232</td>
<td>16,461</td>
<td>17,232</td>
<td>17,232</td>
<td>+955</td>
<td>+771</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Administration on Aging</td>
<td>932,664</td>
<td>1,083,819</td>
<td>925,805</td>
<td>954,619</td>
<td>1,103,135</td>
<td>+170,471</td>
<td>+177,330</td>
<td>+168,516</td>
<td></td>
</tr>
</tbody>
</table>

| Office of the Secretary                                      |                    |                 |       |        |            |         |       |        |      |
| General Departmental Management                              | 172,861            | 177,685         | 166,561| 169,247| 181,449    | +8,588  | +14,888| +12,202|      |
| NAS study                                                    | 616                |                 |       |        |            | -416    |       |        |      |
| Trust Funds                                                  | 5,851              | 5,851           | 5,851 | 5,851 | 5,851      |        |       |        |      |
| 1% Evaluation funds (ASPE) (NA)                              | (20,552)           | (20,552)        | (20,552) | (20,552) | (20,552)  |        |        |        |      |
| Subtotal                                                     | (199,678)          | (204,088)       | (192,964)| (195,650)| (207,852)  | (+8,174)| (+14,888)| (+12,202)|      |

(1) President requested funds under Supportive Service.
<table>
<thead>
<tr>
<th>Program Description</th>
<th>FY 2000 Comparable</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Hand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adolescent Family Life (Title XX)</td>
<td>19,327</td>
<td>7,627</td>
<td>24,327</td>
<td>19,327</td>
<td>24,327</td>
<td>+5,000</td>
<td></td>
<td>+5,000</td>
</tr>
<tr>
<td>Physical Fitness and Sports</td>
<td>1,091</td>
<td>1,152</td>
<td>1,091</td>
<td>1,091</td>
<td>1,091</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority Health</td>
<td>37,638</td>
<td>38,638</td>
<td>38,638</td>
<td>37,638</td>
<td>49,010</td>
<td>+11,381</td>
<td>+10,381</td>
<td>+11,381</td>
</tr>
<tr>
<td>Office of Women's Health</td>
<td>15,495</td>
<td>16,495</td>
<td>16,495</td>
<td>16,895</td>
<td>17,270</td>
<td>+1,775</td>
<td>+775</td>
<td>+375</td>
</tr>
<tr>
<td>U.S. Surgeon General Violence Initiative</td>
<td>457</td>
<td>476</td>
<td>400</td>
<td>400</td>
<td>57</td>
<td>-57</td>
<td>+400</td>
<td></td>
</tr>
<tr>
<td>Office of Emergency Preparedness</td>
<td>9,668</td>
<td>11,668</td>
<td>9,668</td>
<td>9,668</td>
<td>11,668</td>
<td>+2,000</td>
<td>+2,000</td>
<td>+2,000</td>
</tr>
<tr>
<td>Other Health Activities</td>
<td>4,922</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
<td>-4,922</td>
<td></td>
</tr>
<tr>
<td>Total, General Departmental Management</td>
<td>267,724</td>
<td>279,592</td>
<td>262,631</td>
<td>260,117</td>
<td>291,075</td>
<td>+23,351</td>
<td>+28,444</td>
<td>+30,958</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>261,073</td>
<td>273,761</td>
<td>256,780</td>
<td>254,266</td>
<td>285,224</td>
<td>+23,351</td>
<td>+28,444</td>
<td>+30,958</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>5,851</td>
<td>5,851</td>
<td>5,851</td>
<td>5,851</td>
<td>5,851</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OFFICE OF THE INSPECTOR GENERAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>31,388</td>
<td>33,849</td>
<td>31,394</td>
<td>33,849</td>
<td>33,849</td>
<td>+2,461</td>
<td>+2,455</td>
<td></td>
</tr>
<tr>
<td>HIPAA Funding (NA)</td>
<td>(120,000)</td>
<td>(130,000)</td>
<td>(120,000)</td>
<td>(130,000)</td>
<td>(130,000)</td>
<td>(10,000)</td>
<td>(10,000)</td>
<td>NA</td>
</tr>
<tr>
<td>Total, Inspector General program level</td>
<td>(159,388)</td>
<td>(163,849)</td>
<td>(155,394)</td>
<td>(163,849)</td>
<td>(163,849)</td>
<td>(+12,461)</td>
<td>(+12,455)</td>
<td></td>
</tr>
<tr>
<td>OFFICE FOR CIVIL RIGHTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>19,219</td>
<td>20,742</td>
<td>18,774</td>
<td>23,242</td>
<td>24,742</td>
<td>+5,523</td>
<td>+5,968</td>
<td>+1,500</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>3,314</td>
<td>3,314</td>
<td>3,314</td>
<td>3,314</td>
<td>3,314</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, Office for Civil Rights</td>
<td>22,533</td>
<td>24,056</td>
<td>22,088</td>
<td>26,556</td>
<td>28,056</td>
<td>+5,523</td>
<td>+5,968</td>
<td>+1,500</td>
</tr>
<tr>
<td>POLICY RESEARCH</td>
<td>16,735</td>
<td>16,738</td>
<td>16,738</td>
<td>16,738</td>
<td>16,738</td>
<td>+3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
<td>Conference vs House</td>
<td>Senate</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement payments</td>
<td>172,045</td>
<td>175,405</td>
<td>175,405</td>
<td>175,405</td>
<td>175,405</td>
<td>+3,360</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Survivors benefits</td>
<td>11,906</td>
<td>12,204</td>
<td>12,204</td>
<td>12,204</td>
<td>12,204</td>
<td>+298</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Dependents' medical care</td>
<td>29,626</td>
<td>30,811</td>
<td>30,811</td>
<td>30,811</td>
<td>30,811</td>
<td>+1,185</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Military services credits</td>
<td>1,328</td>
<td>1,352</td>
<td>1,352</td>
<td>1,352</td>
<td>1,352</td>
<td>+24</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td><strong>Total, Retirement pay and medical benefits</strong></td>
<td><strong>214,905</strong></td>
<td><strong>219,772</strong></td>
<td><strong>219,772</strong></td>
<td><strong>219,772</strong></td>
<td><strong>219,772</strong></td>
<td><strong>+4,867</strong></td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Health/Social Service Fund (1)</td>
<td></td>
<td></td>
<td>194,600</td>
<td>254,640</td>
<td>214,600</td>
<td>241,231</td>
<td>+241,231</td>
<td>-13,409</td>
</tr>
<tr>
<td><strong>Total, Office of the Secretary</strong></td>
<td><strong>998,056</strong></td>
<td><strong>768,607</strong></td>
<td><strong>807,263</strong></td>
<td><strong>771,632</strong></td>
<td><strong>830,721</strong></td>
<td><strong>-97,935</strong></td>
<td><strong>+23,458</strong></td>
<td><strong>+59,089</strong></td>
</tr>
<tr>
<td>Federal funds</td>
<td>919,401</td>
<td>759,442</td>
<td>798,008</td>
<td>762,467</td>
<td>821,556</td>
<td>-97,935</td>
<td>+23,458</td>
<td>+59,089</td>
</tr>
<tr>
<td>Trust funds</td>
<td>9,156</td>
<td>9,165</td>
<td>9,165</td>
<td>9,165</td>
<td>9,165</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td><strong>Total, Department of Health and Human Services</strong></td>
<td><strong>241,031,267</strong></td>
<td><strong>258,864,965</strong></td>
<td><strong>259,396,591</strong></td>
<td><strong>256,029,528</strong></td>
<td><strong>259,579,394</strong></td>
<td><strong>+18,549,164</strong></td>
<td><strong>+182,803</strong></td>
<td><strong>+3,549,866</strong></td>
</tr>
<tr>
<td>Federal Funds</td>
<td><strong>239,025,662</strong></td>
<td><strong>256,769,478</strong></td>
<td><strong>257,621,124</strong></td>
<td><strong>254,001,863</strong></td>
<td><strong>257,375,903</strong></td>
<td><strong>+18,350,261</strong></td>
<td><strong>-145,221</strong></td>
<td><strong>+3,376,040</strong></td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(36,479,675)</td>
<td>(43,443,451)</td>
<td>(43,473,451)</td>
<td>(40,343,451)</td>
<td>(40,373,451)</td>
<td>(+3,099,776)</td>
<td>(-3,100,000)</td>
<td>(+30,000)</td>
</tr>
<tr>
<td>Trust funds</td>
<td>2,009,605</td>
<td>2,095,467</td>
<td>1,875,667</td>
<td>2,027,665</td>
<td>2,203,491</td>
<td>+197,886</td>
<td>+328,024</td>
<td>+175,826</td>
</tr>
</tbody>
</table>

(1) Amounts may not match passed bill as amounts have been moved to CDC for comparable purposes.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comparable</td>
<td>Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>House</td>
<td>Senate</td>
<td>Disc</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TITLE III - DEPARTMENT OF EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EDUCATION REFORM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goals 2000: Educate America Act:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Grants forward funded.</td>
<td>456,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-456,500</td>
<td>---</td>
<td>---</td>
<td>0 FF</td>
</tr>
<tr>
<td>State Grants currently funded.</td>
<td>1,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-1,500</td>
<td>---</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Parental Assistance</td>
<td>33,000</td>
<td>33,000</td>
<td>40,000</td>
<td>38,000</td>
<td>5,000</td>
<td>-38,000</td>
<td>-2,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Recognition and Reward</td>
<td>---</td>
<td>50,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Goals 2000</td>
<td>491,000</td>
<td>83,000</td>
<td>---</td>
<td>40,000</td>
<td>38,000</td>
<td>453,000</td>
<td>+38,000</td>
<td>-2,000</td>
<td>0 FF</td>
</tr>
<tr>
<td>Educational Technology:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technology Literacy Challenge Fund</td>
<td>425,000</td>
<td>450,000</td>
<td>517,000</td>
<td>425,000</td>
<td>450,000</td>
<td>25,000</td>
<td>-67,000</td>
<td>+25,000</td>
<td>0</td>
</tr>
<tr>
<td>Technology Innovation Challenge Fund</td>
<td>146,255</td>
<td>---</td>
<td>197,500</td>
<td>100,000</td>
<td>136,328</td>
<td>-9,927</td>
<td>-61,172</td>
<td>+36,328</td>
<td>0</td>
</tr>
<tr>
<td>Regional Technology in Education Consortia</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Next Generation Technology Innovation</td>
<td>---</td>
<td>170,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>581,255</td>
<td>630,000</td>
<td>724,500</td>
<td>535,000</td>
<td>596,328</td>
<td>15,073</td>
<td>-128,172</td>
<td>+61,328</td>
<td>0</td>
</tr>
<tr>
<td>National Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technology Leadership Activities</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Teacher Training in Technology</td>
<td>75,000</td>
<td>150,000</td>
<td>85,000</td>
<td>125,000</td>
<td>125,000</td>
<td>50,000</td>
<td>+40,000</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Community-Based Technology Centers</td>
<td>32,500</td>
<td>100,000</td>
<td>32,500</td>
<td>65,000</td>
<td>64,950</td>
<td>32,450</td>
<td>+32,450</td>
<td>-50</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>109,500</td>
<td>252,000</td>
<td>119,500</td>
<td>192,000</td>
<td>191,950</td>
<td>+82,450</td>
<td>+72,450</td>
<td>-50</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference FY 2000</td>
<td>Conference vs House</td>
<td>Senate</td>
<td>Hand</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>--------------------</td>
<td>---------------------</td>
<td>--------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>Star Schools</td>
<td>50,550</td>
<td>---</td>
<td>45,000</td>
<td>45,000</td>
<td>59,318</td>
<td>+8,768</td>
<td>+16,318</td>
<td>+16,318</td>
<td>D</td>
</tr>
<tr>
<td>Ready to learn Television</td>
<td>16,000</td>
<td>16,000</td>
<td>16,000</td>
<td>16,000</td>
<td>16,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Telem Demo Project for Mathematics</td>
<td>8,500</td>
<td>---</td>
<td>---</td>
<td>8,500</td>
<td>8,500</td>
<td>---</td>
<td>+8,500</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Telem Program for Professional Devlop</td>
<td>---</td>
<td>5,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>D</td>
</tr>
<tr>
<td>Subtotal, Educational technology</td>
<td>765,805</td>
<td>903,000</td>
<td>905,000</td>
<td>794,500</td>
<td>872,096</td>
<td>+108,291</td>
<td>+32,904</td>
<td>+77,596</td>
<td>D</td>
</tr>
<tr>
<td>21st Century Community Learning Centers</td>
<td>453,377</td>
<td>1,000,000</td>
<td>600,000</td>
<td>600,000</td>
<td>845,614</td>
<td>+392,237</td>
<td>+245,614</td>
<td>+245,614</td>
<td>D</td>
</tr>
<tr>
<td>Small, Safe, and Successful High Schools (1)</td>
<td>45,000</td>
<td>120,000</td>
<td>---</td>
<td>---</td>
<td>125,000</td>
<td>+80,000</td>
<td>+125,000</td>
<td>+125,000</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Education Reform</strong></td>
<td>1,810,182</td>
<td>2,106,000</td>
<td>1,505,000</td>
<td>1,434,500</td>
<td>1,880,710</td>
<td>+70,528</td>
<td>+375,710</td>
<td>+446,210</td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, forward funded</strong></td>
<td>(511,500)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>(511,500)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>

(1) House passed bill included $65,000 for this initiative in FIE.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Hand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EDUCATION FOR THE DISADVANTAGED</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to Local Education Agencies (LEAs):</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basic Grants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>(5,046,366)</td>
<td>(5,046,366)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forward funded</td>
<td>1,733,134</td>
<td>481,237</td>
<td>1,733,134</td>
<td>2,108,958</td>
<td>1,839,921</td>
<td>+106,787</td>
<td>+106,787</td>
<td>-269,037</td>
</tr>
<tr>
<td>Current funded</td>
<td>3,500</td>
<td>---</td>
<td>3,500</td>
<td>3,500</td>
<td>3,500</td>
<td>---</td>
<td>---</td>
<td>0</td>
</tr>
<tr>
<td>Subtotal, Basic grants current year funding</td>
<td>1,736,634</td>
<td>481,237</td>
<td>1,736,634</td>
<td>2,112,458</td>
<td>1,843,421</td>
<td>+106,787</td>
<td>+106,787</td>
<td>-269,037</td>
</tr>
<tr>
<td>Basic Grants FY02 Advance</td>
<td>5,046,366</td>
<td>5,201,863</td>
<td>5,046,366</td>
<td>5,000,945</td>
<td>5,394,300</td>
<td>+347,934</td>
<td>+347,934</td>
<td>+395,355</td>
</tr>
<tr>
<td>Subtotal, Basic grants, program level</td>
<td>6,783,000</td>
<td>5,683,100</td>
<td>6,783,000</td>
<td>7,113,403</td>
<td>7,237,721</td>
<td>+454,721</td>
<td>+454,721</td>
<td>+124,318</td>
</tr>
<tr>
<td>Concentration Grants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>(1,158,397)</td>
<td>(1,158,397)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY02</td>
<td>1,158,397</td>
<td>1,002,900</td>
<td>1,158,397</td>
<td>1,222,397</td>
<td>1,364,000</td>
<td>+205,603</td>
<td>+205,603</td>
<td>+141,603</td>
</tr>
<tr>
<td>Targeted Grants</td>
<td>--</td>
<td>1,671,500</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Subtotal, Grants to LEAs</td>
<td>7,941,397</td>
<td>8,357,900</td>
<td>7,941,397</td>
<td>8,335,800</td>
<td>8,601,721</td>
<td>+660,324</td>
<td>+660,324</td>
<td>+265,921</td>
</tr>
<tr>
<td>Capital Expenses for Private School Children</td>
<td>12,000</td>
<td>---</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>+6,000</td>
<td>+6,000</td>
<td>D FF</td>
</tr>
<tr>
<td>Even Start</td>
<td>150,000</td>
<td>150,000</td>
<td>250,000</td>
<td>185,000</td>
<td>250,000</td>
<td>+100,000</td>
<td>+100,000</td>
<td>+65,000</td>
</tr>
<tr>
<td>State agency programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migrant</td>
<td>354,689</td>
<td>380,000</td>
<td>354,689</td>
<td>380,000</td>
<td>380,000</td>
<td>+25,311</td>
<td>+25,311</td>
<td>--</td>
</tr>
<tr>
<td>Neglected and Delinquent/High Risk Youth</td>
<td>42,000</td>
<td>42,000</td>
<td>42,000</td>
<td>50,000</td>
<td>46,000</td>
<td>+4,000</td>
<td>+4,000</td>
<td>+4,000</td>
</tr>
<tr>
<td>Evaluation</td>
<td>8,900</td>
<td>---</td>
<td>8,900</td>
<td>---</td>
<td>8,900</td>
<td>---</td>
<td>---</td>
<td>8,900</td>
</tr>
<tr>
<td>Comprehensive School Reform Demonstration</td>
<td>170,000</td>
<td>190,000</td>
<td>190,000</td>
<td>210,000</td>
<td>210,000</td>
<td>+20,000</td>
<td>+20,000</td>
<td>+210,000</td>
</tr>
<tr>
<td><strong>Total, ESEA</strong></td>
<td>8,678,986</td>
<td>9,119,300</td>
<td>8,786,986</td>
<td>8,956,800</td>
<td>9,502,621</td>
<td>+823,635</td>
<td>+715,635</td>
<td>+545,821</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
<td>--------</td>
<td>--------</td>
<td>------------</td>
<td>---------</td>
<td>---------</td>
<td>--------</td>
</tr>
<tr>
<td>High School Equivalency Program</td>
<td>15,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>+5,000</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td>College Assistance Migrant Program</td>
<td>7,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>+3,000</td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td><strong>Subtotal, migrant education</strong></td>
<td><strong>22,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>+8,000</strong></td>
<td><strong>-</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td>Total, Education for the disadvantaged</td>
<td><strong>8,700,986</strong></td>
<td><strong>9,169,500</strong></td>
<td><strong>8,816,986</strong></td>
<td><strong>8,986,800</strong></td>
<td><strong>9,532,621</strong></td>
<td><strong>+831,635</strong></td>
<td><strong>-735,635</strong></td>
<td><strong>+545,821</strong></td>
</tr>
<tr>
<td>Current Year</td>
<td>(2,496,223)</td>
<td>(2,946,737)</td>
<td>(2,612,223)</td>
<td>(2,763,458)</td>
<td>(2,774,371)</td>
<td>(+278,098)</td>
<td>(+162,098)</td>
<td>(+10,863)</td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(6,204,763)</td>
<td>(6,204,763)</td>
<td>(6,204,763)</td>
<td>(6,223,342)</td>
<td>(6,758,300)</td>
<td>(-553,537)</td>
<td>(+553,537)</td>
<td>(+534,958)</td>
</tr>
</tbody>
</table>

**IMPACT AID**

| Basic Support Payments                  | 737,200        | 720,000        | 780,000 | 853,000 | 882,000 | +144,800 | +102,000 | +29,000 | 0 |
| Payments for Children with Disabilities  | 50,000         | 40,000         | 50,000  | 50,000  | 50,000  | ---      | ---      | ---     | 0 |
| Payments for Heavily Impacted Districts  | 72,200         | ---            | 82,000  | 82,000  | ---     | -72,200  | -82,000  | -82,000 | 0 |
| **Subtotal**                            | 859,400        | 760,000        | 912,000 | 985,000 | 932,000 | +72,600  | +20,000  | -53,000 | 0 |
| Facilities Maintenance (Sec. 8008)      | 5,000          | 5,000          | 8,000   | 8,000   | 8,000   | +3,000   | ---      | ---     | 0 |
| Construction (Sec. 8007)                | 10,052         | 5,000          | 25,000  | 35,000  | 12,802  | +2,750   | -12,198  | -22,198 | 0 |
| Payments for Federal Property (Sec. 8002)| 32,000         | ---            | 40,000  | 47,000  | 40,500  | +8,500   | +500     | -6,500  | 0 |
| **Total, Impact aid**                   | **906,452**    | **770,000**    | **985,000** | **1,075,000** | **993,302** | **+86,850** | **+8,302** | **-81,698** | **0** |

(1) Basic and heavily impacted payments have been consolidated into a single funding stream pursuant to the Impact Aid reauthorization P.L. 106-398.
<table>
<thead>
<tr>
<th>SCHOOL IMPROVEMENT PROGRAMS</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaching to High Standards, current</td>
<td>405,000</td>
<td>435,000</td>
<td></td>
<td></td>
<td>+150,000</td>
<td>+485,000</td>
<td>+50,000</td>
<td>D FF</td>
</tr>
<tr>
<td>FY02</td>
<td>285,000</td>
<td>285,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Eisenhower Professional Development</td>
<td>335,000</td>
<td>435,000</td>
<td></td>
<td></td>
<td>+150,000</td>
<td>+485,000</td>
<td>+50,000</td>
<td>D FF</td>
</tr>
<tr>
<td>National Programs</td>
<td></td>
<td>44,000</td>
<td></td>
<td></td>
<td>+44,000</td>
<td>+44,000</td>
<td>+44,000</td>
<td>D</td>
</tr>
<tr>
<td>School Leadership Initiative</td>
<td></td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Improvement of Teaching and School Leadership</td>
<td></td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Hometown Teachers</td>
<td></td>
<td>75,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Higher Standards/Higher Pay</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Teacher Quality Incentives</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Troops to Teachers</td>
<td></td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Early Childhood Educator Professional Development</td>
<td></td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Innovative Education (Education Block Grant)</td>
<td>80,750</td>
<td>80,750</td>
<td>515,000</td>
<td>100,000</td>
<td>+10,250</td>
<td>+19,250</td>
<td>+415,000</td>
<td>D FF</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td></td>
<td>285,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>FY02</td>
<td>285,000</td>
<td>285,000</td>
<td>2,585,000</td>
<td>285,000</td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Education Block Grant, program level</td>
<td>365,750</td>
<td>365,750</td>
<td>3,100,000</td>
<td>585,000</td>
<td>+10,250</td>
<td>+19,250</td>
<td>-2,715,000</td>
<td>D</td>
</tr>
<tr>
<td>Class Size Reduction, current</td>
<td>400,000</td>
<td>850,000</td>
<td></td>
<td></td>
<td>475,000</td>
<td>475,000</td>
<td>475,000</td>
<td>D FF</td>
</tr>
<tr>
<td>Advance from prior year (1)</td>
<td></td>
<td>(900,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>FY02</td>
<td>900,000</td>
<td>900,000</td>
<td></td>
<td></td>
<td>1,150,000</td>
<td>1,150,000</td>
<td>+1,150,000</td>
<td>D</td>
</tr>
<tr>
<td>Class Size Reduction, program level</td>
<td>1,300,000</td>
<td>1,750,000</td>
<td></td>
<td></td>
<td>1,623,000</td>
<td>1,623,000</td>
<td>1,623,000</td>
<td>D</td>
</tr>
</tbody>
</table>

(1) Funds made available in FY 2000 appropriation.
| LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000) | FY 2000 Comparable | FY 2001 Request | House | Senate | Conference | FY 2000 Conference vs House Senate Disc |
|---|---|---|---|---|---|---|---|
| Teacher Empowerment Act (1) | --- | --- | 850,000 | --- | --- | --- | -850,000 |
| FY02 | --- | --- | 900,000 | --- | --- | --- | -900,000 |
| Teacher Empowerment Act, program level | --- | --- | 1,750,000 | --- | --- | --- | -1,750,000 |
| School Renovation Grants (2) | --- | --- | --- | --- | 1,200,000 | +1,200,000 | +1,200,000 |
| Safe and Drug Free Schools: | | | | | | | |
| State Grants, current funded | 109,750 | 109,750 | 109,250 | 117,000 | 109,250 | --- | -7,750 |
| Advance from prior year | (330,000) | (330,000) | (330,000) | (330,000) | (330,000) | --- | NA |
| FY02 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | --- | D |
| State Grants, program level | 430,250 | 430,250 | 430,250 | 430,250 | 430,250 | --- | 7,750 |
| National Programs | 110,750 | 160,750 | 110,000 | 145,000 | 155,000 | +44,250 | +45,000 |
| Coordinator Initiative | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | --- | D |
| Subtotal, Safe and drug free schools | 600,000 | 650,000 | 599,250 | 644,000 | 644,250 | +44,250 | +45,000 |
| Inexpensive Book Distribution (RIF) | 20,000 | 20,000 | 21,000 | 23,000 | 23,000 | +3,000 | +2,000 |
| Arts in Education | 11,500 | 23,000 | 16,500 | 18,000 | 18,000 | +16,500 | +11,500 |

(1) Teacher Empowerment Act subject to authorization.

(2) President requested School Renovation as separate account.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 (S000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Conference vs</th>
<th>Senate</th>
<th>Mand</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other school improvement programs:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magnet Schools Assistance</td>
<td>110,000</td>
<td>110,000</td>
<td>110,000</td>
<td>110,000</td>
<td>110,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Education for Homeless Children &amp; Youth</td>
<td>28,800</td>
<td>31,700</td>
<td>32,000</td>
<td>31,700</td>
<td>35,000</td>
<td>+6,200</td>
<td>+3,000</td>
<td>+3,300</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Women's Educational Equity</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Training and Advisory Services (Civil Rights)</td>
<td>7,334</td>
<td>7,334</td>
<td>7,334</td>
<td>7,334</td>
<td>7,334</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Ellender fellowships/Close Up</td>
<td>1,500</td>
<td>---</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Education for Native Hawaiians</td>
<td>23,000</td>
<td>23,000</td>
<td>23,000</td>
<td>28,000</td>
<td>28,000</td>
<td>+5,000</td>
<td>+5,000</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Alaska Native Education Equity</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>+2,000</td>
<td>+2,000</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Charter Schools</td>
<td>145,000</td>
<td>175,000</td>
<td>175,000</td>
<td>210,000</td>
<td>190,000</td>
<td>+50,000</td>
<td>+15,000</td>
<td>-20,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Subtotal, other school improvement programs</td>
<td>331,634</td>
<td>363,034</td>
<td>366,834</td>
<td>486,534</td>
<td>389,834</td>
<td>+58,200</td>
<td>+25,000</td>
<td>-16,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opportunities to Improve our Nation's Schools (OPTIONS)</td>
<td>---</td>
<td>20,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Strengthening Technical assistance Capacity Grants</td>
<td>---</td>
<td>38,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Comprehensive Regional Assistance Centers</td>
<td>28,000</td>
<td>---</td>
<td>28,000</td>
<td>28,000</td>
<td>28,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Advanced Placement fees</td>
<td>15,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>22,000</td>
<td>+7,000</td>
<td>+2,000</td>
<td>---</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total, School improvement programs</td>
<td>3,008,604</td>
<td>3,869,034</td>
<td>3,165,334</td>
<td>4,672,534</td>
<td>4,872,084</td>
<td>+1,865,200</td>
<td>+1,706,750</td>
<td>+199,550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Year</td>
<td>(1,401,884)</td>
<td>(2,354,034)</td>
<td>(1,650,334)</td>
<td>(1,757,534)</td>
<td>(3,107,084)</td>
<td>(+1,615,200)</td>
<td>(+1,456,750)</td>
<td>(+1,349,550)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(1,515,000)</td>
<td>(1,515,000)</td>
<td>(1,515,000)</td>
<td>(2,915,000)</td>
<td>(1,765,000)</td>
<td>(+250,000)</td>
<td>(+250,000)</td>
<td>(+1,150,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, forward funded</td>
<td>(955,300)</td>
<td>(1,395,950)</td>
<td>(1,073,500)</td>
<td>(1,100,200)</td>
<td>(2,403,750)</td>
<td>(+1,448,450)</td>
<td>(+1,330,250)</td>
<td>(+1,303,550)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**READING EXCELLENCE**

<p>| Reading Excellence Act | 65,000 | 91,000 | 65,000 | 91,000 | 91,000 | +26,000 | +26,000 | --- | 0 |
| Advance from prior year | --- | (195,000) | (195,000) | (195,000) | (195,000) | (+195,000) | --- | NA | |
| FY02 | 195,000 | 195,000 | 195,000 | 195,000 | 195,000 | --- | --- | --- | 0 |
| Reading Excellence, program level | 260,000 | 286,000 | 260,000 | 286,000 | 286,000 | +26,000 | +26,000 | --- | 0 |</p>
<table>
<thead>
<tr>
<th></th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDIAN EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to local Educational Agencies</td>
<td>62,000</td>
<td>92,765</td>
<td>92,765</td>
<td>92,765</td>
<td>92,765</td>
<td>+50,765</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Programs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Programs for Indian Children</td>
<td>15,265</td>
<td>20,000</td>
<td>13,265</td>
<td>20,000</td>
<td>20,000</td>
<td>+6,735</td>
<td>+6,735</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>National Activities</td>
<td>1,735</td>
<td>2,735</td>
<td>1,735</td>
<td>2,735</td>
<td>2,735</td>
<td>+1,000</td>
<td>+1,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>15,000</td>
<td>22,735</td>
<td>15,000</td>
<td>22,735</td>
<td>22,735</td>
<td>+7,735</td>
<td>+7,735</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Indian Education</strong></td>
<td>77,000</td>
<td>115,500</td>
<td>107,765</td>
<td>115,500</td>
<td>115,500</td>
<td>+58,500</td>
<td>+7,735</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>SCHOOL RENOVATION (1)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to Indian LEAs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to Other High-Need LEAs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>125,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Renovation Loan Subsidies</td>
<td></td>
<td>1,125,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, School Renovation</strong></td>
<td>1,200,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BILINGUAL AND IMMIGRANT EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bilingual Education:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instructional Services</td>
<td>162,500</td>
<td>180,000</td>
<td>162,500</td>
<td>180,000</td>
<td>180,000</td>
<td>+17,500</td>
<td>+17,500</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Support Services</td>
<td>14,000</td>
<td>16,000</td>
<td>14,000</td>
<td>14,000</td>
<td>16,000</td>
<td>+2,000</td>
<td>+2,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Professional Development</td>
<td>71,500</td>
<td>100,000</td>
<td>71,500</td>
<td>85,000</td>
<td>100,000</td>
<td>+28,500</td>
<td>+28,500</td>
<td>+15,000</td>
<td></td>
</tr>
<tr>
<td>Immigrant Education</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Language Assistance</td>
<td>8,000</td>
<td>14,000</td>
<td>8,000</td>
<td>14,000</td>
<td>14,000</td>
<td>+6,000</td>
<td>+6,000</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Bilingual and Immigrant Education</strong></td>
<td>406,000</td>
<td>460,000</td>
<td>460,000</td>
<td>443,000</td>
<td>460,000</td>
<td>+54,000</td>
<td>+54,000</td>
<td>+17,000</td>
<td></td>
</tr>
</tbody>
</table>

(1) Funding provided under School Improvement.
<table>
<thead>
<tr>
<th></th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SPECIAL EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State grants:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants to States Part B advance funded</td>
<td>3,742,000</td>
<td>3,742,000</td>
<td>3,742,000</td>
<td>4,624,000</td>
<td>5,072,000</td>
<td>+1,330,000</td>
<td>+1,330,000</td>
</tr>
<tr>
<td>Grants to States Part B advance from prior year</td>
<td>-</td>
<td>(3,742,000)</td>
<td>(3,742,000)</td>
<td>(3,742,000)</td>
<td>(3,742,000)</td>
<td>+3,742,000</td>
<td>-</td>
</tr>
<tr>
<td>Grants to States Part B current year</td>
<td>1,267,685</td>
<td>1,537,685</td>
<td>1,747,685</td>
<td>1,655,685</td>
<td>1,267,685</td>
<td>+20,000</td>
<td>-480,000</td>
</tr>
<tr>
<td>Grants to States program level</td>
<td>6,990,685</td>
<td>5,279,685</td>
<td>5,692,685</td>
<td>6,279,685</td>
<td>6,139,685</td>
<td>+1,350,000</td>
<td>+850,000</td>
</tr>
<tr>
<td>Preschool Grants</td>
<td>390,000</td>
<td>390,000</td>
<td>390,000</td>
<td>390,000</td>
<td>390,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grants for Infants and Families</td>
<td>375,000</td>
<td>383,567</td>
<td>375,000</td>
<td>383,567</td>
<td>383,567</td>
<td>+8,567</td>
<td>+8,567</td>
</tr>
<tr>
<td>Subtotal, State grants program level</td>
<td>5,754,685</td>
<td>6,053,252</td>
<td>6,254,685</td>
<td>7,053,252</td>
<td>7,113,252</td>
<td>+1,358,567</td>
<td>+858,567</td>
</tr>
<tr>
<td><strong>IDEA National Activities (current funded):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Program Improvement Grants</td>
<td>35,200</td>
<td>45,200</td>
<td>45,200</td>
<td>35,200</td>
<td>49,200</td>
<td>+4,000</td>
<td>+4,000</td>
</tr>
<tr>
<td>Research and Innovation</td>
<td>64,433</td>
<td>74,433</td>
<td>64,433</td>
<td>74,433</td>
<td>77,353</td>
<td>+12,920</td>
<td>+12,920</td>
</tr>
<tr>
<td>Technical Assistance and Dissemination</td>
<td>45,481</td>
<td>53,481</td>
<td>45,481</td>
<td>53,481</td>
<td>53,481</td>
<td>+8,000</td>
<td>+8,000</td>
</tr>
<tr>
<td>Personnel Preparation</td>
<td>81,952</td>
<td>81,952</td>
<td>81,952</td>
<td>81,952</td>
<td>81,952</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Parent Information Centers</td>
<td>18,535</td>
<td>26,000</td>
<td>22,000</td>
<td>26,000</td>
<td>26,000</td>
<td>+7,465</td>
<td>+4,000</td>
</tr>
<tr>
<td>Technology and Media Services</td>
<td>34,410</td>
<td>34,523</td>
<td>36,410</td>
<td>35,323</td>
<td>37,210</td>
<td>+2,800</td>
<td>+800</td>
</tr>
<tr>
<td>Public Telecom Info/Training Dissemination</td>
<td>1,500</td>
<td>-</td>
<td>-</td>
<td>1,500</td>
<td>1,500</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subtotal, IDEA special programs</td>
<td>281,513</td>
<td>315,589</td>
<td>295,476</td>
<td>299,089</td>
<td>326,696</td>
<td>+45,185</td>
<td>+31,220</td>
</tr>
<tr>
<td><strong>Total, Special education</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Year</td>
<td>(2,946,196)</td>
<td>(2,626,841)</td>
<td>(2,816,161)</td>
<td>(2,729,141)</td>
<td>(2,367,948)</td>
<td>(173,752)</td>
<td>(440,213)</td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(3,742,000)</td>
<td>(3,742,000)</td>
<td>(4,624,000)</td>
<td>(5,072,000)</td>
<td>(1,330,000)</td>
<td>+1,330,000</td>
<td>+448,000</td>
</tr>
<tr>
<td>Subtotal, Forward funded</td>
<td>(2,067,885)</td>
<td>(2,356,452)</td>
<td>(2,577,885)</td>
<td>(2,464,452)</td>
<td>(2,090,452)</td>
<td>(42,567)</td>
<td>(467,433)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Rehabilitation Services and Disability Research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation State Grants</td>
<td>2,358,977</td>
<td>2,399,790</td>
<td>2,399,790</td>
<td>2,399,790</td>
<td>2,399,790</td>
<td>+60,813</td>
<td>---</td>
</tr>
<tr>
<td>Client Assistance State Grants</td>
<td>10,928</td>
<td>11,147</td>
<td>10,928</td>
<td>11,147</td>
<td>11,647</td>
<td>+719</td>
<td>+719</td>
</tr>
<tr>
<td>Training</td>
<td>39,629</td>
<td>39,629</td>
<td>39,629</td>
<td>39,629</td>
<td>39,629</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Demonstration and training programs</td>
<td>21,672</td>
<td>21,672</td>
<td>16,492</td>
<td>21,672</td>
<td>21,092</td>
<td>-580</td>
<td>+6,600</td>
</tr>
<tr>
<td>Migrant and seasonal farmworkers</td>
<td>2,350</td>
<td>2,850</td>
<td>2,350</td>
<td>2,850</td>
<td>2,350</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Recreational programs</td>
<td>3,521</td>
<td>2,596</td>
<td>2,596</td>
<td>2,596</td>
<td>2,596</td>
<td>-925</td>
<td>---</td>
</tr>
<tr>
<td>Protection and advocacy of individual rights (PAIR)</td>
<td>11,804</td>
<td>12,132</td>
<td>14,000</td>
<td>13,000</td>
<td>14,000</td>
<td>+2,106</td>
<td>---</td>
</tr>
<tr>
<td>Projects with industry</td>
<td>22,071</td>
<td>22,071</td>
<td>22,071</td>
<td>22,071</td>
<td>22,071</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Supported employment State grants</td>
<td>38,152</td>
<td>38,152</td>
<td>38,152</td>
<td>38,152</td>
<td>38,152</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Independent Living: State grants</td>
<td>22,296</td>
<td>22,296</td>
<td>22,296</td>
<td>22,296</td>
<td>22,296</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Centers</td>
<td>48,000</td>
<td>58,000</td>
<td>58,000</td>
<td>58,000</td>
<td>58,000</td>
<td>+10,000</td>
<td>---</td>
</tr>
<tr>
<td>Services for older blind individuals</td>
<td>15,000</td>
<td>15,000</td>
<td>18,000</td>
<td>20,000</td>
<td>20,000</td>
<td>+5,000</td>
<td>+2,000</td>
</tr>
<tr>
<td>Subtotal, Independent Living</td>
<td>85,296</td>
<td>95,296</td>
<td>98,296</td>
<td>100,296</td>
<td>100,296</td>
<td>+15,000</td>
<td>+2,000</td>
</tr>
<tr>
<td>Program Improvement</td>
<td>1,900</td>
<td>1,900</td>
<td>1,900</td>
<td>1,900</td>
<td>1,900</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Evaluation</td>
<td>1,587</td>
<td>1,587</td>
<td>1,587</td>
<td>1,587</td>
<td>1,587</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Helen Keller National Center for Deaf-Blind Youths &amp; Adults</td>
<td>8,550</td>
<td>8,717</td>
<td>8,550</td>
<td>8,717</td>
<td>8,717</td>
<td>+167</td>
<td>+167</td>
</tr>
<tr>
<td>National Institute for Disability and Rehabilitation Research (NIDRR)</td>
<td>86,462</td>
<td>100,000</td>
<td>86,462</td>
<td>95,000</td>
<td>100,400</td>
<td>+13,938</td>
<td>+13,938</td>
</tr>
<tr>
<td>Assistive Technology</td>
<td>34,000</td>
<td>41,112</td>
<td>34,000</td>
<td>41,112</td>
<td>41,112</td>
<td>+7,112</td>
<td>+7,112</td>
</tr>
<tr>
<td>Subtotal, Discretionary Programs</td>
<td>360,012</td>
<td>398,861</td>
<td>377,013</td>
<td>399,729</td>
<td>405,549</td>
<td>+37,537</td>
<td>+28,536</td>
</tr>
<tr>
<td>Total, Rehabilitation Services</td>
<td>2,706,989</td>
<td>2,798,951</td>
<td>2,776,803</td>
<td>2,799,519</td>
<td>2,805,339</td>
<td>+98,350</td>
<td>+28,536</td>
</tr>
<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($1000)</td>
<td>FY 2000</td>
<td>FY 2001</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
<td>Conference vs House</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMERICAN PRINTING HOUSE FOR THE BLIND</td>
<td>10,100</td>
<td>10,265</td>
<td>11,000</td>
<td>12,500</td>
<td>12,000</td>
<td>+1,000</td>
<td>+1,000</td>
</tr>
<tr>
<td>NATIONAL TECHNICAL INSTITUTE FOR THE DEAF</td>
<td>45,500</td>
<td>46,410</td>
<td>48,000</td>
<td>47,190</td>
<td>48,000</td>
<td>+2,500</td>
<td>---</td>
</tr>
<tr>
<td>Construction</td>
<td>2,651</td>
<td>5,376</td>
<td>6,000</td>
<td>7,176</td>
<td>5,376</td>
<td>+2,725</td>
<td>-624</td>
</tr>
<tr>
<td>Total</td>
<td>48,151</td>
<td>51,786</td>
<td>54,000</td>
<td>54,366</td>
<td>53,376</td>
<td>+5,225</td>
<td>-624</td>
</tr>
<tr>
<td>GALLAUDET UNIVERSITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations</td>
<td>83,680</td>
<td>87,650</td>
<td>89,400</td>
<td>87,650</td>
<td>89,400</td>
<td>+5,920</td>
<td>---</td>
</tr>
<tr>
<td>Construction</td>
<td>2,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>+2,500</td>
</tr>
<tr>
<td>Total</td>
<td>86,180</td>
<td>87,650</td>
<td>89,400</td>
<td>87,650</td>
<td>89,400</td>
<td>+5,920</td>
<td>---</td>
</tr>
<tr>
<td>Total, Special institutions</td>
<td>144,231</td>
<td>149,786</td>
<td>154,000</td>
<td>154,366</td>
<td>153,766</td>
<td>+10,545</td>
<td>+376</td>
</tr>
<tr>
<td>VOCATIONAL AND ADULT EDUCATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational education:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basic State Grants, current funded</td>
<td>264,650</td>
<td>264,650</td>
<td>309,000</td>
<td>280,000</td>
<td>309,000</td>
<td>+44,350</td>
<td>---</td>
</tr>
<tr>
<td>Advance from prior year</td>
<td>---</td>
<td>(79,000)</td>
<td>(791,000)</td>
<td>(791,000)</td>
<td>(791,000)</td>
<td>(+791,000)</td>
<td>---</td>
</tr>
<tr>
<td>FY02</td>
<td>791,000</td>
<td>791,000</td>
<td>791,000</td>
<td>791,000</td>
<td>791,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Basic State Grants, program level</td>
<td>1,055,650</td>
<td>855,650</td>
<td>1,100,000</td>
<td>1,071,000</td>
<td>1,071,000</td>
<td>+44,350</td>
<td>---</td>
</tr>
<tr>
<td>Tech-Prep Education</td>
<td>106,000</td>
<td>106,000</td>
<td>106,000</td>
<td>106,000</td>
<td>106,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>FY02</td>
<td>200,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Tribally Controlled Postsecondary Vocational Institutions</td>
<td>4,600</td>
<td>4,600</td>
<td>4,600</td>
<td>5,600</td>
<td>5,600</td>
<td>+1,000</td>
<td>+1,000</td>
</tr>
<tr>
<td>National Programs</td>
<td>17,500</td>
<td>17,500</td>
<td>17,500</td>
<td>17,500</td>
<td>17,500</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Tech-Prep Education Demonstration</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>5,000</td>
<td>5,000</td>
<td>+5,000</td>
<td>+5,000</td>
</tr>
<tr>
<td>Occupational and Employment Information Program</td>
<td>9,000</td>
<td>9,000</td>
<td>9,000</td>
<td>9,000</td>
<td>9,000</td>
<td>+9,000</td>
<td>+9,000</td>
</tr>
<tr>
<td>Subtotal, Vocational education</td>
<td>1,192,750</td>
<td>1,183,750</td>
<td>1,228,100</td>
<td>1,214,100</td>
<td>1,243,100</td>
<td>+50,350</td>
<td>+15,000</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Adult education: State Grants, current funded</td>
<td>450,000</td>
<td>460,000</td>
<td>470,000</td>
<td>470,000</td>
<td>540,000</td>
<td>+90,000</td>
<td>+70,000</td>
</tr>
<tr>
<td>National programs: National leadership activities</td>
<td>14,000</td>
<td>89,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>National Institute for literacy</td>
<td>6,000</td>
<td>6,500</td>
<td>6,500</td>
<td>6,500</td>
<td>6,500</td>
<td>+500</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, National programs</td>
<td>20,000</td>
<td>95,500</td>
<td>20,500</td>
<td>20,500</td>
<td>20,500</td>
<td>+500</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, adult education</td>
<td>470,000</td>
<td>555,500</td>
<td>490,500</td>
<td>490,500</td>
<td>560,500</td>
<td>+90,500</td>
<td>+70,000</td>
</tr>
<tr>
<td>State Grants for incarcerated youth offenders</td>
<td>19,000</td>
<td>12,000</td>
<td>---</td>
<td>22,000</td>
<td>22,000</td>
<td>+3,000</td>
<td>+22,000</td>
</tr>
<tr>
<td>Total, Vocational and adult education</td>
<td>1,681,750</td>
<td>1,751,250</td>
<td>1,718,600</td>
<td>1,726,600</td>
<td>1,825,600</td>
<td>+144,550</td>
<td>+107,000</td>
</tr>
<tr>
<td>Current Year</td>
<td>(890,750)</td>
<td>(960,250)</td>
<td>(927,600)</td>
<td>(935,600)</td>
<td>(1,034,600)</td>
<td>(1,143,550)</td>
<td>(107,000)</td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(791,000)</td>
<td>(791,000)</td>
<td>(791,000)</td>
<td>(791,000)</td>
<td>(791,000)</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, forward funded (1)</td>
<td>(882,650)</td>
<td>(964,500)</td>
<td>(922,000)</td>
<td>(929,000)</td>
<td>(1,028,000)</td>
<td>(1,145,550)</td>
<td>(106,000)</td>
</tr>
</tbody>
</table>

(1) Does not include $3.5 million in FY 2000 and $1 million in FY 2001 for Vocational Education National Programs that are current funded; the Senate Budget Request proposed the Youth Offender program be current funded.
<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs Senate</th>
<th>House</th>
<th>Senate</th>
<th>Mand</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STUDENT FINANCIAL ASSISTANCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pell Grants -- maximum grant (NA)</td>
<td>(3,300)</td>
<td>(3,500)</td>
<td>(3,500)</td>
<td>(3,650)</td>
<td>(3,750)</td>
<td>(+250)</td>
<td>(+100)</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pell Grants -- Regular Program</td>
<td>7,639,717</td>
<td>8,356,000</td>
<td>8,308,000</td>
<td>8,692,000</td>
<td>8,756,000</td>
<td>+1,116,283</td>
<td>+448,000</td>
<td>+64,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Supplemental Educational Opportunity Grants</td>
<td>621,000</td>
<td>691,000</td>
<td>691,000</td>
<td>691,000</td>
<td>691,000</td>
<td>+70,000</td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Emergency SEOG--Hurricane Floyd</td>
<td>10,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-10,000</td>
<td></td>
<td>D</td>
<td>EMC</td>
<td></td>
</tr>
<tr>
<td>Federal Work Study</td>
<td>934,000</td>
<td>1,011,000</td>
<td>1,011,000</td>
<td>1,011,000</td>
<td>1,011,000</td>
<td>+77,000</td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Federal Perkins loans:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Contributions</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Loan Cancellations</td>
<td>30,000</td>
<td>60,000</td>
<td>40,000</td>
<td>75,000</td>
<td>60,000</td>
<td>+30,000</td>
<td>+20,000</td>
<td>-15,000</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td><strong>Subtotal, Federal Perkins loans</strong></td>
<td>130,000</td>
<td>160,000</td>
<td>140,000</td>
<td>175,000</td>
<td>160,000</td>
<td>+30,000</td>
<td>+20,000</td>
<td>-15,000</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>LEAP program</td>
<td>40,000</td>
<td>40,000</td>
<td>---</td>
<td>70,000</td>
<td>55,000</td>
<td>+15,000</td>
<td>+55,000</td>
<td>-15,000</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Loan Forgiveness for Child Care</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>1,000</td>
<td>1,000</td>
<td>+1,000</td>
<td>+1,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Student financial assistance</strong></td>
<td>9,374,717</td>
<td>10,258,000</td>
<td>10,150,000</td>
<td>10,639,000</td>
<td>10,674,000</td>
<td>+1,299,283</td>
<td>+524,000</td>
<td>+35,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **FEDERAL FAMILY EDUCATION LOAN PROGRAM**                        |                   |                |       |        |            |                             |       |        |      |      |
| Federal Administration                                           | 48,000            | 48,000         | 48,000| 48,000 | 48,000     | ---                         |        |        |      | D    |
| **HIGHER EDUCATION** | | | | | | | | | | | | | | | | | | | | |
| Aid for institutional development: | | | | | | | | | | | | | | | | | | | | |
| Strengthening Institutions | 60,250 | 63,000 | 73,000 | 65,000 | 73,000 | +12,750 | --- | +8,000 | D | | | | | | | | | | | | |
| Hispanic Serving Institutions | 62,250 | 62,500 | 68,500 | 62,500 | 68,500 | +26,250 | --- | +6,000 | D | | | | | | | | | | | | |
| Dual-Degree Programs for Minority Institutions | --- | 40,000 | --- | --- | --- | --- | --- | --- | D | | | | | | | | | | | | |
| Strengthening Historically Black Colleges (HBCUs) | 148,750 | 169,000 | 185,000 | 169,000 | 185,000 | +36,250 | --- | +16,000 | D | | | | | | | | | | | | |
| Strengthening historically black graduate insts | 31,000 | 40,000 | 45,000 | 40,000 | 45,000 | +15,000 | --- | +5,000 | D | | | | | | | | | | | | |
| Strengthening Alaska / Native Hawaiian Inst | 5,000 | 5,000 | 5,000 | 6,000 | 6,000 | +1,000 | +1,000 | D | | | | | | | | | | | | |
| Strengthening Tribal Colleges | 6,000 | 9,000 | 12,000 | 15,000 | 15,000 | +9,000 | +3,000 | D | | | | | | | | | | | | |
| Subtotal, Institutional development | 293,250 | 388,500 | 388,500 | 357,500 | 392,500 | +99,250 | +4,000 | +35,000 | D | | | | | | | | | | | | |
| Program development: | | | | | | | | | | | | | | | | | | | | |
| Fund for the Improvement of Postsec. Ed. (FIPSE) | 74,999 | 31,200 | 31,200 | 51,247 | 146,687 | +71,688 | +115,687 | +95,640 | D | | | | | | | | | | | | |
| Minority Science and Engineering Improvement | 7,500 | 8,500 | 8,500 | 8,500 | 8,500 | +1,000 | --- | --- | D | | | | | | | | | | | | |
| International education and foreign language: | | | | | | | | | | | | | | | | | | | | |
| Domestic Programs | 62,000 | 62,000 | 67,000 | 62,000 | 67,000 | +5,000 | --- | +5,000 | D | | | | | | | | | | | | |
| Overseas Programs | 6,680 | 10,000 | 10,000 | 10,000 | 10,000 | +3,320 | --- | --- | D | | | | | | | | | | | | |
| Institute for International Public Policy | 1,022 | 1,022 | 1,022 | 1,022 | 1,022 | --- | --- | --- | D | | | | | | | | | | | | |
| Subtotal, International education | 69,702 | 73,022 | 78,022 | 73,022 | 78,022 | +8,320 | --- | +5,000 | D | | | | | | | | | | | | |
| Interest Subsidy Grants | 12,000 | 10,000 | 10,000 | 10,000 | 10,000 | +2,000 | --- | --- | D | | | | | | | | | | | | |
| Federal TRIO Programs | 645,000 | 725,000 | 760,000 | 736,500 | 739,000 | +85,000 | +30,000 | +6,500 | D | | | | | | | | | | | | |
| GEAR UP | 200,000 | 325,000 | 200,000 | 225,000 | 295,000 | +95,000 | +95,000 | +70,000 | D | | | | | | | | | | | | |
| Byrd Honors Scholarships | 39,859 | 41,001 | 41,001 | 41,001 | 41,001 | +1,142 | +1,142 | --- | D | | | | | | | | | | | | |
| Javits fellowships | 20,000 | 10,000 | 10,000 | 11,000 | 10,000 | +10,000 | --- | --- | D | | | | | | | | | | | | |
| Graduate Assistance in Areas of National Need | 31,000 | 31,000 | 31,000 | 33,000 | 31,000 | --- | --- | --- | D | | | | | | | | | | | | |
| Learning Anytime Anywhere Partnerships | 23,269 | 30,000 | 30,000 | 30,000 | 30,000 | +6,731 | +20,000 | --- | D | | | | | | | | | | | | |
| Teacher Quality Enhancement Grants | 98,000 | 98,000 | 98,000 | 98,000 | 98,000 | --- | --- | --- | D | | | | | | | | | | | | |
| Child Care Access Means Parents in School | 5,000 | 15,000 | 15,000 | 10,000 | 25,000 | +20,000 | +10,000 | +15,000 | D | | | | | | | | | | | | |
| Demonstration in Disabilities / Higher Education | 5,000 | 5,000 | 5,000 | 5,000 | 6,000 | +1,000 | +1,000 | +1,000 | D | | | | | | | | | | | |
|---------------------------------------------------------------|---------|-----------------|-------|--------|------------|---------|-------|--------|-----------------------|-------|--------|------|
| Underground Railroad Program | 1,750 | 1,750 | --- | 1,750 | 1,750 | --- | +1,750 | --- | D |
| Community Scholarship Mobilization | 1,000 | --- | --- | 1,000 | --- | --- | -1,000 | --- | D |
| Loan Forgiveness for Child Care (1) | --- | --- | --- | 10,000 | --- | --- | --- | -10,000 | D |
| WEB Based Education Commission | --- | --- | --- | 250 | +250 | +250 | +250 | D |
| GPRA data/HEA program evaluation | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | --- | --- | --- | D |
| Thurgood Marshall Scholarships | --- | --- | --- | 4,000 | +4,000 | +4,000 | +4,000 | D |
| Olympic Scholarships | --- | --- | --- | 1,000 | +1,000 | +1,000 | +1,000 | D |

| Total, Higher education | 1,530,329 | 1,795,973 | 1,688,081 | 1,704,520 | 1,911,710 | +381,381 | +223,629 | +207,190 |

(1) Moved to Student Financial Assistance in conference.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 House</th>
<th>Senate</th>
<th>Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOWARD UNIVERSITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Program</td>
<td>185,540</td>
<td>190,096</td>
<td>192,500</td>
<td>190,096</td>
<td>198,500</td>
<td>+12,960</td>
<td>+6,000</td>
<td>+8,640 0</td>
</tr>
<tr>
<td>Endowment Program</td>
<td>3,530</td>
<td>3,530</td>
<td>3,600</td>
<td>3,530</td>
<td>3,600</td>
<td>+70</td>
<td>...</td>
<td>+70 0</td>
</tr>
<tr>
<td>Howard University Hospital</td>
<td>30,374</td>
<td>30,374</td>
<td>30,374</td>
<td>30,374</td>
<td>30,374</td>
<td>...</td>
<td>...</td>
<td>... 0</td>
</tr>
<tr>
<td>Total, Howard University</td>
<td>219,444</td>
<td>224,000</td>
<td>226,474</td>
<td>224,000</td>
<td>232,474</td>
<td>+13,030</td>
<td>+6,000</td>
<td>+8,474 0</td>
</tr>
<tr>
<td>COLLEGE HOUSING &amp; ACADEMIC FACILITIES LOANS PROGRAM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Administration</td>
<td>737</td>
<td>737</td>
<td>737</td>
<td>737</td>
<td>762</td>
<td>+25</td>
<td>+25</td>
<td>+25 0</td>
</tr>
<tr>
<td>HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HBCU Capital Financing Program -- Federal Admin.</td>
<td>207</td>
<td>208</td>
<td>207</td>
<td>208</td>
<td>208</td>
<td>+1</td>
<td>+1</td>
<td>... 0</td>
</tr>
<tr>
<td>EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and statistics:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research, Development, and Dissemination</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Educational Laboratories</td>
<td>103,567</td>
<td>103,567</td>
<td>103,567</td>
<td>113,567</td>
<td>120,567</td>
<td>+17,000</td>
<td>+17,000</td>
<td>+7,000 0</td>
</tr>
<tr>
<td>Statistics</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td>...</td>
<td>...</td>
<td>... 0</td>
</tr>
<tr>
<td>Assessment:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Assessment</td>
<td>68,000</td>
<td>68,000</td>
<td>68,000</td>
<td>68,000</td>
<td>68,000</td>
<td>+12,000</td>
<td>+12,000</td>
<td>+12,000 0</td>
</tr>
<tr>
<td>National Assessment Governing Board</td>
<td>4,000</td>
<td>4,500</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>...</td>
<td>...</td>
<td>... 0</td>
</tr>
<tr>
<td>Subtotal, Assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Research and statistics</td>
<td>276,567</td>
<td>325,067</td>
<td>276,567</td>
<td>286,567</td>
<td>305,567</td>
<td>+20,000</td>
<td>+20,000</td>
<td>+19,000 0</td>
</tr>
<tr>
<td>Labor, Health and Human Services, Education, and Related Agencies, 2001 ($000)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs House</td>
<td>Senate Hand Disc</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Fund for the Improvement of Education</td>
<td>199,732</td>
<td>137,150</td>
<td>145,000</td>
<td>142,152</td>
<td>349,354</td>
<td>+150,122</td>
<td>+206,354</td>
<td>+207,202</td>
</tr>
<tr>
<td>International Education Exchange</td>
<td>7,000</td>
<td>8,000</td>
<td>7,000</td>
<td>10,000</td>
<td>10,000</td>
<td>+3,000</td>
<td>+3,000</td>
<td>---</td>
</tr>
<tr>
<td>Civic Education</td>
<td>9,850</td>
<td>9,850</td>
<td>10,000</td>
<td>12,000</td>
<td>12,000</td>
<td>+2,150</td>
<td>+2,000</td>
<td>---</td>
</tr>
<tr>
<td>Eisenhower Professional Dep. Federal Activities</td>
<td>23,300</td>
<td>---</td>
<td>23,300</td>
<td>23,300</td>
<td>23,300</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Eisenhower Regional Math &amp; Science Ed. Consortia</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Javits Gifted and Talented Education</td>
<td>6,500</td>
<td>7,500</td>
<td>7,500</td>
<td>7,500</td>
<td>7,500</td>
<td>+1,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>America's Tests</td>
<td>---</td>
<td>5,000</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>National Writing Project</td>
<td>9,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>+1,000</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

Total, ERS: 566,649 | 517,567 | 494,367 | 506,519 | 732,721 | +186,272 | +238,354 | +226,202 | D |

**Departmental Management**

| Program Administration | 382,934 | 413,184 | 382,934 | 395,871 | 413,184 | +30,250 | +30,250 | +17,313 | D |
| Office for Civil Rights | 71,200 | 76,000 | 71,200 | 73,224 | 76,000 | +4,800 | +4,800 | +2,776 | D |
| Office of the Inspector General | 36,000 | 36,500 | 34,000 | 35,456 | 36,500 | +2,500 | +2,500 | +1,044 | D |

Total, Departmental Management: 458,134 | 525,684 | 488,134 | 504,551 | 525,684 | +37,550 | +37,550 | +21,133 | D |

**Student Loans**

New Annual Loan Volume (Including Consolidation):
Federal Family Education Loans (FFEL): $(25,540,000) (26,902,000) (26,902,000) (26,902,000) (26,902,000) (+1,362,000) --- --- MA
Federal Direct Student Loans (FFDL): $(56,200,000) (56,400,000) (65,400,000) (65,400,000) (65,400,000) (+11,200,000) --- --- ---

Total Outstanding Loan Volume:
Federal Family Education Loans (FFEL): $(251,700,000) (303,900,000) (303,900,000) (303,900,000) (303,900,000) (+22,200,000) --- --- MA
Federal Direct Student Loans (FFDL): $(56,200,000) (65,400,000) (65,400,000) (65,400,000) (65,400,000) (+11,200,000) --- --- ---

Total, Department of Education: 37,924,687 | 42,494,666 | 39,562,049 | 42,674,666 | 44,491,639 | +6,564,752 | +6,949,390 | +1,816,794 |
Current year: $(25,490,924) (30,046,883) (27,094,286) (27,926,303) (29,910,139) (+4,413,215) (+2,815,053) (+1,983,856) |
Advance Year, FY02: $(12,447,763) (12,447,763) (12,447,763) (14,748,342) (14,581,300) (+2,135,557) (+2,135,557) (-167,042) |
<table>
<thead>
<tr>
<th>TITLE IV - RELATED AGENCIES</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 House</th>
<th>Senate Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARMED FORCES RETIREMENT HOME</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and Maintenance</td>
<td>55,590</td>
<td>60,000</td>
<td>60,000</td>
<td>60,000</td>
<td>60,000</td>
<td>+4,401</td>
<td>-</td>
</tr>
<tr>
<td>Capital Program</td>
<td>12,606</td>
<td>9,832</td>
<td>9,832</td>
<td>9,832</td>
<td>9,832</td>
<td>-2,864</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total, AFRH</strong></td>
<td><strong>68,296</strong></td>
<td><strong>69,832</strong></td>
<td><strong>69,832</strong></td>
<td><strong>69,832</strong></td>
<td><strong>69,832</strong></td>
<td><strong>+1,537</strong></td>
<td></td>
</tr>
</tbody>
</table>

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)

Domestic Volunteer Service Programs:

- Volunteers in Service to America (VISTA)........... 80,574 86,000 80,574 83,074 83,074 +2,500 +2,500 -
- National Senior Volunteer Corps:
  - Foster Grandparents Program..................... 95,988 97,782 95,988 97,500 98,068 +2,880 +2,880 +1,368 0
  - Senior Companion Program...................... 39,219 41,669 39,219 40,219 40,395 +1,176 +1,176 +176 0
  - Retired Senior Volunteer Program............... 66,117 50,565 66,117 48,117 48,884 +2,767 +2,767 +767 0
  - Senior Demonstration Program.................. 1,494 2,500 400 1,494 400 -1,094 -1,094 0

**Subtotal, Senior Volunteers**........... 182,818 192,516 181,724 187,330 188,547 +5,729 +6,823 +1,217

- Program Administration.......................... 31,129 34,100 32,229 32,100 32,229 +1,100 -

**Total, Domestic Volunteer Service Programs**.... 214,947 226,616 214,927 219,430 220,817 +6,329 +7,623 +1,346

(1) Appropriations for Americorps are provided in the VA-HUD bill.
<table>
<thead>
<tr>
<th>Agency and Program</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporation for Public Broadcasting:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY03 (current request) with FY02 comparable</td>
<td>350,000</td>
<td>365,000</td>
<td>365,000</td>
<td>365,000</td>
<td>365,000</td>
<td>+15,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Digitalization program (1)</td>
<td></td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY02 advance with FY01 comparable (NA)</td>
<td>(340,000)</td>
<td>(350,000)</td>
<td>(350,000)</td>
<td>(340,000)</td>
<td>(340,000)</td>
<td>(-10,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Digitalization program (1)</td>
<td></td>
<td>35,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>FY01 advance with FY00 comparable (NA)</td>
<td>(300,000)</td>
<td>(340,000)</td>
<td>(340,000)</td>
<td>(340,000)</td>
<td>(340,000)</td>
<td>(+40,000)</td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>FY00 reduction</td>
<td>-1,243</td>
<td>---</td>
<td>-1,243</td>
<td></td>
<td></td>
<td>+1,243</td>
<td></td>
<td>+1,243</td>
</tr>
<tr>
<td>Digitalization program (1)</td>
<td>10,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td></td>
<td>+10,000</td>
<td></td>
<td>+20,000</td>
</tr>
<tr>
<td>Satellite replacement supplemental-FY00</td>
<td>(17,500)</td>
<td>---</td>
<td>---</td>
<td>-17,500</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>Subtotal, FY00/01 appropriation</td>
<td>(326,057)</td>
<td>(360,000)</td>
<td>(360,000)</td>
<td>(358,757)</td>
<td>(360,000)</td>
<td>(+33,943)</td>
<td>(+20,000)</td>
<td>(+1,243)</td>
</tr>
<tr>
<td>Federal Mediation and Conciliation Service</td>
<td>356,000</td>
<td>39,001</td>
<td>37,500</td>
<td>38,200</td>
<td>38,200</td>
<td>+1,507</td>
<td>+700</td>
<td>--- D</td>
</tr>
<tr>
<td>Federal Mine Safety and Health Review Commission</td>
<td>6,136</td>
<td>6,320</td>
<td>6,200</td>
<td>6,320</td>
<td>6,320</td>
<td>+184</td>
<td>+120</td>
<td>--- D</td>
</tr>
<tr>
<td>Institute of Museum and Library Services</td>
<td>166,251</td>
<td>173,000</td>
<td>170,000</td>
<td>168,000</td>
<td>207,219</td>
<td>+40,219</td>
<td>+37,219</td>
<td>+39,219 D</td>
</tr>
<tr>
<td>Medicare Payment Advisory Commission (TF)</td>
<td>7,015</td>
<td>8,000</td>
<td>8,000</td>
<td>8,000</td>
<td>8,000</td>
<td>+985</td>
<td>---</td>
<td>TF</td>
</tr>
<tr>
<td>National Commission on Libraries and Info Science</td>
<td>1,995</td>
<td>1,495</td>
<td>1,400</td>
<td>1,495</td>
<td>1,495</td>
<td>+200</td>
<td>+95</td>
<td>--- D</td>
</tr>
<tr>
<td>National Council on Disability</td>
<td>2,391</td>
<td>2,615</td>
<td>2,450</td>
<td>2,615</td>
<td>2,615</td>
<td>+224</td>
<td>+165</td>
<td>--- D</td>
</tr>
<tr>
<td>National Education Goals Panel</td>
<td>2,241</td>
<td>2,350</td>
<td>---</td>
<td>2,350</td>
<td>1,500</td>
<td>-741</td>
<td>+1,500</td>
<td>-850 D</td>
</tr>
<tr>
<td>National Labor Relations Board</td>
<td>205,717</td>
<td>216,438</td>
<td>205,717</td>
<td>216,438</td>
<td>216,438</td>
<td>+10,721</td>
<td>+10,721</td>
<td>--- D</td>
</tr>
</tbody>
</table>

(1) Unauthorized. Funding is subject to enactment of authorization.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Hand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL MEDIATION BOARD</td>
<td>9,562</td>
<td>10,400</td>
<td>9,800</td>
<td>10,400</td>
<td>10,400</td>
<td>+838</td>
<td>+600</td>
</tr>
<tr>
<td>OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION</td>
<td>8,470</td>
<td>8,720</td>
<td>8,600</td>
<td>8,720</td>
<td>8,720</td>
<td>+250</td>
<td>+120</td>
</tr>
<tr>
<td>RAILROAD RETIREMENT BOARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dual Benefits Payments Account</td>
<td>173,539</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>160,000</td>
<td>-13,539</td>
<td></td>
</tr>
<tr>
<td>Less Income Tax Receipts on Dual Benefits</td>
<td>-10,000</td>
<td>-10,000</td>
<td>-10,000</td>
<td>-10,000</td>
<td>-10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal, Dual Benefits</td>
<td>163,539</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>150,000</td>
<td>-13,539</td>
<td></td>
</tr>
<tr>
<td>Federal Payment to the RR Retirement Account</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitation on administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consolidated Account</td>
<td>90,655</td>
<td>92,500</td>
<td>95,000</td>
<td>92,500</td>
<td>95,000</td>
<td>+4,345</td>
<td></td>
</tr>
<tr>
<td>Inspector General</td>
<td>5,380</td>
<td>5,700</td>
<td>5,380</td>
<td>5,700</td>
<td>5,700</td>
<td>+320</td>
<td></td>
</tr>
<tr>
<td>SOCIAL SECURITY ADMINISTRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments to Social Security Trust Funds</td>
<td>20,764</td>
<td>20,400</td>
<td>20,400</td>
<td>20,400</td>
<td>20,400</td>
<td>-364</td>
<td></td>
</tr>
<tr>
<td>SPECIAL BENEFITS FOR DISABLED COAL MINERS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefit payments</td>
<td>520,000</td>
<td>484,078</td>
<td>484,078</td>
<td>484,078</td>
<td>484,078</td>
<td>-35,922</td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>4,638</td>
<td>5,670</td>
<td>5,670</td>
<td>5,670</td>
<td>5,670</td>
<td>+1,032</td>
<td></td>
</tr>
<tr>
<td>Subtotal, Black Lung, current year program level</td>
<td>524,638</td>
<td>489,748</td>
<td>489,748</td>
<td>489,748</td>
<td>489,748</td>
<td>-35,920</td>
<td></td>
</tr>
<tr>
<td>Less funds advanced in prior year</td>
<td>-161,000</td>
<td>-124,000</td>
<td>-124,000</td>
<td>-124,000</td>
<td>-124,000</td>
<td>+17,000</td>
<td></td>
</tr>
<tr>
<td>Total, Black Lung, current request</td>
<td>363,638</td>
<td>365,748</td>
<td>365,748</td>
<td>365,748</td>
<td>365,748</td>
<td>-17,000</td>
<td></td>
</tr>
<tr>
<td>New advances, 1st quarter FY02</td>
<td>124,000</td>
<td>114,000</td>
<td>114,000</td>
<td>114,000</td>
<td>114,000</td>
<td>-10,000</td>
<td></td>
</tr>
</tbody>
</table>

*H12213*
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal benefit payments</td>
<td>29,189,000</td>
<td>30,483,000</td>
<td>30,483,000</td>
<td>30,483,000</td>
<td>30,483,000</td>
<td>+1,294,000</td>
<td>--</td>
</tr>
<tr>
<td>Beneficiary services</td>
<td>64,000</td>
<td>71,000</td>
<td>71,000</td>
<td>71,000</td>
<td>71,000</td>
<td>+7,000</td>
<td>--</td>
</tr>
<tr>
<td>Research and demonstration</td>
<td>25,085</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>30,000</td>
<td>+5,915</td>
<td>--</td>
</tr>
<tr>
<td>Administration</td>
<td>2,142,000</td>
<td>2,359,000</td>
<td>2,132,000</td>
<td>2,359,000</td>
<td>2,349,000</td>
<td>+207,000</td>
<td>+217,000 -10,000</td>
</tr>
<tr>
<td>Subtotal, SSI current year program level</td>
<td>31,420,085</td>
<td>32,903,000</td>
<td>32,716,000</td>
<td>32,943,000</td>
<td>32,933,000</td>
<td>+1,512,915</td>
<td>+217,000 -10,000</td>
</tr>
<tr>
<td>Less funds advanced in prior year</td>
<td>-9,550,000</td>
<td>-9,890,000</td>
<td>-9,890,000</td>
<td>-9,890,000</td>
<td>-9,890,000</td>
<td>-340,000</td>
<td>--</td>
</tr>
<tr>
<td>Subtotal, regular SSI current year (2000/2001)</td>
<td>21,870,085</td>
<td>23,053,000</td>
<td>22,826,000</td>
<td>23,053,000</td>
<td>23,043,000</td>
<td>+1,172,915</td>
<td>+217,000 -10,000</td>
</tr>
<tr>
<td>Additional CDE funding (1)</td>
<td>200,000</td>
<td>210,000</td>
<td>210,000</td>
<td>210,000</td>
<td>210,000</td>
<td>+10,000</td>
<td>--</td>
</tr>
<tr>
<td>User fee Activities</td>
<td>80,000</td>
<td>91,000</td>
<td>91,000</td>
<td>91,000</td>
<td>91,000</td>
<td>+11,000</td>
<td>--</td>
</tr>
<tr>
<td>Total, SSI, current request</td>
<td>22,150,085</td>
<td>23,356,000</td>
<td>23,127,000</td>
<td>23,354,000</td>
<td>23,344,000</td>
<td>+1,195,915</td>
<td>+217,000 -10,000</td>
</tr>
<tr>
<td>New advance, 1st quarter, FY02</td>
<td>9,800,000</td>
<td>10,470,000</td>
<td>10,470,000</td>
<td>10,470,000</td>
<td>10,470,000</td>
<td>+580,000</td>
<td>--</td>
</tr>
</tbody>
</table>

(1) Two year availability.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
<th>Mand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIMITATION ON ADMINISTRATIVE EXPENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OASDI Trust Funds</td>
<td>2,960,236</td>
<td>3,138,200</td>
<td>3,265,236</td>
<td>3,015,000</td>
<td>3,138,200</td>
<td>+177,964</td>
<td>-127,036</td>
<td>+123,200</td>
</tr>
<tr>
<td>HI/SMI Trust Funds</td>
<td>1,038,000</td>
<td>1,094,000</td>
<td>1,038,000</td>
<td>1,094,000</td>
<td>1,094,000</td>
<td>+56,000</td>
<td>+56,000</td>
<td>---</td>
</tr>
<tr>
<td>Social Security Advisory Board</td>
<td>1,800</td>
<td>1,800</td>
<td>1,800</td>
<td>1,800</td>
<td>1,800</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SSI</td>
<td>2,142,000</td>
<td>2,359,000</td>
<td>2,132,000</td>
<td>2,359,000</td>
<td>2,349,000</td>
<td>+207,000</td>
<td>+217,000</td>
<td>-10,000</td>
</tr>
<tr>
<td>Subtotal, regular LAE</td>
<td>6,142,036</td>
<td>6,593,000</td>
<td>6,437,036</td>
<td>6,469,800</td>
<td>6,583,000</td>
<td>+440,964</td>
<td>+145,964</td>
<td>+113,200</td>
</tr>
<tr>
<td>User fee Activities (SSI)</td>
<td>80,000</td>
<td>91,000</td>
<td>91,000</td>
<td>91,000</td>
<td>91,000</td>
<td>+11,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>TOTAL, REGULAR LAE</td>
<td>6,222,036</td>
<td>6,684,000</td>
<td>6,528,036</td>
<td>6,560,800</td>
<td>6,674,000</td>
<td>+451,964</td>
<td>+145,964</td>
<td>+113,200</td>
</tr>
<tr>
<td>Additional CDR funding (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OASDI</td>
<td>185,000</td>
<td>240,000</td>
<td>240,000</td>
<td>240,000</td>
<td>240,000</td>
<td>+55,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SSI</td>
<td>200,000</td>
<td>210,000</td>
<td>210,000</td>
<td>210,000</td>
<td>210,000</td>
<td>+10,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Subtotal, CDR funding</td>
<td>385,000</td>
<td>450,000</td>
<td>450,000</td>
<td>450,000</td>
<td>450,000</td>
<td>+65,000</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>TOTAL, LAE</td>
<td>6,607,036</td>
<td>7,134,000</td>
<td>6,978,036</td>
<td>7,010,800</td>
<td>7,124,000</td>
<td>+516,964</td>
<td>+145,964</td>
<td>+113,200</td>
</tr>
</tbody>
</table>

(1) Two year availability.
<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Conference vs House</th>
<th>Senate</th>
<th>Hand Disc</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OFFICE OF INSPECTOR GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>16,944</td>
<td>17,000</td>
<td>16,944</td>
<td>16,944</td>
<td>16,944</td>
<td>+2,000</td>
<td>+2,000</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Trust funds</td>
<td>50,808</td>
<td>56,000</td>
<td>50,808</td>
<td>52,500</td>
<td>52,500</td>
<td>+1,692</td>
<td>+1,692</td>
<td></td>
<td>F</td>
</tr>
<tr>
<td><strong>Total, Office of the Inspector General</strong></td>
<td>65,752</td>
<td>73,000</td>
<td>65,752</td>
<td>69,444</td>
<td>69,444</td>
<td>+5,692</td>
<td>+3,692</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Adjustment</strong>: trust fund transfers from general revenues</td>
<td>-2,422,000</td>
<td>-2,660,000</td>
<td>-2,433,000</td>
<td>-2,660,000</td>
<td>-2,650,000</td>
<td>-228,000</td>
<td>-217,000</td>
<td>+10,000</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Social Security Administration</strong></td>
<td>36,819,275</td>
<td>38,871,148</td>
<td>38,707,936</td>
<td>38,744,392</td>
<td>38,857,592</td>
<td>+2,038,317</td>
<td>+169,656</td>
<td>+133,200</td>
<td></td>
</tr>
<tr>
<td>Federal funds</td>
<td>32,583,531</td>
<td>34,341,148</td>
<td>34,112,092</td>
<td>34,341,092</td>
<td>34,331,092</td>
<td>+1,747,661</td>
<td>+219,000</td>
<td>-10,000</td>
<td></td>
</tr>
<tr>
<td>Current year</td>
<td>(22,560,431)</td>
<td>(23,757,148)</td>
<td>(23,528,092)</td>
<td>(23,757,092)</td>
<td>(23,747,092)</td>
<td>(+1,177,661)</td>
<td>(+219,000)</td>
<td>(-10,000)</td>
<td></td>
</tr>
<tr>
<td>New advances, 1st quarter FY01</td>
<td>(10,014,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(+570,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>4,235,844</td>
<td>4,530,004</td>
<td>4,595,844</td>
<td>4,403,300</td>
<td>4,526,500</td>
<td>+290,656</td>
<td>-69,344</td>
<td>+123,200</td>
<td></td>
</tr>
<tr>
<td><strong>UNITED STATES INSTITUTE OF PEACE</strong></td>
<td>12,951</td>
<td>14,450</td>
<td>15,000</td>
<td>12,951</td>
<td>15,000</td>
<td>+2,049</td>
<td>--</td>
<td>+2,049</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, Title IV, Related Agencies</strong></td>
<td>38,259,094</td>
<td>40,434,735</td>
<td>40,152,492</td>
<td>40,224,324</td>
<td>40,383,031</td>
<td>+2,125,937</td>
<td>+250,539</td>
<td>+158,707</td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(10,014,000)</td>
<td>(10,619,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(+570,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY03</td>
<td>(350,000)</td>
<td>(395,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(+15,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>4,338,894</td>
<td>4,638,200</td>
<td>4,704,226</td>
<td>4,599,500</td>
<td>4,635,200</td>
<td>+296,306</td>
<td>-69,024</td>
<td>+125,700</td>
<td></td>
</tr>
<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</td>
<td>FY 2000</td>
<td>FY 2001</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
<td>House</td>
<td>Senate</td>
<td>Disc</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Grand bill total</strong></td>
<td>350,325,712</td>
<td>356,123,602</td>
<td>351,717,730</td>
<td>352,337,510</td>
<td>358,269,886</td>
<td>+27,944,174</td>
<td>+6,552,156</td>
<td>+5,932,576</td>
<td></td>
</tr>
<tr>
<td><strong>Federal funds</strong></td>
<td>320,608,097</td>
<td>345,878,039</td>
<td>341,770,019</td>
<td>342,383,283</td>
<td>347,937,555</td>
<td>+27,329,458</td>
<td>+6,167,536</td>
<td>+5,554,272</td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(61,404,538)</td>
<td>(68,973,214)</td>
<td>(68,968,214)</td>
<td>(68,138,793)</td>
<td>(68,001,751)</td>
<td>(+3,973,113)</td>
<td>(+6,597,313)</td>
<td>(+137,042)</td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY03</td>
<td>(350,000)</td>
<td>(395,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(+15,000)</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Trust funds</td>
<td>9,717,615</td>
<td>10,245,563</td>
<td>9,947,711</td>
<td>9,954,227</td>
<td>10,332,331</td>
<td>+614,716</td>
<td>+384,620</td>
<td>+378,104</td>
<td></td>
</tr>
</tbody>
</table>

**BUDGET ENFORCEMENT ACT RECAP**

<table>
<thead>
<tr>
<th>Mandatory, total in bill</th>
<th>233,098,984</th>
<th>248,996,967</th>
<th>248,991,967</th>
<th>247,896,967</th>
<th>249,016,967</th>
<th>+15,917,983</th>
<th>+25,000</th>
<th>+1,120,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plus advances provided in prior years</td>
<td>40,529,605</td>
<td>42,791,003</td>
<td>42,791,003</td>
<td>42,791,003</td>
<td>42,791,003</td>
<td>+2,261,398</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Subtotal, mandatory</strong></td>
<td>230,837,586</td>
<td>242,260,519</td>
<td>242,255,519</td>
<td>241,160,519</td>
<td>242,280,519</td>
<td>+11,442,933</td>
<td>+25,000</td>
<td>+1,120,000</td>
</tr>
<tr>
<td>Description</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 House</td>
<td>Senate Disc</td>
<td>Conference vs House</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>---------</td>
<td>---------</td>
<td>------------</td>
<td>----------------</td>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Discretionary, total in bill</td>
<td>97,226,728</td>
<td>107,126,635</td>
<td>102,725,763</td>
<td>104,440,543</td>
<td>109,252,919</td>
<td>+12,026,191</td>
<td>+6,527,156</td>
<td>+6,812,376</td>
</tr>
<tr>
<td>Less advances for subsequent years</td>
<td>-18,963,435</td>
<td>-19,840,763</td>
<td>-19,805,763</td>
<td>-18,976,342</td>
<td>-18,839,300</td>
<td>+124,135</td>
<td>+966,463</td>
<td>+137,042</td>
</tr>
<tr>
<td>Plus advances provided in prior years</td>
<td>8,864,735</td>
<td>18,933,435</td>
<td>18,953,435</td>
<td>18,953,435</td>
<td>18,953,435</td>
<td>+10,108,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scorekeeping adjustments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjustment to balance with 2000 bill</td>
<td>-12,801</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjustment for cap on Title XX SSBCIs</td>
<td>-605,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSA User Fee Collection</td>
<td>-80,000</td>
<td></td>
<td>-91,000</td>
<td>-91,000</td>
<td>-91,000</td>
<td>-91,000</td>
<td>-11,000</td>
<td></td>
</tr>
<tr>
<td>HEAF Recapture</td>
<td>-26,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refugee and entrant assistance reappropriation</td>
<td>12,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicaid Title XX offset</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directory of New Hires</td>
<td>-878,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FUBA</td>
<td>40,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCHIP Shift</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TANF Savings</td>
<td></td>
<td></td>
<td>-240,000</td>
<td>-240,000</td>
<td></td>
<td>+240,000</td>
<td>+240,000</td>
<td></td>
</tr>
<tr>
<td>NIH General Provision</td>
<td></td>
<td></td>
<td>-1,700,000</td>
<td></td>
<td></td>
<td>+1,700,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSA State Reimbursement</td>
<td></td>
<td></td>
<td>-295,000</td>
<td>-295,000</td>
<td>-295,000</td>
<td>-295,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATP Program Admin</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-25,000</td>
<td>-25,000</td>
<td>-25,000</td>
</tr>
<tr>
<td>Across the board OMB/CBO adjustment</td>
<td>-890</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Across the board Senate adjustment</td>
<td></td>
<td></td>
<td>-211,637</td>
<td></td>
<td></td>
<td>+211,637</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welfare to work and child support</td>
<td>-50,000</td>
<td></td>
<td>-50,000</td>
<td>-50,000</td>
<td></td>
<td>-50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, discretionary, current year</td>
<td>85,508,357</td>
<td>106,128,307</td>
<td>99,547,435</td>
<td>100,529,999</td>
<td>108,906,054</td>
<td>+23,367,717</td>
<td>+9,358,619</td>
<td>+8,376,055</td>
</tr>
</tbody>
</table>

Grand total, current year                                                   | 316,345,923       | 348,388,826    | 341,802,954 | 341,690,518 | 351,186,573 | +34,840,650    | +9,383,619  | +9,496,055          |           |
LEGISLATIVE BRANCH APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5657 as introduced on December 14, 2000. The text of that bill follows:

A BILL Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLe 1 Ð CONGRESSIONAL OPERATIONS

SEnATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Nancy Nally Coverdell, widow of Paul D. Coverdell, late a Senator from Georgia, $141,300.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Policy Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $92,321,000, which shall be paid from this appropriation without regard to the limitations below, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,785,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $453,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,742,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,722,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $6,917,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee for each such committee; in all, $2,304,000.


For the Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,171,000 for each such committee; in all, $2,342,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $288,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $14,738,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $34,811,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,292,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $22,337,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,046,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,069,000.


For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to enactment of this Act, $134,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,077,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $73,511,000, of which $2,500,000 shall remain available until September 30, 2001.

MISCELLANEOUS ITEMS

For miscellaneous items, $8,655,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $253,203,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate $300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. SEMIANNUAL REPORT. (a) In General. Ð Section 905(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a) is amended by adding at the end the following:

"(5)(A) Notwithstanding the requirements of paragraph (1) relating to the level of detail of statement and itemization, each report by the Secretary of the Senate required under such paragraph shall be compiled at a summary level for each office of the Senate authorized to obligate appropriate appropriations account for `SALARIES, OFFICERS AND EMPLOYEES',

(b) Subparagraph (A) shall not apply to the reporting of expenditures relating to personnel compensation, travel and transportation of persons, other contractual services, and acquisition of assets.

(C) In carrying out this paragraph the Secretary of the Senate may apply the standard Federal Object Classification of Expenses as the Secretary determines appropriate."

(b) EFFECTIVE DATE AND APPLICATION. Ð In general, the amendment made by this section shall take effect on the date of enactment of this Act.

(2) FIRST REPORT AFTER ENACTMENT. Ð The Secretary of the Senate may elect to compile and submit the report for the semiannual period during which the date of enactment of this section occurs, as if the amendment made by this section had not been enacted.

SEC. 2. SENATE EMPLOYEE PAY ADJUSTMENTS.

Section 4 of the Federal Pay Comparability Act of 1990 (2 U.S.C. 60a-1) is amended Ð (1) in subsection (a) Ð (A) by inserting "or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area" after "employees under section 5303 of title 5, United States Code, and, as the case may be, section 5304 or 5304a of such title for fiscal year 1990, as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a)

(b) by inserting "and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area" after "the President under such section 5303";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) Any percentage used in any statute specifically providing for an adjustment in rates of pay in lieu of an adjustment made under section 5303 of title 5, United States Code, and, as the case may be, section 5304 or 5304a of such title for fiscal year 1990, as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a)

"(f) SEC. 3. (a) (1) Section 5303 of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 121b-1(c)) is amended Ð (1) by striking "and agency contributions" in paragraph (2)(A), and

(2) by adding at the end the following:

"(2) Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for `SALARIES, OFFICERS AND EMPLOYEES'"

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund to be known as the Senate Health and Fitness Facility Revolving Fund ("the revolving fund")

(b) The Architect of the Capitol shall deposit in the revolving fund Ð (1) any amounts received as dues or other assessments for use of the Senate Health and Fitness Facility, and

(2) any amounts received from the operation of the Senate waste recycling program.

(c) Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Health and Fitness Facility.

(d) The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Health and Fitness Facility.

(e) Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.

SEC. 5. For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for Chairmen of the Majority and Minority Policy Committees which shall not exceed $3,000 each calendar year and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a
HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $14,378,000, including: Office of the Speaker, $1,759,000, including $25,000 for official expenses of the Speaker of the House, Majority Floor Leader, $726,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,096,000, including $10,000 for official expenses of the Minority Leader; Office of the Chief Majority Whip, $638,000, including the Chief Deputy Majority Whip, $1,466,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, $713,000, including $5,000 for official expenses of the Minority Whip; Speaker’s Office for Legislative Floor Activities, $3,900,000; Republican Steering Committee, $765,000; Democratic Caucus, $1,255,000; Democratic Steering and Policy Committee, $1,552,000; Democratic Caucus, $668,000; nine minority employees, $1,229,000; training and program development—majority, $278,000; and training and program development—minority, $278,000.

MEMBERS’ REPRESENTATIONAL ALLOWANCES

Including Members’ Clerk High Official Expenses of Members, $3,043,000.

For Members’ representation allowances, including Members’ clerk, hire, official expenses, and official mail, $410,182,000.

COMMITTEE EMPLOYEES

Standing Committees and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $92,196,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $20,628,000, including studies and examinations of executive agencies and departments, temporary, and special, subject to the level specified in the budget of the Committee on Appropriations, in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees: Members, $1,403,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Allowance Program; for temporary or incidental expenses, $14,590,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,692,000; for salaries and expenses of the Office of the Chief Administrative Officer, $38,550,000, of which $3,054,000 shall remain available until expended, including $26,605,000 for salaries, expenses and temporary personal services of House Information Resources, of which $26,020,000 is for salaries for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and (2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

SEC. 102. (a) PERMITTING NEW HOUSE EMPLOYEES TO BE PLACED ABOVE MINIMUM STEP OF COMPENSATION LEVEL.—The House Employees Position Classification Act (2 U.S.C. 291 et seq.) is amended by striking section 10 (2 U.S.C. 299).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of May 1, 2000, with respect to employment of new employees appointed on or after October 1, 2000.

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS’ REPRESENTATIONAL ALLOWANCES ACCOUNTS TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for “MEMBERS’ REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2001. Any amount remaining after all payments are made under such allowances shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reduction of the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on Appropriations of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(3) DEFINITION.—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 104. (a) There is hereby appropriated for payment for the current fiscal year to the Public Schools $215,000, to be used to pay for educational services for the son of Mrs. Evelyn Gibson, the widow of Detective John Michael Gibson, who died in the United States Capitol Building.

(b) The payment under subsection (a) shall be made in accordance with terms and conditions...
all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.  

**CAPITOL POLICE BOARD**  

**CAPITOL POLICE**  

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each, for the fiscal year 2001, as follows: 

(a) **SALARIES**—For the Chief Administrative Officer of the Capitol Police Board and the Comptroller General of the United States, $400,000; for the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, $50,089,000; for the United States Capitol Police, $6,772,000; for the Capitol Police Board, $6,430,000; for the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, for necessary expenses, not to exceed $3,315,000; for members of the Senior Executive Service, section 733 of title 31, for the fiscal year 2001, the amount transferred from the applicable appropriation or appropriations to be available for the remainder of the current fiscal year and for each of the fiscal years in 2002 and 2003; for the enforcement and evaluation of the Congressional Accountability Act of 1995, $3,315,000; for use by the Comptroller General, for the purpose of conducting investigations, and for the purpose of performing audits, in accordance with section 733 of title 31; for the purchase of personal or professional services, and for other expenses, $1,835,000, to be available for the fiscal year ending September 30, 2001, and for the fiscal year ending September 30, 2002, the amount transferred from the applicable appropriation or appropriations to be available for the remainder of the current fiscal year and for each of the fiscal years in 2002 and 2003. For the Senate, for the fiscal year 2001, for other joint items, the amount transferred from the appropriation provided for the Senate, $1,835,000, to be available for the remainder of the current fiscal year and for each of the fiscal years in 2002 and 2003. For the House, for the fiscal year 2001, for other joint items, the amount transferred from the appropriation provided for the House, $3,315,000, to be available for the remainder of the current fiscal year and for each of the fiscal years in 2002 and 2003. For the Senate, for the fiscal year 2001, for the enforcement and evaluation of the Congressional Accountability Act of 1995, the amount transferred from the applicable appropriation or appropriations to be available for the remainder of the current fiscal year and for each of the fiscal years in 2002 and 2003. For the House, for the fiscal year 2001, for the enforcement and evaluation of the Congressional Accountability Act of 1995, the amount transferred from the applicable appropriation or appropriations to be available for the remainder of the current fiscal year and for each of the fiscal years in 2002 and 2003.  

**SEC. 108.** CHIEF ADMINISTRATIVE OFFICER.—(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer.  

(b) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and shall be responsible to and serve at the pleasure of the Comptroller General.

(c) The Chief Administrative Officer shall have the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(d) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.  

(e) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(f) The Chief Administrative Officer shall have the following areas of responsibility:  

(1) **BUDGETING.—** The Chief Administrative Officer shall assure that the budget submitted by the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and  

(2) **FINANCIAL MANAGEMENT.—** The Chief Administrative Officer shall—
(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and monitoring system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation and oversight of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) develop and maintain an integrated accounting system for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(B) develop and maintain an integrated accounting system for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(5) Administrative provisions with respect to the Office of Administration.

(A) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(B) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(C) No later than 180 days after appointment, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—

(i) describing the policies, procedures, and actions that the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(ii) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(iii) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer’s progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial management, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) of this Act shall become the Controller of the Capitol Police and the Capitol Police Board shall assume all responsibilities of the Comptroller General.

Sec. 109. (a) Section 1(c) of Public Law 96-152 (40 U.S.C. 206-1) is amended by striking the annual rate and all that follows and inserting the following: “the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under chapter 53 of title 5, United States Code (taking into account any comparable payments made under section 5304(h) of such title).”

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of enactment of this Act.

Sec. 110. Beginning on the date of enactment of this Act and hereafter, the Congressional Budget Office in connection with official representation and reception expenses, shall be expended: Provided, That notwithstanding any other provision of law, such amount shall be available for the purchase or hire of a passenger motor vehicle.

ADDITIONAL APPROPRIATIONS

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with additions and alterations under the authority of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and the electrical and mechanical equipment of the Senate and House of Representatives; and for such other expenses as may be necessary for the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance at meetings and conventions in connection with subjects related to work under the Architect of the Capitol, $43,689,000, of which $3,843,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, such amount shall be available for the position of Project Manager for the Capitol Visitors Center at a rate of compensation which does not exceed the rate of basic pay payable for level ES-2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparable payments made under section 5304(h) of such title); Provided further, That effective on the date of enactment of this Act, any amount made available under this heading shall be expended under the Legislative Branch Appropriations Act, 2000, shall be available for such position at such rate of compensation.

SEC. 111. For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,362,000, of which $21,669,000 shall remain available until expended.

SEC. 112. For all necessary expenses for the maintenance, care and operation of the Senate office buildings, and for furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,974,000, of which $21,669,000 shall remain available until expended.

SEC. 113. For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the...
purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Smithsonian Institution, which shall be advanced on account not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, which shall be reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of the appropriate appropriation, unless Congress otherwise authorizes such advanced payments, until expended, under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriation Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000.

For necessary expenses of the Library of Congress:

For necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,328,000, of which $25,000 shall remain available until expended.

For necessary expenses for the Library of Congress:

For necessary expenses for the Clerks of the House of Representatives:

For necessary expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of the fund held by the Board, $282,838,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001 and shall remain available until expended, under the Act of June 28, 1902, chapter 1301; 32 Stat. 480; 2 U.S.C. 150 and not more than $250,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriation Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000.

ADMINISTRATIVE PROVISION

SEC. 111. (a) CONGRESSIONAL PRINTING AND BINDING FOR THE HOUSE THROUGH CLERK OF THE HOUSE— 

GENERAL.—Notwithstanding any provision of title 44, United States Code, or any other law, there are authorized to be appropriated to the Clerk of the House of Representatives such sums as may be necessary for congressional printing and binding services for the House of Representatives.

(2) PREPARATION OF ESTIMATES.—Estimated expenditures from congressional printing and binding services shall be prepared and submitted by the Clerk of the House of Representatives in accordance with title 32 of the United States Code, in the same manner as estimates and requests are prepared for other legislative branch services under such title, except that such requests are based upon the results of the study conducted under subsection (b) (with respect to any fiscal year covered by such study).

(3) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(b) STUDY.—

(1) IN GENERAL.—During fiscal year 2001, the Clerk of the House of Representatives shall conduct a comprehensive study of the needs of the House for congressional printing and binding services during fiscal year 2003 and succeeding fiscal years (other than fiscal year 2002), and shall include in the study an analysis of the most cost-effective program or programs for printing or providing other media-based publications for House use.

(2) SUBMISSION TO COMMITTEES.—The Clerk shall submit the study conducted under paragraph (1) to the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

INCLUDING TRANSFER OF FUNDS

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of publications authorized by law to be distributed without charge to the public, $7,146,000: Provided, That this appropriation shall not be available for printing or binding relating to information in any format. For all necessary expenses for the maintenance, care and operation of the Botanic Garden; salaries and expenses of the Architect of the Capitol; expenses necessary for the distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of the fund held by the Board, $282,838,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001 and shall remain available until expended, under the Act of June 28, 1902, chapter 1301; 32 Stat. 480; 2 U.S.C. 150 and not more than $250,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriation Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000.

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:

For necessary expenses of the Library of Congress:
Office of the Librarian of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended for the certification of the Librarian of Congress, in connection with official representation and reception expenses for the activities of the International Copyright Institute and for copyright-related activities, including attendance at meetings concerned with the Copyright Law.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1921 (chapter 400; 46 Stat. 1487; 2 U.S.C. 8422 of title 5, United States Code) kept available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnished in section office and library equipment, $4,892,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not more than $199,630, of which $59,300 is for the Congressional Research Service when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the functions or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Librarian of Congress to administer any flexible or compressed work schedule which—

(i) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(ii) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term “manager or supervisor” means any management official or supervisor, as such terms are defined in sections 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authorities of sections 1525 and 1526 of title 21, United States Code, shall be used to employ more than 65 employees and may be expended or obligated—

(i) in the case of a reimbursement, only to such extent as amounts are provided in appropriations Acts; or

(ii) in the case of an advance payment, only to the extent such amounts are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $2,000 shall be expended, on the certification of the Librarian of Congress in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2001, the obligatory authority of the Library of Congress is $14,154,000, of which $14,154,000 shall remain available until expended. (b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Section 1 of the Act entitled “An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes,” approved December 15, 1997 (2 U.S.C. 141) is amended by adding at the end the following new subsection:

“(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds for the purpose described in subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the fund maintained by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.”

SEC. 208. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act, 1996 for the Library of Congress under the heading, “Salaries and Expenses” (“Public Law 104-53”). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the non-competitive conversion of the incumbents in the indefinite-not-to-exceed positions to permanent positions.

SEC. 209. (a) In addition to any other transfer authority provided by law, during fiscal year 2001 and in each subsequent fiscal year, the Librarian of Congress may transfer to and among available accounts of the Library of Congress amounts appropriated to the Librarian from funds for the Architect of the Capitol, for purchase, installation, maintenance, and repair of furniture, furnishings, and office and library equipment.

(b) Any amounts transferred pursuant to subsection (a) shall be available for the same purpose and for the same period as the appropriation or account to which such amounts are transferred.

(c) The Librarian may transfer amounts pursuant to subsection (a) only with the approval of the Committees on Appropriations of the House of Representatives and Senate.

SEC. 210. (a)(1) This subsection shall apply to any individual who—

(A) is employed by the Library of Congress Child Development Center (known as the “Little Scholars Child Development Center”, in this section referred to as the “Center”) established under section 205(g)(1) of the Legislative Branch Appropriations Act, 1996; or

(B) makes an election to be covered by this subsection with the Librarian of Congress, not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 60 days after the date the individual begins such employment.

(2)(A) Any individual described under paragraph (1) may be credited, under section 8411 of title 5, United States Code, for service as an employee of the Center and for any other service, for any period determined under sections 8421, 8422, and 8423 of title 5, United States Code, for service in the Federal service.

(B) An individual described under paragraph (1) shall be deemed an employee under section 8401(1) of title 5, United States Code, and may be certified for the purposes of the Air Force Personnel Management Act.

(C) An individual described under paragraph (1) may be transferred to a permanent position upon certification that the individual has completed 20 or more years of service in the Federal service.

SEC. 211. (a) This section shall be deemed an employee under section 8401(1) of title 5, United States Code, and during such periods as determined under section 8401(b)(3) of title 5, United States Code, may elect coverage under chapter 89 of title 5.

(b) Any individual who is employed by the Center on or after the date of enactment of this Act shall be deemed an employee under section 8401(2) of title 5, United States Code.

(c) The individual described under paragraph (1) may be credited, under section 8411 of title 5, United States Code, for service in the Federal service.

SEC. 215. (a)(1) The Center shall—

(i) pay to the Library of Congress funds sufficient to cover the gross salary and the employer’s share of taxes under section 3111 of the Internal Revenue Code of 1986 for Center employees, in amounts computed by the Librarian of Congress for such purpose; and

(2) as required by the Librarian of Congress, reimburse the Library of Congress for reasonable administrative costs incurred under subsection (a)(1).

(b) Comply with regulations and procedures prescribed by the Librarian of Congress for administration of this section.

(c) Maintain appropriate records on all Center employees, as required by the Librarian of Congress.

(3) Consult with the Librarian of Congress on the administration and implementation of this section.

The Librarian of Congress may prescribe regulations to carry out this section.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds,
December 15, 2000

CONGRESSIONAL RECORD—HOUSE

H12225

$15,970,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE
Office of Superintendent of Documents

SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents for printing, publishing, and distributing the United States Code and for the printing and publication of Executive orders, congressional materials, and other publications of the Federal Government, not exceeding $72,954,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Library Depository Centers, provided under this Act shall be at rates for individuals not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional prints with official representation and reception.

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of public vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whatever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Joint Committee that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the head of that agency.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing the inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contracts or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in section 304 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LB FMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LB FMC costs as determined by the LB FMC, except that the total LB FMC costs to be shared among all participating legislative branch entities (which may be locations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. No part of any appropriation contained in this Act under the title "Architect of the Capitol" or "Botanic Garden" shall be obligated or expended for a construction contract in excess of $100,000, unless such contract includes a provision that requires liquidated damages for contractor caused delay in an amount commensurate with the daily net usable square foot cost of leasing similar space in a first class office building within two miles of the United States Capitol multiplied by the square footage to be constructed under the contract.

SEC. 309. Section 316(a) of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "2000" and inserting "2001".

SEC. 310. Russian Leadership Program. Section 301 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-131 Stat. 93) is amended—

(1) by striking "fiscal years 1999 and 2000" in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting "fiscal years 1999 and 2000";

(2) by striking "2001" in subsection (a)(2), (b)(4)(B), (d)(3), and (h)(1)(B) and inserting "2002".

SEC. 311. (a)(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue in the Capitol of the United States that is not made in the United States for display in Statuary Hall in the Capitol of the United States under section 184 of the Revised Statutes (40 U.S.C. 187).

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State;

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of a State; and

(C) the Joint Committee of the Library of Congress approves a request under subsection (a), the Architect of the Capitol shall enter into an agreement with the State to carry out the plan in accordance with all appropriate laws and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 1814 of the Revised Statutes (40 U.S.C. 187); and

(2) the State shall pay all costs related to the replacement, including costs in connection with
the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Support Provided. The Architect shall be permitted to permit a State to have more than 2 statues on display in the Capitol of the United States. 

(d) Schedules. (1) By the Architect or the Board, as required under section 307E(b)(3) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c note) amended by striking "$10,000,000" each place it appears and inserting "$14,500,000". 

(2) Schedules. (a) The Architect is authorized without approval in appropriate legislation to remove any statue and any interest thereon from the United States Capitol. 

(b) Schedules. (1) If any statue is removed from the Capitol of the United States, the Architect shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably request. 

(2) CONTENTS. Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; 

(ii) include the number of program participants to be supported; 

(iii) describe the qualifications of the individuals who will be participating in the program; and 

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section. 

(c) Establishing. (1) In General. There is established in the legislative branch of the Government a center to be known as the "Center for Russian Leadership Development" (the "Center").

(2) Board of Trustees. The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of 9 members as follows:

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the House of Representatives. 

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate. 

(C) The Librarian of Congress. 

(D) 2 members on interests in improving United States and Russian relations, designated by the Librarian of Congress. 

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) Purpose and Authority of the Center.

(1) Purpose. The purpose of the Center is to establish, in accordance with the provisions of paragraph (a), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States. 

(2) Grant Applications. (A) General. Grants shall be made to support the activities described in sections (3) and (4). The Center shall establish a program under which the Center annually awards grants to government or governmental organizations in the United States to provide assistance to emerging political leaders of Russia at all levels of government. 

(B) Duration. The period of stay in the United States for supported projects shall not exceed 30 days. 

(C) Use of Funds. Grants under the program shall be used to—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States; 

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and 

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe. 

(d) Application. (A) In General. Each application in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably request. 

(B) CONTENTS. Each application submitted pursuant to paragraph (A) shall—

(i) describe the activities for which assistance under this section is sought; 

(ii) include the number of program participants to be supported; 

(iii) describe the qualifications of the individuals who will be participating in the program; and 

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.


(2) Transfer of Funds. Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(f) Effective Dates. (1) In General. This section shall take effect on the date of enactment of this Act.

(2) Transfer of Funds. Any amounts transferred by the Architect shall only apply to amounts which remain unexpended on the date the Board of Trustees of the Center certifies to the Librarian of Congress that the grants are ready for disbursement under the program established under this section.

314. Review of Proposed Changes to Export Thresholds for Computers. Not more than 30 days after the submission of the report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), the Director of the National Security Agency shall submit to the President of the Senate and the Speaker of the House a report reviewing the proposed changes to the Export Thresholds for Computers.

TITLE IV—ECONOMY FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated out of any money in the Treasury not otherwise appropriated, to provide additional emergency supplemental appropriations for the Budget Enforcement Deficit Control Act of 1995, as amended, for such sums as may be necessary to carry out this section.

315. Transfer of Funds. Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

316. Review of Proposed Changes to Export Thresholds for Computers. Not more than 30 days after the submission of the report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), the Director of the National Security Agency shall submit to the President of the Senate and the Speaker of the House a report reviewing the proposed changes to the Export Thresholds for Computers.
The House passed version of H.R. 4516. Following description to the "conference agreement" containing the appropriate section numbers, punctuation, and other technical corrections:

TITLE I—CONGRESSIONAL OPERATIONS

Appropriates $506,797,300 for Senate operations, and includes, at the request of the managers on the part of the Senate, an amendment adding $250,000, an amendment that continues the traditional death gratuity upon the death of a Senator, and an amendment to Section 8 that states can build their own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the Senate, have receded to the Senate.

Avenue and Doorkeeper of the Senate. Instead of $3,072,000 as proposed by the House.”

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have also included an administrative provision adjusting the salary of the Chief of the Capitol Police.

The conferees have included additional full-year funding for the Capitol Police Board instead of $2,500 as proposed by the House. The conferees believe this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees to increase the number of police officers above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The conferees authorize the police to enter into multi-year contracts to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included an administrative provision, as proposed by the Senate in the House bill, to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees expect that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included a provision adjusting the salary of the Chief of the Capitol Police.

The conferees have included administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have also included a provision adjusting the salary of the Chief of the Capitol Police.

The conferees have included additional full-year funding for the Capitol Police Board instead of $2,500 as proposed by the House. The conferees believe this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees to increase the number of police officers above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The conferees authorize the police to enter into multi-year contracts to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included an administrative provision, as proposed by the Senate in the House bill, to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees expect that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included a provision adjusting the salary of the Chief of the Capitol Police.

The conferees have included additional full-year funding for the Capitol Police Board instead of $2,500 as proposed by the House. The conferees believe this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees to increase the number of police officers above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The conferees authorize the police to enter into multi-year contracts to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included an administrative provision, as proposed by the Senate in the House bill, to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees expect that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included a provision adjusting the salary of the Chief of the Capitol Police.

The conferees have included additional full-year funding for the Capitol Police Board instead of $2,500 as proposed by the House. The conferees believe this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees to increase the number of police officers above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The conferees authorize the police to enter into multi-year contracts to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included an administrative provision, as proposed by the Senate in the House bill, to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees expect that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included a provision adjusting the salary of the Chief of the Capitol Police.

The conferees have included additional full-year funding for the Capitol Police Board instead of $2,500 as proposed by the House. The conferees believe this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees to increase the number of police officers above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The conferees authorize the police to enter into multi-year contracts to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included an administrative provision, as proposed by the Senate in the House bill, to ensure that sufficient resources were allocated to implement the "two officers per door" policy. The conferees expect that sufficient resources were allocated to implement the "two officers per door" policy. The conferees have included a provision adjusting the salary of the Chief of the Capitol Police.
ARCHITECT OF THE CAPITOL
CAPITOL BUILDINGS AND GROUNDS
CAPITOL BUILDINGS

**CAPITOL BUILDING PROJECTS**

- Appropriates $43,689,000 for salaries and expenses, Capitol buildings, Architect of the Capitol, instead of $44,254,000 as proposed by the House and $44,225,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

  1. **Operating Budget:**
     - Update electrical system drawings on CAD .................................................. $39,346,000
   
   2. **CAD Mechanical database:** ................................................................. 70,000
   
   3. **Conservation of wall paintings:** ......................................................... 200,000
   
   4. **Study, confined spaces, Capitol Complex:** ........................................... 0
   
   5. **Replacement of Minton tile:** ............................................................... 0
   
   6. **Provide infrastructure for security installations:** .................................. 400,000
   
   7. **Computer, telecommunications and electrical support:** .......................... 300,000
   
   8. **Security project support for AOC:** ..................................................... 550,000
   
   9. **Roof fall protection:** ............................................................................. 0
   
   10. **Life safety support services:** ............................................................... 0
   
   11. **Safety and environmental program and SOP development:** ................. 0
   
   12. **Repayment of A&A compliant signage:** .............................................. 50,000
   
   13. **Computer aided facility management:** .................................................. 263,000

   The conference agreement includes a provision authorizing the Architect of the Capitol to hire a project manager for the construction of the Capitol Visitors Center and establishing on the level of pay for this position. The conferees direct the Architect to fill this position from among persons recruited from outside the agency. The language on position and terms and conditions for same will require inclusion in annual appropriations bills and will be withdrawn upon completion of the project.

   The conferees have agreed to modify the Senate report language directing the Architect to create and fill a position for employee advocate. The conferees direct that the Architect fill the position of Employee Advocate on a one-year, temporary basis, using existing resources, at a level appropriate to the task. In the submission of the FY 2002 budget request, the Architect is directed to report on measures taken to fulfill directives in the Senate report in lieu of the quarterly reports outlined in the Senate report regarding this position. The House and Senate Committees on Appropriations will review the results of this temporary measure before considering a permanent solution.

   The conferees are aware that the Architect of the Capitol employs a significant number of temporary workers (excluding intermittent workers) who do not receive the usual benefit of permanent federal workers. The Architect is directed to provide a report within 90 days to the Senate Committees on Appropriations and Rules and Administration regarding the status of the temporary workers. The Architect is directed to provide a report within 90 days to the Senate Committees on Appropriations, Transportation and Infrastructure, and House Administration, both majority and minority, detailing its use of temporary workers, the terms and conditions thereof, and the reasons therefor; the total number of such workers employed during each of the last five years; and a list and explanation of the benefits, if any, such workers receive by reason of their AOC employment. The report shall make recommendations for how to provide such workers access to federal benefits and a list of any alternatives that may exist to the use of temporary workers.

   The conferees are concerned about a class-action suit against the Architect (Harris et al. v. Architect of the Capitol). The Architect is urged to make every effort to settle this lawsuit as expeditiously as possible, and to report to the House and Senate Committees on Appropriations within 45 days on the status of the case.

   **CAPITOL GROUNDS**

   Appropriates $5,362,000 to the Architect of the Capitol for care and improvement of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol power plant instead of $5,217,000 as proposed by the House and $5,102,000 as proposed by the Senate. Of this amount, $125,000 shall remain available until expended instead of $250,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

   - **Operating Budget:** .............................................................................. $5,127,000
   
     1. **CAD database development—site utilities:** ........................................ 110,000
     
     2. **Wayfinding and ADA complaint handling:** ...................................... 100,000

   **SENATE OFFICE BUILDINGS**

   Appropriates $63,974,000 to the Architect of the Capitol as proposed by the Senate, of which $21,669,000 shall remain available until expended for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

   **HOUSE OFFICE BUILDINGS**

   Appropriates $32,750,000 to the Architect of the Capitol as proposed by the House, of which $123,000 shall remain available until expended, for the operations of the House office buildings. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

   **CAPITOL POWER PLANT**

   In addition to the $4,400,000 available from receipts, appropriates $9,415,000 to the Architect of the Capitol for Capitol power plant—operations instead of $9,151,000 as proposed by the House and $9,569,000 as proposed by the Senate. Of this amount, $7,200,000 shall remain available until expended as proposed by the Senate instead of $1,808,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

   - **Operating Budget:** .............................................................................. $6,467,000
   
     1. **Personnel compensation:** ................................................................... 0
   
     2. **Other expenses:** ............................................................................... 34,110,000

   **Capitol Projects**

   - **1. Update CAD drawings** ....................................................................... 0
   
   **LIBRARY OF CONGRESS**

   **SALARIES AND EXPENSES**

   Appropriates $73,592,000 for salaries and expenses, Congressional Research Service, Library of Congress instead of $72,816,000 as proposed by the House and $73,374,000 as proposed by the Senate. In keeping with both the complete research and maximum practicable administrative independence of the Congressional Research Service, it is the conferees' intent that the Director of the Congressional Research Service shall be obligated to bring to the attention of the appropriate House and Senate Committees issues which directly impact the Congressional Research Service and its ability to serve the needs of Congress.

   **CONGRESSIONAL RECORD AND BINDING**

   Appropriates $71,462,000 for Congressional printing and binding instead of $69,626,000 as proposed by the House and $73,297,000 as proposed by the Senate. The conference agreement includes a heading and provision for transfer of balances for preceding fiscal years to the Government Printing Office revolving fund as proposed by the House and language proposed by the Senate to provide for printing and binding for the Architect of the Capitol and for preparing the semi-monthly and session indexes for the Congressional Record.

   Rather than limiting funding for the Congressional Record Index and indexes to close to $10,000, as directed in the House report, the conferees agree that this activity should continue and that improvements in work processes should be pursued by taking advantage of the latest technology. These activities and initiatives should be more closely integrated and coordinated with related GPO functions and should be pursued under the direction of the Public Printer or appropriate officials designated by the Public Printer.

   **ADMINISTRATIVE PROVISION**

   The conference agreement amends an administrative provision proposed by the House regarding a study of Congressional Research Service operations and language proposed by the Senate to provide for printing and binding for the Architect of the Capitol and for preparing the semi-monthly and session indexes for the Congressional Record.

   **TITLE II—OTHER AGENCIES**

   **BOTANIC GARDEN**

   **SALARIES AND EXPENSES**

   Appropriates $3,328,000 for salaries and expenses, Botanic Garden, instead of $3,216,000 as proposed by the House and $3,653,000 as proposed by the Senate of which $25,000 shall remain available until expended instead of $35,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

   - **Operating Budget** .............................................................................. $3,303,000
   
     1. **Replace equipment at growing facilities** ........................................... 0
   
     2. **Wayfinding signage** ........................................................................ 25,000

   **LIBRARY OF CONGRESS**

   **SALARIES AND EXPENSES**

   Provides $282,838,000 for salaries and expenses, library operations instead of $269,864,000 as proposed by the House and $267,330,000 as proposed by the Senate. Of this...
December 15, 2000

CONGRESSIONAL RECORD—HOUSE

H12229

SALARIES AND EXPENSES

Books for the Blind and Physically Handicapped

Salaries and expenses

Appropriates $48,609,000 for salaries and expenses, books for the blind and physically handicapped as approved by the House and $48,711,000 as proposed by the Senate. Of this amount, $14,154,000 shall remain available until expended as proposed by the Senate instead of $14,335,000 as proposed by the House.

Furniture and furnishings

Appropriates $4,892,000 for furniture and furnishings at the Library of Congress as proposed by the Senate instead of $5,394,000 as approved by the House.

Administrative provisions

Various technical corrections and section number changes have been made. In Section 201, the conferees have agreed to an overall limitation of $19,630,000 on funds available for attendance at meetings as proposed by the House and a limitation of $59,300 on CRS attendance at meetings as proposed by the House. The conference agreement includes the following:

1. Mandatories
   $8,459,000

2. Price level
   $1,920,000

3. Russian Leadership Program
   $10,000,000

4. Harriman Fellowship
   $5,957,800

5. Arrearage reduction
   $1,216,000

6. Mass deacidification
   $250,000

7. Non-Renal Film Preservation Board
   $204,000

8. Digitization pilot with West Point
   $400,000

9. Digitization of personal costs $1,216,000

10. Ft. Meade Storage:
    - One-time costs
    - 618,000

11. Ft. Meade Storage: Open module one
    - 300,000

    - 2,342,000

13. Security Office
    - 4,300,000

The conference agreement includes funds for four programs remaining available until expended. One provision, for $5,957,800, is for teaching educators how to incorporate the Library's digital collection into school curricula. A second provision provides $400,000 for a digitization pilot project with the Military Academy at West Point. A third provision provides $10,000 to continue the Russian Leadership Program for FY 2001. A fourth provision provides $4,300,000 to the Library of Congress to develop high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving the National Digital Library pilot program. The Library is directed to investigate the most cost effective methodology of providing this capability and take the necessary steps to develop the capability within the resources available. Any remaining balance of funds appropriated for the development of the high speed data transmission is available for support of the Library's digital futures initiative.

The conferees agree with language in the House report directing the Library to employ students at the Ft. Meade remote storage facility and with language in the Senate report directing the Library to devote all available resources to elimination of cataloging arrearage. The conferees are aware that a task force has been established at the Library of Congress to explore the feasibility and desirability of instituting a telecommuting program for the Library. The conferees encourage the Library to consider a telecommuting program for the Library (including the Congressional Research Service), and to include a description of the program with his next budget submission.

Copyright Office

Salaries and expenses

Appropriates $38,523,000, including $29,283,000 made available from receipts, for salaries and expenses, Copyright Office instead of $38,771,000, as approved by the House, instead of $25,052,000, as proposed by the Senate. The conference agreement includes a liquidated damages provision providing for both the Government Printing Office and the Library of Congress, of such a transfer; Identifies measures that are necessary to ensure the success of such a transfer; Examines the feasibility of transfer of the depository library program to the Library of Congress that: Identifies how such a transfer might be accomplished; Identifies when such a transfer might optimally occur; Examines the functions, services, and programs of the Superintendent of Documents; Examines and identifies the administrative structure support that is provided to the Superintendent by the Government Printing Office, with a view to the implications for such a transfer; and makes recommendations for both the Government Printing Office and the Library of Congress, of such a transfer; Identifies measures that are necessary to ensure the success of such a transfer.

The study shall be submitted to the Committee on House Administration and the Senate Committee on Rules and Administration by March 30, 2001.

Administrative provisions

The conferees have not included a provision proposed by the Senate amending U.S.C. 1738.

General Accounting Office

Salaries and expenses

Appropriates $384,867,000 for salaries and expenses, General Accounting Office as proposed by the Senate instead of $383,996,000 as proposed by the House. With appropriate paragraph, the conferees have set the limitation on representation expenses at $368,000, instead of $368,896,000 as proposed by the Senate instead of $368,896,000 as approved by the Senate and made technical corrections to two other matters.

The General Accounting Office shall undertake a study of the energy consumption and pollution caused by all polluting sources, including automobiles and the electric power generation emissions of the Tennessee Valley Authority on the Great Smoky Mountains National Park, the Blue Ridge Parkway and the Pisgah, Nantahala, and Cherokee National Forests. This study shall also include the amount of carbon emissions avoided by the use of non-emitting electricity sources such as nuclear power within the same region.

The General Accounting Office shall conduct a comprehensive study of the impact of electronic format to the public solely in electronic format. The study shall include the following:

1. a current inventory of publications and documents which are provided to the public, the frequency with which each type of publication or document is requested for deposit at non-regional depository libraries, and an assessment of the feasibility of transfer of the depository library program to the Library of Congress that:
2. Identifies how such a transfer might be accomplished;
3. Identifies when such a transfer might optimally occur;
4. Examines the functions, services, and programs of the Superintendent of Documents;
5. Examines and identifies the administrative structure support that is provided to the Superintendent by the Government Printing Office, with a view to the implications for such a transfer;
6. Identifies measures that are necessary to ensure the success of such a transfer.

The study shall be submitted to the Committee on House Administration and the Senate Committee on Rules and Administration by January 31, 2001.

Administrative provisions

The conferees have not included several administrative provisions proposed by the Senate.

Title III—General Provisions

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement. Several technical corrections have been made. The conferees have included a liquidated damages provision as proposed by the House. The conferees have included provisions as proposed by the Senate changing a date and extending the Russian Leadership Program. The conferees have not
included a proposed merger of various law enforcement activities and have amended language in the Senate bill regarding the placement of statues in Statuary Hall. The conference report included a provision limiting on the National Garden and have agreed to establish a Center for Russian Leadership Development as proposed by the Senate. A Senate provision which would provide a violation of budget and a provision on the use of pesticides have not been included. There is a provision regarding an assessment by the General Accounting Office of a report referred to in the National Defense Authorization Act for Fiscal Year 1998.

**TITLE IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL**

The conferences have included several Fiscal Year 2000 emergency appropriations for those programs that require urgent attention and are considered emergency situations.

**LEGISLATIVE BRANCH JOINT ITEMS**

**CAPITOL POLICE BOARD SECURITY ENHANCEMENTS**

The conference agreement provides an additional $2,102,000 for Fiscal Year 2000 to the Capitol Police Board for security enhancements. This funding is for the purchase and installation of card readers for four additional Capitol buildings access points not currently funded in the security enhancement general and special risk program authority, $1,874,000 is provided for work at the Library of Congress to complete the closed circuit television ($1,390,000) and access control ($484,000) improvement projects that are designated as an emergency requirement.

**ARCHITECT OF THE CAPITOL**

**CAPITOL BUILDINGS AND GROUNDS HOUSE OFFICE BUILDINGS**

The conference agreement appropriates $9,000,000 for Fiscal Year 2000 to the Architect of the Capitol for urgent repairs to the underground garage in the Cannon House Office Building. These funds are designated as an emergency requirement.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**FEDERAL HOUSING ADMINISTRATION FHA—GENERAL AND SPECIAL RISK PROGRAM AUTHORITY**

At the request of the House and Senate subcommittees on VA, HUD and Independent Agencies Appropriations, the conferences have agreed to include a provision for the Department of Housing and Urban Development (HUD) that provides, on an emergency basis, $40,000,000 in credit subsidy for the FHA General and Special Risk Program Account. Without these additional funds, the Title I home improvement program, the condominium loan program, the FHA reverse mortgage program for senior citizens, and various multifamily housing insurance programs would have to be suspended. The additional appropriation would have been unnecessary if HUD had adhered to assumptions made for FY 2000 of Management and Budget (OMB) in determining credit subsidy rates when the President’s budget was submitted to Congress, a violation of budget conventions. In the future, HUD should refrain from similar actions.

**CONFERENCE TOTAL—WITH COMPARISONS**

The total new budget (obligational) authority for Fiscal Year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2002 are now. [In thousands of dollars]

- New budget (obligational) authority, fiscal year 2000: $2,475,000
- Budget estimates of new (obligational) authority, fiscal year 2001: $2,725,600
- House bill, fiscal year 2001: $1,913,691
- Senate bill, fiscal year 2001: $2,524,376
- Conference agreement, fiscal year 2001: $2,526,863

**TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS**

The conference agreement would enact the provisions of H.R. 5585 as introduced on December 14, 2000. The text of that bill follows: A BILL Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2001, and for other purposes.

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

**TITLES—DEPARTMENT OF THE TREASURY**

**DEPARTMENTAL OFFICES SALARIES AND EXPENSES**

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real property owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $3,000,000 for payments for information technology modernization requirements; not to exceed $150,000 for official representation expenses; not to exceed $298,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury Department; $2,000,000, to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department’s offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

**FINANCIAL CRIMES ENFORCEMENT NETWORK**

**SALARIES AND EXPENSES**

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, and for expenses incurred in providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount is designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

**OFFICE OF INSPECTOR GENERAL**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury Department; $1,874,000, to remain available until expended:

**TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION**

For the repair, alteration, and improvement of the Treasury Building and Annex, $31,000,000, to remain available until expended.

**EXPANDED ACCESS TO FINANCIAL SERVICES (INCLUDING TRANSFER OF FUNDS)**

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,900,000, to remain available until expended: Provided, That these funds, such sums as may be necessary may be transferred to accounts of the Department’s offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

**COUNTERTERRORISM FUND**

For necessary expenses, as determined by the Secretary, $55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount is designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That none of the funds appropriated shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the funds appropriated in this Act is transmitted by the President to the Congress.
For expenses necessary of the Federal Law Enforcement Training Center, as a bureau of the Department of Justice and for the acquisition, construction, improvement, and development of real property and facilities, for the purchase of equipment, systems, and support costs of Federal law enforcement basic training; purchase (not to exceed $52 for police-type use, without regard to the general purchase price limitation for the purchase of passenger motor vehicles) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the purchase of passenger motor vehicles; and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement, not to exceed $11,500 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE SALARIES AND EXPENSES
For expenses necessary of the Financial Management Service, which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall remain available until expended for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS SALARIES AND EXPENSES
For expenses necessary of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day for which not to exceed $10,000 shall be available to pay attorneys’ fees as provided by 18 U.S.C. 287; and to hire of aircraft; not to exceed $3,000,000 shall be available for the payment of attorneys’ fees as provided by 18 U.S.C. 2081; not to exceed $1,000,000 shall be available for the payment of attorneys’ fees as provided by 18 U.S.C. 220; not to exceed $50,000 for cooperative research and development programs for laboratory services and fire research center activities; and of which not to exceed $1,000,000 shall be available for the purchase of general purpose equipment and supplies, and other similar costs of State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996. Public Law 104-32; training of non-Federal personnel to attend course development meetings and training sponsored by the Center; Provided further, That the Center is authorized to anticipate and reimburse from funds of the United States not otherwise appropriated; Provided further, That no funds made available by this or any other Act may be used to pay the salaries of officers and employees of the Federal Law Enforcement Training Center, as a bureau of the Department of Justice, who are not Federal employees.

INTERAGENCY LAW ENFORCEMENT
For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, and of which not to exceed $103,476,000, of which $7,827,000 shall remain available until expended.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE PROGRAMS
For expenses necessary for the Customs User Fee Account, except sums subject to section 1303(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 881b(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography problem; not to exceed $13,000,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 1607, 1907, and 1909; not to exceed $5,000,000 shall be available until expended for the procurement of automation infrastructure items, including software for hardware installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection (c)(1) of the Act of February 13, 1971 (19 U.S.C. 261 and 267) shall be $30,000.
available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $30,000,000 shall be for the development of the Automated Commercial Environment (ACE). That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a final plan for expenditure that:(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office. Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the Committees on Appropriations.

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for issuance and reception and registration expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees: Provided further, That none of the funds estimated to be available for the projects authorized by sections 603(f) and 604(f) of title 31, United States Code, for the United States Treasury in connection with the Treasury Direct Investor Account shall be obligated until the United States Customs Service certifies that the purchase by the respective administration organization in accordance with 31 U.S.C. 3109 may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may in excess of 2 percent.

For necessary expenses of the United States Secret Service, including purchase of not to exceed $100,000 to provide technical assistance and training of foreign law enforcement agencies; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $823,800,000, of which not to exceed $3,633,000 shall be available as a grant for activities reported to the Committees on Appropriations: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repairs, alterations, and improvements at public buildings and grounds, and in fire stations and in the purchase of facilities, $8,941,000, to remain available until expended.

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including development information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,545,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights pursuant to the regulations promulgated by the Commissioner, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this Act may be used for uniforms without regard to the general purchase price limitation for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

For necessary expenses of the United States Secret Service, including purchase of not to exceed $100,000, of which not to exceed $5,400,000 shall be for the purchase and installation of the necessary equipment to support the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including development information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,545,090,000 which shall remain available until September 30, 2002.

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9001(b) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased with funds derived from oil spill liability fees; acquisition of passenger motor vehicles; purchase of American-made passenger vehicles; and purchase of all materials, supplies, equipment, and services as authorized by 31 U.S.C. 1343(b) and 1344.

For necessary expenses of the United States Secret Service, including purchase of not to exceed $10,000,000 of which not to exceed $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees: Provided, That none of the funds estimated to be available for the projects authorized by sections 603(f) and 604(f) of title 31, United States Code, for the United States Treasury in connection with the Treasury Direct Investor Account shall be obligated until the United States Customs Service certifies that the purchase by the respective administration organization in accordance with 31 U.S.C. 603(f) and 604(f) may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may in excess of 2 percent.

SEC. 113. Not to exceed 2 percent of any appropriation in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001, in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act (26 U.S.C. 505).

SEC. 114. Not to exceed 2 percent of any appropriation in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation in this Act made available to the Department of the Treasury, Office of Inspector General, Financal Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles (31 U.S.C. 1343(b)) funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective
TREASURY

The Treasury bureau is consistent with Departmental vehicle management principles. Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve Note.

SEC. 118. Hereafter, funds made available by this or any other Act may be used to pay premium on property or services authorized to be purchased under section 3056a of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(a) of title 31, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 31, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

SEC. 119. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Fund necessary to cover deficiencies of debt collection, Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Fund.

SEC. 120. Under the heading of Treasury Franchise Fund in Public Law 104-208, delete the following: the phrases "pilot, as authorized by 31 U.S.C. 3109 and 31 U.S.C. 102", and "provided further, That such amount for reimbursable operating expenses shall be made in accordance with the provisions of this paragraph: Provided further, That the Executive Residence shall charge interest and assess fees, to be available for reimbursement to the White House Communications Agency.

Executive Residence at the White House.

For necessary expenses for the White House as authorized by law, including not to exceed $968,000 for the reimbursement of salaries authorized by 5 U.S.C. 3109 and 31 U.S.C. 102; $9,072,000, to remain available until expended, for projects for improved preventive maintenance.

For reimbursable expenses of the Executive Residence at the White House, such as political or nonpolitical, which includes a standard for the classification of any such expense as political or nonpolitical; Provided further, That no provision of this paragraph shall be construed to authorize the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

Executive Residence at the White House.

For necessary expenses for the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Executive Residence at the White House.

For necessary expenses for the Executive Residence at the White House, including the total amount of such expenses, the amount that shall be reimbursed to such Salaries and Expenses account for reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount that shall be reimbursed to such Salaries and Expenses account for reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts; Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable expenses and accounts for as provided in that section; and hire of passenger motor vehicles, $3,673,000.

Executive Residence at the White House.

For the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Special Assistance to the President and the Official Residence of the Vice President.

For necessary expenses to enable the Vice President to provide assistance to the President in connection with special assistance for the Official Residence of the Vice President; to be available for official expenses shall be expended for official expenses shall be reimbursed to such Salaries and Expenses account for as provided in title 31, United States Code.

For necessary expenses for the care, operation and alteration, furnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $21,000,000, to be expended and accounted for as provided by 3 U.S.C. 107, and $4,032,000, to be available for official entertainment expenses, to be available for allocation within the Executive Office of the President, $6,288,000; Provided, That $9,072,000 of the funds appropriated for the Executive Residence for reimbursement to the White House Communications Agency.

Executive Residence at the White House.

For the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Executive Residence at the White House.

For necessary expenses for the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Special Assistance to the President and the Official Residence of the Vice President.

For necessary expenses for the care, operation, furnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the President, not to exceed $60,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $6,288,000; Provided, That $9,072,000 of the funds appropriated for the Executive Residence for reimbursement to the White House Communications Agency.

Executive Residence at the White House.

For the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Executive Residence at the White House.

For necessary expenses for the care, operation, furnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House, and official entertainment expenses of the President, $21,000,000, to be expended and accounted for as provided by 3 U.S.C. 107, and $4,032,000, to be available for official entertainment expenses, to be available for allocation within the Executive Office of the President, $6,288,000; Provided, That $9,072,000 of the funds appropriated for the Executive Residence for reimbursement to the White House Communications Agency.

Executive Residence at the White House.

For necessary expenses for the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Executive Residence at the White House.

For necessary expenses for the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expended, for projects for improved preventive maintenance.

Executive Residence at the White House.

For necessary expenses for the care, operation, furnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House, and official entertainment expenses of the President, $21,000,000, to be expended and accounted for as provided by 3 U.S.C. 107, and $4,032,000, to be available for official entertainment expenses, to be available for allocation within the Executive Office of the President, $6,288,000; Provided, That $9,072,000 of the funds appropriated for the Executive Residence for reimbursement to the White House Communications Agency.

Executive Residence at the White House.
for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of no less than 51 percent shall be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That of the latter amount, $1,800,000 shall be used for activities: Provided further, That the HIDTA designated as of September 30, 2000, shall be funded at fiscal year 2000 level unless the Director submits to the Committees, and the Committees, after due deliberation and as an exception to the provisions of chapter 35 of title 44, United States Code: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any editorial or technical corrections to any act or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That none of the funds made available for the printing of hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

**SALARIES AND EXPENSES**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Office of National Drug Control Policy for research activities pursuant to the Office of National Drug Control Policy Authorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $8,000 for official reception and representation expenses, and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations, or agencies, or without reimbursement, $24,759,000, of which $2,100,000 shall be available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model Drug State Laws, and not to exceed $600,000 for the continuation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

**COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Authorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $29,053,000, which shall remain available until expended, consisting of $15,803,000 for counter-narcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: Provided, That the $15,803,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

**FEDERAL DRUG CONTROL PROGRAMS**

**HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $206,500,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of no less than 51 percent shall be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That, up to 49 percent, to remain available until expended, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That of the latter amount, $1,800,000 shall be used for activities: Provided further, That the HIDTA designated as of September 30, 2000, shall be funded at fiscal year 2000 level unless the Director submits to the Committees, and the Committees, after due deliberation and as an exception to the provisions of chapter 35 of title 44, United States Code: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any editorial or technical corrections to any act or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That none of the funds made available for the printing of hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

**SALARIES AND EXPENSES**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Authorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $8,000 for official reception and representation expenses, and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations, or agencies, or without reimbursement, $24,759,000, of which $2,100,000 shall be available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model Drug State Laws, and not to exceed $600,000 for the continuation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

**COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Authorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $29,053,000, which shall remain available until expended, consisting of $15,803,000 for counter-narcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: Provided, That the $15,803,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

**FEDERAL DRUG CONTROL PROGRAMS**

**HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $206,500,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of no less than 51 percent shall be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That, up to 49 percent, to remain available until expended, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That of the latter amount, $1,800,000 shall be used for activities: Provided further, That the HIDTA designated as of September 30, 2000, shall be funded at fiscal year 2000 level unless the Director submits to the Committees, and the Committees, after due deliberation and as an exception to the provisions of chapter 35 of title 44, United States Code: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any editorial or technical corrections to any act or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That none of the funds made available for the printing of hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

**SALARIES AND EXPENSES**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Authorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $8,000 for official reception and representation expenses, and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations, or agencies, or without reimbursement, $24,759,000, of which $2,100,000 shall be available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model Drug State Laws, and not to exceed $600,000 for the continuation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

**COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER**

**INCLUDING TRANSFER OF FUNDS**

For necessary expenses of the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Authorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $29,053,000, which shall remain available until expended, consisting of $15,803,000 for counter-narcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: Provided, That the $15,803,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.
...in other such projects, but not to exceed 10 per-

exceeded to the extent that savings are effected in other construction projects arising from direct construction projects and ac-

propriations. A savings realized in any construction project shall be credited toward meeting program requirements; provided, however, that any proposed transfers shall be appro-

priated, expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects; provided further, that all funds for repairs and alter-

prospectus projects shall expire on September 30, 2001, unless previously expended, provided, that none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Wash-

hiring of passenger motor vehicles. 

the appropriate appropriation or fund available to the General Services Admin-

...on provisions. For expenses authorized by law, not otherwise provided for, for policy and oversight activities associated with asset manage-

management; accounting, records management, and other support services incident to adjudication of appeals, including courthouse

...490f(6) in amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable special services to other agencies under section 210f(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490f(6)) and amounts to provide such reimbursable ...
SEC. 408. Section 411 of Public Law 106-58 is amended by striking “April 30, 2001” each place it appears and inserting “April 30, 2003.”

SEC. 409. The designation of Ronald N. Davies Federal Building and Courthouse United States Courthouse: (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, is hereby known and designated as the “Ronald N. Davies Federal Building and Courthouse.”

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and Courthouse.

SEC. 410. From the funds made available under the heading “Federal Buildings Fund Limitation,” in addition to amounts provided in budget activities above, up to $2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: Provided, That said property shall include a 125 foot wide right of way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 S., Range 31, Section 14, Dakota County, North Dakota, or in connection with the construction of said road and provide a contiguous site for the port facilities and going north approximately 10.22 acres adjacent to the port of entry in Township 29 S., Range 31, Section 14, Dakota County, North Dakota: Provided further, That the road and provide a contiguous site for the port facilities and going north approximately 10.22 acres adjacent to the port of entry in Township 29 S., Range 31, Section 14, Dakota County, North Dakota shall be known and designated as the “Alfred A. Arraj United States Courthouse Annex”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in subsection (a) shall be deemed to be a reference to the “Alfred A. Arraj United States Courthouse Annex”.

SEC. 411. Designation of J. Bratton Davis United States Bankruptcy Courthouse: (a) The United States bankruptcy courthouse at 1200 Laurel Street, South Carolina, shall be known and designated as the “J. Bratton Davis United States Bankruptcy Courthouse”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the bankruptcy courthouse referred to in subsection (a) shall be deemed to be a reference to the “J. Bratton Davis United States Bankruptcy Courthouse”.

SEC. 412. (a) The United States Courthouse Annex located at 801 19th Street in Denver, Colorado, is hereby designated as the “Paul Coverdell Dormitory”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Courthouse Annex referred to in subsection (a) shall be deemed to be a reference to the “Paul Coverdell Dormitory”.

SEC. 413. Designation of the Paul Coverdell Dormitory: The dormitory building currently being constructed on the Core Campus of the United States Federal Center in Glynco, Georgia, shall be known and designated as the “Paul Coverdell Dormitory”.

SEC. 414. (a) For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, except that the provisions of the Merit Systems Protection Board Pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978 shall not apply to the Office of Inspector General.

(b) Any reference in a law, map, regulation, document, or other record of the United States to the Merit Systems Protection Board referred to in subsection (a) shall be deemed to be a reference to the “Merit Systems Protection Board”.

SEC. 415. Federal Payment to Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation: For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, for expenses necessary to carry out the functions authorized by the Alaska National Interest Lands Conservation Act of 1980, as amended, and payment of per diem and/or subsistence expenses for employees of such Commission, $5,250,000; and in addition $1,250,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

SEC. 416. Designation of J. B. Ratton Davis United States Courthouse Annex: The”J. B. Ratton Davis United States Courthouse Annex” located at 901 19th Street in Denver, Colorado, is hereby designated as the “J. B. Ratton Davis United States Courthouse Annex”.

SEC. 417. For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $5,500,000.

SEC. 418. For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management; and the Bureau of Investigation for expenses incurred under Executive Order No. 14022 of January 9, 1953, as amended, and payment of per diem and/or subsistence expenses to employees of such Office, not to exceed $10,000,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $10,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of the Ethics in Government Act of 1978 shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of Title 5, United States Code; Provided further, That no part of the amount hereby appropriated shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9350 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President’s Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of the publicity by such organization: Provided further, That the President’s Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of the publicity by such organization: Provided further, That the President’s Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of the publicity by such organization.
to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to remove any rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES, HEALTH BENEFITS

For payment of Government contributions with respect to employees retiring after December 31, 1959, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1959, as authorized by chapter 89 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts by the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan No. 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-554), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Assistance Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $11,147,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting expenses, as authorized by 26 U.S.C. 7305, 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge. This title may be cited as the "Independent Agencies Appropriations Act, 2001."

TITLE V—GENERAL PROVISIONS

This Act

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided in this Act.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or as authorized by the Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Ga., or the National Training Center, N. Mex., out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position, and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (44 U.S.C. 1301-1304, as a book as "the Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any funds appropriated or authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility provisions of sections 9000 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available for paying any abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortion.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the application of this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.


SEC. 512. None of the funds made available in this Act shall be used by the Archivist of the United States to transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Foundation, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows: The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2, Converse Plat, and that part of Block 2 of J. W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence South along the centerline of vacated Front Avenue 109 feet more or less to the extended centerline of vacated Douglas Street; thence West along the North line of vacated Douglas Street 207.5 feet more or less to the East line of Scribner Avenue; thence North along the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence Easterly 200 feet more or less to the place of beginning, also described as:

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11-24, Block 2 of J. W. Converse Replatted Addition; also part of N½ of Section 25, T7N, R12W commencing at SE corner Lot 24, Block 2 of J. W. Converse Replatted Addition, thence S1/2 to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J. W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, containing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence S, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.
Parcel C—Part of Section 25, T7N, R12W, commencing at SE corner Bridge Street & Front Avenue, thence E 50 feet, thence S 107.85 feet to alley, thence W 50 feet to E line Front Avenue, thence E line Front Avenue and alleys that have become part of the above
of Lot 10; thence W 200 feet to beginning.
Parcel D—Part of Government Lot 1, Section 25, T7N, R12W, commencing at a point on S line of Bridge Street (66 1/2) wide) 170 feet E of line of Front Avenue and extending 225 feet parallel with Front Avenue, thence W 170 feet parallel with Bridge Street to E line of Front Avenue, thence N along said line to a point 106.81 feet S of intersection of said line with extension of N & S line of Bridge Street, thence E 127 feet, thence northerly to a point on S line of Bridge Street 130 feet E of E line of Front Avenue, thence E along line of Bridge Street to beginning.
Parcel E—Lots 1 through 8 of Block 2 of Converse Plat, being the subdivision of Government Lots 1 and 2, Section 25, T7N, R12W.
Also part of N 1/2 of Section 25, T7N, R12W, commencing at NW corner of Lot 9, Block 2 of J.W. Converse Replated Addition; thence N 15 feet to SW corner of Lot 8; thence E 200 feet to SE corner Lot 1; thence S 15 feet to NE corner of Lot 10; thence W 200 feet to beginning.
Together with any portion of vacated streets and alleys that have become part of the above property.

3. TERMS AND CONDITIONS—

1. COMPENSATION.—The land transferred pursuant to subsection (a) shall be transferred without compensation to the United States.

2. RETIRED OR SUCCESSOR TRUSTEE.—In the event that the Gerald R. Ford Foundation for any reason is unable or unwilling to continue to serve as trustee, the Archivist of the United States is authorized to appoint a successor trustee.

3. REVERSIONARY INTEREST.—If the Archivist of the United States determines that the Gerald R. Ford Foundation has breached its fiduciary duty under the trust agreement entered into pursuant to this section, the land transferred pursuant to subsection (a) shall revert to the United States under the administrative jurisdiction of the Archivist.

SEC. 515. (a) IN GENERAL.—The Director of the Office of Management and Budget shall, by not later than December 15, 2000, and with public notice and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) CONTENT OF GUIDELINES.—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing the agency to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

SEC. 516. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign allowance programs of the Office of Personnel Management, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 517. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, or orders of general applicability implementing, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification prior to December 15, 2000.

SEC. 518. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs of the Committee on Appropriations and the Committee on Governmental Reform of the House of Representatives that (1) evaluates, for each agency, the extent to which implementation of chapter 35, title 5, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by such agencies imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3504 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by each agency that issued such a major rule.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act for travel to the United States for the immediate family of employees serving abroad in cases of death or illness threatening the health of a dependent employee.

SEC. 602. No person, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for travel fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 830), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $3,100 except station wagons for which the maximum shall be $5,100. Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles. Provided, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth for demonstration purposes may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent agencies for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5901, et seq.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person is—

(1) a citizen of the United States; (2) a person on the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States; (3) a citizen of such foreign country as the President determines to be eligible for permanent residence; (4) is an alien from a country that has not signed the United Nations Charter and is not a national of the People’s Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That any person making a false affidavit or employee contrary to the provisions of this section shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That any person making a false affidavit or employee contrary to the provisions of this section shall be fined not to exceed $3,700 for police-type vehicles, and not to exceed $4,000 for special heavy-duty vehicles. Provided, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth for demonstration purposes may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintaining and operating expenses, available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities and improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records
disposed of pursuant to a records schedule re-
covered through recycling or waste prevention
programs. Such funds shall be available until
expired for the following purposes:
(1) reduction and preven-
tion, and recycling programs as described in Ex-
ecutive Order No. 13101 (September 14, 1998),
including any such programs adopted prior to the
effectiveness of Executive Order.
(2) Other Federal agency environmental man-
agement programs, including, but not limited to,
the development and implementation of haz-
ardous waste management and pollution pre-
vention programs.
(3) Other employee programs as authorized by
law or approved appropriate by the head of the
Federal agency.
SEC. 608. Funds made available by this or any
other Act for administrative expenses in the cur-
rent fiscal year contained in this or any other
Act shall be available for employment of any
employee described in section 5342(a)(2)(A) of title
5, United States Code Ð
SEC. 612. None of the funds made available
by this Act for the United States Customs Service
or employee in any way, irrespective of whether
they are interagency entities) which do not have
authority and within the limits provided in sec-
tions 2 and 3 of the Act of June 1, 1948, as
provided for exceptions to the limitations imposed
with respect to the payment of the salary of any
employee of the Federal Government, whoÐ
(1) holds office, no funds may be obligated or ex-
cluded in a manner that is contrary to or
pursuant to any other Act for administrative
expenses in the current fiscal year contained in this or any
other Act shall be available
for the payment of the salary of any
employee described in section
5342(a)(2)(A) of title 5, United States Code.
SEC. 615. Notwithstanding any other provision
of law, no prevailing rate employee described in
subparagraph (8) or (C) of section 5342(a)(2) of
the First Act of June 1, 2003) shall be available for employment of
any person for the
SEC. 616. Section 616 of the Act of June 1, 1948, as
such communication or contact is at the initiative
of such other officer or employee or in re-
quest to the response or inquiry of such Member,
committee, or subcommittee; or
(2) from employees of duty without pay,
denotes, reduces in rank, seniority, status, pay, or
performance of efficiency rating, denies promo-
tion to, relocates, reassigns, transfers, dis-
clines, or discriminates in regard to any em-
ployment right, entitlement, or benefit, or any
term or condition of employment of, any other
officer or employee of the Federal Government,
or threatens to commit any of the forego-}

ing actions with respect to such other officer
or employee, by reason of any communica-
tion or contact of such other officer or employee
with such officer or subordinate of the Congress as
described in paragraph (1).
SEC. 621. (a) None of the funds made available
in this Act or any other Act may be obligated or ex-

depended for any employee training that—
(1) does not meet identified needs for knowl-
edge, skills, and abilities bearing directly upon
the mission;
(2) contains elements likely to induce high lev-
els of emotional response or psychological stress
in some participants;
(3) does not require prior employee notifica-
tion of the content and methods to be used in
the training and written end of course evalua-
tion;
(4) contains any methods or content associ-
ated with religious or quasi-religious belief sys-
tems or “new age” belief systems as defined in
Equal Employment Opportunity Commission
Notice N-915.022, dated September 2, 1988; or
(5) is offensive to, or designed to change, par-
ticipants’ personal values or lifestyle outside the
workplace.
(b) Nothing in this section shall prohibit, re-
strict, or otherwise preclude an agency from con-
ducting training bearing directly upon the perfor-
man of its duties.
SEC. 622. No funds appropriated in this Act or
any other Act may be used to implement or enforce
the aggregate of the most recent Federal Forms 312 and 4434 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following pro-
visions:—These restrictions are consistent with
and do not supersede, conflict with, or other-
wise alter the employee obligations, rights, or li-
abilities created by Executive Order No. 12958, section 105 (5 U.S.C. (governmental nec-
dus to Congress); section 1034 of title 10,
United States Code, as amended by the Military
Whistleblower Protection Act (governing disclo-
sure to the Director of the Office of Management
and Budget or the Committees on Appropriations
in this or any other Act) and section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse, public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against publicity or propaganda purposes within the United States without the approval of the Committees on Appropriations.
SEC. 623. (a) No funds appropriated in this Act or
any other Act may be used to require coverage of abortion or abortion-related
services.
(b) Unless authorized in accordance with law or regulations to use such time for pur-
poses of Federal employees of a collective
interv, on any official time in an honest effort to perform official
duties. An employee not under a leave system,
including a Presidential appointee exempted
from the Federal Service Retirement System of United States Code, has an obligation to expend an honest ef-
fort and a reasonable proportion of such em-
ployee’s time in the performance of official
duties.
SEC. 624. (a) In GENERAL.—For calendar year
2002 and each year thereafter, the Director of
the Office of Management and Budget shall pre-
pare and submit to Congress with the budget
submits under section 1105 of title 31, United States Code, an accounting statement and asso-

ciated report containing—
(1) an estimate of the total annual costs and
benefits (including quantifiable and nonquan-
tifiable effects) of Federal rules and paperwork,
before the extent of
(A) in the context of
(b) by agency and agency program;
and (c) major rule;
and (2) a analysis of impacts of Federal regula-
tion on public health and safety, small business,
wages, and economic growth; and
(3) recommendations for reform.
(b) NOTICE.—The Director of the Office of
Management and Budget shall provide public
notice and an opportunity to comment on the
statement and report under subsection (a) before
the statement and report are submitted to
Congress.
(c) GUIDELINES.—To implement this section,
the Director of the Office of Management and
Budget shall issue guidelines to agencies to
standardize—
(1) measures of costs and benefits; and
(2) the format of accounting statements.
(d) PEER REVIEW.—The Director of the Office
of Management and Budget shall provide for
independent and external peer review of the
and associated report under this section. Such
peer review shall not be subject to the Federal
Advisory Committee Act (5 U.S.C. App.).
SEC. 625. (a) The funds appropriated by this Act or
any other Act may be used by an agency to
provide Federal employees with reasonable and
necessary medical and dental care, and to
prohibit abortion, or abortion-related services
for any Federal employee,
(1) any of the following religious plans:
(A) Personal Care’s HMO;
(B) OSF Health Plans, Inc.; and
(C) any existing or future plan, if the carrier
or provider of any such plan—
(a) is not prohibited from covering any item
or service provided by Federal employees;
(b) is otherwise protected by any of the terms
of the Whistleblower Protection Act or the
Intelligence Identities Protection Act of 1982;
and
(c) is not required to provide coverage of
abortion, or abortion-related services.
(b) AFFORDABILITY.—Amounts so provided
shall not include the General Accounting
Office.
(b) Unless authorized in accordance with law or
regulations to use such time for purposes of Federal employees of a collective


cert, on any official time in an honest effort to perform official
duties. An employee not under a leave system,
including a Presidential appointee exempted
from the Federal Service Retirement System of United States Code, has an obligation to expend an honest ef-
fort and a reasonable proportion of such em-
ployee’s time in the performance of official
duties.
SEC. 630. (a) None of the funds appropriated in
this Act may be used to enter into or renew
a contract which includes a provision providing
prescription drug coverage except where the
contract also includes a provision for contrac-
tive coverage.
(c) Nothing in this section shall apply to a contract with—
(1) any of the following religious plans:
(A) Personal Care’s HMO;
(B) OSF Health Plans, Inc.; and
(C) any existing or future plan, if the carrier
or provider of any such plan—
(a) is not prohibited from covering any item
or service provided by Federal employees;
(b) is otherwise protected by any of the terms
of the Whistleblower Protection Act or the
Intelligence Identities Protection Act of 1982;
and
(c) is not required to provide coverage of
abortion, or abortion-related services.
(b) AFFORDABILITY.ÐAmounts so provided
shall not include the General Accounting
Office.
(b) Unless authorized in accordance with law or
regulations to use such time for purposes of Federal employees of a collective


cert, on any official time in an honest effort to perform official
duties. An employee not under a leave system,
including a Presidential appointee exempted
from the Federal Service Retirement System of United States Code, has an obligation to expend an honest ef-
fort and a reasonable proportion of such em-
ployee’s time in the performance of official
duties.
SEC. 631. Notwithstanding 31 U.S.C. 1346 and
section 610 of this Act, funds made available for
fiscal year 2001 by this Act or any other Act to any
agency or agency program may be used for any
purpose for which funds were made available
in prior years and may be transferred to the
Chief Financial Management Improvement Pro-
gram (JFMIP), shall be available for an appro-
appropriate share of JFMIP administrative
costs, as determined by the JFMIP, but not to
exceed a total of $800,000 including the salary of
the Executive Director and staff support.
SEC. 632. Notwithstanding 31 U.S.C. 1346 and
section 610 of this Act, the head of each Execu-

tive department and agency is hereby author-
ized to transfer to the “Policy and Operations”
account, General Services Administration, with
the prior approval of the Director of the Office
of Management and Budget, funds made available
fiscal year 2001 by this Act or any other Act, in-
cluding by way of rebates from charge card and
other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information tech-
nology, procurement, and other management
innovations, initiatives, and activities, as ap-
proved by the Director of the Office of Manage-
ment and Budget, in consultation with the ap-
propriate interagency groups designated by the
Director (including the Chief Financial Officers
Council and the Joint Financial Management
Improvement Program for financial management initiatives) or the Chief Financial Officers Coun-
cil for information technology initiatives, and the
Procurement Executives Council for procure-
ment initiatives). The total funds transferred
shall not exceed $17,000,000. Such transfers may
only be made 15 days following notification of the
Committees on Appropriations by the Direc-
tor of the Office of Management and Budget.


cert, on any official time in an honest effort to perform official
duties. An employee not under a leave system,
including a Presidential appointee exempted
from the Federal Service Retirement System of United States Code, has an obligation to expend an honest ef-
fort and a reasonable proportion of such em-
ployee’s time in the performance of official
duties.
SEC. 633. (a) SEC. 633. (a) In accordance with
regulations promulgated by the Office of Per-
sonnel Management, an Executive agency with
which provides or proposes to deliver child care
services for Federal employees or approved funds (otherwise available to such a
agency for salaries and expenses) to provide child

care, in a Federal or leased facility, or through contracts or civilian employees of such agency,


cert, on any official time in an honest effort to perform official
duties. An employee not under a leave system,
including a Presidential appointee exempted
from the Federal Service Retirement System of United States Code, has an obligation to expend an honest ef-
fort and a reasonable proportion of such em-
ployee’s time in the performance of official
duties.
shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) Definitions. For purposes of this section, the term 'Executive agency' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) Notification. None of the funds made available in this Act or any other Act may be used to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor until the Office of Personnel Management has been notified of the planned affordability improvements.

(e) Revocability. This section applies only to certain areas and only with respect to areas in which the affordability of child care for lower income Federal employees is no longer improved following the effective date of this Act.

SEC. 634. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise allowed to be present at the location.

SEC. 635. Notwithstanding section 3146 of title 5, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall be responsible for describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 636. Retirement Provisions Relating to Certain Members of the Police Force of the Metropolitan Washington Airports Authority.—(a) Qualified MWAA Police Officer Defined.—For purposes of this section, the term "qualified MWAA police officer" means any individual who, as of the date of the enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereinafter in this section referred to as an "MWAA police officer"); and

(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 4101(b) of title 49, United States Code.

(b) Eligibility to Be Treated as a Law Enforcement Officer for Retirement Purposes.—

(1) In General.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer, within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable, and to have all prior service described in paragraph (2) similarly treated.

(2) Prior Service Described.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (within the meaning of section 5304 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(c) Regulations.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective—

(1) if it is made before the employee separates from service with the Metropolitan Washington Airports Authority; and

(2) if it is accompanied by payment of an amount equal to the present value, as of the effective date of this section, of all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus the amount of any estimated increase in the unfunded liability of the Fund (as determined by the Director of the Civil Service Retirement and Disability Fund) which would have occurred if such election had not been made, and

(B) the amount necessary to reimburse the Fund for the cost of any estimated increase in the unfunded liability of the Fund (as determined by the Director of the Civil Service Retirement and Disability Fund) which would have occurred if such election had not been made.

(d) Government Contributions.—Whenever a payment under subsection (c)(2) is made by an individual as a consequence of such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount in accordance with section 8334(e) of such title.

(e) Certification.—The Office of Personnel Management shall accept, for the purpose of this section, any certification by the Metropolitan Washington Airports Authority or its designee concerning any service performed by an individual as a MWAA police officer, and by the Federal Aviation Administration or its designee concerning any service performed by an individual as an FAA police officer.

(f) Reimbursement To Compensate For Unfunded Liability.—

(1) In General.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) Payment Method. The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be compounded at the rate specified in section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(3) Eligibility To Be Treated As A Law Enforcement Officer For Retirement Purposes. For purposes of section 5304 of title 5, United States Code, and of the Federal Employees' Retirement System as if it had then been the employing agency, any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(g) Certifications.—The Office of Personnel Management shall accept, for the purpose of this section, any certification by the Metropolitan Washington Airports Authority or its designee concerning any service performed by an individual as a MWAA police officer, and by the Federal Aviation Administration or its designee concerning any service performed by an individual as an FAA police officer.

(h) Reimbursement To Compensate For Unfunded Liability.—(1) In General.—The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be compounded at the rate specified in section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) Payment Method. The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be compounded at the rate specified in section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(i) Eligibility To Be Treated As A Law Enforcement Officer For Retirement Purposes. For purposes of section 5304 of title 5, United States Code, and of the Federal Employees' Retirement System as if it had then been the employing agency, any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.
(b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions to use such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from its use). The report may include specific recommendations regarding the continued use of such data.

(3) No later than May 1, 2001, the President shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5306 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a timeline for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations of the pay agent as to whether the funds and the amount provided. This provision shall apply to direct payments, formula payments, and Federal funds.

(c)(1) The President under section 7513(b)(2), (3), and (4), (c), and (d), and shall apply to any removal under this section. The employee may use the procedures to contest or appeal a removal under this section.

(a) The employee is a law enforcement officer;

(b) The employee was convicted of a felony; or

(c) The conviction was overturned on appeal.

(3) Nothing in this subsection shall be considered to apply with respect to a facility owned or leased by an office or entity within the legislative branch of the Government.

``§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies.''

Sec. 639. MANDATORY REMOVAL FROM EMPLOYMENT OF FEDERAL LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES

(a) In General.—Chapter 73 of title 5, United States Code, is amended by adding after subsection VI the following:

``SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES

§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies

``(1) In this section, the term

'\(\text{conviction notice date}^{*}\) means the date on which an agency that employs a law enforcement officer has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

'(2) 'law enforcement officer' has the meaning given that term under section 8331(20) or 8401(17).

(b) Any law enforcement officer who is convicted of a felony shall be removed from employment as a law enforcement officer on the last day of the first applicable pay period following the conviction notice date.

''(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.''

Sec. 641. Section 5345(b) of title 5, United States Code, is amended by inserting at the end of this section the following:

``(4) Notwithstanding section 8114(e)(1), overtime pay for a period of 30 days after the date of enactment of this Act and shall apply to any conviction of a felony entered by a Federal or State court on or after that date.

Sec. 642. Section 504 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (as enacted into law by Public Law 106–346) is amended by striking "5372a", and inserting "5372a", and

(b) The amendment by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of the enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

Sec. 646. Not later than 60 days after the date of enactment of this Act, the Inspector General of each department or agency shall submit to the Congress a report on the feasibility of the applicable department or agency relating to—

(1) the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the department or agency; and

(2) entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's online or viewing habits for governmental and nongovernmental Internet sites.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2003":

TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5658, as introduced on December 14, 2000.

The conference on H.R. 4577 agree with the matter included in H.R. 5658 and enacted in this conference report by reference and the following description. This bill was developed through negotiations by subcommittee staff, the General Government Appropriations Subcommittee of the House and Senate on the
of Inspector General

The conference agrees to provide $37,576,000 as proposed by the Senate instead of $34,684,000 as proposed by the House.

**COUNTERTERRORISM FUND**

The conferees agree to provide $55,000,000 for the Counterterrorism Fund as proposed by the Senate instead of no appropriation as proposed by the House. Funds are provided as a contingent emergency.

**TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION**

The conference agrees to provide $3,000,000 as proposed by the House instead of $400,000 as proposed by the Senate. The conference agrees to provide $4,900,000 to assist one or more locally-owned Alaska banking institutions and community partners and $100,000 to begin a pilot program with the Metropolitan Family Services’ Family Economic Development program.

**FINANCIAL CRIMES ENFORCEMENT NETWORK**

The conference agrees to provide $24,500,000 as assumed to be available by the Administration. The Senate provision for the Treasury Forfeiture Fund will not be available in fiscal year 2001. Activities proposed for funding through this account have been included in other Salaries and Expenses and construction-related accounts, as appropriate, for the individual law enforcement bureaus.

**FEDERAL LAW ENFORCEMENT TRAINING**

The conferees agree to provide $94,483,000 instead of $39,483,000 as proposed by the House and $93,198,000 as proposed by the Senate. Included in this amount is $1,000,000 for the Super Surplus to the Treasury project.

**ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES**

The conferees agree to provide $29,205,000 as proposed by the Senate instead of $17,531,000 as proposed by the House.

**INTERAGENCY LAW ENFORCEMENT**

The conferees agree to provide $103,476,000 as proposed by the House instead of $90,576,000 as proposed by the Senate. The conference provides for $103,476,000 as proposed by the House.

**FINANCIAL MANAGEMENT SERVICE**

The conference agrees to provide $206,851,000 instead of $198,736,000 as proposed by the House and $202,851,000 as proposed by the Senate. The conference agrees to provide $206,851,000 as proposed by the President’s request. In addition, the conference includes $4,000,000 to partially fund a budget.
shortfall. The conferees fully concur with the language on this topic contained under Departmental Offices in the Senate Report accompanying S. 2900.

UNITED STATES CUSTOMS SERVICE

The conferees agree to provide $1,863,765,000 instead of $1,822,365,000 as proposed by the House and $1,804,667,000 as proposed by the Senate. Included in this amount is $13,700,000 for the second year of funding of the fiscal year 2000 Southwest Border initiative; $15,000,000 for security enhancements at the new border; $11,000,000 for vehicle replacement; $13,700,000 for money laundering; $9,500,000 for drug investigations; and an additional $1,000,000 for combatting child labor. Additionally, the conferees include $500,000 for Customs’ ongoing research on trade of agricultural commodities and products at a Northern Plains university with an agricultural economics program and support the use of $2,500,000 for the acquisition of Passive Radar Detection Technology.

UNITED STATES SECRET SERVICE

The conferees agree to provide $13,700,000 to be combined with the $11,300,000 in fiscal year 2000 Super Surplus of the Treasury Forfeiture Fund to hire new inspectors, agents, or acquire new detection technology for use along the Southwest border for a total of $25,000,000. The House does not concur with the Senate Report language on the issue of ports of entry. The conferees therefore direct the Treasury Department and Customs to complete this model and to report to the Committees on Appropriations not later than November 1, 2000 on the results. In addition, the conferees urge the Customs Service to designate new ports of entry. Customs has made a commitment to put in place a staffing resource allocation model to permit a more efficient and consistent approach to making such decisions, but the delay in doing so has caused concern about the ability of Customs to fulfill its responsibilities.

UNITED STATES SECRET SERVICE

The conferees agree to provide $133,228,000 instead of $125,778,000 as proposed by the House and $128,228,000 as proposed by the Senate. Included in this amount is $5,000,000 for source zone deployment of P-3’s; $2,174,000 to maintain current levels; $7,450,000 for new grants and equipment; and $9,916,000 for costs associated with the delivery of new P-3’s.

UNITED STATES SECRET SERVICE

The conferees agree to provide $254,400,000 instead of $251,200,000 as proposed by the House and $128,228,000 as proposed by the Senate. Included in this amount is $5,400,000 for the International Trade Data System, as well as not less than $130,000,000 to begin work on the Automated Commercial Environ- (ACE).

UNITED STATES SECRET SERVICE

The conferees agree to provide $182,901,000 as proposed by the House and Senate. The conferees agree to include a provision as proposed by the Senate with respect to administrative costs associated with certain trust funds.

UNITED STATES SECRET SERVICE

The conferees agree to provide $8,941,000 in fiscal year 2000. The conferees have not provided any funds for the Counterterrorism Initiative, nor have they agreed to a proposed transfer of $2,500,000 to the National Security Agency. The conferees agree to continue a provision which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

UNITED STATES SECRET SERVICE

The conferees agree to continue a provision which requires that IRS conform to and enforce policies and practices that will safeguard the confidentiality of taxpayer information.

UNITED STATES SECRET SERVICE

The conferees agree to a provision proposed by the Senate with respect to the IRS 1-800 help line service.

UNITED STATES SECRET SERVICE

The conferees agree to provide $823,800,000 as proposed by the House instead of $778,279,000 as proposed by the Senate.

UNITED STATES SECRET SERVICE

The conferees agree to include a provision which allows the Department of the Treasury to purchase new uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the Department of State for security services for Treasury employees in overseas locations.

UNITED STATES SECRET SERVICE

The conferees agree to continue a provision which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Ad-

UNITED STATES SECRET SERVICE

The conferees agree to provide $1,488,090,000 as proposed by the House and $1,505,000,000 as proposed by the Senate. The conferees agree to continue the President’s request with the exception of the Staffing Tax Administration for Balance and Equity (STABLE) initiative and $3,000,000 for an inter-appropriation transfer proposed for fiscal year 2001.
Section 117. The conferees agree to continue a provision proposed by the House which prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118. The conferees agree to continue and make permanent a provision which authorizes the Department of Justice, or specified enforcing agencies, to pay their protection officers premium pay in excess of the pay period limitation.

Section 119. The conferees agree to include a new provision of transfer from and reimbursements to the Salaries and Expenses appropriation of the Financial Management Service for the purposes of debt collection.

Section 120. The conferees agree to include a new provision that extends the Treasury Franchise Fund through October 1, 2002.

Section 121. The conferees agree to include a new provision that extends the Senate authorization and directing the Bureau of Alcohol, Tobacco, and Firearms to reimburse the subcontractor that provided services in 1993 and 1994 for the Bureau of Alcohol, Tobacco, and Firearms contract number TATF 93-3 out of fiscal year 2001 appropriations or prior year unobligated balances.

TITLE II—POSTAL SERVICE
PAYMENT TO THE POSTAL SERVICE FUND
The conferees agree to provide $56,093,000 as proposed by the House instead of $67,093,000 as proposed by the Senate. Of this amount, $67,093,000 is provided as an advance appropriation for the Postal Service to pay its postage expenses.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT
COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE
SALARIES AND EXPENSES
The conferees agree to provide $53,288,000 as proposed by the Senate instead of $52,135,000 as proposed by the House and include $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency, as proposed by the House.

EXECUTIVE OFFICE OF THE WHITE HOUSE
OPERATING EXPENSES
The conferees agree to provide $10,900,000 as proposed by the Senate instead of $10,296,470 as proposed by the House.

WHITE HOUSE REPAIR AND RESTORATION
The conferees agree to provide $605,000 instead of $520,000 as proposed by the Senate and $658,000 as proposed by the House. The conferees provide $458,000 for the design and replacement of the existing concrete raceway containing voice and communication lines within the East Wing, and the Executive Residence instead of the full request of $5,000,000. The conferees direct the Executive Residence to submit a completed design to the Committees on Appropriations, including an estimate of total construction costs associated with this project.

SPECIAL ASSISTANCE TO THE PRESIDENT AND OFFICIAL of the WHITE HOUSE OFFICE
SALARIES AND EXPENSES
The conferees agree to provide $3,673,000 as proposed by the Senate instead of $3,664,000 as proposed by the House.

COUNCIL OF ECONOMIC ADVISORS
SALARIES AND EXPENSES
The conferees agree to provide $4,110,000 as proposed by the Senate instead of $3,997,000 as proposed by the House.

OFFICE OF POLICY DEVELOPMENT
SALARIES AND EXPENSES
The conferees agree to provide $4,032,000 as proposed by the Senate instead of $4,030,000 as proposed by the House.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES
The conferees agree to provide $24,759,000 instead of $24,312,000 as proposed by the Senate.

OFFICE OF MANAGEMENT AND BUDGET
SALARIES AND EXPENSES
The conferees agree to provide $68,786,000 instead of $67,935,000 as proposed by the Senate. The conferees fully fund the President's request.

APPORTIONMENT FOR INTERNATIONAL FOOD ASSISTANCE PROGRAMS
The conferees do not concur with the House report language regarding apportionment for International Food Assistance Programs.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES
The conferees agree to provide $29,750,000 instead of $24,312,000 as proposed by the Senate.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
The conferees agree to provide $29,053,000 instead of $29,750,000 as proposed by the House and $29,052,000 as proposed by the Senate.

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
The conferees agree to provide $265,500,000 instead of $217,000,000 as proposed by the House and $265,000,000 as proposed by the Senate. The conferees fully fund the Administration's request, and include an additional $41,500,000 to increase funding or expand existing HIDTAs, or to fund newly designated HIDTAs. The conferees provide that existing HIDTAs shall be funded at fiscal year 2000 levels unless the ONDCP Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance and effectiveness measures (PMEs). Similarly, while the conferees provide additional funding that may be used for newly designated HIDTAs, they direct ONDCP to discontinue the funding of HIDTA programs until such time that the communities are fully funded, and that the ONDCP plans to validate and verify the HIDTA management, including the use of on-site reviews and external financial evaluations.

SPECIAL FORFEITURE FUND
The conferees agree to provide $233,600,000 instead of $219,000,000 as proposed by the Senate and $244,300,000 as proposed by the House. Of this amount, $219,000,000 is provided for the National Youth Anti-Drug Media Campaign; $40,000,000 to carry out the Drug Free Communities Act; $3,000,000 for the costs associated with operations of the counter drug intelligence executive secretariat (CDX); and $3,300,000 for antidoping efforts of the United States Olympic Committee.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN
The conferees negate neither the House nor Senate Committee Report language regarding the youth media campaign. The conferees are concerned with ONDCP's use of program credit, particularly with respect to ONDCP's program for programming content, and note with interest the Statement of Pro-Bono Match Program and Guidelines that ONDCP posted on its website in July 2001. Consistent with those guidelines, the conferees direct that ONDCP not issue credits for ad time and/or space if already purchased with funds appropriated for the campaign. Furthermore, the conferees direct that ONDCP not issue any credits for programming content once a program is in syndication unless it has provided ONDCP with a report detailing the syndication. The conferees urge ONDCP to review public service match materials for credit and valuation through its primary advertising contractor. No ONDCP contractor shall be reimbursed for expenses incurred under this program until such programming is in its final form.
The conferees agree to provide $410,500,000 instead of $400,240,000 as proposed by the House and $39,755,000 as proposed by the Senate.

**General Services Administration**

**Federal Buildings Fund**

**Limitations on Availability of Revenue**

The conferees agree to provide $5,971,509,000 in new obligations instead of $5,272,370,000 as proposed by the House and $5,502,333,000 as proposed by the Senate. The conferees directly appropriate $644,154,000 into the General Services Administration Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations by October 1, 2001, for four courthouse construction projects.

**Construction and Acquisition**

The conferees agree to provide $472,176,000 in new obligations instead of no funding as proposed by the House and $3,000,000 as proposed by the Senate. These funds are provided for nine projects. The conferees direct GSA to provide a report to the Committee on Appropriations with respect to how GSA plans to allocate these funds among the various projects prior to allocating the funds. Within 45 days of the enactment of this Act, the conferees have included $3,500,000 for the design and site acquisition of a combined law enforcement facility in Saint Petersburg, Florida. The conferees agree to provide $276,400,000 as an advance appropriation, not available until October 1, 2001, for four courthouse construction projects.

**Repair and Alteration**

The conferees agree to provide $671,193,000 as proposed by the Senate instead of $490,592,000 as proposed by the House. This level fully funds the request with the following conditions: no funds are provided for the chlorofluorocarbon program, the energy program is funded at $5,000,000, and the glass fragment retention program is funded at $5,000,000.

**Building Operations**

The conferees agree to provide $1,624,771,000 as proposed by the Senate instead of $1,580,909,000 as proposed by the House. Within this limitation level, the conferees have included $500,000 to conduct a site selection analysis for a replacement facility for the National Center for Environmental Prediction of the National Oceanic and Atmospheric Administration, currently located in Camp Springs, Maryland. The delineated area shall be in the Washington, D.C. Metropolitan area and include the consideration of appropriate educational institutions qualified to be project partners. A report on the findings of the study shall be provided to the conferees within 120 days of the enactment of this Act.

**Policy and Operations**

The conferees agree to provide $123,920,000 instead of $123,420,000 as proposed by the Senate and $91,500,000 as proposed by the House. Increases above the enacted level include $3,285,000 for pay costs to maintain current levels, $2,075,000 for protection and maintenance at the Lorton complex in Virginia, and $8,000,000 for the critical infrastructure protection initiative. The conferees agree to provide an archival records storage and agree to provide $190,000, from within available funds, for the Plains States Depopulation Symposium as proposed by the Senate. The conferees agree to the reversion of funding from the fiscal year 2000 level for the digital learning technology effort and direct that $1,000,000 be used to continue a digital medical education project in connection with the Native American Digital Telehealth Project and Upper Great Plains Native American Telehealth Program and $143,000 to continue a provision that of a $300,000 activities that will be the basis for the 21st Century Distributed Learning Environment in Education.

**Alternative Fuels**

The conferees urge the General Services Administration to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting GSA’s fuel needs.

**Expenses, Presidential Transition**

The conferees agree to provide $7,100,000, as proposed by the Senate instead of no appropriation as proposed by the House.

**General Services Administration—Conferences**

Section 401. The conferees agree to continue a provision that provides that accounts available to GSA shall be credited with certain funds received from government corporations.

Section 402. The conferees agree to continue a provision that provides that funds available to GSA shall be available for the hire of passenger motor vehicles.

Section 403. The conferees agree to continue a provision that authorizes GSA to transfer funds to the Federal Buildings Fund for pilot information technology projects to meet program requirements subject to approval by the Committees on Appropriations.

Section 404. The conferees agree to continue a provision that prohibits the use of funds to submit a fiscal year 2001 budget request for courthouse construction projects that do not meet the criteria, do not reflect the priorities of the J udicial Conference of the United States, and are not accompanied by a standardized courthouse utilization study.

Section 405. The conferees agree to continue a provision that provides that no funds may be used to acquire up to 500,000 square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.

Section 406. The conferees agree to continue a provision that provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund.

Section 407. The conferees agree to continue a provision that permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings.

Section 408. The conferees agree to include a provision as proposed by the House to provide a one-year extension to the period for which voluntary separation incentive payments may be offered by the Administrator of General Services for federal employees. The conferees agree to include a new provision proposed by the Senate designating the Federal Building and United States Courthouse located at 102 North 4th Street in Grand Forks, North Dakota, as the “Ronald N. Davies Federal Building and United States Courthouse.”

**National Archives and Records Administration**

**Operating Expenses**

The conferees agree to provide $29,437,000 as proposed by the Senate instead of $28,857,000 as proposed by the House.

**Federal Payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation**

The conferees agree to provide $2,125,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

**Environmental Dispute Resolution Fund**

The conferees agree to provide $1,250,000 as proposed by the House instead of $500,000 as proposed by the Senate.

**National Archives and Records Administration**

**Grants Program**

The conferees agree to provide $9,150,000 instead of $6,550,000 as proposed by the House and $4,950,000 as proposed by the Senate. This level includes funding provided to the National Archives and Records Administration for a base repairs and restoration program, $88,000,000 for the major repair and restoration project at the main Archives building, $1,500,000 for the construction of a new Southeast Regional Archives facility, and $700,000 for the design of a 10,000-square-foot extension to the Gerald R. Ford Museum.

**National Historical Publications and Records Commission**

**PARENTAL LEAVE**

The conferees direct the Office of Personnel Management to conduct a study to develop alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or placement of a child, and to report containing its findings and recommendations to the Committees on Appropriations by...
Section 513. The conferees agree to continue the provision that cost accounting standards governing Federal Procurement Policy Act shall not apply to the FEHBP.

Section 514. The conferees agree to include a new provision requiring OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program as proposed by the Senate.

Section 515. The conferees include and modify a provision prohibiting the use of funds for the purpose of implementation, or in the preparation for implementation, of the Kyoto Protocol as proposed by the House.

Section 516. The conferees agree to include a new provision permitting OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program as proposed by the Senate.

Section 517. The conferees include and modify a provision prohibiting the use of funds for the purpose of implementation, or in the preparation for implementation, of the Kyoto Protocol as proposed by the House.

Section 518. The conferees agree to include a new provision requiring OPM to report to Congress on the effectiveness of the Paperwork Reduction Act of 1975 as proposed by the Senate.

Section V—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES AND CORPORATIONS

Section 601. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 602. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 603. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 604. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 605. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 606. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 607. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 608. The conferees agree to continue the provision requiring agencies to adhere to the provisions of the Federal Acquisition Regulation and the Federal Acquisition Streamlining Act of 1995.

Section 609. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 610. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 611. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 612. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 613. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 614. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 615. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 616. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 617. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 618. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 619. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 620. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 621. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 622. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 623. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 624. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 625. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 626. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 627. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 628. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 629. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 630. The conferees agree to continue, and include technical modifications to...
the provision addressing contraceptive coverage in health plans participating in the FEHBP, making it identical to current law as enacted by Section 625 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 2000 and deleting the names of two plans that no longer participate in the program.

Section 631. The conferees agree to continue the provision authorizing the use of fiscal year 2001 funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 632. The conferees agree to continue and modify the provision authorizing agencies to transfer funds to the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 633. The conferees agree to continue and modify the provision authorizing agencies to provide child care in Federal facilities.

Section 634. The conferees agree to continue and modify the provision authorizing breast feeding at any location in a Federal building or on Federal property.

Section 635. The conferees agree to include a new provision that permits interagency funding of the National Science and Technology Council as proposed by the House.

Section 636. The conferees agree to include a new provision concerning retirement provisions relating to certain members of the police force of the Metropolitan Washington Airports Authority as proposed by the House.

Section 637. The conferees agree to include a new provision authorizing the President’s Pay Agent to use appropriate data from sources other than the Bureau of Labor Statistics in making new locality pay designations as proposed by the House.

Section 638. The conferees agree to continue the provision requiring identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 639. The conferees agree to include a new provision requiring the mandatory removal from employment of any law enforcement officer convicted of a felony as proposed by the Senate.

Section 640. The conferees agree to continue a new provision repealing Section 504 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by P.L. 106-346) related to Federal Internet sites.

Section 641. The conferees agree to include a new provision that includes a technical modification to the calculation of disability pay for Federal firefighters as proposed by the House.

Section 642. The conferees agree to include a new provision that includes a technical modification to the basis for using inactive duty military leave as proposed by the House.

Section 643. The conferees agree to include a new provision that requires criminal background checks for employees at federally provided day care facilities of the executive branch as proposed by the House.

Section 644. The conferees include a new provision modifying Section 503 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by P.L. 106-346) related to Federal Internet sites.

Section 645. The conferees agree to include a new provision that makes pay rates for Administrative Appeals Judges comparable to Administrative Law Judges as proposed by the House.

Section 646. The conferees agree to include a new provision that requires the Inspector General of each department or agency to submit to Congress a report that discloses any activity relating to the collection of data about individuals who access any Internet site of the department or agency.
<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE I - DEPARTMENT OF THE TREASURY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Departmental Offices</td>
<td>134,034</td>
<td>161,006</td>
<td>149,437</td>
<td>149,610</td>
<td>156,315</td>
<td>+ 22,281</td>
</tr>
<tr>
<td>Contingent emergency supplemental</td>
<td>24,900</td>
<td></td>
<td>502</td>
<td></td>
<td></td>
<td>-24,900</td>
</tr>
<tr>
<td>Department-wide systems and capital investments programs...</td>
<td>43,448</td>
<td>99,279</td>
<td>41,787</td>
<td>37,279</td>
<td>47,287</td>
<td>+ 3,839</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>30,599</td>
<td>33,608</td>
<td>31,940</td>
<td>32,899</td>
<td>32,899</td>
<td>+ 2,300</td>
</tr>
<tr>
<td>Inspector General for Tax Administration</td>
<td>111,781</td>
<td>118,427</td>
<td>115,477</td>
<td>118,427</td>
<td>118,427</td>
<td>+ 6,646</td>
</tr>
<tr>
<td>Treasury Building and Annex Repair and Restoration</td>
<td>22,700</td>
<td>31,000</td>
<td>31,000</td>
<td>22,700</td>
<td>31,000</td>
<td>+ 8,300</td>
</tr>
<tr>
<td>Expanded Access to Financial Services</td>
<td></td>
<td>30,000</td>
<td>2,000</td>
<td>400</td>
<td>2,000</td>
<td>+ 2,000</td>
</tr>
<tr>
<td>Money Laundering Strategy</td>
<td></td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Crimes Enforcement Network</td>
<td>27,818</td>
<td>34,694</td>
<td>34,694</td>
<td>37,576</td>
<td>37,576</td>
<td>+ 9,758</td>
</tr>
<tr>
<td>Counterterrorism Fund (emergency funding)</td>
<td></td>
<td>55,000</td>
<td></td>
<td>55,000</td>
<td>55,000</td>
<td>+ 55,000</td>
</tr>
<tr>
<td>Violent Crime Reduction Programs</td>
<td>130,081</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-130,081</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Expenses</td>
<td>84,027</td>
<td>93,483</td>
<td>93,483</td>
<td>93,198</td>
<td>94,483</td>
<td>+ 10,456</td>
</tr>
<tr>
<td>Acquisition, Construction, Improvements, and Related Expenses</td>
<td>21,175</td>
<td>17,331</td>
<td>17,331</td>
<td>29,205</td>
<td>29,205</td>
<td>+ 8,030</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>105,202</td>
<td>110,814</td>
<td>110,814</td>
<td>122,403</td>
<td>123,688</td>
<td>+ 18,486</td>
</tr>
<tr>
<td>Interagency Law Enforcement: Interagency crime and drug enforcement</td>
<td>60,502</td>
<td>103,476</td>
<td>103,476</td>
<td>90,976</td>
<td>103,476</td>
<td>+ 42,974</td>
</tr>
<tr>
<td>Financial Management Service</td>
<td>200,555</td>
<td>202,851</td>
<td>198,736</td>
<td>202,851</td>
<td>206,851</td>
<td>+ 6,296</td>
</tr>
<tr>
<td>Bureau of Alcohol, Tobacco and Firearms: Salaries and Expenses</td>
<td>564,773</td>
<td>760,051</td>
<td>731,325</td>
<td>724,937</td>
<td>768,695</td>
<td>+ 203,922</td>
</tr>
<tr>
<td>(Amounts in thousands of dollars)</td>
<td>FY 2000 Enacted</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>--------</td>
<td>--------</td>
<td>------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>United States Customs Service:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Expenses</td>
<td>1,698,227</td>
<td>1,887,866</td>
<td>1,822,365</td>
<td>1,804,687</td>
<td>1,863,765</td>
<td>+ 165,538</td>
</tr>
<tr>
<td>Harbor Maintenance Fee Collection</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>Operation, Maintenance and Procurement, Air and Marine Interdiction Programs</td>
<td>108,688</td>
<td>156,875</td>
<td>125,778</td>
<td>128,228</td>
<td>133,228</td>
<td>+ 24,540</td>
</tr>
<tr>
<td><strong>Automation modernization:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Commercial System</td>
<td></td>
<td>123,000</td>
<td>123,000</td>
<td>123,000</td>
<td>123,000</td>
<td>+ 123,000</td>
</tr>
<tr>
<td>International Trade Data System</td>
<td></td>
<td>5,400</td>
<td>5,400</td>
<td>5,400</td>
<td>5,400</td>
<td>+ 5,400</td>
</tr>
<tr>
<td>Automated Commercial Environment</td>
<td></td>
<td>210,000</td>
<td>105,000</td>
<td></td>
<td>130,000</td>
<td>+ 130,000</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td>338,400</td>
<td>233,400</td>
<td>128,400</td>
<td>258,400</td>
<td>+ 258,400</td>
</tr>
<tr>
<td>Customs Services at Small Airports (to be derived from fees collected)</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>Offsetting receipts</td>
<td>-2,000</td>
<td>-2,000</td>
<td>-2,000</td>
<td>-2,000</td>
<td>-2,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,809,915</td>
<td>2,386,141</td>
<td>2,184,543</td>
<td>2,064,315</td>
<td>2,258,393</td>
<td>+ 448,478</td>
</tr>
<tr>
<td>Bureau of the Public Debt</td>
<td>177,143</td>
<td>182,901</td>
<td>182,901</td>
<td>182,901</td>
<td>182,901</td>
<td>+ 5,758</td>
</tr>
<tr>
<td>Payment of government losses in shipment</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td><strong>Internal Revenue Service:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tax Law Enforcement</td>
<td>3,336,038</td>
<td>3,443,059</td>
<td>3,332,676</td>
<td>3,378,040</td>
<td>3,382,402</td>
<td>+ 45,564</td>
</tr>
<tr>
<td>Earned Income Tax Credit Compliance Initiative</td>
<td>144,000</td>
<td>145,000</td>
<td>145,000</td>
<td>145,000</td>
<td>145,000</td>
<td>+ 1,000</td>
</tr>
</tbody>
</table>
(Amounts in thousands of dollars)

<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Systems</td>
<td>1,455,401</td>
<td>1,583,565</td>
<td>1,488,090</td>
<td>1,505,090</td>
<td>1,545,090</td>
<td>+89,689</td>
</tr>
<tr>
<td>Information technology investments</td>
<td></td>
<td>71,751</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance appropriation, FY 2002</td>
<td></td>
<td>422,249</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, FY 2001</td>
<td>8,216,489</td>
<td>8,943,674</td>
<td>8,452,998</td>
<td>8,535,069</td>
<td>8,639,493</td>
<td>+423,004</td>
</tr>
<tr>
<td>Advance appropriation, FY 2002</td>
<td></td>
<td>422,249</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

United States Secret Service:

| Salaries and Expenses                     | 667,312 | 824,500 | 823,800 | 778,279 | 823,800 | +156,488               |
| Title II general provisions (P.L. 106-113) | 10,000  |         |         |        |         | -10,000                |
| (By transfer)                              | (21,000)|         |         |        |         | (-21,000)             |
| Contingent emergency supplemental         | 10,000  |         |         |        |         | -10,000                |
| Acquisition, Construction, Improvements, and Related Expenses | 4,185  | 5,021   | 5,021   | 4,283  | 8,941   | +4,756                 |

**Total**                                         | 691,497 | 829,521 | 828,821 | 782,562 | 832,741 | +141,244               |

**Total, title I, Department of the Treasury**   | 12,352,437 | 14,520,692 | 13,200,949 | 13,161,407 | 13,597,742 | +1,245,305             |

**Current year, FY 2001**                        | 12,352,437 | 14,098,443 | 13,200,949 | 13,161,407 | 13,597,742 | +1,245,305             |
**Appropriations**                                | (12,317,537) | (14,043,443) | (13,200,949) | (13,105,905) | (13,542,742) | (+1,225,205)          |
**Emergency funding**                            | (34,900) | (55,090) |         | (55,502) | (55,000) | (+20,100)             |
**Advance appropriations, FY 2002**              |         |         |         |        |         |                        |
| (Amounts in thousands of dollars) |
|---------------------------|----------------|----------------|----------------|----------------|----------------|
|                            | FY 2000 | FY 2001 | House | Senate | Conference |
| TITLE II - POSTAL SERVICE  |         |         |       |        |            |
| Payment to the Postal Service Fund | 28,620  | 29,000  | 29,000 |        | 29,000 | +380          |
| Advance appropriation, FY 2002 | 64,436  | 67,093  | 67,093 | 67,093 | 67,093 | +2,657        |
| Total                       | 93,056  | 96,093  | 96,093 | 67,093 | 96,093 | +3,037        |
| TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT |         |         |       |        |            |
| AND FUNDS APPROPRIATED TO THE PRESIDENT |         |         |       |        |            |
| Compensation of the President and the White House Office: |         |         |       |        |            |
| Compensation of the President | 250     | 390     | 390   | 390    | 390    | +140          |
| Salaries and Expenses       | 52,243  | 53,288  | 52,135| 53,288 | 53,288 | +1,045        |
| Executive Residence at the White House: |         |         |       |        |            |
| Operating Expenses          | 9,225   | 10,900  | 10,286| 10,900 | 10,900 | +1,675        |
| White House Repair and Restoration | 808    | 5,510   | 658   | 5,510  | 968    | +160          |
| Special Assistance to the President and the Official Residence of the Vice President: |         |         |       |        |            |
| Salaries and Expenses       | 3,609   | 3,673   | 3,664 | 3,673  | 3,673  | +64           |
| Operating expenses          | 330     | 354     | 354   | 354    | 354    | +24           |
| Council of Economic Advisers | 3,825   | 4,110   | 3,997 | 4,110  | 4,110  | +285          |
| Office of Policy Development | 4,017   | 4,032   | 4,030 | 4,032  | 4,032  | +15           |
| National Security Council   | 6,970   | 7,165   | 7,148 | 7,165  | 7,165  | +195          |
| Office of Administration    | 39,050  | 43,737  | 41,185| 43,737 | 43,737 | +4,687        |
| Contingent emergency supplemental | 8,400 |          | 41,185| 43,737 | 43,737 | -8,400        |
| Office of Management and Budget | 63,256  | 68,786  | 67,143| 67,925 | 68,786 | +5,530        |
(Amounts in thousands of dollars)

<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office of National Drug Control Policy:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>22,823</td>
<td>25,400</td>
<td>24,759</td>
<td>24,312</td>
<td>24,759</td>
<td>+1,936</td>
</tr>
<tr>
<td>Title II general provisions (P.L. 106-113)</td>
<td>3,000</td>
<td>3,000</td>
<td></td>
<td></td>
<td></td>
<td>-3,000</td>
</tr>
<tr>
<td>Counterdrug Technology Assessment Center</td>
<td>29,052</td>
<td>20,400</td>
<td>29,750</td>
<td>29,052</td>
<td>29,053</td>
<td>+1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>54,875</td>
<td>45,800</td>
<td>54,509</td>
<td>53,364</td>
<td>53,812</td>
<td>-1,063</td>
</tr>
<tr>
<td><strong>Federal Drug Control Programs:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Intensity Drug Trafficking Areas Program</td>
<td>191,271</td>
<td>192,000</td>
<td>217,000</td>
<td>196,000</td>
<td>206,500</td>
<td>+15,229</td>
</tr>
<tr>
<td>Special forfeiture fund</td>
<td>215,297</td>
<td>259,000</td>
<td>219,000</td>
<td>144,300</td>
<td>233,600</td>
<td>+18,303</td>
</tr>
<tr>
<td>Unanticipated Needs</td>
<td>996</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
<td>-996</td>
</tr>
<tr>
<td><strong>Elections Commission of the Commonwealth of Puerto Rico</strong></td>
<td></td>
<td>2,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total, title III, Executive Office of the President and Funds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriated to the President</td>
<td>654,422</td>
<td>702,245</td>
<td>681,499</td>
<td>594,758</td>
<td>691,315</td>
<td>+36,893</td>
</tr>
<tr>
<td><strong>TITLE IV - INDEPENDENT AGENCIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee for Purchase from People Who Are Blind or Severely Disabled</td>
<td>2,664</td>
<td>4,158</td>
<td>4,158</td>
<td>4,158</td>
<td>4,158</td>
<td>+1,494</td>
</tr>
<tr>
<td>Federal Election Commission</td>
<td>38,008</td>
<td>40,500</td>
<td>40,240</td>
<td>39,755</td>
<td>40,500</td>
<td>+2,492</td>
</tr>
<tr>
<td>Federal Labor Relations Authority</td>
<td>23,737</td>
<td>25,058</td>
<td>25,058</td>
<td>25,058</td>
<td>25,058</td>
<td>+1,321</td>
</tr>
</tbody>
</table>
## General Services Administration:

### Federal Buildings Fund:

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Request vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations</td>
<td>0.0</td>
<td>484,176</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Advance appropriation, FY 2002-2004</td>
<td>0.0</td>
<td>477,484</td>
<td>374,345</td>
<td>276,400</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Limitations on availability of revenue:</td>
<td>0.0</td>
<td>472,176</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Construction and acquisition of facilities</td>
<td>0.0</td>
<td>779,788</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Rescission of funds in P.L. 104-208</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>General provisions (sec. 410)</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Repairs and alterations</td>
<td>0.0</td>
<td>779,788</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Instalment acquisition payments</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Rental of space</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Building Operations</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Subtotal</td>
<td>0.0</td>
<td>484,176</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Repayment of Debt</td>
<td>0.0</td>
<td>681,871</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total, Federal Buildings Fund, FY 2001</td>
<td>0.0</td>
<td>681,871</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>(Limitations)</td>
<td>0.0</td>
<td>5,424,416</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>(Rescission of limitations)</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Policy and Operations</td>
<td>0.0</td>
<td>681,871</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Contingent emergency supplemental</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Disposal of property</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Allowances and Office Staff for Former Presidents</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

(Amounts in thousands of dollars)
<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>General provision (P.L. 106-113, Title II)</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-2,000</td>
</tr>
<tr>
<td>Expenses, Presidential transition</td>
<td></td>
<td>7,100</td>
<td></td>
<td></td>
<td>7,100</td>
<td>+7,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, General Services Administration, FY 2001</td>
<td>137,059</td>
<td>870,988</td>
<td>152,471</td>
<td>167,557</td>
<td>632,211</td>
<td>+495,152</td>
</tr>
<tr>
<td>Advance appropriations, FY 2002-2004</td>
<td></td>
<td>477,484</td>
<td></td>
<td>374,345</td>
<td>276,400</td>
<td>+276,400</td>
</tr>
<tr>
<td>Merit Systems Protection Board:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Expenses</td>
<td>27,481</td>
<td>29,437</td>
<td>28,857</td>
<td>29,437</td>
<td>29,437</td>
<td>+1,956</td>
</tr>
<tr>
<td>Limitation on administrative expenses</td>
<td>2,430</td>
<td>2,430</td>
<td>2,430</td>
<td>2,430</td>
<td>2,430</td>
<td></td>
</tr>
<tr>
<td>Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation</td>
<td>1,992</td>
<td>3,000</td>
<td>2,000</td>
<td>1,000</td>
<td>2,000</td>
<td>+8</td>
</tr>
<tr>
<td>Environmental Dispute Resolution Fund</td>
<td>1,245</td>
<td>1,250</td>
<td>1,250</td>
<td>500</td>
<td>1,250</td>
<td>+5</td>
</tr>
<tr>
<td>National Archives and Records Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating expenses</td>
<td>179,674</td>
<td>209,393</td>
<td>195,119</td>
<td>209,393</td>
<td>209,393</td>
<td>+29,719</td>
</tr>
<tr>
<td>Reduction of debt</td>
<td>-5,598</td>
<td>-5,598</td>
<td>-5,598</td>
<td>-5,598</td>
<td>-5,598</td>
<td></td>
</tr>
<tr>
<td>Repairs and Restoration</td>
<td>22,256</td>
<td>99,560</td>
<td>5,650</td>
<td>4,950</td>
<td>95,150</td>
<td>+72,654</td>
</tr>
<tr>
<td>Advance appropriation, FY 2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Records Center Revolving Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>88,000</td>
<td></td>
</tr>
<tr>
<td>Total, National Historical Publications &amp; Records Commission:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants program</td>
<td>6,250</td>
<td>6,000</td>
<td>6,000</td>
<td>6,450</td>
<td>6,450</td>
<td>+200</td>
</tr>
<tr>
<td>Recession</td>
<td>-2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+2,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, National Historical Publications &amp; Records Commission:</td>
<td>222,622</td>
<td>309,355</td>
<td>201,171</td>
<td>215,195</td>
<td>305,395</td>
<td>+82,773</td>
</tr>
<tr>
<td>Advance appropriation, FY 2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>88,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>FY 2000 Enacted</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Office of Government Ethics</td>
<td>9,080</td>
<td>9,684</td>
<td>9,684</td>
<td>9,684</td>
<td>9,684</td>
<td>+ 604</td>
</tr>
<tr>
<td>Office of Personnel Management:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Expenses</td>
<td>90,240</td>
<td>100,558</td>
<td>93,471</td>
<td>94,095</td>
<td>94,095</td>
<td>+ 3,855</td>
</tr>
<tr>
<td>Limitation on administrative expenses</td>
<td>95,124</td>
<td>101,986</td>
<td>101,986</td>
<td>99,624</td>
<td>101,986</td>
<td>+ 6,862</td>
</tr>
<tr>
<td>Office of Inspector General</td>
<td>956</td>
<td>1,360</td>
<td>1,360</td>
<td>1,356</td>
<td>1,360</td>
<td>+ 404</td>
</tr>
<tr>
<td>Limitation on administrative expenses</td>
<td>9,608</td>
<td>9,745</td>
<td>9,745</td>
<td>9,708</td>
<td>9,745</td>
<td>+ 137</td>
</tr>
<tr>
<td>Government Payment for Annuities, Employees Health</td>
<td>5,105,395</td>
<td>5,427,166</td>
<td>5,427,166</td>
<td>5,427,166</td>
<td>5,427,166</td>
<td>+ 321,771</td>
</tr>
<tr>
<td>Government Payment for Annuities, Employee Life</td>
<td>36,200</td>
<td>35,000</td>
<td>35,000</td>
<td>35,000</td>
<td>35,000</td>
<td>-1,200</td>
</tr>
<tr>
<td>Payment to Civil Service Retirement and Disability Fund</td>
<td>9,120,558</td>
<td>8,940,051</td>
<td>8,940,051</td>
<td>8,940,051</td>
<td>8,940,051</td>
<td>-180,507</td>
</tr>
<tr>
<td><strong>Total, Office of Personnel Management</strong></td>
<td>14,458,081</td>
<td>14,615,866</td>
<td>14,608,779</td>
<td>14,607,000</td>
<td>14,609,403</td>
<td>+ 151,322</td>
</tr>
<tr>
<td>Office of Special Counsel</td>
<td>9,703</td>
<td>11,147</td>
<td>10,319</td>
<td>10,733</td>
<td>11,147</td>
<td>+ 1,444</td>
</tr>
<tr>
<td>United States Tax Court</td>
<td>35,045</td>
<td>37,439</td>
<td>37,305</td>
<td>35,474</td>
<td>37,305</td>
<td>+ 2,260</td>
</tr>
<tr>
<td><strong>Total, title IV, Independent Agencies</strong></td>
<td>14,969,147</td>
<td>15,437,796</td>
<td>15,123,722</td>
<td>15,610,326</td>
<td>15,986,378</td>
<td>+ 1,017,231</td>
</tr>
<tr>
<td>Current year, FY 2001</td>
<td>14,969,147</td>
<td>15,960,312</td>
<td>15,123,722</td>
<td>15,147,981</td>
<td>15,709,978</td>
<td>+ 740,831</td>
</tr>
<tr>
<td>Appropriations</td>
<td>(14,967,847)</td>
<td>(15,960,312)</td>
<td>(15,123,722)</td>
<td>(15,147,981)</td>
<td>(15,709,978)</td>
<td>(-742,131)</td>
</tr>
<tr>
<td>Recissions</td>
<td>(-2,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(-2,000)</td>
</tr>
<tr>
<td>Advance appropriations, FY 2002-2004</td>
<td>477,484</td>
<td></td>
<td></td>
<td></td>
<td>462,345</td>
<td>+ 276,400</td>
</tr>
<tr>
<td>Scorekeeping adjustments:</td>
<td>FY 2000 Enacted</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>Bureau of the Public Debt (Permanent)</strong></td>
<td>142,000</td>
<td>145,000</td>
<td>145,000</td>
<td>145,000</td>
<td>145,000</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Federal Reserve Bank reimbursement fund</strong></td>
<td>128,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Limitation on admin expenses adjustment to BA</strong></td>
<td>-1,561</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,561</td>
</tr>
<tr>
<td><strong>US Mint revolving fund</strong></td>
<td>11,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Sallie Mae</strong></td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td><strong>Federal buildings fund</strong></td>
<td>-119,366</td>
<td>63,000</td>
<td>-309,000</td>
<td>-79,000</td>
<td>-74,000</td>
<td>45,366</td>
</tr>
</tbody>
</table>

**Advance appropriations:**

| Postal service, FY 2000/2001 | 71,195 | 64,436 | 64,436 | 64,436 | 64,436 | -6,759 |
| IRS, FY 2002                  | -422,249 |        |        |        |        |        |
| GSA, FY 2002-2004             | -477,484 |        | -374,345 | -276,400 | -276,400 |        |
| National Archives, FY 2002   |        |        |        | -88,000 |        |        |

**Conveyance of land to the Columbia Hospital for Women (sec. 410)**

| -8,000 |        |        |        |        |        | 8,000 |
(Amounts in thousands of dollars)

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs. enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOAA retirement provision (sec. 654), FY 1999</td>
<td>5,650</td>
<td></td>
<td></td>
<td></td>
<td>-5,650</td>
</tr>
<tr>
<td>Government-wide early buyout (sec. 651)</td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
<td>-30,000</td>
</tr>
<tr>
<td>GSA early buyout (sec. 411)</td>
<td>-1,000</td>
<td></td>
<td></td>
<td></td>
<td>+1,000</td>
</tr>
<tr>
<td>FY 1999 supplemental (sec. 654)</td>
<td>-5,650</td>
<td></td>
<td></td>
<td></td>
<td>+5,650</td>
</tr>
<tr>
<td>Across the board cut (0.38%)</td>
<td>-73,000</td>
<td></td>
<td></td>
<td></td>
<td>+73,000</td>
</tr>
<tr>
<td>OMB/CBO adjustment</td>
<td>72,153</td>
<td></td>
<td></td>
<td></td>
<td>-72,153</td>
</tr>
<tr>
<td>OMB/CBO adjustment (mandatory to discretionary)</td>
<td>(-408)</td>
<td></td>
<td></td>
<td></td>
<td>(+408)</td>
</tr>
<tr>
<td>Total, scorekeeping adjustments</td>
<td>187,985</td>
<td>-548,390</td>
<td>-20,657</td>
<td>-253,002</td>
<td>-62,057</td>
</tr>
<tr>
<td>Total mandatory and discretionary</td>
<td>28,257,047</td>
<td>31,208,436</td>
<td>29,081,606</td>
<td>29,180,582</td>
<td>30,309,471</td>
</tr>
<tr>
<td>Discretionary</td>
<td>13,724,052</td>
<td>16,528,829</td>
<td>14,401,999</td>
<td>14,500,975</td>
<td>15,629,864</td>
</tr>
</tbody>
</table>
CONGRESSIONAL RECORD—HOUSE

H12259

December 15, 2000

MISCELLANEOUS APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5666 as introduced on December 15, 2000. The text of that bill follows: A BILL Making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes namely:

DIVISION A

CHAPTER 1

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended—

(i) in section 101, under the heading “Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account”, after “per year” insert “: Provided further, That not more than $100,000 shall be available for guaranties of private sector loans”;

(ii) in title III, at the end of the first proviso under the heading “Rural Housing Assistance Grants” account, insert “: Provided, That not more than $5,000,000 to the State of Alabama to be used in this section: Provided further, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”;

(iii) in section 305, by striking “(iii) in paragraph (3), by striking subparagraphs (II) by inserting ‘‘, Flue-cured, or Cigar Binder Type 54±55 tobacco quota or allotment for any year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);”;

(iv) in section 414 (3), by striking “(8) In section 843, by striking “were unable to maintain certification at any time in the calendar year or were unable to maintain a count rate of 7 percent: Provided further, That in calculating the amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”;

(v) in section 428, subsection (3), by striking “(iv) in section 1201, by striking “: Provided further, That the entire amount shall be available only to the extent an official budget request for $500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”;

(vi) in section 451, subsection (2), by striking “(III) in subsection (b), by striking “: Provided further, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”;

(vii) in section 461, subsection (a), by striking “(B) the Secretary shall pay 100 percent of the financial assistance provided under this section: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of Arizona, $500,000: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of Nevada, $650,000: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of New Mexico, $500,000: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of North Dakota, $700,000: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of Oregon, $800,000: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of Washington, $900,000: Provided further, That the Secretary shall pay 100 percent of the financial assistance provided under this section to the State of Wisconsin, $700,000;”;


SEC. 103. The Secretary of Agriculture, in collaboration with the Secretaries of Energy and Interior, shall undertake a study of the feasibility of including hydroelectric, substation, and other bio-based fuels as part of the Strategic Petroleum Reserve. This study shall include a review of legislative and regulatory changes needed to allow this inclusion, and those elements necessary to designate that the program includes a proxy to those costs, including cost. The Secretary shall provide this study to the House and Senate Appropriations Committees by February 15, 2001.

SEC. 104. In title VIII, under the heading “Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000”, in section 730 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Public Law 106-78), the City of Wilson, North Carolina, shall be eligible in the fiscal year 2001 for the community facility loan guarantee program under section 306(a)(1) of the Consolidated Farm and Rural Development Act.

SEC. 105. Title VIII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by inserting at the end the following new section:

“Sec. 778. Notwithstanding section 723 of this Act or any other provision of law, there are hereby appropriated $26,000,000, to remain available until expended, for the program authorized under section 334 of the Federal Agriculture Improvement and Reform Act of 1996: Provided, That the entire amount shall be available only to the extent an official budget request for $26,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”

SEC. 106. In carrying out the bovine tuberculosis eradication program covered by the Secretary of Agriculture’s emergency declaration effective as of October 11, 2000, the Secretary of Agriculture shall pay 100 percent of the amounts of approved claims for materials affected by or exposed to bovine tuberculosis, and shall pay approved claims growing out of the destruction of animals: Provided, That in calculating the net present value of the future income potential of any claim, the Secretary shall use a discount rate of 3 percent: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”

SEC. 107. Section 820(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by striking “of 1996” and inserting the following: “of 1996, and for the Forestland Protection Program established under section 306(a)(1) of the Consolidated Farm and Rural Development Act of 1996 and under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.”

SEC. 108. For an additional amount for the United States Department of Agriculture, Office of the General Counsel, $500,000: Provided, That the entire amount shall be available only to the extent an official budget request for $500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 109. For an additional amount for Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses, $200,000: Provided, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 110. Notwithstanding any other provision of law, the Fish and Wildlife Service may provide financial and technical assistance to the Hamakua Ditch Project in Hawaii from funds available for the Emergency Watershed Program, notwithstanding section 251(b)(2)(A) of such Act.

SEC. 111. For an additional amount for “Community Oriented Police Services”, $3,080,000, to remain available until expended, of which $1,880,000 shall be for an office in the City of Signal Hill, California, for equipment and technology for an emergency operations center and of which $1,000,000 shall be a grant to the State of California, Police Department for equipment; of which $200,000 shall be for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which $400,000 shall be a grant to the State of Alabama Department of Forensic Sciences for equipment.

SEC. 112. For an additional amount for “Juvenile Justice Programs”, $1,000,000, to remain available until expended, for a grant to Mobile County, Alabama, for a juvenile court network program.

SEC. 201. Chapter 2 of title II of division B of Public Law 106-246 (114 Stat. 542) is amended in the matter immediately under the first heading—

(i) by inserting, “(or the state, in the case of New Mexico)” before “only”; and

(ii) by inserting, detention costs,” after “court costs.”

SEC. 202. For an additional amount under the heading “United States Attorneys, Salaries and
Sec. 205. In addition to other amounts made available for "State and Local Law Enforcement Assistance" within the Department of Justice, $500,000 shall be made available only for the New Hampshire Department of Safety to investigate and support the prosecution of violations of federal trucking laws.

Sec. 205. In addition to other amounts made available for "State and Local Law Enforcement Assistance" within the Department of Justice, $4,000,000 shall be available to the State of South Dakota to establish a regional radio system to facilitate communications among Federal, State, and local law enforcement agencies, firefighting agencies, and other emergency services agencies.

DEPARTMENT OF COMMERCE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $200,000, to remain available until expended, for the establishment of satellite accounts within the National Oceanic and Atmospheric Administration, the building of holding spaces, administration and hearing activities, and other urgent community needs.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $750,000, to remain available until expended, for a study by the National Academy of Sciences pursuant to H.R. 2090, as passed by the House of Representatives on September 30, 2000.

GENERAL PROVISIONS

Sec. 206. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, $10,000,000 for the State of Texas and $2,000,000 for the State of Michigan to reimburse costs incurred by the North Carolina General Assembly and the State of Michigan associated with the investigation and settlement of issues relating to the North Carolina and Michigan court cases, in which the State of Michigan is a defendant.

Sec. 209. IMPLEMENTATION OF STELLER SEA LION PROTECTIVE MEASURES.

(a) FINDINGS.—The Congress finds that—

(1) the western population of Steller sea lions has substantially declined over the last twenty-five years.

(2) scientists should closely research and analyze all possible factors relating to such decline, including the possible interactions between commercial fishing and Steller sea lions and the localized depletion of their food sources.

(3) the authority to manage commercial fishing in federal waters lies with the regional councils and the Secretary of Commerce (hereafter in this subsection referred to as "the Secretary") pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (hereafter in this section referred to as "the Magnuson-Stevens Act");

(4) the Secretary of Commerce shall comply with the Magnuson-Stevens Act when using data and information contained in the Biological Opinion, except as required by the Magnuson-Stevens Act.

Sec. 206. In addition to amounts appropriated or otherwise made available by this or any other Act, $3,000,000 is appropriated to enable the Secretary of Commerce to detail the expenditure of funds, including the number of persons and households served and the amount of administrative costs, by fiscal year.

Sec. 206. In addition to amounts appropriated or otherwise made available by this or any other Act, $20,000,000 is hereby appropriated to the Secretary of Commerce to study and manage the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, including in such Act relating to best available science, bycatch reduction, impacting on fishing communities, the safety of life at sea, and public comments on the management plan for such fisheries prior to July 15, 2000, including—

(A) conservative total allowable catch levels;

(B) no entry zones within three miles of rockeries;

(C) restricted harvest levels near rockeries and haulouts;

(D) federally-trained observers;

(E) spatial and temporal harvest restrictions;

(F) federally-mandated bycatch reduction programs; and

(G) additional conservation benefits provided through cooperative fishing arrangements.

Sec. 206. In forcing regulations for the 2001 fisheries, the Secretary, upon recommendation of the North Pacific Council, may open critical habitat where needed, adjust seasonal catch levels, and take other measures as needed to ensure that harvest levels are sufficient to provide income from these fisheries for small boats and Alaskan on-shore processors that is no less than in 2000.

Sec. 209. IMPLEMENTATION OF STELLER SEA LION PROTECTIVE MEASURES.

(a) FINDINGS.—The Congress finds that—

(1) available prey species;

(2) predator/prey relationships;

(3) predation by other marine mammals; and

(4) interactions between fisheries and Steller sea lions, including the localized depletion theory;
(5) regime shift, climate change, and other impacts associated with changing environmental conditions in the North Pacific and Bering Sea;
(6) disease;
(7) killer whale and pup survival rates;
(8) population counts;
(9) nutritional stress;
(10) foreign vessel harvest of sea lions outside the exclusive economic zone;
(11) the residual impacts of former government-authorized Steller sea lion eradication bounty programs; and
(12) the residual impacts of intentional lethal takes of Steller sea lions. Within available funds the Secretary shall implement on a pilot basis innovative non-lethal measures to protect Steller sea lions from marine mammal predators including killer whales.

ECONOMIC DISASTER RELIEF. Ð $30,000,000 is hereby appropriated to the Secretary of Commerce to make available as a direct payment to the Southwest Alaska Municipal Conference to cover the costs of damages to fishing communities, businesses, and community development quota groups, individuals, and other entities to mitigate the economic losses caused by Steller sea lion protection measures heretofore incurred; provided that the President of such organization shall provide a written report to the Secretary and the House and Senate Appropriations Committee within six months of receipt of funds.

DEPARTMENT OF STATE AND RELATED AGENCY

GENERAL PROVISIONS

Sec. 210. In addition to any amounts made available for "Economic and Cultural Exchange Programs within the Department of State", $500,000 shall be made available only for the Irish Institute.

Sec. 211. In addition to amounts appropriated under the heading "International Broadcasting Operations, Broadcasting Board of Governors" in the Departments of Commerce, Justice, and State, and related agencies Appropriations Act, 2001, $10,000,000 to remain available until expended, for increased broadcasting to Russia and surrounding areas, and to China, by Radio Free Europe/Radio Liberty, Radio Free Asia, and the Voice of America: Provided, That any amount of such funds may be transferred to the "Broadcasting Capital Improvements" account to carry out such purposes.

RELATED AGENCIES

COMMISSION ON ONLINE CHILD PROTECTION

For necessary expenses of the Commission on Online Child Protection, $750,000, to remain available until expended.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,000,000 shall be available for a grant to the Electronic Commerce Resource Center in Scranton, Pennsylvania, to establish an electronic commerce technology distribution center.

GENERAL PROVISION

Sec. 212. For an additional amount for "Small Business Administration, Salaries and Expenses" $1,000,000 shall be made available only for a grant to the Electronic Commerce Resource Center in Scranton, Pennsylvania, to establish an electronic commerce technology distribution center.

GENERAL PROVISION—THIS CHAPTER

Sec. 213. (a) The provisions of H.R. 5548 (as enacted into law by H.R. 4942 of the 106th Congress) are amended as follows:
(1) In title I, under the heading "Salaries and Expenses, United States Marshals Service", by striking "3,947" and inserting "4,034";
(2) In title II, under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities", by striking "$31,439,000" and inserting "$32,054,000".

(b) The amendments made by this section shall take effect as if included in H.R. 4942 of the 106th Congress on the date of its enactment.

CHAPTER 3

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS—THIS CHAPTER

Sec. 301. In the event that award of the full funding contract for low-rate initial production of the F–22 aircraft is delayed beyond December 31, 2000 because of inability to complete the requirements specified in section 8124 of the Department of Defense Appropriations Act, 2001, a Department of Defense obligation may be made up to $353,000,000 of the funds appropriated in Title I of Public Law 106-259 to continue F–22 Lot 1 (1 aircraft) advanced procurement supplier base and preserve program costs and schedule.

Sec. 302. (a) Consistent with Executive Order Number 13733, dated March 19, 1913, and notwithstanding section 303 of the Alaska National Interest Lands Conservation Act, Public Law 96-487, or any other law, the Department of the Air Force shall have primary jurisdiction, custody, and control over Shemya Island and its appurtenant waters (including submerged lands). In exercising such primary jurisdiction, custody, and control, the Secretary of the Air Force may utilize and apply such authorities as are generally applicable to a military installation, base, camp, post, or station. Shemya Island and its appurtenant waters (including submerged lands) shall continue to be included in the Alaska Maritime National Wildlife Refuge and the National Wildlife Refuge System and the Secretary of the Interior shall have jurisdiction, secondary to that of the Department of the Air Force. Nothing in this section shall prohibit the transfer of jurisdiction, custody, and control over Shemya Island to the Department of the Air Force to another military department in the event the military department exercising such primary jurisdiction, custody, and control no longer has a need to exercise such primary jurisdiction, custody, and control shall terminate and the Secretary of the Interior shall then exercise sole jurisdiction, custody, and control over Shemya Island and its appurtenant waters (including submerged lands) as part of the Alaska Maritime National Wildlife Refuge.

(b) Any environmental contamination of Shemya Island caused by a military department shall be the responsibility of that military department and not the responsibility of the Department of the Interior. Any money rentals received by a military department from outgrants of Shemya Island shall be transferred to the Department of the Interior to carry out the environmental restoration of the island in accordance with 10 U.S.C. 2667.

(c) This section shall not be construed as altering any provisions of the United States Code, for funding Fisher Houses, or the United States Code, for funding Fisher Houses, or the United States Code, for funding Fisher Houses.

(d) The military department exercising primary jurisdiction, custody, and control over Shemya Island shall, consistent with the primary jurisdiction of the Department of Commerce and its appurtenant waters (including submerged lands), handle all activities on Shemya Island in accordance with 10 U.S.C. 2667.

(e) Economic Disasters Relief. Ð $30,000,000 is hereby appropriated to the Secretary of Commerce to make available as a direct payment to the Southwest Alaska Municipal Conference to cover the costs of damages to fishing communities, businesses, and community development quota groups, individuals, and other entities to mitigate the economic losses caused by Steller sea lion protection measures heretofore incurred; provided that the President of such organization shall provide a written report to the Secretary and the House and Senate Appropriations Committee within six months of receipt of funds.

Sec. 303. Within the funds appropriated for the Patriot P–AC–3 program under Title I of the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the Ballistic Missile Defense Organization shall procure no less than 46 P–AC–3 missiles.

Sec. 304. Section 8133 of Public Law 106-259 (114 Stat. 703) is amended by striking "$430,000,000" in the first proviso and inserting "$550,000,000".

TRANSFER OF FUNDS

Sec. 305. Of the total amount appropriated by title I of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) for operation and maintenance for the armed force or armed forces under the jurisdiction of the Secretary of a military department, the Secretary of the military department is authorized to up to $2,000,000 to the central fund established by the Secretary under section 249(d) of title 10, United States Code, for funding Fisher Houses and Fisher Suites. Amounts shall be merged with other amounts in the central fund to which transferred and shall be available without fiscal year limitation for the purposes for which amounts in that fund are available.

Sec. 306. Funding for Certain Costs of Vessel Transfers. There is hereby appropriated into the Defense Vessels Transfer Program Account sums as may be necessary for the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661)) of the lease-sale transfers authorized by the National Defense Authorization Act for Fiscal Year 2000 that account are available only for the purpose of covering those costs.

Sec. 307. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) under the heading "Research, Development, Test and Evaluation, Defense-Wide", not less than $5,000,000 shall be merged with and available for support of a Gulf War illness research program at the University of Texas Southwestern Medical Center.

INCLUDING TRANSFER OF FUNDS

Sec. 308. In addition to amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), $350,000,000 is hereby appropriated for "Operation and Maintenance, Navy" and shall remain available until expended, only for costs associated with the repair of the U.S.S. COLE: Provided, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: Provided further, That the funds transferred shall be merged with and available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the welfare of the crew, and of the families of the crew, of the U.S.S. COLE shall be considered for the same purposes: Provided further, That the Navy’s selection of the process and location for the repair of the U.S.S. COLE: Provided further, That the entire amount made available in this section is in addition to any funds appropriated in title V, section 507(b) of the Defense Authorization Act for Fiscal Year 2001, as a result of a new and urgent need for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.
to the National Science and Technology Council (authorized by Executive Order No. 12881), or any successor entity to the council, under section 635 of the Treasury and General Government Appropriations Act, 2001 for payment of any expenses of, and shall ensure that administractive services, facilities, staff and other sup- port are provided for, the Commission on the Future of Defense Industry and Infrastructure pursuant to section 1092(e)(1) of the Ford D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by section 1 of the Act to improve and maintain a strong and vibrant defense industry).

SEC. 312. (a) The Secretary of the Army may acquire 50 acres of the property located on Key Island, along the south shore of the St. John's River from across Blount Island Command, Jacksonville, Florida. The Secretary of the Army shall pay the market value of the property, to be determined pursuant to an appraisal acceptable to the Secretary of the Navy, but in no case shall the price exceed $4,200,000; provided, That such property is protected under the Endangered Species Act of 1973, and the Secretary of the Army and the Secretary of the Navy shall jointly prepare a proposed plan for the expansion of the National Training Center, must provide for such expansion in a manner that complies with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable environmental laws.

(c) PREPARATION OF PROPOSED EXPANSION PLAN.—

(1) PREPARATION REQUIRED.—The Secretary of the Army and the Secretary of the Interior (in this section referred to as ‘‘the Secretaries’’) shall jointly prepare a proposed plan for the expansion of the National Training Center at Fort Irwin, California, in a manner that is fully compliant with environmental laws.

(2) SUBMISSION AND AVAILABILITY.—The plan required by paragraph (1) (in this section referred to as the ‘‘proposed expansion plan’’) shall be submitted and made available not later than 120 days after the date of the enactment of this Act. When completed, the Secretaries shall make the proposed expansion plan available to the public and shall publish in the Federal Register a ‘‘notice of availability’’ concerning the proposed expansion plan.

(d) KEY ELEMENTS OF PROPOSED EXPANSION PLAN.—

(1) JOINT REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretaries shall submit to Congress a joint report that identifies the key elements of the proposed expansion plan.

(2) LANDS WITHDRAWAL AND RESERVATION.—

The proposed expansion plan shall include the withdrawal and reservation of an appropriate amount of public lands for—

(A) the conduct of combined arms military training at the National Training Center;

(B) the development and testing of military equipment at the National Training Center;
shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) FUNDING.—(1) IMPOSITION OF CONSERVATION MEASURES.—There are authorized to be appropriated $75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center to comply with the Endangered Species Act of 1973.

(2) IMPLEMENTATION OF SECTION.—The amount appropriated under paragraph (1) may be used to implement the proposed expansion plan consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) CONSIDERATION OF PRELIMINARY REVIEW.—In preparing the proposed expansion plan, the Secretaries shall take into account the content of the preliminary review by the Director of the United States Fish and Wildlife Service under paragraph (1).

(e) DRAFT LEGISLATION.—The Secretaries shall submit to Congress with the proposed expansion plan a draft of proposed legislation providing for, among other things, a legal and regulatory framework for the conservation of the desert tortoise and other threatened species, and the acquisition of additional land to accommodate the proposed expansion, to be consistent with the Endangered Species Act of 1973.

(f) CONSULTATION UNDER ENDANGERED SPECIES ACT OF 1973.—The Secretaries shall initiate the formal consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to expansion of the National Training Center as soon as practicable and shall complete such consultation not later than two years after the date of the enactment of this Act.

(g) ENVIRONMENTAL REVIEW.—Not later than six months following completion of the formal consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and with respect to the National Training Center, the Secretaries shall complete any analysis required under any applicable law or any other law relating to conservation measures, and shall submit such analysis to Congress. Such analysis shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) FUNDING.—(1) IMPOSITION OF CONSERVATION MEASURES.—There are authorized to be appropriated $75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center to comply with the Endangered Species Act of 1973.

(2) IMPLEMENTATION OF SECTION.—The amount appropriated under paragraph (1) may be used to implement the proposed expansion plan consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Chap. 4
DISTRICT OF COLUMBIA FEDERAL FUNDS
FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For an additional amount for the District of Columbia courts for capital repairs necessitated by the Public Service Act of 1948, as amended, and for the construction of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats; for the expansion of the National Training Center. It is the sense of the Congress that follows through ``by the'' and not less than 80 percent of such balance shall be used for direct compensation payments to crime victims through the Fund under this section and in accordance with this Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect September 30, 2000.

SEC. 404. (a) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, the District of Columbia may fund the programs identified under the heading “Reserve in H.R. 4942” in accordance with the conditions described under the heading and in accordance with the District of Columbia Financial Responsibility and Management Assistance Act of 1996 (sec. 3±435(d), D.C. Code), as amended by section 313 of the District of Columbia Appropriations Act, 1990, and shall be used for Pay-As-You-Go Capital Funds. (b) The funds described in this paragraph are funds set aside for the reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1996 (as amended by section 148 of the District of Columbia Appropriations Act, 2000), which are not used for purposes of any reserve established under any other District of Columbia Appropriations Act, 2001, and any amendments made by such Act.

(c) The Mayor of the District of Columbia shall deposit the annual interest savings resulting from debt reductions using the proceeds of the tobacco securitization program into the emergency reserve fund established under section 450A of the District of Columbia Home Rule Act (as added by section 159 of the District of Columbia Appropriations Act, 2001).

(d) This subsection shall apply with respect to fiscal year 2001 and each succeeding fiscal year until the requirements of section 450A of the District of Columbia Home Rule Act have been met.

SEC. 405. (a) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, quarterly disbursements shall be calculated and advanced to the District of Columbia Public Charter Schools during fiscal year 2001 in accordance with section 107a(b) of the Uniform Per Student Aid Act of 1968.
For an additional amount for ‘General Investigations’, $1,000,000, to remain available until expended: Provided, That $100,000 shall be available for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina; $100,000 shall be available for a reconnaissance study for the Passaic County, New Jersey, water infrastructure project; $100,000 shall be available for a reconnaissance study of flooding, drainage and other related problems in the Cayuga Creek Watershed, New York; and $600,000 shall be available for a cost-effectiveness study of the restoration of the lower St. Anthony’s Falls natural rapids in Minnesota.

For an additional amount for ‘Construction’, $2,750,000, to remain available until expended: Provided, That $15,000,000 shall be available for planning and design of a project to provide for floodplain evacuation in the watershed of Pond Creek, Kentucky; $100,000 shall be available for design and engineering studies, and to acquire property for a recreation area, features at the Louisville Waterfront Park in Kentucky; $500,000 shall be available for a Limited Reevaluation Report for the Central Boca Raton segment of the Palm Beach County, Florida, shore protection project; and $75,000 shall be available to conduct research on the eradication of Eurasian water milfoil at Houghton Lake, Michigan: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $2,000,000 of the funds appropriated herein to initiate construction of the Hawaii Water Management Project, including Waiahalohaloha Ditch on Oahu, Kau Ditch on Maui, Pioneer Mill Ditch on Hawaii and the complex system on the west side of Kauai: Provided further, That the Secretary of the Army may use up to $5,000,000 of previously appropriated funds to carry out the Abandoned and Inactive Noncoal Mine Restoration program authorized by section 560 of Public Law 106-53.

For an additional amount for ‘Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee’, $3,500,000, to remain available until expended: Provided, That $1,800,000 shall be available for the operation and maintenance of the Mississippi River levees, and for the correction of deficiencies in the mainline Mississippi River levees.

For an additional amount for ‘Water and Related Resources’, $2,000,000, to remain available until expended, for construction of the Mid-Dakota Pipeline System, in addition to amounts made available under the Energy and Water Appropriations Development Act, 2001.
December 15, 2000

CONGRESSIONAL RECORD—HOUSE

H12265

Department of Health and Human Services, for the construction of the Christian Nurses Hospice in Brentwood, New York, $400,000.

SEC. 802. There are appropriated to the Institute of Museum and Library Services, for expansion of the marine biology program at the Long Island Maritime Museum, $250,000.

CHAPTER 9

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO THE HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Laura Y. Bateman, widow of Herbert H. Bateman, late a Representative from the State of Virginia, $141,300.

For payment to Susan L. Vento, widow of Bruce F. Vento, late a Representative from the State of Minnesota, $141,300.

For payment to Betty Lee Dixon, widow of Julian Dixon, late a Representative from the State of California, $141,300.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For an additional amount for "CAPITOL BUILDINGS AND GROUNDS—SALARIES AND EXPENSES" for necessary expenses for construction of emergency egress from the fourth floor of the Capitol Building, $1,033,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For the Library of Congress, $25,000,000, to remain available until expended, for necessary salaries and expenses of the Senate National Digital Information Infrastructure and Preservation Program, and an additional $75,000,000, to remain available until expended, for such purposes: Provided, That the portion of such additional $75,000,000, which may be expended shall not exceed an amount equal to the matching contributions (including contributions other than money) for such purposes that (1) are received by the Librarian of Congress for the program from non-Federal sources, and (2) are received before March 31, 2003: Provided further, That such portion shall be carried out in conformance with a plan or plans approved by the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate: Provided further, That the plan under this heading shall be developed by the Librarian of Congress jointly with entities of the Federal government with expertise in telecommunications technology and electronic commerce policy (including the Secretary of Commerce and the Director of the White House Office of Technology Policy) and the National Archives and Records Administration, and with the participation of representatives of other Federal, research, and private libraries, with expertise in the collection and maintenance of archives of digital materials (including the National Library of Medicine, the National Agricultural Library, the National Institute of Standards and Technology, the Research Libraries Group, the Online Computer Library Center, and the Council on Library and Information Resources) and representatives of private business organizations which are involved in efforts to preserve, collect, and disseminate information in digital formats (including the Association of Research Libraries): Provided further, That notwithstanding any other provision of law, effective with the One Hundred Seventh Congress and each succeeding Congress the chair of the Appropriations Committee on the Legislative Branch of the Committee on Appropriations of the House of Representatives shall serve as a member of the Joint Committee on the Library of Congress, with respect to the legislative service (including organization, budget development and implementation, and program development and administration, as well as any other element of the mission of the Library of Congress) which is subject to the requirements of Federal law.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 901. RETIREMENT CREDIT FOR CERTAIN LEGISLATIVE BRANCH EMPLOYEES. (a) FORMER EMPLOYEES OF CONGRESSIONAL CAMPAIGN COMMITTEES.—

(1) CSRS. Ñ Section 8332(m) of title 5, United States Code, as amended by section 312 of the Legislative Branch Appropriations Act, 2000, is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) Upon application to the Office of Personnel Management, any individual who was an employee on the date of the enactment of this paragraph, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before December 31, 1990, while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 4 years and 6 months of service on such committees as of December 31, 1990;

"(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under section 8334(c) if such service were service as a Congressional employee.";

(2) FERS. Ñ Section 8411 of title 5, United States Code, is amended by adding at the end of the section following paragraph (1) the following new paragraph:

"(1)(i) Upon application to the Office of Personnel Management, any individual who was an employee on the date of the enactment of this paragraph, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before December 31, 1990, while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 4 years and 6 months of service on such committees as of December 31, 1990;

"(B) such employee deposits to the Fund an amount equal to at least 50 percent of the base pay for such service, with interest.

"(2) The Office shall accept the certification of the President of the Senate (or the President's designee) and the Chair of the National Republican Senatorial Campaign Committee (or the Speaker's designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to whom credit is to be sought under this subsection.

"(3) An individual shall not be granted credit for service in the Congressional Campaign Committee for purposes of credit under section 8332(m) for such service.

(b) FORMER EMPLOYEES OF LEGISLATIVE SERVICE ORGANIZATIONS.—

(1) SERVICE OF EMPLOYEES OF LEGISLATIVE SERVICE ORGANIZATIONS.—

(A) IN GENERAL. Ñ Subject to succeeding provisions of this paragraph, upon application to the Office of Personnel Management in such form and manner as the Office shall prescribe, any individual who performed service as an employee of a legislative service organization (as defined and authorized in the One Hundred Third Congress) and whose pay was paid in whole or in part by a source other than the Clerk Hire account of a Member of the House of Representatives (other than an individual described in paragraph (6)) shall be entitled—

(i) to receive credit under the provisions of subsection (ii) of this paragraph (A) (or any provision adopted as a legislative service organization) for service as an employee of a legislative service organization (other than a Member of the House of Representatives (other than an individual described in paragraph (6)) shall be entitled—

(ii) to have all pay for such service which was so paid by a source other than the Clerk Hire account of a Member included (in addition to amounts otherwise eligible) for purposes of computing an annuity payable out of the Civil Service Retirement and Disability Fund.

(B) DEPOSIT REQUIREMENT. Ñ In order to be eligible for the benefits described in paragraph (A), an individual shall be required to pay into the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the employee contributions that were actually made to such Fund under applicable provisions of law with respect to the service described in subparagraph (A); and

(ii) the employee contributions that would have been required with respect to such service if the amounts described in subparagraph (A) had also been treated as basic pay.

The amount required under this subparagraph shall include interest, which shall be computed based on section 8334(e) of title 5, United States Code.

(C) CERTAIN OFFSETS REQUIRED IN ORDER TO PREVENT DOUBLE CONTRIBUTIONS AND BENEFITS.—

In the case of any period of service as an employee of a legislative service organization which constituted employment for purposes of title II of the Social Security Act, the Deposit required by subparagraph (B) would otherwise be computed by applying the first sentence of section 8334(e)(1) of title 5, United States Code, shall instead be computed in a manner based on section 8334(k) of such title; and

(ii) any retirement benefits under subsection (ii) of section 8334 (of title 5, United States Code) shall be subject to offset (to reflect that portion of benefits under title II of the Social Security Act attributable to pay referred to in subparagraph (A)) similar to that payable for any period beginning on or after the date on which the individual makes the deposit.

(2) SURVIVOR ANNUITIES.—For purposes of survivor annuities, an application authorized by this section may, in the case of an individual under paragraph (1) who has died, be made by a survivor of such individual.

(3) RECOMPUTATION OF ANNUITIES. Ñ Any annuity entitled to survivor annuity under this subsection under section 8334(d) of title 5, United States Code, is recomputed to take into account any payments made under this subsection or any payment required under such section 8334(d) of title 5, United States Code.
The Office shall take effect as if included in the enactment of this subsection.

The Speaker of the House of Representatives, Personnel Management shall accept the certificate of the Speaker, under this subsection.

The amount of compensation to the administrative jurisdiction of the Secretary of the Senate, provided that the reading of conference reports is no longer required.

That the real property described in paragraph (2), which possesses any information with respect to the office, furnish such information to the Office.

The term 'member of the House of Representatives' includes a Delegate or Resident Commissioner to the Congress.

In this subsection, the term 'member of the House of Representatives' includes a Delegate or Resident Commissioner to the Congress.

The additional lands referred to in paragraphs (a), (b), and (c), of the subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Mélrose Air Force Range, New Mexico.

The transfer of administrative jurisdiction under paragraph (1) encompasses the following sections (or portions thereof):

(A) In Township 1 North, Range 30 East, New Mexico Prime Meridian:

(i) Sec. 2 (5%).

(ii) Sec. 11. All.

(iii) Sec. 20 (5½% SE). (iv) Sec. 26. All.

(B) In Township 1 South, Range 30 East, New Mexico Prime Meridian:

(i) Sec. 2 (5½%).

(ii) Sec. 3 (Lots 1-12, 5¼%).

(iii) Sec. 4 (Lots 1-12, 5¼%).

(iv) Sec. 6 (Lots 1 and 2). (v) Sec. 10 (5½%).

(v) Sec. 19 (N½, N½S½).

(vi) Sec. 11 (N½, N½S½).

(C) In Township 2 North, Range 30 East, New Mexico Prime Meridian:

(i) Sec. 20 (ES½).

(ii) Sec. 21 (SW¼, W½SE½).

(iii) Sec. 28 (W½E½, W½).

(iv) Sec. 29 (E½).

(v) Sec. 32 (E½).

(vi) Sec. 33 (W½E½, NW¼, S½SW½).

(D) STATUS OF SURFACE ESTATE.—Upon transfer under subsection (a), the surface estate is deemed to be real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(E) WITHDRAWAL OF MINERAL ESTATE.—(1) Subject to valid existing rights, the mineral estate of the lands described in subsection (a), as well as the additional lands described in paragraphs (b), (c), and (d), of the subject to disposition under the public land laws, including the mining laws and the geological leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947, 30 U.S.C. 601, et seq), and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

(2) The additional lands referred to in paragraphs (a), (b), and (c), of the subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

General Provisions—This Chapter

Sec. 1101. Section 5309(g)(4)(D)(2) of title 49, United States Code, is amended by striking 'light'.
Mass Transit Account of the Highway Trust Fund and to remain available until expended.

SEC. 1106. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 3266) is amended by striking paragraph (38) and replacing it with the following—

'(38) The Ports-to-Plains Corridor from Laredo, Texas, via I-35 to Denver, Colorado, shall include—

'[A] In the State of Texas the Ports-to-Plains Corridor shall follow—

'(i) I-35 from Laredo to United States Route 83 at Exit 18;

'(ii) United States Route 83 from Exit 18 to Carrizo Springs;

'(iii) United States Route 277 from Carrizo Springs to San Angelo;

'(iv) United States Route 87 from San Angelo to Stephenville;

'(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I-20, then via I-20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

'(vi) United States Route 87 from Lamesa to Lubbock;

'(vii) I-27 from Lubbock to Amarillo; and

'(viii) United States Route 287 from Amarillo to Dumas.

'(B) The Corridor shall also follow—

'(i) I-35 from Laredo to San Angelo;

'(ii) United States Route 290 from San Angelo to Austin;

'(iii) United States Route 183 from Austin to Seguin;

'(iv) United States Route 281 from Seguin to New Braunfels;

'(v) United States Route 281 from New Braunfels to Corpus Christi;

'(vi) United States Route 77 from Corpus Christi to Victoria;

'(vii) United States Route 277 from Victoria to Houston;

'(viii) United States Route 290 from Houston to Beaumont;

'(ix) United States Route 290 from Beaumont to Orange;

'(x) United States Route 87 from Orange to Beaumont;

'(xi) United States Route 87 from Beaumont to Rosenberg;

'(xii) United States Route 87 from Rosenberg to Wharton;

'(xiii) United States Route 87 from Wharton to Austin;

'(xiv) United States Route 87 from Austin to Laredo.

'(C) The Ports-to-Plains Corridor shall also follow—

'(i) I-35 from Laredo to San Antonio;

'(ii) United States Route 290 from San Antonio to San Marcos;

'(iii) United States Route 281 from San Marcos to New Braunfels;

'(iv) United States Route 281 from New Braunfels to Austin;

'(v) United States Route 290 from Austin to Beaumont;

'(vi) United States Route 87 from Beaumont to Orange.


'SEC. 1117. Alteration of bridges under section 5113 of Public Law 105-175 (111 Stat. 1335) shall not affect the status of the Coast Guard property located on or near the bridge.

'SEC. 1118. Notwithstanding section 144(g)(2) of title 23, United States Code.

'SEC. 1119. Conveyance of Coast Guard property in the State of California; Star City Bridge, West Virginia; US 231 Bridge, Utah; US 89 Bridge, Montana; Santa Clara Bridge, Oxnard, California; Historic Woodrow Wilson-Kennedy Bridge, Plymouth, Massachusetts; Memorial Bridge, Florida; Historic Woodrow Wilson-Kennedy Bridge,טאון, Florida; the ``County''), without consideration, all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

'SEC. 1113. Conveyance of Coast Guard property in the State of California. (A) The Administrator of General Services shall, without consideration, convey to the State of California all right, title, and interest of the United States under this section.

'SEC. 1114. Conveyance of Coast Guard property to the Town of Nantucket, Massachusetts. (a) Authority to convey. (1) In general. The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A-101, A-102, A-104, A-105, A-106, A-107, A-108, and A-111.

'SEC. 1115. Conditions. (a) In general. The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown, and any improvements thereon, upon their then current condition.

'SEC. 1116. Identification of property. The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown, and any improvements thereon, upon their then current condition.

'SEC. 1117. Conditions. (b) Terms and Conditions of Conveyance. (1) The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown, and any improvements thereon, upon their then current condition.

'SEC. 1118. Authority to convey. (1) In general. The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown, and any improvements thereon, upon their then current condition.

'SEC. 1119. Conveyance of Coast Guard property to the Town of Nantucket, Massachusetts. (a) Authority to convey. (1) In general. The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown, and any improvements thereon, upon their then current condition.

'SEC. 1120. Authority to convey. (1) In general. The Administrator of General Services shall, without consideration, convey to the Town of Nantucket, Massachusetts, the United States Coast Guard LORAN Station Middletown, and any improvements thereon, upon their then current condition.
(C) the Town shall not interfere or allow interference, in any manner, with any aid to navigation, whether located upon the property conveyed under this section or upon any portion of LORAN Station Nantucket retained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation without the Commandant’s express written permission.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not convey any commercial activities at or upon the property conveyed under this section, unless approved by the Administrator.

(4) The Town shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project requirements.

(6) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town’s construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation of the waste water treatment facility shall cease until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) Reversionary interest.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section shall include a condition that the property conveyance under this section, unless otherwise approved by the Administrator.

(2) The Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project requirements.

(4) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town’s construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation of the waste water treatment facility shall cease until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) Reversionary interest.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section shall include a condition that the property conveyance under this section, unless otherwise approved by the Administrator.

(2) The Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project requirements.

(4) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town’s construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation of the waste water treatment facility shall cease until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) Reversionary interest.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section shall include a condition that the property conveyance under this section, unless otherwise approved by the Administrator.

(2) The Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project requirements.

(4) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town’s construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation of the waste water treatment facility shall cease until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) Reversionary interest.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section shall include a condition that the property conveyance under this section, unless otherwise approved by the Administrator.

(2) The Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project requirements.

(4) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town’s construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation of the waste water treatment facility shall cease until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) Reversionary interest.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section shall include a condition that the property conveyance under this section, unless otherwise approved by the Administrator.

(2) The Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, including but not limited to, a light, antenna, sonar signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation; or any portion thereof, ceases to be maintained in a proper, substantial, and workmanlike manner.
at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation.

(2) The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) Relocation of Station Scituate.—The Coast Guard may transfer any land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate, and

(1) to improve the land leased under this subsection.

SEC. 1117. Extension of Interim Authority for Drainage Reservoir Operations.

(a) Title 46 of the United States Code, section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking “2002” and inserting “2004”.


(c) The Secretary is authorized to promulgate regulations to implement and enforce a program to regulate incidental discharges from vessels of residues of non-hazardous and non-toxic dry bulk cargo into the waters of the Great Lakes, which takes into account the finding in the study required under subsection (b). This program shall be consistent with the Policy.

SEC. 1118. Great Lakes Pilotage Advisory Committee.

(a) Section 9307 of title 46, United States Code, is amended—

(1) by amending subparagraph (A) of section 9307(j) to read as follows:

(A) The President of each of the 3 Great Lakes pilotage districts, or the President’s representative;

(2) by adding subparagraph (E) of subsection (b) to read as follows:

(E) a member with a background in finance or accounting, who—

(ii) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations;

(3) in subsection (C)(2) by striking the second sentence;

(4) by adding at the end of subsection (d) the following new paragraph:

(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee; and

(5) by striking “September 30, 2003” and inserting “September 30, 2005”.

SEC. 1119. Vessel Escort Operations and Towing Assistance. (a) In General.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2101 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

(1) Operations or assistance that commences or terminates at a port or place in the United States.

(2) Operations or assistance required by United States law or regulation.

(3) Operations provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) Exceptions.—Unless otherwise defined by a provision of law or regulation requiring that towing assistance or escort be rendered to vessels transiting United States waters or navigation facilities, a vessel of the United States may—

(1) the term “towing assistance” means operations by an assisted vessel in direct contact with an assisted vessel (including hull-to-hull, by towinle, including if only pre-tethered, or made fast to that vessel by 1 or more lines) for purposes of exerting force on the assisted vessel; or

(2) the term “escort operations” means accompanying a vessel in the course of providing towing or towing assistance to the vessel.

SEC. 1120. Notwithstanding any other provision of law, the Commandant of the United States Coast Guard is authorized to utilize $100,000 of the amounts made available for fiscal year 2001 for environmental compliance and restoration of Coast Guard facilities to relocating Coast Guard Houseboat Lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

SEC. 1121. Notwithstanding any other provision of law, $2,400,000, to be derived from the Highway Trust Fund, shall be available for planning, development and construction of rural farm-to-market roads in Tulare County, California: Provided, That the non-federal share of such improvements shall be twenty percent.

SEC. 1122. Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Secretary shall, subject to the availability of funds in the Coast Guard annual appropriation Act, appropriate to the Secretary, in an amount not to exceed $200,000 and project management authority to the Traverse City Port Authority for the purposes of demolition and removal of the structure commonly known as “Building 402” at former Coast Guard property located in Traverse City, Michigan, and related stormwater drainage. Such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed by the Coast Guard and shall transfer only that amount of funds it and the School District consider necessary to complete the project.

SEC. 1123. Notwithstanding any other provision of law, for necessary expenses for Alabama A&M University buses and bus facilities, $500,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

SEC. 1124. Notwithstanding any other provision of law, prior to the fiscal year 2002 appropriated amount of “Fixed Guideway Modernization” funds authorized under section 5309(a)(1)(E) of Title 49, United States Code, $7,047,502 of funds made available under section 5338(b)(1)(B) of 49 United States Code for the “Fixed Guideway Modernization” program shall be distributed by the Federal Transit Administration in an amount that did not receive amounts of fixed guideway modernization formula grants to which such area was lawfully entitled for fiscal years 1999-2001 in view of eligibility determinations made under 49 United States Code Chapter 53 during the six months prior to the effective date of this act: Provided, That such sums shall not reduce a grantee’s fiscal year 2002 apportionment level of “Fixed Guideway Modernization” funds: Provided further, That such sum remain available until expended.

SEC. 1125. Notwithstanding any other provision of law, Airport Improvement Program Formula Changes provided in Public Law 106-181 and defined in Section 104 of that Act shall be applied regardless of funding levels made available under Section 48103 of title 49, United States Code.

SEC. 1126. Item number 473 contained in section 1052 of the Omnibus Budget Reconciliation Act of 1993, as amended, is hereby renumbered as item number 472 in that section.

SEC. 1127. The Secretary of Transportation shall not issue final regulations under section 20153 of title 49, United States Code, before July 1, 2001.

SEC. 1128. Notwithstanding any other provision of law, in addition to amounts made available as a result of new Section 1308 of the Transportation Equity Act for the 21st Century (H.R. 3467, 106th Congress) following new paragraph:

$5,000,000 for rehabilitation, repair, and restoration of the historic Stillwater Lift Bridge between Stillwater, Minnesota and Howlton, Wisconsin;

$1,000,000 for improvements to Mc Clung Road, Blue Ridge Street, Larsson Street and Whippool Drive in the City of La Porte, Indiana; and

$1,000,000 for design, environmental mitigation, engineering, and construction of, and improvements to, the US 36 Wadsworth interchange (Broomfield interchange) in Broomfield County, Colorado: Provided, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this or any other Act.

CHAPTER 13

General Services Administration

Real Property Activities

Federal Buildings Fund

For an additional amount to be deposited in, and to be used for the purposes of, the Federal Buildings Fund of the General Services Administration, $2,070,000: Provided, That this amount shall be available for the purpose of renovating and redeveloping portions of the historic Federal building located at 30 North Seventh Street in Terre Haute, Indiana, to accommodate the needs of Federal tenants: Provided further, That use of these funds is subject to authorization including the preparation and approval of necessary prospectus as required by the Public Buildings Act of 1959, as amended.

DEPARTMENT OF THE TREASURY

United States Customs Service

Operations, Maintenance and Procurement, Air and Marine Interdiction Programs

For an additional amount of $7,000,000, to remain available until expended for necessary expenses associated with procurement of two aircraft and related equipment expenses associated with U.S. Customs Service aviation training at the Customs National Aviation Center in Oklahoma City, Oklahoma: Provided, That none of the funds provided shall be available for obligation until an expenditure plan is submitted for approval to the Committees on Appropriations.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

Construction, Minor Projects

For an additional amount for “Construction, minor projects”, $8,840,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

Empowerment Zones/Enterprise Communities

For an additional amount for “Empowerment zones/enterprise communities”, $185,000,000, to remain available until expended: Provided, That $185,000,000 shall be available for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997, including $12,339,339 for each empowerment zone.

COMMUNITY DEVELOPMENT FUND

For an additional amount for “Community development fund”, $66,128,000, to remain available until expended.

The referenced statement of the managers in the seventh undesignated paragraph under this
heading in title II of the Departments of Veter-
ans Affairs and Housing and Urban Develop-
ment, and Independent Agencies Appropriations 
Act, 2001 (Public Law 106-377) is deemed to be 
amended by striking "$356,370,000" and in-
serting in lieu thereof "$358,128,000": Pro-
vided, That such funds shall be available for grants for the Economic 
Development Initiative (EDI) to finance a vari-
cy of targeted economic investments in accord-
ance with the terms and conditions specified in the 
statement of managers accompanying this 
conference report.

DEPARTMENT OF THE TREASURY
COMMUNITY DEVELOPMENT FINANCIAL 
INSTITUTIONS
COMMUNITY DEVELOPMENT FINANCIAL 
INSTITUTIONS
FUND PROGRAM ACCOUNT

Under this heading in Public Law 106-377, strike "$375,750,000" and insert "$356,128,000": Provided, That such funds shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

STATE AND TRIBAL ASSISTANCE GRANTS

Grants appropriated under this heading in Public Law 106-74 and Public Law 106-377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 144(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106-377) is deemed to be amended by inserting the words "City of Liberty" in reference to item number 8 and inserting the words "Town of Versailles, Indiana for wastewater infrastructure improvements under this heading in Public Law 106-74 and Public Law 106-377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 144(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking the words "City of Liberty" in reference to item number 78, and inserting the words "Town of Versailles, Indiana for wastewater infrastructure improvements under this heading in Public Law 106-74 and Public Law 106-377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 144(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking the words "City of Liberty" in reference to item number 78, and inserting the words "Town of Versailles, Indiana for wastewater infrastructure improvements under this heading in Public Law 106-74 and Public Law 106-377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 144(d) of the Safe Drinking Water Act, as amended.

CHAPTER 14
GENERAL PROVISIONS—THIS DIVISION

SEC. 1401. H. Con. Res. 234 of the 106th Cong-
res, as adopted by the House of Representa-
tives on November 19, 1999, shall be con-
tinued in effect through December 15, 2000.
SEC. 1402. Section 3003(a)(1) of the Federal 
Reports Elimination and Sunset Act of 1995 (31 
U.S.C. 1113 note) does not apply to any report 
required to be submitted under any of the fol-
lowing provisions of law:
(1) Sections 1105(a), 1106(a) and (b), and 
1109(a) of title 31, United States Code, and any 
amounts for administrative expenses determined by 
the President under section 13(b)(1) without re-
gard to the requirement under section 13(b)(1)(A) that payments shall equal the full cost of food service operations.

(b) ADMINISTRATIVE COSTS.—Under the pilot project, a service institution (other than a service institu-
tion described in section 13(a)(5)) in an eligible State shall receive the maximum amounts for administrative costs determined by the Secretary under section 13(b)(4) without regard to the requirement under section 13(b)(3) that amounts to service institutions equal the full amount of State-approved administrative costs incurred.

(c) COMPLIANCE.—A service institution that 
receives assistance under this subsection shall comply with all provisions of section 13 other than subsections (b)(1)(A) and (b)(3) of section 13.

(4) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for main-
tenance of a summer food service program shall not be considered as a result of assistance from the Secretary received under this subsection.

(e) EVALUATION OF PILOT PROJECTS.—

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutri-
tion Service, shall conduct an evaluation of the pilot project.

(b) CONTENT.—An evaluation under this 
provision shall include—
(i) any effect on participation by children and service institutions in the summer food serv-
ice program in the eligible State in which the pilot project is carried out;
(ii) any effect of the pilot project on the quality of the meals and supplements served in the eligible State in which the pilot project is carried out;
(iii) any effect of the pilot project on pro-
gram integrity.
to the availability of appropriations, is authorized and directed to provide grants to support local habitat management planning efforts undertaken as part of the consultation described in subsection (a) in the form of matching funds up to $5,000,000.

(e) REPORT.—The Secretary of the Interior shall provide a report to the Committee on Re- source Protection and Recovery and the Committee on Energy and Natural Resources of the Senate in addition to or different from the existing report, not later than 4 months from the date of enactment of this Act, with results of the study identified in subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $10,000,000, which may remain available until expended, of which—

(1) $5,000,000 shall be for the feasibility study under subsection (a); and

(2) $5,000,000 shall be for the habitat management planning grants under subsection (d).

(g) LIMITATION ON CONSTRUCTION.—This section does not and shall not be interpreted to authorize construction of any facilities.

SEC. 104. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS. The project for flood control, the Ten and Fifteen-Mile Bayous, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (54 Stat. 843), is modified to expand the boundaries of the project to include Ten and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4087), in carrying out this project the Secretary of the Interior shall not consider separable elements of the project.

SEC. 105. In accordance with section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613), the Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into an agreement with the City of Alton, Illinois, to construct the authorized recreational facilities and to reimburse the City of Alton, Illinois, for the Federal share of these cost-shared recreation facilities as usable segments are completed.

SEC. 106. TRUCKEE WATERSHED RECLAMATION PROJECT. (a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with Washoe County, Nevada, may participate in the design, planning, and construction of the Truckee watershed reclamation project, consisting of the Truckee River project, the Truckee Valley septic conversion project, to reclaim and reuse wastewater (including degraded ground water) within and without the service area of Washoe County, Nevada.

(b) COST SHARE.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the project described in subsection (a).

(d) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.­—(1) DEFINITIONS.—Design, planning, and construction of the project described in subsection (a) shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.).

(2) FUNDING.—Funds made available under section 633 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used to pay the Federal share of the cost of the project.

SEC. 107. INDIANA. The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (54 Stat. 172), is modified to expand the boundaries of the project to include Ten and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4087), in carrying out this project the Secretary of the Interior shall not consider separable elements of the project.

SEC. 108. ENVIRONMENTAL INFRASTRUCTURE. (a) TECHNICAL, PLANNING, AND DESIGN ASSISTANCE.—Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4635) is amended by striking the proviso in the middle of the proviso and inserting the following:

(21) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

(22) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

(23) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

(24) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

(25) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

(26) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

(27) HUNTINGTON BEACH, CALIFORNIA.—Water supply and sewage infrastructure, Huntington Beach, California.

(28) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

(29) KIOWA COUNTY, COLORADO.—Regional water-related infrastructure, Kiowa County, Colorado.

(30) MOUNTAIN VIEW, COLORADO.—Regional water-related infrastructure, Mountain View, Colorado.

(31) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(32) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

(33) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

(34) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(35) RENDEZVOUS, WYOMING.—Authorization of Appropriations for Technical, Planning, and Design Assistance.—Section 219(d) of the Water Resources Development Act of 1992 (106 Stat. 4836) is amended by striking "$30,000,000" and inserting "$60,000,000".

(b) AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENTAL PROJECTS.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended—

(1) in subsection (c)(6) by striking "$20,000,000" and inserting "$30,000,000"; and

(2) in subsection (f)(1) by striking "$15,000,000" and inserting "$35,000,000";
(3) in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000";
(4) in subsection (f)(25) by striking "$5,000,000" and inserting "$15,000,000";
(5) in subsection (f)(30) by striking "$10,000,000" and inserting "$20,000,000";
(6) in subsection (f)(42) by striking "$15,000,000" and inserting "$20,000,000";
(d) ADDITIONAL ASSISTANCE FOR CRITICAL RE-
SOURCE PROJECTS.—Section 219(f) of the Water
483; 43 U.S.C. 1285d(f)) is amended by adding at
the end the following:
"(45) WASHINGTON, D.C., AND MARY-)
LAND.—$15,000,000 for the project described in
subsection (a) for construction that includes measures
to eliminate or control combined sewer overflows in the
Anacostia River watershed.
"(46) SOUTHWEST, CULLMAN, ALABAMA.—
$5,000,000 for water supply infrastructure, Duck
River, Cullman, Alabama.
"(47) UNION COUNTY, ARKANSAS.—$52,000,000
for water supply infrastructure, including facilities
for withdrawal, treatment, and distribution, Union
County, Arkansas.
"(48) CAMBRIA, CALIFORNIA.—$10,300,000 for
desalination infrastructure, Cambria, California.
"(49) LOS ANGELES HARBOR/TERMINAL ISLAND,
CALIFORNIA.—$6,500,000 for wastewater recy-
cling projects in the Los Angeles Harbor/Ter-
minus Island, California.
"(50) NORTH VALLEY REGION, LANCAS-}
TER, CALIFORNIA.—$14,300,000 for water infra-
structure, North Valley Region, Lancaster, Califor-
nia.
"(51) SAN DIEGO COUNTY, CALIFORNIA.—
$10,000,000 for water-related infrastructure, San Diego
County, California.
"(52) SOUTH PERRIS, CALIFORNIA.—$25,000,000
for water supply desalination infrastructure, South
Perris, California.
"(53) AURORA, ILLINOIS.—$8,000,000 for waste-
water infrastructure to reduce or eliminate combined
sewer overflows, Aurora, Illinois.
"(54) COOK COUNTY, ILLINOIS.—$35,000,000 for
water-related infrastructure and resource pro-
tection and development, Cook County, Illinois.
"(55) MADISON AND ST. CLAIR COUNTIES, ILLI-
NOIS.—$10,000,000 for water and wastewater as-
sistance, Madison and St. Clair Counties, Illi-
nois.
"(56) IBERIA PARISH, LOUISIANA.—$5,000,000 for
water and wastewater infrastructure, Iberia
Parish, Louisiana.
"(57) KENNER, LOUISIANA.—$5,000,000 for wastewater
infrastructure, Kenner, Louisiana.
"(58) BENTON HARBOR, MICHIGAN.—$1,500,000 for
water related infrastructure, City of Benton
Harbor, Michigan.
"(59) LACONIATE COUNTY, MICHIGAN.—$6,700,000 for
wastewater infrastructure assistance to re-
duce or eliminate sewer overflows, Genesee
County, Michigan.
"(60) NEGANEE, MICHIGAN.—$10,000,000 for wastewater
infrastructure assistance, City of Neganeu, Michigan.
"(61) GARRISON AND KATHIO TOWNSHIP, MIN-
NESOTA.—$11,000,000 for a wastewater infra-
structure project for the city of Garrison and
Kathio Township, Minnesota.
"(62) STANLEY COUNTY, NORTH CAROLINA.—
$8,000,000 for water infrastructure, Stanly
County, North Carolina.
"(63) LIVERPOOL, NEW YORK.—$2,000,000 for water
infrastructure, including a pump station,
Liverpool, New York.
"(64) STANLEY COUNTY, NORTH CAROLINA.—
$8,000,000 for water infrastructure, Stanly
County, North Carolina.
"(65) YUKON, OKLAHOMA.—$5,500,000 for
water-related infrastructure, including wells,
boosting stations, tanks, and transmission lines, Yukon, Oklahoma.
"(66) ALLEGHENY COUNTY, PENNSYLVANIA.—
$20,000,000 for water-related environmental infra-
structure in Allegheny County, Pennsylvania.
"(67) MOUNT JOY TOWNSHIP AND CONEWAGO
TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water
and wastewater infrastructure, Mount Joy
Township and Conewago Township, Pennsyl-
vanía.
"(68) PHOENIXVILLE BOROUGH, CHESTER
COUNTY, PENNSYLVANIA.—$2,400,000 for water and
wastewater infrastructure, Phoenixville Borough,
Chester County, Pennsylvania.
"(69) CHESTER COUNTY, PENNSYLVANIA.—$7,300,000 for
stormwater separation and treatment plant(upgrades, Titusville, Pennsylvania.
"(70) WASHINGTON, GREENE, WESTMORELAND,
AND FAYETTE COUNTIES, PENNSYLVANIA.—
$8,000,000 for water and wastewater infra-
structure, Washington, Greene, Westmoreland, and
Fayette Counties, Pennsylvania.
"(71) FLORIDA KEYS WATER QUALITY IM-
PROVEMENTS. (a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, ap-
propriate agencies of municipalities of Monroe
County, Florida, and other appropriate public
agencies of the State of Florida or Monroe
County, the Secretary of the Army may provide
technical and financial assistance to carry out
program work to improve water quality in the Florida Keys National Marine Sanctuary.
(b) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall con-
SIDER—(1) the non-Federal sponsor has completed
adequate planning and design activities, as ap-
plicable; (2) the non-Federal sponsor has completed a
financial plan; (3) the sources of non-Federal
funding for the project; (4) the project complies with—
(A) applicable guidance management ordinances of
Monroe County, Florida; (B) applicable agreements between Monroe
County, Florida, and the State of Florida to manage growth in Monroe
County, Florida; and (C) applicable water quality standards; and (4) the project is consistent with the master
wastewater and stormwater plans for Monroe
County, Florida.
"(74) CONSIDERATION.—In selecting projects under
subsection (a), the Secretary shall consider
whether a project will have substantial water quality benefits relative to other projects
under consideration.
"(75) CONSULTATION.—In carrying out this sec-
tion, the Secretary shall consult—
(1) the Water Quality Steering Committee es-
tablished under section 8(d)(2)(A) of the Florida
Keys National Marine Sanctuary and Protec-
tion Act (16 U.S.C. 1341(3)); (2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the
Water Resources Development Act of 1996 (110 Stat. 5273-31); (3) the Commission on the Everglades es-
tablished by executive order of the Governor of the State of Florida; and (4) other appropriate State and local govern-
ment officials.
"(76) NON-FEDERAL SHARE.—(1) IN GENERAL.—The non-Federal share of the
cost of a project carried out under this section shall be 35 percent.
"(77) CREDIT.—(a) IN GENERAL.—The Secretary may provide the
non-Federal interest and that the Secretary determines is necessary to implement the project; and
(ii) during the construction of the project, for
the construction management work that is per-
formed by the non-Federal interest.
(c) ADJUSTMENT.ÐOf the $25,000,000 made
available under subsection (a), no more than $10,000,000 shall be available under
this subsection.
(d) ESTABLISHMENT OF FUND.—There shall be
established for each State, as a successor agency, a San Gabriel Basin Water Quality Authority or its
successor agency.
(e) PURPOSES OF FUND.—Subject to subparagraph (B), the amounts in the Restoration Fund,
including interest accrued, shall be utilized by the Secretary
(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and
(ii) to operate and maintain any project con-
structed under this section for such period as the Secretary determines but not to exceed 10
years, following the initial date of operation of the
project.
(f) COST-SHARING LIMITATION.—(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has de-
posited in the Fund an amount provided by the
Secretary is sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secret-
ary by non-Federal interests. (ii) NON-FEDERAL RESPONSIBILITY.—The San
Gabriel Basin Water Quality Authority shall be
responsible for providing the non-Federal share
of the expenses of any project.
The page contains a legislative text related to water pollution control, specifically focusing on combined sewer overflow (CSO) management. The text outlines various provisions, including the authority of the Administrator to issue regulations, the requirement for permits and orders, and the funding mechanism for implementing CSO control policies. It also mentions the consideration of impact on water and designated uses, financial assistance, and the requirement for reports to Congress. The text is structured into sections and subsections, reflecting the legislative format of the Act.

For example, section 121 discusses the wet weather watershed pilot projects, while section 112 addresses wet weather water quality. The text also includes specific references to grants, financial assistance, and the implementation of CSO control policies.

The legislative language is technical and legal, designed to provide clear directives and frameworks for implementing water pollution control policies, particularly concerning CSOs. The text is structured to ensure that the various provisions are clear and enforceable, with specific references to funding, implementation schedules, and reporting requirements.

Overall, the page is an integral part of a larger legislative document, providing detailed provisions for the control and management of CSOs, aiming to protect water quality and ensure compliance with federal water pollution control policies.
(A) the extent of the human health and envi-
ronmental impacts caused by municipal com-
bined sewer overflows and sanitary sewer over-
flows, including the location of discharges caus-
ing the occurrence of pollutants dis-
charged, and the constituents discharged;
(B) the resources spent by municipalities to address these impacts; and
(C) the technologies used by municipalities to address these impacts.

(2) TECHNOLOGY CLEARINGHOUSE.—After
transmitting a report under paragraph (1), the
Army shall reimburse East Bay Municipal
Utilities District for work carried out by East Bay Mu-

nicipalities to address these impacts.

Sec. 113. FISH PASSAGE DEVICES AT NEW SA-

VANNAH BLUFF LOCK AND DAM, SOUTH CAR-

O-LINA.—(a) The United States Resource Devel-

opment Act of 2000 is amended—

(1) in subparagraph (A), by striking “Dam, at
Federal expense of an estimated $5,300,000” and
inserting “Dam and construct appropriate fish
passage devices at the Dam, at Federal ex-
pense”; and
(2) in subparagraph (B), by striking “after re-
pair and modernization,” and inserting “after car-
rying out subparagraph (A).”

Sec. 114. (a) EXTINGUISHMENT OF REVER-
SIONARY INTERESTS AND USE RESTRICTIONS.—

With respect to lands described in the deed in-
cluded in the project, the following shall be
(A) the reversionary interests and the use re-
strictions relating to port or industrial purposes
are extinguished;

(B) the human habitation or other building
structure use restriction is extinguished in each
area where the elevation is above the standard
project flood elevation; and

(C) the use of fill material to raise areas above
the standard project flood elevation, without in-
creasing the risk of flooding in or outside of the
floodplain, is authorized, except in any area con-
stituting wetland for which a permit under sec-
 tion 404 of the Federal Water Pollution Con-

("before the date of execution of a co-
operative agreement.

Sec. 123. During the period beginning on the
date of the enactment of this Act and ending on
June 1, 2001, funds made available to the Sec-
retary of the Interior may not be used to pay
salaries or expenses related to the issuance of a
request for proposal related to the Grand Na-
tional Scenic Trail to service Grand Canyon National Park.

Sec. 124. None of the funds in this Act or any
other Act may be used by the Secretary of the
Interior to remove the trailer from the historic site
cross located within the boundary of the Mojave Na-


concerning the acquisition of lands without regard to
local government, or to a land management enti-

terpretation of the National Park System” in Public

Law 106±291 to cover

(C) the cost of acquisition of land in Lower Phalen
State Assistance” in Public Law 106±291 to cover

be transferred to the George Washington’s Fredericksburg Founda-
tion, Inc. (formerly known as Kenmore Associa-
tion, Inc.) immediately upon signing of the co-

ceptual plans for the acquisition of lands and
interests in land for consideration in the amount of
$4,000,000 plus closing costs customarily paid by
the United States.

(2) ACCEPTANCE OF DONATIONS.—The Sec-
retary may accept as donations parcels of land
and interests in land at Saddleback Mountain,

Sec. 115. MURRIETA CREEK, CALIFORNIA. Sec-
tion 101(b)(6) of the Water Resources Develop-
ment Act of 1980 is amended by striking “(1981 and
engrossed, are hereby enacted into law.

Sec. 116. PENN MINE, CALAVERAS COUNTY,
CALIFORNIA. (a) IN GENERAL.—The Secretary of
the Army shall reimburse East Bay Municipal
Water District for funds for equalization pur-
poses in accordance with the Water Re-

cession and Infrastructure Improvement of
the United States.

Sec. 117. The project for flood control, Greers
Ferry Lake, Arkansas, authorized by the Rivers and Har-

ors Act of June 28, 1938 (52 Stat. 1218), is
modified to authorize the Secretary of the
Army to construct intake facilities for the ben-

ifit of Lonoke and White Counties, Arkansas.

Sec. 118. The project for flood control, the
Prairie River and Tributaries, Washington, au-

thorized by section 401(a) of the Water Re-
sources Development Act of 1986 (100 Stat. 4126), is
modified to authorize the Secretary of the
Army to provide the non-Federal interest credit

of the use of snowmobiles below current use pat-

Sec. 128. None of the funds provided in this or
any other Act may be used by the Secretary of the
Interior to acquire property for the military use in
any area designated as a wilderness area by the

Sec. 129. The Secretary of the Interior shall
extend, on or before September 30, 2001, to any
area designated as a wilderness area by the

Sec. 130. The Secretary of the Interior is au-
thorized to make a grant of $1,300,000 to the
State of Minnesota or its political subdi-
vision from funds available to the National Park Ser-
vice for the project described in subsection (a).

Sec. 131. Notwithstanding any provision of
law or regulation, funds appropriated in Public
Law 106±291 for a cooperative agreement for
the National Park Service at Boyhood Home,
Ferry Farm, shall be transferred to the George
Washington’s Fredericksburg Foundation,
Inc. (formerly known as Kenmore Association,
Inc.) immediately upon signing of the co-

operative agreement.

Sec. 132. During the period beginning on the
date of the enactment of this Act and ending on
June 1, 2001, funds made available to the Sec-
retary of the Interior may not be used to pay
salaries or expenses related to the issuance of a
request for proposal related to the Grand Na-
tional Scenic Trail to service Grand Canyon National Park.

Sec. 133. None of the funds in this Act or any
other Act may be used by the Secretary of the
Interior to acquire any real property or personal
property for the military use of the Army in
any area designated as a wilderness area by the

Sec. 134. Section 6(g) of the Chesapeake and
Ohio Canal Development Act (16 U.S.C. 410v±
(4)(g) is amended by striking “30” and insert-

ing “40”.

Sec. 135. Funds provided in Public Law 106-

291 for federal land acquisition by the National
Park Service in Fiscal Year 2001 for Brandywine
Battlefield, Ice Age National Scenic Trail, Mis-
inissippi National River and Recreation Area,
Seneca National Dark Hallow Scenic Trail, Min-
nesota Sinkholes National Scenic Trail, and
Fort Miamis National Historic Site may be used for a
state, local government, or to a land man-
agement entity for the acquisition of property for
any use or purpose authorized by law for land
acquisition funds through the Land and Water Con-

"SECTION 1. GULF ISLANDS NATIONAL SEA-

SHELTER.—(a) ESTABLISHMENT.—In—:

"(b) COMPOSITION.—

Sec. 136. Notwithstanding any other provision of
law, in accordance with Title IV—Wildland
Fire Emergency Appropriations, Public
Law 106±291, from the $25,000,000 provided for com-
monly known as “Stiltsville”.

Sec. 137. (a) IN GENERAL.—The first section of
Public Law 91–660 (16 U.S.C. 459h) is amended—
(1) in the first sentence, by striking “That, in
and inserting the following:

"SECTION 1. GULF ISLANDS NATIONAL SEA-

SHORE.—"(a) ESTABLISHMENT.—In—:

"(b) COMPOSITION.—

Sec. 138. (a) ESTABLISHMENT.—In—:

"(b) COMPOSITION.—
December 15, 2000

CONGRESSIONAL RECORD—HOUSE

H12275

"(2) AREAS INCLUDED IN BOUNDARY PLAN NUM-
BERED NS-GI-7100.—The areas described in this
paragraph are:"

(3) The Secretary—Upon its acquisition by the
Secretary, the area described in this paragraph is
the parcel consisting of approximately 2,000
acres of land on Cat Island, Mississippi, as gen-

erally depicted on a map entitled "Boundary Map,
Gulf Islands National Seashore, Cat Is-
land, Mississippi," numbered 625/60085, and

dated November 9, 1999 (referred to in this title as
the "Cat Island Map").

(4) A VAILABILITY OF MAP.—The Cat Island
Map shall be on file and available for public in-
spection in the appropriate offices of the Na-

tional Park Service.

(b) ACQUISITION AUTHORITY.—Section 2 of
Public Law 91-660 (16 U.S.C. 459h-1) is amended—

(1) in the first sentence of subsection (a), by
striking "lands," and inserting "submerged land,
land,"; and

(2) by adding at the end the following:

"(e) ACQUISITION AUTHORITY.—

"(1) IN GENERAL.—The Secretary may acquire,
from any person, and by any means provided for
therein, any submerged or land areas within the
"(A) all land comprising the parcel described
in subsection (b)(3) that is above the mean line of
ordinary high tide, lying and being situated in
Harris County, Mississippi; and

"(B) an easement over the approximately 150-
acre parcel depicted as the 'Boddie Family Tract'
or "Boddie Family Trust Map for the purpose of
implementing an agreement with the owners of
the parcel concerning the development and use of
the parcel; and

"(C)(i) land and interests in land on Cat Is-
land outside the 2,000-acre area depicted on the
Cat Island Map; and

"(ii) submerged land that lies within 1 mile
seaward of Cat Island (referred to in this title as
the 'buffer zone'), except that submerged land
owned by the State of Mississippi (or a subdivi-
sion of the State) may be acquired only by dona-
tion.

"(2) MODIFICATION OF BOUNDARY.—The
boundary of the seashore shall be modified to
reflect the acquisition of land under this sub-
section only after completion of the acquisi-
tion.".

(c) REGULATION OF FISHING.—Section 3 of
Public Law 91-660 (16 U.S.C. 459h-2) is amended—

(1) by inserting "(a) IN GENERAL.—" before
"The Secretary"; and

(2) by adding at the end the following:

"(b) NO AUTHORITY TO REGULATE MARITIME
ACTIVITIES.—Nothing in this title or any other
provision of law shall affect any right of the
State of Mississippi, or give the Secretary any
authority to regulate maritime activities, in-
cluding nonsesohore fishing activities (including
shrimping), in any area that, on the date of en-
actment of this Act, is outside the des-
ignated boundary of the seashore (including the
buffer zone).

(d) AUTHORIZATION OF MANAGEMENT AGRE-
EMENTS.—Section 3 of Public Law 91-660 (16 U.S.
C.S. 459h-3) is amended—

(1) by inserting "(a) IN GENERAL.—" before
"Except"; and

(2) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter
into agreements with the State of Mississippi for
the purpose of managing resources and providing law
enforcement assistance, subject to authorization
by State law, and emergency services on or
within any land on Cat Island and any water
and submerged land within the buffer zone; and

"(2) NO AUTHORITY TO ENFORCE CERTAIN REG-
ULATIONS.—Nothing in this subsection author-
izes the Secretary to enforce Federal regulations
outside the area within the designated boundary of
the seashore (including the buffer zone).

(e) AUTHORIZATION OF APPROPRIATIONS.—Sec-
tion 11 of Public Law 91-660 (16 U.S.C. 459h-10)

SEC. 138. PERCENTAGE LIMITATIONS ON FED-
ERAL THRIFT SAVINGS PLAN CONTRIBUTIONS. (a)
AMENDMENTS RELATING TO FERS.—

(1) IN GENERAL.—Subsection (a) of section 8432
of title 5, United States Code, is amended—

"(A) by striking "(a)" and inserting "(a)(1)"; (B) by striking "10 percent" and all that fol-

ows through "the maximum percentage of such
employee's or Member's basic pay for such pay period
allowable under paragraph (2),"; and

"(C) by adding at the end the following:

"(2) The maximum percentage allowable under
this paragraph shall be determined in accor-
dance with the following table:

In the case of a pay period beginning in fiscal year:

The maximum percentage allowable is:

2006 .................................................. 100.
2005 .................................................. 100.
2004 .................................................. 90.
2003 .................................................. 80.
2002 .................................................. 70.
2001 .................................................. 60.
2000 or thereafter ................................ 50.

(b) AGREEMENTS.—Subsection (2) of section 8432
of title 5, United States Code, is amended—

"(1) by striking "5 percent" and all that fol-

ows through "the maximum percentage of
such employee's or Member's basic pay for such pay period allowable under
paragraph (2),"; and

"(c) by adding at the end the following:

"(2) The maximum percentage allowable under
this paragraph shall be determined in accor-
dance with the following table:

In the case of a pay period beginning in fiscal year:

The maximum percentage allowable is:

2006 .................................................. 100.
2005 .................................................. 90.
2004 .................................................. 80.
2003 .................................................. 70.
2002 .................................................. 60.
2001 .................................................. 50.
2000 or thereafter ................................ 40.
2000 or thereafter ................................ 30.
2000 or thereafter ................................ 20.
2000 or thereafter ................................ 10.
2000 or thereafter ................................ 0.

(d) EFFECTIVE DATE.—

"(1) IN GENERAL.—The amendments made
by this section shall take effect on the date of en-
actment of this Act and shall be in addition to the
amendments made by this section.

"(2) COORDINATION WITH ELECTION PERIODS.—
The Executive Director shall by regulation de-
termine the first election period in which ele-
c瞻ons may be made consistent with the amend-
ments made by this section.

"(3) DEFINITIONS.—For purposes of this
section—

"(A) the term "election period" means a period
afforded under section 8432(b) of title 5, United States
Code; and

"(B) the term "Executive Director" has the
meaning given such term by section 8401(13) of
title 5, United States Code.

SEC. 139. EXCLUSION OF ELEMENTS OF UNITED
STATES SECRET SERVICE FROM CERTAIN ACTIVI-
TIES. Section 7202(a)(3) of title 5, United States
Code, is amended—

"(1) in subparagraph (F), by striking "or" at the
end; and

"(2) in subparagraph (G), by striking the period
and inserting "; or"; and

"(3) by adding at the end the following new
subparagraph:

"(h) The United States Secret Service and the
United States Secret Service Uniformed Divi-
sion."
SEC. 140. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2001 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.7 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2001.

SEC. 141. REPEAL OF MANDATORY SEPARATION REQUIREMENT. (a) IN GENERAL.—Section 8335 of title 5, United States Code, is amended by striking subsection (d) and inserting in its place—

"(c) The Federal Communications Commission shall promulgate regulations establishing the procedures, consistent with the requirements of paragraphs (4) and (5), governing the pilot projects for the provision of digital data service by low-power television stations under this subsection. Amounts received by the Commission under this paragraph in excess of amounts required to be deposited in the Treasury under section 336(h) of the Communications Act of 1934 (47 U.S.C. 336(h)) shall be an annual fee or other schedule or arrangement for obtaining cost recovery for the Commission.

"(d) The Commission shall assess and collect fees, including an annual fee for each television broadcast station, or television translator station, or any other user of the core television band, in a timely manner.

"(e) The Commission shall require quarterly reports from each station authorized to provide high-speed 2-way wireless digital data service, including Internet access to unserved areas.

"(f)(1) Within 60 days after receiving a request made in such form and manner and containing such information as the Commission may require under this subsection, the Commission shall authorize the location of that station to provide digital data service subject to the requirements of this subsection as a pilot project to demonstrate the feasibility of using low-power television stations to provide high-speed 2-way wireless digital data service, including Internet access to unserved areas.

"(2) The low-power television stations to which this subsection applies are as follows:

``(A) KHLF–LP, Houston, Texas.
``(B) WTM–LP, Tampa, Florida.
``(C) WWRJ–LP, Jacksonville, Florida.
``(D) WVBG–LP, Albany, New York.
``(E) KHHI–LP, Honolulu, Hawaii.
``(F) KPH–LP (K BOS), Phoenix, Arizona.
``(G) WSVT–LP, Montgomery, Alabama.
``(H) KKGZ, Bozeman, Montana.
``(I) WXOB–LP, Richmond, Virginia.
``(J) WJW–LP, Nashville, Tennessee.
``(K) KAKT–FP, high fly, Kalispell, Montana.
``(L) WSPY–LP, Plano, Illinois.
``(M) WAZA, South Aurora, Illinois.
``(N) WOKX–FP, high fly, Johnston County, Tennessee.
``(O) WSPN–FP, high fly, Jefferson County, Arkansas.
``(P) WOKX–FP, high fly, Lee County, Mississippi.
``(Q) WOKX–FP, high fly, Calhoun County, Arkansas.
``(R) WOKX–FP, high fly, Crittenden County, Arkansas.
``(S) WOKX–FP, high fly, Phillips County, Arkansas.
``(T) WOKX–FP, high fly, Izard County, Arkansas.
``(U) WOKX–FP, high fly, Nevada County, Arkansas.
``(V) WOKX–FP, high fly, Madison County, Arkansas.
``(W) WOKX–FP, high fly, Searcy County, Arkansas.
``(X) WOKX–FP, high fly, Union County, Arkansas.
``(Y) WOKX–FP, high fly, White County, Arkansas.
``(Z) WOKX–FP, high fly, Mississippi County, Arkansas.
``(AA) WOKX–FP, high fly, Chicot County, Arkansas.
``(BB) WOKX–FP, high fly, Benton County, Arkansas.
``(CC) WOKX–FP, high fly, Lonoke County, Arkansas.
``(DD) WOKX–FP, high fly, Pope County, Arkansas.
``(EE) WOKX–FP, high fly, Washington County, Arkansas.
``(FF) WOKX–FP, high fly, Nevada County, Arkansas.
``(GG) WOKX–FP, high fly, Pulaski County, Arkansas.
``(HH) WOKX–FP, high fly, Grant County, Arkansas.
``(II) WOKX–FP, high fly, Jackson County, Arkansas.
``(JJ) WOKX–FP, high fly, Saline County, Arkansas.
``(KK) WOKX–FP, high fly, Perry County, Arkansas.
``(LL) WOKX–FP, high fly, Madison County, Arkansas.
``(MM) WOKX–FP, high fly, Independence County, Arkansas.
``(NN) WOKX–FP, high fly, Jefferson County, Arkansas.
``(OO) WOKX–FP, high fly, White County, Arkansas.
``(PP) WOKX–FP, high fly, Benton County, Arkansas.
``(QQ) WOKX–FP, high fly, Saline County, Arkansas.
``(RR) WOKX–FP, high fly, Tunica County, Arkansas.
``(SS) WOKX–FP, high fly, Independence County, Arkansas.
``(TT) WOKX–FP, high fly, Lee County, Arkansas.
``(UU) WOKX–FP, high fly, White County, Arkansas.
``(VV) WOKX–FP, high fly, Benton County, Arkansas.
``(WW) WOKX–FP, high fly, Saline County, Arkansas.
``(XX) WOKX–FP, high fly, Tunica County, Arkansas.
``(YY) WOKX–FP, high fly, Independence County, Arkansas.
``(ZZ) WOKX–FP, high fly, Lee County, Arkansas.
``(AAA) WOKX–FP, high fly, Saline County, Arkansas.
``(BBB) WOKX–FP, high fly, Tunica County, Arkansas.
``(CCC) WOKX–FP, high fly, Independence County, Arkansas.
``(DDD) WOKX–FP, high fly, Lee County, Arkansas.
``(EEE) WOKX–FP, high fly, Saline County, Arkansas.
``(FFF) WOKX–FP, high fly, Tunica County, Arkansas.
``(GGG) WOKX–FP, high fly, Independence County, Arkansas.
``(HHH) WOKX–FP, high fly, Lee County, Arkansas.
``(III) WOKX–FP, high fly, Saline County, Arkansas.
``(JJJ) WOKX–FP, high fly, Tunica County, Arkansas.
``(KKK) WOKX–FP, high fly, Independence County, Arkansas.
``(LLL) WOKX–FP, high fly, Lee County, Arkansas.
``(MMM) WOKX–FP, high fly, Saline County, Arkansas.
``(NNN) WOKX–FP, high fly, Tunica County, Arkansas.
``(OOO) WOKX–FP, high fly, Independence County, Arkansas.
```
Congressional Record — House

House

December 15, 2000

(c)(1) Public Law 101-380, as amended by section 2204 of chapter 2 of title II of Public Law 106-246, is amended further—

(A) by striking the second sentence of section 2008(c), as amended by section 2204 of chapter 2 of title II of Public Law 106-246, and

(B) by striking the last sentence of section 5005(e), as added by section 2204 of chapter 2 of title II of Public Law 106-246.

(2) Section 3006(e) of Public Law 105-83 is amended—

(A) by paragraph (2) by striking "and recommended for Secretarial approval";

(B) in paragraph (3)(A), by striking ";";

(C) in paragraph (3)(F), by striking ``, who shall be a co-chair of the Board'';

(D) in paragraph (4)(A), by striking "and admin-

(E) in paragraph (4)(B), by striking the last sentence;

(F) by adding at the end the following new paragraph:

"(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and oppor-

(2) The Secretary shall carry out section 5006(f) in consultation with the other members. The five voting mem-

(3) Funds made available for the construction of the NOAA laboratory at Lena Point shall be consid-

(4) Notwithstanding any other provision of law, funds made available by this Act or any other Act for the Alaska SeaLife Center shall be considered direct payments for all purposes of applicable laws.

(5) Public Law 95-95-5 is amended—

(A) by inserting after section 3(e) the following:

"(f) The United States shall be represented on the Transboundary Panel by seven panel members, of whom—"

(1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;

(2) one shall be an official of the State of Alaska with salmon fishery management responsibility and expertise;

(3) five shall be individuals knowledgeable and experienced in the salmon fisheries for which the Transboundary Panel is responsible;"

(B) by renumbering the remaining subsections;

(C) by redesignating this subsection, by striking "The appointing auth-

(D) in section 3(i)(3), as redesignated by this subsection, by striking "northern and southern" and

(E) the fishery research vessel for which funds were appropriated in Public Law 106-113 shall be homed in Kodiak, Alaska, and is hereby named "OSCAR DYSON".

(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportu-

(2) The Secretary shall—

(i) assign a bid score to each bid by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) sell such vessel, permits, and any catch history associated with such vessel, permits, and the holder or holder's successor subject to the jurisdiction of the United States, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000; and

(3) by adding at the end the following:

"(G) shall not apply to the Institute.";

(1) The fishery research vessel for which funds were appropriated in Public Law 106-113 shall be homed in Kodiak, Alaska, and is hereby named "OSCAR DYSON".

(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportu-

(2) The Secretary shall—

(i) assign a bid score to each bid by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) sell such vessel, permits, and any catch history associated with such vessel, permits, and the holder or holder's successor subject to the jurisdiction of the United States, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000; and

(3) by adding at the end the following:

"(G) shall not apply to the Institute.";

(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportu-

(2) The Secretary shall—

(i) assign a bid score to each bid by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) sell such vessel, permits, and any catch history associated with such vessel, permits, and the holder or holder's successor subject to the jurisdiction of the United States, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000; and

(3) by adding at the end the following:

"(G) shall not apply to the Institute.";

(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportu-

(2) The Secretary shall—

(i) assign a bid score to each bid by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) sell such vessel, permits, and any catch history associated with such vessel, permits, and the holder or holder's successor subject to the jurisdiction of the United States, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000; and

(3) by adding at the end the following:

"(G) shall not apply to the Institute.";

(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportu-

(2) The Secretary shall—

(i) assign a bid score to each bid by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) sell such vessel, permits, and any catch history associated with such vessel, permits, and the holder or holder's successor subject to the jurisdiction of the United States, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000; and

(3) by adding at the end the following:

"(G) shall not apply to the Institute.";
provisions of this subsection. Sections 600.101, 600.102, 600.103, 600.105, and 600.1010(b), 600.1010(d)(1), 600.1011(d), the last sentence of 600.1011(a), and the last sentence of 600.1014(f) of such section shall not apply. The above list is set forth in the subsection shall not apply to the fishing capacity reduction program or the promulgation of regulations to implement such program required by this subsection. The Secretary shall be construed to prohibit the North Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any Fishery Management Plan, License Limitation Program, or American Fisheries Act provisions affecting catcher vessel sideboards in accordance with the requirements set forth in this subsection. The Secretary may modify, or accept, any Executive Order that would prevent the Secretary from approving such vessel under foreign registry or the operation, until expended. Any funds not used for the purpose of implementing the fishing capacity reduction program required by this subsection shall remain available, without fiscal year limitation, through fiscal year 2005 for the Secretary to pay for the cost of implementing the fishing capacity reduction program by this subsection.

(C) The funds described in this subsection shall remain available, without fiscal year limitation, until expended. Any funds used for the fishing capacity reduction program required by this subsection, whether due to a rejection by referendum or annulment of the Secretary, shall be available until October 15, 2002, without fiscal year limitation, for assistance to fishermen or fishing communities.

(S) The Secretary of Transportation shall, upon notification and request by the Secretary, for each vessel identified in such notification and request—

(i) permanently revoke any fishery endorsement issued to such vessel under section 12108 of title 46, United States Code; and

(ii) refuse to grant the approval required under section 6 of the Shipping Act, 1916 (46 U.S.C. App. 808(c)(2)) for the placement of such vessel under foreign registry or the operation of such vessel under the authority of a foreign government.

(B) The Secretary shall, after notice and opportunity for public comment, adopt final regulations not later than May 1, 2001, to effectuate any provision of this subsection for which a decision is not required by the date of enactment of this Act.

(c) There are authorized to be appropriated—

(1) for assistance under subsection (a) a total not to exceed—

(A) $9,000,000, for grants to the State of St. Paul; and

(B) $6,300,000, for grants to the Tanaduqsiak Corporation; and

(C) $1,500,000, for grants to the St. Paul Tribal Council;

(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, and 2004 a total not to exceed—

(A) $6,500,000 for the City of St. Paul; and

(B) $3,500,000 for the City of St. George.

(d) None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent providers or recipients of the United States or of its territories, or of any other foreign country.
(5)(A)(i) The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1165) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(ii) For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(I) Any requirement that a potential transferee or the National Oceanic and Atmospheric Administration access to the property to conduct environmental monitoring and/or remediation activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, as required by section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(II) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title; and

(iii) Nothing in this subsection shall be construed to imply that-

(I) a local governmental entity of the Pribilof Islands or other local governmental entity of Alaska, except as in effect before such repeal, except as provided in subparagraph (B)(i) or (ii).

(ii) Subparagraph (B)(i) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(iv) For purposes of paragraph (2)(C), the following provisions are repealed:

(II) Subparagraph (B)(ii) or with respect to any lands subject to such a document.

(III) Any requirement that a potential transferee or the National Oceanic and Atmospheric Administration access to the property to conduct environmental monitoring and/or remediation activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, as required by section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(IV) any obligation of the Secretary of Commerce, or any Federal department or agency, under or with respect to any document described in subparagraph (D)(i) or with respect to any lands subject to such a document.

(B) The Transfer of Property on the Pribilof Islands:

(1) Any requirement that a potential transferee or the National Oceanic and Atmospheric Administration access to the property to conduct environmental monitoring and/or remediation activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, as required by section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(2) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(III) Any requirement that a potential transferee or the National Oceanic and Atmospheric Administration access to the property to conduct environmental monitoring and/or remediation activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, as required by section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(V) The terms of the documents described in subparagraph (D)(ii) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(C) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(D) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(2) The Secretary may not seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.
House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which alternative or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1101 of United States Code.

(7) There are authorized to be appropriated to the Secretary of Commerce to carry out the provision of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (3) to be reflected in the Budget of the United States Government.

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 1855nt) is amended by striking the last sentence and inserting, "There are authorized to be appropriated to carry out this subsection $500,000 for each fiscal year.

SEC. 145. (a) Section 4(b)(1) of the Department of State Special Aides Retirement Act of 1998 (22 U.S.C. 3905 note; Public Law 105-382; 112 Stat. 3409) is amended by inserting "or participant who was serving as of January 1, 1997," after "employed participant.

(b) The amendment made by this section shall take effect on January 1, 2001.

Section 146. (a) Congress makes the following findings:

(1) Total steel imports in 2000 will be over 2½ times higher than in 1998, continuing the alarming trend of sharply increasing steel imports over the last decade.

(2) Unprecedented levels of steel imports flooded the United States market in 1998 and 1999, causing a crisis in which thousands of steelworkers were laid off and 6 steel companies went bankrupt.

(3) The domestic steel industry has not had an opportunity to recover from the 1998-1999 steel import crisis, and steel imports are again causing serious injury to United States steel producers and workers.

(4) Total steel imports through August 2000 are 17 percent higher than over the same period in 1999 and greater even than imports over the same period in 1998, a record year.

(5) The United States Government must act to be depressed, with hot-rolled steel prices 12 percent lower in August 2000 than in the first quarter of 1998, and average import customs values for all steel products more than 15 percent lower over the same period.

(6) The United States Government must maintain our ability to deal with all existing relief against unfair foreign trade.

(7) The United States steel industry is a clean, highly efficient industry having modernized itself with $50,000,000,000 over the last 20 years.

(8) Capacity utilization in the United States steel industry has fallen sharply since the beginning of the year and the market capitalization and debt ratings of the major United States steel firms are at precarious levels.

(9) The Department of Commerce recently documented the underlying market-distorting practices and longstanding structural problems that plague the steel industry with falling capacity and cause diversion of unfairly traded foreign steel to the United States.

(10) The President recognized that unfair trade distortions play a significant role in the devastating import surge of steel and recognized the need to vigorously enforce the trade laws.

(b) Congress calls upon the President:

(1) To take appropriate action within his power to provide relief from injury caused by steel imports; and

(2) To promptly request the United States International Trade Commission to commence an expedited investigation for possible adjustment under section 201 of the Trade Act of 1974 of such steel imports.

Sec. 147. Section 5(b)(1) of the Act of January 2, 1951 (15 U.S.C. 1175b(1); popularly known as the "Johnson Act") is amended by inserting "for a voyage or a segment of a voyage that begins and ends in the State of Hawaii, or" after "except in the case of".

Sec. 148. (a) Section 312(a)(7) of the Communication Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting "other than a non-commercial educational station," after "use of a broadcasting station".

(b) The Federal Communications Commission shall take no action against any non-commercial educational station which declines to carry a political advertisement.

SEC. 149. The Small Business Innovation Research program, otherwise expiring at the end of fiscal year 2000, is authorized to continue its effect during fiscal year 2001.

SEC. 150. There is hereby appropriated for payment to the Phoebus Relief Fund, as provided by Public Law 105-365, $250,000,000, of which notwithstanding any other provision of law $10,000,000 shall be for program management of the Health Resources and Services Administration, to remain available until expended.

SEC. 151. (a) There is hereby appropriated to a separate account to be established in the Department of Labor for expenses of administering the Energy Employees Occupational Illness Compensation Act, such sums as may be necessary in FY 2001 to carry out those authorities.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1990, such amounts appropriated under subsection (a) shall be direct spending, Provided, That amounts appropriated annually thereafter for such administrative expenses shall be treated as mandatory spending.

SEC. 152. TREATMENT OF CERTAIN CANCER HOSPITALS. (a) In General. -Section 188D(j)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395w-12(j)(1)(B)(v)) is amended by--

(1) in subclause (II) by striking "or" at the end;

(2) in subclause (II) by striking the semicolon at the end and inserting "or"; and

(3) by adding at the end the following:

"(III) a hospital that was recognized as a clinical cancer research center by the National Cancer Institute of the National Institutes of Health as of February 18, 1998, that has never been reimbursed for inpatient hospital services provided to a recipient under a reimbursement system established under a demonstration project under section 1814(b), that is a freestanding facility organized primarily for research on cancer, and is not a unit of another hospital, that as of the date of enactment of this subsection, is licensed for 126 acute care beds, and that demonstrates for the 4-year period ending on June 30, 1999, that at least 50 percent of its total discharges have a principal finding of neoplastic disease, as defined in subparagraph (E); and"

(b) EFFECTIVE DATE.--Section 188D(j)(1)(B)(v) is amended by striking "For purposes of subparagraph (B)(v)(II) and inserting "For purposes of subparagraphs (B)(v)(II) and (III) of subparagraph (B)(v)(II) and (III) of subparagraph (B)(v)(II) and (III) of subparagraph (B)(v)(II) and"

(c) PAYMENT.--

(1) IN GENERAL.--The Federal share of project costs under each local cooperation agreement entered into under this subsection shall not exceed 6 percent of the local construction costs of the project.

(2) DEADLINE FOR PAYMENTS.--Any payments owed to a hospital by reason of this subsection shall be made expeditiously, but in no event later than 1 year after the date of the enactment of this Act.

SEC. 153. (a) Section 42(c) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100-460) is amended--

(1) by inserting "Alabama," before "Arkansas;"

(2) in paragraph (G), by striking "and" at the end;

(3) in paragraph (H)--

(A) by striking "and" before "such;" and

(B) by inserting "and" after the semicolon at the end;

(4) by adding at the end the following:

"(11) the Alabama counties of Pickens, Greene, Sumter, Choctaw, Clarke, Washington, Marengo, Hale, Perry, Wilcox, Lowndes, Bullock, Macon, Barbour, Russell, and Dallas;"

(b) At the end of section 382A of "The Delta Regional Authority Act of 2000" as incorporated in this Act, insert the following:

"(Notwithstanding any other provision of law, the State of Alabama shall be a full member of the Delta Regional Authority and shall be entitled to all rights and privileges that said member affords to all other participating States in the Delta Regional Authority."

SEC. 154. NORTHERN WISCONSIN.

(a) DEFINITION OF NORTHERN WISCONSIN.--In this section, "the term 'Northern Wisconsin' means the counties of Douglas, Ashland, Bayfield, and Iron, Wisconsin.

(b) ESTABLISHMENT OF PROGRAM.--The Secretary of the Army may establish a pilot program to provide environmental assistance to non-Federal interests in northern Wisconsin.

(c) FORM OF ASSISTANCE.--Assistance under this section may be in the form of design and reconstruction assistance or water-related environmental infrastructure and resource protection and development projects in northern Wisconsin, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.--The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.--

(1) IN GENERAL.--Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.--Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.--Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or structure protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.--Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.--(A) IN GENERAL.--The Federal share of project costs under each local cooperation agreement entered into under this subsection shall not exceed 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.--The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project under this section. The credit for design work shall not exceed 6 percent of the local construction costs of the project.
SEC. 202. PURPOSES.

The purposes of this title are the following:

(1) To establish an international fellowship program under which—

(A) Vietnamese nationals can undertake graduate and postgraduate level studies in the sciences (natural, physical, and environmental), mathematics, medicine, and technology (including information technology); and

(B) United States citizens to teach in Vietnam

(2) SPECIAL EMPHASIS ON SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT;

(A) Vietnamese nationals to study at institutions of higher learning.

(B) United States citizens to teach in Vietnam

(3) Secretary of State.

(4) Secretary of Education.

(5) Secretary of Commerce.

(6) Six members to be appointed by the President pro tempore, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(7) Six members to be appointed by the President from among individuals in the nongovernmental sector who have academic excellence or experience in the fields of concentration specified in section 201(1)(A) or a general knowledge of Vietnam, not less than three of whom shall be drawn from academic life.

(8) There is authorized to be appropriated to carry out this title $400,000. Such sums shall remain available until expended.

TITLE II—VIETNAM EDUCATION FOUNDATION ACT OF 2000

SECTION 201. SHORT TITLE.

This title may be cited as the “Vietnam Education Foundation Act of 2000”.

SEC. 202. PURPOSES.

The purposes of this title are the following:

(1) To establish an international fellowship program under which—

(A) Vietnamese nationals can undertake graduate and postgraduate level studies in the sciences (natural, physical, and environmental), mathematics, medicine, and technology (including information technology); and

(8) United States citizens can teach in the fields specified in subparagraph (A) in appropriate Vietnamese institutions.

(2) To ensure the success of the program by offering programs of Study and Reconciliation between the United States and Vietnam and the building of a bilateral relationship serving the interests of both countries.

SEC. 203. VOTING MEMBERS.

In this title:

(1) BOARD.—The term “Board” means the Board of Directors of the Foundation.

(2) FOUNDATION.—The term “Foundation” means the Vietnam Education Foundation established in section 204.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001).


SEC. 204. ESTABLISHMENT.

There is established the Vietnam Education Foundation as an independent establishment of the executive branch under section 104 of title 5, United States Code.

SEC. 205. BOARD OF DIRECTORS.

(a) IN GENERAL.—The Foundation shall be subject to the supervision and direction of the Board of Directors, which shall consist of 13 members, as follows:

(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, and must be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(2) Two members of the Senate, appointed by the President pro tempore, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(b) DUTIES.—The Board shall—

(1) select the individuals who will be eligible to serve as Fellows; and

(2) provide overall supervision and direction of the Foundation.

(c) COMPENSATION.—(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Board shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized by law for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 206. FELLOWSHIP PROGRAM.

(a) AWARD OF FELLOWSHIPS.—

(1) IN GENERAL.—To carry out the purposes of this title, the Foundation shall award fellowships to—

(A) Vietnamese nationals to study at institutions of higher education in the United States at graduate and postgraduate levels in the following fields: physical sciences, natural sciences, mathematics, environmental sciences, medicine, technology, and computer sciences; and

(B) United States citizens to teach in Vietnam in appropriate Vietnamese institutions in the fields of study described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—A fellowship awarded under paragraph (1) may include funding for the study of scientific and technical vocabulary in English.

(b) CRITERIA FOR SELECTION.—Fellowships under this title shall be awarded to persons who meet the minimum criteria established by the Foundation, including the following:

(1) VIETNAMESE NATIONALS.—Vietnamese candidates for fellowships shall have basic English proficiency and must meet the criteria for admission into graduate or postgraduate programs in United States institutions of higher learning.

(2) UNITED STATES CITIZEN TEACHERS.—American teaching candidates shall be highly competent in their fields and be experienced and proficient teachers.

(c) IMPLEMENTATION.—The Foundation may provide, directly or by contract, for the conduct of nation-wide competition for the purpose of selecting recipients of fellowships awarded under this section.

(d) AUTHORITY TO AWARD FELLOWSHIPS ON A MATCHING BASIS.—The Foundation may require, as a condition of the availability of funds for the award of a fellowship under this title, that an institution of higher education make available funds for such fellowship on a matching basis.

(e) FELLOWSHIP CONDITIONS.—A person awarded a fellowship under this title may receive payment authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or teaching, as appropriate, in gaining employment other than employment approved by the Foundation pursuant to regulations of the Board.

(f) FUNDING.—

(1) FISCAL YEAR 2001.—There is authorized to be appropriated—

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Foundation $5,000,000 for fiscal year 2001 to carry out the activities of the Foundation.

(b) AVAILABILITY OF FUNDS.—Any funds appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(2) FISCAL YEAR 2002 AND SUBSEQUENT FISCAL YEARS.—Beginning with fiscal year 2002 and the Board shall utilize funds transferred to the Foundation under section 07.

SEC. 207. VIETNAM DEBT REPAYMENT FUND.

(a) ESTABLISHMENT.—Notwithstanding any other provision of law, there is established in the Treasury a separate account which shall be known as the Vietnam Debt Repayment Fund (in this subsection referred to as the “Fund”).

(b) DEPOSITS.—There shall be deposited as offsets into the Fund all payments (including interest payments) made by the Socialist Republic of Vietnam to the United States-Vietnam debt agreement.

(c) AVAILABILITY OF THE FUNDS.—

(1) FISCAL YEAR LIMITATION.—Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, $5,000,000 of the amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(2) DISBURSEMENT.—The Secretary of the Treasury, at least on a quarterly basis, shall transfer to the Foundation amounts allotted to the Foundation under paragraph (1) for the purpose of carrying out this section.

(3) TRANSFER OF EXCESS FUNDS TO MISCELLANEOUS RECEIPTS.—Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, the Secretary shall transfer from the Fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of the amounts made available to the Foundation under paragraph (1).

(d) ANNUAL REPORT.—The Board shall prepare and submit annually to Congress a report on the financial condition of the Fund, including the beginning balance, receipts, refunds to appropriations, transfers to the general fund, and the ending balance.

SEC. 208. FOUNDATION PERSONNEL MATTERS.

(a) APPOINTMENT BY BOARD.—There shall be an Executive Secretary of the Foundation who
shall be appointed by the Board without regard to the provisions of title 5, United States Code, or any regulation thereunder, governing appointment in the competitive service. The Executive Director may procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code to carry out the purposes of the Foundation.

(c) COMPENSATION.—The Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter I of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed level V of the Executive Schedule under section 5316 of title 5.

(V) IN GENERAL.—This title may be cited as ‘‘Colorado Ute Indian Water Rights Settlement Act of 1988’’.

(4) T RIBE; TRIBES.—The term ‘‘Tribe’’ or ‘‘Tribe(s)’’ as used in this title shall include the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, in considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:


(B) The Draft Supplement to the FES No. INT-DES-92-2, dated April 26, 1992.

(C) The Final Supplement to the FES No. 96-23, dated April 26, 1996.


(G) In the Record of Decision referred to in paragraph (f), the Secretary determined that the ‘‘tribal water rights claim’’ referred to in subparagraph (C) of section 102 of the Colorado Utes Water Rights Settlement Act of 1988 (Public Law 100-585) was not to exceed 16,525 acre-feet of water, to the Ute Indian Tribe for its present and future needs; and

(III) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs; and

(IV) with the Secretary, acting through the Bureau of Reclamation, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers as determined by the Secretary, in consideration of the Colorado Ute Indian Water Rights Settlement Act of 1988 and the San Juan River Recovery Implementation Program, it is specifically authorized to—

(1) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir, and other appropriate facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for municipal and industrial water supply, which facilities shall—

(1) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the Secretary in consideration of the Colorado Ute Indian Water Rights Settlement Act of 1988 and the San Juan River Recovery Implementation Program; and

(2) be operated in accordance with the Amendments to Section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 by the Secretary in consultation with the Tribes and other interested parties, the Secretary shall—

(1) make other necessary expenditures.

(2) retain office space in the District of Columbia; and

(3) make other necessary expenditures.

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Committee on Foreign Relations of the Senate and the Committee on Governmental Affairs of the House of Representatives an annual report of its operations under this title.

(c) DEFINITIONS.—In this title:

(1) the claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973).

(2) the expiration of the last fellowship in effect on January 31, 1973, of the Executive Director.

(3) the expiration of the fellowship in effect on January 31, 1973, of the Executive Director.

(4) the expiration of the fellowship in effect on January 31, 1973, of the Executive Director.

(5) in the Record of Decision referred to in paragraph (f), the Secretary determined that the ‘‘tribal water rights claim’’ referred to in subparagraph (C) of section 102 of the Colorado Utes Water Rights Settlement Act of 1988 (Public Law 100-585) was not to exceed 16,525 acre-feet of water, to the Ute Indian Tribe for its present and future needs; and

(III) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs; and

(IV) with the average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs; and

(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs; and

(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs.
the State of Colorado for its present and future needs; and

(VI) with an average annual depletion of an amount not to exceed 760 acre-feet of water, to the Farm Security Bank and Thrift Department of New Mexico for its present and future needs.

(b) A P P L I C A B I L I T Y O F O T H E R F E D E R A L L A W S.—Nothing in the Secretary's description in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

(c) Limitation.—

(i) In General.—If constructed, the facilities described in subparagraph (A) shall constitute the Animas-La Plata Project. Construction of any other project features authorized by Public Law 90-537 shall not be commenced without further express authorization from Congress.

(ii) Contingency in Application.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subsections (I) and (III) of paragraph (1)(A)(i) shall be nonreimbursable to the United States.

(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—

(A) IN GENERAL.—Under the provisions of section 801 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied in full or in part from the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursement for water use, consistent with the provisions of subsection (b) and the contract.

(B) NONTRIBAL REPAYMENT OBLIGATION SUBJECT TO FINAL COST ALLOCATION.—The nontribal repayment obligation set forth in paragraph (A) shall be subject to a final cost allocation by the Secretary required under the Act.

(3) ECONOMIC DEVELOPMENT PLAN.—

(A) IN GENERAL.—Each Tribe shall submit to the Secretary a plan for economic development, the Secretary shall review such plan and the Secretary shall, upon approval of such plan, the Secretary shall participate in the economic development.

(B) APPROVAL.—Not later than 60 days after the date of submission of such plan, the Secretary shall approve or disapprove such plan. If the Secretary disapproves such plan, the Secretary shall report to Congress on the reasons for such disapproval.

(4) SEC. 303. MISCELLANEOUS.

(A) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project, such water rights and the claims of entitlement to such water rights as the Secretary deems necessary to carry out the purposes of the New Mexico Animas-La Plata Project. The Secretary shall submit the plan to Congress for approval.

(B) C O M P L I A N C E .—The Secretary may take such action as the Secretary determines to be necessary to monitor the compliance of a Tribe with an implementation plan approved under subsection (A). The United States shall not be responsible for the review, approval, or audit of any individual development plan under the Plan. The United States shall not be directly or indirectly liable with respect to any such development plan, including those included as part of the Tribe's Tribal Development Plan, except with respect to the funds referred to in paragraph (3)(B)(iv).

(D) Economic Development Plan.—The principal and income derived from tribal investment, shall be nonreimbursable to the United States.

(3) Economic Development Plan.—

(A) IN GENERAL.—Each Tribe shall submit to the Secretary a plan for economic development, the Secretary shall participate in the economic development.

(B) APPROVAL.—Not later than 60 days after the date of submission of such plan, the Secretary shall approve or disapprove such plan. If the Secretary disapproves such plan, the Secretary shall report to Congress on the reasons for such disapproval.

(4) SEC. 303. MISCELLANEOUS.

(A) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project, such water rights and the claims of entitlement to such water rights as the Secretary deems necessary to carry out the purposes of the New Mexico Animas-La Plata Project. The Secretary shall submit the plan to Congress for approval.

(B) C O M P L I A N C E .—The Secretary may take such action as the Secretary determines to be necessary to monitor the compliance of a Tribe with an implementation plan approved under subsection (A). The United States shall not be responsible for the review, approval, or audit of any individual development plan under the Plan. The United States shall not be directly or indirectly liable with respect to any such development plan, including those included as part of the Tribe's Tribal Development Plan, except with respect to the funds referred to in paragraph (3)(B)(iv).

(D) Economic Development Plan.—The principal and income derived from tribal investment, shall be nonreimbursable to the United States.
H12284

CONGRESSIONAL RECORD—HOUSE
December 15, 2000

“(iii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 310(b)(8)(F) of the Colorado-Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than ½ of the funds referred to in clause (i) for municipal or rural water development and not less than ½ of the funds referred to such purpose for resource acquisition and enhancement.

“(C) MODIFICATION.—Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

“(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

“(E) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or of the revenue from any water project shall be distributed to any member of either Tribe on a per capita basis.

“(F) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Tribal Resource Fund and any funds from the lease of the Colorado-Ute Tribal Resource Fund in the Treasury of the United States but shall not be available for disbursement under this section until such time as the Secretary of the Interior shall have determined that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

“SEC. 17. COLORADO UTE SETTLEMENT FUND.

“(a) ESTABLISHMENT OF FUND.—There is hereby established the Colorado-Ute Settlement Fund to be known as the ‘Colorado-Ute Settlement Fund’.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Colorado-Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds shall be authorized to be appropriated for each of the five fiscal years beginning with fiscal year 2012 and for each year thereafter until the date of enactment of this section.

“SEC. 18. FINAL SETTLEMENT.

“(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of water to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amendment to the agreement as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

“(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

“(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court for the Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to the Agreement by the Colorado-Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the terms of the consent decree for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

“SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

“(a) IN GENERAL.—Nothing in the amendments made by the Colorado-Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

“(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the United States to fund the objectives of the Record of Decision for the Tribes to commence the litigation of their reserved rights claims on the Animas and La Plata Rivers.

TITLE IV
DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY

“SEC. 401. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

“(a) IN GENERAL.—The Museum—

“(1) is designated as the ‘American Museum of Science and Energy’; and

“(2) shall be the permanent museum of science and energy of the United States.

“(b) REFERENCES.—Any reference in a law, rule, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the ‘American Museum of Science and Energy’.

“(c) PROPERTY OF THE UNITED STATES.—

“(1) IN GENERAL.—The name ‘American Museum of Science and Energy’ is declared the property of the United States.

“(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name ‘American Museum of Science and Energy’.

“(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

“SEC. 402. AUTHORITY.

“SEC. 403. MUSEUM VOLUNTEERS.

“(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may—

“(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

“(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

“(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

“(2) operate a retail outlet on the premises of the Museum for the sale of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

“(A) relevant to the contents of the Museum; and

“(B) informative, educational, and tasteful;

“(3) collect reasonable fees where feasible and appropriate;

“(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

“(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with the operating mission; and

“(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.
(4) to foster coordination among all levels of government, the private sector, and nonprofit groups in crafting common regional strategies that will lead to broader economic growth;
(5) to develop comprehensive plans and programs to foster the creation of a local development districts, and other nonprofit groups;
(6) to encourage the participation of interested citizens, public officials, agencies, and others in developing and implementing local and regional plans for broad-based economic and community development; and
(7) to focus special attention on areas of the region that suffer from the greatest economic distress.

SEC. 382. DELTA REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle F—Delta Regional Authority"

"SEC. 382A. DEFINITIONS.

"(1) AUTHORITY.—The term 'Authority' means the Delta Regional Authority established by section 382B.

"(2) REGION.—The term 'region' means the Lower Mississippi basin (as defined in section 4 of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460)).

"(3) FEDERAL GRANT PROGRAM.—The term 'federal grant program' means a federal grant program to provide assistance in—

(A) recontouring or retiring land;
(B) constructing or equipping a highway, road, bridge, or facility; or
(C) carrying out other economic development activities.

"SEC. 382B. DELTA REGIONAL AUTHORITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Delta Regional Authority.

"(2) COMPOSITION.—The Authority shall be composed of—

(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate; and
(B) the Governor (or a designee of the Governor) of each state in the region that elects to participate in the Authority.

"(3) COCHAIRPERSONS.—The Authority shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and
(ii) as a liaison between the Federal Government and the Authority; and
(B) in the absence of the Federal cochairperson, the Governor of a participating State, or the person designated by the Governor, as the alternate Federal cochairperson.

"(4) VOTING.—

(A) who is not a Authority member; or
(B) who is not entitled to vote in Authority meetings.

"(c) VOTING.—

(I) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not counting any member representing a State that is delinquent under subsection (g)(2)(C) to be effective.

1) Q UORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

(A) a modification or revision of a Authority policy decision; or
(B) approval of a State or regional development plan; and
(C) any allocation of funds among the States.

"(2) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

(A) by the Authority; and
(B) conducted in accordance with section 382A.

"(3) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate member stands.

"(4) DUTIES.—The Authority shall—

(I) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;
(II) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);
(III) assess the needs and assets of the region based on available research, demonstrations, in-service training, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;
(IV) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;
(V) work with Local and State agencies in developing appropriate model legislation; and
(VI) enhance the capacity of, and provide support for, local development districts in the region;
(II) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;
(III) encourage private investments in industrial, commercial, and other economic development projects in the region; and
(IV) cooperate with and assist State governments with economic development programs of participating States.

"(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

(I) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

(II) authorize, through the Federal or State cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath; and
(III) request from any Federal, State, or local department or agency such information as may be available to the Department of Labor, the Department of Commerce, or any other Federal, State, or local department or agency that may be of use to the Authority in carrying out duties of the Authority.

"(f) ADMINISTRATIVE EXPENSES.—

(A) ADMINISTRATIVE EXPENSES.—The Federal cochairperson, including expenses of the Authority (except for the expenses of the Federal cochairperson, including expenses of the alternate member of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

(I) by the Federal Government, in an amount equal to 30 percent of the administrative expenses; and
(II) by the States in the region participating in the Authority, in an amount equal to 50 percent of the administrative expenses.

"(g) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

(B) NO FEDERAL PARTICIPATION.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

(I) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and
(II) no member of the Authority from the State shall participate or vote in any action by the Authority.

"(h) COMPENSATION.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level V of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(3) when not acting as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

"(i) STATE MEMBERS AND ALTERNATES.—

"(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplement of any salary other than the State for services provided by the member or alternate to the Authority.
H12286

CONGRESSIONAL RECORD — HOUSE

December 15, 2000

"(4) Detailed Employees.—

"(a) in General.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplement of salary for services provided to the Authority from—

"(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

"(ii) the Authority.

"(b) Violation.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

"(c) Applicable Law.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

"(5) Additional Personnel.—

"(a) Compensation.—

"(i) in General.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

"(ii) Exception.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5302 of title 5, United States Code, including any applicable limitation on the disposable per diem allowance that may be authorized under section 5304(h)(2)(C) of that title.

"(b) Executive Director.—The executive director shall be responsible for—

"(i) the carrying out of the administrative duties of the Authority;

"(ii) direction of the Authority staff; and

"(iii) such other duties as the Authority may assign.

"(c) No Federal Employee Status.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

"(d) Conflicts of Interest.—

"(i) in General.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

"(ii) Priorities of Funding.—

"(A) Priority of Funding.—To best build the foundations for long-term economic development in the region, and to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) resources needed to build and maintain strong local economies;

"(B) Acceptance by Federal Cochairperson.—Funds for grants under subsection (a) may be provided—

"(I) entirely from appropriations to carry out this section;

"(III) collectively from funds available under another Federal or Federal grant program; or

"(IV) from any other source.

"(B) Priority of Funding.—To best build the foundations for long-term economic development in the region, and to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) resources needed to build and maintain strong local economies;

"(C) Business Development, with emphasis on entrepreneurship.

"(1) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

"(2) Federal Share in Grant Programs.—Notwithstanding any provisions of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.

"(a) Finding.—Congress finds that certain States and local communities of the region, including local development districts, matured during the early years of their existence, and are now faced with the need for more advanced and sophisticated programs to meet the needs of the community.

"(b) Federal Grant Program Funding.—In accordance with subsection (c), the Federal cochairperson may use funds made available to carry out this subtitle, without regard to any limitations on availability for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program to which the region has contributed in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 90 percent of the cost of the project (except as provided in section 382F(b)).

"(c) Certification.—

"(1) in General.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

"(I) meets the applicable standards of the applicable Federal grant law; and

"(II) could be approved for Federal contribution under the law if funds were available under the law for the program.

"(2) Certification by Authority.—

"(A) in General.—The certifications and determinations required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

"(382D. Supplements to Federal Grant Programs.)—In this section, the term ‘local development district’ means an area described in subpart (A) that—

"(I) is—

"(1) a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce as a local development district;

"(2) operated by an entity described in subparagraph (A) that is a local development district;

"(3) a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce as a local development district;

"(II) the Governor of each State in which the entity is located; or

"(III) by the State officer designated by the appropriate State law to make the certification; and

"(III) [il] a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located; or

"(II) a nonprofit agency or instrumentality of a State or local government;

"(1) a Public organization established before the date of enactment of this subtitle under State law for creation of multi-jurisdictional, area-wide planning organizations; or

"(2) an organization consisting of bodies of units of government, including local development districts, local governments, local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts, and local development districts.
“(2) has not, as certified by the Federal
cochairperson—

“(A) inappropriately used Federal grant
funds from any Federal source; or

“(B) in an officer who, during the pe-
riod in which another entity inappropriately
used Federal grant funds from any Federal
source, was an officer of the other entity.

“SEC. 382K. RECORDS.

“(a) State Development Plan.—In accord-
ance with policies established by the Authority,
each State member shall submit a development
plan for the area of the region represented by
the State member.

“(b) Content Plan.—A State development
plan submitted under subsection (a) shall reflect
the goals, objectives, and priorities identified in
the regional development plan developed under
section 382L.

“(c) Consultation With Interested Local
Parties.—In carrying out the development
planning process (including the selection of
programs and projects for assistance), a State may—

“(1) consult with—

“(A) local development districts; and

“(B) local units of government; and

“(2) take into consideration the goals,
objectives, and priorities of the entities
described in paragraph (1).

“(d) Public Participation.—Public
participation in the development, revision, and
implementation of all plans and programs
under this subtitle shall be available to

“(1) operate as a lead organization serving
multicounty areas in the region at the local
level;

“(2) serve as a liaison between State and local
governments, nonprofit organizations (including
community-based groups and educational insti-
tutions), the business community, and citizens
that—

“(A) are involved in multijurisdictional plan-
ing;

“(B) provide technical assistance to local jur-
sidictions and potential grantees; and

“(C) provide leadership and civic development
assistance.

“SEC. 382L. ANNUAL REPORT.

“(a) In general.—The Authority shall
submit an annual report to Congress describ-
ing its operations and the results of
such activities, including the following:

“(1) a multicounty project that includes par-
ticipation by a nondistricted county;

“(2) a project providing transportation or
basic public infrastructure; and

“(3) an example of projects that ensure, to
the maximum extent practicable,
that projects are adequately financed to maximize
the probability of successful economic develop-
ment.

“(b) Certification.—On certification
by a State member of the Authority of an appli-
cation for a grant or other assistance for a
specific project under this section, an affirmative
vote for decision is required for approval
of the application.

“(c) Records and reports.—The
Authority shall maintain accurate and complete
records of transactions and activities financed
with Federal funds and report on the trans-
actions and activities to the Authority.

“(B)如果项目的目的
是寻求包括在
一个指定的
非设区县
的项目，则

“(1) 在该地区
内指定
的项目

“(2) 适用于
的项目

“(3) 由

“(4) 由

“(5) 由

“(6) 由

“Not later than 180 days after the end of each
fiscal year, the Authority shall submit to the
"
President and to Congress a report describing the activities carried out under this subtitle.

SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Authority to carry out this subtitle $30,000,000 for each of fiscal years 2001 through 2002, to remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under section (a) for a fiscal year shall be used for administrative expenses of the Authority.

SEC. 382N. TERMINATION OF AUTHORITY.

"This subtitle and the authority provided under this subtitle expire on October 1, 2002.

Title VI—Dakota Water Resources Act of 2000

Section 601. Short Title.

This title may be cited as the "Dakota Water Resources Act of 2000".

Section 602. Purposes and Authorization.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "federally-assisted water resource development project providing irrigation for 130,940 acres of land" and inserting "multipurpose federally-assisted water resource project providing irrigation for 130,940 acres of land";

(2) in subsection (b)—

(A) by inserting "jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation of 130,940 acres";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows";

(3) in subsection (c)—

(A) in paragraph (1), by striking "prior to the use of Federal or State administration shall" and all that follows through subsection (c) and inserting the following:

(1) Services in kind.

(2) Payment, or provision of lands, interests therein, or facilities for the unit.

(3) Repayment, with interest, within 50 years of the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

(4) Repayment, with interest, within 50 years of the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

(5) Deauthorization of the unit.

(6) services in kind.

(7) Services in kind.

(8) Payment, or provision of lands, interests therein, or facilities for the unit.

SEC. 602A. Authorization of Appropriations.

The authorizations of appropriations are as follows:

(1) in the first sentence—

(A) by striking "within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement" and inserting "for the operation and maintenance of the completed unit facilities";

(B) by inserting "(1) after "(e)";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking "within ten years after initial operation of the unit";

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2)";

(2) in subsection (f), by striking "and fish and wildlife enhancement";

(3) in subsection (j), by striking "appropriate:" and inserting the following:

(A) in paragraph (1), by striking "prior to the completion of construction of the Lorette Dam and Reservoir";

(B) by adding at the end the following:

(4) Taayer Reservoir.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydraulically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

(5) Deauthorization of Lorette Dam and Reservoir.—The Lorette Dam and Reservoir is deauthorized. The Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary.

SEC. 603. Fish and Wildlife.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

(B) FISH AND WILDLIFE COSTS.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proffered for Federal or State administration shall be nonreimbursable.

(C) RECREATION AREAS.—(1) Costs.—The costs of Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

SEC. 604. Interest Calculation.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following:

"(A) in paragraph (1), by striking "interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service."
Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

"(2) DEVELOPMENT NOT AUTHORIZED.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

"(3) NO EXCESS DEVELOPMENT.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the amount specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elbow, Upper Deschutes, Teton, Grace, Bismarck, and Berthold areas) and in areas not located in the Hudson Bay/Devils Lake drainage basin or the James River drainage basin.

"(4) PAYMENT METHODOLOGY.—In accordance with section 1 and pursuant to the provisions of section (8) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000. Any plan for this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.

"(5) PRINCIPAL SUPPLY WORKS.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McCullough Canal features of the principal supply works. Subject to the provisions of section (8) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000. Any plan for this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.

"(6) AUTHORIZATION.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

"(9) DOCUMENTATION.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.

SEC. 606. POWER.

Section 6 of Public Law 89-108 (79 Stat. 435; 100 Stat. 420) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding the provisions of" and inserting "Pursuant to the provisions of";

(B) by striking "revenues," and all that follows and inserting "revenues;"; and

(2) by striking subsection (c) and inserting the following:

"(c) NO INCREASE IN RATES OR AFFECT ON REPAYMENT METHODOLOGY.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act of 1969 (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 2000 alters or affects in any way the repayment methodology in effect as of the date of enactment of this Act for other features of the Pick-Sloan Missouri Basin Program.

SEC. 607. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89-108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the last sentence—

(i) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share";

(ii) by striking the "water system" and inserting "water systems";

(iii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of loan repayments and any interest thereon shall be treated as Federal funds;" and

(iv) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for a project under section 10a(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceed the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section."; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

"(b) WATER CONSERVATION PROGRAM.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, States shall receive a share of funds from future projects under subsection (a)(3) shall be reduced to 24.5 percent.

"(c) NONREIMBURSABILITY OF COSTS.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary before the date of enactment of the Dakota Water Resources Act of 2000 shall be nonreimbursable costs.

"(d) INDIAN MUNICIPAL RURAL AND INDUSTRIAL WATER SUPPLY.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain, and the Trenton (Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.

SEC. 608. SPECIFIC FEATURES.

"(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

"(b) IN GENERAL.—Public Law 89-108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) RED RIVER VALLEY WATER SUPPLY PROJECT.—"
of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings or conclusions that facilitate an alterative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive a letter into consideration any such comments and produce a final report and transmit the final report to Congress.

"(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

"(c) ENVIRONMENTAL IMPACT STATEMENT.—

"(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements of the National Environmental Policy Act or the Administrative Procedures Act.

"(2) DRAFT.—

(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary shall enter into a cooperative agreement with the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot produce and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(3) FINAL.—

(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the final environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(1) IN GENERAL.—If the Secretary under this section shall comply with all terms and conditions as the Secretary believes would fully protect the public interest.

"(b) TERMS AND CONDITIONS.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (c).

"(c) COMPLIANCE.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

"(d) FAILURE TO AGREE.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall prepare the Oakes Test Area facilities under the Federal Water Resources Act of 1961, including funds authorized by section 1(g), not later than 180 days after the date of enactment of this Act or the Administrative Procedures Act.

"(e) SHYEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Shyeenenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water basin. Notwithstanding the option under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

"(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin. Notwithstanding the option under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

"(g) OAKES TEST AREA TITLE TRANSFER.—

"(A) INITIAL AMOUNT.—There is authorized to be appropriated—

(i) to carry out section 8(a)(1), $40,500,000; and

(ii) to carry out section 7(d), $20,500,000; and

(B) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated—

(i) to carry out section 8(a)(1), $40,500,000; and

(ii) by inserting before "Such sums" the following:

(C) AVAILABILITY.—Such sums; and

(C) RESOURCES TRUST AND OTHER PROVISIONS.—

(A) by striking subparagraph (A); and

(B) an additional $25,000,000 to carry out 
recreational projects; and

(C) an additional $25,000,000 to carry out 
projects; and

(D) the mitigation and enhancement land.

"(h) DAKOTA WATER RESOURCES ACT OF 2000.—The funds authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for

December 15, 2000

H12290

CONGRESSIONAL RECORD — HOUSE
December 15, 2000

CONGRESSIONAL RECORD — HOUSE

H12291

operation and maintenance of the mitigation and enhancement land associated with the unit;' and
(4) by striking subsection (e) and inserting the following:

``(e) INDEXING.—The $200,000,000 amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(3)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of this Act as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.''.

SEC. 611. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89-108 (100 Stat. 424) is amended—

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

``(a) CONTRIBUTION.—

``(1) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

(b) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

``(2) ADDITIONAL AUTHORIZATION.—

``(A) IN GENERAL.—In addition to the amount authorized by subsection (j), the Secretary shall make an annual Federal contribution to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

``(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be an amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.

``(2) IN GENERAL.—The term `Indian tribe' includes and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

``(b) by striking `are met' and inserting `is met';

``(c) in paragraph (1), by inserting `grassland conservation and riparian areas' after `habitat'; and

``(d) in paragraph (2), by adding at the end the following:

``(C) The power to fund incentives for conservation practices by landowners.''

TITLE VII

SECTION 701. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the establishment of a Sioux Nation Tribal Supreme Court will assist in the establishment of strong political and cultural ties between New England, upstate New York and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country;

(3) the construction of the Erie Canal was considered a supreme engineering feat, culminating in turning New York City into a major port and New York State into the premier center for

SEC. 702. DEFINITIONS.

In this Title:

(1) INDIAN TRIBE.—The term `Indian tribe' includes and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(2) by providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) to provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(6) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wapka Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) TERMS.—The terms of the grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAPKA SICA HISTORICAL SOCIETY.—The grant agreement under this para-
H12292
CONGRESSIONAL RECORD — HOUSE
December 15, 2000
commerce, industry, and finance in North Amer-
ica and provided a permanent commercial link be-
tween the Port of New York and the cities of
eastern Canada, a cornerstone of the peaceful
relationship between two countries;
(7) the Erie Canalway proved the depth and
force of American ingenuity, solidified a na-
tional identity, and found an enduring place in
American legend, song, and art;
(8) there is national interest in the preserva-
tion and interpretation of the Erie Canalway’s
important historical, natural, cultural, and sce-
nic resources;
(9) partnerships among Federal, State, and
local governments and their regional entities,
non-profit organizations, and the private sector
offer opportunities for further support of the
preservation and interpretation of the Erie
Canalway;
(b) PURPOSES.—The purposes of this title are—
(1) to designate the Erie Canalway National
Heritage Corridor;
(2) to provide for and assist in the identifica-
tion, preservation, promotion, maintenance and
interpretation of the historical, natural, cul-
tural, scenic, and recreational resources of the
Erie Canalway in ways that reflect its national
significance for the benefit of current and fu-
ture generations;
(3) to promote and provide access to the Erie
Canalway’s historical, natural, cultural, scenic
and recreational resources;
(4) to provide a framework to assist the State
of New York, its units of local government, and
the communities within the Erie Canalway in the
development of integrated cultural, histori-
ical, recreational, economic, and community de-
velopment programs in order to enhance and in-
terpret the unique and nationally significant re-
sources of the Erie Canalway and related
regions;
(5) to authorize Federal financial and tech-
nical assistance to the Commission to serve these
purposes for the benefit of the people of the
State of New York, its units of local government,
and the communities within the Erie Canalway;
(b) BOUNDARIES.—The boundaries of the Cor-
ridor shall be those lands generally de-
picted on a map entitled “Erie Canalway Na-
tional Heritage Area” numbered ERIE 80,000
and dated October 2000. This map shall be on
file and available for public inspection in the
appropriate office of the State Park Service,
the office of the Commission, and the office of
the New York State Canal Corporation in Al-
bany, New York.
(c) OWNERSHIP AND OPERATION OF THE NEW
YORK STATE CANAL SYSTEM.—The New York
State Canal System shall continue to be owned,
operated, and managed by the State of New York.
SEC. 804. THE ERIE CANALWAY NATIONAL HERIT-
AGE CORRIDOR.
(a) ESTABLISHMENT.—To carry out the pur-
poses of this title there is established the Erie
Canalway National Heritage Corridor in the State
of New York.
(b) BOUNDARIES.—The boundaries of the Cor-
ridor shall be those lands generally de-
picted on a map entitled “Erie Canalway Na-
tional Heritage Area” numbered ERIE 80,000
and dated October 2000. This map shall be on
file and available for public inspection in the
appropriate office of the State Park Service,
the office of the Commission, and the office of
the New York State Canal Corporation in Al-
bany, New York.
(c) OWNERSHIP AND OPERATION OF THE NEW
YORK STATE CANAL SYSTEM.—The New York
State Canal System shall continue to be owned,
operated, and managed by the State of New York.
SEC. 805. DUTIES OF THE COMMISSION.
(a) PREPARATION OF CANALWAY PLAN.—Not
later than 3 years after the Commission receives
Federal funding for this purpose, the Commiss-
on shall prepare and submit a comprehensive
preservation and management Canalway Plan
for the Corridor to the Governor for review and
approval. In addition to the requirements out-
lined for the Canalway Plan in section 802, the
Canalway Plan shall incorporate and integrate exist-
ing federal, state, local plans to the extent appro-
riate regarding historic preservation, conserva-
tion, education and interpretation, community de-
velopment, and tourism-related economic develop-
ment for the Corridor that are consistent with the
purposes of this title.
(b) IMPLEMENTATION OF CANALWAY PLAN.—
After the Commission receives Federal funding
for this purpose, and after review and upon ap-
proval of the Canalway Plan by the Secretary and
the Governor, the Commission shall—
(1) undertake action to implement the Can-
alway Plan so as to harmonize the preservation,
conservation, and revitalization of the Can-
olway’s 400-mile corridor in the State of New York in enhancing and inter-
preting the historical, cultural, educational,
natural, scenic, and recreational potential of the
Erie Canalway Corridor identified in the Can-
alway Plan; and
(2) support public and private efforts in con-
servation and preservation of the Canalway’s
historical, cultural, scenic, and recreational re-

termined to be reasonable by the Commission to
carry out the responsibilities of the Commission;
(2) to request and accept the services of per-
sonnel detailed from the State of New York or
local governments or agencies for the purpose
of ongoing support of the Canalway Plan;
(3) to request and accept the services of any
Federal agency personnel, and to reimburse the
Federal agency for such services;
(4) to appoint and fix the compensation of
staff to carry out its duties;
(5) to enter into cooperative agreements with
the State of New York, with any political sub-
division of the State, or any person for the
purposes of carrying out the duties of the Com-
munity to the Secretary and the Governor for
review and approval. In addition to the require-
mments outlined for the Canalway Plan in section
802, the Canalway Plan shall incorporate and inte-
grate existing federal, state, local plans to the extent appro-
riate regarding historic preservation, conserva-
tion, education and interpretation, community de-
velopment, and tourism-related economic develop-
ment for the Corridor that are consistent with the
purposes of this title.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.

The Commission shall—
(1) request and receive from the Adminis-
trator of General Services, on a reimbursable
basis, such administrative support services as
may be determined to be necessary.

The Commission may not acquire any real property or interest in real
property.
(c) PRIORITY ACTIONS.—Priority actions which may be carried out by the Commission under subsection 805(b), include the following:

(1) assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal;

(2) assisting the State, and local governments, and nonprofit organizations in designing, establishing, and operating visitor centers, museums, and other interpretive exhibits in the Corridor;

(3) assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor;

(4) assisting the State of New York, local governments, and other organizations in the preservation and restoration of any historic building, site, or district in the Corridor;

(5) encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this title; and

(6) ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) ANNUAL REPORTS AND AUDITS.—For any year in which Federal funds have been received under this title, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses and any income received, which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 806. CANALWAY PLAN.

(a) CANALWAY PLAN REQUIREMENTS.—The Canalway Plan shall:

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate them to the extent feasible to ensure consistency with local, regional and state planning efforts;

(2) provide a thematic inventory, survey, and evaluation of historic properties that should be preserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private-sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that supports implementation and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation and methods to support the perpetuation of music, art, poetry, literature and folkways associated with the canals; and

(C) educational and interpretative programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and nonprofit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system and recreation, consistent with the purposes of the Corridor;

(6) develop criteria and priorities for financial preservation assistance;

(7) identify strong cooperative relationships between the National Parks Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;

(8) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(9) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) APPROVAL OF CANALWAY PLAN.—The Secretary and the Governor shall:

(1) prior to approving the Canalway Plan, disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan;

(2) recommend Federal, State, and local strategic and operational plans including but not limited to the Canalway Plan, the Canal Recreationway Plan and the Canal Revitalization Program.

(c) CRITERIA.—The Secretary may not approve the Canalway Plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and consistent with such protection provide adequate outdoor recreational opportunities and economic activities within the Corridor.

In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate state officials that the recommendations and implementables in the program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure implementation of State and local aspects of the Canalway Plan.

(d) DISAPPROVAL OF CANALWAY PLAN.—If the Secretary or the Governor do not approve the Canalway Plan, the Secretary shall advise the Commission in writing within 90 days the reasons therefore and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove the revised Canalway Plan.

(e) AMENDMENTS TO CANALWAY PLAN.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Any amendments to this title may not be expanded to implement the changes made by such amendments until the Secretary and the Governor approve the amendments.

SEC. 807. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan.

(b) TECHNICAL ASSISTANCE.—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to, and award grants to the Commission to provide for the preservation and interpretation of the cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) EARLY ACTIONS.—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical and planning assistance for early actions that are important to implementing this title and that protect and preserve resources.

(d) CANALWAY PLAN IMPLEMENTATION.—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified that are the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) DETAIL.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the Canalway Plan and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

SEC. 808. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 809. SAVINGS PROVISIONS.

(a) AUTHORITY OF OTHER GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) ZONING OR LAND.—Nothing in this title shall be construed to grant powers of zoning or land use to the Commission.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY.—Nothing in this title shall be construed to affect or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property;

(2) any local zoning ordinance or land use plan of the State of New York or political sub-division thereof; or

(3) any State or local canal related development plans including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) FISH AND WILDLIFE.—The designation of the Corridor shall not diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—There is authorized to be appropriated for the Corridor not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Corridor under this title.

(2) MATCHING REQUIREMENT.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(b) OTHER FUNDS.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary for planning and technical assistance.

_TITLE IX—LAW ENFORCEMENT PAY EQUITY

SEC. 901. SHORT TITLE.

This title may be cited as the “LAW Enforcement Pay Equity Act of 2000.”

SEC. 902. ESTABLISHMENT OF UNIFORM SALARY SCHEDULE FOR DISTRICT WIDE FEDERAL INVESTIGATIVE SERVICE UNIFORM DIVISION AND UNITED STATES PARK POLICE.

(a) IN GENERAL.—Section 501(c)(1) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 416(c)(1), DC Code) is amended as follows:

“(c)(1) The annual rates of basic compensation of officers and members of the United States
The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

<table>
<thead>
<tr>
<th>Salary class and title</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
<th>Step 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time between steps</td>
<td>52 weeks</td>
<td>104 weeks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years in service</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>7</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>1: Private</td>
<td>32,623</td>
<td>34,587</td>
<td>36,626</td>
<td>38,306</td>
<td>40,011</td>
<td>43,728</td>
<td>45,407</td>
</tr>
<tr>
<td>2: Detective</td>
<td>34,587</td>
<td>36,626</td>
<td>38,306</td>
<td>40,011</td>
<td>43,728</td>
<td>45,407</td>
<td>47,086</td>
</tr>
<tr>
<td>3: Sergeant</td>
<td>36,626</td>
<td>38,306</td>
<td>40,011</td>
<td>43,728</td>
<td>45,407</td>
<td>47,086</td>
<td>48,764</td>
</tr>
<tr>
<td>5: Captain</td>
<td>40,011</td>
<td>43,728</td>
<td>45,407</td>
<td>47,086</td>
<td>48,764</td>
<td>50,431</td>
<td>52,107</td>
</tr>
<tr>
<td>7: Deputy Chief</td>
<td>45,407</td>
<td>47,086</td>
<td>48,764</td>
<td>50,431</td>
<td>52,107</td>
<td>53,777</td>
<td>55,448</td>
</tr>
<tr>
<td>8: Assistant Chief</td>
<td>47,086</td>
<td>48,764</td>
<td>50,431</td>
<td>52,107</td>
<td>53,777</td>
<td>55,448</td>
<td>57,119</td>
</tr>
<tr>
<td>9: Chief, United States Secret Service Uniformed Division, United States Park Police</td>
<td>48,764</td>
<td>50,431</td>
<td>52,107</td>
<td>53,777</td>
<td>55,448</td>
<td>57,119</td>
<td>58,790</td>
</tr>
</tbody>
</table>

1 The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

2 The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

3 The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

(b) Freeze of Current Rate for Locality-Based Comparability Adjustments.—Notwithstanding any other provision of law, including this title or any provision of law amended by this title, no officer or member of the United States Secret Service Uniformed Division or the United States Park Police may be paid locality pay under section 5304 or section 5304a of title 5, United States Code, at a percentage rate for the applicable locality in excess of the rate in effect for pay periods during calendar year 2000.

(c) Conforming Amendments.—

(1) Application of Provisions to Park Police.—Section 501(c) of such Act (sec. 4-416(c), DC Code) is amended—

(A) in paragraph (3), by striking "Treasury" and inserting the following: "An Act to provide a five-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes", approved August 15, 1950 (sec. 4-416(c), DC Code), is amended by striking the period at the end and inserting the following: "(4) This subsection shall not apply with respect to any pay period for which the salary schedule under subsection (c) applies to the United States Park Police."; and

(2) by adding at the end the following new paragraph:

"(4) This subsection shall not apply with respect to any pay period for which the salary schedule under subsection (c) applies to the United States Park Police.".

(2) Termination of Current Adjustment Authority.—Section 501(b) of such Act (sec. 4-416(b), DC Code) is amended by adding at the end the following new paragraph:

"(4) This subsection shall not apply with respect to any pay period for which the salary schedule under subsection (c) applies to the United States Park Police.".
at the beginning of the 1st pay period immediately subsequent to the completion of 208 calendar weeks of active service in the officer’s or member’s service step.

(b) Adjustment to Creditable Service To Determine Step Placement.—Section 304 of such Act (sec. 4–413, DC Code) is amended—

(1) in subsection (a), by striking “(b)” and inserting “(b) or (c)”;

(2) by adding at the end the following new subsection:

“(c) Each officer and member of the United States Secret Service Uniformed Division or the United States Park Police who is promoted or transferred to a higher salary shall receive basic compensation in accordance with the officer’s or member’s total creditable service.

“(2) For purposes of this subsection, an officer’s or member’s creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.

(c) Conforming Amendment.—Section 401(a) of such Act (sec. 4–415(a), DC Code) is amended by adding at the end the following new paragraph:

“(7) This subsection shall not apply to officers and members of the United States Secret Service Uniformed Division or the United States Park Police.”

SEC. 905. CONVERSION TO NEW SALARY SCHEDULE.

(a) In General.—

(1) in subsection (b), by striking “(1) in subsection (a), the salary schedule shall include basic compensation for any pay period occurring after conversion to the salary schedule pursuant to subsection (a) determined by taking into account the officer’s or member’s total creditable service, longevity pay, and other adjustments paid in addition to the rate of basic compensation is less than the officer’s or member’s total rate of compensation (as so determined) on the date of enactment, the rate of compensation for the officer or member for the pay period occurring after conversion to the salary schedule shall be increased by—

(1) the rate of compensation on the date of enactment (as so determined); increased by

(2) a percentage equal to 50 percent of the sum of the percentage adjustments made in the rate of basic compensation (as so determined) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 902(a) and (b)) on the date of enactment, the rate of compensation (as so determined) is less than the officer’s or member’s total rate of compensation (as so determined); increased by

(3) the scheduled increase to which the officer or member would be eligible for a pay period beginning six months after the date of enactment of this Act.

(b) Transfer of Credit for Satisfactory Service.—Each individual whose position is converted to the salary schedule under section 301(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 902(a)) in accordance with subsection (a) shall be granted credit for purposes of this section in determining an individual’s first service step adjustment under the salary schedule in section 301(c) for all satisfactory service performed by the individual subsequent to the date of enactment of this Act.

(c) Adjustment to Take Into Account General Schedule Adjustments During Transition.—The rates provided under the salary schedule under section 301(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 902(a)) shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under sections 303 of title 5, United States Code, which takes effect during the period which begins on the date of enactment of this Act and ends on the 1st day of the 1st pay period beginning six months after the date of enactment of this Act.

(d) Conversion Not Treated as Salary Increase for Purposes of Certain Pensions and Allowances.—The conversion of positions under this section shall not be treated as an increase in pay for purposes of section 3 of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 21a) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be treated as an increase in salary for purposes of section 3 of the Act entitled “An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department” (approved August 4, 1949, sec. 4–604, DC Code), or section 301 of the District of Columbia Police and Firemen’s Salary Act of 1953 (sec. 4–605, DC Code).

SEC. 906. PAY ADJUSTMENTS FOR CERTAIN POSITIONS.

(a) Technician Duty.—Section 302 of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 4–411, DC Code) is amended—

(1) in subsection (b), by striking “$610 per annum” and inserting the following: “$610 per annum, except in the case of an officer or member of the United States Secret Service Uniformed Division or the United States Park Police, who shall receive a per annum amount equal to 10 percent of such officer or member’s rate of basic compensation plus locality pay adjustments”; and

SEC. 907. CONFORMING PROVISIONS RELATING TO FEDERAL LAW ENFORCEMENT PAY REFORM ACT.

(a) Termination of Existing Special Salary Rates and Adjustments.—Beginning on the effective date of this Act—

(1) no existing special salary rates shall be authorized for members of the United States Park Police under section 303 of title 5, United States Code (or any previous similar provision of law); and

(2) no special rates of pay or special pay adjustments shall be applicable to members of the United States Park Police pursuant to section 405 of the Federal Law Enforcement Pay Reform Act of 1990.

(b) Conforming Amendments.—

(1) Section 405(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5303 note) is amended to read as follows:

“(b) This subsection applies with respect to—

“(1) special agent within the Diplomatic Security Service;

“(2) probation officer (referred to in section 3672 of title 18, United States Code); or

“(3) pretrial services officer (referred to in section 3153 of title 18, United States Code).”.

(2) Section 405(c) of such Act (5 U.S.C. 5303 note) is amended to read as follows:

“(c) Appropriate agency head means—

“(1) with respect to any individual under subsection (b)(1), the Secretary of State; or

“(2) with respect to any individual under subsection (b)(2) or (b)(3), the Director of the Administrative Office of the United States Courts.”.

SEC. 908. SERVICE LONGEVITY PAYMENTS FOR Metropolitan Police Department.

(a) Inclusion of Service Longevity Payments in Amount of Federal Benefit Payments Made to Metropolitan Police Department Officers and Members.—Section 11012 of the District of Columbia Retirement Protection Act of 1967 (Public Law 105–33; 111 Stat. 718; D.C. Code, sec. 1–762.2) is amended by adding at the end the following new subsection:

“(b) Treatment of Increases in Certain Police Service Longevity Payments.—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member of the Metropolitan Police Department, the benefit amount to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit amount under such Program if the amendments made by the Police Recruiting and Retention Enhancement Amendment Act of 1999 had taken effect prior to the freeze date.

(c) Conforming Amendment.—Section 11003(5) of such Act (Public Law 105–33; 111 Stat. 717; D.C. Code, sec. 1–761.25) is amended by inserting after “except as” the following: “provided under section 11012(e) and as”.

(d) Effective Date.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

SEC. 909. EFFECTIVE DATE.

Except as provided in section 908(c), this title and the amendments made by this title shall become effective on the 1st day of the 1st pay period beginning 6 months after the date of enactment.

TITLE X—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

Sec. 1001. Section 206(d) of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (42 U.S.C. 12701 note) is amended—

(1) in paragraph (1), by striking “V” and inserting “III”;

(2) by striking paragraph (4); and
(2) in paragraph (4), by striking ‘‘reimbursable’’ and inserting ‘‘non-reimbursable’’.

SEC. 1002. For purposes of Part 2, Subpart B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Pub. L. No. 102-550), notwithstanding any other provision of law or regulation, for purposes of measuring the extent of compliance with the housing goals for the years 2002 through 2003, the Secretary of Housing and Urban Development shall assign, in the case of the Federal Home Loan Mortgage Corporation, 1.35 units of credit toward achieve-
ment of the housing goal for each unit of multi-
family housing (excepting units located in properties having between five and fifty units) qualifying as affordable under such housing goal.

SEC. 1003. Notwithstanding any other provi-

sion of law, neither the City of Toledo, Ohio, nor the Secretary of Housing and Urban Devel-

opment (HUD) is required to enforce any re-

quirements associated with Housing Develop-

ment Grant Number 00H.H06 6402 provided to the City of Toledo, Ohio, that prohibit or restrict the conversion of the rental units in the Beacon Place project to condominium ownership: Pro-

vided, that the City of Toledo and the Secretary of HUD are authorized to take any actions nece-

sary to prevent a prohibition or restric-

tion to be removed from the appropriate land records and otherwise terminated: Provided fur-

ther, that in approving the conversion, the Secretary shall not reduce the number of affordable housing units in Toledo: Provided further, That the conversion is consistent with the purposes and mission of the project; and Provided further, That the conversion is consistent with the purposes and mission of the project.

SEC. 1004. The Comptroller General of the United States shall conduct a study on the fol-

lowing topics—

(1) The adequacy of the capital structure of the Federal Home Loan Bank (FHLB) System and how it relates to the risks posed by: (A) the traditional advances business of the FHLB System; (B) the expanded collateral and provisions for the purpose of advances under the Gramm-

Leach-Bliley Act of 1999; and (C) the M.P.F. and other programs providing for the direct acquisi-

tion of mortgages. The analysis should examine the credit risk, interest rate risk, and operations risk associated with the programs.

(2) The risks associated with further growth in the direct acquisition of mortgages by the Federal Home Loan Bank System; and

(3) The risk-based capital standard proposed by the Federal Housing Fi-


(a) In general.—In general, the Secretary of the enactment of this Act, the Comptroller Gen-

eral shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the study required under subsection (a).

T I T L E X I — D E P A R T M E N T O F T H E T R E A S U R Y

ADMINISTRATIVE PROVISION

SEC. 1002. HONORING THE NAJAVO CODE TALK-

ERS.

(a) Congress finds that—

(1) On December 7, 1941, the Japanese Empire, led by the Emperor Hirohito, launched a surprise attack on the United States military and civilian facilities inawaii, and a search by United States Intelligence was made to develop new means to counter the enemy;

(2) The military code, developed by the United States for transmitting messages, had been decy-

phered by the Japanese, and a search by United States Intelligence was made to develop new means to counter the enemy;

(3) The United States government called upon the Navajo Nation to support the military effort by recruiting and enlisting twenty-nine Navajo men to serve as Marine Corps Radio Operators; (4) The Navajos later increased to more than three hundred and fifty; (5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were encouraged from using their own na-

tive language;

(6) the Navajo Marine Corps Radio Operators, who became known as the ‘‘Navajo Code Talk-

ers’’, were employed to develop a code using their na-

tive language to communicate military messages in the Pacific; (7) to the enemy’s frustration, the code de-

veloped by these Native Americans proved to be un-

breakable, and was used extensively throughout the Pacific theater;

(b) The Native Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talk-

ers passed over 800 error-free messages in a 48-

hour period;

(10) Use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the se-

crecy of the Navajo code until it was declassified in 1968;

and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b)(1) To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communica-

tions operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is

authorized—

(A) to award to each of the original twenty-

nine Navajo Code Talkers, a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(B) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a sil-

ver medal of appropriate design, honoring the Navajo Code Talkers.

(2) For purposes of the awards authorized by paragraph (1), the Secretary of the Treasury (in this section referred to as the ‘‘Secretary’’) shall strike and sell gold and silver coins with suitable gold, silver, metals, devices, and inscriptions, to be deter-

mined by the Secretary.

(c) The Secretary may strike and sell duplici-

ates in bronze of the medals struck pursuant to this section, under such regulations as the Sec-

retary may prescribe, and a price sufficient to cover the costs thereof, including labor, mate-

rials, dies, use of machinery, and overhead ex-

penses, and the cost of the medals.

(d) The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

e(1) There is authorized to be charged against the United States Mint Public Enter-

prise Fund such sums as may be necessary to pay for the costs of the medals authorized by this section.

(2) Amounts received from the sale of dupli-

cates made pursuant to this section shall be deposed in the United States Mint Public Enterprise Fund.
Commission, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to—

(a) the Administrator;
(b) the Committee on Resources of the House of Representatives;
(c) the Committee on Environment and Public Works of the Senate;
(d) the Committee on Appropriations of the House of Representatives; and
(e) the Committee on Appropriations of the Senate.

TITLES X—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
ADMINISTRATIVE PROVISION
SEC. 1301. Of the proceeds in any fiscal year from the sale of timber on Federal property at the John C. Stennis Space Center, or on additional Federal real property within the restricted area adjacent to the Center, any funds that are in excess of the amount necessary for the expansion or acceptance of forest management practices on such properties may be retained and used by the Administrator of the National Aeronautics and Space Administration for the acquisition from the State of any additional Federal real property within the restricted area adjacent to the Center, and for such other purposes as the Administrator may determine by the Administrator of the National Aeronautics and Space Administration, or the Secretary, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to—

SEC. 1402. APPLICABILITY.

(a) This Title applies to all cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1403. PROHIBITION ON DISCHARGE OF UNTREATED SEWAGE.

No person shall discharge any untreated sewage from a cruise vessel in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER.

(a) No person shall discharge treated sewage or graywater from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless—

(1) the cruise vessel is underway and proceeding at a speed of not more than six knots;
(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State, to be used for the purpose of discharging effluent into the marine environment.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information and scientific effects of the regulated discharges.

(c) The discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State, Federal, and applicable Federal laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to maintain and produce a logbook detailing the times, types, volumes or flow rates and locations of any discharges of sewage or graywater under this Title.

(d) The inspection regime shall incorporate a phased compliance and enforcement program to discharge any sewage or graywater in compliance with this Title, the Federal Water Pollution Control Act, as amended, and any applicable Federal laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to conduct such sampling, tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

SEC. 1405. CRUISE VESSEL EFFLUENT STANDARDS.

Pursuant to this Title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information and scientific effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates effluent standards, such discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

SEC. 1406. REPORTS.

(a) Any owner, operator or master, or other person in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of section 1405 of this Title, or any regulations promulgated pursuant to this Title, shall immediately report that discharge to the Secretary, who shall provide a copy to the Administrator upon request.

(b) The Secretary may prescribe the form of reports required under this section.

SEC. 1407. ENFORCEMENT.

(a) Administrative Penalties.

(1) Violations. Any person who violates section 1403, 1404, 1408, or 1413 of this Title, or any regulations promulgated pursuant to this Title, may be assessed a class I or class II civil penalty by the Secretary or the Administrator.

(2) Classes of Penalties.

(a) The Secretary shall impose a penalty of not more than $10,000 per violation, except that the maximum

December 15, 2000
CONGRESSIONAL RECORD—HOUSE
H12297

No person shall discharge any untreated sewage from a cruise vessel in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER.

(a) No person shall discharge treated sewage or graywater from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless—

(1) the cruise vessel is underway and proceeding at a speed of not more than six knots;
(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State, to be used for the purpose of discharging effluent into the marine environment.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information and scientific effects of the regulated discharges.

(c) The discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State, Federal, and applicable Federal laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to conduct such sampling, tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

SEC. 1405. CRUISE VESSEL EFFLUENT STANDARDS.

Pursuant to this Title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information and scientific effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates effluent standards, such discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

SEC. 1406. REPORTS.

(a) Any owner, operator or master, or other person in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of section 1405 of this Title, or any regulations promulgated pursuant to this Title, shall immediately report that discharge to the Secretary, who shall provide a copy to the Administrator upon request.

(b) The Secretary may prescribe the form of reports required under this section.

SEC. 1407. ENFORCEMENT.

(a) Administrative Penalties.

(1) Violations. Any person who violates section 1403, 1404, 1408, or 1413 of this Title, or any regulations promulgated pursuant to this Title, may be assessed a class I or class II civil penalty by the Secretary or the Administrator.

(2) Classes of Penalties.

(a) The Secretary shall impose a penalty of not more than $10,000 per violation, except that the maximum
amount of any class I civil penalty under this section shall not exceed $25,000. Before assessing a civil penalty under this section, the Secretary or Administrator, as the case may be, shall give to the person charged an opportunity to be heard. The Administrator or Secretary shall promptly serve on the person a written notice of the assessment of the penalty. Such hearing shall not be subject to section 554 or 556 of Title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this section.

(3) Rights of Interested Persons.—

(A) Public Notice.—Before issuing an order assessing a civil penalty under this section, the Secretary or Administrator, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed imposition of such a penalty.

(B) Presentation of Evidence.—Any person who comments on a proposed assessment of a civil penalty under this section shall have a reasonable opportunity to be heard and present evidence.

(C) Rights of Interested Persons to a Hearing.—If no hearing is held under subsection (B), the Secretary or Administrator, as the case may be, shall promptly serve on the person a written notice of the assessment of the penalty. Such hearing shall not be subject to section 554 or 556 of Title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this section.

(4) Finality of Order.—An order assessing a civil penalty under this section shall become final unless a petition for judicial review is filed under subparagraph (6) or a hearing is requested under subsection (3)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

(5) Effect of Action on Compliance.—No action by the Administrator or Secretary under this section shall affect any person’s obligation to comply with any section of this Title.

(6) Judicial Review.—Any person against whom a civil penalty is assessed under this section shall have a reasonable opportunity to be heard and present evidence. The proposed assessment of such penalty in accordance with subsection (3) may obtain review of such assessment.

(A) In the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the District of Alaska.

(B) In the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such circuit within 30 days after the date of issuance of the order by the Administrator or Secretary, simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The appeal shall be heard on the record before the Secretary or Administrator, as the case may be, and upon completion of such hearing, the Secretary or Administrator, as the case may be, shall, within 30 days after the receipt of the record from the court, render a final decision on the appeal.

(C) In any hearing held under this section, the Secretary or Administrator, as the case may be, shall state with reasonable specificity the violation.

(D) Civil Penalties.—

(1) General.—Any person who violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class A misdemeanor.

(2) KNOWING VIOLATIONS.—Any person who knowingly violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class D felony.

(3) False Statements.—Any person who knowingly makes any false statement, representation, or certification in any record, report, or document filled or required to be maintained under this Title or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or certification which must be maintained under this Title or the regulations issued thereunder, commits a Class D felony.

(4) Awards.—

(A) The Secretary, the Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines collected under this section any reasonable costs incurred in connection with any investigation or any civil judicial proceeding relating to such fines or penalties.

(B) The Secretary, Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines collected under this section any reasonable costs incurred in connection with any investigation or any civil judicial proceeding relating to such fines or penalties.

(C) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court, the Secretary or the Administrator, as the case may be, shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of prior violations, and any other matters as justice may require.

(6) Violation of This Title or the Regulations Issued Thereunder.—Any person who violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class A misdemeanor.

(7) False Statements.—Any person who knowingly makes any false statement, representation, or certification in any record, report, or document filled or required to be maintained under this Title or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or certification which must be maintained under this Title or the regulations issued thereunder, commits a Class D felony.
nature of the violation, and shall specify a time for compliance not to exceed thirty days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and to exclude criminal or civil action in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(h) Civil Actions.—The Administrator is authorized to commence a civil action for appropriate equitable or injunctive relief, or to enforce a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under this subsection. Any action under subsection (a) brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the State of Alaska.

SEC. 1410. DESIGNATION OF CRUISE VESSEL NO- DISCHARGE ZONES.

If the State of Alaska determines that the protection and enhancement of the quality of some or all of the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve would be threatened by water quality and environmental contamination, the State of Alaska may petition the Administrator to prohibit the discharge of graywater and sewage from cruise vessels operating in such waters. The establishment of such a prohibition shall be achieved in the same manner as the petitioning process and prohibition of the discharge of sewage pursuant to Section 312(f) of the Federal Water Pollution Control Act, as amended, and the regulations promulgated thereunder.

SEC. 1411. SAVINGS CLAUSE.

Nothing in this Title shall be construed as restricting, affecting or amending any other law or the authority of any department, instrumentality or agency of the United States.

(b) Nothing in this Title shall in any way affect or restrict, the authority of the State of Alaska or any political subdivision thereof—

(1) to impose additional liability or additional requirements; or

(2) to impose, or determine the amount of an fine or penalty, or other criminal or civil sanction (for) any violation of law; relating to the discharge of sewage (whether treated or untreated) or graywater in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1412. REGULATIONS.

The Secretary and the Administrator each may prescribe any regulations necessary to carry out the provisions of this Title.

SEC. 1413. INFORMATION GATHERING AUTHORITY.

The authority of Sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, shall be available to the Administrator to carry out the provisions of this Title. The Administrator and the Secretary shall, to the extent practicable, duplicate or consistency with the inspection, sampling, testing, record-keeping and reporting requirements established by the Secretary under section 1406 of this Title.

SEC. 1414. DEFINITIONS.

In this Title—

(1) Administrator.—The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "cruise vessel" means a passenger vessel as defined in section 2101(22) of Title 46, United States Code. The term "cruise vessel" does not include a vessel of the United States operated by the Federal Government or a vessel owned and operated by the government of a State.

(3) Discharge.—The term "discharge" means any release however caused from a cruise vessel, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

(4) Graywater.—The term "graywater" means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or water streams.

(5) Navigable waters.—The term "navigable waters" has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.

(6) Person.—The term "person" means an individual, corporation, partnership, limited liability company, association, State, municipality, commission or political subdivision of a State, or any Federally recognized Tribe.

(7) Secretary.—The term "Secretary" means the Secretary of the department in which the authority of Sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, is vested.

(8) Sewage.—The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

(9) Treated sewage.—The term "treated sewage" means sewage that is not treated sewage.

(10) Waters of the Alexander Archipelago.—The term "waters of the Alexander Archipelago" means the waters of the United States within or near Southeast Alaska, beginning at a point 58°11′41″ N, 131°29′0″ W (near Cape Spencer Light), then in a straight line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodetic points connecting the following five pairs of points:

(a) 58°05′17″ N, 136°33′40″ W and 58°11′41″ N, 136°39′25″ W (Cross Sound)

(b) 56°09′40″ N, 134°40′0″ W and 55°49′15″ N, 134°17′40″ W (Chatham Strait)

(c) 55°49′15″ N, 134°17′40″ W and 55°50′30″ N, 133°54′15″ W (Summit Sound)

(d) 54°41′30″ N, 132°01′0″ W and 54°51′30″ N, 131°20′45″ W (Clarence Strait)

(e) 54°51′30″ N, 131°20′45″ W and 54°56′15″ N, 130°52′0″ W (Revillagigedo Channel)

The portion of each such geodetic line beyond 3 nautical miles from the baseline from which the breadth of the territorial sea is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

TITLE XV—LIFE ACT AMENDMENTS

SEC. 1501. SHORT TITLE.

This title may be cited as the "LIFE Act Amendments of 2000."
other appropriate document signifying authorization of employment.

(b) ELIGIBLE SPOUSES AND CHILDREN.—For purposes of this section, the term "eligible spouses and children" means eligible spouses and children of an alien described in section 1101(a)(13)(A) of the Immigration and Nationality Act who are not otherwise specifically provided in this section.

(c) PREDETERMINATION.—In granting waivers under subparagraphs (A) and (C) of section 212(a)(9) of such Act, the Attorney General shall establish a process under which an individual eligible spouse or child may be paroled into the United States in order to obtain the benefits of subsection (a) unless the Attorney General finds that such an individual would be inadmissible or deportable on any ground, other than a ground for which the alien would not be subject to removal under subsection (a)(1). An alien so paroled shall not be treated as having been paroled under subparagraphs for purposes of section 201(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(4)).

(d) EXCEPTION.—An alien is not eligible for the benefits of this section if the Attorney General finds that—

(1) the alien has been convicted of a felony or three or more misdemeanors in the United States; or

(2) the alien is described in section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1255(b)(3)).

(e) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section.

SEC. 1505. MISCELLANEOUS AMENDMENTS TO VARIOUS ADJUSTMENT AND RELIEF ACTS.

(a) NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.—

(1) IN GENERAL.—Section 202(a) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(A) by redesigning paragraph (2) as paragraph (3); and

(B) in paragraph (3), by inserting after paragraph (2) the following new paragraph:

(2) RULES IN APPLYING CERTAIN PROVISIONS.—In the case of an alien described in subsection (b)(1), the Attorney General shall apply for adjustment of status under this section—

(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act; and

(B) by striking the period at the end of paragraph (6), by striking the period at the end of paragraph (8), and by inserting the following:

(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIGENTS.—

(4) USE INSTRUCTIONAL PROGRAMS BASED ON SCIENTIFICALLY BASED READING RESEARCH.—

(b) S TATEMENT OF PURPOSE.—Section 1201 of the Native American Education Act of 1965 (20 U.S.C. 6302(b)) is amended—

(1) by redesigning paragraph (2) as paragraph (3); and

(2) by amending paragraph (3) to read as follows:

(c) PROCEDURE FOR RECEIVE READING RESEARCH.—

(d) REQUIREMENT FOR INSTRUCTIONAL PROGRAMS.—

H12300 CONGRESSIONAL RECORD — HOUSE December 15, 2000

SEC. 1506. EFFECTIVE DATE.

This section shall take effect as if included in the enactment of the Legal Immigration Family Equity Act.
the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.

(2) Federal Aid for Federal Activities.—

Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

"(1) Evaluation, technical assistance, program improvement, and replication activities.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

(A) carrying out the evaluation required by section 1209; and

(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

(2) Research.—In the case of fiscal years 2001 through 2004, if the amount appropriated under section 1002(b) for any such year—

(A) is equal to or less than the amount appropriated for the preceding fiscal year, the Secretary may reserve from such amount only the amount necessary to continue multi-year activities carried out pursuant to section 121(b) that began during or prior to the preceding fiscal year; or

(B) exceeds the amount appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 121(b).

(f) Reservations for Grants.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended—

(1) by striking "From funds reserved under section 2260(b)(3), the Secretary shall award grants," and inserting "For any fiscal year for which at least one State applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection (b)(2), the amount of such remainder or $1,000,000, whichever is less, to award grants;"; and

(2) by adding at the end "No State may receive more than one grant under this subsection.

(g) Allocations.—Section 1202(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(d)(2)) is amended—

(1) in paragraph (1), by striking "requirements of paragraph (1)" and inserting "requirements of that paragraph";

(2) in paragraph (2), by redesignating paragraphs (3) through (8), respectively, as paragraphs (4) through (9), respectively; and

(3) by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively.

(h) State Level Activities.—Section 1203(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(a)) is amended—

(1) by striking "5 percent" and inserting "a total of 6 percent"; and

(2) in paragraph (1), by inserting before the semicolon the following: "not to exceed half of such total".

(i) Subgrants for Local Programs.—Section 1202(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)(2)) is amended to read as follows:

"(2) Minimum Subgrant Amounts.—

(A) In General.—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than $75,000.

(B) Subgrantees in Ninth and Subsequent Years.—No State shall award a subgrant under paragraph (1) in an amount less than $52,500 to an eligible entity for a fiscal year to carry out an Early Head Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

(C) Exception for Single Subgrant.—A State that awards a subgrant under paragraph (1) and that does not have a fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000, if after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than $75,000 is available to the State to award such subgrants,

(i) by striking "in the case of the first fiscal year under this subsection (a)(2)^1^, the amount of such excess remaining after the application of subsection (b)(2)^2^ in improving the quality of family literacy services provided under Even Start programs under this part, except that, in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

(2) Priority.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

(3) Technical Assistance to Help Local Programs Raise Additional Funds.—In carrying out paragraph (1), a State may use the funds reserved under subsection (b) in providing technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and increasing incentives for requesting and applying for non-Federal resources.

(4) Technical Assistance and Training.—

Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience providing technical assistance and training to family literacy providers.

(i) Program Elements.—Section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365) is amended—

(1) by redesigning paragraphs (9) and (10) as paragraphs (14) and (15), respectively;

(2) by redesigning paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

(3) by inserting after paragraph (4) the following:

"(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, encourage the enrollment of family literacy parents, paraprofessionals, teachers, and in the case of families for whom English is a second language, bilingual paraprofessionals or teachers;"

(ii) Program Elements.—Section 1205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "and continuous improvement" after "plan of operation";

(B) in subparagraph (A), by striking "goals" and inserting "objectives"; and

(C) in subparagraph (B), by striking "part", and inserting "part, or who are attending secondary school";

and

(2) in paragraph (b), by adding at the end the following:

"(3) Children 8 Years of Age or Older.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program continue to be used for the purposes of the Even Start programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.

(k) Plan.—Section 1207(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "and "continuous improvement" after "plan of operation";

(B) in subparagraph (A), by striking "goals" and inserting "objectives"; and

(C) in subparagraph (B), by striking "part", and inserting "part, or who are attending secondary school";

and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ``(11)(A)'' and inserting ``(11)(A) and (B)'';

(l) Award of Subgrants.—Section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) is amended—

(1) in paragraph (1)(B)—

(i) by striking "including a high number" and inserting "such as a high number"; and

(ii) by striking "of" and inserting "part";

and

(2) in paragraph (2), by striking ``(10)(B)'' and inserting ``(11)(B)''.
number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); (B) until June 30 of that fiscal year, by striking "Federal" and inserting "non-Federal"; (C) in paragraph (1)(H), by inserting "family literacy services" in the following: (7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project includes a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy."

SEC. 1606. DEFINITIONS.

(a) IN GENERAL.—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the term ‘family literacy services’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);"

TITLES XVII—CHILDREN’S INTERNET PROTECTION

SEC. 1701. SHORT TITLE.

This title may be cited as the "Children’s Internet Protection Act".

SEC. 1702. DISCLAIMERS.

(a) DISCLAIMER REGARDING CONTENT.—Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, elementary or secondary school, or library from blocking access on the Internet on computers owned or operated by that agency, school, or library to any content that contains material that is obscene, child pornography, or material that is harmful to minors.

(b) DISCLAIMER REGARDING PRIVACY.—Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user.

SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of measures that meet such needs; and

(3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

(b) DEFINITIONS.—In this section:

"(1) FAMILY LITERACY.—The term ‘family literacy’ means services provided to participants on a voluntary basis that are of sufficient intensity, in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Integrate the literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(b) CONFORMING AMENDMENTS.—

(1) FAMILY LITERACY PROGRAMS.—Section 1202(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(2) by inserting after paragraph (6) the following:

"(15) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity, in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Integrate the literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

SEC. 1701. SHORT TITLE.

This title may be cited as the "Children’s Internet Protection Act".

SEC. 1702. DISCLAIMERS.

(a) DISCLAIMER REGARDING CONTENT.—Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, elementary or secondary school, or library from blocking access on the Internet on computers owned or operated by that agency, school, or library to any content that contains material that is obscene, child pornography, or material that is harmful to minors.

(b) DISCLAIMER REGARDING PRIVACY.—Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user.

SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of measures that meet such needs; and

(3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

(b) DEFINITIONS.—In this section:

"(1) TECHNOLOGY PROTECTION MEASURE.—The term ‘technology protection measure’ means a specific technology that blocks or filters Internet access to visual depictions that are—

(A) obscene, as that term is defined in section 1460 of title 18, United States Code;

(B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or

(C) material that is harmful to minors. The term ‘harmful to minors’ means any picture, image, graphic file image, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(3) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.
Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART F—LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

"(a) INTERNET SAFETY.—

"(1) IN GENERAL.—No funds made available under this Act shall be awarded to a local educational agency for an elementary or secondary school that does not have in place an Internet safety policy that meets such requirements.

"(2) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

"(A) IN GENERAL.—The local educational agency with responsibility for a school covered by paragraph (1) shall certify the compliance of such school with the requirements of paragraph (1) as part of the application process for the next program year following the effective date of this section, and for each subsequent program funding year thereafter.

"(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

"(C) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1) shall not seek a recovery of funds from the recipient for such failure.

"(iii) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

"(D) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

"(E) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

"(F) HARMFUL TO MINORS.—An image file, or other visual depiction that—

"(i) is taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

"(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"(G) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1406 of title 18, United States Code.

"(H) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

"(I) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.

"(J) SEPARABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected.

SEC. 1712. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR LIBRARIES.

(a) AMENDMENT.—Section 224 of the Museum and Library Services Act (20 U.S.C. 9134(b)) is amended—

"(1) in subsection (b)—

"(A) by redesignating paragraph (6) as paragraph (7); and

"(B) by inserting after paragraph (5) the following new paragraph:

"(i) provide assurances that the State will comply with subsection (f); and"

"(2) by adding at the end the following new subsection:

"(A) SUCH LIBRARY.—

"(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(II) child pornography;

"(i) obscene;

"(B) ACCESS TO INTERNET.—

"(1) IN GENERAL.—No funds made available under this Act for a library described in section 213(2)(A) or (B) that does not receive services at a State library service agency under section 504(h) of the Communications Act of 1934, as added by section 1721 of this Children’s Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

"(I) the library has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(II) child pornography;

"(B) such library—

"(i) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

"(F) HARMFUL TO MINORS.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

"(G) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1406 of title 18, United States Code.

"(H) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

"(I) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of the Children’s Internet Protection Act.

"(J) SEPARABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected.

"(K) INTERNET SAFETY.—

"(i) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

"(ii) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

"(L) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

"(M) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

"(N) HARMFUL TO MINORS.—An image file, or other visual depiction that—

"(i) is taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

"(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"(O) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1406 of title 18, United States Code.

"(P) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

"(Q) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of the Children’s Internet Protection Act.

"(R) SEPARABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected.

"(S) INTERNET SAFETY.—

"(i) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

"(T) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

"(U) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

"(V) HARMFUL TO MINORS.—An image file, or other visual depiction that—

"(i) is taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

"(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"(W) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1406 of title 18, United States Code.

"(X) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

"(Y) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of the Children’s Internet Protection Act.

"(Z) SEPARABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected.
a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (III), and (III) of paragraph (1)(A)(i).

(3) RECOVERY CERTAIN USE.—An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research, except with respect to a library that is applying for funds under this Act for such second program year.

(4) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

(A) IN GENERAL.—A library covered by paragraph (1) that has not in place an Internet safety policy meeting the requirements of paragraph (1) before the start of the third program year shall be ineligible to receive funds for such second program year.

(B) PROCESS.—

(i) LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify at the time of each annual program application cycle under this Act.

(ii) LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1) before the start of the third program year is not eligible for all funding under this Act for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

(iii) WAIVERS.—Any library subject to a certification under clause (ii)(i) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and shall in the first program year after the effective date of such waiver or for the second program year after the start of the third program year for which the library applies for funds under this Act, shall certify that such library is in compliance with such requirement.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this Act for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

(iv) Subject to a certification under clause (ii)(ii) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements.

(v) Noncompliance.—

(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Director of the Institute of Museum and Library Services determines that a library is failing to comply substantially with the requirements of this subsection, the Director may:

(I) withhold further payments to the recipient under this Act;

(II) issue a complaint to compel compliance of the recipient through a cease and desist order, or

(III) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

(B) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

(C) TIMING OF PAYMENTS.—Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

(D) SEPARABILITY.—If any provision of this subsection is held invalid, the remainder of this subsection shall be severable.

(E) DEFINITIONS.—In this section:

(i) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

(ii) HARMFUL TO MINORS.—The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that—

(I) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(II) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual activity or sexual content, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(iii) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

(iv) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

(v) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

(vi) TIMING OF IMPLEMENTATION.—

(A) SCHOOLS WITH INTERNET SAFETY POLICY

(i) IN GENERAL.—Subject to clause (ii) in the case of any school covered by this paragraph as of the date referred to in section 1721(h) of the Children’s Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

(B) PROCESS.—

(i) SCHOOLS WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A school covered by clause (i) that fails to certify compliance is not eligible for funding for the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

(ii) with respect to any subsequent program funding year, as part of the application process for such program funding year.
WITH COMPUTERS HAVING INTERNET ACCESS.

(a)(1) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C); and

(b)(2) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

(ii) Waivers.—A school subject to subparagraph (I) that cannot come into compliance with subparagraphs (B) and (C) in such second program year may seek a waiver of subparagraph (I) in such program year if the costs to comply in such program year are substantially disproportionate to the benefit to be derived from compliance.

(iii) Waivers.—A library that fails to comply with subparagraph (I) in such program year may seek a waiver of subparagraph (I) if the costs to comply in such program year are substantially disproportionate to the benefit to be derived from compliance.

**P.L.A.C.E.**—A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) may apply for funds under this paragraph.

(a) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

(b) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

(F) NONCOMPLIANCE.—

(ii) failure to submit certification.—Any library that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

(I) failure to comply with certification.—Any library that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

**P.L.A.C.E.**—A school covered by clause (i) that has failed the remedy by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.

(ii) failure to comply.—A school that has failed to comply with a certification as described in clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.

(iii) Failure to comply with certification.—Any library that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.

(iv) Process.—A school that has failed to comply with a certification as described in clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.

**P.L.A.C.E.**—A library covered by clause (i) that has not in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) may apply for funds under this paragraph.

(a) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

(b) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

(i) failure to submit certification.—Any library that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

(ii) Failure to comply with certification.—Any library that has failed to comply with a certification as described in clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.

(iii) failure to submit certification.—Any library that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.

(iv) Process.—A library that has failed to comply with a certification as described in clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon such certification, the school shall be eligible for services at discount rates under this subsection.
SEC. 1732. INTERNET SAFETY POLICY REQUIRED.

(a) THREE-JUDGE DISTRICT COURT HEARING. Ð The Federal Communications Commission shall prescribe regulations for purposes of section 254(h) of the Communications Act of 1934, as amended by this Act.

(b) APPELLATE REVIEW. Ð Notwithstanding any other provision of law, any civil action brought by the Commission, or any other authority, to enforce the provisions of paragraph (a) shall be heard in a three-judge district court of the United States.

(c) DEPARTMENTAL DETERMINATION OF CONTENT. Ð After the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations for purposes of section 254(h) of the Communications Act of 1934, as amended by this Act.

(d) CONFORMING AMENDMENT. Ð Paragraph (4) of section 254(h) of such section is amended by striking "paragraph (5)(A)" and inserting "paragraph (7)(A)".

SEC. 1741. EXPEDITED REVIEW.

(a) THREE-JUDGE DISTRICT COURT HEARING. Ð Notwithstanding any other provision of law, any civil action brought by the Commission, or any other authority, to enforce the provisions of paragraph (a) shall be heard in a three-judge district court of the United States.

(b) APPELLATE REVIEW. Ð Notwithstanding any other provision of law, any civil action brought by the Commission, or any other authority, to enforce the provisions of paragraph (a) shall be heard in an appeals court of the United States.
The conference agreement includes $4,000,000 for the State of South Dakota and $1,000,000 for a grant to the Hill, California, for equipment and technical changes to the Arizona State University National Sciences for equipment.

The conference agreement includes $3,000,000 for assistance to certain Hawaiian fisheries.

The conference agreement includes $7,500,000 for assistance to certain Alaskan fisheries.

The conference agreement includes $5,000,000 to increase coverage and hours of Radio Free Europe/Radio Liberty (RFERL) and Voice of America (VOA) broadcasts to Russia and surrounding areas affected by the recent restrictions on media instituted by the Putin regime. In addition, the conference agreement includes $5,000,000 for Radio Free Asia and the Voice of America to increase both the quantity and quality of their broadcasts to China, in accordance with authorization contained in the China PNTR enactment legislation, Section 701(b)(2) of H.R. 4444.

Before using any of the transfer authority provided in this section and within sixty days of enactment of this act, the Broadcasting Board of Governors shall provide to the Committees on Appropriations a spending plan for the total amount provided. This plan should include all VOA and RFERL grants, and should be a projection concerning shortwave and medium wave technology needs in this newly closed environment. Amounts proposed for transfer to the Broadcasting Capital Improvements account should be based solely on increased broadcasting to Russia and surrounding areas and to China.

RELATED AGENCIES

Commission on Online Child Protection

Small Business Administration

The conference agreement includes $750,000 for a study by the National Academy of Sciences pursuant to H.R. 1990, as passed by the House of Representatives on September 12, 2000.

In addition, the conference agrees to fund the National Institute of Justice, which is responsible for the National Oceanic and Atmospheric Administration (NOAA) and the NationalMaritime Administration (FMA) to work collaboratively with the Great Lakes Science Center in Cleveland, Ohio in support of its Great Lakes Tour simulator and related education programming.

The conferees also direct the National Oceanic and Atmospheric Administration (NOAA) to develop a plan to establish a program for migrating the 8 mm NEXRAD Level II data archives onto a modern retrievable media, and to report back to the Committees on Appropriations by February 1, 2001.

Sec. 206. The conference agreement includes a technical change to funding provided to the National Marine Fisheries Management Service regarding Stellar sea lion related funding.

Sec. 207. The conference agreement includes $7,500,000 for assistance to certain Alaska Native and Native American lands, and $65,700,000 for assistance to the National Guard for the National Guard Distance Learning Program. It is the conferences' intention that the funds appropriated for this program shall also be available for coursework development and commercial off-the-shelf (COTS) management system software and hardware.

Biological Warfare Defense

The conferees direct that funds appropriated in the Department of Defense Appropriations Act, 2001 (Public Law 106-259) for the Biological Warfare Defense program, under "Research, Development, Test and Evaluation, Defense-Wide", shall be used only for sensor development in the Defense Advanced Research Projects Agency's Standoff/Bioagent Pathogen Detector System program.

Cancer Research

The conferees direct that, using funds appropriated in the Department of Defense Appropriations Act, 2001 for medical research programs, the Assistant Secretary of Defense (Health Affairs) conduct a study on whether environmental factors, such as air pollutants and electromagnetic radiation, contribute to a higher than usual rate of incidence of breast cancer in large populations.

Ballistic Missile Defense Organization

In the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the Congress provided additional funds for National Missile Defense risk reduction activities. The Defense Department is reviewing carefully potential enhancements to the NMD test program, including the addition of flight test targets from the current portfolio of various targets and countermeasures. To support these flight test program enhancements, the conferees direct that $3,000,000 of the NMD risk reduction funds be allocated to sensor enhancements and flight test activities outlined in the Arctic Missile Signature Measurement Program (AMSP).

General Provisions—This Chapter

The conference agreement includes a general provision (section 301) allowing obligation of a portion of the fiscal year 2001 procurement funds for the F-22 aircraft, under specified circumstances.

The conference agreement includes a general provision (section 302) which transfers primary jurisdiction over Shemya Island.

The conference agreement includes a general provision (section 303) requiring the Ballistic Missile Defense Organization to purchase no less than 40 PAC-3 missiles, the budgeted quantity, with fiscal year 2001 appropriated funds.

The conference agreement includes a general provision (section 304) which amends section 303 of the Defense Appropriations Act, 2001 (Public Law 106-259), regarding the amount of transfer authority available to the Secretary of the Navy for the Secretary's ship building.
the Secretary of a military department with authority to transfer funds in support of Fishier Houses and Fisher Suites.

The conference agreement includes a general provision (section 506) providing for administrative procedures as required to the Defense Vessel Transfer Program Account for the costs of the lease-sale transfers authorized by the National Defense Authorization Act.

The conference agreement includes a general provision (section 307) clarifying congressional intent concerning a Gulf War illness resulting from Operation Desert Shield.

The conference agreement includes a general provision (section 308) providing $515,000,000 in appropriations to the Department of Defense, for "Operation and Maintenance, Navy", for the repair of the U.S.S. Cole, which was severely damaged in a terrorist attack in the port of Aden, Yemen, on October 12, 2000. These funds are in addition to any amounts appropriated in the Department of Defense Appropriations Act, 2001 (Public Law 106-281) and are designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177). In addition to the repair, the Navy may expend necessary amounts from these funds for the necessary stabilization of the vessel and its transportation to the United States.

The conference agreement includes a general provision (section 309) making technical corrections to Title 10 of the National Defense Authorization Act. The conference agreement also includes a new section concerning the Reserve Officers' Training Corps.

The conference agreement includes a general provision (section 310) which provides $2,000,000 only for planning and National Environmental Protection Act documentation for the proposed airfield and heliport at the Marine Corps Air Ground Task Training Command.

The conference agreement includes a general provision (section 311) which transfers $5,000,000 to carry out the provisions of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106-115; 113 Stat. 1540).

The conference agreement includes a general provision (section 312) providing for the Secretary of the Air Force with authority to transfer funds in support of the Air Force's aircraft maintenance properties.

The conference agreement includes a general provision (section 313) providing $100,000,000 in emergency appropriations for the Emergency Operations Transfer Fund, to meet classified requirements related to the Office of the Director, National Geospatial-Intelligence Agency.

The conference agreement includes a general provision (section 314) providing for the use of up to $3,000,000 for Marine Corps research and development for new technology for consequence management.

The conference agreement includes a general provision (section 315) specifying the use of funds provided in the Department of Defense Appropriations Act, 2001, for certain defense medical initiatives.

The conference agreement includes a general provision (section 316) providing for the acquisition of certain real property by the Secretary of the Navy.

The conference agreement includes a general provision (section 317) regarding the establishment of Marine Fire Training Center.

The conference agreement includes a general provision (section 318) providing for the transfer of funds provided in the Department of Defense Appropriations Act, 2001, to meet the specific objectives contained in the statement of Managers.

The conference agreement includes an amendment to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), which establishes procedures under which the Departments of Defense and Interior shall provide the Congress with a comprehensive plan and proceed, in consultation with the Secretaries of Defense and Interior, on the establishment of an Aerospace Commission.

The conference agreement includes a general provision (section 319) providing $2,000,000 only for planning and National Environmental Policy Act documentation of a proposed landfill and a CERCLA hazardous waste site study project.

The conference agreement includes a general provision (section 320) restricting the use of funds provided in the Department of Defense Appropriations Act, 2001, for Air Force radars.

The conference agreement includes a general provision (section 321) providing $1,000,000 only for planning and Air Force radar operations maintenance and support programs or contracts.

The conference agreement includes a general provision (section 322), making technical adjustments associated with funding provided in the Department of Defense Appropriations Act, 2001, for the CERCLA initiative.

The conference agreement includes a general provision (section 323) which establishes procedures under which the Departments of Energy and Defense shall provide the Congress with a comprehensive plan and proceed on the establishment of an aerospace commission.

The conference agreement also includes a new section concerning the Reserve Officers' Training Corps.

CHAPTER 4

DISTRICT OF COLUMBIA FEDERAL FUNDS

The conference agreement appropriates $400,000 in Federal funds to the District of Columbia courts to cover the costs of a fire that broke out on November 22, 2000, in the H. Carl Moultrie I Courthouse. The appropriation includes $350,000 for capital repairs and $50,000 for miscellaneous operating expenses in connection with the fire damage. The conference agreement also includes language that allows the courts to reallocate not more than $1,000,000 of Federal funds already appropriated for fiscal year 2001 in the event that they exceed their appropriation, over the full costs. The fire caused extensive damage to the Superior Court's Family Division Quality Control Office and less severe damage to six adjacent judges' chambers, electrical damage to the court's cell block area, and damage to electrical and communications wiring.

CHAPTER 5

ENERGY AND WATER DEVELOPMENT DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL GENERAL INVESTIGATIONS

The conference agreement includes an additional $900,000 for General Investigations. Of the funds provided, $100,000 is for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina; $300,000 is for a reconnaissance study for a water infrastructure improvement in Passaic County, New Jersey; $100,000 is for a reconnaissance study of flooding, drainage, and other water quality problems in the Seneca Creek Watershed, New York; and $500,000 is for a cost-sharing feasibility study of the restoration of the lower St. Anthony's Falls natural rapids in Minnesota.

CONSTRUCTION, GENERAL

The conference agreement includes an additional $2,750,000 for Construction, General. Of the funds provided, $75,000 shall be available for planning and design of a project to provide flood protection in the watersheds of Pond Creek, Kentucky; $100,000 shall be available for the design of recreation
and access features at the Louisville Waterfront Park in Kentucky; $75,000 shall be available for research on the eradication of Eurasian water milfoil in Houghton Lake, Michigan, and $200,000 shall be available for a limited Reevaluation Report for the Central Tennessee River levee project in Florida, Tennessee, and the complex system on the west side of Lake Champlain.

In addition, $2,000,000 of the funds provided shall be available to initiate design and construction of the Columbia River levees in Oregon and Washington, and for the repair, restoration or maintenance of the Mississippi River levees and for the correction of deficiencies in the mainline Mississippi River levees.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WATER AND RELATED RESOURCES

The conference agreement includes an additional $5,000,000 for Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

The conference agreement includes an additional $3,500,000 for Flood Control, Mississippi River and Tributaries, with $2,000,000 to be used for the repair, restoration or maintenance of Mississippi River levees and for the correction of deficiencies in the mainline Mississippi River levees.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WATER AND RELATED RESOURCES

The conference agreement includes an additional $2,000,000 for Water and Related Resources for construction of the Mid-Dakota River Water System project in South Dakota.

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY SUPPLY

The conference agreement includes an additional $800,000 for Energy Supply for the Prime L.C. Smith water reclamation project in North Dakota, for final engineering and project development of the integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feedlot.

SCIENCE

The conference agreement includes an additional $1,000,000 for Science for high temperature superconducting research and development at Boston College.

CHAPTER 6
GENERAL PROVISIONS—THIS CHAPTER

Sec. 601. The conference agreement mandates that not less than $1,350,000 from funds appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, shall be available only for the Protection Project to continue its study of international trafficking, prostitution, slavery, debt bondage and other abuses of women and children.

Sec. 602. Embassy Compensation Authority. The conference agreement contains language that authorizes the use of funds appropriated to the account “Economic Support Fund” in Public Law 106-429 for payment to the People’s Republic of China for property loss and damage arising out of the May 7, 1999 incident in Belgrade, Federal Republic of Yugoslavia. These funds may be available notwithstanding any other provision of law.

CHAPTER 7
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND ACQUISITION

The conference agreement provides $5,000,000 for land exchanges authorized by Title VI of the Steens Mountain Cooperative Management and Protection Act.

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

The conference agreement provides $500,000 for a grant to the Fish and Wildlife Service for Reproductive Biology at Washington State University for basic research on reproduction abnormalities that could be causing reductions in salmon in the Columbia/Snake River system due to the presence of high estrogen levels in the water. The research may also be beneficial to human health and the environment affected by the same water borne chemicals.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $750,000 for recently authorized Great Ape conservation activities.

HISTORIC PRESERVATION FUND

The conference agreement provides $100,000 for the operation of the National Park System.

OPERATION OF THE NATIONAL PARK SERVICE

The conference agreement provides $1,000,000 for the National Capital Region to complete a feasibility study and select a preferred alternative site for constructing a boathouse in Arlington County, Virginia. The Department of Justice, in cooperation with the City of Alexandria and the National Park Service, is encouraged to seek expeditious settlement with the remaining six landowners on the Alexandria, Virginia waterfront to achieve the urban land use and design objectives of the city and the National Park Service, subject to an existing lawsuit to set the boundaries of the National Park Service in the City of Alexandria, Virginia.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WATER AND RELATED RESOURCES

The conference agreement includes an additional $1,600,000 for National Recreation and Preservation.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $1,600,000 for National Recreation and Preservation. Within the statutory aid account, $500,000 is specifically for continued activities at the National Mall and National Harbor, Maryland.

The remaining $1,100,000 is for a grant to the Historic New Bridge Landing Park Commission for acquisition of land immediately adjacent to the Historic New Bridge Landing, which is a site listed on the National Register of Historic Places and is a site of historic significance in the Revolutionary War.

HISTORIC PRESERVATION FUND

The conference agreement provides $100,000 to be provided to the Massillon Heritage Foundation, Inc., to match a dollar-for-dollar any non-federal contributions to this program, including in-kind contributions, that are received before March 31, 2003.

The information and technology industry has created this new medium should be a contributing partner in addressing digital access and preservation issues inherent in the new digital information environment. This program is designed as an emergency requirement.
Account/facility | Location | Amount
---|---|---
Presidio of Monterey | Information Management Computer Center | 2,000,000
Military Construction | MacDill AFB, Florida | 12,000,000
| Fort Lewis, Washington | 3,000,000
| Planning and Design for 66th Aviation Brigade Readiness Center | 1,500,000
Total | | 43,500,000

LAND TRANSFERS

The conference agreement includes two provisions, sections 1002 and 1003 which direct the Department of Interior to transfer, without consideration, parcels of public domain land to the Department of the Army and the Department of the Air Force. Section 1002 transfers land surrounding the Yakima Training Center in Washington to the Department of the Army. Section 1003 transfers land near Cannon AFB in New Mexico to the Department of the Air Force. Both transfers will facilitate military training exercises.

CHAPTER 10
DEPARTMENT OF TRANSPORTATION
GENERAL PROVISIONS

The conference agreement includes a provision that clarifies that the Dulles corridor project shall include a rail extension from the West Falls Church, Virginia metrorail station to Tysons Corner, Virginia.

The conference agreement includes a provision that amends item 630 of section 1082 of Public Law 105-178 to increase funding for a highway project in Buffalo, New York.

The conference agreement directs the Secretary of Transportation to credit the State of Arkansas with the fair market value of land in Fort Chaffee, Arkansas, incorporated as right of way on the U.S. 71 relocation project, for the state share of the relocation project.

The conference agreement includes an appropriation of $2,500,000 from the airport and navigation trust fund for the relocation and rehabilitation program funds for the M/V Annandale.

The conference agreement includes a provision that clarifies that the Dulles corridor project shall include a rail extension from the West Falls Church, Virginia metrorail station to Tysons Corner, Virginia.

The conference agreement includes a provision that amends item 630 of section 1082 of Public Law 105-178 to increase funding for a highway project in Buffalo, New York.

The conference agreement directs the Secretary of Transportation to transfer the Secretary of Transportation to the Administrator of the General Services Administration to transfer to the City of Oshkosh, Wisconsin the $375,000 previously appropriated for removal of the Fox River Bridge, and to assume no management responsibility for this project.

The conference agreement includes a provision that authorizes the Secretary of Transportation to issue a Department of Transportation and Related Agencies Appropriations Act, 2001 which clarifies that the Dulles corridor project shall include a rail extension from the West Falls Church, Virginia metrorail station to Tysons Corner, Virginia.

The conference agreement includes a provision that amends item 630 of section 1082 of Public Law 105-178 to increase funding for a highway project in Buffalo, New York.

The conference agreement directs the Secretary of Transportation to credit the State of Arkansas with the fair market value of land in Fort Chaffee, Arkansas, incorporated as right of way on the U.S. 71 relocation project, for the state share of the relocation project.

The conference agreement includes an appropriation of $2,500,000 from the airport and navigation trust fund for the relocation and rehabilitation program funds for the M/V Annandale.
and qualifications for individuals serving on the Great Lakes Pilotage Advisory Committee. The conference agreement includes a provision authorizing the expenditure of $100,000 in fiscal year 2001 funding for Coast Guard environmental compliance and restoration to replace a detailed model of the former Coast Guard lighthouse facility in Cape May, New Jersey for costs incurred for cleanup of lead contamination. The Department of Transportation and Related Agencies Appropriations Act, 2001 included $100,000 for this purpose.

The conference agreement includes an appropriation of $2,400,000 to be derived from the Highway Trust Fund, for the planning, development and construction of rural farm-to-market roads in Tulare County, California. The non-federal share of such improvements shall be 20 percent.

The Department of Transportation is instructed that the grantee for the Nashua, New Hampshire project identified in section 378 of Public Law 106-346 shall be the City of Nashua, New Hampshire.

The conference agreement includes a provision authorizing the Coast Guard to transfer not to exceed $200,000 to the Traverse City Area Public School District for the demolition and rehabilitation of Building 402 at former Coast Guard property in Traverse City, Michigan. The provision makes the transfer contingent upon receipt by the Coast Guard of a detailed, fixed price estimate for this work. Funding in the amount of $200,000 was appropriated for this purpose in the Department of Transportation and Related Agencies Appropriations Act, 2001.

The conference agreement includes an appropriation of $500,000 from the mass transit account of the highway trust fund for buses and bus facilities at Alabama A&M University. These funds are to be available until expended.

The conference agreement includes a provision which directs the Federal Transit Administration to distribute $7,047,502 to an urbanized area over 200,000 in population which did not receive any funding in fiscal years 1996, 2000 and 2001, for fixed guideway modernization funds to which it was lawfully entitled, prior to the formula apportionment of “Fixed guideway modernization fund” in the fiscal year 2001.

The conference agreement includes a provision that requires that airport improvement program formula changes provided under Public Law 106-181 and defined in section 104 of that Act shall be applied without regard to the overall funding levels for the airport improvement program in fiscal year 2001.

The conference agreement includes a provision that amends item number 473 contained in section 1602 of the Transportation Equity Act for the 21st Century relating to a high priority project in Minnesota.

The conference agreement includes a provision that delays the issuance of the final train horn rule until July 1, 2001. This issue will not be addressed again in subsequent legislation.

The conference agreement provides $8,700,000 for four transportation projects in Texas, Minnesota, Wisconsin, Indiana and Colorado.

CHAPTER 12

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

The conference agreement includes a new provision providing $2,070,000 for the renovation and redevelopment of portions of the historic Federal building in Terre Haute, Indiana. The conferes direct the General Services Administration to report to the Committees on Appropriations by March 15, 2001 on steps it will take to ensure long-term Federal occupancy of this building.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTORY PROGRAMS

The conference agreement includes $7,000,000 for necessary expenses related to the procurement of two aircraft and related equipment for the National Aeronautics and Space Administration, National Air and Space Administration, and the Department of Homeland Security.

The conference agreement provides that none of the funds shall be available for obligation or expenditure unless a public hearing is held and submitted for approval to the Committees on Appropriations.

UNITED STATES POSTAL SERVICE

TINTON FALLS, NEW JERSEY

The conferes are aware that the Postal Service has identified Tinton Falls, New Jersey as a town to receive a new postal facility, but are concerned that this need for a new postal facility is not being addressed in the timely manner they urge the Postal Service to give this project a high priority in its capital facility plan for the next fiscal year.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

The conferes have included $8,840,000 for Construction, minor projects. Of this amount, $8,440,000 is recommended for projects related to the integration of facilities at the Boston VA Medical Center. These funds are to supplement amounts previously provided for construction projects in fiscal year 2001 in Veterans Integrated Service Network 1.

In addition, the conferes recommend $400,000 to be used towards construction costs of a cover for the Riverside National Cemetery amphitheater.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT AND URBAN DEVELOPMENT EMPowerMENT ZONES/ENTERPRISE COMMUNITIES

Provides an additional $10,000,000 for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997.

COMMUNITY DEVELOPMENT FUND

Language is included which makes a technical amendment to an economic development initiative grant provided in Public Law 106-377.

Language is included which transfers unobligated grant funds from a specific city to a county in order to carry out the purposes for which the grant was intended.

The conferes have amended Public Law 106-377 to provide an additional $46,128,000 for targeted Economic Development Initiative grants under the terms and conditions as provided in Public Law 106-377, as follows:

$425,000 for Project Home, Allied-Dunn's Marsh Neighborhood Center and Prairie Crossing housing rehabilitation project in Wisconsin;

$1,000,000 for F.E.A.T. for the establishment of the Merle Travis Park in Muhlenberg County, Kentucky;

$750,000 for the Washington County Commission for the World Wildlife Educational Museum addition to the Dixie Chapter in St. George, Utah;

$250,000 for the Henry Ford Museum—Greefield Village in Dearborn, Michigan for expenses related to the design, planning and construction of the "Great American Road Exhibit";

$6,000,000 for Shepherd College in Shepherdstown, West Virginia for construction, related activities, and programs at the Scarborough Library;

$683,000 for the State of Nevada to establish a statewide computer database of utilities and infrastructure needs for rural communities and Indian reservations;

$5,000,000 for the University of South Carolina for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina;

$500,000 for the Idaho City Parks and Recreation Commission for the Idaho City Mien Tailings Site Restoration Project and Park in Idaho City, Idaho;

$250,000 for the Swiss Center of North America, New Glarus, Wisconsin;

$750,000 for the City of Madison, Wisconsin for the Troy Housing and Gardens Development;

$750,000 for the City of New Loft, Wisconsin for acquisition and restoration of a teen facility;

$2,000,000 for the City of Pasadena, Texas for a Police Academy driver training track;

$1,000,000 for the City of Dallas, Texas for its Emergency Operations Center;

$750,000 for the City of Las Vegas, Nevada for downtown development initiatives;

$800,000 to support the Innovative Brownfields Site Assessment and Remediation Technology Demonstration at the Defense Fuel Support Point, in Lynn Haven, Florida;

$200,000 for the Tri-County Agricultural Complex in Calhoun, Gulf, and Liberty Counties, Tennessee;

$1,000,000 for the CCTV Central Coast partnership (California) to promote environmentally friendly, sustainable agriculture projects;

$600,000 for the Central California Coast Research Partnership;

$500,000 for the Santa Barbara County, California Water Agency for costs associated with emergency sediment removal in the Twitchell Reservoir;

$500,000 for the City of Paso Robles, California for the Oak Park Housing Project for modernization and rehabilitation projects;

$1,000,000 for the Cambridge, Massachusetts Redevelopment Authority public spaces initiative;

$1,000,000 for the Sidney R. Yates and Addie Yates Exhibition Center at the Field Museum in Chicago, Illinois;

$750,000 for the Greater Dwight Development Corporation in New Haven, Connecticut for its child care center and offices;

$500,000 for methamphetamine site cleanup activities of the Fresno, California Sheriff's Department;

$3,000,000 to the Cross Valley Rail Corridor Joint Powers Authority, California for rehabilitation of the San Joaquin Railroad;

$1,000,000 to the City of Monterey, California to upgrade 911 emergency response services;

$1,000,000 for Eastern Connecticut University for upgrade of its technology systems;

$500,000 for the City of Vernon, Connecticut for brownfields remediation activities;

$1,000,000 for the Mystic Seaport Maritime Education and Research Center in Mystic, Connecticut;

$2,700,000 for the Southeastern Pennsylvania Consortium on Higher Education for a collaborative Math and Science Institute;

$600,000 for the Township of Towamencin, Pennsylvania for its urban park and recreation project;
—$1,400,000 for Temple University, Pennsylvania for its Center for a Sustainable Environment;
—$600,000 for the Township of Plainsboro, New Jersey for its Nature and Education Center;
—$300,000 for the Saint Mary’s County, Maryland River Project;
—$400,000 for the Chesapeake Biological Laboratory of the University of Maryland for the Bayscapes Habitat Reconstruction Project, Maryland;
—$900,000 for the Edmonds Community College Foundation, Washington for a Center on Families;
—$400,000 for the Access Community Health Centers, Chicago, Illinois for relocation of its facilities;
—$350,000 for the expansion of the Dunbar Community Center in Springfield, Massachusetts;
—$500,000 to the West Virginia High Technology Consortium Foundation, Inc. for high priority economic development initiatives including land acquisition;
—$1,000,000 for the Medford Area School District, Wisconsin for after-school programs;
—$300,000 for the North Central Wisconsin Workforce Development Board for education, training, counseling, emergency assistance and retraining services for displaced workers and their families in central Wisconsin;
—$250,000 for the Portage County, Wisconsin Business Council Foundation in Stevens Point for activities including construction and training related to a business education and training center and a regional training clearinghouse;
—$200,000 for the Development Association of Superior/Douglas Counties, Wisconsin for a microenterprise loan and technical assistance fund;
—$500,000 for the Chippewa County Economic Corporation in Wisconsin for construction of a workforce development center;
—$365,000 for the City of Wausau, Wisconsin for brownfields remediation in Marathon County;
—$1,000,000 for the Unity School District, Balsam Lake, Wisconsin for after-school activities;
—$100,000 for the Marathon County, Wisconsin Sheriff’s Department for Central Wisconsin drug prevention initiatives;
—$500,000 for the City of Seymour, Connecticut Police Department for upgrades of law enforcement technology;
—$2,500,000 for the Town of Beacon Falls, Connecticut for the Pinebridge Industrial Park;
—$150,000 for the City of Sacramento, California for the Emerging Technology Institute;
—$200,000 for the Kansas City, Kansas Forensics crime laboratory;
—$700,000 for the Kansas City, Kansas Human Services for relocation of its facilities;
—$500,000 for the expansion of the Dunbar Community Center in Springfield, Massachusetts;
—$500,000 to the West Virginia High Technology Consortium Foundation, Inc. for high priority economic development initiatives including land acquisition;
—$1,000,000 for the Medford Area School District, Wisconsin for after-school programs;
—$300,000 for the North Central Wisconsin Workforce Development Board for education, training, counseling, emergency assistance and retraining services for displaced workers and their families in central Wisconsin;
—$250,000 for the Portage County, Wisconsin Business Council Foundation in Stevens Point for activities including construction and training related to a business education and training center and a regional training clearinghouse;
—$200,000 for the development Association of Superior/Douglas Counties, Wisconsin for a microenterprise loan and technical assistance fund;
—$500,000 for the Chippewa County Economic Corporation in Wisconsin for construction of a workforce development center;
—$365,000 for the City of Wausau, Wisconsin for brownfields remediation in Marathon County;
—$1,000,000 for the Unity School District, Balsam Lake, Wisconsin for after-school activities;
—$100,000 for the Marathon County, Wisconsin Sheriff’s Department for Central Wisconsin drug prevention initiatives;
—$500,000 for the Santa Ana, California Police Department crime analysis unit;
—$1,300,000 for the City of Jackson, Mississippi for its brownfields clean-up activities;
—$500,000 for Essex County, Massachusetts for its wastewater and combined sewer overflow program;
—$500,000 for Pacific Union College, California for the Napa Valley Resource in Napa County, California;
—$400,000 for the establishment of the Wolfe Teen Center for teen substance abuse in Napa County, California;
—$500,000 for Dyer, Indiana for a water diversion project;
—$500,000 for the Community and Family Resource Center renovation project in Newberg, Oregon;
—$2,000,000 for the George Meany Center for Labor Studies in Silver Spring, Maryland;
—$1,000,000 for the Rhode Island State Police for technology upgrades;
—$2,000,000 for the War Memorial Museum in Milwaukee, Wisconsin;
—$500,000 for the Mott Community College Workforce Development Institute in Michigan;
—$1,000,000 for Maricopa County Community College for the Achieving a College Education Initiative (ACE) in Arizona;
—$1,000,000 to Coffee County, Tennessee for the Coffee County Industrial Park;
—$1,500,000 to the Tennessee Fire Services and Codes Enforcement Academy in Bedford County, Tennessee;
—$600,000 to the 21st Century Council of Lawrence for the Lawrence County Industrial Park in Tennessee;
—$500,000 to the Fayetteville-Lincoln County Library Board in Tennessee for the Lincoln County Library;
—$500,000 to the University of Tennessee Center for Business and Economic Research to study the economic impact of alternative management policies of TVA-managed lakes in rural East Tennessee;
—$2,500,000 to Winston-Salem University in Winston-Salem, North Carolina for the reconstruction of the St. Phillips Church ($200,000) and Atkin House ($500,000),
—$1,575,000 to Escambia County in Florida for development costs for infrastructure of Central Florida;
—$1,000,000 to Ashland University in Ashland, Ohio for rehabilitation and expansion of the Kettering Science Center;
—$640,000 to Waukegan, Illinois for renovation of the Waukegan Theater;
—$1,155,000 to the Tampa Housing Authority in Tampa, Florida for costs associated with the Tom Dyer Elderly Housing Redevelopment Project.

DEPARTMENT OF THE TREASURY
COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

INSTITUTIONS FUND PROGRAM ACCOUNT

Language is included which provides $100,000,000 for new fire fighting programs as authorized by the Federal Fire Prevention and Control Act, as amended.

CHAPTER 14
GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes the adoption of H. Con. Res. 106.

The conference agreement includes a new provision relating to the application of the Federal Reports Elimination and Sunset Act of 1995 to certain reports.

The conferees direct the Comptroller General of the United States to (1) ascertain the ownership of the West Campus Buildings of Saint Elizabeth’s Hospital in the District of Columbia; (2) review and comment on existing cost estimates for mothballing/stabilization, phase II archaeological study, environmental mediation, phase II environmental study, environmental impact study, and land use study; (3) report on any existing historic designations and corresponding responsibilities; and (4) identify action required to facilitate transfer of the property. The conferees request that the report be completed and submitted to the House and Senate Committees on Appropriations within 45 days of the enactment of this Act.

The conference agreement includes a new provisions rescinding 0.22 percent of the direct, indirect, and inflation adjustment limit imposed) for fiscal year 2001, except for those programs, projects, and activities which are specifically exempted.

The conference agreement also rescinds the Miliary Personnel accounts of the Department of the Defense Appropriations Act, 2001, and fiscal year 2001 amounts for activities in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

DIVISION B
TITLE I

The conference agreement includes a section that provides greater availability of food assistance in day care centers by modifying eligibility criteria in the Child and Adult Care Food Program.

The conference agreement includes a section to authorize a pilot program through the Summer Food Service Program to examine whether reducing food provided would increase the availability of food assistance for children during the summer who, during the school year, have access to meals through the School Breakfast Program.

The conference agreement includes language which authorizes the Secretary of the...
Section 121 amends title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2003 to define funding under that title from the Land and Water Conservation Fund as appropriated by the Act. The Apology Resolution for the Kingdom of Hawaii acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the United States never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through the monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to assert their right to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment services, relocation assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which authorizes the Secretary of the Army to participate in studies and the planning and design of projects which offer a long-term solution to the problem of groundwater pollution caused by perchlorates.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which authorizes the Secretary of the Army to participate in studies and the planning and design of projects which offer a long-term solution to the problem of groundwater pollution caused by perchlorates.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which authorizes the Secretary of the Army to participate in studies and the planning and design of projects which offer a long-term solution to the problem of groundwater pollution caused by perchlorates.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred for the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Utamai, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.
(a) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawai‘i into the Union", approved March 18, 1959 (Public Law 86-3, 73 Stat. 4) by—

(i) the deeded lands to the public lands formerly held by the United States, and mandating that those lands be held in public trust for five purposes, one of which is for the benefit of the Native Hawaiians and
(ii) transferring the United States responsibility for the administration of the Hawaiian Homes Commission Act and retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the Hawaiian Homelands, including amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historical, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, indigenous, native people of the United States of a Native Hawaiian government under the authority of Federal law, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means the aboriginal, indigenous, native people of the United States in the January 17, 1893 overthrow of the Kingdom of Hawai‘i; the aboriginal, indigenous, native people, with whom the United States has a political and legal relationship; and the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States.

(2) ADULT MEMBERS.—The term "adult members" means those Native Hawaiians who have attained the age of 18 at the time the Secretary issues a certificate of eligibility, as provided in section 7(a)(3) of this Act.

(3) APOLLO RESOLUTION.—The term "Apollo Resolution" means Public Law 103-150 (107 Stat. 1737) (authorized the Environmental Protection Agency to assist Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawai‘i).

(4) CEDED LANDS.—The term "ceded lands" means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States on July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1899 (Public Law 86-3, 73 Stat. 4).

(5) COMMISSION.—The term "Commission" means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term "Native Hawaiian" means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 17, 1893.

(B) Following the recognition of the United States of a Native Hawaiian government under section 7(d)(2) of this Act, the term "Native Hawaiian" shall have the meaning given to it in section 7(d)(2) of this Act.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term "Native Hawaiian government" means the citizens of the government of the Native Hawaiian people who is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term "Native Hawaiian Interim Governing Council" means the interim governing council that is organized under section 7(a)(3) of this Act.

(10) Roll.—The term "roll" means the roll that is developed under the authority of section 7(a) of this Act.

(11) Secretary.—The term "Secretary" means the Secretary of the Interior.

(12) TASK FORCE.—The term "Task Force" means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1899 (Public Law 86-3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—
SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.
(a) ESTABLISHMENT.—There is established an interagency task force to be known as the "Native Hawaiian Interagency Task Force".
(b) COMPOSITION.—The Task Force shall be composed of officials, to be designated by the President, from—
(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;
(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and
(3) the Executive Office of the President.
(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.
(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.
(e) DUTIES.—The responsibilities of the Task Force shall be—
(I) the coordination of Federal policies that affect Native Hawaiians or whose actions by any Federal agency or of the agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;
(II) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government;
and
(III) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNMENT COUNCIL, FOR THE ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNMENT COUNCIL, AND FOR RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.
(a) ROLL.—
(I) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are entitled to be elected to the membership of the Native Hawaiian Interim Governing Council, the roll shall include the names of—
(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—
(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1898, and who occupied and exercised sovereignty in the Hawaiian archipelago; or
(ii) Native Hawaiians who were eligible in 1920 to vote in the primary or general elections of the Hawaiian Home Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and
(B) the children of the adult members listed on the roll published as a result of section 7 of this Act.
(2) CERTIFICATION AND SUBMISSION.—
(A) COMMISSION.—
(I) IN GENERAL.—There is authorized to be established a Commission to be composed of nine members for the purpose of certifying that the adult members of the Native Hawaiian community who are entitled to be elected to the membership of the Native Hawaiian Interim Governing Council, the roll prepared under this subsection.
(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.
(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—
(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to both Leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and
(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking Member of the Committee on Resources of the House of Representatives.
(IV) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, and such other expenses as are authorized by law for employees of agencies under chapter 1 of part 5 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.
(B) CERTIFICATION.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.
(C) SECRETARY.—
(A) CERTIFICATION.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.
(B) PUBLICATION.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.
(C) APPEAL.—
(I) ESTABLISHMENT OF MECHANISM.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—
(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or
(II) a challenge to the inclusion of the name of a person on the roll that grounds that the person does not meet the definition of Native Hawaiian, as so defined.
(II) PUBLIC IMPATIENCE UPDATE.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.
(D) FAILURE TO ACT.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.
(E) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.
(F) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.
(C) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNMENT COUNCIL.—
(1) IN GENERAL.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—
(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;
(B) determine the structure of the Native Hawaiian Interim Governing Council; and
(C) elect members to the Native Hawaiian Interim Governing Council.
(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist in conducting an election by secret ballot (absentee and mail ballots permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

3. POWERS.
(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act; and to the extent provided in this Act, to exercise all the rights of the citizens of a Native Hawaiian government.
(B) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian Interim Governing Council to assure that each Federal agency develops a policy on consultation with the Native Hawaiian government.
(C) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian Interim Governing Council to assure that each Federal agency develops a policy on consultation with the Native Hawaiian government.
(D) FUNDING.—The Native Hawaiian Interim Governing Council may enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).
(E) MEMBERS.—
(I) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:
(II) to have the proposed elements of the organic governing documents of a Native Hawaiian government.
(III) to have the proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.
(III) to have the proposed civil rights and protection of rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

4. DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.
(A) IN GENERAL.—Based upon consultation with the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.
(B) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.
(C) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

5. ELECTIONS.
(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and on ratification of the proposed organic governing documents, to hold elections for the officers of the Native Hawaiian government.

6. CONCLUSION.
(A) IN GENERAL.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.
authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) Certification.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members of the Native Hawaiian community holding the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the native Hawaiian government and that are exercised by other governments representing the indigenous native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (42 U.S.C. 1302); and

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide for theNative Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary’s findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(A) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(B) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (2), Federal recognition of the Native Hawaiian government as the representative governing body of the Native Hawaiian people.
SEC. 2. FINDINGS AND PURPOSE.
(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which shall be hereinafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing laws and from the minerals materials laws and all amendments thereto.

(b) USES.—(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(c) MANAGEMENT.—(1) IN GENERAL.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values and those resources and values which are identified in subsection (d) of this section.

(2) ACCESS.—(A) IN GENERAL.—The Secretary shall provide for the public to use the conservation area in a manner consistent with the purposes for which the conservation area was established.

(3) USES.—(A) IN GENERAL.—The Secretary shall only allow uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(B) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(4) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the rights of States, the United States, or States and the United States, particularly in English common law and statutes, and provisions of the laws of States, that developed during the first 13 of the States, that developed during the first 13 of the nations as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 88-577.

SEC. 3. WITHDRAWAL.
(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which shall be hereinafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing laws and from the minerals materials laws and all amendments thereto.

(b) MAPS AND LEGAL DESCRIPTION.—(1) IN GENERAL.—The plan may incorporate appropriate decisions made in previous studies of the lands with respect to the conservation area.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the rights of States, the United States, or States and the United States, particularly in English common law and statutes, and provisions of the laws of States, that developed during the first 13 of the States, that developed during the first 13 of the nations as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 88-577.

SEC. 4. WILDERNESS.
(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled “Black Rock Desert Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled “North Black Rock Range Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(3) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled “East Fork High Rock Canyon Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(4) Certain lands in the South Fork High Rock Canyon Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled “South Fork High Rock Canyon Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the South Fork High Rock Canyon Wilderness.

(5) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 47,700 acres, as generally depicted on a map entitled “Little High Rock Canyon Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

SEC. 5. MANAGEMENT.
(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values and those resources and values which are identified in subsection (d) of this section.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act and section 101(f) of Public Law 88-577. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act and section 101(f) of Public Law 88-577. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USES.—(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the rights of States, the United States, or States and the United States, particularly in English common law and statutes, and provisions of the laws of States, that developed during the first 13 of the States, that developed during the first 13 of the nations as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 88-577.

SEC. 6. WITHDRAWAL.
(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which shall be hereinafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing laws and from the minerals materials laws and all amendments thereto.

(b) MAPS AND LEGAL DESCRIPTION.—(1) IN GENERAL.—The Secretary shall maintain a map and legal description of the conservation area.

(2) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act and section 101(f) of Public Law 88-577. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values and those resources and values which are identified in subsection (d) of this section.

(d) USES.—(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the purposes of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, the Secretary shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary shall establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the conservation area, its recreational, and other resources of the conservation area.
In this Act:

(A) COMMEMORATION.—The term "commemoration" means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(C) TRAVEL EXPENSES.—A member of the Commission may, without regard to the civil service laws including regulations, and appointment and termination of an executive director and such other personnel necessary to enable the Commission to perform the duties of the Commission.

(D) FEDERAL EMPLOYEES.—A member of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 55 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(E) VOTING.—In general: Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(F) APPROVAL OF EXPENSES.—In addition to the compensation provided by law for members of the Commission, the head of any Federal agency may authorize any member or employee of the Federal Government to travel for an expense covered by this Act.

(G) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of the Federal Government, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(H) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations) and appointment and termination of an executive director and such other personnel necessary to enable the Commission to perform the duties of the Commission.

(I) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(J) COMPENSATION.—In general: Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 55 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(K) MAXIMUM RATE OF PAY.—The rate of pay for an executive director or other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(L) IN GENERAL.—Except as provided in subsection (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 55 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(M) IN GENERAL.—Except as provided in subsection (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 55 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.
Congressional Record — House

December 15, 2000

H12319

Section 124. The conference agreement includes a provision amending the J. PTIV Pilot Project Digital Data Services Act.

Section 146. The conference agreement includes language amending the Department of State Special Agents Retirement Act of 1998 to allow agents who retired between January 1, 1997, and the enactment of the Act on November 13, 1998, to also be eligible for the increased benefits provided by the Act.

Section 147. The conference agreement includes a provision amending the Johnson Act to prohibit gambling on peri-Hawaiian cruises.

Section 148. The conference agreement includes language to ban political advertising by public broadcasters.

Section 149. The conference agreement includes language extending a certain small business program, which would otherwise expire.

Section 150. The conference agreement includes $105,000,000 in direct spending to the Department of Health and Human Services to support the National Hemophilia Relief Fund, of which $10,000,000 is for program management.

Section 151. The conference agreement includes $60,400,000 in direct spending to the Department of Labor for costs related to administering the Energy Employees Occupational Illness Compensation Program enacted by Title III of the Defense Authorization Act of 2000. This program was established to compensate individuals who have suffered disabling and potentially fatal illnesses traced to Department of Energy nuclear weapons complex. The Secretary of Labor is authorized to transfer these funds to other federal agencies, including the Energy Employees Occupational Illness Compensation Act.

Section 152. The conference agreement includes a provision to make certain technical and conforming amendments to the Medicare/PPS law to allow the Moffitt Cancer Research and Treatment Center to be treated under existing law the same as the other ten Medicare/PPS exempt institutions in the United States.
Language is included to allow the conversion of a HUD rental housing project in Toledo, Ohio to condominiums as long as the housing remains affordable, either as rental or homeownership housing, to low- and very-low income families that currently reside in the apartments. Language has been included which directs the General Accounting Office to study and report on financial standards related to the Federal Home Loan Bank System.

**TITLE XI—DEPARTMENT OF THE TREASURY**

**ADMINISTRATIVE PROVISION**

Language is included which honors the Navajo Code Talkers of World War II by authorizing the striking of duplicate medals in bronze for the Navajo Code Talker, and by further authorizing the striking of duplicate medals in bronze for sale to the general public.

**TITLE XII—ENVIRONMENTAL PROTECTION AGENCY**

**ADMINISTRATIVE PROVISION**

Language is included which authorizes the advancement of a ground storage tank grant program.

**TITLE XIII—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**ADMINISTRATIVE PROVISION**

Language is included which permits NASA to use certain proceeds from the sale of timber on lands associated with the John C. Stennis Space Center for the purchase of additional property to establish education and visitor programs and facilities, and for wetlands mitigation.

**TITLE XIV—CERTAIN ALASKAN CRUISE SHIP OPERATIONS**

Language is included which regulates the discharge of sewage and wastewater from cruise ships in certain waters in and adjacent to the State of Alaska.

**TITLE XV—LIFE ACT AMENDMENTS**

The conference agreement includes a new title, titled the LIFE Act Amendments of 2000.

**TITLE XVI—IMPROVING LITERACY THROUGH FAMILY LITERACY PROJECTS**

The conference agreement includes the Literacy Involves Families Together Act of 2000.

**TITLE XVII—CHILDREN’S INTERNET PROTECTION**

The conference agreement includes the Children’s Internet Protection Act of 2000.

**COMMODITY FUTURES MODERNIZATION ACT OF 2000**

The conference agreement would enact the provisions of H.R. 5660, as introduced on December 13, 2000. The text of that bill follows: A BILL To reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and other commodities, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Commodity Futures Modernization Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

**TITLE I—COMMODITY FUTURES MODERNIZATION**

Sec. 101. Definitions.
Sec. 102. Agreements, contracts, and transactions in foreign currency, government securities, and certain other commodities.
Sec. 103. Legal recognition of excluded derivative transactions.
Sec. 104. Excluded electronic trading facilities.
Sec. 105. Hybrid instruments; swap transactions.
Sec. 106. Transactions in exempt commodities.
Sec. 107. Application of commodity futures laws by SEC.
Sec. 108. Protection of the public interest.
Sec. 109. Prohibited transactions.
Sec. 110. Designation of boards of trade as contract markets.
Sec. 111. Derivatives transaction execution facilities.
Sec. 112. Derivatives clearing.
Sec. 113. Commodity provisions applicable to registered entities.
Sec. 114. Exempt boards of trade.
Sec. 115. Suspension or revocation of designation as contract market.
Sec. 117. Preemption.
Sec. 118. Pre-dispute resolution agreements for institutional customers.
Sec. 119. Consideration of costs and benefits.
Sec. 120. Continuity of agreements between eligible counterparties.
Sec. 121. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
Sec. 122. Rule of construction.
Sec. 123. Technical and conforming amendments.
Sec. 124. Privacy.
Sec. 125. Report to Congress.
Sec. 126. International activities of the Commodity Futures Trading Commission.

**TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS**

**SUBTITLE A—SECURITIES LAW AMENDMENTS**

Sec. 203. Regulatory relief for intermediaries trading security futures products.
Sec. 204. Special provisions for interagency cooperation.
Sec. 205. Maintaining of market integrity for security futures products.
Sec. 206. Special provisions for the trading of security futures products.
Sec. 207. Clearance and settlement.
Sec. 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

**SUBTITLE B—AMENDMENTS TO THE COMMODITY EXCHANGE ACT**

Sec. 251. Jurisdiction of Securities and Exchange Commission; other provisions.
Sec. 252. Application of the Commodity Exchange Act to national securities exchanges and national securities associations that trade security futures.
Sec. 253. Notification of investigations and enforcement actions.

**TITLE III—LIABILITY RELATING TO SWAP AGREEMENTS**

Sec. 301. Swap agreement.
Sec. 302. Amendments to the Securities Act of 1933.
Sec. 304. Savings provision.

**TITLE IV—REGULATORY RESPONSIBILITY FOR BANK PRODUCTS**

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Exclusion of identified banking products commonly offered on or before December 5, 2000.
Sec. 404. Exclusion of certain identified bank products offered by banks after December 5, 2000.
Sec. 405. Exclusion of certain other identified banking products.
Sec. 406. Administration of the predominance test.
Sec. 407. Exclusion of covered swap agreements.
Sec. 408. Contract enforcement.

**SECTION 2. PURPOSES.**

The purposes of this Act are—

(1) to reauthorize the appropriation for the Commodity Futures Trading Commission;
(2) to streamline and eliminate unnecessary regulation for the commodity futures exchanges and other entities regulated under the Commodity Exchange Act;
(3) to transform the role of the Commodity Futures Trading Commission to oversee the futures markets;
(4) to provide a statutory and regulatory framework for allowing the trading of futures on securities;
(5) to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated;
(6) to promote innovation on futures and derivatives and to reduce systemic risk by enhancing legal certainty in the markets for certain futures and derivatives transactions;
(7) to reduce systemic risk and provide greater stability to markets during times of market disorder by allowing the clearing of transactions in over-the-counter derivatives through appropriately regulated clearing organizations; and
(8) to enhance the competitive position of United States financial institutions and financial markets.

**TITLE I—COMMODITY FUTURES MODERNIZATION**

**SECTION 101. DEFINITIONS.**

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (1) through (7), (8) through (12), (13) through (15), and (16) as paragraphs (2) through (8), (16) through (20), (22) through (24), and (28), respectively;
(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ALTERNATIVE TRADING SYSTEM. The term "alternative trading system" means an organization that—
(A) is registered as a broker or dealer pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof);
(B) performs the functions commonly performed by an exchange (as defined in section 3(a)(19) of the Securities Exchange Act of 1934);
(C) does not—
(i) set rules governing the conduct of subscribers other than the conduct of such subscribers’ trading on the alternative trading system; or
(ii) discipline subscribers other than by exclusion from trading; and
(D) is exempt from the definition of the term ‘‘exchange’’ under such section 3(a)(19) by rule or regulation of the Securities and Exchange Commission on terms that require compliance with regulations of its trading functions;";

(3) by striking paragraph (2) (as redesignated by paragraph (1)) and inserting the following:

"(2) BOARD OF TRADE. The term ‘‘board of trade’’ means any organized exchange or other trading facility;";

(4) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"DERIVATIVES CLEARING ORGANIZATION.—(A) IN GENERAL. The term ‘‘derivatives clearing organization’’ means a clearinghouse,
clearing association, clearing corporation, or similar entity, facility, system, or organization that, with respect to an agreement, contract, or transaction—

(i) makes each party to the agreement, contract, or transaction to substitute, through novation or otherwise, the credit of the derivatives clearing organization for the credit of the parties to the agreement or contract;

(ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements, contracts, or transactions entered into or performed by participants in the derivatives clearing organization;

(iii) otherwise provides clearing services or arrangements that constitutes or otherwise brings participants in the derivatives clearing organization the credit risk arising from such agreements, contracts, or transactions executed by the participants;

(8) EXCLUSIONS.—The term ‘derivatives clearing organization’ does not include an entity, facility, system, or organization solely because it arranges or provides for—

(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

(ii) settlement or netting of cash payments through an interbank payment system;

(iii) settlement, netting, or novation of obligations arising from agreements, contracts, or transactions in a commodity whose participants include persons other than—

(a) a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (x);

(b) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15(b) or 17(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o±5(b), 78n(2));

(c) an insurance company;

(d) a financial institution; or

(e) a governmental entity (including the United States, a State, or a political subdivision of a governmental entity).

(9) ELECTRONIC TRADING FACILITY.—The term ‘electronic trading facility’ means a trading facility that—

(A) operates by means of an electronic or telecommunications network; and

(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

(10) ELIGIBLE COMMERCIAL ENTITY.—The term ‘eligible commercial entity’ means, with respect to a transaction in a commodity—

(A) an eligible contract participant described in clause (i), (ii), (v), (vi), (vii), or (ix) of paragraph (12)(A) that, in connection with its business—

(1) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

(2) incurs risks, in addition to price risk, related to the commodity; or

(3) is a dealer that regularly provides risk management or hedging services to, or engages in market making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

(B) an eligible contract participant, other than a natural person or an instrumentality, department, or agency of a State or local governmental entity, that—

(1) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

(2) (I) in the case of a collective investment vehicle whose participants include persons other than—

(aa) qualified eligible persons, as defined in Commission rule 2(a)(51)(A) of the Investment Company Act of 1940; or

(bb) accredited investors, as defined in Regula-

tion D of the Securities and Exchange Com-

mission under the Securities Act of 1933 (17 C.F.R. 230.501(a)), with total assets of $2,000,000; or

(cc) qualified purchasers, as defined in sec-

tion 2(a)(51)(A) of the Investment Company Act of 1940; in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, $1,000,000,000 in total assets; or

(II) in the case of other persons, has, or is one of a group of persons under common control or management, having in the aggregate, $100,000,000 in total assets; or

(C) such person regularly trades on the facilities of a registered entity or an exempt commodity clearing association, clearing corporation, or department that is a person described in clause (i), (ii), or (iii) of section 1a(11)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that satisfies any of the subclauses (i) through (VI) of section 2(c)(2)(B)(ii);

(ii) an eligible contract participant described in clause (i), (ii), (v), (vi), (vii), or (ix) of paragraph (12)(A) that, in connection with its business—

(1) has total assets exceeding $5,000,000; and

(2) has entered into an agreement, contract, or transaction in connection with the conduct of the entity's business to manage the risk associated with an asset or liability incurred, or reasonably likely to be incurred, by the entity in the conduct of the entity's business;

(iii) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (x);

(iv) a person that—

(aa) has a net worth exceeding $1,000,000, and

(bb) enters into an agreement, contract, or transaction in connection with the conduct of the entity's business to manage the risk associated with an asset or liability owned or incurring, or reasonably likely to be owned or incurring, by the entity in the conduct of the entity's business;

(v) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject to foreign regulation—

(1) that has total assets exceeding $5,000,000; or

(2) the investment decisions of which are made by—

(aa) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b±1 et seq.) or a foreign person performing a similar role or function subject to foreign regulation;

(cc) a financial institution; or

(dd) an insurance company described in clause (ii), or a governmental entity or subsidiary of such an insurance company.

(vi) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

(vii) a multinational or supranational government entity; or

(ix) an instrumentality, agency, or department of an entity described in subclause (i) or (ii); except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (i) or (ii) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of section 1a(11)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that satisfies any of the subclauses (i) through (VI) of section 2(c)(2)(B)(ii);
H12322

CONGRESSIONAL RECORD — HOUSE

December 15, 2000

by paragraph (1)) and inserting the following:

payments indexed to the value, level, or rate of,

strument' means a security having 1 or more

iate of an entity described in any of subpara-

U.S.C. 3101(b)));

of the International Banking Act of 1978 (12

(12 U.S.C. 1813));

poration';


with 15 or more component securities,

cent of the index's weighting have an aggregate

securities comprising, in the aggregate, 25 per-

period securities in the aggregate comprise more

mean an index—

(A) the term 'narrow-based security index'

(B) a corporation operating under the fifth

undesignated paragraph of section 25 of the

Federal Reserve Act (12 U.S.C. 603), commonly

known as a 'broker-dealer corporation';

(B) a corporation organized under section

25a of the Federal Reserve Act (12 U.S.C. 611 et seq.),

commonly known as an 'Exchange Act cor-

(C) an institution that is regulated by the

Farm Credit Administration;

(D) a Federal credit union or State credit

union (as defined in section 101 of the Federal

Credit Union Act (12 U.S.C. 1752));

(E) a depository institution (as defined in

section 3(b) of the Federal Deposit Insurance Act

(12 U.S.C. 1813));

(F) a foreign bank or a branch or agency of a

foreign bank (each as defined in section 1(b) of

the International Banking Act of 1978 (12

U.S.C. 3101(i)(i)));

(G) any financial holding company (as de-

fined in section 2 of the Bank Holding Company

Act of 1956);

(H) a trust company;

(i) a similarly regulated subsidiary or affil-

iate of an entity described in any of subpara-

graphs (A) through (H);)

by inserting after paragraph (20) (as redes-

ignated by paragraph (1)) the following:

(22) HYBRID INSTRUMENT.—The term 'hybrid

instrument' means a security having 1 or more

payments indexed to the value, level, or rate of,

or, providing for the delivery of, 1 or more com-

modities.

(23) Excluding paragraph (24) (as redesignated

by paragraph (1)) and inserting the follow-

ing:

(24) MEMBER OF A CONTRACT MARKET; MEM-

BER OF A DERIVATIVES TRANSACTION EXECU-

TION FACILITY.—The term 'member' means, with re-

spect to a contract market or derivatives trans-

action execution facility, an individual, associa-

tion, partnership, corporation, or trust—

(A) in respect of the contract market or deriv-

atives transaction execution facility;

(B) having trading privileges on the contract

market or derivatives transaction execution fa-

cility.

(25) NARROW-BASED SECURITY INDEX.—

(A) The term 'narrow-based security index'

means an index—

(i) that has 9 or fewer component securities;

(ii) in which a single component security

comprises more than 30 percent of the index's

weighting;

(iii) in which the 5 highest weighted compo-

nent securities in the aggregate comprise more

than 60 percent of the index's weighting; and

(iv) in which the lowest weighted component

securities comprising, in the aggregate, 25 per-

cent of the index's weighting have an aggregate
dollar volume of daily trading volume of less than

$50,000,000 (or in the case of an index with

15 or more component securities,

$30,000,000), except that if there are two or more

securities with equal weighting that could be in-

cluded in the calculation of the lowest weighted

component securities comprising, in the aggrega-
tote, 5 percent of the index's weighting, such

securities shall be ranked from lowest to highest
dollar value of average daily trading volume and

shall be included in the calculation based on

their ranking starting with the lowest ranked

security.

(B) Notwithstanding subparagraph (A), an

index is not a narrow-based security if—

(i) it is a narrow-based component security;

(ii) no component security comprises more

than 30 percent of the index's weighting; and

(iii) each component—

(aa) registered pursuant to section 12 of the

Securities Exchange Act of 1934;

(bb) 1 of 750 securities with the largest mar-

ket capitalization in the aggregate exceed 25 per-

cent of the index's weighting; or

(cc) 1 of 675 securities with the largest dollar

value of average daily trading volume;

(ii) a board of trade was designated as a con-

tract market by the Commodity Futures Trading

Commission with respect to a contract for sale

for future delivery on the index, before the date of

enactment of the Commodity Futures Moderni-


(30) SECURITY.—The term 'security' means a

contract, or transaction excluded from this Act

under section 3(a)(29) of the Securities Exchange

Act of 1934 as in effect on the date of the enact-

ment of the Futures Trading Act of 1982 (other

than any municipal security as defined in section

3(a)(29) of the Securities Exchange Act of 1934

as in effect on the date of the enactment of the

Futures Trading Act of 1982). The term 'secu-

rity future' does not include any agreement,

contract, or transaction excluded from this Act

under section 2(c), 2(d), 2(f), or 2(g) of this Act

(as in effect on the date of the enactment of the

Commodity Futures Modernization Act of 2000)

title IV of the Commodity Futures Moderniza-


(31) SECURITY FUTURES PRODUCT.—The term

'security futures product' means a security future

or any put, call, straddle, option, or privi-

lege on any security future.

(32) TRADING FACILITY.—The term 'trading fa-

cility' means a person or group of persons that

constitutes, maintains, or provides an electronic

facility or system in which multiple participants

have the ability to execute or trade agree-

ments, contracts, or transactions by ac-

cepting bids and offers made by other partici-

pants that are open to multiple participants in

the contract market or system.

(B) Exclusions.—The term 'trading facility'

does not include—

(A) an electronic or group of persons solely

because the person or group of persons constitutes,

maintains, or provides an electronic facility or sys-

tem that is open to multiple participants in the

contract market or system.
and ‘government securities’ are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(a)); or

(ii) facilities on which bids and offers, and acceptance of bids or offers effected on the facility, are not binding.

Any person, group of persons, dealer, broker, or facility described in clause (i) or (ii) is excluded from the meaning of the term ‘trading facility’ for the purposes of this Act without any prior specific approval, certification, or other action by the Commission.

(c) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a designated security or futures clearing organization of transactions executed on or through the person or group of persons.

SEC. 102. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN CONTRACTS, DERIVATIVES, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 3, 4, 4a) is amended by adding at the end the following:

(“c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN CONTRACTS, DERIVATIVES, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in—

(A) a contract of sale of a commodity for future delivery (or an option on such a contract), or an option on a commodity (other than foreign currency) (or an option on a commodity registered under this Act in a national security exchange established by order of the Commission for the purpose of conducting a national security exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934); or

(B) agreements, contracts, and transactions in retail foreign currency.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

(i) is a contract of sale of a commodity for future delivery (or an option on such a contract), or an option on a commodity (other than foreign currency) (or an option on a commodity registered under this Act in a national security exchange established by order of the Commission for the purpose of conducting a national security exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934); and

(ii) is entered into, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

(A) a financial institution;

(B) a broker or dealer registered under section 15(b) or 15c of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5) or a futures commission merchant registered under this Act;

(C) an associated person of a broker or dealer registered under section 15(b) or 15c of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5); or

(D) a person or group of persons that would not otherwise constitute a trading facility solely as a result of the submission to a designated security or futures clearing organization of transactions executed on or through the person or group of persons.

(2) ELECTRONIC TRADING FACILITIES.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 3, 4, 4a) is further amended by adding at the end the following:

(a) HYBRID INSTRUMENTS, SWAP TRANSACTIONS.—

(1) HYBRID INSTRUMENTS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 3, 4, 4a) is further amended by adding at the end the following:

(’(f) EXCLUSION FOR QUALIFYING HYBRID INSTRUMENTS.—

(1) IN GENERAL.—Nothing in this Act (other than section 12e(2)(B)) governs or is applicable to a hybrid instrument that is predominantly a security.

(2) PREDOMINANCE.—A hybrid instrument shall be considered to be predominantly a security if—

(A) the issuer of the hybrid instrument receives no consideration in full of the purchase price of the hybrid instrument, substantially contemporaneously with delivery of the hybrid instrument;

(B) the purchaser or holder of the hybrid instrument is not required to make any payment to the issuer in addition to the purchase price paid under subparagraph (A), whether as settlement payment, liquidation payment, interest payment, or otherwise; and

(C) the issuer of the hybrid instrument is not subject to a margin, setoff, or similar requirement in order to secure the repayment obligations of the issuer under the hybrid instrument.

(3) MARK-TO-MARKET MARGINIG REQUIREMENTS.—For the purposes of paragraph (2)(C), margining requirements do not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the debt instrument in order to secure the repayment obligations of the issuer under the secured debt instrument.

(2) SWAP TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 3, 4, 4a) is further amended by adding at the end the following:

(’(g) EXCLUDED SWAP TRANSACTIONS.—No provision of this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) shall apply to or govern any agreement, contract, or transaction in a commodity other than an agricultural commodity if the agreement, contract, or transaction is—

(1) entered into only between parties that are eligible contract participants at the time they enter into the agreement, contract, or transaction;

(2) subject to individual negotiation by the parties; and

(3) not executed or traded on a trading facility.

(c) STUDY REGARDING RETAIL SWAPS.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Commodity Futures Trading Commission, and the Securities and Exchange Commission shall conduct a study of issues involving the offering of swap agreements to persons other than eligible contract participants (as defined in section 5a of the Commodity Exchange Act).

(2) MATTERS TO BE ADDRESSED.—The study shall address—

(a) the potential uses of swap agreements by persons other than eligible contract participants;
(B) the extent to which financial institutions are willing to offer swap agreements to persons other than eligible contract participants; (C) the appropriate regulatory structure to address customer protection issues that may arise in connection with the offer of swap agreements to persons other than eligible contract participants; and (D) any other relevant matters deemed necessary or appropriate to address.

(3) REPORT.—Before the end of the 1-year period beginning on the date of enactment of this Act, a report on the findings and conclusions of the mission determines that the electronic trading facility relying on the exemption provided in paragraph (3) shall—

(i) notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in paragraph (3), which notice shall include—

(1) the name and address of the facility and a person designated to receive communications from the Commission;

(2) the commodity categories that the facility intends to list or otherwise make available for transactions or trade on the electronic trading facility in reliance on the exemption set forth in paragraph (3);

(3) certifications that—

(I) the electronic trading facility is registered with, or designated, recognized, licensed or approved by the Commission.

(II) the electronic trading facility is registered with, or designated, recognized, licensed or approved by the Commission.

(III) the electronic trading facility performed a significant price discovery activity for the security, commodity, or financial interest.

(4) The Commission may by order direct that a facility relying on the exemption set forth in paragraph (3) deny or limit further transactions by the person, the facility shall deny that person further trading access to the facility determined that a facility's access to the facility for liquidation trading only;

(5) comply with the requirements of this paragraph, it may prescribe if necessary to ensure that each participant, as a condition of trading on the facility in reliance on the exemption set forth in paragraph (3), agree to comply with all applicable laws;

(6) have a reasonable basis for believing that participants authorized to conduct transactions on the facility in reliance on the exemption set forth in paragraph (3) are eligible commercial entities; and

(7) not represent to any person that the facility is registered with, or designated, recognized, licensed or approved by the Commission.

(6) A person named in a subpoena referred to in paragraph (5)(C) that believes the person is not otherwise subject to this Act, that is not so otherwise subject to this Act under section 2(h) or 4(c) of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

(7) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so otherwise subject to this Act.

(2) No provision of this Act shall be construed as implying or creating any presumption that—

(A) any agreement, contract, or transaction is not otherwise subject to this Act, or exempted under section 2(h) or 4(c) of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

(B) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so otherwise subject to this Act.

(3) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—

(A) entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction;

(B) executed or traded on a trading facility;

(4) An agreement, contract, or transaction described in paragraph (1) of this subsection shall be subject to—

(A) sections 5b and 12(e)(2)(B);

(B) sections 4b, 4o, 6(c), 6(d), 6c, 6d, and 8a, and the regulations of the Commission pursuant to section 4(b) proscribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction is not otherwise subject to such sections and regulations;

(C) sections 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and the agreement, contract, or transaction would otherwise be subject to such sections.

(5) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—

(A) entered into on a principal-to-principal basis by or on behalf of persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and

(B) executed or traded on an electronic trading facility.

(6) An agreement, contract, or transaction described in paragraph (3) of this subsection shall be subject to—

(A) sections 5a, 5b, 5d, and 12(e)(2)(B);

(B) sections 4b, 4o, 6(c), 6(d), 6c, 6d, and 8a, and the regulations of the Commission pursuant to section 4(b) proscribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction would otherwise be subject to such sections and regulations;

(C) sections 6(c) and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract, or transaction would otherwise be subject to such sections; and

(D) any rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data. (7) The Commission determines that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying any agreement, contract, or transaction executed or traded on the electronic trading facility.

(8) A person named in a subpoena referred to in paragraph (3) shall—

(I) order the facility to reconstruct trading activity on the electronic trading facility if necessary to ensure that each participant, as a condition of trading on the facility in reliance on the exemption set forth in paragraph (3), agree to comply with all applicable laws;

(II) have a reasonable basis for believing that participants authorized to conduct transactions on the facility in reliance on the exemption set forth in paragraph (3) are eligible commercial entities; and

(III) not represent to any person that the facility is registered with, or designated, recognized, licensed or approved by the Commission.

(9) A person named in a subpoena referred to in paragraph (5)(C) that believes the person is not otherwise subject to this Act, that is not so otherwise subject to this Act under section 2(h) or 4(c) of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

(10) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so otherwise subject to this Act.

(11) No provision of this Act shall be construed as implying or creating any presumption that—

(A) any agreement, contract, or transaction is not otherwise subject to this Act, or exempted under section 2(h) or 4(c) of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

(B) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so otherwise subject to this Act.

(12) No provision of, or amendment made by, the Commodity Futures Modernization Act of 2000, or amendment made by or on behalf of the Commission pursuant to section 29 of such Act, shall be construed as impairing any rule or regulation prescribed by the Commission with respect to any agreement, contract, or transaction, except as expressly provided in section 9a of this Act (to the extent provided in section 9(g) of such Act), 5b of this Act, or 5d of this Act.

SEC. 108. PROTECTION OF THE PUBLIC INTEREST.

The Commodity Exchange Act is amended by striking section 3 (7 U.S.C. 5) and inserting the following:

"SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—The transactions subject to this Act are entered into regularly in interstate commerce and are affected with a national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information. The Act includes in the definition of "liquidity" transactions in liquid, fair and financially secure trading facilities.

(b) PURPOSE.—It is the purpose of this Act to serve the public interests described in subsection (a) through a system of effective self-regulation of trading facilities, clearing systems, market participants and market professionals under the oversight of the Commission. To foster these public interests, it is further the purpose of this Act to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions and to prevent the imposition of unreasonable risk; to prevent all market participants from fraudulent or other abusive sales practices and
misuses of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.

SEC. 4c. PROHIBITED TRANSACTIONS.

Sec. 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by striking "Sec. 4c." and all that follows through subsection (a) and inserting the following:

"SEC. 4c. PROHIBITED TRANSACTIONS.

(a) IN GENERAL.—

(1) PROHIBITION.—It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of any transaction described in paragraph (2) involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) if the transaction is used or may be used to—

(A) hedge any transaction in interstate commerce in the commodity or the product or by-product of the commodity;

(B) determine the price basis of any such transaction in interstate commerce in the commodity or by-product of the commodity;

(C) deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction.

(2) TRANSACTION.—A transaction referred to in paragraph (1) is a transaction that—

(A)(i) is, is of the character of, or is commonly known as the trade as, a 'wash sale' or 'accommodation trade'; or

(ii) is a fictitious sale; or

(B) is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price.

(b) CRITERIA FOR DESIGNATION.

The board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

(c) PUBLIC ACCESS.—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.

(d) ABILITY TO OBTAIN INFORMATION.—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

(e) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods of performing the same functions, including delegation of the functions to third parties.

(f) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall maintain rules and procedures that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capability to enter into international information-sharing agreements as the Commission may require.

(g) EXISTING CONTRACT MARKETS.—A board of trade that is designated as a contract market on the date of the enactment of the Commodity Futures Modernization Act of 2000 shall be considered to be a designated contract market under this section.

(h) CORE PRINCIPLES FOR CONTRACT MARKETS.

(1) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall establish and enforce rules and procedures that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capability to enter into international information-sharing agreements as the Commission may require.

(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.

(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market contracts that are not readily susceptible to manipulation.

(4) MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.

(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.

(6) EMERGENCY AUTHORITY.—The board of trade shall adopt rules to provide for the exercise of emergency authority in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—

(A) liquidate or transfer open positions in any contract;

(B) suspend or curtail trading in any contract; and

(C) require market participants in any contract to meet special margin requirements.

(7) AVAILABILITY OF GENERAL INFORMATION.—To protect the core principles, the board may require market authorities, market participants, and the public information concerning—

(A) the terms and conditions of the contracts of the contract market; and

(B) the mechanisms for executing transactions on or through the facilities of the contract market.

(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and other measures for actively traded contracts on the contract market.

(9) EXECUTION OF TRANSACTIONS.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.

(10) TRADING INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.

(11) FINANCIAL INTEGRITY OF CONTRACTS.—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of any contract traded on the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

(12) PROTECTION OF MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules for protecting market participants from abusive practices committed by any party acting as an agent for the participants.

(13) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules and procedures for alternative dispute resolution as appropriate for market participants and any market interest.

(14) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate governance standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).

(15) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the making process of the contract market and establish a process for resolving such conflicts of interest.

(16) COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS.—In the case of a board of a contract market that is a contract market designated under this subsection, the governing board shall consist of representatives of the contract market and, to the extent practicable, representatives of market participants.

(17) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.

(18) ANTI-TRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade;

(B) imposing any material anticompetitive burden on trading on the contract market;

(C) subject to paragraph (a)(2) of this subsection, a contract for purchase or sale for future delivery of an agricultural commodity enumerated in section 1a(4) that is available for trading on a contract market, as of the date of the enactment of this subsection, may be traded only on a contract market designated under this subsection.

The board of trade is, in the promotion of responsible economic or financial innovation and fair competition, the Commission, on application by any person,
SEC. 111. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5 (as amended by section 110(2)) the following:

"SEC. 5a. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

(1) In general.—In lieu of compliance with the contract market designation requirements of sections 4(a) and 5, a board of trade may elect to operate as a registered derivatives transaction execution facility for the services of which the facility is—

(A) designated as a contract market and meets the requirements of this section; or

(B) registered as a derivatives transaction execution facility under subsection (c) of this section.

(2) Requirements for trading.—

(A) General requirements.—The board of trade shall—

(1) establish and enforce trading rules for any contracts traded on or through the facility; and

(2) maintain records of all activities related to transactions on the derivatives transaction execution facility for more than 1 business day, the contracts of which the board of trade complies with the core principles and executing orders traded on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System that meets the requirements of paragraph (2) to—

(A) act as an intermediary in transactions executed on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System; and

(B) receive funds of customers to serve as margin or security for the transactions.

(3) Requirements.—The requirements referred to in paragraph (1) are that—

(A) a broker-dealer be in good standing with the Securities and Exchange Commission, or the depository institution or institution of the Farm Credit System be in good standing with Federal bank regulatory agencies (including the FCA) and the Farm Credit Administration; and

(B) the broker-dealer, depository institution, or institution of the Farm Credit System carries or holds customer accounts or funds for transactions on the derivatives transaction execution facility for more than 1 business day, the broker-dealer, depository institution, or institution of the Farm Credit System is registered as a futures commission merchant and is a member of a registered futures association.

(4) Implementation.—The Commission shall carry out and coordinate with the Securities and Exchange Commission, the Secretary of the Treasury, and Federal banking regulatory agencies (including the Farm Credit Administration) and the Farm Credit System any measures necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade or

(B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.

(5) Use of broker-dealers, depository institutions, and Farm Credit System institutions as intermediaries.

(6) Fitness standards. The board of trade shall—

(A) establish and enforce rules for the commodity futures products listed on the facility, including any terms and conditions of contracts traded on or through the facility and any limitations on access to the facility.

(7) Monitoring of trading. The board of trade shall ensure orderly trading in the contract and to maintain an orderly market while compelling any necessary trading information to the Commission to discharge the responsibilities of the Commission under the Act.

(8) Disclosure of general information. The board of trade shall disclose publicly and to the Commission information concerning—

(A) contract terms and conditions; and

(B) trading conventions, mechanisms, and practices.

(9) Financial integrity of transactions. The board of trade shall maintain records of all activities related to transactions on the derivatives transaction execution facility for more than 1 business day, the contracts of which the board of trade complies with the core principles.

(10) Conflict of interest. The board of trade shall—

(A) be a person trading through a futures commission merchant and is a member of the Farm Credit System; or

(B) otherwise, a person trading through a national securities association registered under section 15(a) of the Securities Exchange Act of 1934; and

(C) maintain a clear and transparent record of the selection of an independent third party designated by the broker-dealer, depository institution, or institution of the Farm Credit System to serve as margin or security for the transactions.

(11) Daily publication of trading information. The board of trade shall maintain records of all activities related to transactions on the derivatives transaction execution facility for more than 1 business day, the contracts of which the board of trade complies with the core principles.

(12) Recordkeeping. The board of trade shall—

(A) maintain records of all activities related to transactions on the derivatives transaction execution facility for more than 1 business day, the contracts of which the board of trade complies with the core principles; and

(B) require any party affiliated with the board of trade to preserve records for examination by the Commission.

(13) Antitrust Considerations. The board of trade shall—

(A) be a person trading through a futures commission merchant and is a member of the Farm Credit System; or

(B) otherwise, a person trading through a national securities association registered under section 15(a) of the Securities Exchange Act of 1934; and

(C) maintain a clear and transparent record of the selection of an independent third party designated by the broker-dealer, depository institution, or institution of the Farm Credit System to serve as margin or security for the transactions.
through the facilities of the registered derivatives transaction execution facility.

112. DERIVATIVES CLEARING.

(a) IN GENERAL.—Subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended—

(1) by inserting before the section heading for section 401, the following new heading:

"CHAPTER 1—BILATERAL AND CLEARING ORGANIZATION NETTING'';

(2) in section 402, by striking "this subtitle'' and inserting "this chapter''; and

(3) by inserting after section 407, the following new chapter:

"CHAPTER 2—MULTILATERAL CLEARING ORGANIZATIONS''.

SEC. 408. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

(a) MULTILATERAL CLEARING ORGANIZATION.—"Multilateral clearing organiza-

tion'' means a system utilized by more than 2 participants in which the bilateral credit expos-

ures of participants arising from the transactions cleared are effectively eliminated and re-

placed by a system of guarantees, insurance, or mutualized risk of loss.

(b) OVER-THE-COUNTER DERIVATIVE INSTRU-

MENT.—"Over-the-counter derivative instrument'' includes—

"(A) any agreement, contract, or transaction, including the terms and conditions incorporated by reference in such agreement, contract, or transaction, which is an interest rate swap, option, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, and forward rate agreement; a same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, or forward agreement; an equity index or equity swap, op-

tion, or forward agreement; a debt index or debt swap, option, or forward agreement; a credit spread or credit swap, option, or forward agree-

ment; a rate or commodity swap, option, or forward agreement; and a weather swap, weather derivative, or weather option;

(B) any agreement, contract or transaction similar to any other agreement, contract, or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into by parties that participate in swap transactions (including terms and conditions incor-

porated by reference in the agreement) and that is a forward, swap, or option on 1 or more occurrences of any event, rates, currencies, com-

modities, weather, or other equity instru-

ments, debt securities or other debt instruments, economic or other indices or measures of eco-

nomic or other risk or value; or

(C) any contract, or transaction excluded from the Commodity Exchange Act under section 2(c), 2(d), 2(f), or 2(g) of such Act, or

or exempted under section 2(h) or 4(c) of such Act; and

(D) any option to enter into any, or any combination of, agreements, contracts or trans-

actions referred to in subparagraphs (A) through (C) of this section.

(3) OTHER DEFINITIONS.—The terms ‘‘insured State nonmember bank’’, ‘‘State member bank’’, and ‘‘affiliate’’ have the same meanings as in section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991. A ‘‘national bank’’ may be a debtor if a petition is filed at the direction of the Board of Governors of the Federal Reserve System; or

(4) SEC. 409. MULTILATERAL CLEARING ORGANIZA-

TIONS.

(a) IN GENERAL.—Except with respect to clearing organizations described in subsection (b), no person may operate a multilateral clear-

ing organization for over-the-counter derivative instruments, or otherwise engage in activities permitted by a multilateral clearing organization unless the person is a national bank, a State member bank, an insured State non-

member bank, an affiliate of a national bank, a State member bank, or an insured State non-

member bank, or a corporation chartered under section 25A of the Federal Reserve Act.

(b) CLEARING ORGANIZATIONS.—Subsection (a) shall not apply to any clearing organization that—

(1) is registered as a clearing agency under the Securities Exchange Act of 1934;

(2) is registered as a derivatives clearing organization under the Commodity Exchange Act;

(3) is supervised by a foreign financial regu-

lator that the Comptroller of the Currency, the Board of Governors of the Federal Reserve Sys-

tem, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as applicable, has determined satisfies appropriate standards.

(c) RESOLUTION OF CLEARING BANKS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the fol-

lowing new section:

"SEC. 9B. RESOLUTION OF CLEARING BANKS.

(1) CONSERVATION OR RECOVERY.—The Board may appoint a conservator or receiver to take possession and control of any uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 to the same extent and in the same manner as the Comptroller of the Cur-

rency may appoint a conservator or receiver for a national bank.

(2) POWERS.—The conservator or receiver for an uninsured State member bank referred to in paragraph (1) shall exercise the same powers, functions, and duties, subject to the same limita-

tions, as a conservator or receiver for a na-

tional bank.

(b) BOARD AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed under sub-

section (a), and the uninsured State member bank for which the conservator or receiver has been appointed, as the Comptroller of the Cur-

rency has with respect to a conservator or re-

ceiver for a national bank and the national bank for which the conservator or receiver has been appointed.

(c) BANKRUPTCY PROCEEDINGS.—The Board (in the case of an uninsured State member bank which operates, or operates as, such a multila-

teral clearing organization) may direct a conserv-

ator or receiver appointed for the bank to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the bank in lieu of other-

wise applicable Federal or State insolvency law.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 11, UNITED STATES CODE.—

(1) BANKRUPTCY CODE DEBTORS.—Subchapter V of chapter 7 of title 11, United States Code, is amended by striking ‘‘; or’’ and inserting the following: ‘‘; except that an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor under chapter 11 of this title.’’.

(2) DEPOSITORY INSTITUTION.—Section 101(22) of title 11, United States Code, is amended to read as follows:

‘‘(2) only a railroad, a person that may be a depository under chapter 7 of this title (except a stockbroker or a commodity broker), and an un-

insured State member bank, or a corporation or-

ganized under section 25A of the Federal Reserve Act, which operates, or operates as, a mul-

tilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Cor-

poration Improvement Act of 1991 may be a debtor under chapter 11 of this title.’’.

(3) DEFINITION OF FINANCIAL INSTITUTION.—

Section 101(22) of title 11, United States Code, is amended to read as follows:

‘‘(22) the term ‘financial institution’—

‘‘(A) means—

‘‘(i) a Federal reserve bank or an entity (do-

member for foreign) that holds savings-

banks, industrial savings banks, savings and

loan association, trust company, or receiver or

conservator for such entity and, when any such

Federal reserve bank, conservator, or entity is acting as agent or custodian for a cus-

tomer in connection with a securities contract,

as defined in section 741 of this title, the cus-

tomer in connection with a securities contract,

as defined in section 741 of this title, and

‘‘(ii) in connection with a securities contract,

as defined in section 741 of this title, an invest-

ment company registered under the Investment

Company Act of 1940; and

(3) Subchapter V of chapter 7 of title 11, United States Code, is amended by inserting at the end the following new subchapter:

"SUBCHAPTER V—CLEARING BANK LIQUIDATION

§ 781. Definitions

For purposes of this subchapter, the fol-

lowing definitions shall apply:

(1) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve Sys-


§ 784. Right to be heard

(a) General.

(1) Appointment.—Notwithstanding any provision of this title, the conservator or receiver who files the petition shall be the trustee under this chapter, unless the Board designates an alternative trustee.

(2) Successor.—The Board may designate a successor trustee if required.

(b) Priority of trustee.—Whenever the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Board in the same way and to the same extent that they apply to a United States trustee.

§ 783. Additional powers of trustee

(a) Distribution of property not of the estate.—The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and IV of this chapter.

(b) Disposition of institution.—The trustee under this subchapter may, after notice and a hearing—

(1) sell the clearing bank to a depository institution or consortium of depository institutions (which consortium may agree on the allocation of the clearing bank among the consortium);

(2) merge the clearing bank with a depository institution;

(3) transfer contracts to the same extent as could a receiver for a depository institution under paragraphs (9) and (10) of section 11(e) of the Federal Deposit Insurance Act;

(4) transfer assets or liabilities to a depository institution;

(5) transfer assets and liabilities to a bridge bank under paragraphs (1), (3)(A), (5), and (6), of section 11(n) of the Federal Deposit Insurance Act, paragraphs (9) through (13) of such section, and subparagraphs (A) through (H) and subparagraph (K) of paragraph (4) of such section 11(n), except that—

(A) the bridge bank to which such assets or liabilities are transferred shall be treated as a clearing bank for the purposes of this subsection; and

(B) any references in such provision of law to the Federal Deposit Insurance Corporation shall be construed to be references to the appointing agency and that references to depository insurance shall be omitted.

(c) Certain transfers included.—Any reference in this section to transfers of liabilities includes a ratable transfer of liabilities within a priority class.

§ 784. Right to be heard

"The Board or a Federal reserve bank (in the case of a clearing bank that is a member of that bank) may raise and may appear and be heard on any issue in a case under this subchapter."

(6) Definitions of clearing organization, contract market, and related definitions.—

(A) Section 761(2) of title 11, United States Code, is amended to read as follows:

(1) ‘clearing organization’ means a derivatives clearing organization registered under the Act; and

(B) Section 761(7) of title 11, United States Code, is amended to read as follows:

(1) ‘contract market’ means a registered entity; and

(C) Section 761(8) of title 11, United States Code, is amended to read as follows:

(1) ‘contract of sale’ and ‘commodity’ mean the terms ‘derivatives clearing organization’, ‘future delivery’, ‘board of trade’, ‘registered entity’, and ‘futures commission merchant’ have the meanings assigned to them under the Act; and

(d) Clerical amendment.—The table of sections for chapter 7 of title 11, United States Code, is amended by adding at the end the following new items:

Subchapter V—Clearing Bank Liquidation

Sec.

781. Definitions.

782. Selection of trustee.

783. Additional powers of trustee.

784. Right to be heard.

(e) Resolution of Edge Act Corporations.—The 18th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 624) is amended to read as follows:

(1) Appointment of receiver or conservator.—

(A) in general.—The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

(B) Equivalent authority.—The Board shall have the same authority with respect to any derivatives clearing organization that the Comptroller of the Currency has with respect to a national bank or a federal savings and loan association for which a conservator has been appointed.

(C) Title 11 petitions.—The Board may direct the liquidation of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.

(f) Derivatives Clearing Organizations.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5a, as added by section 111 of this Act, the following:

Sec. 5b. Derivatives Clearing Organizations.

(i) In general.—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant—

(A) is in general.—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant satisfies the core principles specified in this paragraph. The applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles.

(B) Financial resources.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization.

(C) Participant and product eligibility.—The applicant shall—

(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the organization; and

(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the applicant.

(D) Risk management.—The applicant shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and programs.

(E) Settlement procedures.—The applicant shall have the ability to—

(i) complete settlements on a timely basis under varying circumstances;

(ii) maintain an adequate record of the flow of funds associated with each transaction that the applicant clears; and

(iii) comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations.

(F) Treatment of funds.—The applicant shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

(G) Default rules and procedures.—The applicant shall have rules and procedures designed to allow for efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the derivatives clearing organization.

(H) Rule enforcement.—The applicant shall—

(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the applicant and resolution of disputes and

(ii) have the authority and ability to discipline, limit, suspend, or terminate a member’s or participant’s activities for violations of rules of the applicant.

(I) System safeguards.—The applicant shall demonstrate that the applicant—

(i) has established and will maintain a program of oversight and risk analysis to ensure that the automated systems of the applicant function properly and have adequate capacity and security; and

(ii) has established and will maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities to ensure that the applicant is prepared to respond to the event.

(J) Reporting.—The applicant shall provide to the Commission all information necessary for the Commission to conduct the oversight function of the applicant with respect to the activities of the derivatives clearing organization.

(K) Recordkeeping.—The applicant shall maintain records of all activities related to the business of the applicant as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

(L) Applicability.—The applicant shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants by the time of registration.

(M) Information sharing.—The applicant shall—
("(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

(ii) use relevant information obtained from the agency charge with overseeing the clearing organization’s risk management program.

(N) ANTITRUST CONSIDERATIONS.—Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid—

(i) adopting any rule or taking any action that results in any unreasonable restraint of trade;

(ii) imposing any material anticompetitive burden on trading on the contract market.

(3) ORDERS CONCERNING COMPETITION.—A derivatives clearing organization may request the Commission to issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of this Act.

(d) EXISTING DERIVATIVES CLEARING ORGANIZATIONS.—A derivatives clearing organization shall be deemed to be registered under this section to the extent that the derivatives clearing organization clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market or derivatives transaction execution facility. If the Commission in its discretion determines that a derivatives clearing organization should be deemed to be registered under this Act, the contract market or derivatives transaction execution facility shall promptly take steps to address the noncompliance.

(e) APPOINTMENT OF TRUSTEE.—

(1) IN GENERAL.—If a proceeding under section 5e results in the suspension or revocation of the registration of a derivatives clearing organization, or if a derivatives clearing organization withdraws from registration, the Commission, on notice to the derivatives clearing organization, may apply to the appropriate United States district court where the derivatives clearing organization is located for the appointment of a trustee.

(2) ASSUMPTION OF JURISDICTION.—If the Commission applies for appointment of a trustee under paragraph (1), the court shall appoint the Commission as the court may prescribe.

(f) LINKING OF REGULATED CLEARING FACILITIES.—

(1) IN GENERAL.—The Commission shall facilitate the linking of or coordination of derivatives clearing organizations registered under this Act with other regulated clearing facilities for the coordinated settlement of cleared transactions.

(2) COORDINATION.—In carrying out paragraph (1), the Commission shall coordinate with the Federal banking agencies and the Securities and Exchange Commission.

SEC. 113. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5(b) (as added by section 112(f)) the following:

"SEC. 5c. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

(a) ACCEPTANCE OF BUSINESS PRACTICES UNDER CORE PRINCIPLES.—

(1) IN GENERAL.—Consistent with the purposes of this Act, the Commission may issue interpretations of the Core Principles submittable to the Commission, of sections 5(d), 5(a)(d), and 5(b)(2) to describe what constitutes an acceptable business practice under such sections.

(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) shall not provide the exclusive means for complying with such sections.

(b) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—

(1) IN GENERAL.—A contract market or derivatives transaction execution facility may comply with any applicable core principle through delegation of any relevant function to a registered futures association or another registered entity.

(2) RESPONSIBILITY.—A contract market or derivatives transaction execution facility that delegates a function under paragraph (1) shall remain responsible for carrying out the function.

(c) NONCOMPLIANCE.—If a contract market or derivatives transaction execution facility becomes aware that a delegated function is not being performed under this Act, the contract market or derivatives transaction execution facility shall promptly take steps to address the noncompliance.

(d) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), a registered entity may request the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

(2) PRIOR APPROVAL REQUIRED.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(4) (or any option thereon) traded through its facilities; the application to contract and delivery months which have already been listed for trading and have open interest.

(e) PRICE DISCOVERY.—If the Commission finds that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other reflecting data for the cash market.

(f) JURISDICTION.—The Commission shall have exclusive jurisdiction over any account, agreement, contract, or transaction involving a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, to the extent that the account, agreement, contract, or transaction is traded on an exempt board of trade.

(g) An exempt board of trade that meets the requirements of subsection (b) of this section may operate as an exempt board of trade on receipt of a notice from the Commission, provided in such manner as the Commission may by rule or regulation prescribe, that the board of trade elects to operate as an exempt board of trade. Except as otherwise provided in this section, no provision of this Act (other than subparagraphs (c) and (d) of section 2(a)(1) and section 12(e)(2)(B)) shall apply with respect to a contract of sale of a commodity for future delivery (or option on such a contract) traded on or through the facilities of an exempt board of trade.

(h) CRITERIA FOR EXEMPTION.—To qualify for an exemption under subsection (a), a board of trade shall limit trading on or through the facilities of the board of trade to contracts of sale of a commodity for future delivery or commodity options on such contracts or on a commodity.—

(i) for which the underlying commodity has—

(1) a nearly inexhaustible deliverable supply;

(2) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to ensure that a contract or commodity is highly unlikely to be susceptible to the threat of manipulation;

(3) no cash market;

(4) that are entered into only between persons that are eligible contract participants at the time at which the persons enter into the contract and

(5) that are not contracts of sale (or options on such a contract or on a commodity) for future delivery of any security, including any group or index of securities or any interest in, or based on the value of, any security or any group or index of securities.

(j) ANTI-MANIPULATION REQUIREMENTS.—A person that contracts of sale of a commodity for future delivery (or option on such a contract or on a commodity) that is traded on an exempt board of trade shall be subject to sections 4b, 4c, 4d(c), and 8a(2), and the Commission shall enforce those provisions with respect to any such trading.

(k) PRICE DISCOVERY.—If the Commission finds that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other reflecting data for the cash market.

(l) SUBSIDIARIES.—A board of trade that is designated as a contract market or registered as a derivatives transaction execution facility may operate as an exempt board of trade by establishing a separate subsidiary or other legal entity and otherwise satisfying the requirements of this section.

(m) An exempt board of trade that meets the requirements of subsection (b) shall not represent to any person that the board of trade is...
registered with, or designated, recognized, li-
censed, or approved by the Commission.".  

SEC. 115. SUSPENSION OR REVOCATION OF DES-
IGNATION AS CONTRACT MARKET.  

Section 12 of the Commodity Exchange Act (7 U.S.C. 7b) (as redesignated by section 201) is amended by striking "2000" and inserting "2005".  

SEC. 117. PREEMPTION.  

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking subsection (e) and inserting the following:  

"(e) and inserting the following:  

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.  

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended by striking subsection (g) and inserting the following:  

"(7 U.S.C. 16(d)) is amended by striking "2000" and inserting "2005".  

SEC. 119. CONSIDERATION OF COSTS AND BEN-
EFITS AND ANTITRUST LAWS.  

SEC. 15. CONSIDERATION OF COSTS AND BEN-
EFITS AND ANTITRUST LAWS.  

(a) COSTS AND BENEFITS.—  

(1) In general.—In promulgating a regu-
lation under this Act or issuing an order (ex-
cept as provided in paragraph (3)), the Com-
mission shall consider the costs and benefits of the 
action of the Commission.  

(2) CONSIDERATIONS.—The costs and benefits of the proposed Commission action shall be evalu-
ated in light of—  

(A) considerations of protection of market participants and the public;  

(B) considerations of the efficiency, competi-
tiveness, and financial integrity of futures mar-
tets;  

(C) considerations of price discovery;  

(D) considerations of sound risk management 
practices; and  

(E) other public interest considerations.  

"(3) APPLICABILITY.—This subsection does not apply to the following actions of the Commiss-
ion:  

(A) An order that initiates, is part of, or is the result of an adjudicatory or investigative 
process of the Commission.  

(B) An emergency action.  

(C) A finding of fact regarding compliance with a requirement of the Commission.  

(D) ANTITRUST LAWS.—The Commission.  

"SEC. 120. CONTRACT ENFORCEMENT BETWEEN ELIGI-
BLE COUNTERPARTIES.  

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25a) is amended by adding at the end of the section the following:  

"(4) CONTRACT ENFORCEMENT BETWEEN ELIGI-
BLE COUNTERPARTIES.—No agreement, contract, 
or transaction between eligible contract partici-
pants or persons reasonably believed to be eligi-
able contract participants, and no hybrid instru-
ment sold to any investor, shall be void, 
voidable, or unenforceable, and no such party shall be entitled to recover any amount paid made with respect to, such an agreement, con-
tract, transaction, or instrument under this sec-
tion or any other provision of Federal or State 
law, based solely on the failure of the agree-
ment, contract, transaction, or instrument to 
comply with the terms or conditions of an 
exemption or exclusion from any provision of this 
Act or regulations of the Commission.".  

"SEC. 121. SPECIAL PROCEDURES TO ENCOURAGE 
AND FACILITATE BONAFIDE HEDG-
ING BY AGRICULTURAL PRODUCERS.  

The Commodity Exchange Act, as otherwise amended by this Act, is amended by inserting after section 4o the following:  

"SEC. 4p. SPECIAL PROCEDURES TO ENCOURAGE 
AND FACILITATE BONAFIDE HEDG-
ING BY AGRICULTURAL PRODUCERS.  

(a) AUTHORITY.—The Commission shall con-
sider issuing rules or orders which:  

(1) prescribe procedures under which each 
contract market is to provide for orderly deliv-
ery, including temporary storage costs, of any 
contract market is to provide for orderly deliv-
ery of any agricultural commodity that is the subject of a contract for pur-
chase or sale for future delivery;  

(2) increase the ease with which domestic ag-
ricultural producers can participate in 
contract markets, including by addressing cost and mar-
gin requirements, so as to better enable the pro-
ducers to hedge price risk associated with their production;  

(3) provide flexibility in the minimum quanti-
ties of such agricultural commodities that may be the subject of a contract for purchase or sale for future delivery, including any contract market that is traded on a contract market, to better allow domestic agricultural producers to hedge such price risk; and  

(4) encourage contract markets to provide in-
formation and otherwise facilitate the participa-
tion of domestic agricultural producers in con-
tract markets.  

(b) REPORT.—Within 1 year after the date of 
the enactment of this section, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the steps it has taken to imple-
ment this section and on the activities of con-
tract markets pursuant to this section.".  

"SEC. 122. RULE OF CONSTRUCTION.  

Except as expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act super-
cedes, affects, or otherwise limits or expands the 
applicability of the Securities and Exchange Commission.  

"SEC. 123. TECHNICAL AND CONFORMING AMEND-
MENTS.  

(a) COMMODITY EXCHANGE ACT.—  

(1) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 101) is amended—  

(A) in paragraphs (5), (6), (16), (17), (20), and 
(23), by inserting "or derivatives transaction 
execution facility" after "contract market"; each 
place it appears; and 

(B) in paragraph (24)—  

(i) in the paragraph heading, by striking "CON-
TRACT MARKET" and inserting "RE-
GISTERED ENTITY";  

(ii) by striking "contract market" each 
place it appears and inserting "registered entity"; and  

(iii) by adding at the end the following:  

A participant in an alternative trading system 
that is designated as a contract market pursuant 
to section 5f is deemed a member of the con-
tract market for purposes of transactions in se-
curity futures products through the contract 
market.".  

"SEC. 2. Jurisdiction of Commission; liability of principal for act of agent; commodity futures trad-
ing commission; transaction in interstate commodity futures.  

(a) JURISDICTION OF COMMISSION; LIABILITY OF PRINCIPAL FOR ACT OF AGENT; COMMODITY FUTURES TRAD-
ING COMMISSION; TRANSACTION IN INTERSTATE 
COMMODITY FUTURES MARKET.  

(1) JURISDICTION OF COMMISSION.—  

(A) IN GENERAL.—(i) and (B) in subsection (a)(3)—  

(i) in subparagraph (A) (as amended by sub-
paragraph (A) of this paragraph), by striking "sub-
paragraph (B) of this sub-
paragraph" and inserting "subparagraphs (C) and (D) of this paragraph and subsections (c) 
and (d) of this section";  

(ii) by striking "contract market designated 
pursuant to section 5 of this Act" and inserting 
"contract market designated or derivatives transaction execution facility registered pursuant 
to section 5 or 5a";  

(iii) by striking clause (ii); and  

(iv) in clause (iii), by striking "(iii) The" and 
inserting the following:  

"(B) LIABILITY OF PRINCIPAL FOR ACT OF AGENT.—The"; and  

(ii) in subparagraph (B)—  

(I) by striking "(B)" and inserting "(C)";  

(II) in clause (v)—  

(aa) by striking "section 3 of the Securities 
Act of 1933"; and  

(bb) by inserting "or subparagraph (D) after 
"subparagraph"; and  

(iii) by moving clauses (i) through (v) 4 ems 
to the right.  

(C) in subsection (a)(7), by striking "contract 
market" and inserting "registered entity";  

(D) in subsection (a)(8)(B)—  

(i) in the first sentence, by striking "designa-
tion as a contract market" and inserting "des-
ignation or registration as a contract market or derivatives transaction execution facility";  

(ii) in the second sentence, by striking "designa-
te a board of trade as a contract market" and inserting "designate or register a board of trade as a contract market or derivatives trans-
action execution facility for";  

(iii) in the fourth sentence, by striking "design-
nating, or refusing, suspending, or revoking the
designates, a board of trade as a contract market involving transactions for future delivery referred to in this clause or in considering any possible action under this Act (including without limitation emergency action under section 6c of this Act) including but not limited to designating, registering, or revoking the designation of a board of trade as a contract market or derivatives transaction execution facility and inserting “designated, or registered as a board of trade as a contract market or derivatives transaction execution facility for”;

(ii) in paragraph (2), by striking “member of” and “such”, and

(iii) in paragraph (3), by inserting “or derivatives transaction execution facility” after “contract market”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “designated” and inserting “designated or registered by the Commission as a contract market or derivatives transaction execution facility for”;

(ii) in paragraph (2), by striking “member of” and “such”; and

(iii) in paragraph (3), by inserting “or derivatives transaction execution facility” after “contract market”.

Section 6a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(A) in the first sentence—

(i) by striking “board of trade desiring to be designated” and inserting “person desiring to be designated or registered as a contract market or derivatives transaction execution facility”;

(ii) by striking “by striking “designated” and inserting “designated or registered as a contract market or derivatives transaction execution facility” and inserting “the requirements of this Act”; and

(iii) by striking “above requirements” and inserting “the requirements of this Act”;

(B) in the second sentence—

(i) by striking “by striking “designated” and inserting “designated or registered”” and inserting “the requirements of this Act”;

(ii) by striking “as a contract market” and inserting “as a contract market or derivatives transaction execution facility”; and

(C) in the last sentence—

(i) by striking “the privileges of all” and inserting “the privileges of all registered entities”;

(ii) by striking “contract markets” and inserting “contract markets or derivatives transaction execution facilities”; and

(iii) by striking “registered entities” and inserting “registered entities”;

Section 6b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(A) in the second sentence—

(i) by striking “designated as a contract market or derivatives transaction execution facility” and inserting “designated or registered as a contract market or derivatives transaction execution facility”;

(ii) by striking “section 6a(1)(A)” and inserting “section 6a(1)(B)”;

(iii) by striking “inserting “designated” and inserting “designated or registered as a contract market or derivatives transaction execution facility”” and inserting “inserting “designated or registered as a contract market or derivatives transaction execution facility””;

(B) in the second sentence—

(i) by striking “designated” and inserting “designated or registered” and inserting “designated as a contract market or derivatives transaction execution facility”;

(ii) by striking “the Commission may designate or register any contract market or derivatives transaction execution facility that has made application to the Commission for such designation” and inserting “the Commission may designate or register any contract market or derivatives transaction execution facility that has made application to the Commission for such designation”;

(iii) by striking “the requirement of the registered entity” and inserting “the requirement of the registered entity”;

(iv) by striking “the ability of the registered entity” and inserting “the ability of the registered entity”;

(v) by striking “subparagraphs (C)(ii) and (D) of section 6a(2)” and inserting “subparagraphs (C)(ii) and (D) of section 6a(2)”;

(vi) by striking “the requirements of this Act” and inserting “the requirements of this Act”; and

(vii) by striking “by striking “designated” and inserting “designated as a contract market or derivatives transaction execution facility”’’; and

(C) in the last sentence—

(i) by striking “board of trade” and inserting “person”;

(ii) by striking “or registered” and inserting “or registered”;

(iii) by striking “registration” and inserting “registration”; and

(iv) by striking “designated again a contract market” and inserting “registered again as a contract market”.

Section 6c of the Commodity Exchange Act (7 U.S.C. 6c) is amended—

(A) in the first sentence—

(i) by striking “board of trade” and inserting “person”;

(ii) by striking “or registered” and inserting “or registered”;

(iii) by striking “registration” and inserting “registration”; and

(iv) by striking “designated as a contract market or derivatives transaction execution facility” and inserting “registered as a contract market or derivatives transaction execution facility”.

Section 6d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(A) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “designated or registered as a contract market or derivatives transaction execution facility”; and

(B) in subsection (b), by striking “designated as a contract market” and inserting “designated or registered as a contract market or derivatives transaction execution facility”.

Section 6e of the Commodity Exchange Act (7 U.S.C. 6e) is amended—

(A) by striking “contract market” each place it appears and inserting “registered entity”; and

(B) in the first sentence, by striking “designation as set forth in section 5 of this Act” and inserting “designation or registration as set forth in sections 5 through 5c”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;

(E) in subsection (e)—

(i) by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”;

(ii) by striking “designated as a contract market” and inserting “registered as a contract market”; and

(B) in the first sentence of subsection (a), by striking “designated as a contract market” and inserting “registered as a contract market”;

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”;

(D) in section 6a(1)(A), by striking “contract market” and inserting “registered entity”;}
(25) Section 22 of the Commodity Exchange Act (7 U.S.C. 25) is amended—
(a) by striking (as designated), clearing organization of a contract market, licensed board of trade, and inserting “registered entity”; and
(b) by adding at the end the following:
...(1) in paragraph (10), by inserting “security future,” after “treasury stock,”;
...(2) by striking paragraph (11) and inserting the following:
...(A) in the definition of the term ‘equity security’ means any stock or similar security; or any security future on any such security; or any security convertible into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security having the same economic characteristics and similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security;...
...(3) in paragraph (13), by adding at the end the following: “For security futures products, such term includes any contract, agreement, or transaction for future delivery.”;
...(4) in paragraph (14), by adding at the end the following: “For security futures products, such term includes any contract, agreement, or transaction for future delivery.”; and
...(5) by adding at the end the following:
...(a) by striking paragraphs (4) and (5) and inserting the following:
...(iv) in paragraph (4), by striking “contract market, clearing organization of a contract market, licensed board of trade,” and inserting “registered entity”; and
...(v) in paragraph (5), by striking “contract market, clearing organization of a contract market,” and inserting “registered entity.”
...(b) by adding at the end the following:
...(1) in paragraph (10), by inserting “security future,” after “treasury stock,”;
...(2) by striking paragraph (11) and inserting the following:
...(A) in the definition of the term ‘equity security’ means any stock or similar security; or any security future on any such security; or any security convertible into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security having the same economic characteristics and similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security;...
...(3) in paragraph (13), by adding at the end the following: “For security futures products, such term includes any contract, agreement, or transaction for future delivery.”;
...(4) in paragraph (14), by adding at the end the following: “For security futures products, such term includes any contract, agreement, or transaction for future delivery.”; and
...(5) by adding at the end the following:
...(a) by striking paragraphs (4) and (5) and inserting the following:
...(iv) in paragraph (4), by striking “contract market, clearing organization of a contract market, licensed board of trade,” and inserting “registered entity”; and
...(v) in paragraph (5), by striking “contract market, clearing organization of a contract market,” and inserting “registered entity.”

SEC. 125. REPORT TO CONGRESS.
(a) The Commodity Futures Trading Commission (‘‘CFTC’’) shall undertake and complete a study of the Commodity Exchange Act (in this section referred to as ‘‘the Act’’) and the Commission’s rules, regulations and orders governing the conduct of persons required to be registered under the Act, not later than 1 year after the date of enactment of this Act. The study shall identify—
...(1) the core principles and interpretations of acceptable business practices that the Commission has adopted or intends to adopt to replace the provisions of the Act and the Commission’s rules and regulations thereunder;...(2) the rules and regulations that the Commission has determined must be retained and the reasons therefor;...(3) the extent to which the Commission believes it can effect the changes identified in paragraph (2) without exercising any of its exemptive authority under section 4(c) of the Act; and...(4) the regulatory functions the Commission currently performs that can be delegated to a registered futures association (within the meaning of the Act) and the regulatory functions that the Commission must be retained and the reasons therefor.
(b) In conducting the study, the Commission shall solicit the views of the public as well as Commission’s registered, exempted entities, and registered futures associations (all within the meaning of the Act).
(c) The Commission shall transmit to the Commodity Futures Trading Commission of Agriculture, Nutrition, and Forestry of the Senate a report of the results of its study, which shall include an analysis of comments of Congress."
market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery on an index that was not a narrow-based security index; and

(ii) the margin level or level of any put, call, straddle, option, or privilege on any security futures product, means the amount required to secure any extension or maintenance of credit, or the amount, type, and form of collateral required to secure a performance bond related to the purchase, sale, or carrying of a security futures product.

(b) The terms ‘margin level’ and ‘level of margin’, when used with respect to a security futures product, mean the amount of margin required to secure any extension or maintenance of credit, or the amount of margin required to secure a performance bond related to the purchase, sale, or carrying of a security futures product.

(c) The terms ‘higher margin level’ and ‘higher level of margin’, when used with respect to a security futures product, mean a margin level established by a national securities exchange registered pursuant to section 6(g) that is higher than the minimum amount established and effective pursuant to section 7(a)(2).

SEC. 202. REGULATORY RELIEF FOR MARKETS TRADING SECURITY FUTURES PRODUCTS.

(a) Expedited Registration and Exemption.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

(1) REGISTRATION REQUIRED.—An exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products if—

(A) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (7 U.S.C. 1a(2)), that—

(i) has listed and maintained a contract market by the Commodity Futures Trading Commission and such designation is not suspended by order of the Commodity Futures Trading Commission; or

(ii) is registered as a derivatives transaction execution facility under section 5a of the Commodity Exchange Act and such registration is not suspended by the Commodity Futures Trading Commission; and

(B) such exchange does not serve as a market place for transactions in securities other than—

(i) security futures products; or

(ii) futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under section 21(a)(1)(C) of the Commodity Exchange Act.

(2) REGISTRATION BY NOTICE FILING.—(A) Form of exchange required to register only because such exchange lists or trades security futures products may register for purposes of this section by filing with the Commission a notice of its intention to register in such form as the Commission, by rule, may prescribe containing the rules of the exchange and other information and documents concerning such exchange, comparable to the information and documents required for national securities exchanges under section 6(a), as the Commission, by rule, may prescribe as necessary or appropriate in public interest or for the protection of investors. If such exchange has filed documents with the Commodity Futures Trading Commission, to the extent that such documents satisfy the information and documents requirements, copies of such documents may be filed with the Commission in lieu of the required written notice.

(B) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if such registration would be subject to suspension or revocation.

(C) TERMINATION.—Such registration shall be effective immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

(3) Notice of Registration.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.

(4) Exemption of Exchanges from Specified Provisions.—(A) TRANSACTION EXEMPTIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members or its customers (including persons that are not members or customers of such exchange) with any applicable law, rule, regulation, or order of any Federal or State authority, or any provision of Federal or State law, rule, regulation, or order, to the extent that such exchange establishes and maintains, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization, as defined in section 1a(26) of the Commodity Exchange Act; and

(B) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

(2) SECURITY FUTURES PRODUCT RULE CHANGES.—(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 15A(k) of this title and that lists or trades security futures products, or rules effectuating such exchange's obligation to enforce the securities laws pursuant to section 19(b)(7); (ii) such exchange shall file pursuant to section 19(b)(7) such proposed rule changes that have been abrogated by the Commodity Futures Trading Commission pursuant to section 19(b)(7)(C).

(3) TRADING IN SECURITY FUTURES PRODUCTS.—(A) IN GENERAL.—Subject to subparagraph (B), it shall be unlawful for any person to execute or trade a security futures product until the later of—

(i) 1 year after the date of enactment of the Commodity Futures Modernization Act of 2000; or

(ii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in sections 15A(k)(2) and (3) of the Commodity Exchange Act.

(B) PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.—Notwithstanding subparagraph (A), a person may execute or trade a security futures product pursuant to principal-to-principal transactions if—

(i) the transaction is entered into—

(I) on a principal-to-principal basis between parties other than an exchange, as described in section 1a(12)(B)(iii) of the Commodity Exchange Act; and

(ii) only between eligible contract participants (as defined in subparagraphs (A), (B), and (C) of such section 1a(12) at the time which the persons enter into the agreement, contract, or transaction; and

(iii) the transaction is entered into on or after the later of—

(I) 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000; or

(ii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in sections 15A(k)(2) of this title.

(b) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

(2) SECURITY FUTURES PRODUCT RULE CHANGES.—(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 15A(k) of this title and that lists or trades security futures products, or rules effectuating such exchange’s obligation to enforce the securities laws pursuant to section 19(b)(7) of this title, shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization, as defined in section 1a(26) of the Commodity Exchange Act; and

(B) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

(2) SECURITY FUTURES PRODUCT RULE CHANGES.—(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 15A(k) of this title and that lists or trades security futures products, or rules effectuating such exchange's obligation to enforce the securities laws pursuant to section 19(b)(7); (ii) such exchange shall file pursuant to section 19(b)(7) such proposed rule changes that have been abrogated by the Commodity Futures Trading Commission pursuant to section 19(b)(7)(C).


"(B) FILING WITH CFTC.—A proposed rule rule change filed with the Commission pursuant to subparagraph (A) that is filed concurrently with the Commodity Futures Trading Commission. Such proposed rule change may take effect upon filing. If a written certification is not filed concurrently with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, upon a determination by the Commodity Futures Trading Commission that review of the proposed rule change is necessary, or upon the approval of the proposed rule change by the Commodity Futures Trading Commission.

"(C) RULE CHANGE.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days of the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that such proposed rule change is not necessary, or the date the Commodity Futures Trading Commission approves such proposed rule change, the Commodity Futures Trading Commission, by order, shall approve or disapprove any such proposed rule change of a self-regulatory organization. Any such proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law.

"(D) REVIEW OF SUBMITTED ABROGATED RULES.—(I) PROCEEDINGS.—Within 35 days of the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and filed in accordance with paragraph (1), if within such longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate in furtherance of the public interest, and publishes its reasons therefor, the Commission shall—

"(i) order a review of the proposed rule change; or

"(ii) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subclause (i) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds it necessary and appropriate in furtherance of the public interest, and publishes its reasons therefor.

"(F) CONSULTATION PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (2), as added by paragraph (1), the following:

"(G) CONSULTATION WITH CFTC.—(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association, or in accordance with subparagraph (C) and refiled in accordance with paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest or efficiency, conflicts with the securities products.

"(H) INTERPRETATION AND ENFORCEMENT.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) shall not be reviewable under section 25 of this title. An interpretation or enforcement by a self-regulatory organization of any rule, or a proposed rule change, shall not affect the validity or force of the rule.

"(I) IMPLICATIONS OF ABROGATION.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) shall be abrogated by the Commission, after consultation with the Commodity Futures Trading Commission, by order, not later than 90 days after the date on which the filing of a written certification under this section shall take effect. Such proposed rule change may take effect with the Commodity Futures Trading Commission.

"(J) R E V I E W OF ABROGATED RULE.—Subparagraph (I) shall be filed concurrently with the Commission, and published in the Federal Register, except that such notice is not required if such proposed rule change is not necessary, or upon the approval of the proposed rule change by the Commodity Futures Trading Commission.

"(K) IMPLICATIONS OF ABROGATION.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) shall be abrogated by the Commission, after consultation with the Commodity Futures Trading Commission, by order, not later than 90 days after the date on which the filing of a written certification under this section shall take effect. Such proposed rule change may take effect with the Commodity Futures Trading Commission.

"(L) R E V I E W OF RESUBMITTED ABROGATED RULES.—(I) PROCEEDINGS.—Within 35 days of the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and filed in accordance with paragraph (1), if within such longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate in furtherance of the public interest, and publishes its reasons therefor, the Commission shall—

"(i) order a review of the proposed rule change; or

"(ii) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subclause (i) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds such longer period to be appropriate in furtherance of the public interest, and publishes its reasons therefor.

"(M) CONSULTATION PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (2), as added by paragraph (1), the following:

"(N) CONSULTATION WITH CFTC.—(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association, or in accordance with subparagraph (C) and refiled in accordance with paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest or efficiency, conflicts with the securities products.

"(O) IMPLICATIONS OF ABROGATION.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) shall be abrogated by the Commission, after consultation with the Commodity Futures Trading Commission, by order, not later than 90 days after the date on which the filing of a written certification under this section shall take effect. Such proposed rule change may take effect with the Commodity Futures Trading Commission.

"(P) R E V I E W OF ABROGATED RULE.—Subparagraph (I) shall be filed concurrently with the Commission, and published in the Federal Register, except that such notice is not required if such proposed rule change is not necessary, or upon the approval of the proposed rule change by the Commodity Futures Trading Commission.

"(Q) IMPLICATIONS OF ABROGATION.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) shall be abrogated by the Commission, after consultation with the Commodity Futures Trading Commission, by order, not later than 90 days after the date on which the filing of a written certification under this section shall take effect. Such proposed rule change may take effect with the Commodity Futures Trading Commission.

"(R) CONSULTATION WITH CFTC.—(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association, or in accordance with subparagraph (C) and refiled in accordance with paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest or efficiency, conflicts with the securities products.

"(S) IMPLICATIONS OF ABROGATION.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) shall be abrogated by the Commission, after consultation with the Commodity Futures Trading Commission, by order, not later than 90 days after the date on which the filing of a written certification under this section shall take effect. Such proposed rule change may take effect with the Commodity Futures Trading Commission.
"(1) REGULATION OF MEMBERS WITH RESPECT TO SECURITY FUTURES PRODUCTS.—A futures association registered under section 17 of the Commodity Exchange Act shall be a registered national securities association for the limited purpose of regulating the activities of members who are representing as broker-dealers in security futures products pursuant to section 15(b)(11).

(2) REQUIREMENTS FOR REGISTRATION.—Such a futures association shall—

(A) be organized and have the capacity to carry out the purposes of the securities laws applicable to security futures products and to comply, at the request of any person, with the rules of the Commodity Futures Trading Commission pursuant to section 19(g)(2) to enforce compliance by its members and persons associated with its members, with the provisions of the securities laws applicable to security futures products, the rules and regulations thereunder, and its rules;

(B) have rules that—

(i) are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules relating to sales practices, and the advertising of security futures products reasonably comparable to those of other national securities associations registered pursuant to subsection (a) that are applicable to security futures products; and

(ii) are not designed to regulate by virtue of any authority conferred by this title matters not applicable to security futures products; and

(C) have rules that provide that subject to any rule or regulation of the Commission pursuant to section 19(g)(2) its members and persons associated with its members shall be appropriately disciplined for violation of any provision of the securities laws applicable to security futures products, the rules and regulations thereunder, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction; and

(D) have rules that ensure that members and natural persons associated with members meet such standards of training, experience, and competence necessary to effect transactions in security futures products and are tested for their knowledge of securities and security futures products and are tested for competence necessary to effect transactions in any security futures product and are tested for competence concerning the feasibility and desirability of coordinating such examination with examinations conducted by the Commodity Futures Trading Commission in order to avoid unnecessary regulatory burdens for such broker or dealer and exchange.

(3) EXEMPTION FROM RULE CHANGE SUBMISSION.—Such a futures association shall be exempt from submitting proposed rule changes pursuant to section 19(b)(6) of this title, except that—

(A) the association shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, and rules or regulations of, or standards of training, experience, competence, or other qualifications for security futures products for persons who effect transactions in such products, and rules or regulations of, or standards of training, experience, competence, or other qualifications for security futures products for persons who effect transactions in such products, and

(B) the association shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

(C) the association shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

(4) OTHER EXEMPTIONS.—Such a securities association shall be exempt from and shall not be required to enforce compliance by its members, and its members shall not, solely with respect to their transactions effected in security futures products, be required to comply with, any other provision of this subsection. Any authority conferred by this title matters not applicable to security futures products; and

(5) SECURITIES EXCHANGE ACT OF 1934.—Subject to the provisions of this section, the Commission shall use the rules of examination, if the information available therein is sufficient for the purposes of the examination, of—

(A) any broker or dealer registered pursuant to section 15(b)(11);

(B) exchange registered pursuant to section 6(b); and

(C) national securities association registered pursuant to section 15A(k) that is made by the Commodity Futures Trading Commission, a national securities association registered pursuant to section 15A(k), or any exchange registered pursuant to section 6(g).

(6) RULES OF CONSTRUCTION.—Notwithstanding any provision of this subsection, the records of a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) described in this subparagraph shall not be subject to routine periodic examinations by the Commission.

(B) Any recordkeeping rules adopted under this subsection for a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) shall be limited to records with respect to accounts, agreements, contracts, and transactions involving security futures products.

(2) SECURITIES EXCHANGE ACT OF 1934.—(A) The association shall file pursuant to section 17(b) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).
SEC. 206. SPECIAL PROVISIONS FOR THE TRADING OF SECURITY FUTURES PRODUCTS.

(a) LISTING STANDARDS AND CONDITIONS FOR TRADING ON EXCHANGE OR ASSOCIATION PURSUANT TO SECTION 19(b).—It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of any transaction in any security futures product not be readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such security futures product, which the market on which the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading.

(b) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(c) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(2) The Commission and the Commodity Futures Trading Commission may jointly prescribe such regulations as they deem necessary or appropriate in the public interest, and are consistent with the protection of investors, to provide for the protection of investors.

(d) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(e) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(f) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(g) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(h) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(i) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(j) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(k) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(l) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(m) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(n) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(o) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(p) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(q) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(r) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(s) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(t) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(u) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(v) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(w) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(x) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(y) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(z) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(aa) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS .—

(1) The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

(bb) AUTHORITY TO GRANT EXEMPTIONS .—The Commission and the Commodity Futures Trading Commission, by order, regulation, or rule, may jointly modify the listing standard requirements specified in subparagraph (A) or (B) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.
(initial and maintenance) for security futures products under such terms, and at such levels, as the Board deems appropriate, or as the Commission and the Commodity Futures Trading Commission shall, at least 15 days prior to a final decision, require for any comparable open contract traded on any exchange registered pursuant to section 6(a) of this title, other than an option on a security future, except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security future product as included in those contracts traded on any exchange registered pursuant to section 6(a) of this title; and

"(ii) initial and maintenance margin levels for a security future product shall not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of this title, other than an option on a security future;

except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security future product when it deems such action to be necessary or appropriate; and

"(iv) to ensure that the margin requirements (other than levels of margin), including the type, form, and use of collateral for security futures products, and the margin requirements for the settlement of such products, are consistent with the margin requirements applicable to security futures products.

"(1) SECURITIES FUTURES PRODUCTS INTO THE NATIONAL SYSTEM.--Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78j(a)) is amended by adding the following new subsection:


"(i) in subsection (a), by inserting ''and'' after ''future;'';

"(ii) in subsection (c)(3), by inserting after the period at the end of paragraph (1), the following: ''(2) similar rules of national securities exchanges registered pursuant to section 6(g) and national securities associations registered pursuant to section 15A(k) involving security futures products.''

"(3) Obligation to Address Duplicative Regulation of Dual Registrants.--Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding after subsection (b) the following:

"(3) Similar rules of national securities associations registered pursuant to section 6(g) and national securities exchanges registered pursuant to section 6(m) involving security futures products.''

"(4) Obligation to Put In Place Procedures and Adopt Rules.--Section 15A of the National Securities Associations.--Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)-3) is amended by adding after subsection (d) the following:

"(5) Procedures and Rules for Security Futures Products.--A national securities association registered pursuant to subsection (a) shall, not later than 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000, implement the procedures specified in section 6(h)(5)(A) of this title and the rules specified in section 6(h)(5)(B) of this title.
"(j) Procedures and Rules for Security Future Products.—A national securities exchange registered pursuant to subsection (a) shall implement the procedures specified in section 6(h)(5) of this title and do all such other things as may be necessary and appropriate to permit the offer and sale of security future products on or subject to the rules of a foreign board of trade to Unites States investors. (k) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Commodity Futures Trading Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of security future products traded on or subject to the rules of a foreign board of trade to United States investors. (l) The rules, regulations, or orders adopted under subsection (j) shall take into account, as appropriate, the size and scope of the markets that the securities underlying the security future products reflect.".

Section 207. Clearance and Settlement. Section 7(a) of the Commodity Exchange Act of 1934 (15 U.S.C. 78s(a)) is amended—

(1) in paragraph (3)(A), by inserting "and derivative agreements, contracts, and transactions for prompt and accurate clearance and settlement of securities transactions";
(2) in paragraph (3)(F), by inserting "and, to the extent applicable, derivative agreements, contracts, and transactions" after "promote to promote the prompt and accurate clearance and settlement of securities transactions"; and
(3) by inserting after paragraph (7), as added by section 206(d), the following:

"(8) A registered clearing agency shall be permitted to provide facilities for the clearance and settlement of any derivative agreements, contracts, or transactions that are excluded from the Commodity Exchange Act, subject to the requirements of this section and to such rules and regulations as the Commission may prescribe as necessary to protect investors, or otherwise in furtherance of the purposes of this title.".


(a) Amendments to the Securities Act of 1933.—
(1) Treatment of Security Futures Products.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77a(a)) is amended—

(1) by striking "security futures product" in its entirety and inserting in its place "security futures product";
(2) in paragraph (3), by adding at the end the following: "Any offer or sale of a security futures product by or on behalf of the issuer of the security futures product, a security futures product, or any affiliate of the issuer, or any other person, shall constitute a contract for sale of, sale, offer for sale, or offer to sell the underlying security futures product, or any interest therein, to an offeree, or an offeree, or (c) by adding at the end the following:

"(10) The terms 'security future', 'narrow-based security index', and 'security futures product' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.''

(2) Exemption from Registration.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

"(14) Any security futures product that is—

(A) cleared by a clearing agency registered under section 17A of the Securities Exchange Act of 1934 or exempt from registration under section 17B of such Act (as added by striking paragraph (2)) and inserting paragraphs (2) and (14)'; and

(b) Amendments to the Securities Exchange Act of 1934.—

(1) Exemption from Registration.—Section 2(a)(2) of the Securities Act of 1933 (15 U.S.C. 77a(a)) is amended by adding at the end the following:

"For purposes of this subsection, a security futures product shall not be considered a class of equity security of the issuer of the securities underlying the contract.".

(2) Exemptions from Reporting Requirements.—Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(g)) is amended by adding at the end the following:

"If for purposes of this section, the securities future product shall not apply in respect of a security future product traded on a national securities exchange.".

(3) Transactions by Corporate Insiders.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following:

"(f) Treatment of Transactions in Security Futures Products.—The provisions of this section shall not apply to transactions in security futures products.".

Section 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(a) Definitions Under the Investment Company Act of 1940 and the Investment Advisers Act of 1940.—

(1) Section 2(a)(36) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(36)) is amended by inserting "security future," after "treasury stock.".


(3) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following:

"(52) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.''

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

"(27) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.''

(b) Other Provision.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended by striking "or register a derivatives transaction execution facility" after "or register".

(c) by redesignating clause (iv) as clause (iii).

(2) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4) is amended by adding at the end the following:

"(7) any investment adviser that is registered as a commodity trading advisor whose business does not consist primarily of acting as an investment adviser, as defined in section 202(a)(11) of this title, and that does not act as an investment adviser;''.

(3) by inserting after "or register a derivatives transaction execution facility that trades or executes contracts after contracts for future delivery" the following: "and no derivatives transaction execution facility shall trade or execute such contracts of sale (or options on such contracts) for future delivery;''.

(4) by striking "marked" and inserting "or" after "marking".

(ii) such group or group of indexes shall not constitute a narrow-based security index.

(5) by striking clause (iii); and

(6) by striking clause (iv) and inserting the following:

"(iii) If, in its discretion, the Commission determines that a stock index futures contract, notwithstanding its conformance with the requirements of clause (ii), shall be treated as a security futures product, it may, by order, require such contract and other security futures products, as well as derivatives transaction execution facilities and the applicable contract, to meet--

(iv) by striking subclause (III) of clause (ii) and inserting the following:

"(III) Such group or group of indexes shall not constitute a narrow-based security index.";

(B) by striking clause (iii); and

(C) by striking clause (iv) and inserting the following:

"(iii) Such group or group of indexes shall not constitute a narrow-based security index.".


(1) in the last sentence—

(A) by inserting "subject to this title" after "privilege, or other security"; and

(B) by striking "any such instrument, if such instrument is treated as a security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability.".

Subtitle B—Amendments to the Commodity Exchange Act

Section 201. Jurisdiction of Securities and Exchange Commission; Other Provisions.

(a) Jurisdiction of Securities and Exchange Commission.—

(1) Section 2(a)(11)(C) of the Commodity Exchange Act (7 U.S.C. 2(a) (as redesignated by section 3(a)(2)(I) of this Act) is amended—

(A) in clause (ii)—

(i) by inserting "the" after "any"

(ii) by adding a semicolon after "contract"; and

(2) by adding at the end the following sentence: "No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability.".
a contract market in, or register a derivatives transaction execution facility that trades or executes, a security futures product as defined in section 1a of this Act: Provided, however, That, except as provided in clause (v) of this subparagraph, no board of trade shall be designated as a contract market with respect to, or registered as a derivatives transaction execution facility for, such contract or security futures product unless the board of trade and the applicable contract market have a written agreement setting forth the terms and conditions for such designation or registration, as the case may be: Provided further, That, if the board of trade and the applicable contract market do not agree or have a written agreement setting forth the terms and conditions for such designation or registration, as the case may be, the Securities and Exchange Commission shall, within 30 days after receipt of a written request therefor from the board of trade or the applicable contract market, after notice and an opportunity for an oral or written hearing, issue a final order admitting or refusing to admit the board of trade and the applicable contract market to such designation or registration, as the case may be.

(II) The board of trade on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the organization and the applicable clearing agency or clearing agency member in determining whether any manipulation of the price of such security futures product, nor to the extent of such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act, and the Commission, before conducting any such examination, shall give notice to the Securities and Exchange Commission of the proposed examination and consult with the Securities and Exchange Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

(III) The Commission shall notify the Securities and Exchange Commission of any examination conducted of any futures commission merchant introducing, introducing, or introducing and effecting a contract market for, or registered derivatives transaction execution facility for, any security futures product unless the provisions of this Act and the Securities Exchange Act of 1934 of which such alternative trading system is a member have in place procedures or arrangement pursuant to section 15A(a) of such alternative trading system to require such coordinated trading halts.

(V) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, or associated persons thereof, which record shall at all times be open to inspection by the Securities and Exchange Commission, by rule, regulation, or order, shall be limited to the extent otherwise permitted under the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

(VI) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, or associated persons thereof, which record shall at all times be open to inspection by the Securities and Exchange Commission, by rule, regulation, or order, shall be limited to the extent otherwise permitted under the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

(VII) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, or associated persons thereof, which record shall at all times be open to inspection by the Securities and Exchange Commission, by rule, regulation, or order, shall be limited to the extent otherwise permitted under the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

(VIII) The board of trade on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the organization and the applicable clearing agency or clearing agency member in determining whether any manipulation of the price of such security futures product, nor to the extent of such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act, and the Commission, before conducting any such examination, shall give notice to the Securities and Exchange Commission of the proposed examination and consult with the Securities and Exchange Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

(IX) The board of trade on which the security futures product is traded has in place procedures or arrangement pursuant to section 15A(a) of such alternative trading system to require such coordinated trading halts.

(X) The board of trade on which the security futures product is traded has in place procedures or arrangement pursuant to section 15A(a) of such alternative trading system to require such coordinated trading halts.

XI) The margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934, exempt from registration pursuant to section 4a(3), associated person exempt from registration pursuant to section 4a(3), associated person exempt from registration pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission and the applicable clearing agency any examination report and data supplied to or prepared by the Commission in connection with the examination.

XII) After 3 years after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission may by order jointly or severally make a finding that a contract market designated as a contract market in a security futures product pursuant to section 5f is operating in such a manner as to substantially impair the equitable treatment of the parties to such security futures product in accordance with the provisions of this Act and the Securities Exchange Act of 1934.
(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 5a(9) to direct a contract market or registered derivatives transaction execution facility, on the occurrence of emergency to exist, to raise temporary margin levels on any futures contract, or option on the contract covered by this clause, or on any security futures product.

(v) SECURITIES REGULATION OF DUAL REGISTRANTS.—Section 5c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding at the end the following:

"SEC. 5c. SECURITIES REGULATION OF DUAL REGISTRANTS.—

(1) the account of such floor broker;

(2) an account for which such floor broker has trading discretion; or

(3) an account controlled by a person with whom such floor broker has a relationship through membership in a broker association, or an account controlled by a person with whom such floor broker has a relationship through membership in a broker association includes two or more contract market members or registered derivatives transaction execution facility members in which floor brokers of whom at least one is acting as a floor broker, who—

(1) engage in floor brokerage activity on behalf of the same employer;

(2) have an employer and employee relationship which relates to floor brokerage activity;

(3) share profits and losses associated with their floor brokerage activity; or

(4) register such account pursuant to this subsection.

(d) EXEMPTION FROM REGISTRATION FOR INVESTMENT ADVISERS.—Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended by adding at the end the following:

(3) Subsection (a)(1) of this section shall not apply to any commodity trading advisor that is registered as an investment adviser by the Commission as an investment adviser whose business does not consist primarily of acting as a commodity trading advisor, as defined in section 1a(18), or a commodity trading advisor to any investment trust, syndicate, or similar form of enterprise that is engaged primarily in trading in any commodity futures contract, any security futures product, or any contract market or registered derivatives transaction execution facility as specified in the request.

(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority, relating to margin for any stock index futures contract (or option thereon) other than security futures products, under this clause to the Commission.

(V) Nothing in this section shall be taken to mean that a contract market or derivatives transaction execution facility is an organization for the purpose of the provisions of sections 6, 9, or 16 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 43 et seq.), or the Federal Reserve Board, or any similar organization established,另行成立, for the purpose of the provisions of sections 6, 9, or 16 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 43 et seq.) is amended by adding at the end the following:

(2) a similar rule of the national securities association.

(3) rules of such futures association of the type specified in section 15b of the Commodity Exchange Act involving security futures products; and

(4) rules of any futures commission merchant registered with the Commission pursuant to section 4(a) of this Act.

(2) similar rules of national securities associations registered pursuant to section 15a(1) of the Commodity Exchange Act of 1934 enforcing such rules.

(3) sections 8, 15c(1)(2), and 20a(1) of the Commodity Exchange Act (7 U.S.C. 6s, 15c(1), and 20a(1)) are amended by adding at the end the following:

(1) rules of any contract market or registered derivatives transaction execution facility as specified in the request.

(II) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority, relating to margin for any stock index futures contract (or option thereon) other than security futures products, under this clause to the Commission.

(V) Nothing in this section shall be taken to mean that a contract market or derivatives transaction execution facility is an organization for the purpose of the provisions of sections 6, 9, or 16 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 43 et seq.), or the Federal Reserve Board, or any similar organization established,另行成立, for the purpose of the provisions of sections 6, 9, or 16 of the Commodity Futures Trading Commission Act of 1974 (7 U.S.C. 43 et seq.) is amended by adding at the end the following:

(2) a similar rule of the national securities association.

(3) rules of such futures association of the type specified in section 15b of the Commodity Exchange Act involving security futures products; and

(4) rules of any futures commission merchant registered with the Commission pursuant to section 4(a) of this Act.

(2) similar rules of national securities associations registered pursuant to section 15a(1) of the Commodity Exchange Act of 1934 enforcing such rules.
(i) Obligation To Address Security Futures Products Traded on Foreign Exchanges.—Section 2a(i) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end of the section—

``(E)(i) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Securities Exchange Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

(ii) The rules, regulations, or orders adopted under clause (i) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflect.

(i) Security Futures Products Traded on Foreign Boards of Trade.—Section 2a(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following:

``(F)(i) Nothing in this Act is intended to prohibit a futures commission merchant from carrying security futures products traded on or subject to the rules of a foreign board of trade in the accounts of persons located outside of the United States.

(F) Nothing in this Act is intended to prohibit any eligible contract participant located in the United States from purchasing or carrying security futures products traded on or subject to the rules of a foreign board of trade, exchange, or market so long as any underlying security for such security futures products is listed or traded on, by, or through any exchange or market outside the United States.

SEC. 552. APPLICATION OF THE COMMODITY EXCHANGE ACT TO NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS THAT TRADE SECURITY FUTURES.

(a) Notice Designation of National Securities Exchanges and National Securities Associations That Trade Security Futures.

Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

(b)(1) A national securities exchange, national securities association, or alternative trading system that is designated as a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

1. Subsections (c), (e), and (g) of section 4c.

2. Section 4d.

3. Section 6a.

4. Section 6b.

5. Section 6f.

6. Section 6i.

7. Section 16.

8. Any alternative trading system that is a designated contract market under this section shall be required to be a member of a futures association registered under section 17 and shall be exempt from any provision of this Act that would require such alternative trading system to:

(a) set rules governing the conduct of subscribers other than the conduct of such subscribers’ trading on such alternative trading system, or

(b) discipline subscribers other than by exclusion from trading.

(2) To the extent that an alternative trading system in its discretion of this Act pursuant to paragraph (2) of this subsection, the futures association registered under section 17 of which the alternative trading system is a member, may conduct, or enforce, rules or orders under which it may impose discipline on subscribers to the alternative trading system and discipline the subscribers.

(3) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2), or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall be exempt from the following provisions of this Act and the rules thereunder:

1. Subsections (b), (d), and (e) of section 4c.

2. Section 4d, and 4h.

3. Subsections (b) and (c) of this section.

4. Section 4j.

5. Section 4k.


7. Section 6d.

8. Subsections (d) and (g) of section 8.

9. Section 16.

(b)(i) Except as provided in clause (ii) of this subparagraph, notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any broker or dealer subject to the registration requirement of paragraph (3), from any provision of this Act or any rule or regulation thereunder, to the extent the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

(b) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

(c) An alternative trading system shall not be deemed to be an exchange for any purpose as a result of the designation of such alternative trading system as a contract market under this section.

(b) Notice Registration of Certain Securities Broker-Dealers.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended by adding at the end of the section—

``(B)(i) Except as provided in clause (ii) of this subparagraph, notwithstanding any other provision of this Act or of any rule or regulation thereunder, to the extent the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

(b) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

(c) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall be permitted to become a member of any futures association registered under section 17.

(d) No futures association registered under section 17 shall limit its members from carrying an account, accepting an order, or transacting business with a broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3).

(d) Exemptions for Associated Persons of Securities Broker-Dealers.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k), is amended by adding at the end of the section—
"(5) Any associated person of a broker or dealer that is registered with the Securities and Exchange Commission, and who limits its solicitation of orders, acceptance of orders, or execution of orders on behalf of others involving any contracts of sale of any commodity for future delivery or any option on such a contract, or on subject to the rules of any contract market to which a commodity futures contract relating to any such contract is listed, or in a transaction execution facility to security futures products, shall be exempt from the following provisions of this Act and the rules thereunder:

[A] Subsections (b), (d), (e), and (g) of section 4c.
[B] Sections 4d, 4e, and 4h.
[C] Subsection (b) and (c) of section 4f.
[D] Section 4j.
[E] Paragraph (1) of this section.
[F] Section 4n.
[G] Section 204.
[H] Subsections (d) and (g) of section 8.
[I] Section 16.".

SEC. 253. NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.
(a) Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by adding at the end the following:

"(3) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4(f)(2), any floor broker or floor trader exempt from registration pursuant to section 4(f)(3), any associated person exempt from registration pursuant to section 4(k)(6), or any board of trade designated as a contract market pursuant to section 4(d).

(b) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9a, 9b, 13b, 15) is amended by adding at the end the following:

"(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4(f)(2), any floor broker or floor trader exempt from registration pursuant to section 4(f)(3), any associated person exempt from registration pursuant to section 4(k)(6), or any board of trade designated as a contract market pursuant to section 4(d).

(c) Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-3) is amended by adding at the end the following:

"(c) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4(f)(2), any floor broker or floor trader exempt from registration pursuant to section 4(f)(3), any associated person exempt from registration pursuant to section 4(k)(6), or any board of trade designated as a contract market pursuant to section 5f.".

TITLE III—LEGAL CERTAINTY FOR SWAP AGREEMENTS

SEC. 301. SWAP AGREEMENT.
(a) AMENDMENT.—Title II of the Gramm-Leach-Bliley Act (Public Law 106-102) is amended by inserting after section 206 the following new section:

"SEC. 206A. SWAP AGREEMENT.
(a) IN GENERAL.—Except as provided in subsection (b), as used in this section, the term 'swap agreement' means any agreement, contract, or transaction between eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act) relating to any commodity that is—

[A] based on a security; and
[B] entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1934). If the underwriter of such swap agreement is a master agreement (as defined in section 1a(12) of the Commodity Exchange Act), then such agreement, contract, or transaction is entered into to manage a risk associated with capital raising or for the purposes of raising capital, unless such agreement, contract, or transaction is entered into on an executory basis for the exchange, on a fixed or contingent basis, of one or more payments based on the value or level of one or more interests or other rates, currencies, commodities, indices, or financial or economic conditions,

[C] Rule of Construction Regarding Master Agreements.—As used in this section, the term 'swap agreement' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap agreement pursuant to subsections (a) and (b) of section 206B of the Gramm-Leach-Bliley Act (as the context may require)."

(December 15, 2000)

H12342
CONGRESSIONAL RECORD — HOUSE
based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails or any means or instruments of interstate commerce, and rules promulgated thereunder that prohibit fraud, manipulation, or insider trading), and judicial precedents decided under applicable rules promulgated under such sections, shall apply to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) to the same extent as they apply to securities.

(1) If a broker or dealer, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

(2) If a broker or dealer, or the person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce the purchase of any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

(3) Except as provided in section 16(a) with respect to reporting requirements, the Commission is prohibited from:

(a) Promulgating, interpreting, or enforcing rules; or

(b) Issuing orders of general applicability; under this title in a manner that imposes or specifies recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading with respect to any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

(4) References in this title to the 'purchase' or 'sale' of a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap agreement, as the context may require.

(b) Anti-Fraud, Anti-Manipulation Enforcement Authority.—Paragraphs (2) through (5) of section 9(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(a)(2)–(5)) are amended to read as follows:

(a) Non-broker or dealer shall make use of the mails or any means or instruments of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act), by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(b) No municipal securities dealer shall make use of the mails or any means or instruments of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(C) No government securities broker or government securities dealer shall make use of the mails or any means or instruments of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(f) Limitation.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following new subsection:

(i) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3(b) of this title.
(b) For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer, any profit realized by him from the purchase and sale or any sale and purchase of, any equity security of such issuer (other than an exempted security) or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving any such equity security within any period of less than six months, unless such security is a security-based swap agreement involving any security obtained by such beneficial owner, director, or officer in connection with a debt previously contracted, shall be construed as an act of fraud in fact. Such subsection shall not be brought more than two years after the date such profit was realized. This subsection shall not be construed to permit a court to construe a transaction between a beneficial owner, director, or officer and another person as constituting a violation of this section, if such transaction was entered into in good faith and in the ordinary course of business and if the court finds that the transaction was not economically self-dealing.

SEC. 401. SHORT TITLE.

This title may be cited as the "Legal Certainty for Bank Products Act of 2000."
to-market margining requirements shall not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument, unless the Commission determines, by or under a rule issued in accordance with this section, that—

(1) the action is necessary and appropriate in the public interest;

(2) the action is consistent with the Commodity Exchange Act and the purposes of the Commodity Exchange Act; and

(3) the hybrid instrument is not predominately a banking product under the predominance test set forth in section 405(b) of this Act.

(b) Consultation.—Before commencing a rulemaking or making a determination pursuant to a rule issued under this title, the Commodity Futures Trading Commission shall consult with and seek the concurrence of the Board of Governors of the Federal Reserve System concerning—

(1) the nature of the hybrid instrument; and

(2) the history, extent, and appropriateness of the regulation of the hybrid instrument under the Commodity Exchange Act and under appropriate banking laws.

(c) Omission Regulation.—

(1) Filing of Petition for Review.—The Board of Governors of the Federal Reserve System may obtain review of any rule or determination referred to in subsection (a) in the United States Court of Appeals for the District of Columbia. In such an action, the petition for review shall be filed with the court within 60 days of publication of the rule or determination, a written petition requesting that the rule or determination be set aside. Any proceeding to challenge any such rule or determination shall be expedited by the court.

(2) Transmittal of Petition and Record.—A copy of a petition described in paragraph (1) shall be transmitted as soon as practicable by the Clerk of the court to an officer or employee of the Commodity Futures Trading Commission designated for that purpose.

(3) Final Rule or Determination Under Review.—Any proceeding to challenge any such rule or determination of the Commodity Futures Trading Commission shall not exclude the court from exercising jurisdiction under this section, but the filing of a petition under paragraph (1), the Commodity Futures Trading Commission shall not regulate or determine the proceedings or the order of the court.

(4) Standard of Review.—The court shall determine to affirm and enforce or set aside a rule or determination of the Commodity Futures Trading Commission under this section, based on the determination of the court as to whether—

(A) the subject product is predominantly a banking product; and

(B) making the provision or provisions of the Commodity Exchange Act at issue applicable to the subject instrument is appropriate in light of the history, purpose, and extent of regulation under such Act, this title, and under appropriate banking laws, giving due deference to the views of the Commodity Futures Trading Commission or the Board of Governors of the Federal Reserve System.

(5) Join, the Filing of a Petition by the Board Pursuant to Paragraph (1) shall operate as a judicial stay, until the date on which the determination of the court is final (including any determination of the court).

(6) Other Authority to Challenge.—Any aggrieved party may seek judicial review pursuant to section 6(c) of the Commodity Exchange Act of a determination or rulemaking by the Commodity Futures Trading Commission under this section.

SEC. 407. EXCLUSION OF COVERED SWAP AGREEMENTS.

No provision of the Commodity Exchange Act (other than section 5b of such Act with respect to the clearing of swap agreements) shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, a covered swap agreement entered into, or provided by, a bank.

SEC. 408. CONTRACT ENFORCEMENT.

(a) Hybrid Instruments.—No hybrid instrument shall be void, voidable, or unenforceable, or its terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(b) Covered Swap Agreements.—No covered swap agreement shall be entitled to rescind, or recover any payment made with respect to, a hybrid instrument under any provision of Federal or State law, based solely on the failure of the hybrid instrument to satisfy the predominance test set forth in section 405(b) of this Act or to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(c) Preemption.—This title shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than anti-fraud provisions of general applicability) in the case of—

(1) a hybrid instrument that is predominately a banking product; or

(2) a covered swap agreement.

SEC. 409. MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5651, as introduced on December 14, 2000, which would include the following:

A BILL To amend titles XVIII, XIX, and XXI of the Public Health Service Act and title I of the Social Security Act; references to other Acts; and table of contents.

AMENDMENTS TO SOCIAL SECURITY ACT

Sec. 113. Elimination of time limitation on Medicare benefits for immunosuppressive drugs.

Sec. 114. Issuance of mandatory rules and regulations concerning the use of biological products in human therapeutic applications.

Sec. 115. Waiver of 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS).

Sec. 116. Authorization of grants and cooperative agreements for the demonstration of innovative approaches to quality assurance for clinical laboratories.

Sec. 117. Coverage of dental services for Medicare beneficiaries.

Sec. 118. Instruction of the Secretary of Health and Human Services on the development of medical education and training programs for health professionals.

Sec. 119. Repeal of the Social Security Amendments of 1972 Amendments to Medicare.

Sec. 120. Repeal of the Social Security Amendments of 1972 Amendments to Medicare.

Sec. 121. Demonstration project for disease management for severely chronically ill Medicare beneficiaries.

Sec. 122. Cancer prevention and treatment demonstration for ethnic and racial minorities.

Sec. 123. Study on medicare coverage of routine thyroid screening.

Sec. 124. MedPAC study on consumer coalitions.

Sec. 125. Study on utilization of State payment for medicare cost-sharing affecting access to services for qualified medicare beneficiaries.

Sec. 126. Studies on preventive interventions in primary care for older Americans.

Sec. 127. MedPAC study and report on medicare coverage of cardiac and pulmonary rehabilitation therapy services.

Sec. 128. Lifestyle modification program demonstration.

TITLES I THROUGH VIII

IMPROVEMENTS

Sec. 111. Acceleration of reduction of beneficiary copayment for hospital outpatient department services.

Sec. 112. Preservation of benefits for drugs and biologicals under part B of the medicare program.

Sec. 113. Elimination of time limitation on medicare benefits for immunosuppressive drugs.

Sec. 114. Issuance of mandatory rules and regulations concerning the use of biological products in human therapeutic applications.

Sec. 115. Waiver of 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS).

Sec. 116. Authorization of grants and cooperative agreements for the demonstration of innovative approaches to quality assurance for clinical laboratories.

Sec. 117. Coverage of dental services for Medicare beneficiaries.

Sec. 118. Instruction of the Secretary of Health and Human Services on the development of medical education and training programs for health professionals.

Sec. 119. Repeal of the Social Security Amendments of 1972 Amendments to Medicare.

Sec. 121. Demonstration project for disease management for severely chronically ill Medicare beneficiaries.

Sec. 122. Cancer prevention and treatment demonstration for ethnic and racial minorities.

Sec. 123. Study on medicare coverage of routine thyroid screening.

Sec. 124. MedPAC study on consumer coalitions.

Sec. 125. Study on utilization of State payment for medicare cost-sharing affecting access to services for qualified medicare beneficiaries.

Sec. 126. Studies on preventive interventions in primary care for older Americans.

Sec. 127. MedPAC study and report on medicare coverage of cardiac and pulmonary rehabilitation therapy services.

Sec. 128. Lifestyle modification program demonstration.
Sec. 212. Option to base eligibility for medicare dependent, small rural hospital program on discharges during 2 of the 3 most recently audited cost reporting periods.

Sec. 213. Extension of option to use rebased target amounts to all sole community hospitals.

Sec. 214. MedPAC analysis of impact of volume per unit cost of rural hospitals with psychiatric units.

Sec. 215. Assistance for providers of ambulance services in rural areas.

Sec. 216. Payment for certain physician assistant services.

Sec. 217. Revision of medicare reimbursement for telehealth services.

Sec. 218. Expanding access to rural health clinics.

Sec. 219. MedPAC study on low-volume, isolated rural health care providers.

Sec. 220. Revision of medicare reimbursement for psychiatric hospitals.

Sec. 221. Assistance for providers of ambulance services in rural areas.

Sec. 222. Payment for certain physician assistant services.

Sec. 223. Revision of medicare reimbursement for telehealth services.

Sec. 224. Expanding access to rural health clinics.

Sec. 225. MedPAC study on low-volume, isolated rural health care providers.

Sec. 226. Payment for certain physician assistant services.

Sec. 227. Revision of medicare reimbursement for telehealth services.

Sec. 228. Expanding access to rural health clinics.

Sec. 229. MedPAC study on low-volume, isolated rural health care providers.

Title III—Provisions Relating to Part A

Subtitle A—I inpatient Hospital Services


Sec. 302. Additional modification in transition for indirect medical education (IME) percentage adjustment.

Sec. 303. Decrease in reductions for disproportionate share hospital (DISH) payments.

Sec. 304. Wage index improvements.

Sec. 305. Payment for inpatient services of rehabilitation hospitals.

Sec. 306. Payment for inpatient services of psychiatric hospitals.

Sec. 307. Payment for inpatient services of long-term care hospitals.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities


Sec. 312. Increase in nursing component of PPS Federal rate.

Sec. 313. Application of SNF consolidated billing requirement limited to part A covered stays.

Sec. 314. Adjustment for rehabilitation RUGs to correct anomaly in payment rates.

Sec. 315. Establishment of process for geographic reclassification.

Subtitle C—Hospice Care

Sec. 321. 5 percent increase in payment base.

Sec. 322. Clarification of physician certification.

Sec. 323. MedPAC report on access to, and use of, hospice benefit.

Subtitle D—Other Provisions

Sec. 331. Relief from medicare part A late enrollment penalty for group buy-in for State and local retirees.

Title IV—Provisions Relating to Part B

Subtitle A—Hospital Outpatient Services

Sec. 401. Revision of hospital outpatient PPS payment update.

Sec. 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS.

Sec. 403. Application of OPP PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report.

Sec. 404. Application of rules for determining provider-based status for certain entities.

Sec. 405. Treatment of children’s hospitals under prospective payment system.

Sec. 406. Inclusion of temperature monitored cryoablation in transitional pass-through for certain medical devices, drugs, and biologicals under medicare.

Subtitle B—Provisions Relating to Physicians’ Services

Sec. 411. GAO studies relating to physicians’ services.

Sec. 412. Physician group practice demonstration.

Sec. 413. Study on enrollment procedures for practices that retain independent contractor physicians.

Subtitle C—Other Services

Sec. 421. 1-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants.

Sec. 422. Update in renal dialysis composite rate.

Sec. 423. Payment for ambulance services.

Sec. 424. Ambulatory surgical centers.

Sec. 425. Full update for durable medical equipment.

Sec. 426. Full update for orthotics and prosthetics.

Sec. 427. Establishment of special payment provisions and requirements for prosthetics and certain custom-fabricated orthotic items.

Sec. 428. Reimbursement of prosthetic devices and parts.

Sec. 429. Revised part B payment for drugs and biologicals and related services.

Sec. 430. Contract enhancements diagnostic procedures under hospital prospective payment system.

Sec. 431. Qualification for community mental health centers.

Sec. 432. Payment of physician and nonphysician services in certain Indian providers.

Sec. 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.

Sec. 434. MedPAC study and report on medicare reimbursement for services provided by certain providers.

Sec. 435. MedPAC study and report on medicare coverage of services provided by certain nonphysician providers.

Sec. 436. GAO study and report on the costs of emergency and medical transportation services.

Sec. 437. GAO studies and reports on medicare payments.

Sec. 438. MedPAC study on access to outpatient pain management services.

Title V—Provisions Relating to Parts A and B

Subtitle A—Hospital Outpatient Services

Sec. 501. 1-year additional delay in application of 15 percent reduction on payment limits for home health services.


Sec. 503. Temporary two-month periodic interim payment.

Sec. 504. Use of telehealth in delivery of home health services.

Sec. 505. Study on costs to home health agencies of purchasing nonroutine medical supplies.

Sec. 506. Treatment of branch offices: GAO study and supervision of home health care provided in isolated rural areas.

Sec. 507. Clarification of the homebound definition under the medicare home health benefit.

Sec. 508. Temporary increase for home health services furnished in a rural area.

Subtitle B—Direct Graduate Medical Education

Sec. 511. Increase in floor for direct graduate medical education payments.

Sec. 512. Change in distribution formula for medicare+choice-related nursing and allied health education costs.

Subtitle C—Changes in medicare Coverage and Appeals Process

Sec. 521. Revisions to medicare appeals process.

Sec. 522. Revisions to medicare coverage process.

Subtitle D—Improving Access to New Technologies

Sec. 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment.

Sec. 532. Retention of HCP/SS level III codes.

Sec. 533. Recognition of new medical technologies under inpatient hospital PPS.

Subtitle E—Other Provisions

Sec. 541. Increase in reimbursement for bad debt.

Sec. 542. Treatment of certain physician pathology services under medicare.

Sec. 543. Extension of advisory opinion authority.

Sec. 544. Change in annual MedPAC reporting.

Sec. 545. Development of patient assessment instruments.

Sec. 546. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments.


Title VI—Provisions Relating to Part C (Medicare+Choice Program) and Other Medicare Managed Care Provisions

Subtitle A—Medicare+Choice Payment Reforms

Sec. 601. Increase in minimum payment amount.

Sec. 602. Increase in minimum percentage increase.

Sec. 603. Phase-in of risk adjustment.

Sec. 604. Transition to revised Medicare+Choice payment rates.

Sec. 605. Revision of payment rates for esrd patients enrolled in Medicare+Choice plans.

Sec. 606. Permitting premium reductions as additional benefits under Medicare+Choice plans.


Sec. 608. Expansion of application of Medicare+Choice new entry bonus.

Sec. 609. Report on inclusion of certain costs of the Department of Veterans Affairs and military facility services in calculating Medicare+Choice payment rates.

Subtitle B—Other Medicare+Choice Reforms

Sec. 611. Payment of additional amounts for new benefits covered during a torary contract term.

Sec. 612. Restriction on implementation of significant new regulatory requirements midyear.

Sec. 613. Timely approval of marketing material that follows model marketing language.

Sec. 614. Avoiding duplicative regulation.

Sec. 615. Election of uniform local coverage policies for Medicare+Choice plan covering multiple localities.

Sec. 616. Eliminating health disparities in medicare.

Sec. 617. Medicare+Choice program compatibility with employer or union group health plans.

Sec. 618. Special medicare+choice anti-discrimination provision for certain beneficiaries.
Sec. 921. Increase in authorization of Medicare+Choice plans.  
Sec. 911. Outreach on availability of Medicare+Choice plans.  
Sec. 901. Extension of transition for current Medicare+Choice plans.  
Sec. 821. Increased civil money penalty for Medicare+Choice organizations that terminate contracts mid-year.  
Subtitle C—Other Managed Care Reforms  
Sec. 709. Development of uniform QMB/SLMB demonstration project.  
Sec. 708. Additional entities qualified to determine eligibility for SCHIP costs from title XXI appropriated.  
Sec. 706. Alaska FMAP.  
Sec. 705. Deadline for issuance of final regulations.  
Sec. 704. Medicaid county-organized health systems.  
Sec. 703. Streamlined approval of continued waivers.  
Sec. 634. Service area expansion for Medicare+Choice plans.  
Sec. 633. Extension of Medicare+Choice plans.  
Sec. 632. Revised terms and conditions for Medicare+Choice plans.  
Sec. 631. 1-year extension of SCHIP for low-income children.  
Sec. 623. Increased civil money penalty for Medicare+Choice plans.  
Sec. 622. Extension of Medicare+Choice plans.  
Sec. 621. Enhanced authority for low-income medicare beneficiaries.  
Sec. 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated.  
Sec. 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans.  
Sec. 618. Providing for skilled nursing facility services under the Medicare+Choice program.  
Sec. 617. Providing for accountability of Medicare+Choice plans.  
Sec. 616. Increased civil money penalty for Medicare+Choice organizations that terminate contracts mid-year.  
Subtitle C—Other Managed Care Reforms  
Sec. 709. Development of uniform QMB/SLMB demonstration project.  
Sec. 708. Additional entities qualified to determine eligibility for SCHIP costs from title XXI appropriated.  
Sec. 706. Alaska FMAP.  
Sec. 705. Deadline for issuance of final regulations.  
Sec. 704. Medicaid county-organized health systems.  
Sec. 703. Streamlined approval of continued waivers.  

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM  
Subtitle A—PACE Program  
Sec. 801. Special rule for redistribution and availability of unused fiscal year 1998 and 1999 SCHIP allotments.  
Sec. 802. Authority to pay Medicaid expansion SCHIP allotments from title XXI appropriation.  
Sec. 803. Application of Medicaid child presumptive eligibility provisions.  
Title IX—OTHER PROVISIONS  
Subtitle A—PACE Program  
Sec. 901. Extension of transition for current waivers.  
Sec. 902. Continuing of certain operating agreements permitted.  
Sec. 903. Flexibility in exercising waiver authority.  
Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries  
Sec. 101. Outreach on availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries.  
Subtitle C—Mental and Child Health Block Grant  
Sec. 111. Increase in authorization of appropriations for the mental and child health services block grant.  
Subtitle D—Diabetes  
Sec. 121. Increase in appropriations for special diabetes programs for type I diabetes and the Diabetes Pilot Program.  
Sec. 122. Appropriations for Ricky Ray Hemophilia Relief Fund.  
Subtitle E—Information on Nursing Facility Staffing  
Sec. 931. Posting of information on nursing facility staffing.  
Subtitle F—Adjustment of Multiemployer Plan Benefit Guarantees  
Sec. 951. Multiemployer plan benefit guarantees.  

TITLe I—MEDICARE BENEFICIARY IMPROVEMENTS  
Subtitle A—Improved Preventative Benefits  
Sec. 101. COVERAGE OF BIENNIAL SCREENING PAP SMEAR AND PELVIC EXAMS.  
(a) IN GENERAL.—  
(1) BIENNIAL SCREENING PAP SMEAR.—Section 1861(nn)(1)(A) is amended—  
(1) by striking ‘‘3 years’’ and inserting ‘‘2 years’’; and  
(2) by inserting ‘‘and’’ at the end of subparagraph (S);  
(2) BIENNIAL SCREENING PELVIC EXAM.—Section 1861(nn)(2) (42 U.S.C. 1395x(nn)(2)) is amended—  
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items and services furnished on or after January 1, 2002.  
Sec. 102. COVERAGE OF SCREENING FOR GLAU- COMA.  
(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—  
(1) by striking ‘‘and’’ at the end of subparagraph (S);  
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items and services furnished on or after January 1, 2002.  
Sec. 103. COVERAGE OF SCREENING COLONOSCOPY FOR AVERAGE RISK INDIVIDUALS.  
(a) IN GENERAL.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—  
(1) in paragraph (1)(C), by striking ‘‘In the case of an individual at high risk for colorectal cancer, screening colonoscopy’’ and inserting ‘‘Screening colonoscopy’’; and  
(2) in paragraph (2), by striking ‘‘In paragraph (1)(C), an’’ and inserting ‘‘An’’;  
(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.  
Sec. 104. MODERNIZATION OF SCREENING MAMMOGRAPHY BENEFIT.  
(a) INCLUSION IN PHYSICIAN FEE SCHEDULE.—Section 1848(b)(3)(D) (42 U.S.C. 1395w±4(d)(3)(D)) is amended by inserting ‘‘(13),’’ after ‘‘(12),’’.  
(b) CONFORMING AMENDMENT.—Section 1834(c) (42 U.S.C. 1395m(c)) is amended to read as follows:  
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to colorectal screening services provided on or after July 1, 2001.  
Sec. 105. MODERNIZATION OF COVERAGE FOR AVERAGE RISK COLONOSCOPY.  
(a) INCLUSION.—Section 1834(d) (42 U.S.C. 1395w±4) for a bilateral diagnostic mammography procedure, if the procedure is performed within 119 months following the month in which the previous screening mammography was performed.  
(b) REVISON OF FREQUENCY.—  
(1) IN GENERAL.—Subject to the Secretary after consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography based on age and such other factors as the Secretary believes to be pertinent.  
(2) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.  
Sec. 106. MODERNIZATION OF COVERAGE FOR SCREENING COLONOSCOPY.  
(a) IN GENERAL.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—  
(1) in paragraph (1)(C), by striking ‘‘In the case of an individual at high risk for colorectal cancer, screening colonoscopy’’ and inserting ‘‘Screening colonoscopy’’; and  
(2) in paragraph (2), by striking ‘‘In paragraph (1)(C), an’’ and inserting ‘‘An’’;  
(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.  
Sec. 107. MODERNIZATION OF COVERAGE FOR SCREENING MAMMOGRAPHY.  
(a) IN GENERAL.—Subject to the Secretary after consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography based on age and such other factors as the Secretary believes to be pertinent.  
(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.
resulting image with software to identify possible problem areas, in an amount equal to the limit that would otherwise be applied under section 1834(r)(3) of such Act (42 U.S.C. 1395l(t)(8)(C)) is amended to read as follows:

"(V) For procedures performed in 2006 and thereafter, 40 percent.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to services furnished on or after January 1, 2004.

(b) CONSTRUCTION REGARDING LIMITING INCREASES IN COST-SHARING.—Nothing in this Act or the Social Security Act shall be construed as preventing a hospital from waiving the amount of any coinsurance for outpatient hospital services under the medicare program under title XVIII of the Social Security Act that may have been increased as a result of the implementation of the prospective payment system under section 1833(t) of the Social Security Act (42 U.S.C. 1395t(t)).

(c) GAO STUDY OF REDUCTION IN MEDIGAP PREMIUM LEVELS RESULTING FROM REDUCTIONS IN COINSURANCE.—The Comptroller General of the United States shall, in concert with the National Association of Insurance Commissioners, to evaluate the extent to which the premium levels for medicare supplemental policies reflect the reductions in beneficiary coinsurance effected by such amendment have resulted in actual savings to medicare beneficiaries.

SEC. 112. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2)(J) (42 U.S.C. 1395s(s)(2)(J)) is amended, in each of subsections (A) and (B), by striking "including drugs and biologicals which are not usually self-administered" and inserting "including drugs and biologicals which are not usually self-administered by the patient"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after the date of the enactment of this Act.

SEC. 113. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE SERVICES.

(a) IN GENERAL.—Section 1861(s)(2)(I) (42 U.S.C. 1395s(s)(2)(I)) is amended by striking ""but only"" and all that follows up to the semicolon at the end.

(b) CONFORMING AMENDMENTS.—

(1) EXTENDED COVERAGE.—Section 1832 (42 U.S.C. 1395u(o)) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) PASS-THROUGH; REPORT.—Section 227 of BBRA is amended by striking subsection (d).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after the date of the enactment of this Act.

SEC. 114. IMPOSITION OF BILLING LIMITS ON DRUGS.

(a) IN GENERAL.—Section 1842(o) (42 U.S.C. 1395u(o)) is amended by adding at the end of the following new paragraph:

"(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment basis..."

(b) THE PROVISIONS OF SUBSECTION (B) SHALL APPLY TO CHARGES FOR SUCH DRUGS OR BIOLOGICALS IN THE SAME MANNER AS THEY APPLY TO SERVICES FURNISHED BY A PRACTITIONER DESCRIBED IN SUBSECTION (B)(18)(B)."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 2005.
(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and
(2) by inserting after subsection (g) the following new subsection:

(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following apply:

(1) Subsection (f) shall not be applied.

(b) CONFORMING AMENDMENT.—Section 1837 (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

(i) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirements of section 1882(s)(3)(E).

(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the month of entitlement to disability insurance benefits determined in such subsection.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning July 1, 2000.

Subtitle C—Demonstration Projects and Studies

SEC. 121. DEMONSTRATION PROJECT FOR DISEASE MANAGEMENT FOR SEVERELY CHRONICALLY ILL MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a demonstration project in the territories after the date of the enactment of this Act as may be necessary to provide for payment for services under the project in accordance with subsection (c).

(b) PROGRAM DESIGN.—

(1) DEMONSTRATION PROJECTS.—

(A) In general.—The Secretary shall carry out the demonstration projects for the territories in such manner so that (taking into account savings in expenditures under parts A and B of the medicare program under title XVIII of the Social Security Act) there will be a net reduction in expenditures under such programs as a result of the project; and

(B) An evaluation of the impact on costs and health outcomes of applying disease management to medicare beneficiaries with advanced-stage congestive heart failure, diabetes, or coronary heart disease, in no case may the number of participants in the project exceed 30,000 at any time.

(c) VOLUNTARY PARTICIPATION.—

(1) ELIGIBILITY.—Medicare beneficiaries are eligible to participate in the project only if—

(A) the medical criteria demonstrating the appropriateness of the diagnosis and the advanced nature of their disease;

(B) their physicians approve of participation in the demonstration project; and

(C) they are not enrolled in a Medicare+Choice plan.

(2) BENEFITS.—A beneficiary who is enrolled in the project shall be eligible—

(A) for disease management services related to their chronic health condition; and

(B) for payment for all costs for prescription drugs without regard to whether or not they relate to the chronic health condition, except that the project may provide for modest cost-sharing with respect to prescription drug coverage.

(d) CONTRACT PROVISIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the project through contracts with up to three disease management organizations. The Secretary shall not enter into such a contract with an organization unless the Secretary determines that it can produce improved health outcomes and reduce aggregate medicare expenditures consistent with paragraph (2).

(2) CONTRACT PROVISIONS.—Under such contracts—

(A) such an organization shall be required to provide for prescription drug coverage described in subparagraph (B); and

(B) such an organization shall be paid a fee negotiated and established by the Secretary in a manner that (taking into account savings in expenditures under parts A and B of the medicare program under title XVIII of the Social Security Act) there will be a net reduction in expenditures under such programs as a result of the project; and

(3) Subsection (f) shall not be applied.

(b) APPL YING DEMONSTRATION PROJECT ENROLLMENT.—

(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (C)) of the Social Security Act shall apply to enrollment (and termination of enrollment) in the demonstration project under this section, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

(2) In applying paragraph (1) of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (C)) of the Social Security Act, the Secretary shall apply the provisions as they apply to enrollment (and termination of enrollment) in the demonstration project; and

(c) PAYMENTS.—Payments to such organizations shall be made in appropriate proportion from the Trust Funds established under title XVIII of the Social Security Act.

(d) APPL YING MEDIGAP PROTECTIONS TO DEMONSTRATION PROJECT ENROLLMENTS.—

(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (C)) of the Social Security Act shall apply to enrollment (and termination of enrollment) in the demonstration project under this section, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

(e) REPORT.—The Secretary of Health and Human Services shall submit to Congress an interim report on the project not later than 2 years after the date it is first implemented and a final report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on costs and health outcomes and recommendations on the cost-effectiveness of extending or expanding the project.

SEC. 122. CANCER PREVENTION AND TREATMENT DISEASE MANAGEMENT FOR ETHNIC AND RACIAL MINORITIES.

(a) DEMONSTRATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the demonstration projects for the territories in such manner so that (taking into account savings in expenditures under parts A and B of the medicare program under title XVIII of the Social Security Act) there will be a net reduction in expenditures under such programs as a result of the project; and

(B) An evaluation of the impact on costs and health outcomes of applying disease management to medicare beneficiaries with advanced-stage congestive heart failure, diabetes, or coronary heart disease, in no case may the number of participants in the project exceed 30,000 at any time.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning July 1, 2000.

Subtitle D—Provision of other Health Care Services to Medicare Beneficiaries

SEC. 123. APPL YING MEDICARE PROTECTIONS TO DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The entitlement under such subsection shall begin with the first month (rather than the first month following the date of enactment of this Act) after the date the demonstration projects are in effect.

(b) 2 PROJECTS FOR EACH OF 4 MAJOR RACIAL OR ETHNIC MINORITY GROUPS.—

(1) I(N)DIANS.—(i) The Secretary shall carry out the demonstration projects for Indians, including Alaska Natives, Eskimos, and Aleuts.

(ii) The Secretary shall conduct demonstration projects for Asian Americans and Pacific Islanders.

(iii) The Secretary shall conduct demonstration projects for Blacks.

(iv) The Secretary shall conduct demonstration projects for Hispanics.

The 2 projects must target different ethnic subpopulations.

(B) PROJECTS FOR THE TERRITORIES.—(i) The Secretary shall carry out demonstration projects for the territories.

(2) EXPANSION OF PROJECTS; IMPLEMENTATION OF DEMONSTRATION PROJECT RESULTS.—If the demonstration projects are found to be effective, the Secretary shall ensure that the appropriate demonstration projects are expanded.

(d) OTHER SERVICES.—Nothing in this section shall affect the availability of other services under title XVIII of the Social Security Act, in such proportions as the Secretary determines to be appropriate.

Subsection E—Securities and Insurance

SEC. 124. SECURITIES REGULATIONS AND INSURANCE.

(a) SECURITIES REGULATIONS.—

(1) IN GENERAL.—The term "target individual" means an individual who is determined by the Secretary to have a chronic health condition; and

(b) APPL YING MEDICARE PROTECTIONS TO DEMONSTRATION PROJECTS.

(1) IN GENERAL.—The Secretary of Health and Human Services shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (c).

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning July 1, 2000.

D. EXPANSION OF PROJECTS; IMPLEMENTATION OF DEMONSTRATION PROJECT RESULTS.—If the demonstration projects are found to be effective, the Secretary shall ensure that the appropriate demonstration projects are expanded.

E. OTHER SERVICES.—Nothing in this section shall affect the availability of other services under title XVIII of the Social Security Act, in such proportions as the Secretary determines to be appropriate.

F. WAIVER AUTHORITY.—The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

G. FUNDING.—

(a) IN GENERAL.—

(1) DEMONSTRATION PROJECTS.—The amounts available under section 1882(s)(3)(E) of the Social Security Act shall be provided in a manner as may be necessary to provide for payment for services under the project in accordance with subsection (c).

(2) COVERAGE FOR THE TERRITORIES.—In the case of demonstration projects described in subsection (b)(2)(B), amounts shall be available only as otherwise provided for the territories.

(3) PROJECTIONS FOR THE TERRITORIES.—In the case of demonstration projects described in subsection (b)(2)(B), amounts shall be available only as otherwise provided for the territories.

H. LIMITATION.—In conducting demonstration projects, the Secretary shall ensure that the appropriate demonstration projects are expanded.

SEC. 125. PAYMENTS TO PROVIDERS OF OTHER HEALTH CARE SERVICES.—

(a) IN GENERAL.—Payments to providers of health care services described in subsection (a) of section 1882(b) of the Social Security Act (other than section 1882(b)(15)) shall include information on the impact of the demonstration projects on costs and health outcomes of applying disease management to medicare beneficiaries.

(b) CONTENTS OF REPORT.—(1) Each report under paragraph (3) shall include the following:

(A) A description of the demonstration projects.

(B) The evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction with the demonstration projects.

(2) REPORT TO CONGRESS.—(1) IN GENERAL.—Not later than 2 years after the date the Secretary implements the initial demonstration project, and biennially thereafter, the Secretary shall submit to Congress a report regarding the demonstration projects.

(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) The evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction with the demonstration projects.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning July 1, 2000.
the prevention and treatment of cancer if the demonstration projects were not implemented, plus $25,000,000.

SEC. 123. STUDY ON MEDICARE COVERAGE OF CARDIAC AND PULMONARY REHABILITATION THERAPY SERVICES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the cost-effectiveness of the Lifestyle Modification Program as conducted under the Medicare program under title XVIII of the Social Security Act for individuals who are members or otherwise affiliated with the group of organizations with care beneficiaries who are members or otherwise affiliated with the Medicare program; and

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study under subsection (a). The report shall include recommendations regarding any changes that should be made to Medicare beneficiaries to ensure appropriate access to services.

SEC. 126. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) STUDY.—The Secretary of Health and Human Services, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify interventions that can be delivered in the primary care setting and that are most valuable to older Americans.

(b) MISSION STATEMENT.—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 127. MEDPAC STUDY TO IMPROVE MEDICARE COVERAGE OF CARDIAC AND PULMONARY REHABILITATION THERAPY SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study on the cost-effectiveness of cardiac and pulmonary rehabilitation therapy services under the Medicare program under title XVIII of the Social Security Act. The study shall examine—

(A) the potential for increased efficiency in the Medicare program through greater beneficiary knowledge of their health care options, decreased marketing costs of MedicareChoice organizations, and creation of a market;

(B) the implications of MedicareChoice plans and Medicare supplemental policies (under section 1882 of the Social Security Act (42 U.S.C. 1395ss)) offering Medicare beneficiaries in the same geographic location different benefits and premiums based on their affiliation with a consumer coalition;

(C) how coalitions should be governed, how they should be accountable to the Secretary of Health and Human Services, and how potential conflicts of interest in the activities of consumer coalitions should be avoided; and

(D) how such coalitions should be funded.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a). The report shall include a recommendation on whether and how a demonstration project might be conducted for the operation of consumer coalitions under the Medicare program.

(c) CONSUMER COALITION DEFINED.—For purposes of this section, the term “consumer coalition” means a nonprofit, community-based group of organizations that—

(1) provides information to Medicare beneficiaries about their health care options under the Medicare program;

(2) negotiates benefits and premiums for Medicare beneficiaries who are members or otherwise affiliated with the group of organizations with Medicare beneficiaries; and

(3) offers MedicareChoice plans, issuers of Medicare supplemental policies, issuers of long-term care coverage, and pharmacy benefit managers.

SEC. 128. LIFESTYLE MODIFICATION PROGRAM DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall carry out the demonstration project known as the Lifestyle Modification Program Demonstration, as described in the Health Care Financing Administration Memorandum of Understanding entered into on November 12, 2000, and as subsequently modified, in section 115 of this Act, for projects in accordance with the following requirements:

(1) The project shall include no fewer than 1,800 Medicare beneficiaries who complete under the project the entire course of treatment under the Lifestyle Modification Program.

(2) The project shall be conducted over a course of 4 years.

(b) STUDY ON COST-EFFECTIVENESS.—

(1) IN GENERAL.—The Secretary shall conduct a study on the cost-effectiveness of the Lifestyle Modification Program as conducted under the project. In determining whether such Program is cost-effective, the Secretary shall determine (using a control group under a matched paired design) whether expenditures incurred for Medicare beneficiaries enrolled under the project exceed expenditures for the control group of Medicare beneficiaries with similar health conditions who are not enrolled under the project.

(2) REPORT.—

(A) INITIAL REPORT.—Not later than 1 year after the date on which 900 Medicare beneficiaries have completed the entire course of treatment under the Lifestyle Modification Program under the project, the Secretary shall submit to Congress an initial report on the study conducted under paragraph (1).

(B) FINAL REPORT.—Not later than 1 year after the date on which 1,800 Medicare beneficiaries have completed the entire course of treatment under such Program under the project, the Secretary shall submit to Congress a final report on the study conducted under paragraph (1).

Title II—Rural Health Care Improvements

Subtitle A—Critical Access Hospital Program

SEC. 201. CLARIFICATION OF NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES.

(a) PAYMENT CLARIFICATION.—Section 1834(g) (42 U.S.C. 1395yy(e)) is amended by adding at the end the following new paragraph:

“(4) NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES.—No coinsurance, deductible, copayment, or other cost-sharing otherwise applicable under this part shall apply with respect to clinical diagnostic laboratory services furnished in an outpatient critical access hospital service. Nothing in this title shall be construed as providing for payment for clinical diagnostic laboratory services furnished as part of an inpatient critical access hospital service, other than on the basis described in this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended by striking “or which are furnished on an outpatient basis by a critical access hospital”.

(2) Section 403(d)(2) of the BBA (113 Stat. 351A–371) is amended by striking “The amendment made by subsection (a) shall apply” and inserting “Paragraphs (1) through (3) of section 1834(g) of the Social Security Act (as amended by paragraph (1)) apply”.

(c) EFFECTIVE DATES.—The amendment made—

(1) by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act;

(2) by subsection (b) shall apply as if included in the enactment of section 403(e)(1) of the BBA (113 Stat. 3510A–371); and

(3) by subsection (b) shall apply as if included in the enactment of section 403(d)(2) of the BBA (113 Stat. 3510A–371).

SEC. 202. ASSISTANCE WITH FEE SCHEDULE PAYMENT FOR PROFESSIONAL SERVICES UNDER ALL-INCLUSIVE RATE.

(a) IN GENERAL.—Section 1153(g)(1)(B) (42 U.S.C. 1395v(g)(1)(B)) is amended by inserting “115 percent of” before “such amounts”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after July 1, 2001.

SEC. 203. EXEMPTION OF CRITICAL ACCESS HOSPITALS FROM CAPS.

(a) IN GENERAL.—Section 1886(e)(7) (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking “TRANSITION FOR” and inserting “TRANSITION FOR”;

(2) in subparagraph (A), by striking “IN GENERAL.” and inserting “IN GENERAL.”; and

(3) in subparagraph (C), by inserting “other than critical access hospitals” after “furnished in an outpatient critical access hospital service”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) (other than clauses (1) and (2)) applies with respect to items and services furnished on or after July 1, 2001.
(5) by adding at the end the following new paragraph:

"(C) Exemption from PPS of Swing-Bed Services Furnished in Critical Access Hospitals.—In determining the furnishing physicians' services and are not on-access hospital involved, and are not otherwise present on the premises of the critical access hospital (as defined in section 1861(v)(10)); for reasonable compensation and related services beginning on or after April 1, 2001;'' after "any hospital;"

(c) Effective Date.—The amendments made by this section shall apply to cost reporting periods beginning on or after April 1, 2001.

SEC. 205. Treatment of Ambulance Services Furnished by Certain Critical Access Hospitals.

(a) In General.—Section 1834(l)(42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) Services furnished by critical access hospitals.——Notwithstanding any other provision of this subsection, the Secretary shall pay the reasonable costs incurred in furnishing ambulance services if such services are furnished—''(A) by an entity that is owned and operated by a critical access hospital, but only if the critical access hospital or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of such critical access hospital;''.

(2) Conforming Amendment.—Section 1833(a)(1)(R) (42 U.S.C. 1395b(a)(1)(R)) is amended—

(1) by striking "ambulance service," and inserting "ambulance services, (i);"; and

(2) by inserting before the comma at the end the following: "and (ii) with respect to ambulance services described in section 1834(l)(8), the amounts paid shall be the amounts determined under section 1834n with respect to outpatient critical access hospital services".

(c) Effective Date.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

SEC. 206. GAO Study on Certain Eligibility Requirements for Critical Access Hospitals.

(a) Study.—The Comptroller General of the United States shall conduct a study on the eligibility requirements for critical access hospitals under section 1820(c) of the Social Security Act (42 U.S.C. 1395-ff-4) with respect to limitations on average length of stay and number of beds in such hospitals and in such hospital services furnished by a critical access hospital pursuant to an agreement under section 1861(v)(10) of such Act.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report concerning the study conducted under subsection (a) together with recommendations regarding—

(1) whether distinct part units should be permitted as part of a critical access hospital under the medicare program;

(2) if so permitted, the payment methodologies that should apply with respect to services provided by such units;

(3) whether, and to what extent, such units should be included in or excluded from the bed limits applicable to critical access hospitals under this title, and

(4) any adjustments to such eligibility requirements to account for seasonal variations in patient admissions.

Subtitle B—Other Rural Hospitals Provisions

SEC. 211. Treatment of Rural Disproportionate Share Payments.

(a) Application of Uniform Threshold.—Section 1886(d)(5)(F)(iv) (42 U.S.C. 1395ww(d)(5)(F)(iv)) is amended—

(1) in the matter preceding clause (i)'' after "45 percent".

(b) Adjustment of Payment Formulas.—


(A) in clause (iv)(V), by inserting after "10 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (x)"; and

(B) by adding at the end the following new clause:

"(x) For purposes of clause (iv)(V) (relating to urban hospitals with less than 100 beds), in clause (iv)(V), by inserting after "clause (viii)" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (x)"; and

"(y) For purposes of clause (iv)(V) (relating to rural community hospitals), in clause (iv)(V), by inserting after "clause (viii)" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (x)"; and

"(z) For purposes of clause (iv)(V) (relating to small rural hospitals generally), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vii)) that—

"(i) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P-15.65)+2.5;

"(ii) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 2.5 plus the disproportionate patient percentage (as defined in clause (vi)) that—

"(iii) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P-15.65)+2.5; or

"(iv) is equal to or exceeds 19.3, such adjustment percentage is equal to 2.5 plus the disproportionate patient percentage (as defined in clause (vi)) that—

(b) Effective Date.—The amendment made by this section shall apply to cost reporting periods beginning on or after April 1, 2001.

SEC. 212. Extension of Option to Use Rebased Target Amounts to All Sole Community Hospitals.

(a) In General.—Section 1886(d)(5)(G)(iv)(IV) (42 U.S.C. 1395ww(d)(5)(G)(iv)(IV)) is amended—

(1) in the matter preceding clause (i), by striking "that for its cost reporting period beginning on or after 1997", and inserting "for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(i) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P-15.65)+2.5;

"(ii) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 2.5 plus the disproportionate patient percentage (as defined in clause (vi)) that—

"(iii) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P-15.65)+2.5; or

"(iv) is equal to or exceeds 19.3, such adjustment percentage is equal to 2.5 plus the disproportionate patient percentage (as defined in clause (vi)) that—

"(b) Effective Date.—The amendment made by this section shall apply to cost reporting periods beginning on or after April 1, 2001.
SEC. 221. ASSISTANCE FOR PROVIDERS OF AMBULANCE SERVICES IN RURAL AREAS.

(a) Transitional Assistance in Certain Mileage Rates.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new subsection:

"(b) Transitional Assistance for Rural Providers.—In the case of ground ambulance services furnished on or after January 1, 2001, and before January 1, 2004, for the transportation originates in a rural area (as defined in section 1888(d)(2)(D) or in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6720)), the fee schedule established under such section shall provide that, with respect to the payment rate for mileage for a trip above 17 miles, and up to 50 miles, the rate otherwise established shall be increased by not less than 5% of the additional payment per mile established for the first 17 miles of such a trip originating in a rural area."

(b) Studies on the Costs of Ambulance Services Furnished in Rural Areas.—

(1) Study.—The Comptroller General of the United States shall conduct a study on each of the matters specified in paragraph (2).

(2) Matters Described.—The matters referred to in paragraph (1) are the following:

(A) The cost of efficiently providing ambulance services for trips originating in rural areas, with special emphasis on collection of cost data from rural providers.

(B) The means by which rural areas with low population density can be identified, the purpose of designating areas in which the cost of providing ambulance services would be expected to be higher than similar services provided in more heavily populated areas because of low usage. Such study shall also include an analysis of the additional costs of providing ambulance services in areas designated under the previous sentence.

(3) Report.—Not later than June 30, 2002, the Comptroller General shall submit to Congress a report on the results of the studies conducted under this section and shall include technical recommendations on steps that should be taken to assure access to ambulance services in rural areas.

(c) Adjustment in Rural Rates.—In providing for adjustments under subparagraph (D) of section 1834(l)(2) of the Social Security Act for years beginning with 2004, the Secretary of Health and Human Services shall take into consideration the recommendations contained in the report under this section and shall adjust the scheduled mileage rates under such section for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.

(d) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of section 405 of BBRA (113 Stat. 1501A-372).

SEC. 222. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

(a) Payment for Certain Physician Assistant Services.—Section 1842(b)(6)(C) (42 U.S.C. 1395u(b)(6)(C)) is amended by—

(1) by striking "for such services provided before January 1, 2003," and

(2) by striking the semicolon at the end and inserting a comma.

(b) Effective Date.—The amendments made by this section shall take effect on or after July 1, 2001.

(c) Reimbursement for Telehealth Services.

(a) Time Limit for BBA Provision.—Section 4206(a) of BBA (42 U.S.C. 1395l note) is amended by striking "Not later than January 1, 1999" and inserting "For services furnished on or after January 1, 1999, and before October 1, 2001,"

(b) Expansion of Medicare Payment for Telehealth Services.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(m) Payment for Telehealth Services.—

"(1) in general.—The Secretary shall pay for telehealth services that are furnished via a telecommunications system by a physician (as defined in section 1861(aa)(5)(B)), a practitioner (as defined in section 1842(b)(18)(C)), and an eligible telehealth individual as defined in section 1842(b)(18)(B) (as modified by the Secretary)), and any additional service specified by the Secretary.

"(2) Payment Amount.—

"(A) Distinct Site.—The Secretary shall pay to an eligible telehealth individual an amount equal to the amount of the rate increase provided under such section for services furnished on or after such date and before January 1, 2002, the amount of the rate increase provided under such section shall be equal to $2.25 per mile.

"(B) Effective Date.—The amendments made by subsection (a) shall apply to services furnished on or after July 1, 2001. In applying such amendments (if any) before such date and after such date and before January 1, 2002, the amount of the rate increase provided under such section shall be equal to $2.25 per mile.

[Further provisions...]

[End of document]
(B) practitioners that may be reimbursed under such section for furnishing telehealth services that are in addition to the practitioners that may be reimbursed for such services under such section.

(C) geographic areas in which telehealth services may be reimbursed that are in addition to the geographic areas where such services may be reimbursed under such section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation that the Secretary determines are appropriate.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 226. EXPANDING ACCESS TO RURAL HEALTH CARE PROVIDERS.

(a) IN GENERAL.—The Secretary shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislation that the Secretary determines are appropriate.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after October 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISO-LATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.
(2) in subclause (IV), by striking "4 percent" and inserting "3 percent".

(b) Special Rule for Payment for Fiscal Year 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making disproportionate share payments for subsection (d) hospitals (as defined in section 1866(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) for fiscal year 2001, the additional payment amount otherwise determined under clause (ii) of section 1866(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be adjusted as provided by clause (ix)(III) of such section and, as of the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall, instead of being reduced by 3 percent as provided by clause (ix)(III) of such section as in effect after the date of the enactment of this Act, be reduced by 1 percent.


(1) by striking "1989 or" and inserting "1989,"; and

(2) by inserting "; and" after the enactment of section 303 of the Medicare, Medicaid, and SCHIP Improvement Act of 2000 after "Omnibus Budget Reconciliation Act of 1990".

(d) Technical Amendment.—


(2) Effective Date.—The amendment made by paragraph (1) shall be effective as if included in the enactment of BBA.

(e) Reference to Changes in DHS for Rural Hospitals.—For additional changes in the DHS program for rural hospitals, see section 211.

SEC. 304. WAGE INDEX IMPROVEMENTS.

(a) Duration of Wage Index Reclassification; Use of 3-Year Wage Data.—Section 1866(d)(10)(D) (42 U.S.C. 1395ww(d)(10)(D)) is amended by adding at the end the following new clause:

"(III) the decision of the Board to reclassify a subsection (d) hospital for purposes of the adjustment factor described in subparagraph (C)(i) for fiscal year 2001 or any fiscal year thereafter may be made for a period of 3 fiscal years, except that the Secretary shall establish procedures under which a subsection (d) hospital may elect to terminate such reclassification at any time.

"(v) Such guidelines shall provide that, in making decisions on applications for reclassification for the purposes described in clause (v) for fiscal year 2003 and any succeeding fiscal year, the Board shall base any comparison of the average hourly wage for the hospital with the average hourly wage for hospitals in an area or region on:

"(I) an average of the average hourly wage amount for the hospital from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys; and

"(II) an average of the average hourly wage amount for hospitals in such area from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys;"

(b) Process to Permit Statewide Wage Index Reclassification and Application.—

(1) In General.—The Secretary of Health and Human Services shall establish a process (based on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for purposes of computing and applying a prospective payment system for inpatient hospital services under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying a prospective payment system for inpatient hospital services under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data. The Secretary shall examine and may provide for appropriate adjustments to the long-term hospital payment methodology, including adjustments to payments for weight, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment consistent with section 1886(b)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(b)(1)(B)(iv)).

(2) Default Implementation of System Based on Existing DRG Methodology.—If the Secretary is unable to implement the use of the most recently available hospital discharge data for such services furnished on or after that date.

(b) Process to Permit Statewide Wage Index Reclassification and Application.—

(1) In General.—The Secretary of Health and Human Services shall establish a process (based on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for purposes of computing and applying a prospective payment system for inpatient hospital services under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying a prospective payment system for inpatient hospital services under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data for such services furnished on or after that date.

(c) Effective Date.—The amendments made by this section take effect as if included in the enactment of BBA.

SEC. 306. PAYMENT FOR INPATIENT SERVICES OF PSYCHIATRIC HOSPITALS.

(a) Increased Target Amounts and Caps for Long-Term Care Hospitals Before Implementation of the Prospective Payment System.—

(1) In General.—Section 1866(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(A) in subparagraph (H)(iii)(II), by inserting "subject to subparagraph (J)" after "2002,"; and

(B) by adding at the end the following new subparagraph:

"(J) For cost reporting periods beginning during fiscal year 2001, for a hospital described in subparagraph (D)(i) the limiting or cap amount otherwise determined under subparagraph (H) shall be increased by 2 percent; and

"(K) the target amount otherwise determined under subparagraph (A) shall be increased by 25 percent (subject to the limiting or cap amount determined under subparagraph (H), as increased by clause (J))".

(2) Application.—The amendments made by subsection (a) and section 122 of BBA (113 Stat. 301A–331) shall not be taken into account in the development and implementation of the prospective payment system under section 123 of BBA (113 Stat. 301A–331).

(b) Implementation of Prospective Payment System for Long-Term Care Hospitals.—

(1) Modification of Requirement.—In developing the prospective payment system for long-term care hospital services provided in long-term care hospitals described in section 1866(d)(11)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(11)(B)(iv)) under the medicare program under title XVIII of the Social Security Act required under section 123 of BBA, the Secretary of Health and Human Services shall examine the feasibility and the impact of basing payment under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data. The Secretary shall examine and may provide for appropriate adjustments to the long-term hospital payment methodology, including adjustments to payments for weight, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment consistent with section 1886(b)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(b)(1)(B)(iv)).

(2) Default Implementation of System Based on Existing DRG Methodology.—If the Secretary is unable to implement the use of the most recently available hospital discharge data for such services furnished on or after that date.

(b) Process to Permit Statewide Wage Index Reclassification and Application.—

(1) In General.—The Secretary of Health and Human Services shall establish a process (based on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for purposes of computing and applying a prospective payment system for inpatient hospital services under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying a prospective payment system for inpatient hospital services under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data for such services furnished on or after that date.

(c) Effective Date.—The amendments made by this section take effect as if included in the enactment of BBA.
Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

SEC. 311. ELIMINATION OF REDUCTION IN SKILLED NURSING FACILITY (SNF) PAYMENT RATES.

(a) IN GENERAL.—Section 1888(a)(4)(E)(ii)(I) (42 U.S.C. 1395yy(e)(4)(E)(ii)(I)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (IV) and (V), respectively; and

(2) in subclause (III), as so redesignated—

(A) by striking ‘‘each of fiscal years 2001 and 2002’’ and inserting ‘‘each of fiscal years 2002 and 2003’’;

(B) by striking ‘‘minus 1 percentage point’’ and inserting ‘‘minus 0.5 percentage points’’; and

(C) by inserting after subclause (I) the following new subclause:

‘‘(II) for fiscal year 2001, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year;’’;

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for fiscal year 2001, the rate determined in accordance with paragraph (4)(E)(ii)(I) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under such section if ‘‘plus 1 percentage point’’ had been substituted for ‘‘minus 1 percentage point’’ under paragraph (4)(E)(ii)(I) of such section (as in effect on the day before the date of the enactment of this Act).

(c) RELATION TO TEMPORARY INCREASE IN BBRA.—(1) IN GENERAL.—For purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for fiscal year 2001, the rate determined in accordance with paragraph (4)(E)(ii)(I) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under such section if ‘‘plus 1 percentage point’’ had been substituted for ‘‘minus 1 percentage point’’ under paragraph (4)(E)(ii)(I) of such section (as in effect on the day before the date of the enactment of this Act).

SEC. 312. INCREASE IN NURSING COMPONENT OF PPS FEDERAL RATE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of the different systems for categorizing patients in Medicare skilled nursing facilities in a manner that accounts for the relative resource utilization of different patient categories.

(b) REPORT.—Not later than January 1, 2005, the Secretary of Health and Human Services shall submit to Congress a report on the audits conducted under paragraph (1). Such report shall include an assessment of the impact of the increased payment incentives exist for the delivery of rehabilitation services classified in rehabilitation resource utilization groups (RUGs) (as in effect after the date of the enactment of the BBRA) to assess whether increased payment incentives exist for the delivery of inadequate care. Not later than October 1, 2001, the Inspector General shall submit to Congress a report on such review.

SEC. 313. ESTABLISHMENT OF PROCESS FOR GEOGRAPHIC RECLASSIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services may establish a procedure for the geographic reclassification of a skilled nursing facility for purposes of payment for covered skilled nursing facility services under the prospective payment system established under section 1888(d) of the Social Security Act (42 U.S.C. 1395ww(d)(10)). Such procedure may be based upon the method for geographic reclassifications for inpatient hospitals established under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

(b) REQUIREMENT FOR SKILLED NURSING FACILITY WAGE DATA.—In no case may the Secretary implement the geographic reclassification process described in subsection (a) before such time as the Secretary has collected data necessary to establish an area wage index for skilled nursing facilities based on wage data from such facilities.

Subtitle C—Hospice Care

SEC. 321. 5 PERCENT INCREASE IN PAYMENT BASE.

(a) IN GENERAL.—Section 1846(h)(3)(C)(i)(V) (42 U.S.C. 1395z-3(h)(3)(C)(i)(V)) is amended by inserting ‘‘, plus, in the case of fiscal year 2001, 5.0 percentage points’’ before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospice care furnished on or after April 1, 2001. In applying clause (ii) of section 1846(h)(3)(C)(i)(V) of the Social Security Act (42 U.S.C. 1395z-3(h)(3)(C)(i)(V)) with fiscal year 2002, the payment rates in effect under such section during the period beginning on April 1, 2001, and ending on September 30, shall be treated as the payment rates in effect during fiscal year 2001.

(c) NO EFFECT ON BBRA TEMPORARY INCREASE.—The provisions of this section shall have no effect on the application of section 131 of BBRA.
Metropolitan Statistical Area in calculating payments under such section for a hospice program providing hospice care in such area during fiscal year 2000. The Secretary may provide for an amount, in the timely lump sum payment, to reflect the application of the previous sentence.

(e) **Technical Amendment.**—Section 1814a(7)(A)(iii) (42 U.S.C. 1395f(a)(7)(A)(iii)) is amended by striking the period at the end and inserting a semicolon.

**SEC. 322. CLARIFICATION OF PHYSICIAN CERTIFICATION.**

(a) **Certification Based on Normal Course of Illness.—**

(1) **In General.**—Section 1814(a) (42 U.S.C. 1395f(a)) is amended by adding at the end the following:

```
(b) ADJUSTMENT FOR CASE MIX CHANGES. —

(I) in the case of a category established under clause (i) or (ii) shall be in effect for a period of at least 2 years, but not more than 3 years, that begins—

(II) in the case of a category established under clause (i), on the first date on which payment was made under this paragraph for any device described by such category (including payments made during the period before April 1, 2001); and

(III) DEGREE. —The standard shall be established under this paragraph. The Medicare program in effect for any medical device that meets the requirements of paragraph (a)(iv) and for which none of the categories established under such paragraph for any medical device that is described by such category (including payments made during the period before April 1, 2001); and

(IV) ADDING CATEGORIES. —The Secretary shall add categories under this paragraph. The Medicare program in effect for any medical device that is described by such category (including payments made during the period before April 1, 2001); and

(V) REQUIREMENTS TREATED AS MET. —A medical device shall be treated as meeting the requirements of paragraph (a)(iv) of such subparagraph, if—

(1) the device is made by the category established and in effect under clause (i); or

(2) the device is described by a category established and in effect under clause (ii).''
```
Nothing in this clause shall be construed as requiring an application or prior approval (other than that described in clause (ii)) in order for a covered device described by a category to qualify for this paragraph.

"(C) LIMITED PERIOD OF PAYMENT.—

(ii) DRUGS AND BIOLOGICALS.—The payment under this paragraph with respect to a drug or biological described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a drug or biological described in clause (i), (ii), or (iii) of subparagraph (B) or in the case of a drug or biological described in clause (i), (ii), or (iii) of subparagraph (C) shall be paid for under this subsection and shall be treated under subparagraph (B)(ii) of such paragraph as if the Secretary of Health and Human Services determines that the manufacturer of such drug or biological shall only apply during a period of at least 2 years, but not more than 3 years, that such drug or biological is available for sale.

(iii) MEDICAL DEVICES.—Payment shall be made under this paragraph with respect to a medical device only if such device—

(1) is described by a category of medical devices established and in effect under subparagraph (B); and

(2) is provided as part of a service (or group of services) paid for under this subsection and provided for a covered device described by subparagraph (A) only if such device is in effect before the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—

Section 1833(t)(7)(F)(ii)(I) of the Social Security Act (42 U.S.C. 1395t(t)(7)(F)(ii)(I)) is amended by inserting "as determined pursuant to such process," after the term "the average cost of the category of devices".

(1) in paragraph (6)(A)(iv)(II), by striking "the cost of the drug, device, or biological" and inserting "the cost of the drug or biological or the average cost of the category of devices";

(2) in paragraph (6)(D)(i) as redesignated by subsection (a)(1), by striking "subsection (a)(6)(D)(ii)" and inserting "subsection (a)(6)(D)(iii)"; and

(3) in paragraph (12)(E)(iii) and inserting "additional payments, if any".

(c) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of the enactment of this Act.

(d) TRANSITION.—

(1) IN GENERAL.—In the case of a medical device provided as part of a service (or group of services) furnished during the period before initial categories are implemented under subparagraph (B)(i) of such paragraph, the Secretary of Health and Human Services by subparts by such paragraph shall be treated for such period as a device with respect to which a category is in effect before the date of the enactment of this Act and such device shall be treated as a device with respect to which an initial category is required to be established under subparagraph (B)(i) of such paragraph (as amended by subsection (a)(2)).

SEC. 403. APPLICATION OF OPPD TRANSITIONAL CORRIDOR PAYMENTS TO CERTAIN HOSPITALS THAT DID NOT SUBMIT A COST REPORT.

(a) IN GENERAL.—Section 1395t(t)(7)(F)(ii)(I) (42 U.S.C. 1395t(t)(7)(F)(ii)(I)) is amended by inserting "[as determined pursuant to such process," after the term "the average cost of the category of devices".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of OPPD.

SEC. 404. APPEAL OF BERA RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

(a) GRANDFATHER.—Notwithstanding any other provision of law, effective October 1, 2000, for purposes of provider-based status under title XVIII of the Social Security Act—

(1) any facility or organization that is treated as provider-based in relation to a hospital or critical access hospital under such title as of such date shall continue to be treated as provider-based in relation to such hospital or critical access hospital under such title until October 1, 2001; and

(2) the requirements, limitations, and exclusions specified in subparagraphs (A)(iv)(I), (ii), and (h) of section 143.65 of title 42, Code of Federal Regulations, shall not apply to such facility or organization in relation to such hospital or critical access hospital under such title until October 1, 2002.

(b) CONTINUING CRITERIA FOR MEETING GEOGRAPHIC LOCATION REQUIREMENT.—Except as provided in subsections (a) and (b)(iv)(III) of section 1395w(d)(10)(A), the facility or organization shall be treated as satisfactorily meeting the continuing criteria if it is determined that such facility or organization is located in a hospital or critical access hospital and meets the requirements of paragraph (1) of section 1886(d)(7) of title 42, Code of Federal Regulations, or is located not more than 35 miles from the main campus of the hospital or critical access hospital.

(c) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of the enactment of this Act.

SEC. 405. APPLICATION OF OPPD TRANSITIONAL CORRIDOR PAYMENTS TO CERTAIN MEDICAL DEVICES, DRUGS, AND BIOLOGICALS UNDER OPPD.

(a) IN GENERAL.—Section 1395t(t)(6)(A)(i)(II) (42 U.S.C. 1395t(t)(6)(A)(i)(II)) is amended by inserting "temperature monitored cryoaulation" after "device of brachytherapy".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on or after April 1, 2001.

Subtitle B—Provisions Relating to Physicians' Services

SEC. 411. GAO STUDIES RELATING TO PHYSICIAN SERVICES.

(a) STUDY OF SPECIALIST PHYSICIANS' SERVICES FURNISHED IN PHYSICIANS' OFFICES AND HOSPITAL OUTPATIENT DEPARTMENT SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to examine the appropriateness of furnishing in physicians' offices (specialist physicians' services) and hospital outpatient departments (such as gastroenterologic endoscopic physicians' services) which are ordinarily furnished in hospital outpatient departments. In conducting this study, the Comptroller General shall—

(1) conduct brief, unannounced visits to practitioner offices and hospital outpatient departments.

(2) conduct a study of the effect on the quality of care provided for the cost of care provided.

(3) A study of the effect on the quality of care provided for the cost of care provided.

(4) A study of the effect on the quality of care provided for the cost of care provided.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on or after April 1, 2001.
(A) improvements in the process for acceptance and use of practice expense data under section 212 of BBRA; 
(B) any change or adjustment that is appropriate to provide ready access to a spectrum of care for beneficiaries under the medicare program; and 
(C) the appropriateness of payments to physicians.

SECTION 412. PHYSICIAN GROUP PRACTICE DEMONSTRATION.

(a) In general.—Title XVIII is amended by inserting after section 1866 the following new sections:
``DEMONSTRATION OF APPLICATION OF PHYSICIAN VOLUME INCREASES TO GROUP PRACTICES''
``Sec. 1866A. (a) Demonstration Program Authorized.—
``(1) In general.—The Secretary shall conduct demonstration projects to test and, if proven effective, expand the use of innovative health care groups participating in the program under this title that—
``(A) encourage coordination of the care furnished to individuals under the programs under parts A and B by institutional and other providers, practitioners, and suppliers of health care items and services;
``(B) encourage investment in administrative structures and processes to ensure efficient service delivery; and
``(C) reward physicians for improving health outcomes.

Such projects shall focus on the efficiencies of furnishing health care in a group-practice setting as compared to the efficiencies of furnishing health care in other health care delivery systems.
``(2) Administration by contract.—Except as otherwise specifically provided, the Secretary may administer the program under this section in accordance with section 1866B.
``(3) Definitions.—For purposes of this section, terms have the following meanings:
``(A) Physician.—Except as the Secretary may otherwise provide, the term ‘physician’ means any individual who furnishes services which may be paid for as physicians’ services under this title.
``(B) Health care group.—The term ‘health care group’ means a group of physicians (as defined in subparagraph (A)) organized at least in sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.

(3) Additional bonus for process and outcome improvements.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the savings realized for such year relative to the performance target.
(4) Limitation.—The Secretary shall limit bonus payments as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to participants in the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(2) Incentive bonus.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.
``(1) Performance target.—The Secretary shall establish for each health care group participating in a demonstration under this section—
``(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and
``(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(3) Notice requirements.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.
``(4) Incentive.
``(1) In general.—The Secretary shall establish for each health care group participating in a demonstration under this section—
``(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and
``(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(2) Incentive bonus.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.
``(3) Additional bonus for process and outcome improvements.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the savings realized for such year relative to the performance target.
``(4) Limitation.—The Secretary shall limit bonus payments as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to participants in the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(3) Notice requirements.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.
``(d) Incentives.
``(1) Performance target.—The Secretary shall establish for each health care group participating in a demonstration under this section—
``(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and
``(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(2) Incentive bonus.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.
``(3) Additional bonus for process and outcome improvements.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the savings realized for such year relative to the performance target.
``(4) Limitation.—The Secretary shall limit bonus payments as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to participants in the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(3) Notice requirements.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.
``(d) Incentives.
``(1) Performance target.—The Secretary shall establish for each health care group participating in a demonstration under this section—
``(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and
``(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(2) Incentive bonus.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.
``(3) Additional bonus for process and outcome improvements.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the savings realized for such year relative to the performance target.
``(4) Limitation.—The Secretary shall limit bonus payments as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to participants in the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.
``(3) Notice requirements.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.
"
and makes payments for health care items and services furnished under this title; or

"(B) any other entity with substantial experience in managing the type of program concerned.

"(4) CONTRACT AWARD, DURATION, AND RENEWAL.—

"(A) IN GENERAL.—A contract under this subsection shall be for an initial term of up to three years, renewable for additional terms of up to three years.

"(B) NONCOMPETITIVE AWARD AND RENEWAL FOR ENTITIES ADMINISTERING PART A OR PART B PAYMENTS.—The Secretary may enter or renew a contract under this subsection with an entity described in paragraph (3)(A) without regard to the requirements of section 5 of title 41, United States Code.

"(5) APPLICABILITY OF FEDERAL ACQUISITION REGULATIONS.—The Federal Acquisition Regulation shall apply to program administration contracts under this subsection.

"(6) PERFORMANCE STANDARDS.—The Secretary shall establish performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other standards as the Secretary finds appropriate. The eligibility of entities for the initial award, continuation, and renewal of program administration contracts shall be conditioned, at a minimum, on their performance that meets or exceeds such standards.

"(7) FUNCTIONS OF PROGRAM ADMINISTRATOR.—A program administrator shall perform all of the following functions, as specified by the Secretary:

"(A) AGREEMENTS WITH ENTITIES FURNISHING HEALTH CARE ITEMS AND SERVICES.—Determine the qualifications of entities seeking to enter or renew agreements to provide services under the demonstration program, and as appropriate enter into or renew (or refuse to enter or renew) such agreements on behalf of the Secretary.

"(B) ESTABLISHMENT OF PAYMENT RATES.—Negotiate or otherwise establish, subject to the Secretary's approval, payment rates for covered health care items and services.

"(C) PAYMENT OF CLAIMS OR FEES.—Administer payments for health care items or services furnished under the program.

"(D) PAYMENT OF BONUSES.—Using such guidelines as the Secretary shall establish, and subject to the approval of the Secretary, make bonus payments described in subsection (c)(2)(A)(ii) to entities furnishing items or services for which payment may be made under the demonstration program contract, or the noncompetitive provision of law, but subject to subparagraph (B)ii). The Secretary shall make bonus payments under the demonstration program from the Federal Health Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in amounts that do not exceed the amounts authorized under the program in accordance with such guidelines as the Secretary finds appropriate.

"(E) OVERSIGHT.—Monitor the compliance of individuals and entities with agreements under the program with the conditions of participation.

"(F) ADMINISTRATIVE REVIEW.—Conduct reviews of adverse determinations specified in subsection (a)(6).

"(G) REVIEW OF MARKETING MATERIALS.—Conduct a review of marketing materials proposed by an entity furnishing services under the program.

"(H) ADDITIONAL FUNCTIONS.—Perform such other functions as the Secretary may specify.

"(8) LIMITATION OF LIABILITY.—The provisions of section 115(f)(2)(B) shall apply with respect to activities of contractors and their officers, employees, and agents under a contract under this subsection.

"(9) INFORMATION SHARING.—Notwithstanding section 115(f)(2)(B), the Secretary shall share with the Federal Register all information described in section 2702(a)(1) of the Public Health Service Act.

"(10) DETERMINATION OF REGULATION.—The Federal Acquisition Regulation shall apply to the demonstration program for purposes of implementation, oversight, and evaluation of the demonstration program and entities' effectiveness in performance of such agreements or contracts.

"(11) FOCUSED MEDICAL REVIEWS OF CLAIMS DURING THE DEMONSTRATION PROJECT.—For the purposes of the demonstration project, the Comptroller General determines appropriate.

"(f) REPORTS TO CONGRESS.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section. Each report shall address the impact of the use of those authorities on expenditures, access, and quality under the programs under this title.

"(g) GAO REPORT.—Not later than 2 years after the date on which the demonstration project under section 1866A of the Social Security Act, as added by subsection (a), is implemented, the Comptroller General of the United States shall submit to Congress a report on such demonstration project. The report shall include such recommendations with respect to changes to the demonstration project as the Comptroller General determines appropriate.

SEC. 413. STUDY ON ENROLLMENT PROCEDURES FOR GROUPS THAT RETAIN INDEPENDENT CONTRACTOR PHYSICIANS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the current Medicare enrollment process for groups that retain independent contractor physicians with particular emphasis on hospital-based physicians, such as emerging staffing groups. In conducting the evaluation, the Comptroller General shall consult with groups that retain independent contractor physicians and shall—

"(1) review the issuance of individual Medicare provider numbers and the possible Medicare program integrity vulnerabilities of the current process;

"(2) review direct and indirect costs associated with the current process incurred by the Medicare program and groups that retain independent contractor physicians;

"(3) assess the effect on program integrity by the enrollment of groups that retain independent contractor hospital-based physicians; and

"(4) develop suggested procedures for the enrollment of these groups.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

Subtitle C—Other Services

SEC. 421. 1-YEAR EXTENSION OF MORATORIUM ON THERAPISTS AND PHYSICAL THERAPISTS FOR GROUPS THAT RETAIN INDEPENDENT CONTRACTOR PHYSICIANS.


(b) CONFORMING AMENDMENT TO CONTINUE FOCUSED MEDICAL REVIEWS OF CLAIMS DURING MORATORIUM PERIOD.—Section 1833(g)(4) of the BBRA (113 Stat. 1501A–351) is amended by striking "(under the amendment made by paragraph (1)(B))" and inserting "(under the amendment made by paragraph (1)(B))."

(c) STUDY ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS.—

"(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the impact—

(A) of eliminating the "in the room" supervision requirement for Medicare payment for services of physical therapy assistants who are supervised by physical therapists.

(B) of such requirement on the cap imposed under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) on physical therapy services.

"(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1).

SEC. 422. UPDATE IN MEDIACOMMENTS DIALYSIS COMPOSITE RATE.

(a) UPDATE.—

"(1) IN GENERAL.—The last sentence of section 1861(s)(3)(A)(i)(II) of the Social Security Act (42 U.S.C. 1395rr(b)(1)(i)) is amended by striking "for such services furnished on or after January 1, 2001, by 1.2 percent" and inserting...
"for such services furnished on or after January 1, 2001, by 2.4 percent.".

(2) PROHIBITION ON EXCEPTIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary of Health and Human Services may not provide for an exception under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395r(b)(7)) on or after December 31, 2000.

(B) DEADLINE FOR NEW APPLICATIONS.—In the case of a facility that during 2000 did not file for an exception rate under such section, the facility may submit an application for an exception rate by not later than July 1, 2001.

(C) PROTECTION OF APPROVED EXCEPTION RATES.—Any exception rate under such section for all services billed by a facility during 2000, if approved under such section for all services billed by a facility during 2000, the facility may obtain such exception rate for all services billed by the facility after December 31, 2000 until January 1, 2003, and the facility may not be required to provide evidence of improvements in access (and quality of care) that is appropriate, taking into account audited financial statements and the following:

(1) technology used in furnishing dialysis services;

(2) the manner or method of furnishing dialysis services; and

(3) the amounts by which the payments under such section for all services billed by the facility during 2000 exceeded the aggregate allowable audit costs of such services for such facility for such year.

(2) REPORT.—The Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments for services furnished on or after January 1, 2001, and before January 1, 2003.

SECTION 423. PAYMENT FOR AMBULANCE SERVICES.

(a) RESTORATION OF FULL CPI INCREASE FOR 2001.—

(1) IN GENERAL.—Section 1834(i)(3) (42 U.S.C. 1395m(i)(3)) is amended by striking paragraph (1), inserting ``(1) in the first year of its implementation,'' and inserting ``through 2000''.

(b) MILEAGE PAYMENTS.—

(1) IN GENERAL.—Section 1834(i)(2)(E) (42 U.S.C. 1395m(i)(2)(E)) is amended by inserting before the period at the end of the following:

``except that such provider shall also receive a percentage allowance equal to 2.6 percent (to account for the timing of implementation of the CPI update).'',

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after July 1, 2001.

SECTION 424. AMBULATORY SURGICAL CENTERS.

(a) DELAY IN IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—The Secretary of Health and Human Services may not implement a revised prospective payment system for services of ambulatory surgical facilities under section 1833(b)(4)(B) of the Social Security Act (42 U.S.C. 1395w-4(b)(4)(B)) on or after January 1, 2001, and before April 1, 2002.

(b) EXTENDING PHASE-IN TO 4 YEARS.—Section 1833(b)(4)(B) (42 U.S.C. 1395w-4(b)(4)(B)) is amended by striking paragraph (1) and inserting the following:

``(1) in the first year of its implementation, only a prospective rate specified by the Secretary, in accordance with the requirements of this Act and taking into account the amendments made by subsection (a), increased by a transitional percentage allowance equal to 3.9 percent, shall be made in accordance with such regulations.''.

(c) DEADLINE FOR USE OF 1999 OR LATER COST SURVEYS.—Section 226 of the BBA (113 Stat. 1501A-354) is amended by adding at the end the following:

``(2) in each of the following years a proportion (specified by the Secretary and not to exceed ½) of the payment for such services shall be made in accordance with such regulations and the remainder shall be made in accordance with such regulations.''.

SECTION 425. FULL UPDATE FOR DURABLE MEDICAL EQUIPMENT.

(a) IN GENERAL.—

(1) by redesigning subparagraph (D) as subparagraph (F);

(2) by inserting paragraph (C)—

"(A) by striking "through 2002" and inserting "through 2000"; and"

(B) by striking "and" at the end; and

(3) by inserting after paragraph (C) the following new subparagraphs:

"(D) for 2001, the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;".

"(E) for 2002, 0 percentage points; and".

"(B) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments for durable medical equipment under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), the percentage increase for 2001 for all mileage rates specified in paragraph (9) of such section, the payment basis recognized for 2001 under such section—

(1) for items furnished on or after January 1, 2001, and before July 1, 2001, shall be the payment basis for 2001 as determined under the provisions of law in effect on the date before the date of the enactment of this Act (including the application of section 228(a)(1) of BBRA); and

(2) for items furnished on or after July 1, 2001, and before January 1, 2002, shall be the payment basis that is determined under such section 1834(a) if such section 228(a)(1) did not apply and taking into account the amendment made by subsection (a), increased by a transitional percentage allowance equal to 3.8 percent (to account for the timing of implementation of the CPI update).

SECTION 426. FULL UPDATE FOR ORTHOTICS AND PROSTHETICS.

(a) IN GENERAL.—Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended by striking clause (vii) of section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) (as amended by section 234(a)(1)(4)(A) of the Social Security Act (42 U.S.C. 1395m(h)(4)(A))), and inserting in lieu thereof the following:

``(vii) for 2002, 0 percentage points; and''.

(b) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments for orthotics and prosthetics under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), the percentage increase for 2001 for all mileage rates specified in paragraph (9) of such section, the payment basis recognized for 2001 under such section—

(1) for items furnished on or after January 1, 2001, and before July 1, 2001, shall be the payment basis for 2001 as determined under the provisions of law in effect on the date before the date of the enactment of this Act (including the application of section 228(a)(1) of BBRA); and

(2) for items furnished on or after July 1, 2001, and before January 1, 2002, shall be the payment basis that is determined under such section 1834(a) if such section 228(a)(1) did not apply and taking into account the amendment made by subsection (a), increased by a transitional percentage allowance equal to 3.8 percent (to account for the timing of implementation of the CPI update).
SEC. 427. ESTABLISHMENT OF SPECIAL PAYMENT PROVISIONS FOR CUSTOM-FABRICATED ORTHOTICS.

(a) IN GENERAL.—Section 1834(h)(1)(I) (42 U.S.C. 1395m(h)(1)(I)) is amended by adding at the end the following:

```
```

(ii) ENSURING PATIENT ACCESS TO CARE.—In making recommendations under this paragraph, the Comptroller General shall ensure that any proposed revised payment methodology is designed to help continue to have appropriate access to health care services under the medicare program. The Comptroller General may include in the recommendations—

(1) proposals for new payments to providers of services or suppliers for such costs, if appropriate;

(2) the method and amount of reimbursement for similar drugs and biologicals made by large group health plans;

(3) a result of any revised payment methodology, the potential for patients to receive inpatient or outpatient hospital services in lieu of services in a physician's office; and

(4) the effect of any revised payment methodology on the delivery of drug therapies by hospital outpatient departments.

(c) D O N A T I O N S W I T H B B R A S T U D Y .—In making recommendations under this paragraph, the Comptroller General shall conclude and take into account the results of the donation study provided for under section 213(a) of BBRA (113 Stat. 501A–350).

SEC. 429. REVISED PART B PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGY FOR DRUGS AND BIOLOGICALS.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study on HCRA title V of title 5, United States Code, and related matters referred to in subsection (a)(1)(A) or additional payments referred to in subsection (a)(2)(A)(ii).

(b) EFFECTIVE DATE.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall—

(1) identify the average prices at which such drugs and biologicals are acquired by physicians and other suppliers;

(2) quantify the difference between such average prices and the reimbursement amount under such section; and

(3) determine the extent to which (if any) payment under such part is inadequate to compensate physicians, providers of services, or other suppliers of such drugs and biologicals for costs incurred in the administration, handling, or storage of such drugs and biologicals under the medicare program under title XVIII of such Act, as well as other organizations in the distribution of such drugs and biologicals to such physicians, providers of services, and suppliers.

(c) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and to the Secretary of Health and Human Services a report on the study conducted under this subparagraph, and shall include in such report recommendations for revised payment methodologies described in paragraph (3).

(d) IMPLEMENTATION OF P A Y M E N T M E T H O D O L O G Y .—

(A) IN GENERAL.—The Comptroller General shall provide specific recommendations for revised payment methodologies for drugs and biologicals and for related services under the medicare program. The Comptroller General may include in the recommendations—

(i) such determination shall be controlling; and

(ii) such replacement device or part shall be deemed to be reasonable and necessary for purposes of sections 1862(a)(1)(A) except that if the device, or part, being replaced is less than 3 years old (calculated from the date on which the beneficiary began to use the device or part), the Secretary may also require the confirmation of necessity of the replacement device or replacement part, as the case may be.

(ii) PROPOSALS TO MAKE ADJUSTMENTS UNDER SUBPARAGRAPH (A).—The provisions of section 1834(h)(1)(G) as added by subsection (a) shall supersede any rule that as of the date of the enactment of this Act has applied a 5-year replacement rule with regard to prosthetic devices.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items replaced on or after April 1, 2001.
make payment under part B to a hospital or an
ambulatory care clinic (whether provider-based
or freestanding) that is operated by the Indian
Health Service or by an Indian tribe or tribal or-
ganization, or (A) services described in section
(a) for services described in paragraph (2) fur-
nished in or at the direction of the hos-
pital or clinic under the same situations, terms,
and conditions as would apply if the services
were furnished in or at the direction of such a
hospital or clinic that was not operated by such
Service, tribe, or organization.

SEC. 435. MEDPAC STUDY AND REPORT ON MEDI-
CARE COVERAGE OF SERVICES PRO-
VIDED BY CERTAIN NONPHYSICIAN
PROVIDERS.

(a) STUDY.—The study shall con-
consider the following when con-
ducting the study:

(1) S TUDY.ÐThe Comptroller General of the
United States shall conduct a study on the ef-
ficacy and efficiency of reimbursement of
services by contract with an approved organ-
ization for purposes of paragraph (a) for services
described in subparagraph (A) to the extent that pay-
ment is otherwise made for such services under
this title.

(b) REPORT.—Not later than 18 months after
the date of the enactment of this Act, the Com-
mission shall submit to Congress a report on
the study conducted under subsection (a), together
with any recommendations for legislation that
the Commission determines to be appropriate as
a result of such study.

SEC. 436. GAO STUDY AND REPORT ON THE
COSTS OF EMERGENCY AND MED-
ICAL TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General of the
United States shall conduct a study on the costs of
providing emergency and medical transpor-
tation services across the range of acuity levels
of conditions for which such transportation services
are provided.

(b) REPORT.—Not later than 18 months after
the date of the enactment of this Act, the Com-
mission shall submit to Congress a report on
the study conducted under subsection (a), together
with any recommendations for legislation that
the Commission determines to be appropriate as
a result of such study.

SEC. 437. GAO STUDIES AND REPORTS ON MEDI-
CARE PAYMENTS.

(a) GAO STUDY ON HCFA POST-PAYMENT
AUDIT PROCESS.

(b) REPORT.—Not later than 18 months after
the date of the enactment of this Act, the Com-
mission shall submit to Congress a report on
the study conducted under subsection (a), to-
gether with any recommendations for changes in
methodology or payment level necessary to
foster the most efficient use of Medicare funds.

(a) IN GENERAL.—Section 1931(c)(1) of the Public Health Service Act is amended—

(1) by striking "and" and all that follows
paragraph (E); and

(2) by inserting at the end of para-
graph (E): "(II) the effective and efficient fur-
ners in the State in which it is located; and

(a) CONTRAST ENHANCED DIAGNOSTIC
PROCEDURES UNDER HOSPITAL
PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section
1833(c)(2) (42 U.S.C. 1395x(c)(2)) is amended—

(1) by striking "and" at the end of sub-
paragraph (E); and

(2) by striking the period at the end of sub-
paragraph (E).

(b) CONFORMING AMENDMENTS.—

(a) E FFECTIVE DATE.ÐThe amendments made
by this section shall apply to services furnished
on or after July 1, 2001.

441. QUALIFICATIONS FOR COMMUNITY
MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section
1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by
inserting after subparagraph (C): "(D) pastoral care counselor; and

(b) GAO S TUDY ON HCFA POST-PAY-
MENT AUDIT PROCESS.

(a) IN GENERAL.—The Comptroller General of the
United States shall conduct a study on the post-
payment audit process under the medicare pro-
gram under title XVIII of the Social Security Act as such process applies to

(c) M ORATORIUM ON DECREASES IN PAY-
MENT RATES. Act.—Notwithstanding any other provision of
law, effectiveness of a moratorium fur-
nished on or after January 1, 2001, the Secretary
may not directly or indirectly decrease the rates of
reimbursement (in effect as of such date) for
drugs and biologicals under the current medic-
care reimbursement methodology (provided under sec-
section 1842(o) of the Social Security Act (42 U.S.C.
1395u(b)(1))) until such time as the Secretary has reviewed
the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC
PROCEDURES UNDER HOSPITAL
PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section
1833(c)(2) (42 U.S.C. 1395x(c)(2)) is amended—

(1) by inserting after subparagraph (E): "(II) the effective and efficient fur-
ners in the State in which it is located; and

(a) CONTRAST ENHANCED DIAGNOSTIC
PROCEDURES UNDER HOSPITAL
PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section
1833(c)(2) (42 U.S.C. 1395x(c)(2)) is amended—

(1) by striking "and" at the end of sub-
paragraph (E); and

(2) by striking the period at the end of sub-
paragraph (E).

(b) CONFORMING AMENDMENTS.—

(a) E FFECTIVE DATE.ÐThe amendments made
by this section shall apply to services furnished
on or after July 1, 2001.

441. QUALIFICATIONS FOR COMMUNITY
MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section
1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by
inserting after subparagraph (C): "(D) pastoral care counselor; and

(b) GAO S TUDY ON HCFA POST-PAY-
MENT AUDIT PROCESS.

(a) IN GENERAL.—The Comptroller General of the
United States shall conduct a study on the post-
payment audit process under the medicare pro-
gram under title XVIII of the Social Security Act as such process applies to

(c) M ORATORIUM ON DECREASES IN PAY-
MENT RATES. Act.—Notwithstanding any other provision of
law, effectiveness of a moratorium fur-
nished on or after January 1, 2001, the Secretary
may not directly or indirectly decrease the rates of
reimbursement (in effect as of such date) for
drugs and biologicals under the current medic-
care reimbursement methodology (provided under sec-
section 1842(o) of the Social Security Act (42 U.S.C.
1395u(b)(1))) until such time as the Secretary has reviewed
the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC
PROCEDURES UNDER HOSPITAL
PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section
1833(c)(2) (42 U.S.C. 1395x(c)(2)) is amended—

(1) by striking "and" at the end of sub-
paragraph (E); and

(2) by striking the period at the end of sub-
paragraph (E).

(b) CONFORMING AMENDMENTS.—

(a) E FFECTIVE DATE.ÐThe amendments made
by this section shall apply to services furnished
on or after July 1, 2001.

441. QUALIFICATIONS FOR COMMUNITY
MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section
1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by
inserting after subparagraph (C): "(D) pastoral care counselor; and

(b) GAO S TUDY ON HCFA POST-PAY-
MENT AUDIT PROCESS.

(a) IN GENERAL.—The Comptroller General of the
United States shall conduct a study on the post-
payment audit process under the medicare pro-
gram under title XVIII of the Social Security Act as such process applies to

(c) M ORATORIUM ON DECREASES IN PAY-
MENT RATES. Act.—Notwithstanding any other provision of
law, effectiveness of a moratorium fur-
nished on or after January 1, 2001, the Secretary
may not directly or indirectly decrease the rates of
reimbursement (in effect as of such date) for
drugs and biologicals under the current medic-
care reimbursement methodology (provided under sec-
section 1842(o) of the Social Security Act (42 U.S.C.
1395u(b)(1))) until such time as the Secretary has reviewed
the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC
PROCEDURES UNDER HOSPITAL
PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section
1833(c)(2) (42 U.S.C. 1395x(c)(2)) is amended—

(1) by striking "and" at the end of sub-
paragraph (E); and

(2) by striking the period at the end of sub-
paragraph (E).

(b) CONFORMING AMENDMENTS.—

(a) E FFECTIVE DATE.ÐThe amendments made
by this section shall apply to services furnished
on or after July 1, 2001.

441. QUALIFICATIONS FOR COMMUNITY
MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section
1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by
inserting after subparagraph (C): "(D) pastoral care counselor; and

(b) GAO S TUDY ON HCFA POST-PAY-
MENT AUDIT PROCESS.

(a) IN GENERAL.—The Comptroller General of the
United States shall conduct a study on the post-
payment audit process under the medicare pro-
program under title XVIII of the Social Security Act as such process applies to

(c) M ORATORIUM ON DECREASES IN PAY-
MENT RATES. Act.—Notwithstanding any other provision of
law, effectiveness of a moratorium fur-
nished on or after January 1, 2001, the Secretary
may not directly or indirectly decrease the rates of
reimbursement (in effect as of such date) for
drugs and biologicals under the current medic-
care reimbursement methodology (provided under sec-
section 1842(o) of the Social Security Act (42 U.S.C.
1395u(b)(1))) until such time as the Secretary has reviewed
the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC
PROCEDURES UNDER HOSPITAL
PROSPECTIVE PAYMENT SYSTEM.
on the study conducted under paragraph (1) to
together with specific recommendations for changes or improvements in the post-payment audit process described in such paragraph.

GAO STUDY ON ADMINISTRATION AND OVERSIGHT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the aggregate administrative, audit, oversight, and paperwork burdens on physicians and other health care providers participating in the medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the findings of the study conducted under paragraph (1) together with recommendations regarding any area in which—

(A) a reduction in paperwork, an ease of administration, or an appropriate change in oversight and review may be accomplished; or

(B) additional payments or education are needed to assist physicians and other health care providers in understanding and complying with any legal or regulatory requirements.

SEC. 483. MEDPAC STUDY ON ACCESS TO OUTPATIENT PAIN MANAGEMENT SERVICES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the barriers to obtaining payment for specialized interventional pain medicine procedures under the medicare program under title XVIII of the Social Security Act. Such study shall examine—

(1) designating subclause (ii) as subclause (iii);

(2) in subclause (iii), as redesignated, by striking “described in subclause (ii)” and inserting “(described in subclause (i))”; and

(3) by inserting after subclause (i) the following new subclause:

“(iii) For the 12-month period beginning after the period described in subclause (i), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (i), updated under subparagraph (B).”.

(b) CHART.—Section 1320(c) of BBA (113 Stat. 130A-360) is amended—

(1) by striking “Not later than” and all that follows through “(42 U.S.C. 1395fff)” and inserting “Not later than April 1, 2002;”.

(2) by striking “Secretary” and inserting “Comptroller General of the United States”;

(c) CASE MISCORRECTIONS CORRECTIONS.—

(1) IN GENERAL.—Section 1885(b)(3)(B)(ii) of title XVIII of the Social Security Act is amended by adding at the end the following new clause:

“(iv) ADJUSTMENT FOR CASE MISCORRECTIONS.—

Insofar as a Medicare carrier determines that the adjustments under paragraph (4)(A)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in aggregate Medicare payments under this subsection during the fiscal year that are a result of changes in the coding or classification of different units of services that do not reflect real changes in case mix, the Secretary may adjust the standard prospective payment amount (or amounts) under paragraph (3) for subdivisions in effect the effect of such coding or classification changes.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to episodes concluding on or after October 1, 2001.

SEC. 502. RESTORATION OF FULL HOME HEALTH MARKET UPDATE FOR HOME HEALTH SERVICES FOR FISCAL YEAR 2001.

(a) IN GENERAL.—Section 1861(v)(ii)(X)(x) (42 U.S.C. 1395v(f)(ii)(X)(x)) is amended—

(1) by striking “2001;” and

(2) by adding at the end the following:

“With respect to episodes beginning during fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket index.”

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001 BASED ON ADJUSTED PROSPECTIVE PAYMENT AMOUNTS.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1895(b) of the Social Security Act (42 U.S.C. 1395f(b)) for home health services furnished during fiscal year 2000, the Secretary of Health and Human Services shall—

(A) with respect to episodes and visits ending on or after April 1, 2001, use the final standardized and budget neutral prospective payment amounts for 60-day episodes and standardized average per visit amounts for home health services furnished in fiscal year 2000 by the Secretary in the Federal Register on July 3, 2000 (65 Fed. Reg. 41125-41124); and

(B) with respect to episodes and visits ending on or after April 1, 2001, and before October 1, 2001, use such amounts increased by 2.2 percent.

(2) NO EFFECT ON OTHER PAYMENTS OR DETERMINATIONS.—The Secretary shall not take the provisions of paragraph (1) into account for purposes of payments, determinations, or budget neutrality adjustments under section 1895 of the Social Security Act.

SEC. 503. TEMPORARY TWO-MONTH PERIODIC INTERIM PAYMENT AMOUNTS.

(a) IN GENERAL.—Notwithstanding the amendments made by section 4603(b) of BBA (42 U.S.C. 1395fff note), in the case of a home health agency that was receiving periodic interim payments under section 1866 of such Act (42 U.S.C. 1395cc); and

(b) EXCEPTIONS.—The Secretary shall not make an additional periodic interim payment under subsection (a) in the case of a home health agency (determined as of the day that such payment would otherwise be made) that—

(1) notifies the Secretary that such agency does not want to receive such payment;

(2) is not receiving payments pursuant to section 405.371 of title 42, Code of Federal Regulations;

(3) is excluded from the medicare program under title X of the Social Security Act;

(4) no longer has a branch office or a separate home health agency pursuant to section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395a(2)(C), 1395a(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system.

SEC. 504. USE OF TELEHEALTH IN DELIVERY OF HOME HEALTH SERVICES.

(a) NOTIFICATION.—Nothing in this section shall be construed as waiving the requirement for a physician certification under section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395a(2)(C), 1395a(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system.

(b) PHYSICIAN CERTIFICATION.—Nothing in this section shall be construed as waiving the requirement for a physician certification under section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395a(2)(C), 1395a(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system.

SEC. 505. STUDY ON COSTS TO HOME HEALTH AGENCIES FOR USE OF NONROUTINE MEDICAL SUPPLIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the following:

(1) the factors that result in the higher costs to home health agencies for use of nonroutine medical supplies, including ostomy supplies, and the effect of such supplies use, shall determine the effect (if any) of variations on prices and volumes in the provision of such services.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the findings of the study conducted under subsection (a), and shall include in the report recommendations respecting whether payment for nonroutine medical supplies furnished in connection with home health services should be made separately from the prospective payment system for such services.

SEC. 506. TREATMENT OF BRANCH OFFICES; GAO STUDY ON SUPERVISION OF HOME HEALTH AGENCIES IN ISOLATED RURAL AREAS.

(a) TREATMENT OF BRANCH OFFICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in determining for purposes of payment, determinations, or budget neutrality adjustments under section 1895 of the Social Security Act in isolated rural areas. The Secretary of Health and Human Services may include in the definition of “home health agency” a branch office or a separate home health agency, whether or not there is a separate home health agency furnishing a home health unit of service for which payment is made under the prospective payment system established by such section for such units of service from furnishing services via a telecommunications system if such services—

(1) do not substitute for in-person home health services ordered and furnished by a physician certified by a physician pursuant to section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395a(2)(C), 1395a(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system;

(2) that furnish home health services for fiscal year 2001.

(b) STUDY.—The Comptroller General of the United States shall conduct a study of the provision of adequate supervision to maintain quality of home health services delivered under the medicare program under title XVIII of the Social Security Act in isolated rural areas. The study shall evaluate the methods that home health agencies branches and subunits use to provide adequate supervision in the delivery of services to clients residing in those areas, how these methods of supervision compare to requirements that subunits independently meet, and should consider the effect of the resources utilized by subunits to meet such conditions.
(2) REPORT.—Not later than January 1, 2002, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations, if the Comptroller General determines that further study is not needed for subunits and branches of home health agencies under the Medicare program to maintain access to the home health benefits or whether alternative provisions may be developed to enhance adequate supervision and access and recommendations on whether a national standard for supervision is appropriate.

SEC. 507. CLARIFICATION OF THE HOMEBOUND DEFINITION UNDER THE MEDICARE HOME HEALTH BENEFIT.

(a) CLARIFICATION. —

(1) IN GENERAL.—Sections 1814(a) and 1835(a) (42 U.S.C. 1395f(a) and 1395n(a)) are each amended—

(A) by striking “, and” in the last sentence, by striking “, and” and inserting “, or” and inserting the following:

“be required to receive medical treatment”;

and

(B) by adding at the end the following new sentences:—

“Any absence of an individual from the home attributable to the need to receive health care treatment, including regular absences for the purpose of participating in therapeutic, psychosocial, or medical treatment in an adult day-care program that is licensed or certified by a State, or accredited, to furnish adult day-care services in the State shall not disqualify an individual from being considered to be ‘confined to his home’. Any other absence of an individual from the home shall not disqualify an individual if the absence is of infrequent or of relatively short duration. For purposes of the preceding sentence, any absence for the purpose of attending religious services shall be deemed to be an absence of infrequent or short duration.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to home health services furnished on or after the date of the enactment of this Act.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an evaluation of the effect of the amendment on the cost of and access to home health services under the Medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 508. TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) 24-MONTH INCREASE BEGINNING APRIL 1, 2001.—

(1) IN GENERAL.—In the case of home health services furnished in a rural area (as defined in section 1861(v)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(v)(2)(D))) on or after April 1, 2001, and before April 1, 2003, the Secretary of Health and Human Services shall increase the payment amount otherwise made under section 1861 of such Act (42 U.S.C. 1395f) for such services by 10 percent.

(b) WAIVING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1885 of the Social Security Act (42 U.S.C. 1395ww(h)(1)(B)) applicable to home health services furnished during a period off the date of the increase in payments resulting from the application of subsection (a).

Subtitle B—Direct Graduate Medical Education

SEC. 511. INCREASE IN FLOOR FOR DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(h)(2)(D)(iii) (42 U.S.C. 1395ww(h)(2)(D)(iii)) is amended—

(1) by striking “IN FISCAL YEAR 2001 AT 70 PERCENT OF” and inserting “FOR” and 

(2) by inserting after “70 percent” the following:—

“, and for the cost reporting period beginning during fiscal year 2002 shall not be less than 85 percent.”

SEC. 512. CHANGE IN DISTRIBUTION FORMULA FOR MEDICARE-CHOICE-RELATED NURSING AND ALLIED HEALTH EDUCATION.

(a) IN GENERAL.—Section 1861(i)(2)(C) (42 U.S.C. 1395ww(i)(2)(C)) is amended by striking all that follows “multiplied by” and inserting the following:

“the ratio of—

(I) the product of (I) the Secretary’s estimate of the ratio of the amount of payments made under section 1861(v) to the hospital for nursing and allied health education activities for the hospital’s cost reporting period ending in the second preceding fiscal year, to the hospital’s total inpatient days for such period, and (II) the total number of cost reporting periods occurring on or after January 1, 2001.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 521. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.—Section 1886 (42 U.S.C. 1395f) is amended to read as follows—

“DETERMINATIONS; APPEALS

SEC. 1886. (a) INITIAL DETERMINATIONS.—

(1) PROMULGATIONS OF REGULATIONS.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

(A) The initial determination of whether an individual is entitled to benefits under such parts.

(B) The initial determination of the amount of benefits available to the individual under such parts.

(C) Any other initial determination with respect to a claimant for such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, or a determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract (other than a contract under section 1852) with the Secretary to enumerate provisions of this title or title X.

(2) DEADLINES FOR MAKING INITIAL DETERMINATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), in promulgating regulations under paragraph (1), initial determinations shall be con- cluded by not later than the 45-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a request for a determination. Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 45-day period.

(B) CLEAN CLAIMS.—Subparagraph (A) shall not apply to portions of cost reporting periods occurring on or after January 1, 2001.

Subtitle D—Changes in Post-Hospital Skilled Nursing Facility Payments

SEC. 522. POST-HOSPITAL SKILLED NURSING FACILITY PAYMENTS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Secretary shall promulgate regulations that provide that payments for a fiscal intermediary or a carrier to make a determination with respect to a claim that is denied in whole or in part.

(2) LIMITATIONS.—No initial determination may be reconsidered or appealed under subsection (b) unless the fiscal intermediary or carrier has made a determination that such initial determination was based on a material error of fact.

(3) DECISIONMAKER.—No redetermination may be made by any individual involved in the initial determination.

(4) DEADLINES.—

(A) FILING FOR REDETERMINATION.—A redetermination under subparagraph (A) shall be filed by the individual within 30 days after the date on which the individual receives notice of the initial determination under paragraph (2).

(B) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to portions of cost reporting periods occurring on or after January 1, 2001.

Subtitle E—Changes in Appeals Process

SEC. 523. CHANGES IN APPEALS PROCESS.

(a) APPEAL RIGHTS.—

(1) IN GENERAL.—

(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with an initial determination under section 1816(c)(2) or (l) of section 205 shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 1816(c) and the final review of the Secretary’s final decision after such hearing as is provided in section 1816(c).

(B) APPEAL RIGHTS.—

(2) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of the enactment of this Act.

Subtitle F—Changes in Medicare Payment Policy

SEC. 524. CHANGES IN MEDICARE PAYMENT POLICY.

(a) APPEAL RIGHTS.—

(1) IN GENERAL.—

(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with an initial determination under section 1816(c)(2) or (l) of section 205 shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 1816(c) and the final review of the Secretary’s final decision after such hearing as is provided in section 1816(c).

(B) APPEAL RIGHTS.—

(2) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of the enactment of this Act.

Subtitle G—Changes in Medicare Coverage

SEC. 525. CHANGES IN MEDICARE COVERAGE.

(a) IN GENERAL.—

(1) IN GENERAL.—

(A) THE SECRETARY.—Subject to subparagraph (D), if an item or service is determined by the Secretary to be covered under title XVIII in accordance with the provisions of section 1851, or if the Secretary is required to make a determination by any other provision of such title, the Secretary’s decision shall be considered a determination of the Secretary to the same extent as is provided in section 1851.

(B) APPEAL RIGHTS.—Subject to subparagraph (D), any individual dissatisfied with a determination of the Secretary to the same extent as is provided in section 1851, or if the Secretary is required to make a determination by any other provision of such title, the Secretary’s decision shall be considered a determination of the Secretary to the same extent as is provided in section 1851.

(C) Increased Payment to Beneficiary.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1851 or 1852, unless the person has waived all rights for payment from the beneficiary with respect to the services or items involved in the appeal.

(D) Division of Payment.—

(iii) PROHIBITION ON PAYMENT FOR REPRESENTATION.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

(iv) REQUIREMENTS FOR REPRESENTATIVES OF A BENEFICIARY.—The provisions of section 1851(b) and of section 1852 (other than subsection (a)(4) of such section) regarding representation of claimants shall apply to representation of an individual under this section in the same manner as they apply to representation of an individual under those sections.

(E) SUCCESSION OF RIGHTS IN CASES OF ABSENCE.—The right of an individual to an appeal under this section with respect to an item...
The Secretary shall perform such duties and functions as are required by the Secretary to carry out the provisions in sections 205 and 206.

**E) AMOUNTS IN CONTROVERSY.**—(i) Initial determinations or reconsidered determinations under subsection (a)(3), or within such additional time as the Secretary may allow.

(ii) In general.—A hearing by the Secretary in accordance with provisions in sections 205 and 206.

(iii) Initial determinations or reconsidered determinations for purposes of the Secretary shall provide such expedited determination or an expedited reconsideration under subsection (a)(3), as the case may be, and that meets the requirements established by the Secretary consistent with paragraphs (B) and (C) of subsection (a)(1).

**F) EXPEDITED PROCEEDINGS.**—

(i) Expeditied determination.—In the case of an individual who has received notice from a provider or supplier of services or supplies that the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

(ii) Expedited hearing.—In a hearing by the Secretary under this section, in which the party requesting a reconsideration made a decision with respect to a reconsideration under subsection (B), and the moving party requests the same reconsideration, the qualified independent contractor shall conduct and conclude the reconsideration by not later than the end of the 180-day period beginning on the date the individual receives notice of the reconsideration under subsection (a)(3), or within such additional time as the Secretary may allow.

(iii) Absence of national or local coverage determinations.—In the absence of such a national coverage determination or local coverage determination, the qualified independent contractor shall make a decision with respect to the reconsideration based on applicable information, including clinical experience and medical, technical, and scientific evidence.

(iv) Deadlines for decisions.—(I) In general.—The qualified independent contractor shall make a decision with respect to a reconsideration under this subparagraph within the period described in clause (i), as the case may be, and the moving party may request, in writing or orally, an expedited reconsideration under subsection (B), and the qualified independent contractor shall conduct and conclude the reconsideration by not later than the end of the 180-day period beginning on the date the individual receives notice of the reconsideration under subsection (a)(3), or within such additional time as the Secretary may allow.

(ii) Expedited reconsideration.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) as follows:

(I) Deadline for decision.—Notwithstanding section 206(j) and subject to clause (iv), not later than the end of the 72-hour period beginning on the date the qualified independent contractor has received a request for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the qualified independent contractor, the provider of services or supplier of the item or service upon which the reconsideration is based, the individual, and the attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

(II) Consultation with beneficiary.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual.

(III) Special rule for hospital discharges.—A reconsideration of a discharge from a hospital shall be conducted under this clause in accordance with the provisions of paragraphs (1), (3), and (4) of subsection (a)(1) as in effect on the date that precedes the date of the enactment of this subparagraph.

(iv) Extension.—An individual requesting a reconsideration under this subsection may be granted such additional time as the individual specifies (not to exceed 30 days) for the qualified independent contractor to conclude the reconsideration. The individual may request such additional time orally or in writing.

**G) REOPENING AND REVISION OF DETERMINATIONS.**—

(I) In general.—The Secretary may reopen a determination, including clinical experience and medical, technical, and scientific evidence.

(II) Effect of national and local coverage determinations.—(I) National coverage determinations.—If the Secretary has made a national coverage determination pursuant to the requirements established under the third sentence of section 1862(a)(1)(A), such determination shall be considered not to be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section.

(II) Local coverage determinations.—If the Secretary has made a local coverage determination, such determination shall not be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section. Notwithstanding the previous sentence, the qualified independent contractor shall conduct a local coverage determination in making such decision.

(III) Absence of national or local coverage determinations.—In the absence of such a national coverage determination or local coverage determination, the qualified independent contractor shall make a decision with respect to the reconsideration based on applicable information, including clinical experience and medical, technical, and scientific evidence.

**H) PLANNING OF DECISION.**—Any decision with respect to a reconsideration under this section, the qualified independent contractor shall in writing, and shall include a detailed explanation of the decision, as well as a statement of the facts and applicable regulations applied in making such decision, and in the case of a determination of whether an item or service is reasonable and necessary for the treatment of illness or injury (under section 1862(a)(1)(A)) an explanation of the medical and scientific rationale for the decision.

**I) NOTICE REQUIREMENTS.**—Whenever a qualified independent contractor makes a decision with respect to a reconsideration under this subsection, the qualified independent contractor shall promptly notify the entity responsible for the payment of claims under part A or part B of such decision.

**J) DISSEMINATION OF DECISIONS ON RECONSIDERATIONS.**—Each qualified independent contractor shall make a decision with respect to reconsiderations of such qualified independent contractors to fiscal intermediaries (under section 1811), carriers (under section 1811), review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, other entities under contract with the Secretary for the initial determination, and other entities under contract with the Secretary for services furnished to two or more individuals receiving care from a hospital shall be conducted under this clause in accordance with the provisions of paragraphs (1), (3), and (4) of subsection (a)(1) as in effect on the date that precedes the date of the enactment of this subparagraph.

**K) ENSURING CONSISTENCY IN DECISIONS.**—Each qualified independent contractor shall...
monitor its decisions with respect to reconsiderations to ensure the consistency of such decisions with respect to requests for reconsideration of similar or related matters.

(ii) IN GENERAL.—Consistent with the requirements of clause (ii), a qualified independent contractor shall conduct a hearing on a decision of a qualified independent contractor unless such determination is subject to judicial review.

(ii) EFFECTIVE DATE.—The amendments made by this section shall apply to all reconsiderations of initial determinations made on or after October 1, 2002.

SEC. 522. REVISIONS TO MEDICARE COVERAGE DETERMINATION PROCESS

(a) REVIEW OF DETERMINATIONS.—Section 1869 (42 U.S.C. 1395ff) is amended by adding at the end the following new subsection:

``(f) REVIEW OF COVERAGE DETERMINATIONS.—

(A) IN GENERAL.—Review of any national coverage determination shall be subject to the following limitations:

(i) Such a determination shall not be reviewed by any administrative law judge.

(ii) A request for such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1007(b) of this title, relating to public participation in the rulemaking process, was not followed, if opportunity for public comment was not satisfied.

(iii) Upon the filing of a complaint by an appropriate scientific and clinical expert; and

(iv) shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

(b) LOCAL COVERAGE DETERMINATION.—

(A) IN GENERAL.—Review of any local coverage determination shall be subject to the following limitations:

(i) A request for such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1007(b) of this title, relating to public participation in the rulemaking process, was not followed, if opportunity for public comment was not satisfied.

(ii) Such a determination shall not be reviewed by any administrative law judge.

(iii) A request for such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1007(b) of this title, relating to public participation in the rulemaking process, was not followed, if opportunity for public comment was not satisfied.

(iv) Such a determination shall not be reviewed by any administrative law judge.

(v) A request for such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1007(b) of this title, relating to public participation in the rulemaking process, was not followed, if opportunity for public comment was not satisfied.
"(iii) Upon the filing of a complaint by an agrieved party, a decision of an administrative law judge under clause (i) shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

"(iii) The Secretary shall implement a decision of the administrative law judge or the Departmental Appeals Board within 30 days of receipt of such decision.

"(iv) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(B) IMPLEMENTATION OF LOCAL COVERAGE DETERMINATION.—For purposes of this section, the term 'local coverage determination' means a determination made by an intermediary or carrier under part A or part B, as applicable, respecting whether or not a particular item or service is covered on an intermediary- or carrier-wide basis.

"(1) ANNUAL REPORT ON NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—Not later than December 1 of each year, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making and implementing such determinations.

"(B) PUBLICATION OF REPORTS ON THE INTERNET.—The Secretary shall publish each report submitted under clause (i) on the Medicare Internet site of the Department of Health and Human Services.

"(C) EXPLANATION OF DETERMINATION.—Nothing in this subsection shall be construed as permitting administrative or judicial review pursuant to this section insofar as such review is explicitly prohibited or restricted under another provision of law.

"(D) PENDING NATIONAL COVERAGE DETERMINATIONS.—

"(1) AGENCY DETERMINATIONS.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an aggrieved person, as described in paragraph (3), may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request (notwithstanding the receipt by the Secretary of any new evidence), the Secretary shall take one of the following actions:

"(A) Issue a national coverage determination, with or without limitations.

"(B) Issue a national noncoverage determination.

"(C) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

"(D) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (II), or (III).

"(8) DEEMED ACTION BY THE SECRETARY.—In the event the deadline described in clause (I) expires, if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(II) or (III) as of the deadline.

"(C) EXPLANATION OF DETERMINATION.—When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than clause (IV)) is deemed to be a national coverage determination for purposes of paragraph (2) or (3) of such section (relating to trade secrets); or

"(D) STANDING.—An action under this subsection seeking review of a national coverage determination or local coverage determination may be brought by the individual or entity to which benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

"(E) PUBLICATION ON THE INTERNET OF DECISIONS OF THE SECRETARY.—Each decision by the Secretary with respect to a national coverage determination shall be published in the Federal Register. The Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services.

"(F) Intramural noncoverage determination filed.

"(G) A request to make such a determination made.

"(H) National coverage determination made, on or after October 1, 2001.

"(I) ""APPLICATION TO INPATIENT HOSPITALS.—The Secretaries of Health and Human Services shall accord to types of items or services considered by the advisory committee, any such panel of experts may report any recommendation with respect to such items or services directly to the Secretary with or without the prior approval of the advisory committee or an executive committee thereof.

"(J) EFFECTIVE DATE.—The amendments made by this section shall apply to

"(1) a review of any national or local coverage determination filed,

"(2) a request to make such a determination made, and

"(3) a national coverage determination made, on or after October 1, 2001.

"(K) National coverage determination made, on or after October 1, 2001.

"(L) National coverage determination made, on or after October 1, 2001.

"(M) National coverage determination made, on or after October 1, 2001.

"(N) National coverage determination made, on or after October 1, 2001.

"(O) National coverage determination made, on or after October 1, 2001.

"(P) National coverage determination made, on or after October 1, 2001.

"(Q) National coverage determination made, on or after October 1, 2001.

"(R) National coverage determination made, on or after October 1, 2001.

"(S) National coverage determination made, on or after October 1, 2001.

"(T) National coverage determination made, on or after October 1, 2001.

"(U) National coverage determination made, on or after October 1, 2001.

"(V) National coverage determination made, on or after October 1, 2001.

"(W) National coverage determination made, on or after October 1, 2001.

"(X) National coverage determination made, on or after October 1, 2001.

"(Y) National coverage determination made, on or after October 1, 2001.

"(Z) National coverage determination made, on or after October 1, 2001.
submit to Congress a report on methods of expeditiously incorporating new medical services and technologies into the clinical coding system used with respect to payment for inpatient hospital services provided under the Medicare program under title XVIII of the Social Security Act, together with a detailed description of the Secretary’s preferred methods to achieve this purpose.

(2) IMPLEMENTATION.—Not later than October 1, 2001, the Secretary shall implement the preferred methods described in the report transmitted under paragraph (1).

(b) ENSURING APPROPRIATE PAYMENTS FOR HOSPITALS INCORPORATING NEW MEDICAL SERVICES AND TECHNOLOGIES

(1) ESTABLISHMENT OF MECHANISM.—Section 704 of the Social Security Act (42 U.S.C. 1395w(d)(5)) is amended by adding at the end the following new subparagraphs:

(K)(i) Effective for discharges beginning on or after October 1, 2001, the Secretary shall establish a mechanism to recognize the costs of new medical services and technologies under the payment system established under this subsection. Such mechanism shall be established after notice and opportunity for public comment (in the case of costs reported by subsection (e)(5) for a fiscal year or otherwise).

(ii) The mechanism established pursuant to clause (i) shall—

(I) apply to a new medical service or technology if, based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate established by such discharge under this subsection is inadequate;

(II) provide for the collection of data with respect to the costs of a new medical service or technology described in subsection (l) for a period of not less than two years and not more than three years beginning on the date on which an inpatient hospital code is issued with respect to the service or technology;

(III) subject to paragraph (4)(C)(ii), provide for additional payment to be made under this subsection with respect to discharges involving a new medical service or technology described in subsection (l) that occur during the period described in subsection (l) in an amount that adequately reflects the estimated average cost of such service or technology; and

(IV) provide that discharges involving such a service or technology that occur after the close of the period referred to in clause (ii) shall be classified within a new or existing diagnosis-related group with a weighting factor under paragraph (4)(B) that is derived from cost data collected with respect to discharges occurring during such period.

(iii) For purposes of clause (ii)(I), the term ‘‘patient hospital cost’’ means any cost that is used with respect to inpatient hospital services for which payment may be made under this subsection and includes an alphanumeric code issued by the International Classification of Diseases, 9th Revision, Clinical Modification (‘‘ICD-9-CM’’) and its subsequent revisions.

(iv) For purposes of clause (ii)(II), the term ‘‘discharge’’ has the following meaning:

(A) the discharge of a patient for whom a new medical service or technology is provided as an outpatient, an inpatient, a hospital that had an arrangement with a new medical service or technology for a subsequent fiscal year, and an outpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) or as an outpatient hospital service for which payment is made to the hospital under subsection (l)(2) of such Act (42 U.S.C. 1395mm).

(2) PRIOR CONSULTATION.—The Secretary of Health and Human Services shall consult with groups representing hospitals, physicians, and manufacturers of medical technologies before publishing the notice of proposed rulemaking under this subsection. Such consultation shall include, by member, the results of that vote in the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the development of standard instruments for the assessment of the health and functional status of patients.
for whom items and services described in subsection (b) are furnished, and include in the report a recommendation on the use of such standard instruments for payment purposes.

SEC. 545. GROWTH IMPACT OF THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) ON HOSPITAL EMERGENCY DEPARTMENTS.

(a) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate by May 1, 2001, on the impact of EMTALA on hospitals, emergency physicians, and physicians covering emergency department call throughout the United States.

(b) REPORT REQUIREMENTS.—The report shall include:

(1) the extent to which hospitals, emergency physicians, and physicians covering emergency department call provide uncompensated services in relation to the requirements of EMTALA;

(2) the extent to which the regulatory requirements and enforcement of EMTALA have expanded beyond the legislation's original intent;

(3) estimates for the total dollar amount of EMTALA-related uncompensated costs to emergency physicians for 2000 and the previous year;

(4) the extent to which different portions of the United States may be experiencing different levels of uncompensated EMTALA-related care;

(5) the extent to which EMTALA would be considered as an unfunded mandate if it were enacted today;

(6) the extent to which States have programs to provide financial support for such uncompensated care;

(7) possible sources of funds, including medicare hospital bad debt accounts, that are available to hospitals to assist with the cost of such uncompensated care;

(8) the financial strain that illegal immigration populations, the uninsured, and the underinsured place on hospital emergency departments, other hospital services, emergency physicians, and physicians covering emergency department call.

(c) DEFINITION.—In this section, the term "Emergency Medical Treatment and Active Labor Act" and "EMTALA" mean section 1867 of the Social Security Act (42 U.S.C. 1395dd).


(a) INPATIENT HOSPITAL SERVICES.—The payment increase provided under the following sections shall not apply to discharges occurring after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such fiscal year:

(1) Section 301(b)(2)(A) (relating to acute care hospital capitation update).

(2) Section 302(b) (relating to IME percentage adjustment).

(b) SKILLED NURSING FACILITY SERVICES.—The payment increase provided under section 311(b)(2) (relating to covered skilled nursing facility services) shall not apply to discharges occurring after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for services furnished after such fiscal year.

(c) HOME HEALTH SERVICES.—

(1) TRANSITIONAL ALLOWANCE FOR FULL MARKETBASKET INCREASE.ÐThe payment increase provided under section 502(b)(1)(B) shall not apply to episodes and visits ending after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for episodes and visits occurring after such period.

(2) TEMPORARY INCREASE FOR RURAL HOME HEALTH SERVICES.—The payment increase provided under section 502(b)(1)(B) shall not apply to episodes and visits ending after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for episodes and visits occurring after such period.

(d) CALENDAR YEAR 2001 PROVISIONS.—The payment increase provided under the following sections shall not apply after calendar year 2001 and shall not be taken into account in calculating the payment amounts applicable for items and services furnished after such year:

(1) Section 401(c)(2) (relating to covered OPD services).

(2) Section 422(e)(2) (relating to renal dialysis services paid for on a composite rate basis).

(3) Section 423(a)(2)(B) (relating to ambulance services).

(4) Section 425(b)(2) (relating to durable medical equipment).

(5) Section 426(b)(2) (relating to prosthetic devices and orthotics and prosthetics).

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

SEC. 601. INCREASE IN MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B) (42 U.S.C. 1395w±23) as so redesignated—

(1) by redesignating clause (ii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

(III) For 1999 and 2000, the minimum amount determined under clause (i) or this clause, respectively, for the preceding year, increased by the national Medicare+Choice managed care growth percentage described in paragraph (6)(A) applicable to 1999 or 2000, respectively.

(III) Subject to subsection (a), for 2001, for any area in a Metropolitan Statistical Area with a population of more than 250,000, $525, and for any other area $475.

(III) In the case of an area outside the 50 States and the District of Columbia, the amount specified in this clause shall not exceed 120 percent of the amount determined under clause (ii) for such area for 2000.

(b) RULES OF CONSTRUCTION.—(A) The term "calendar year 2000" means the period beginning on January 1, 2000, and ending on December 31, 2000.

(b) INCREASE FOR RURAL MEDICARE+CHOICE PAYMENT RATE.—The provisions of section 601(b) shall apply with respect to the amendments made by subsection (a) in the same manner as they apply to the amendments made by section 601(a).

SEC. 603. PHASE-IN OF RISK ADJUSTMENT.

Section 1833(a)(3)(C) (42 U.S.C. 1395w±23) as so redesignated—

(1) in clause (iv), as redesignated, by striking "a subsequent year" and inserting "2002 and each succeeding year";

(2) by adding at the end the following new clause:

(II) In the case of an area outside the 50 States and the District of Columbia, the amount specified in this clause shall not exceed 120 percent of the amount determined under clause (i) for such area for 2000.

(3) in clause (iv), as redesignated—

(A) by redistributing "(A)" and inserting "(B)";

(2) by designating clause (ii) as clause (iv); and

(3) by adding after clause (iv) the following new clauses:

(ii) For 1999 and 2000, 100 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year;

(iii) For 2001, 103 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2000; and

(iv) in clause (iv), as so redesignated, by striking "a subsequent year" and inserting "2002 and each succeeding year";

(b) APPLICATION OF SOCIAL RULE FOR JANUARY AND FEBRUARY OF 2001.—The provisions of section 601(b) shall apply with respect to the amendments made by subsection (a) in the same manner as they apply to the amendments made by section 601(a).
(b) Reentry into Program Permitted for Medicare+Choice Programs.—A Medicare+Choice organization that provided notice to the Secretary of Health and Human Services of the early termination of its contract under part C of title XVIII of the Social Security Act or was reducing the service area of a Medicare+Choice plan in counties where the organization had been offering services under such part shall be permitted to continue participation under such part, or to maintain the service area of such plan, for 2001 if it submits the Secretary with information described in section 1854(a)(1)(i)(I) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)(i)) within 2 weeks after the date revised rates are announced by the Secretary under subsection (a).

(c) Revised Submission of Proposed Premiums and Related Information.—If—

(1) a Medicare+Choice organization provided notice to the Secretary of Health and Human Services of as of July 3, 2000, that it was renewing its contract under part C of title XVIII of the Social Security Act for all or part of the service area or areas served under its current contract, and

(2) any part of the service area or areas addressed in such notice includes a payment area for which the Medicare+Choice capitation rate under section 1833(c) of such Act (42 U.S.C. 1395w–23(c)) for 2001, as determined under subsection (a), is lower than the rate previously determined for such year,

such organization shall revise its submission of the information described in section 1854(a)(1) of such Act (42 U.S.C. 1395w–24(a)(1)), and shall submit such revised information to the Secretary, within 2 weeks after the date revised rates are announced by the Secretary under subsection (a), in making such submission, the organization may only reduce beneficiary premiums, reduce beneficiary cost-sharing, enhance benefits, utilize the stabilization factor in section 1854(f)(1), and stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).

(d) Waiver of Limits on Stabilization Fund.—Any regulatory provision that limits the proportion of the excess amount that can be withheld in such stabilization fund for a contract period shall not apply with respect to submittal of revised rates under subsection (b).

(e) Disregard of New Rate Announcement in Applying Pass-Through for New National Coverage Items.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w–23(b)).

SEC. 605. Revision of Payment Rates for ESRD Patients Enrolled in Medicare+Choice Plans.

(a) In General.—Section 1833(a)(2)(B) (42 U.S.C. 1395w–23a(2)(B)) is amended by adding at the end the following:


(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

`(E) PREMIUM REDUCTIONS. —Subject to clause (ii), as part of providing any additional benefits required under subparagraph (A), a Medicare+Choice organization may elect a reduction in its payments under section 1833(a)(1)(A) with respect to a Medicare+Choice plan and the Secretary shall apply such reduction to reduce the premium under section 1839 of each enrollee in such plan as provided in section 1840(i).``

"(ii) Amount of Reduction.—The amount of the reduction, determined with respect to any enrollee in a Medicare+Choice plan—

`(I) may not exceed 125 percent of the premium described under section 1839(a)(3); and

`(II) shall apply uniformly to each enrollee of the Medicare+Choice plan to which such reduction applies.";

(b) Conforming Amendments.—

(A) Adjustment of Payments to Medicare+Choice Organizations.—Section 1833(a)(2)(B)(ii)(A) of such Act (42 U.S.C. 1395w–23a(2)(B)(ii)(A)) is amended by inserting ``, or filed with the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(f)(2)), or stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).''.

(c) Publication.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish for public comment a description of the appropriate adjustments described in the last sentence of section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–23a(1)(B)), as added by subsection (a). The Secretary shall publish such adjustments in final form by not later than July 1, 2001, so that the amendment made by subsection (a) may be implemented by a timely basis consistent with subsection (b).


(a) In General.—


(A) by redesignating paragraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

`(E) PREMIUM REDUCTIONS. —Subject to clause (ii), the organization may only reduce beneficiary premiums, reduce beneficiary cost-sharing, enhance benefits, utilize the stabilization factor in section 1854(f)(1), and stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).

(d) Waiver of Limits on Stabilization Fund.—Any regulatory provision that limits the proportion of the excess amount that can be withheld in such stabilization fund for a contract period shall not apply with respect to submittal of revised rates under subsection (b).

(e) Disregard of New Rate Announcement in Applying Pass-Through for New National Coverage Items.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w–23(b)).

SEC. 605. Revision of Payment Rates for ESRD Patients Enrolled in Medicare+Choice Plans.

(a) In General.—Section 1833(a)(3)(C) (42 U.S.C. 1395w–23a(3)(C)) is amended—

(i) by striking ``PREMIUMS. —The'' and inserting ``Except as provided in clause (iii), such reduced''.

(ii) by adding at the end the following new clause:

``(iii) Full implementation of risk adjustment for congestive heart failure enrollees for 2001.--``

"(I) Exemption from phase-in.—Subject to subclause (II), the Secretary shall fully implement the risk adjustment methodology described in this subsection with respect to each individual who has had a qualifying congestive heart failure inpatient diagnosis (as determined by the Secretary under such risk adjustment methodology) during the period beginning on January 1, 2000, and ending on June 30, 2000, and who is enrolled in a coordinated care plan that is the only coordinated care plan offered on January 1, 2001, in the service area of the individual.

"(II) Period of application.—Subclause (I) shall only apply during the 1-year period beginning on January 1, 2001.

"(III) Exclusion from determination of the budget neutrality factor.—Section 1853(c)(5) (42 U.S.C. 1395w–23c(5)) is amended by striking ``, or filed with the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(f)(2)), or stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).''.

(b) Effective Date.—The amendment made by subsection (a) shall be applied as if included in the enactment of the Balanced Budget Act of 1997.

(c) Bonus.—Such subsection (a) shall be applied as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 606. Expansion of Application of Medicare+Choice New Entry Bonus.

(a) In General.—Section 1833(a)(3)(I) (42 U.S.C. 1395w–23a(3)(I)) is amended by adding at the end the following new clause:

"(I) Medicare+Choice plans in counties where the Secretary determines the risk adjustment methodology described in section 1854(f)(1) and'' after ``for that area,''.

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Balanced Budget Act of 1997.


(a) In General.—Section 1833(a)(3)(C) (42 U.S.C. 1395w–23a(3)(C)) is amended—

(i) by striking ``PREMIUMS. —The'' and inserting ``Except as provided in clause (iii), such reduced''.

(ii) by adding at the end the following new clause:

``(iii) Full implementation of risk adjustment for congestive heart failure enrollees for 2001.--``

"(I) Exemption from phase-in.—Subject to subclause (II), the Secretary shall fully implement the risk adjustment methodology described in this subsection with respect to each individual who has had a qualifying congestive heart failure inpatient diagnosis (as determined by the Secretary under such risk adjustment methodology) during the period beginning on January 1, 2000, and ending on June 30, 2000, and who is enrolled in a coordinated care plan that is the only coordinated care plan offered on January 1, 2001, in the service area of the individual.

"(II) Period of application.—Subclause (I) shall only apply during the 1-year period beginning on January 1, 2001.

"(III) Exclusion from determination of the budget neutrality factor.—Section 1853(c)(5) (42 U.S.C. 1395w–23c(5)) is amended by striking ``, or filed with the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(f)(2)), or stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).''.

(b) Effective Date.—The amendment made by subsection (a) shall be applied as if included in the enactment of the Balanced Budget Act of 1997.
there is an appropriate payment recovery to the medicare program under title XVIII of the Social Security Act.

**Subtitle B—Other Medicare+Choice Reforms**

### SEC. 611. PAYMENT OF ADDITIONAL AMOUNTS FOR BENEFITS COVERED DURING A CONTRACT TERM.

(a) In General.—Section 1853(c)(7) (42 U.S.C. 1395w–22(e)(7)) is amended—

(1) by inserting “(including cost-sharing requirements)” after “Benefit requirements”;

(2) by adding at the end the following new clause:

“(ii) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

### SEC. 612. RESTRICTION ON IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS MIDYEAR.

(a) In General.—Section 1856(b) (42 U.S.C. 1395w–26(b)) is amended by adding at the end the following new paragraph:

“(4) PROHIBITION OF MIDYEAR IMPLEMENTATION OF REGULATORY REQUIREMENTS.—The Secretary may not implement, other than at the beginning of a calendar year, regulations under this section that impose significant new regulatory requirements on a Medicare+Choice organization or plan.”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

### SEC. 613. TIMELY APPROVAL OF MARKETING MATERIAL THAT follows MODEL MARKETING LANGUAGE.

(a) In General.—Section 1851(h) (42 U.S.C. 1395w–21(h)) is amended—

(1) in paragraph (1)(A), by inserting “(or 10 days after the date described in such subparagraph)” after “45 days”;

(2) by adding at the end the following new paragraph:

“(5) SPECIAL TREATMENT OF MARKETING MATERIAL FOLLOWING MODEL MARKETING LANGUAGE.—In the case of marketing material that uses model language that is not available for public use, the Secretary shall issue a statement that contains the following:

(i) a description of the means by which such program focuses on racial and ethnic minorities;

(ii) an evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction;

(iii) recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2001.

### SEC. 614. AVOIDING DUPLICATE REGULATION.

(a) In General.—Section 1856(b)(3)(B) (42 U.S.C. 1395w–26(b)(3)(B)) is amended—

(1) in clause (i), by inserting “(including cost-sharing requirements)” after “Benefit requirements”;

(2) by adding at the end the following new clause:

“(ii) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2001.

### SEC. 615. ELECTION OF UNIFORM LOCAL COVERAGE POLICY FOR MEDICARE+CHOICE PLAN COVERING MULTIPLE LOCALITIES.

Section 1852(a)(2) (42 U.S.C. 1395w–22(a)(2)) is amended by adding at the end the following new subparagraph:

“(C) ELECTION OF UNIFORM COVERAGE POLICY.—In the case of a Medicare+Choice organization that offers a Medicare+Choice plan in an area in which more than one local policy coverage is applied with respect to different parts of the area, the organization may elect to have the Medicare+Choice plan apply as a single policy to the part of the area that is most beneficial to Medicare+Choice enrollees (as identified by the Secretary) with respect to Medicare+Choice enrollees enrolled in the plan.”

### SEC. 616. ELIMINATING HEALTH DISPARITIES IN MEDICARE+CHOICE PROGRAM.

(a) QUALITY ASSURANCE PROGRAM FOCUS ON RACIAL AND ETHNIC MINORITIES.—Subparagraphs (A) and (B) of section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) are each amended by adding at the end the following:

“Such programs shall include—

(A) a description of the means by which such programs focus on racial and ethnic minorities;

(B) CONTENTS OF REPORT.—Each such report shall include the following:

(i) A description of the means by which such programs focus on racial and ethnic minorities;

(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction;

(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.”;

### SEC. 617. MEDICARE+CHOICE PROGRAM COMPATIBILITY WITH EMPLOYER OR UNION GROUP HEALTH PLANS.

(a) In General.—Section 1857 (42 U.S.C. 1395w–27) is amended by adding at the end the following new subsection:

“(F) EXTENDED MEDIGAP ACCESS FOR INTERMITTENT TRIAL PERIODS.—Section 1882(s)(3) (42 U.S.C. 1395w–22(s)(3)) is amended by striking paragraph (a), is further amended by adding at the end the following new subparagraph:

“(a) Disenrollment Window in Accordance with Beneficiary’s Circumstance.—If such enrollment shall be deemed to apply to fiscal years beginning after September 30, 2001.

### SEC. 618. SPECIAL MEDIGAP ENROLLMENT ANTI-DISCIMINATION PROVISION FOR CERTAIN BENEFICIARIES.

(a) DISENROLLMENT WINDOW IN ACCORDANCE WITH BENEFICIARY’S CIRCUMSTANCE.—Section 1852(e) (42 U.S.C. 1395w–22(e)) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking “subject to sub-

paragraph (E), seeks to enroll under the policy no later than 63 days after the date of the ter-

mination of enrollment described in such subparagraph” and inserting “seeks to enroll under the policy during the period specified in sub-

paragraph (E)”;

(2) by striking subparagraph (E) and inserting the following new subparagraph:

“(E) For purposes of subparagraph (A), the time period specified in this subparagraph is—

(i) if the individual in such subparagraph is a Medicare+Choice enrollee under contract with an employer, the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the date the applicable coverage is terminated;

(ii) in the case of an individual described in subparagraph (B)(ii), the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the date the applicable coverage is terminated;

(iii) in the case of an individual described in subparagraph (B)(iv), the period beginning on the date that the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the date the applicable coverage is terminated;

(iv) in the case of an individual described in clause (ii), (iii), (iv), (v), or (vi) of subparagraph (B) who disenrolls voluntarily, the period beginning on the date the individual receives a notice of termination and ending on the date that is 63 days after the date the applicable coverage is terminated;

(v) in the case of an individual described in subparagraph (B)(v), the period beginning on the date that is 63 days after the date the applicable coverage is terminated;

(vi) in the case of an individual described in clause (ii), (iii), (iv), (v), or (vi) of subparagraph (B) who disenrolls voluntarily, the period beginning on the date that is 63 days after the date the applicable coverage is terminated.

(b) EXTENDED MEDIGAP ACCESS FOR INTERMITTENT TRIAL PERIODS.—Section 1882(s)(3) (42 U.S.C. 1395w–22(s)(3)) is amended by striking paragraph (a), is further amended by adding at the end the following new subparagraph:

“(F)(i) Subject to clause (ii), for purposes of this paragraph—

(i) if the individual in such subparagraph is a Medicare+Choice enrollee under contract with an employer, the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the date the applicable coverage is terminated;

(ii) in the case of a Medicare+Choice enrollee under contract with an employer, the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the date the applicable coverage is terminated;
SEC. 619. RESTORING EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS IN MEDICARE+CHOICE PLANS.

(a) OPEN ENROLLMENT EFFECTIVE DATE.—Section 1852(a)(2)(B) (42 U.S.C. 1395w–21(f)(2)(B) is amended by striking ‘‘ except that if such election or change is made after the 10th day of any calendar month, then the effective date shall not take effect until the first day of the second calendar month following the date on which the election or change is made; ’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections and changes of coverage made on or after June 1, 2001.

SEC. 620. PERMITTING ESRD BENEFICIARIES TO ENROLL IN ANOTHER MEDICARE+CHOICE PLAN IF THE PLAN THEY ARE ENROLLED IN IS TERMINATED.

(a) In General.—Section 1851(a)(3)(B) (42 U.S.C. 1395w–21(a)(3)(B) is amended by striking ‘‘except that— (i) an individual who develops end-stage renal disease who is enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and (ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under circumstances described in section 1851(e)(4)(A), then— (I) the Medicare+Choice organization, for a period of 12 months, shall provide to the enrollee a ‘Medicare+Choice eligible individual’ for purposes of electing to continue enrollment in another Medicare+Choice plan.;’’.

(b) EFFECTIVE DATE.—(1) In GENERAL.—The amendment made by subsection (a) shall apply to terminations and discontinuations occurring on or after the date of the enactment of this Act.

(2) APPLICATION TO PRIOR PLAN TERMINATIONS.—Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by subsection (a) of this section) shall apply to terminations of enrollment in a Medicare+Choice plan that occurred during the 12 month period ending December 31, 1998, and before the date of the enactment of this Act.

SEC. 621. PROVIDING CHOICE FOR SKILLED NURSING FACILITY SERVICES UNDER THE MEDICARE+CHOICE PROGRAM.

(a) In General.—Section 1852 (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

’’(ii) RETURN TO HOME SKILLED NURSING FACILITIES FOR COVERED POST-HOSPITAL EXTENDED CARE SERVICES.— (1) ENSURING RETURN TO HOME SNF.— (A) IN GENERAL.—In providing coverage for post-hospital extended care services, a Medicare+Choice plan shall provide for such coverage through a home skilled nursing facility if the following conditions are met: 

(i) the enrollee elects to receive such coverage through such facility.

(ii) that such a contract with the Medicare+Choice organization for the provision of such services, or the facility agrees to accept substantially similar payment under such a contract, and the plan, in coordination with the facility, has reviewed and reviewed the facility's capacity to meet the needs of such enrollees.

(iii) MANDATORY REQUIREMENTS AND IMPOSITIONS BY THE CHIEF ACTUARY OF THE HEALTH CARE FINANCING ADMINISTRATION.— (A) MANDATORY REQUIREMENTS.— (i) by striking ‘‘value’’ and inserting ‘‘value of care’’; and (ii) by adding at the end the following: ‘‘The Chief Actuary of the Health Care Financing Administration shall update the payment amounts and methods used by Medicare+Choice organizations with respect to similar services, amounts, and values so submitted to determine the appropriateness of such amounts and data. ’’

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to admissions made on or after January 1, 2001.

(c) MANDATORY REIMBURSEMENT REQUIREMENTS FOR MEDICARE+CHOICE PLANS.

SEC. 622. PROVIDING FOR ACCOUNTABILITY OF MEDICARE+CHOICE PLANS.

(a) MANDATORY REPORTING REQUIREMENTS.— (1) IN GENERAL.—The Medicare+Choice organization shall submit a report to the Commission with respect to the conduct of the Medicare+Choice organization for the provision of such services and through which the enrollee would otherwise receive such services.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to admissions made on or after the date of the enactment of this Act.

(c) MANDATORY REIMBURSEMENT REQUIREMENTS FOR MEDICARE+CHOICE PLANS.

SEC. 623. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) In General.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subsection:

’’(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SIMO) DEMONSTRATION PROJECT.

(a) In General.—Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended, is amended— (1) by striking ‘‘1998’’ and inserting ‘‘1999’’; and (2) by striking ‘‘1999’’ and inserting ‘‘2000’’.

Sec. 632. REPEALS AND MODIFICATIONS TO THE MSA BILL.

(a) In General.—Section 1006(c)(2) of the Medicare+Choice program, as amended by the Balanced Budget Act of 1997, is amended— (1) by striking ‘‘1006(c)(2)’’; (2) by striking ‘‘1997’’ and inserting ‘‘1999’’; and (3) by striking ‘‘the Secretary’’ and inserting ‘‘the Medicare+Choice organization’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to enrollments made on or after the date of the enactment of this Act.

(c) MANDATORY REIMBURSEMENT REQUIREMENTS FOR MEDICARE+CHOICE PLANS.

SEC. 624. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) In General.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subsection:

’’(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SIMO) DEMONSTRATION PROJECT.

(a) In General.—Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended, is amended by striking ‘‘18 months’’ and inserting ‘‘30 months’’.

Sec. 632. REPEALS AND MODIFICATIONS TO THE MSA BILL.

(a) In General.—Section 1006(c)(2) of the Medicare+Choice program, as amended by the Balanced Budget Act of 1997, is amended— (1) by striking ‘‘1998’’ and inserting ‘‘1999’’; and (2) by striking ‘‘1997’’ and inserting ‘‘1999’’.

Sec. 624. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) In General.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subsection:

’’(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SIMO) DEMONSTRATION PROJECT.

(a) In General.—Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended, is amended by striking ‘‘1998’’ and inserting ‘‘1999’’.

Sec. 632. REPEALS AND MODIFICATIONS TO THE MSA BILL.

(a) In General.—Section 1006(c)(2) of the Medicare+Choice program, as amended by the Balanced Budget Act of 1997, is amended— (1) by striking ‘‘1998’’ and inserting ‘‘1999’’; and (2) by striking ‘‘1997’’ and inserting ‘‘1999’’.

Sec. 624. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) In General.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subsection:

’’(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SIMO) DEMONSTRATION PROJECT.

(a) In General.—Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended, is amended by striking ‘‘18 months’’ and inserting ‘‘30 months’’.

Sec. 632. REPEALS AND MODIFICATIONS TO THE MSA BILL.

(a) In General.—Section 1006(c)(2) of the Medicare+Choice program, as amended by the Balanced Budget Act of 1997, is amended— (1) by striking ‘‘1998’’ and inserting ‘‘1999’’; and (2) by striking ‘‘1997’’ and inserting ‘‘1999’’.

Sec. 624. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) In General.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subsection:

’’(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SIMO) DEMONSTRATION PROJECT.

(a) In General.—Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended, is amended by striking ‘‘1998’’ and inserting ‘‘1999’’.

Sec. 632. REPEALS AND MODIFICATIONS TO THE MSA BILL.

(a) In General.—Section 1006(c)(2) of the Medicare+Choice program, as amended by the Balanced Budget Act of 1997, is amended— (1) by striking ‘‘1998’’ and inserting ‘‘1999’’; and (2) by striking ‘‘1997’’ and inserting ‘‘1999’’.

Sec. 624. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.
“(II) 2001 shall be determined by actuarially adjusting the amount determined under subclause (I) for inflation; and

(ii) such case management fee shall be paid only for those cases classified as moderately frail or frail pursuant to criteria established by the Secretary.

(C) GREATER UNIFORMITY IN CLINICAL FEATURES AMONG SITES.—Each project shall implement for each site—

(ii) protocols for periodic telephonic contact with enrollees;

(i) the results of such standardized written health assessment; and

(ii) the implementation of appropriate care planning approaches;

(iii) systems and protocols to track enrollees through hospitalizations, including pre-admission planning, concurrent management during inpatient hospital stays, and post-discharge assessment, planning, and follow-up; and

(iv) standardized patient educational materials for specified diseases and health conditions.

(D) QUALITY IMPROVEMENT.—Each project shall implement at each site once during the 15-month period—

(i) enrollee satisfaction surveys; and

(ii) reporting on specified quality indicators for the enrolled population.

(2) PRELIMINARY REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a preliminary report that—

(A) evaluates such demonstration projects for the year beginning July 1, 1999, and ending December 31, 1999, on a site-specific basis with respect to the impact on per beneficiary spending, specific health utilization measures, and enrollee satisfaction; and

(B) includes a similar evaluation of such projects for the portion of the extension period that occurs after September 30, 2000.

(2) FINAL REPORT.—The Secretary shall submit a final report to such Committees on such demonstration projects not later than July 1, 2002. Such report shall include the same elements as the preliminary report required by paragraph (1), but for the period after December 31, 1999.

(3) METHODOLOGY FOR SPENDING COMPARISONS.—Any evaluation of the impact of the demonstration projects on per beneficiary spending included in such reports shall include a comparison of—

(A) data for all individuals who—

(i) were enrolled in such demonstration projects as of the first day of the period under evaluation;

(ii) were enrolled for a minimum of 6 months thereafter; with

(B) data for a matched sample of individuals who are eligible under title XIX of the Social Security Act and are not enrolled in such a project, or in a Medicare+Choice plan, under part C of such title, a plan offered by an eligible organization under section 1877 of such Act, or a health care prepayment plan under section 1333(a)(1)(A) of such Act.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 302 of B B R A (113 Stat. 1301A–388).

SEC. 633. EXTENSION OF MEDICARE MUNICIPAL HEALTH SERVICES DEMONSTRATION PROJECTS.

Section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396u±2) is amended by—

(A) in subsection (a)(3)(H) of such section, by striking “subsection (c)(2)” and inserting “subsection (b)(2)”; and

(B) in subsection (b)(2), by striking “the entity either” and inserting “the entity or”.

C. CONFORMING AMENDMENT.—Section 1923(f)(3)(A) (42 U.S.C. 1396r±4(f)(3)(A)) is amended by inserting “and paragraph (5)” after “subparagraph (B)”.

(b) ASSURING IDENTIFICATION OF MEDICAID MANAGED CARE PATIENTS.—

(1) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r±4(f)), as amended by paragraph (1), is amended—

(A) in subsection (b)(3)(A), by inserting “(regardless of whether the services furnished were on a fee-for-service basis or through a managed care entity)” after “and any other medicare advantage plan”;

(B) in subsection (b)(3)(A)(i), by inserting “and paragraph (5)” after “and subparagraph (A) of”.

(2) CLARIFICATION OF COUNTING MANAGED CARE MEDICAID PATIENTS.—Section 1923 (42 U.S.C. 1396u±2) is amended by adding at the end the following new subsection:

“(g) IDENTIFICATION OF PATIENTS FOR PURPOSES OF MAKING DSH PAYMENTS.—Each contract with a managed care entity under section 1903(m) or section 1905(t)(3) shall require identity either—

(1) to report to the State information necessary to determine the hospital services provided under the contract (and the identity of hospitals providing such services) for purposes of applying sections 302 and 1395m of such Act; or

(2) to include a sponsorship code in the identification card issued to individuals covered under this title in order that a hospital may identify a patient as being entitled to benefits under this title.”.

(3) EFFECTIVE DATES.—

(A) The amendments made by paragraph (1) shall apply to contracts as of January 1, 2001.

(B) The amendments made by paragraph (2) shall apply to payments made on or after January 1, 2001.

(c) APPLICATION OF MEDICAID DSH TRANSITION RULE TO PUBLIC HOSPITALS IN ALL STATES.—

(1) IN GENERAL.—During the period described in paragraph (3), with respect to a State, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105±33; 111 Stat. 514), as amended by section 607 of B B R A (113 Stat. 1501A–396), shall be applied as though—

(A) “September 30, 2002” were substituted for “July 1, 1997” each place it appears;

(B) hospitals owned or operated by a State (as defined for purposes of title XIX of such Act), or by an instrumentality or a unit of government within a State (as so defined) were substituted for “the State of California”;

(C) paragraph (3) were redesignated as paragraph (4);

(D) “and” were omitted from the end of paragraph (3); and

(E) the following new paragraph was inserted after paragraph (2):
(3) 'as defined in subparagraph (B) but without regard to clause (ii) of that subparagraph and subject to subsection (d))' were substituted for 'as defined in subparagraph (B) in subsection (d) of this section'.

(2) SPECIAL RULE.—With respect to California, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 514), as so amended, shall be applied without regard to paragraph (1).

(3) PERIOD DESCRIBED.—The period described in this paragraph is the period that begins, with respect to a State, on the first day of the first State fiscal year that begins after September 30, 2002, and ends on the last day of the succeeding State fiscal year.

(a) APPLICATION TO WAIVERS.—With respect to a State operating under a waiver of the requirements of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) under section 1115 of such Act (42 U.S.C. 1315), the amount by which any payment adjustment made by the State under title XIX of such Act (42 U.S.C. 1396 et seq.), after the application of section 4721(e) of the Balanced Budget Act of 1997 under paragraph (1) to such State, exceeds the costs of furnishing hospital services provided by hospitals described in such section shall be fully reflected as an increase in the baseline expenditure limit for such waiver.

(b) ASSISTANCE FOR CERTAIN PUBLIC HOSPITALS.—

1. IN GENERAL.—Beginning with fiscal year 2002, notwithstanding section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)), and subject to the following, payment adjustments made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to a hospital described in paragraph (2) shall be made with respect to its disproportionate share hospital payments under section 1923(f) of that Act (42 U.S.C. 1396–4(f)).

2. HOSPITAL DESCRIBED.—A hospital is described in this subsection if the hospital

(A) is owned or operated by a State (as defined for purposes of title XIX of the Social Security Act), or by an instrumentality or a unit of government within a State (as so defined);

(B) as of October 1, 2000—

(i) is in existence and operating as a hospital described in subparagraph (A); and

(ii) is not receiving disproportionate share hospital payments from the State in which it is located under title XIX of such Act; and

(C) is a hospital described in subparagraph (B) (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396–4(b)(3))) in excess of 65 percent.

3. LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—With respect to any fiscal year, the aggregate amount of Federal financial participation that may be provided for payment adjustments described in paragraph (1) for that fiscal year for all States may not exceed the amount determined in subparagraph (B) for the fiscal year.

(B) AMOUNT DESCRIBED.—The amount described in this subparagraph for a fiscal year is as follows:

(i) For fiscal year 2002, $15,000,000.

(ii) For fiscal year 2003, $176,000,000.

(iii) For fiscal year 2004, $269,000,000.

(iv) For fiscal year 2005, $330,000,000.

(v) For fiscal year 2006 and each fiscal year thereafter, $375,000,000.

(d) DSH PAYMENT ACCOUNTABILITY STANDARDS.—Not later than September 30, 2002, the Secretary of Health and Human Services shall implement accountability standards to ensure that Federal funds provided with respect to disproportionate share hospital adjustments made under title XIX of the Social Security Act (42 U.S.C. 1396–4) are used to reimburse States and hospitals eligible for such payment adjustments for providing uncompensated health care to low-income individuals and are otherwise made in accordance with the requirements of section 1923 of that Act.
(3) Not later than 45 days after the date a notification is made in accordance with paragraph (2), the Secretary shall inform the State of proposed changes in the terms and conditions of the waiver project and request comments from the State. The Secretary shall not disapprove a change unless the Secretary determines that such information shall be deemed to be an approval of the application.

(4) During the 30-day period that begins on the date on which the final regulation required under subparagraph (A) is published in the Federal Register, the State may provide written comments to the Secretary. The Secretary shall consider those comments in determining whether to approve the waiver project.

(5)(A) Not later than 120 days after the date an application for an extension of the waiver project is submitted to the Secretary (or such later date as determined by the Chief Executive Officer of the State), the Secretary shall—

(i) approve the application subject to such modifications in the terms and conditions—

(I) as have been agreed to by the Secretary and the State; or

(II) in the absence of such agreement, as are determined by the Secretary to be reasonable, consistent with the overall objectives of the waiver project, and not in violation of applicable law;

or

(ii) disapprove the application.

(B) A failure by the Secretary to approve or disapprove an application submitted under this subsection in accordance with the requirements of subparagraph (A) shall be deemed to be an approval of the application subject to such modifications in the terms and conditions as have been agreed to (if any) by the Secretary and the State.

(6) An approval of an application for an extension of a waiver project under this subsection shall be subject to the final regulation required under subsection (a) and any conforming or technical amendments made by subsection (a) that apply to extensions of demonstration projects pending or submitted on or after the date of the enactment of this Act.

SEC. 705. DEADLINE FOR ISSUANCE OF FINAL REGULATION TO MODIFY MEDICAID UPPER PAYMENT LIMITS.

(a) IN GENERAL.—Section 1901(t)(3)(C) of the Comprehensive Omnibus Budget Reconciliation Act of 1985 is amended by striking "10 percent" and inserting "14 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 706. DEADLINE FOR ISSUANCE OF FINAL REGULATION TO MODIFY MEDICAID UPPER PAYMENT LIMITS.

(a) IN GENERAL.—Not later than December 31, 2000, the Secretary of Health and Human Services (in this section referred to as the "Secretary"). notwithstanding any requirement of the Administrative Procedures Act under chapter 5 of title 5, United States Code, or any other provision of law, shall issue under sections 447.272, 447.304, and 447.321 of title 42, Code of Federal Regulations (and any other section of title 5, United States Code, or any other section of title 42, Code of Federal Regulations) a final regulation to modify the Medicaid upper payment limits.

(b) TRANSITION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 707. 1-YEAR EXTENSION OF WELFARE-TO-WORK TRANSITION.

(a) IN GENERAL.—Section 1902(f)(1)(A)(i) of title 42, United States Code, is amended by striking "1991" and inserting "2000".

(b) TECHNICAL AMENDMENTS.—Section 1902(f)(1)(A)(i) of title 42, United States Code, is amended—

(1) in subsection (b)(3)(A)(ii), by striking "(1991)" and inserting "(2000)";

(2) in subsection (b)(3)(A)(ii), by striking "(1991)" and inserting "(2000)";

(3) in subsection (b)(3)(A)(iii), by striking "(1991)" and inserting "(2000)";

(4) in subsection (b)(3)(A)(iv), by striking "(1991)" and inserting "(2000)";


(7) in subsection (b)(3)(A)(vii), by striking "(1991)" and inserting "(2000)"; and


(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, regardless of whether regulations have been promulgated to carry out such amendment by such date.

SEC. 708. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 1902(a)(10)(A)(iii) of title 42, United States Code, is amended by striking "(1991)" and inserting "(2000)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act.

TITLE VIII—STATE CHILDREN’S HEALTH INSURANCE PROGRAM

SEC. 801. SPECIAL RULE FOR REDISTRIBUTION AND AVAILABILITY OF UNEXPENDED FISCAL YEAR 1998 AND 1999 SCHIP ALLOTMENTS.

(a) CHARGE IN RULES FOR REDISTRIBUTION AND AVAILABILITY OF UNEXPENDED SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—

(1) in subsection (b)(3)(A)(ii), by striking "(1991)" and inserting "(2000)";

(2) in subsection (b)(3)(A)(iii), by striking "(1991)" and inserting "(2000)";

(3) in subsection (b)(3)(A)(iv), by striking "(1991)" and inserting "(2000)"; and

(4) in subsection (b)(3)(A)(v), by striking "(1991)" and inserting "(2000)".

(b) TRANSITION.—The amendment made by subsection (a) shall be effective as if included in the enactment of section 121 of the Foster Care Independence Act of 1999 (Public Law 106-168).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act.
"(1) Amount redistributed.—

"(a) In General.—In the case of a State that expends all of its allotment under subsection (b) or (c) for fiscal year 1998 by the end of fiscal year 1999, and 2000, the Secretary shall redistribute to the State under subsection (f) from the fiscal year 1998 or 1999 allotments of other States, subject to the enactment of section 4901 of BBA.

"(b) Effective date.—The amendments made by this title shall take effect as if included in the enactment of section 4901 of BBA.

 SEC. 802. AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATIONS.

(a) Authority to Pay Medicaid Expansion SCHIP Costs From Title XXI Appropriations.—Section 2105(a) (42 U.S.C. 1397ee(a)) is amended—

(1) by redesignating subparagraphs (A) through (D) of paragraph (2) as clauses (i) through (iv), respectively, and indenting appropriately;

(2) by redesigning paragraph (1) as subparagraph (C), and indenting appropriately;

(3) by redesigning paragraph (2) as subparagraph (D), and indenting appropriately;

(4) by striking "(a) In General.—" and the remainder of that paragraph as so redesignated, and inserting the following:

"(a) Payments.—

"(1) In General.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount equal to the enhanced FMAP (or, in the case of expenditures described in paragraph (C), as so redesigned, and inserting the following:

"(1) Order of Payments.—Payments under paragraph (1) of a State's allotment shall be made in the following order:

(A) First, for expenditures for items described in paragraph (1)(A).

(B) Second, for expenditures for items described in paragraph (1)(B).

(C) Third, for expenditures for items described in paragraph (1)(C).

(D) Fourth, for expenditures for items described in paragraph (1)(D)."

(b) Elimination of Requirement to Reduce Title XXI Allotment by Medicaid Expansion SCHIP Costs.—Section 2104 (42 U.S.C. 1397d) is amended by striking subsection (d).

(c) Authority to Transfer Title XXI Appropriations to Title XIX Appropriations Account.—Section 2105 (42 U.S.C. 1397ee) is amended by striking paragraph (2) and inserting the following:

"(2) The Secretary may transfer funds described in subsection (1) to the Title XIX appropriation account established under section 1920A of title 42, United States Code, for the purpose of financing medical assistance for which payment is made under subpart 2 of part B of title X, plan for targeted low-income children in the form of providing medical assistance for which payment is made on the basis of an enhanced FMAP under section 1905(b) of title 42, United States Code, after December 31, 1999, and the Secretary shall use the amount transferred to make such payments, except as provided in subparagraph (A) or (B) of paragraph (4) of section 2105 of title 42, United States Code, and subject to the provisions of section 1905(b) of title 42, United States Code.

(d) Medicaid SCHIP Services.—Withholding any other provision of law, all amounts appropriated under title XXI and allotted to a State pursuant to section 2104 of the Social Security Act (42 U.S.C. 1397d) for fiscal years 1998 through 2000 (including any amounts that, for this purpose, would be considered to have expired) and not expended in providing child health assistance or related services for which payment may be made pursuant to subparagraph (A) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) as amended by section (a), shall be available to reimburse the Grants to States for Medicaid account in an amount equal to the amount made to such State under section 1903(a) of such Act (42 U.S.C. 1396b(a)) for expenditures in such years for medical assistance described in paragraphs (A) and (B) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) as amended by section (d)."
the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program."

(c) **CONFORMING AMENDMENT.**—Section 1934(f)(2)(B) and 1936(c)(19) of the Social Security Act (42 U.S.C. 1396a(f)(2)(B) and 1396e(c)(19)) is amended by adding at the end the following new subparagraph:

"(C) **CONTINUATION OF MODIFICATIONS OR WAIVER OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.**—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulations and which were in effect on July 1, 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program."

**SEC. 903. FLEXIBILITY IN EXERCISING WAIVER AUTHORITY.**

In applying sections 1902(a)(10)(E) and 1933; and

SEC. 911. OUTREACH ON AVAILABILITY OF MEDI-CARE COST-SHARING ASSISTANCE TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES.

(a) **OUTREACH.**—

(1) In general.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1143 the following:

"SEC. 1143. OUTREACH EFFORTS TO INCREASE AWARENESS OF THE AVAILABILITY OF MEDI-CARE COST-SHARING ASSISTANCE TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES.

(a) **OUTREACH.**—

(1) In general.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall conduct outreach efforts to—

(A) identify individuals entitled to benefits under such program under title XVIII who may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicare program pursuant to sections 1902(a)(10)(E) and 1933; and

(B) notify such individuals of the availability of such medical assistance for payment of the cost of medicare cost-sharing under the medicare program pursuant to sections 1902(a)(10)(E) and 1933.

(2) **CONTENT OF NOTICE.**—Any notice furnished under paragraph (1) shall state that eligibility for medicare cost-sharing assistance under such sections is conditioned upon—

(A) the individual providing to the State information about income and resources (in the case of an individual residing in a State that imposes an assets test for such eligibility); and

(B) meeting the applicable eligibility criteria.

(3) **COORDINATION WITH STATES.**—

(1) In general.—In conducting the outreach efforts under this section, the Commissioner shall—

(A) furnish the agency of each State responsible for the administration of the medicaid program and any other appropriate State agency with lists containing the names and address of individuals residing in the State that the Commissioner determines may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

(B) update any such information not less frequently than once per year.

(2) **INFORMATION IN PERIODIC UPDATES.**—The periodic updates described in paragraph (1)(B) shall include information on individuals who are or may be eligible for the medical assistance described in paragraph (1)(A) because such individuals have experienced reductions in benefits under title XVIII.

(3) **AMENDMENT TO TITLE XIX.**—Section 1905(p)(2) of the Social Security Act (as added by section 1143 of such Act, the Comptroller General shall update any such information not less frequently than once per year.

(4) **AMENDMENT TO TITLE X.**—Section 1106 of such Act (as added by subsection (a)(1)) on the enactment of BBA.

(b) **AOA REPORT.**—The Comptroller General of the United States shall conduct a study of the impact of section 1143 of the Social Security Act (as added by subsection (a)(1)) on the enrollment of individuals for medicare cost-sharing under the medicare program. Not later than 18 months after the date that the Commissioner of Social Security first conducts outreach under section 1143 of such Act, the Comptroller General shall submit to Congress a report on such study. The report shall include such recommendations as the Comptroller General deems appropriate.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2000.

Subtitle C—Maternal and Child Health Block Grant

SEC. 921. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.

(a) In general.—Section 501(a) (42 U.S.C. 501(a)) is amended in the matter preceding paragraph (1) by striking "$705,000,000 for fiscal year 2001''.

(b) **APPROPRIATIONS.**—For the purpose of making grants under this section, there is appropriated—

(1) $70,000,000 for each of fiscal years 2001 through 2003.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2003.

Subtitle D—Diabetes

SEC. 931. INCREASE IN APPROPRIATIONS FOR SPECIAL DIABETES PROGRAMS FOR-TYPIFIED MEDICARE BENEFICIARIES AND ALL INDIANS.

(a) **SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.**—Section 330B(b) of the Public Health Service Act (42 U.S.C. 254c(b)(2)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) **TRANSFERRED FUNDS.**—Notwithstanding";

and

(2) by adding at the end the following:

"(2) **APPROPRIATIONS.**—For the purpose of making grants under this section, there is appropriated, out of any funds in the Treasury not otherwise appropriated—

(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal year);

(B) $100,000,000 for fiscal year 2003.''.

(b) **SPECIAL DIABETES PROGRAMS FOR INDIANS.**—Section 330C(c) of such Act (42 U.S.C. 254c-3(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) **TRANSFERRED FUNDS.**—Notwithstanding";

and

(2) by adding at the end the following:

"(2) **APPROPRIATIONS.**—For the purpose of making grants under this section, there is appropriated, out of any funds in the Treasury not otherwise appropriated—

(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal year); and

(B) $100,000,000 for fiscal year 2003."

(c) **EXTENSION OF FINAL REPORT ON GRANT PROGRAMS.**—Section 4023(b)(2) of BBA is amended by striking "2002'' and inserting "2003''.
Section 102. Coverage of screening for glaucoma

The provision would add Medicare coverage for annual glaucoma screenings, beginning January 1, 2002, for persons determined to be at high-risk for glaucoma, individuals within a family history of glaucoma, and individuals with diabetes. The service would have to be furnished by or under the supervision of an optometric or an ophthalmologist who is licensed to practice in the state where the services are furnished.

Section 103. Coverage of screening colonoscopies for all individuals

The provision would authorize coverage for screening colonoscopies, beginning July 1, 2001, for all individuals who have reached their 50th birthday. Persons not at high risk, however, would not be required to undergo such procedures if performed within 10 years of a previous screening colonoscopy or within 4 years of a screening flexible sigmoidoscopy.

Section 104. Modernization of screening mammography benefit

Beginning in 2002, the provision would eliminate the statutorily prescribed payment rate for screening mammography payments to the extent that such payments are to be paid under the physician fee schedule. The provision would specify two new payment rates for mammographies that utilize advanced digital images and for procedures that meet such standards. For technologies that convert standards film images to digital form, an additional payment of fifteen dollars would be authorized. The Secretary would be required to determine whether a new code is required for tests furnished after 2001.

Section 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease

The provision would establish, effective January 1, 2002, Medicare coverage for medical nutrition therapy services for beneficiaries who have diabetes or a renal disease. Medical nutrition therapy services would be defined as nutritional diagnosis, therapy and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional, pursuant to a referral by a physician. The provision would specify that the amount to be paid for such services would equal the lesser of the actual charge for the service or 85% of the amount that would be paid under the physician fee schedule if such services were provided by a physician. Assignment would be required for all claims. The Secretary would be required to submit a report to Congress that contains an evaluation of the effectiveness of services furnished under this provision.

Section 111. Acceleration of reduction of beneficiary cost-sharing for hospital outpatient department services

Effective April 1, 2000, the provision would modify current law by limiting the amount of a beneficiary copayment for a procedure in a hospital outpatient department to the amount paid to the hospital inpatient deductible applicable in that year.

In addition, starting in April 2001, the provision would require the Secretary of HHS to reduce the effective copayment rate for outpatient services to a maximum rate of 57% for the remainder of 2001, 55% in 2002 and 2003, 53% in 2004, 51% in 2005, and 49% in 2006 and subsequent years. As stated in BBA 97, hospitals may waive any increase in coinsurance that may have arisen from the implementation of the outpatient prospective payment system (PPS).

The Comptroller General would be required to work with the Association of Insurers Commissioners (NAIC) to evaluate the extent to which premiums for supplemental policies reflect the acceleration of the reductions in coinsurance of hospital outpatient services and result in saving to beneficiaries and to report to the Congress by April 1, 2004.

Section 112. Partial coverage of maintenance of coverage for drugs and biologicals under part B of the Medicare Program

The provision would clarify policy with regard to coverage of drugs, provided incident or separately in a professional office, that would be self-administered. The provision would specify that such drugs are covered when they are not usually self-administered by the patient. The provision would require the Secretary to submit a report to Congress that contains an evaluation of the effectiveness of services furnished after enactment.

Section 113. Elimination of time limitation on Medicare benefits for immunosuppressant drugs

The provision would eliminate the current time limitations on the coverage of immunosuppressant drugs for beneficiaries who have received a covered organ transplant. The provision would apply to drugs furnished, on or after the date enactment.

Section 114. Imposition of billing limits on drugs

The provision would specify that payment for drugs under Part B must be made on the basis of assignment.

Section 115. Waiver of 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS)

The provision would waive the 24-month waiting period (otherwise required for an individual to establish Medicare eligibility on the basis of a disability) for persons medically determined to have amyotrophic lateral sclerosis (ALS). The provision would be effective July 1, 2001.

Section 116. Demonstration projects and studies

Section 121. Demonstration project for disease management for severely chronically ill Medicare beneficiaries

The Secretary would be required to conduct a demonstration project to illustrate the impact on costs and health outcomes of applying disease management to Medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. Up to 30,000 beneficiaries would be able to enroll, on a voluntary basis, for disease management services related to their chronic health condition. In addition, contractors providing disease management services would be responsible for providing beneficiaries enrolled in the project with prescription drugs.

Section 122. Cancer prevention and treatment demonstration for ethnic and racial minorities

The provision would require the Secretary to conduct demonstration projects for the purpose of developing models and evaluating methods that improve the quality of cancer prevention services, improve clinical outcomes, eliminates disparities in the rate of preventative screening measures, and promote collaboration and community-based oral cancer prevention services.

Section 123. Study on Medicare coverage of routine thyroid screening

The provision would require the Secretary to request the National Academy of Sciences to conduct a study in consultation with the United States Preventive Services Task Force, to analyze the addition of routine thyroid screening under Medicare. The analysis would consider the short term and long term benefits, and cost to Medicare, of adding such coverage for some or all beneficiaries.

Section 124. MedPAC study on consumer coalitions

The provision would require MedPAC to conduct a study that examines the use of consumer coalitions to negotiate better Medicare+Choice plans. A consumer coalition would be defined as a non-profit community-based organization that provides information to beneficiaries about their health options under Medicare and negotiates with Medicare+Choice plans on benefits and premiums for beneficiaries who are members of the coalition or otherwise affiliated with it.

Section 125. Study on limitation on State payment for Medicare cost-sharing affecting access to services for qualified Medicare beneficiaries

The provision would require the Secretary of HHS to conduct a study to determine if access to certain services (including mental health services) has been affected by a specific limitation on State payment for Medicare cost-sharing charges for QMBs to the extent these payments would result in a total payment in excess of the Medicaid level.

Section 126. Studies on preventive interventions in primary care for older Americans

The provision would require the Secretary, acting through the United States Preventive Services Task Force, to conduct a series of studies designed to identify preventive interventions in primary care for older Americans.

Section 127. MedPAC study and report on Medicare coverage of cardiac and pulmonary rehabilitation and therapy services

The provision would require MedPAC to conduct a study on coverage of cardiac and pulmonary rehabilitation therapy services under Medicare.

Section 128. Lifestyle modification program demonstration

The provision modifies the current Medicare demonstration project, known as the Lifestyle Modification Program (LMP), to expand the project from 2 years to 4 years and assure 1,800 beneficiaries complete the Program in order to make a statistical determination. The provision requires a study of its cost-effectiveness and provides for an initial report after 900 beneficiaries complete the Program and a final report after 1,800 beneficiaries complete the Program.

Title II—Rural Health Care Improvements

Subtitle A—Critical Access Hospital provisions

Section 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals

Effective for services furnished on or after the enactment of BBRA99, Medicare beneficiaries would not be liable for any coinsurance deductible, copayment, or other cost sharing amount with respect to clinical diagnostic laboratory services furnished as an outpatient critical access hospital (CAH) service. Conforming changes that clarify that CAHs are reimbursed on a reasonable cost basis for outpatient clinical diagnostic laboratory services are also included.

Section 202. Assistance with fee schedule payment for professional services under all-inclusive rate

Effective for items and services furnished on or after January 1, 2000, Medicare would pay a CAH for outpatient services based on reasonable costs or, at the election of an entity, the
would pay the CAH a facility fee based on reasonable costs plus an amount based on 115% of Medicare's fee schedule for professional services.

Section 204. Exemption of critical access hospital

Swing beds in critical access hospitals (CAHs) would be exempt from the SNF prospective payment system. CAHs would be paid for covered SNF services on a reasonable cost basis.

Section 204. Payment in critical access hospitals

For emergency room on-call physicians

When determining the allowable, reasonable cost for critical access hospitals, the Secretary would recognize amounts for the compensation and related costs for on-call emergency room physicians who are not present on the premises, are not otherwise furnishing services, and are not on-call at any other provider or facility. The Secretary would define the reasonable payment amounts and the meaning of the term "on-call." The provision would be effective for cost reporting periods beginning on or after October 1, 2001.

Section 205. Treatment of ambulance services for rural hospitals

Ambulance services provided by a critical access hospital (CAH) or provided by an entity that is owned or operated by a CAH would be paid on the reasonable cost basis if the CAH or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of the CAH. The provision would be effective for services furnished on or after enactment.

Section 206. GAO study on critical access hospitals

Within one year of enactment, GAO would be required to conduct a study on the eligibility requirements for critical access hospitals. The GAO would establish revised payment formulas for sole community hospitals (SCHs) and rural referral centers (RRCs), small rural hospitals and urban hospitals, and SCHs, rural referral centers (RRCs), rural hospitals that are both SCHs and RRCs, and RRCs, rural hospitals that are both SCHs and RRCs, small rural hospitals and urban hospitals. SCHs would be qualified sites. Within one year of enactment, GAO would be required to conduct a study to examine both the costs of efficiently providing ambulance services for trips originating in rural areas and the means by which rural areas with low population densities are reimbursed for the purpose of designating areas in which the costs of ambulance services would be expected to be high. The Comptroller General would submit a report to Congress by June 30, 2002 on the results of the study, together with recommendations on steps that should be taken to assure access to ambulance services for trips originating in rural areas. The Secretary would be required to take these findings into account when establishing the fee schedule, beginning with 2004.

Section 222. Payment for certain physician assistant services

This provision would give permanent authority to physician assistants who owned rural health clinics that lost their designation as such to bill Medicare directly.

Section 223. Expansion of Medicare payment for telehealth services

The provision would establish revised payment provisions, effective no later than October 1, 2001, for telehealth services provided via a telecommunications system by a physician or practitioner to an eligible beneficiary in a rural area. The Secretary would be required to conduct a study on the feasibility of designating areas in which the costs of telehealth services to the physician or practitioner at the distant site in an amount equal to the amount that would have been paid to such physician or practitioner for the service had it been furnished to the beneficiary without the use of a telecommunications system. A facility fee would be paid to the originating site. The Secretary would be required to conduct a study, and submit recommendations to Congress, that identify additional settings, sites, practitioners and geographic areas that would be appropriate for telehealth services. Entities participating in Federal demonstration projects approved by, or receiving funding from, the Secretary as of December 31, 2000 would be permitted to bill Medicare.

Section 224. Expanding access to rural health care

All hospitals of less than 50 beds that own rural health clinics would be exempt from the per visit limit.

Section 225. MedPAC study on low-volume, isolated rural health providers

MedPAC would be required to study the effect of low patient and procedure volume on the financial status and Medicare payment methods for hospitals outpatient services, ambulance services, hospital inpatient services, skilled nursing facility services, and hospitals in rural areas.

Title III—Provisions relating to Part A

Title III—Provisions relating to Part A

Section 301. Revision of acute care hospital payment update for 2001

All hospitals would receive the full market basket index (MBI) as an update for FY2001. In order to implement this increase for hospitals other than sole community hospitals (SCHs) and non-SCH hospitals, the Secretary would be required to make payments for services furnished on or after October 1, 2000 and before April 1, 2001, these non-SCH hospitals would receive the MBI plus 11 percentage points (the current statutory provision) for discharges occurring on or after October 1, 2000 and before April 1, 2001, and 0% in FY2002 and FY2003. Hospitals other than sole community hospitals would receive the MBI minus 55 percentage points (the current statutory provision) for discharges occurring on or after October 1, 2000 and before April 1, 2001, and 0% in FY2002 and FY2003.

The Secretary of Health and Human Services would be required to conduct a study on increased hospital costs attributable to complying with new blood safety measures and providing such services using new technologies among other issues.

For discharges occurring on or after October 1, 2001, the Secretary would be required to adjust the standardized amount in future fiscal years to make appropriate changes in the aggregate Medicare payments caused by adjustments to the DRG weighting factors in a previous fiscal year (or estimates that such adjustments for a future fiscal year) that did not take into account coding improvements or changes in discharge classifications and did not accurately represent increases in the reimbursement of patients treated by PPS hospitals.

The Secretary would be required to make payments for services furnished on or after October 1, 2000 and before April 1, 2001, and 0% in FY2002 and FY2003. The percentage adjustment would be 6.5% in FY2002 and 5.5% in FY2003 and in subsequent years.

Section 303. Decrease in reductions for disproportionate share hospital (DSH) payments

Reductions in the DSH payment formula amounts would be 2% in FY2001, 3% in FY2002, and 4% in FY2003 and subsequently.

The Secretary would be required to conduct a study on increased hospital costs attributable to complying with new blood safety measures and providing such services using new technologies among other issues.

For discharges occurring on or after October 1, 2000, and before April 1, 2001, the Secretary would be required to adjust the standardized amount in future fiscal years to make appropriate changes in the aggregate Medicare payments caused by adjustments to the DRG weighting factors in a previous fiscal year (or estimates that such adjustments for a future fiscal year) that did not take into account coding improvements or changes in discharge classifications and did not accurately represent increases in the reimbursement of patients treated by PPS hospitals.

The Secretary would be required to make payments for services furnished on or after October 1, 2000 and before April 1, 2001, and 0% in FY2002 and FY2003. The percentage adjustment would be 6.5% in FY2002 and 5.5% in FY2003 and in subsequent years.

Section 303. Decrease in reductions for disproportionate share hospital (DSH) payments

Reductions in the DSH payment formula amounts would be 2% in FY2001, 3% in FY2002, and 4% in FY2003 and subsequently.

The Secretary would be required to conduct a study on increased hospital costs attributable to complying with new blood safety measures and providing such services using new technologies among other issues.

For discharges occurring on or after October 1, 2000, and before April 1, 2001, the Secretary would be required to adjust the standardized amount in future fiscal years to make appropriate changes in the aggregate Medicare payments caused by adjustments to the DRG weighting factors in a previous fiscal year (or estimates that such adjustments for a future fiscal year) that did not take into account coding improvements or changes in discharge classifications and did not accurately represent increases in the reimbursement of patients treated by PPS hospitals.

The Secretary would be required to make payments for services furnished on or after October 1, 2000 and before April 1, 2001, and 0% in FY2002 and FY2003. The percentage adjustment would be 6.5% in FY2002 and 5.5% in FY2003 and in subsequent years.
Section 304. Wage index improvements

For FY 2001 or any fiscal year thereafter, a Medicare Geographic Classification Review Board (MGCGRB) decision to reclassify a prospective payment system hospital would use a different area's wage index would be effective for 3 fiscal years. The Secretary would establish procedures whereby a hospital could elect to terminate this reclassification decision before the end of such period. For FY 2003 and subsequently, MGCGRB would base any comparison of the average hourly wage of the hospital with the average hourly wage for all other hospitals using the most recently available hospital wage survey as of each of the two immediately preceding surveys as well as data from the most recently published published hospital wage survey.

The Secretary would establish a process which would first be available for discharges occurring on or after October 1, 2001 where a single wage index would be computed for all geographic areas in the state. If the Secretary applies a statewide geographic index, an application by an individual hospital would not be considered. The Secretary would also collect occupational data every three years in order to construct an occupational mix adjustment for the hospital area wage index. The mix adjustment for each hospital would be the sum of the weighted wage index for workers in skilled nursing facilities, psychiatric hospitals, and non-psychiatric hospital.

Section 305. Payment for inpatient services in rehabilitation facilities

Total payments for rehabilitation hospitals in FY 2002 would equal the amounts of payments that would have been made if the rehabilitation prospective payment system (PPS) had not been enacted. A rehabilitation facility would be able to make a one-time election before the start of the PPS to be paid based on a fully phased-in PPS rate.

Section 312. Increase in nursing component of PPS Federal rate

The provision would increase the nursing component of each RUG by 16.66 percent over the current law for SNF care furnished after April 1, 2001, and before October 1, 2002. The Comptroller General would be required to submit to Congress a report on the audit of hospital staffing ratios and recommend whether the increase should be continued.

Section 313. Application of SNF consolidated billing requirement to part A covered stays

Effective January 1, 2001, the provision would limit the current law consolidated payment requirement to services and items furnished to SNF residents in a Medicare hospital or a SNF furnished in part A. The Inspector General of HHS would be required to monitor the impact of these changes on the cost and quality of care provided to residents who are not in a part A covered stay.

Section 314. Adjustment of rehabilitation RUGS to correct anomaly in payment rates

Effective for skilled nursing facility (SNF) services furnished on or after April 1, 2002, the provision would increase by 6.7 percent certain federal per diem payments and ensure that Medicare payments for SNF residents with certain high rehabilitation needs are appropriate in relation to payments for residents needing "medium" or "low" levels of therapy. The 20 percent additional payment applicable to RUG IV under BBRA 99 for certain RUGS is removed to make this provision budget neutral.

The Inspector General of HHS would be required to review and report to Congress by October 1, 2001, regarding whether the RUG payment structure as in effect under the BBRA 99 includes incentives for the delivery of adequate and appropriate service to skilled nursing facility patients.

Section 315. Establishment of process for geographic reclassification

The provision would permit the Secretary to establish a process for geographic reclassification of covered services, thereby changing the geographic areas in which the wage index is used for inpatient facilities.
Section 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report.

Effective as if enacted with BBRA 99, the provision would modify current law as enacted in Title III of BBRA 99 and, for each category, would begin when the first such payment is made for any device included in a specified category. At the conclusion of this transitional period, the provision would sunset and payment for the device would be included in the underlying PPS payment for the related service.

Section 404. Application of GPO PPS transitional corridor payments to certain hospitals during a two-year period. The provision would direct the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating in Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health outcomes. The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period October 1, 2000, through September 30, 2002. The provision would require the Secretary to report to Congress on the outcomes of the demonstration projects.

Section 405. Treatment of children's hospitals. The Secretary would be required to promulgate, through the use of a program memorandum, initial categories that would encompass each of the individual devices that the Secretary had designated as qualifying for the pass-through payments to date. In addition, similar devices not so designated because they were provided at free of charge to the children's hospital prior to December 31, 1996, would also be included in the defined categories. The Secretary would be required to create additional new categories in the future to accommodate new technologies that are not currently part of the PPS. The Secretary would be required to adjust payment for device specific, rather than device-specific, basis. These payments would be designated as "category-based pass-through payments." These payments would continue to be made for the 2 to 3 years payment period originally specified in BBA 99, and, for each category, would begin when the first such payment is made for any device included in a specified category. At the conclusion of this transitional period, the provision would sunset and the payment for the device would be included in the underlying PPS payment for the related service.

Section 411. GAO studied relating to physicians' services. The provision would require the GAO to conduct a study on the appropriateness of Medicare payments for durable medical equipment, including how Medicare pays for, and pays for, the mix of labor and non-labor goods and services. The Secretary would report to Congress on the mix of labor and non-labor goods and services furnished under Medicare Parts A and B by institutional and other providers and practitioners. The provision would require that the Secretary would be required to conduct a demonstration to test, and if proven effective, expand the use of incentives to health care groups participating in Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health outcomes. The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period October 1, 2000, through September 30, 2002. The provision would require the Secretary to report to Congress on the outcomes of the demonstration projects.
the period July 1, 2001, through December 31, 2001, would be the amounts established under this section increased by a transitional allowance of 3.26%.

Section 426. Full update for orthotics and prosthetics.

The provision would modify updates to payments for orthotics and prosthetics. In 2000, the rates would be increased by one percent. The rate would be equal to the percentage increase in the CPI-U during the 12-month period ending with January 1, 2000. For 2002, payments would be increased by one percent for the previous year’s amount.

The provision would specify that for the period January 1, 2001, through June 30, 2001, the applicable amounts paid for these items would be increased by two percent in effect before enactment of this provision. The amounts in effect for the period July 1, 2001, through December 31, 2001, would be amounts established under this section increased by a transitional allowance of 2.6%.

Section 427. Establishment of special payment provisions and requirements for prosthetics and custom fabricated orthotic items.

Under the provision, certain prosthetics and custom fabricated orthotic items would be covered by Medicare if furnished by a qualified practitioner and fabricated by a qualified practitioner. The Secretary would be required to establish a list of such items in consultation with experts. Within one year of enactment, the Secretary would promulgate regulations to provide these items, using negotiated rulemaking procedures.

Not later than 6 months from enactment, the Commissioner of Medicare would be required to submit to Congress a report on the Secretary’s compliance with the Administrative Procedures Act with regard to HCFA Ruling 96-1; the potential for fraud and abuse in provision of prosthetics and orthotics under special payment rules and for custom fabricated items; and the effect on Medicare payments if that ruling were overturned.

Section 428. Replacement of prosthetic devices and parts.

The provision would authorize Medicare coverage for replacement of artificial limbs, or parts of such devices, if ordered by a physician for specified reasons. Effective for items furnished on or after enactment, the provision would apply to items 3 or more years old, and would supercede any 5-year age rules for such items under current law.

Section 429. Revised Part B payment for drugs and biologicals and related services.

The provision would require the Comptroller General to study and submit a report to Congress and the Secretary on the reimbursement for drugs and biologicals and related services. The report would include specific recommendations for revised payment methodologies. The Secretary would revise the current payment methodologies for covered drugs and biologicals and related services based on these recommendations; however, total payments under the revised methodologies could not exceed the aggregate payments the Secretary estimates would have been made under the current law. The provision would establish a moratorium on reductions in payments under Part B for January 1, 2001, until the Secretary reviewed the GAO report.

Section 430. Contract enhanced diagnostic procedures under hospital prospective Payment system.

The provision would require the Secretary to create under the hospital outpatient PPS additional and separate groups of covered services which include procedures that utilize contrast agents and would include contrast agents within the definition of “drugs” for purposes of the Medicare title. The provision would apply to services furnished on or after July 1, 2001.

Section 431. Qualification for community mental health centers.

The provision would clarify the qualifications for community mental health centers providing partial hospitalization services for Medicare.

Section 432. Modification of Medicare billing requirements for certain Indian providers.

The provision would authorize hospitals and freestanding ambulatory care clinics of the Indian Health Service or operated by a tribe or tribal organization to bill Medicare Part B for certain services furnished at the direction of the hospital or clinic. Services covered under the provision are those furnished under the physician fee schedule, and services furnished by a practitioner or therapist under a fee schedule. The provision would be effective July 1, 2001.

Section 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.

The provision would require the Comptroller General to conduct a study on the effect on both the program and beneficiaries of covering surgical first assisting services of certified registered nurse first assistants.

Section 434. MedPAC study and report on Medicare reimbursement for services provided by certain providers.

The provision would require MedPAC to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

Section 435. GAO study and report on Medicare coverage of services provided by non-physician providers.

The provision would require MedPAC to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

Section 436. GAO study and report on the costs of emergency and medical transportation services.

The provision would require the Comptroller General to conduct a study of the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

Section 437. GAO studies and reports on Medicare payments.

The provision would require the Comptroller General to conduct a study of the post-payment audit process for physicians services. The study would include the proper level of resources HCFA should devote to educating physicians regarding coding and billing, documentation requirements, and calculation of overpayments. The Comptroller General would also be required to conduct a study of the aggregate effects of the regulatory, administrative, and paperwork burdens on physicians and other health care providers participating in Medicare.

Section 438. MedPAC study on access to services for Medicaid beneficiaries.

The provision would require MedPAC to conduct a study of access to services for Medicaid beneficiaries and the effect on Medicare payments if that ruling were overturned.

If the Secretary determines that updates to the PPS system for a previous fiscal year (or estimates of such adjustments for a future fiscal year) did (or are likely to) result in changes in aggregate payments due to changes in coding or classification of beneficiaries’ service needs that do not reflect real changes in case mix, effective for home health services, the provision would require the Comptroller General to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

The provision would require the Secretary to submit to Congress a report relating to the effect on Medicare payments if that ruling were overturned.

The provision would require that, not later than August 15, 2001, the Comptroller General shall submit to Congress a report analyzing the need for temporary two-month period to implement the PPS.

The provision would provide for a one-time payment for certain home health agencies that were receiving such payments as of July 3, 2000, and for 60-day episodes of care (visits) ending in that period. Not later than 6 months from enactment, the provision would be effective July 1, 2001.

If the Secretary determines that updates to the PPS system for a previous fiscal year (or estimates of such adjustments for a future fiscal year) did (or are likely to) result in changes in aggregate payments due to changes in coding or classification of beneficiaries’ service needs that do not reflect real changes in case mix, effective for home health services, the provision would require the Comptroller General to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

The provision would require that, not later than August 15, 2001, the Comptroller General shall submit to Congress a report analyzing the need for temporary two-month period to implement the PPS.

The provision would provide for a one-time payment for certain home health agencies that were receiving such payments as of July 3, 2000, and for 60-day episodes of care (visits) ending in that period. Not later than 6 months from enactment, the provision would be effective July 1, 2001.
The Secretary would be required to make recommendations on whether Medicare payment for those supplies should be made separately from the home health PPS.

Section 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas.

The provision would clarify that neither time nor distance between a home health agency and a branch office shall be the sole determinant of a home health agency’s branch office status. The Secretary would be authorized to include forms of technology in determining “supervision” for purposes of determining a home health agency’s branch office status.

Not later than January 1, 2002, the Comptroller General would be required to submit to Congress a report regarding the adequacy of supervision and quality of home health services provided by home health agency branch offices and subunits in isolated rural areas and to make recommendations on whether national standards for supervision would be appropriate in assuring quality.

Section 507. Clarification of the homebound benefit.

The provision clarifies that the need for adult day care for a patient’s plan of treatment does not preclude appropriate coverage for home health care for other medical conditions. The provision also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from home health benefits.

Section 508. Temporary increase for home health services furnished in a rural area.

For home health services furnished in certain rural areas during the 2-year period beginning April 1, 2001, Medicare payments are increased without regard to budget neutrality for the overall home health prospective payment system. This temporary increase would not be included in determining subsequent payments.

SUBTITLE B—DIRECT GRADUATE MEDICAL EDUCATION

Section 511. Increase in floor for direct graduate medical education payments.

A hospital’s approved per resident amount for direct graduate medical education payments for FY 2002 would not be less than 85% of the locality adjusted national average per resident amount.

Section 512. Change in distribution formula for Medicare+Choice related nursing and allied health education costs.

A hospital would receive nursing and allied health payments for Medicare managed care enrollees based on its per day cost of allied and nursing health programs and number of days attributable to Medicare enrollees in comparison to that in all other hospitals. The provision would be effective for portions of cost reporting periods occurring on or after January 1, 2003.

SUBTITLE C—CHANGES IN MEDICARE COVERAGE AND APPEALS PROCESS

Section 521. Revisions to Medicare appeals process.

The provision would modify the Medicare appeals process. Generally, initial determinations by the Secretary would be concluded no later than 45 days from the date the Secretary received a claim for benefits. Any individual dissatisfied with the initial determination would be entitled to a reconsideration, and if contested, an individual would be able to appeal an adverse reconsideration decision by requesting a hearing by the Secretary (for a hearing by an administrative law judge, then in certain circumstances, for a hearing before the Department of Appeals Board). If the dispute is not satisfactorily resolved through this administrative process, and if contested amounts are greater than $1,000, the individual would be able to request judicial review of the Secretary’s final decision. Aggregation of claims to meet the $1,000 threshold would be permitted. An expedited determination would be available for a beneficiary who receive notice: 1) that a provider plans to terminate services and a physician certifies that failure to continue the provisions of the services is likely to place the beneficiary’s health at risk; or 2) that the provider plans to discharge the beneficiary.

The Secretary would enter into 3-year contracts with at least 12 qualified independent contractors (QICs) to conduct reconsideration and appeal determinations. QICs would notify beneficiaries and Medicare contractors of its determinations. A beneficiary would appeal the QIC’s decision (or ALJ). In cases where the QIC does not render determination within the 90-day deadline, the appealing party would be able to request a DAB hearing.

The Secretary would perform outreach activities to inform beneficiaries, providers, and suppliers of their appeal rights and procedures. The Secretary would submit to Congress an annual report on the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including recommendations for legislative changes as necessary. The report would also contain an analysis of the consistency of the QIC determinations as well as the cause for any identified inconsistencies.

Section 522. Revisions to Medicare coverage process.

The provision would clarify when and under what circumstances Medicare coverage would be denied. An aggrieved party could file a complaint concerning a national coverage decision. Such complaint would be reviewed by the Department of Health and Human Services (HHS). The provision would also permit an aggrieved party to file a complaint concerning a local coverage determination. In this case, the determination would be reviewed by an administrative law judge. If unsatisfied, complainants could subsequently seek review of such a local policy by the DAB. In both cases, a DAB decision is final. If aggrieved, the complainant would be able to request a hearing by an ALJ, and would be subject to judicial review. The Secretary would be required to implement DAB decisions and ALJ decisions (in the case of the DAB) within 30 days of the determination. The provision would also permit an affected party to submit a request to the Secretary to issue a national coverage or non-covered reimbursement determination if one has not been issued. The Secretary would have 90 days to respond. HHS would be required to prepare an annual report on national coverage determinations.

SUBTITLE D—IMPROVING ACCESS TO NEW TECHNOLOGIES

Section 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment.

The provision would specify that the national limitation amount for a new clinical laboratory test would equal 100% of the national median for such test. The Secretary would be required to establish procedures that permit public consultation for coding and payment determinations for new clinical laboratory tests, durable medical equipment.

The Secretary would be required to report to Congress on specific procedures used to adjust payments for new technologies. The report would include recommendations for legislative changes needed to assure fair and appropriate payments.

Section 532. Retention of HCPCS level III codes.

The provision would extend the time for the use of local codes (supplemental level III codes) through December 31, 2003. The Secretary would be required to make the codes available to the public.

Section 533. Recognition of new medical technologies under Medicare inpatient hospital PPS.

The Secretary would be required to submit a report to Congress no later than April 1, 2003, on potential methods for more rapidly incorporating new medical services and technologies used in the inpatient setting in the clinical coding system used with respect to payment for inpatient services. The Secretary could be required to provide prefered methods for expediting these coding modifications in her report, and to implement such method by October 1, 2003. Additional hospital payments would be made by means of a new technology group (DRG), an add-on payment, payment adjustment or other mechanism. However, separate fee schedules for additional new technology payments would not be permitted. The Secretary would implement the new mechanism on a budget neutral basis.

The Secretary would be required to perform outreach activities to inform beneficiaries, providers, and suppliers of their appeal rights and procedures. The Secretary would submit to Congress an annual report on the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including recommendations for legislative changes as necessary. The report would also contain an analysis of the consistency of the QIC determinations as well as the cause for any identified inconsistencies.

Section 541. Increase in reimbursement for bad debt.

Effective beginning with cost reports starting in FY 2003, the provision would increase the percentage of the bad debt associated with beneficiaries’ bad debt in hospitals that Medicare would reimburse to 70%.

Section 542. Treatment of certain physician pathology services under Medicare.

The provision would permit independent laboratories, under a grandfather arrangement to continue, for a 2-year period (2001–2002), direct billing for the technical component of pathology services provided to hospitals and hospital inpatients and hospital outpatients. The Comptroller General would be required to conduct a study of the effect of these provisions on laboratories and the overall Medicare+Choice related costs. The report would include recommendations on whether the provisions would continue after the 2-year period for either (or both) inpatient and outpatient hospital services and whether the provision should be extended to other hospitals.

Section 543. Extension of advisory opinion authority.

The Office of the Inspector General’s authority to issue advisory opinions to outside parties who request guidance on the applicability of the anti-kickback statute, safe harbor provisions for OIG health care fraud and abuse sanctions would be made permanent.
Section 544. Change in annual Medicare payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $252 in 2001. For all other M+C plans, the minimum payment amount would not apply to SNF services furnished after that period and would not be included when determining payments for the subsequent period.

Special medical basket update, payments under the home health prospective payment system in April and October 2001 would not be included in determining subsequent payments.\[\]The provision would require the Secretary to report to the Congress on the development of standard instruments for the assessment of the functional status of Medicare-eligible beneficiaries and make recommendations on the use of such standard instruments for payment purposes.


The special increases and adjustments of the acute hospital payment update, the indirect medical education adjustment, and the disproportionate share hospital adjustment that are in effect between April and October 2001 do not apply to discharges after FY 2001 and are not included in determining subsequent payments.

Section 548. Revision of payment rates for ESRD.

The provision would require the Secretary to implement, effective January 1, 2002, to revise M+C capitation rates to reflect the demonstration rate (including the risk-adjustment methodology) of social health maintenance organizations' ESRD capitation demonstrations. The revised rates would include adjustments for factors such as renal treatment modality, age, and underlying cause of the disease. These revised rates would be effective beginning in January 2002, and the Secretary of HHS would be required to publish the adjustments in final form by July 1, 2002.

Section 605. Revision of payment rates for ESRD.

The provision would require the Secretary to submit revised ACR information to the Congressional Budget Office within 2 weeks after announcement of the revised rates. Plans may only reduce premiums, reduce cost sharing, enhance benefits, or utilize stabilization funds if any regulations related to stabilization fund amounts would be waived, with respect to ACR submissions under this section of the bill. Notwithstanding the revised rates, M+C organizations would continue to be paid on a fee-for-service basis for costs associated with new national coverage determinations that are made after the date of enactment.

Section 606. Payment reductions as additional benefits under Medicare+Choice plans.

The provision would permit M+C plans to offer reduced, or no, premium enrollment, or making available additional services at reduced cost-sharing. An M+C organization could elect a reduction in its M+C payment up to 125% of the annual Part B premium. However, only 80% of this amount could be used to reduce an enrollee's actual Part B premium. This would have the effect of returning up to 100% of the beneficiary's Part B premium. The reduction would apply uniformly to each enrollee of the M+C plan. Plans would include information regarding these reduction as part of the required information that is provided to enrollees for comparing plan options. This provision would be effective beginning in 2003.

Section 607. Full implementation of risk adjustment for congestive heart failure enrollees.

This provision would fully implement risk adjustment based on inpatient hospital diagnoses for an individual who had a qualifying congestive heart failure diagnosis between July 1, 2000, and June 30, 2001, if that individual was enrolled in a coordinated care plan offered on January 1, 2001. This would apply for only 1 year, beginning on January 1, 2001.

Section 608. Expansion of application of Medicare+Choice new entry bonus.

This provision would expand the application of the new entry bonus for M+C plans to include areas for which notification had been provided, as of October 3, 2001. The new entry bonus for 2001 would not be available after January 1, 2001.

Section 609. Report on inclusion of certain costs of the Department of Veterans Affairs and Military Facility Services in calculating Medicare+Choice payment rates.

The Secretary shall report to Congress by January 1, 2003, on a method to phase-in the costs of military facility services furnished by the Secretary of Veterans Affairs or the Department of Defense to Medicare-eligible beneficiaries in the calculation of an area's M+C capitation payment. This report would reflect the effect of a county-based or actual or estimated costs of such services to Medicare-eligible beneficiaries; the change in M+C capitation payment rates if such costs were included in the calculation of payment rates; one or more proposals for the implementation of payment adjustments to M+C plans in counties where the payment rates has been affected due to failure to account for the cost of such services; and a system to ensure that when a M+C enrollee receives covered services through a facility of the Department of Veteran Affairs, the appropriate payment recovery to the Medicare program.

Section 610. Changes in the Medicare+Choice plan year.

The provision would require payment adjustments to M+C plans in counties where the payment rate has been affected due to failure to account for the cost of such services; a system to ensure that when a M+C enrollee receives covered services through a facility of the Department of Veteran Affairs, the appropriate payment recovery to the Medicare program.

Section 611. Payments of additional amounts for new benefits covered during a contract term.

The provision would require payment adjustments to M+C plans if a legislative change resulted in significant increased costs, similar to the current law requirement for adjustments that limit stabilization fund amounts would be waived, with respect to ACR submissions under this section of the bill. Notwithstanding the revised rates, M+C organizations would continue to be paid on a fee-for-service basis for costs associated with new national coverage determinations that are made after the date of enactment.

Section 612. Restriction on implementation of significant new regulatory requirements mid-year.

The provision would preclude the Secretary from implementing, other than at the beginning of a calendar year, regulations that impose new, significant regulatory requirements on M+C organizations.

Section 613. Timely approval of marketing materials.

The provision would require Medicare+Choice plans to make decisions, within 10 days, approving or modifying marketing material used by M+C organizations, provided that the organization uses model language specified by the Secretary. This provision would apply to marketing material submitted on or after January 1, 2001.

Section 614. Avoiding duplicative regulation.

The provision would further stipulate that Medicare+Choice plans are prohibited from applying State law or regulation from applying to M+C plans, by specifying that the term benefit requirement includes cost-sharing requirements. Second, the provision would stipulate that State laws and regulations affecting marketing materials, and summaries and schedules of benefits required in M+C plans, would also be prohibited by Medicare law.

Section 615. Election of uniform local coverage policy for Medicare+Choice plan covering multiple localities.

An M+C organization offering a plan in an area with more than one county must choose one local coverage policy that would be able to elect to have the local coverage policy for the part of the area that...
is most beneficial to M+C enrollees (as identified by the Secretary) to apply to all M+C enrollees enrolled in the plan.

Section 616. Eliminating health disparities in Medicare+Choice Program

This provision would direct the Secretary to develop the M+C quality assurance programs for M+C plans to include a separate focus on racial and ethnic minorities. The Secretary would also be required to report to Congress how these quality assurance programs focus on racial and ethnic minorities, within 2 years after enactment and biennially thereafter.

Section 617. Medicare+Choice Program compatibility with employer or union group health plans

In order to make the M+C program compatible with employer or union group health plans, this provision would allow the Secretary to waive or modify requirements that hinder the design of, offering of, or enrollment in certain M+C plans. Plans included in the category are M+C plans under contract between M+C organizations and employers, labor organizations, or trustees of a fund established by employers and/or labor organizations.

Section 618. Special Medigap enrollment anti-discrimination provision for certain beneficiaries

This provision would extend the period for Medicare+Choice organizations (M+C organizations) to terminate contracts with enrollees affected by termination of coverage. For individuals enrolled in an M+C plan during a 12-month trial period, their trial period would begin again if they re-enrolled in another M+C plan because of an involuntary termination. During this new trial period, they would retain their rights to enroll in a Medicare+Choice plan, however, the total time for a trial period could not exceed 2 years from the time they first enrolled in an M+C plan. Section 619. Restoring effective date of elections and changes in elections of Medicare+Choice plans

This provision would allow individuals who enroll in an M+C plan after the 10th day of the month to receive coverage beginning on the first day of the next calendar month, effective June 1, 2001.

Section 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated mid-year

This provision would permit ESRD beneficiaries to enroll in another Medicare+Choice plan if their plan terminated mid-year and the beneficiary's identification card. Effective January 1, 2001, states must include in their allotment for the previous year, in subsequent fiscal years, the allotments for extremely low DSH states would be equal to their allotment for the previous year, increased by the percentage change in the consumer price index for the previous year, subject to a ceiling of 12% of that state's total medical assistance payments in that year.

For extremely low DSH states, states whose FY1999 federal and state DSH expenditures (as reported to HCFA on August 31, 2000) are greater than zero but less than one percent of the state's total medical assistance expenditures during that fiscal year, the DSH allotments for FY2001 would be increased by the percentage change in the consumer price index for the previous year, subject to a ceiling of 12% of that state's total medical assistance payments in that year.

Effective on the date that the final regulations implementing the DSH upper payment limits are published in the Federal Register.

(b) Assuring identification of Medicare managed care patients

Effective for Medicare managed care contracts in effect on January 1, 2000, the provision would clarify that Medicare enrollees of managed care organizations and primary care management organizations are to be used for the purposes of calculating the Medicaid imputed income rate and the low-income utilization rate. Also effective January 1, 2001, states must include in the Medicaid DSH allotments for FY2001 the amount equal to the state's DSH allotment equal to its allotment for the previous year, increased by the percentage change in the consumer price index for the previous year, subject to a ceiling of 12% of that state's total medical assistance payments in that year.
in the baseline expenditure limit for the purposes of determining budget neutrality.

(4) Assistance for certain public hospitals

The provision would provide additional funds for certain public hospitals that are: owned by a state (or any political subdivision or unit of government within a state); not receiving DSH payments as of October 1, 2000; and have a low-income utilization rate of more than 15%. An adjustment would be made for any costs incurred prior to the date the request for extension was submitted. Funds would be available to states for a period of 12 months after the date the request for extension was submitted or such later date as agreed to by the chief executive officer of the State. The Secretary would be required to provide the application subject to the agreed terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. The Secretary would be required to notify the State if the Secretary is unable to determine whether the application is consistent with the overall objective of the waiver, or disapprove the application.

Section 702. New prospective payment system for Federally-qualified health centers and rural health clinics

The provision would create a new Medicaid prospective payment system for federally-qualified health centers (FQHCs) and rural health centers (RHCs) beginning in January 2001. Existing FQHCs and RHCs would be paid per visit payments equal to 100% of the average costs incurred during 1999 and 2000 adjusted to take into account any increase in the scope of services furnished. For entities first qualifying as FQHCs or RHCs after October 1, 1999, the per visit payments would begin in the first year that the center or clinic attains qualification and would be based on 100% of the costs incurred during the first full year that the center or clinic is qualified. The methodology would be based on that used for developing rates for established FQHCs or RHCs or such methodology or reasonable specifications as established by the Secretary. For each fiscal year thereafter, per visit payments for all FQHCs and RHCs would be equal to amounts for the preceding fiscal year increased by the percentage increase in the Medicare Eligibility Payment Index applicable to primary care services for that fiscal year, and adjusted for any increase in the scope of Services furnished during the fiscal year. When the Medicaid prospective payment system is implemented, the State would be required to notify the State if she intends to review the existing terms and conditions of the project and would inform the State of the proposed terms and conditions of the waiver. If the Secretary fails to provide such notification, the request would be deemed approved. During the 30-day period beginning on the date the proposed terms and conditions to the State, those terms and conditions would be considered approved. No later than the date that the request for extension was submitted (or such later date as agreed to by the chief executive officer of the State), the Secretary would be required to approve or disapprove the application subject to the agreed terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. The Secretary would be required to notify the State if the Secretary is unable to determine whether the application is consistent with the overall objective of the waiver, or disapprove the application. The Secretary would be required to provide the application subject to the agreed terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. The Secretary would be required to provide the application subject to the agreed terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. The provision adds several entities to the list of those qualified to make Medicaid presumptive eligibility determinations for children. These new entities include agencies that determine eligibility for Medicaid or the State Children’s Health Insurance Program; certain elementary and secondary schools, including those operated or supported by the Bureau of Indian Affairs. The provision would change the formula for distributing unspent Medicaid SCHIP allotments (for each of those years) and funds. States may use up to 10% of the redistributed SCHIP allotments for distribution in each formula described above, including outreach and enrollment activities. Each territory that exhausts its original allotment would receive an amount equal to estimated expenditures for in-state SCHIP outreach and enrollment activities after the territory exhausts its original allotment. Each territory that spends its original allotment would receive an amount that bears the same ratio to 1.05% of the total amount available for redistribution as the ratio of its original allotment to the total allotment for all territories.
the Secretary would use amounts reported by states not later than December 31, 2000 for the FY 1998 redistribution and November 30, 2001 for the FY 1999 redistribution as reported on HCFA Form 64 or HCFA Form 21, as approved by the Secretary. Distributed funds would be available through the end of FY 2002.

Section 802. Authority to pay Medicaid expansion SCHIP costs from title XIX appropriation.

This provision provides a technical accounting clarification requested by the Health Care Financing Administration. It would prevent a double assessment of the costs of SCHIP Medicaid expansions and costs of benefits provided during periods of presumptive eligibility for SCHIP appropriations rather than from the Medicaid appropriation, with a subsequent offset. In addition, the provision would codify proposed rules regarding the order of payments for benefits and administrative costs from state-specific SCHIP allotments.

Section 803. Application of Medicaid child prescriptive eligibility provisions.

Under Medicaid presumptive eligibility rules, states may temporarily enroll children whose family income appears to be below Medicaid income standards, until a final formal determination of eligiblity is made. There is no express provision for presumptive eligibility under separate (non-Medicaid) SCHIP programs. However, the Secretary of HHS permits states to develop, for separate (non-Medicaid) SCHIP programs, procedures that are similar to those permitted under Medicaid.

The provision clarifies states’ authority to conduct presumptive eligibility determinations, as defined in Medicaid law, under separate (non-Medicaid) SCHIP programs.

TITLE IX—OTHER PROVISIONS

SUBTITLE A—PACE PROGRAM

Section 901. Extension of transition for current waivers.

The provision would permit the Secretary to continue to operate the Program of All-Inclusive Care for the Elderly (PACE) under waivers for a period of 36 months (rather than 24 months), and States may do so for 4 years (rather than 3 years). OBRA 86 required the Secretary to grant waivers of certain Medicare and Medicaid requirements to not more than 5 establishments for the private community-based organizations to provide health and long-term care services on a capitated basis to frail elderly persons at risk of institutionalization. BBA 97 established PACE as a permanent provider under Medicare and as a special benefit under Medicaid.

Section 902. Continuing of certain operating arrangements permitted.

If prior to becoming a permanent component of Medicare, a PACE demonstration project had contractual or other operating arrangements that are not recognized under permanent program regulations, the provision would require the Secretary, in consultation with the state agency, to permit it to continue under such arrangements as long as it is consistent with the objectives of the PACE program.

Section 903. Flexibility in exercising waiver authority.

The provision would enable the Secretary to exercise authority to modify or waive Medicare or Medicaid requirements to respond to the needs of PACE programs related to employment and the use of community care programs. The Secretary must provide written requests for such waivers within 90 days of the date the request for waiver is received.

SUBTITLE B—OUTREACH TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES

Section 911. Outreach on availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries.

The provision would require the Commissioner of the Social Security Administration to conduct outreach efforts to identify individuals who may be eligible for Medicare payment of Medicare cost sharing and to notify these persons of the availability of such assistance. The Commissioner would also be required to furnish, at least annually, a list of such individuals in each state to that state’s agency responsible for administering the Medicaid program as well as to any other appropriate state agency. The list should include the name and address, and whether such individuals have experienced reductions in Social Security benefits. The provision would also require the General Accounting Office to conduct a study of the impact of the outreach activities of the Commissioner to submit to Congress no later than 18 months after such outreach begins. The provision would be effective one year after date of enactment.

SUBTITLE C—MATERNAL AND CHILD HEALTH BLOCK GRANT

Section 921. Increase in authorization of appropriations for the maternal and child health services block grant.

The provision would increase the authorization for the Maternal and Child Health Services Block Grant under Title V from $705,000,000 to $850,000,000 for fiscal year 2001 and each fiscal year thereafter.

SUBTITLE D—DIABETES

Section 931. Increase in appropriations for special diabetes programs for type 1 diabetes and Indians.

The provision would extend for 1 year, to FY 2003, the authority for grants to be made for both the Special Diabetes Program for Type 1 Diabetes and for the Special Diabetes Programs for Indians under the Public Health Service Act. The provision would also expand funding available for these programs. For each grant program, the provision would increase total funding to $100 million each for FY 2001, FY 2002 and FY 2003. For FY 2001 and FY 2002, $30 million of the $100 million for each program would be transferred to SCHIP as set forth in the Balanced Budget Act of 1997; the remaining $70 million would be drawn from the Treasury out of funds not otherwise appropriated. For FY 2003, the entire $100 million would be drawn from the Treasury out of funds not otherwise appropriated. In addition, the provision would extend the due date on final evaluation reports for these two grant programs from January 1, 2001 to January 1, 2003.

Section 932. Appropriations for Ricky Ray Hemophilia Relief Fund.

This provision would provide for a direct appropriation of $475 million for FY 2001. Funds would be available until expended.

SUBTITLE E—INFORMATION ON NURSING FACILITY STAFFING

Section 941. Payment of information on nursing facility staffing.

The provision would require Medicare skilled nursing facilities and Medicaid nursing facilities to post nurse staffing information daily for 90 days after the facility’s effective date January 1, 2003.

SUBTITLE F—ADJUSTMENT OF MULTIEmployer PLAN BENEFITS GUARANTEED

Section 951. Adjustment of multiemployer pension plan benefits guaranteed under title IV of ERISA.

The conference agreement would enact the provisions of H.R. 5662, as introduced on December 14, 2000. The text of that bill follows:

A BILL To amend the Internal Revenue Code of 1986 to provide for community revitalization and a 2-year extension of medical saving accounts, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Community Renewal Tax Relief Act of 2000”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

Sec. 101. Designation of and tax incentives for renewal communities.

Sec. 102. Work opportunity credit for hiring youth residing in renewal communities.

Sec. 103. Extension and Expansion of Empowerment Zone Incentives

Sec. 111. Authority to designate 9 additional empowerment zones.

Sec. 112. Extension of empowerment zone treatment through 2009.

Sec. 113. 20 percent employment credit for all empowerment zones.

Sec. 114. Increased expenses under section 179.

Sec. 115. Higher limits on tax-exempt empowerment zone facility bonds.

Sec. 116. Nonrecognition of gain on rollover of empowerment zone investments.

Sec. 117. Increased exclusion of gain on sale of empowerment zone stock.

Subtitle B—New Markets Tax Credit

Sec. 121. New markets tax credit.

Subtitle C—Empowerment Zone Incentives

Sec. 131. Modification of State ceiling on low-income housing credit.

Sec. 132. Modification of criteria for allocating housing credits among projects.

Sec. 133. Additional responsibilities of housing credit agencies.

Sec. 134. Modifications to rules relating to basis of building which is eligible for credit.

Sec. 135. Other modifications.

Sec. 136. Carryforward rules.

Sec. 137. Effective date.

Subtitle D—Other Community Renewal and New Markets Assistance

PART I—PROVISIONS RELATING TO HOUSING AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

Sec. 141. Transfer of unoccupied and substandard housing housing to local governments and community development corporations.

Sec. 142. Transfer of HUD assets in revitalization and a 2-year extension of medical saving accounts, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Community Renewal Tax Relief Act of 2000”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

Sec. 101. Designation of and tax incentives for renewal communities.

Sec. 102. Work opportunity credit for hiring youth residing in renewal communities.

Sec. 103. Extension and Expansion of Empowerment Zone Incentives

Sec. 111. Authority to designate 9 additional empowerment zones.

Sec. 112. Extension of empowerment zone treatment through 2009.

Sec. 113. 20 percent employment credit for all empowerment zones.

Sec. 114. Increased expenses under section 179.

Sec. 115. Higher limits on tax-exempt empowerment zone facility bonds.

Sec. 116. Nonrecognition of gain on rollover of empowerment zone investments.

Sec. 117. Increased exclusion of gain on sale of empowerment zone stock.

Subtitle B—New Markets Tax Credit

Sec. 121. New markets tax credit.

Subtitle C—Empowerment Zone Incentives

Sec. 131. Modification of State ceiling on low-income housing credit.

Sec. 132. Modification of criteria for allocating housing credits among projects.

Sec. 133. Additional responsibilities of housing credit agencies.

Sec. 134. Modifications to rules relating to basis of building which is eligible for credit.

Sec. 135. Other modifications.

Sec. 136. Carryforward rules.

Sec. 137. Effective date.

Subtitle D—Other Community Renewal and New Markets Assistance

PART I—PROVISIONS RELATING TO HOUSING AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

Sec. 141. Transfer of unoccupied and substandard housing housing to local governments and community development corporations.

Sec. 142. Transfer of HUD assets in revitalization and a 2-year extension of medical saving accounts, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) In General.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities


"Part II. Renewal community capital gain; re-

newal community business.

"Part III. Additional incentives.

"PART I—DESIGNATION

"Sec. 1400E. Designation of renewal commu-

nities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMU-

NITIES.

"(a) Designation.—

"(1) DEFINITION.—For purposes of this title,

the term ‘renewal community’ means any area—

(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a renewal community (hereafter in this section referred to as a ‘nominated area’), and

(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

(ii) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

(iii) in the case of an area on an Indian re-

ervation, the Secretary of the Interior.

"(2) NUMBER OF DESIGNATIONS.—

"(A) In General.—Not more than 40 nomi-

nated areas may be designated as renewal com-

munities.

"(B) Minimum designation in rural areas.—Of the areas designated under para-

graph (3), at least 12 areas—

(i) which are within a local government ju-

ridicature or jurisdictions with a population of

less than 50,000,

(ii) which are outside of a metropolitan sta-

tistical area (within the meaning of section

143(k)(2)(B)), or

(iii) which are determined by the Secretary of

Housing and Urban Development, after con-

sultation with the Secretary of Commerce, to

be rural areas.

"(3) Areas designated based on degree of poverty, etc.—

"(A) In General.—Except as otherwise pro-

vided in this section, the nominated areas des-

ignated as renewal communities for purposes of this sub-

section shall be those nominated areas with the

highest average ranking with respect to the cri-

teria described in subparagraphs (B), (C), and

(D) of subsection (c)(1)(A). For purposes of the pre-

ceding sentence, an area shall be ranked within

each such criterion on the basis of the amount

by which the area exceeds such criterion, with

the area which meets such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE

OF ACTION, ETC.—An area shall not be des-

ignated under subparagraph (A) if the Secretary of

Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

"(C) PREFERENCE FOR ENTERPRISE COMMU-

NITIES AND EMPowerMENT ZONES.—With respect to

the first 20 designations made under this sec-

tion, a preference shall be given to those

nominated areas which are enterprise commun-

ities or empowerment zones (and are otherwise

eligible for designation under this section).

"(D) LIMITATIONS.—

"(A) PUBLICATION OF REGULATIONS.—The Sec-

retary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of enactment of this section, after consultation with the officials described in paragraph (1)(B) —

(i) the procedures for nominating an area under paragraph (1)(A),

(ii) the parameters relating to the size and

population characteristics of a renewal commu-

nity, and

(iii) the manner in which nominated areas

will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of

Housing and Urban Development may designate

nominated areas as renewal communities only

during the period beginning on the first day of

the first month following the month in which

the regulations described in subparagraph (A) are prescribed and ending on December 31, 2001.

"(C) PROCEDURAL RULES.—The Secretary of

Housing and Urban Development shall not make any designation of a nominated area as a re-

newal community under paragraph (2) unless—

(i) the local governments and the States in

which the nominated area is located have the

authority—

(ii) to nominate such area for designation as a renewal community.

"(ii) to make the State and local commitments described in subsection (d), and

(iii) to provide assurances satisfactory to

the Secretary of Housing and Urban Develop-

ment that such commitments will be fulfilled,

"(ii) a nomination regarding such area is sub-

mitted in such a manner and in such form, and

contains such information, as the Secretary of

Housing and Urban Development shall by regu-

lation prescribe, and

"(iii) the Secretary of Housing and Urban De-

velopment determines that any information fur-

ished is reasonably accurate.

"(5) NOMINATION PROCESS FOR INDIAN RES-

ERATIONS.—For purposes of this subchapter, in

the case of a nominated area on an Indian re-

ervation, the reservation governing body (as
termination by the Secretary of the Interior) shall be treated as being both the State and local gov-

ernments with respect to such area.

"(D) PERIOD FOR WHICH DESIGNATION IS IN

EFFECT.

"(1) In General.—Any designation of an area

as a renewal community shall remain in effect
during the period beginning on January 1, 2002,

and ending on the earlier of—

"(A) December 31, 2009,

"(B) the termination date designated by

the State and local governments in their nomin-

ation, or

"(C) the date the Secretary of Housing and

Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Sec-

retary of Housing and Urban Development may

revoking the designation under this section of

an area if such Secretary determines that the local

government or the State in which the area is

located—

"(A) has modified the boundaries of the area,

or

"(B) is not complying substantially with, or

fails to make progress in achieving, the State or

local commitments, respectively, described in

subsection (d).

"(3) EARLIER TERMINATION OF CERTAIN BE-

NEFITS IF EARLIER TERMINATION OF DESIGNATION.—

If the designation of an area as a renewal com-

munity terminates before December 31, 2009,

the day after the date of such termination shall be substituted for ‘January 1, 2010’ each place it appears in sections 1400F and 1400H with respect to such area.

"(C) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) In General.—The Secretary of the Housing and

Urban Development may designate a nomi-
nated area as a renewal community only under

subsection (a) if the area meets the require-
ments of paragraphs (2) and (3) of this sub-

section.

"(2) AREA REQUIREMENTS.—A nominated area

meets the requirements of this paragraph if—

(A) the area is within the jurisdiction of one

or more local governments,

"(B) the boundary of the area is continuous, and
December 15, 2000
CONGRESSIONAL RECORD—HOUSE

H12389

"(C) the area—

(ii) has a population of not more than 200,000 and at least

(iii) if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(18)) which has a population of 50,000 or greater,

(iv) 1,000 in any other case, or

(2) The unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate.

(3) The poverty rate for each population census tract within the nominated area is at least 20 percent, and

(4) In the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Urban Development Act of 1974).

(5) CONSIDERATION OF OTHER FACTORS.—The Secretary of Housing and Urban Development, in selecting any nominated area for designation as a renewal community under this section—

(A) shall take into account—

(i) the extent to which such area has a high incidence of crime,

(ii) if such area has census tracts identified in the May 12, 1998, report of the General Accounting Office that such government and State (respectively) have repealed or reformed any law or regulation that impedes the formation of schools or child care centers.

(6) Zoning restrictions on home-based businesses which create a public nuisance.

(7) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

(8) Coordination with treatment of empowerment zones and enterprise communities. For purposes of this title, the designation under section 1291 of any area as an empowerment zone or enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal community takes effect.

(9) Local government. The term 'local government' means—

(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, or (B) any local government, any reference to, or requirement of, this section shall apply to all such governments.

(10) Local government. The term 'local government' means—

(A) a capital asset, or

(B) property used in the trade or business (as defined in section 1231(b)).

(11) Qaulified community partnership interest. The term 'qualified community partnership interest' means—

(A) the term 'qualified community asset' means—

(i) any qualified community business stock,

(ii) any qualified community partnership interest, and

(iii) any qualified community property.

(12) Qualified community stock. (A) General. Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corpora-

tion if such stock is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

(13) Qualified community property. (A) In General. The term 'qualified community property' means—

(i) any qualified community business stock,

(ii) any qualified community partnership interest, and

(iii) any qualified community asset.

(14) Special rule for substantial improvement. The term 'qualified community asset' means—

(A) any property which is substantially improved under clause (ii) of section 1400B(b)(4)(B), except that 'De-

endant' shall be treated as satisfied with respect to property which is substantially improved by the taxpayer before January 1, 2010, and

(C) any land on which such property is located.

(15) Determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that 'De-

Census data. Population and poverty stratum rate shall be determined by using 1990 census data.

"PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS GAIN

Sec. 1400F. Renewal community capital gain.

Sec. 1400G. Renewal community business de-

Sec. 1400F. RENEWAL COMMUNITY BUSINESS GAIN

(A) General Rule. Gross income does not include any qualified community gain from the sale or exchange of a qualified community asset held for more than 5 years.

(18) Principal residence. The term 'principal residence' means—

(i) the term 'qualified community asset' means—

(ii) any qualified community partnership interest,

(iii) any qualified community business stock,
Congressional Record — House December 15, 2000

H12390

"(2) GAIN BEFORE 2002 OR AFTER 2014 NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain attributable to periods before January 1, 2002, or after December 31, 2014.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

"(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting January 1, 2002 for January 1, 1998 and December 31, 2000 for December 31, 2001.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the abuse of the purposes of this section.

"SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

"For purposes of this subchapter, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397C if references to renewal communities were substituted for references to empowerment zones in such section.

"PART III—ADDITIONAL INCENTIVES

"Sec. 1400H. Renewal Community employment credit.

"Sec. 1400J. Increase in expensing under section 179.

"Sec. 1400K. Renewal Community Employee Program.

"(a) in general.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 without regard to this section and which is—

"(i) nonresidential real property (as defined in section 167A) (other than subparagraph (B)(ii) thereof) by the governmental unit of which such property is a part, and

"(ii) qualified revitalization expenditures which are attributable to property described in clause (i) which is—

"(A) such property was acquired by the taxpayer after December 31, 2001,

"(B) such property would be qualified zone property.

"(b) PLANS FOR ALLOCATION.—Notwithstanding section 1397D, the commercial revitalization expenditure ceiling determined under this section shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of depreciation shall be determined without regard to this section.

"(1) IN GENERAL.—For purposes of sections 47(c)(1)(C) by the governmental unit of which such property is a part, the term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 without regard to this section and which is—

"(i) nonresidential real property (as defined in section 167A) (other than subparagraph (B)(ii) thereof) by the governmental unit of which such property is a part, and

"(ii) qualified revitalization expenditures which are attributable to property described in clause (i) which is—

"(A) such property was acquired by the taxpayer after December 31, 2001,

"(B) such property would be qualified zone property.

"(c) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

"(1) $10,000,000, or

"(2) the commercial revitalization expenditure amount for the building under this section by the commercial revitalization agency for the State in which the building is located.

"(d) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.

"(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount for the property is the lesser of—

"(A) one-half of any qualified revitalization building expenditures chargeable to capital account with respect to such property for the taxable year in which the building is placed in service, or

"(B) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

"(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(A) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer,

"(B) in the case of such building not described in subparagraph (A), such building—

"(i) is substantially rehabilitated within the meaning of section 47(c)(1)(C) by the taxpayer, or

"(ii) is placed in service by the taxpayer after December 31, 2001.

"(2) QUALIFIED REVITALIZATION EXPENDITURE.—

"(a) IN GENERAL.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 without regard to this section and which is—

"(i) nonresidential real property (as defined in section 167A) (other than subparagraph (B)(ii) thereof) by the governmental unit of which such property is a part, and

"(ii) qualified revitalization expenditures which are attributable to property described in clause (i) which is—

"(A) such property was acquired by the taxpayer after December 31, 2001,

"(B) such property would be qualified zone property.

"(b) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

"(a) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 469(i) (other than subparagraph (B)(ii) thereof) by the governmental unit of which such agency is a part, and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means—

"(a) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

"(b) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the renewal community, and

"(c) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

"(f) SPECIAL RULES.—

"(1) DEDUCTION IN LIEU OF DEPRECIATION.—The deduction provided by this section for qualified revitalization expenditures shall—

"(A) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of one-half of such expenditures, and

"(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all of such expenditures.

"(2) BASIS ADJUSTMENT, ETC.—For purposes of sections 1016 and 1250, the deduction under this subsection shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

"(3) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

"(4) ALLOCATION of ALLOWANCE for DEDUCTION under minimum tax.—Notwithstanding section 56a(1), the deduction under this subsection shall be allowed in determining alternative minimum taxable income under section 55.

"(e) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2000.

"SEC. 1400L. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) in general.—For purposes of section 179—

"(1) a renewal community shall be treated as an empowerment zone,

"(2) a renewal community business shall be treated as an enterprise zone business, and

"(3) qualified renewal property shall be treated as qualified zone property.

"(b) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified renewal property' means any property to which section 179 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010,

"(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

"(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.

"(c) exception for commercial revitalization deduction from passive loss rules.—Subparagraph (A) of paragraph (3) of section 469(i) (amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph (G)):
(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

"(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

(i) first to the portion of the passive activity loss from section (C) that does not apply.

(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply.

(iii) third to the portion of such credit to which subparagraph (B) applies,

(iv) fourth to the portion of such loss to which subparagraph (D) applies, and

(v) then to the portion of such credit to which subparagraph (D) applies.

(3)(A) Subparagraph (B) of section 469(ii)(6) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ",", and by adding at the end the following new clause:

"(iii) any subparagraph of this section 1400 (relating to commercial revitalization deduction)."

(B) The heading for such subparagraph (B) is amended by striking "OR REHABILITATION CREDIT" and inserting "AND COMMERCIAL REVITALIZATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION".

(c) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the renewal community program established under section 1400e of the Internal Revenue Code of 1986 (as added by subsection (a)(3)(B)(i)) and renewal and enterprise community program under subchapter U of chapter 1 of such Code, report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal communities, empowerment zones, and enterprise communities.

(d) CLEANSING.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities."

SEC. 102. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL ZONES.

SEC. 111. ADDITIONAL EMPLOYMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

"(h) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominal areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than seven may be designated in urban areas and not more than 2 may be designated in rural areas.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this paragraph after the date of the enactment of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

"(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ETC.—The provisions of paragraph (1)(B), (C), and (D) shall apply to designations under this subsection.

"(4) EMPLOYMENT ZONES WHICH BECOME RENEWAL COMMUNITIES.—The number of areas which may be designated as empowerment zones under this subsection shall be increased by 1 for each area which ceases to be an empowerment zone by reason of section 1400e(e). Each additional employment zone created by reason of the preceding sentence shall have the same urban or rural character as the area it is replacing.''

SEC. 112. EXTENSION OF EMPOWERMENT ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) relating to period for which designation is in effect is amended to read as follows:

"(A) in the case of an empowerment zone, December 31, 2009, or

"(ii) in the case of an empowerment zone, the close of the 10th calendar year beginning on or after such date of designation,''.

SEC. 113. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPLOYMENT ZONES.

"(a) 20 PERCENT CREDIT.—Subsection (b) of section 1396 relating to employment zone employment credit is amended to read as follows:

"(b) APPLICABLE PERCENTAGE.—For purposes of this subsection, the applicable percentage is 20 percent.''

"(b) ALL EMPLOYMENT ZONES ELIGIBLE FOR CREDIT.—Section 1396 is amended by striking subsection (c).

"(c) CONFORMING AMENDMENT.—Subsection (d) of section 1400 is amended to read as follows:

"(d) SPECIAL RULE FOR APPLICATION OF EMPLOYMENT ZONE CREDIT TO BONDS.—The credit allowed under section (a) shall be applied to bonds issued or sold for the governmental use of an empowerment zone, by an entity described in section 1400e(f).''.

SEC. 114. INCREASED EXPENDING UNDER SECTION 179.

"(a) IN GENERAL.—Subparagraph (A) of section 199(a)(1) is amended by striking "$20,000" and inserting "$35,000".

"(b) EXPENSING FOR PROPERTY USED IN DEVELOPABLE SITES.—Section 199(a) is amended by striking subsection (c)."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 115. HIGHER LIMIT ON TAX-EXEMPT EMPLOYMENT ZONE FACILITY BONDS.

"(a) IN GENERAL.—Subparagraph (A) of section 1401(f) relating to bonds for empowerment zones designated under section 1391(f) is amended to read as follows:

"(A) EMPLOYMENT ZONE FACILITY BOND.—For purposes of this subsection, the term 'employment zone facility bond' means any bond which would be described in subsection (a)(5) if—

"(i) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1397C and 1397D, and

"(ii) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia Enterprise Zone) that were taken into account under sections 1397C and 1397D.

"(B) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 116. NONRECOGNITION OF GAIN ON ROLL-OVER OF EMPLOYMENT ZONE INVESTMENTS.

"(a) NONRECOGNITION OF GAIN.—In the case of any sale of a qualified empowerment zone asset held by the taxpayer for more than 1 year and with respect to which such taxpayer elects the application of this section, the gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

"(1) the cost of any qualified empowerment zone asset (with respect to which such asset sold) purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

"(2) any portion of such cost previously taken into account under this section.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED EMPLOYMENT ZONE ASSET.—

"(A) IN GENERAL.—The term 'qualified employment zone asset' means any property which would be a qualified community asset (as defined in section 1400e(f)) if—

"(i) references to empowerment zones were substituted for references to renewal communities,

"(ii) references to enterprise zone businesses (as defined in section 1397C) were substituted for references to renewal community businesses, and

"(iii) the date of the enactment of this paragraph were substituted for 'December 31, 2001' each place it appears.

"(B) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this section.

"(2) CERTAIN GAIN NOT ELIGIBLE FOR ROLL-OVER.—This section shall not apply to—

"(A) any gain which is treated as ordinary income for purposes of this subtitle, and

"(B) any gain which is attributable to real property, or an intangible asset, which is not an integral part of an enterprise zone business.

"(3) PURCHASE.—A taxpayer shall be treated as having purchased any property if, but for paragraph (4), the unadjusted basis of such property in the hands of the taxpayer would be its cost (within the meaning of section 1027).

"(4) COST ADJUSTMENT.—Cost from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any qualified empowerment zone asset which is purchased by the taxpayer during the 60-day period described in subsection (a). This paragraph shall not apply for purposes of section 1220.

"(5) HOLDING PERIOD.—For purposes of determining whether the nonrecognition of gain under subsection (a) applies to any qualified empowerment zone asset which is sold—

"(A) the taxpayer's holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1222, and

"(B) only the first year of the taxpayer's holding period for the asset referred to in subsection (a)(1) shall be taken into account for purposes of paragraph (3) of section 1400(e).''.

"(b) CONFORMING AMENDMENTS.—

"(1) Paragraph (2) of section 1397B(a)(6) is amended—

"(A) by striking 'or 1045' and inserting '1045, or 1397B', and

"(B) by striking 'or 1045(b)(4)' and inserting '1045(b)(4), or 1397B(b)(4)'.

"(2) Paragraph (15) of section 1223 is amended to read as follows:
"(15) Except for purposes of sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b), in determining the period for which the taxpayer has held property the acquisition of which resulted under section 1045 or 1397 in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property has been held as of the date of such sale.

(3) Paragraph (2) of section 1394(b) is amended—
(A) by striking "section 1397C" and inserting "section 1397D", and
(B) by striking "section 1397(a)(2)" and inserting "section 1397(a)(2)".

(4) Paragraph (3) of section 1394(b) is amended—
(A) by striking "section 1397B" each place it appears and inserting "section 1397C", and
(B) by striking "section 1397C(d)" and inserting "section 1397C(d)".

(5) Sections 1400(e) and 1400(b) are each amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(6) The table of subparts for part III of subchapter C of chapter 1 is amended by striking the last item and inserting the following new item:

Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.

Subpart D. General provisions.

(7) The table of sections for subpart D of such part III is amended to read as follows:

Sec. 1397C. Enterprise zone business defined.

Sec. 1397D. Qualified zone property defined.

Sec. 1397E. Treatment of DC Zone.

Sec. 1397F. Qualified low-income community business.

Sec. 1397G. Qualified low-income community development entity.

Sec. 1397H. Qualified low-income community development investment.

Sec. 1397I. Qualified low-income community development fund.

Sec. 1397J. Partial exclusion of gain for certain financial property.

Sec. 1397K. Special rules for financial property.

Sec. 1397L. Partial exclusion of gain attributable to certain financial property.

SEC. 121. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 relating to business-related credits is amended by adding at the end the following new section:

"SEC. 115D. NEW MARKETS TAX CREDIT.

(a) ALLOWANCE OF CREDIT.—(1) In General.—In the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the credit allowed by this section for such taxable year is the product of—

(A) the amount allocated under subsection (f) to such taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

(B) the average amount of any such qualified equity investment which is attributable to qualified community development entity of any loan made by such entity which is a qualified low-income community development entity, and

(C) a percentage determined in accordance with section 1397H(b).

(b) Maximum Amount.—The maximum amount of the credit allowed by this section for such taxable year is the product of—

(A) the amount allocated under subsection (f) to such taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

(B) the average amount of any such qualified equity investment which is attributable to qualified community development entity of any loan made by such entity which is a qualified low-income community development entity, and

(C) a percentage determined in accordance with section 1397H(b).

(c) Treatment of Subsequent Purposes of Real Property.—The term 'qualified low-income community development entity' means any domestic corporation or partnership—

(i) that holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year,

(ii) for which an equity investment was made in such entity before the date such entity is treated as a qualified community development entity,

(iii) for which the gain attributable to such equity investment is eligible for the credit allowed by this section, and

(iv) which is treated as a qualified community development entity for purposes of this section by the qualified community development investment.

(d) Special Rules for Certain Organizations.—The requirements of paragraph (1) shall be treated as met by—

(A) any specialized small business investment company as defined in section 1394(b)(1), and

(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

(2) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

(A) the term 'qualified low-income community investment' means—

(i) any capital or equity investment in, or loan to, any qualified low-income community business,

(ii) the purchase from another qualified community development entity of any loan made by such entity which is a qualified low-income community investment,

(iii) any equity investment in, or loan to, any qualified community development entity,

(iv) any qualified active low-income community business,

(v) any qualified low-income investment business,

(vi) any qualified active low-income community investment business,

(vii) any qualified low-income investment business,

(viii) any qualified active low-income community business,

(ix) any qualified low-income investment business,

(x) any qualified active low-income community investment business,

(xi) any qualified low-income investment business,

(xii) any qualified active low-income community investment business,

(xiii) any qualified low-income investment business,

(xiv) any qualified active low-income community investment business,

(xv) any qualified low-income investment business,

(xvi) any qualified active low-income community investment business,

(xvii) any qualified low-income investment business,

(xviii) any qualified active low-income community investment business,

(xix) any qualified low-income investment business,

(xx) any qualified active low-income community investment business,

(xxi) any qualified low-income investment business,

(xxii) any qualified active low-income community investment business,

(xxiii) any qualified low-income investment business,

(xxiv) any qualified active low-income community investment business,

(xxv) any qualified low-income investment business,

(xxvi) any qualified active low-income community investment business,

(xxvii) any qualified low-income investment business,

(xxviii) any qualified active low-income community investment business,

(xxix) any qualified low-income investment business,

(x) any qualified active low-income community investment business,

(xi) any qualified low-income investment business,

(xii) any qualified active low-income community investment business,

(xiii) any qualified low-income investment business,

(xiv) any qualified active low-income community investment business,

(xv) any qualified low-income investment business,

(xvi) any qualified active low-income community investment business,

(xvii) any qualified low-income investment business,

(xviii) any qualified active low-income community investment business,

(xix) any qualified low-income investment business,

(xx) any qualified active low-income community investment business,

(xi) any qualified low-income investment business,

(xii) any qualified active low-income community investment business,

(xiii) any qualified low-income investment business,

(xiv) any qualified active low-income community investment business,

(xv) any qualified low-income investment business,

(xvi) any qualified active low-income community investment business,

(xvii) any qualified low-income investment business,

(xviii) any qualified active low-income community investment business,

(xix) any qualified low-income investment business,

(xx) any qualified active low-income community investment business,

(xi) any qualified low-income investment business,

(xii) any qualified active low-income community investment business,

(xiii) any qualified low-income investment business,

(xiv) any qualified active low-income community investment business,

(xv) any qualified low-income investment business,

(xvi) any qualified active low-income community investment business,

(xvii) any qualified low-income investment business,

(xviii) any qualified active low-income community investment business,

(xix) any qualified low-income investment business,

(xx) any qualified active low-income community investment business,

(xi) any qualified low-income investment business,

(xii) any qualified active low-income community investment business,

(xiii) any qualified low-income investment business,
(B) paragraph (3) thereof shall not apply.

(e) LOW-INCOME COMMUNITY.—For purposes of this section—

(1) IN GENERAL.—The term 'low-income community' means any population census tract if—

(A) the poverty rate for such tract is at least 20 percent, or

(B) in the case of a tract that is not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of the state median family income or the median family income of the metropolitan area median family income.

Subparagraph (B) shall be applied using possession-wide median family income in the case of census tracts located within a possession of the United States.

(2) TARGETED AREAS.—The Secretary may designate any area within any census tract as a low-income community if—

(A) the boundary of such area is continuous, and

(B) the area would satisfy the requirements of paragraph (1) if it were a census tract, and

(C) an inadequate access to investment capital exists in such area.

(3) AREAS NOT WITHIN CENSUS TRACTS.—In the case of a tract that is not located within a population census tract, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

(1) IN GENERAL.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

(A) $3,000,000,000 for 2003,

(B) $1,500,000,000 for 2002 and 2003,

(C) $2,000,000,000 for 2004 and 2005, and

(D) $3,500,000,000 for 2006 and 2007.

(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary.

(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2014.

(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

(1) IN GENERAL.—If, at any time during the 7-year period following the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapitulation event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

(B) interest at the underpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapitulation event with respect to an equity investment in a qualified community development entity if—

(A) such entity ceases to be a qualified community development entity,

(B) the property of the investment credit to be used as required of subsection (b)(1)(B), or

(C) such investment is redeemed by such entity.

(h) SPECIAL RULES.—

(1) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

(2) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

(i) BASIS REDUCTION.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1222, 1245, and 1400F.

(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

(A) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

(B) which prevent the abuse of the purposes of this section,

(C) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

(D) which impose appropriate reporting requirements, and

(E) which apply the provisions of this section to newly formed entities.

(k) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 is amended by striking ‘‘plus’’ at the end of paragraph (13) and inserting ‘‘, including whether the provision of subparagraph (C) shall each be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘‘calendar year 2001’’ for ‘‘calendar year 1992’’ in subparagraph (B) thereof.

(2) Rounding.—

(i) In the case of the $2,000,000 amount, any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

(ii) In the case of the $1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.

(l) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking ‘‘clause (ii)’’ in the matter following clause (iv) and inserting ‘‘clause (ii)’’; and

(B) by striking ‘‘subparagraph (C)(i)’’ in the matter following clause (iv) and inserting ‘‘subparagraph (C)(ii)’’.

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking ‘‘subparagraph (C)(ii)’’ and inserting ‘‘subparagraph (C)(iii)’’; and

(B) by striking ‘‘clauses (ii)’’ in clause (ii) and inserting ‘‘clauses (iii)’’.

(m) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.
(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

"(v) tenant populations with special housing needs,

(vi) public housing waiting lists,

(vii) tenant populations of individuals with children, and

(viii) projects intended for eventual tenant ownership."

(b) Preference for Community Revitalization Projects Located in Qualified Census Tracts.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking "and" at the end of subclause (I), by adding "and" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan."
qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

(4) DISPOSITION. — With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under this subsection, the Secretary shall give notice of the property to the unit of general local government in which property is located or to community development corporations located in such local government or subjugated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

(5) SATISFACTION OF INDEBTEDNESS. — Before transferring or selling any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

(6) DETERMINATION OF STATUS OF PROPERTIES. — To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

(1) Upon Enactment. — Upon the enactment of this subsection, the Secretary shall promptly determine whether such property is a qualified HUD property.

(2) Acquisition. — Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

(3) Use of Property. — Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

(4) Inapplicability to Properties Made Available for Homeless Persons. — If the property is transferred to, or entered into with, respect to any residential property before the date that such property becomes a qualified HUD property.

(5) Tenant Leases. — This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

(6) Use of Property. — Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

(7) Tenant Leases. — This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

(8) Definitions. — For purposes of this subsection, the following definitions shall apply:

(A) Community Development Corporation. — The term "community development corporation" means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

(B) Recovery Basis. — The term "cost recovery basis," with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to the sum of: (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish; and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

(C) Multifamily Housing Project. — The term "multifamily housing project" has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

(D) Residential Property. — The term "residential property" means a property that is a multifamily housing project or a single family property.

(E) Secretary. — The term "Secretary" means the Secretary of Housing and Urban Development.

(F) Severe Physical Problems. — The term "severe physical problems" means, with respect to a dwelling unit that has severe physical problems:

(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

(ii) on not less than three separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period;

(iv) is accessible through a public hallway in which the unit has a severe physical problem, is an absence of or missing steps or railings, and no elevator; or

(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

(G) Single-Family Property. — The term "single-family property" means a 1 to 4-family residence.

(H) Substandard. — The term "substandard" means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

(I) Unit of General Local Government. — The term "unit of general local government" has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

(J) Unoccupied. — The term "unoccupied" means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

(K) Regulations. — (A) Interim. — Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue such interim regulations as the Secretary deems necessary to carry out this subsection.

(B) Final. — Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue such final regulations as are necessary to carry out this subsection.

Section 249 of the National Housing Act (12 U.S.C. 2915s–14) is amended —

(1) by striking the section heading and inserting the following:

"Risk-Sharing Demonstration;" —

"(a) In this subsection, by inserting "and with insured community development financial institutions" after "private mortgage insurers;"

(b) in the second sentence—

(i) by striking "two" and inserting "four";

and

(ii) by striking "March 15, 1988" and inserting "the expiration of the 5-year period beginning on the date of the enactment of the Community Renewal Tax Relief Act of 2000; and"

(c) in the third sentence—

(i) by striking "insured" and inserting "for which risk of nonpayment is shared;" and

(ii) by striking "10 percent" and inserting "20 percent;" and

(2) in subsection (b)—

(A) in the first sentence—

(i) by striking "to provide" and inserting "in providing;"

(ii) by striking "through" and inserting "to enter into;" and

(iii) by inserting "and with insured community development financial institutions" before the period at the end;

(B) in the second sentence, by inserting "and insured community development financial institutions" after "private mortgage insurance companies;"

(C) by striking paragraph (1) and inserting the following:

"(i) by striking "carry out (under appropriate delegation) such "perform or delegate underwriting,"

(ii) by striking "function as the Secretary pursuant to regulations," and inserting "functions as the Secretary;" and

(iii) by inserting before the period at the end the following: "and shall set forth in the risk-sharing contract;" and

(3) in subsection (c)—

(A) in the first sentence—

(i) by striking "for" and inserting "the first place it appears and inserting "for;"

(ii) by inserting "received by the Secretary with a private mortgage insurer or insured community development financial institution after sharing of premiums;"

(iii) by striking "insurance reserves" and inserting "loss reserves;"

(iv) by striking "such insurance" and inserting "such risk-sharing contract;" and

(v) by striking "right" and inserting "rights;" and

(B) in the second sentence—

(i) by inserting "or insured community development financial institution after private mortgage insurance companies;"

(ii) by striking "for insurance;" and inserting "for risk-sharing;"

(iii) in subsection (d), by inserting "or insured community development financial institution after private mortgage insurance company;" and

(iv) by adding at the end the following new subsection:

"(e) Insured Community Development Financial Institution.—For purposes of this section, the term "insured community development financial institution" means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));".

Section 142. Transfer of HUD Assets in Revitalization Areas.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 290aa et seq.) the Secretary shall—

(1) assume a secondary percentage of loss on any mortgage insured pursuant to section 203(b), 234, or 245 covering one- to four-family dwelling, which percentage of loss shall be set forth in the risk-sharing contract, with the first percentage of loss to be borne by the Secretary; and

(2) in paragraph (2)—

(i) by striking "carry out (under appropriate delegation) such "perform or delegate underwriting,"

(ii) by striking "function as the Secretary pursuant to regulations," and inserting "functions as the Secretary;" and

(iii) by inserting before the period at the end the following: "and shall set forth in the risk-sharing contract;" and

(3) in subsection (c)—

(A) in the first sentence—

(i) by striking "for" and inserting "the first place it appears and inserting "for;"

(ii) by inserting "received by the Secretary with a private mortgage insurer or insured community development financial institution after sharing of premiums;"

(iii) by striking "insurance reserves" and inserting "loss reserves;"

(iv) by striking "such insurance" and inserting "such risk-sharing contract;" and

(v) by striking "right" and inserting "rights;" and

(B) in the second sentence—

(i) by inserting "or insured community development financial institution after private mortgage insurance companies;"

(ii) by striking "for insurance;" and inserting "for risk-sharing;"

(iii) in subsection (d), by inserting "or insured community development financial institution after private mortgage insurance company;" and

(iv) by adding at the end the following new subsection:

"(e) Insured Community Development Financial Institution.—For purposes of this section, the term "insured community development financial institution" means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) that is an insured depository institution (as such term is defined in section 3 of the Federal Credit Union Act (12 U.S.C. 1752));".

Section 144. Prevention and Treatment of Substance Abuse; Services Provided Through Religious Organizations.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following part:
the purpose of carrying out activities to prevent or treat substance abuse, or preventive services; and (c) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection. Upon referring a program beneficiary to an alternative provider, the program participant shall notify the appropriate Federal, State, or local government that administers the program or a program participant shall provide to such individual (if otherwise eligible for such services), program services that—

(1) are from an alternative provider that is accessible to, and has the capacity to provide such services to, such individual; and (2) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection. Upon referring a program beneficiary to an alternative provider, the program participant shall notify the appropriate Federal, State, or local government that administers the program of such referral. (2) NOTICES.—Program participants, public agencies that refer individuals to designated programs, and States or local governments that administer designated programs shall be subject to the same requirements as program beneficiaries of their rights under this section. (3) ADDITIONAL REQUIREMENTS.—A program participant making a referral pursuant to paragraph (1) shall—

(1) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and (2) ensure that the individual makes contact with the alternative provider to which the individual is referred.

(4) NONDISCRIMINATION.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities discriminate against a program beneficiary or prospective program beneficiary on the basis of religious belief. (5) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall provide to the same extent as recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards. (2) LIMITED AUDIT.—With respect to the award involved, a religious organization that is a program participant shall segregate Federal amounts provided under an award into a separate account from non-Federal funds. Only the award funds shall be subject to audit by the government.

(6) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

No funds provided under a designated program shall be expended for sectarian worship, instruction, or proselytization.
the Advisory Council considers appropriate. The Advisory Council may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the United States information necessary to enable it to carry out this part. Upon request of the Chairperson of the Advisory Council, the head of that department or agency shall furnish that information to the Advisory Council.

SEC. 156. REPORTS.

(a) ANNUAL REPORTS.—The Advisory Council shall submit to the Secretary an annual report for each fiscal year.

(b) INTERIM REPORTS.—The Advisory Council may submit to the Secretary such interim reports as the Advisory Council considers appropriate.

(c) FINAL REPORT.—The Advisory Council shall transmit a final report to the Secretary not later than September 30, 2003. The final report shall contain a comprehensive statement of the findings and conclusions of the Advisory Council, together with any recommendations for legislative or administrative action that the Advisory Council considers appropriate.

SEC. 157. TERMINATION.

(a) IN GENERAL.—The Advisory Council shall terminate 30 days after submitting its final report under section 156(c).

(b) TERMINATION.—Notwithstanding subsection (a), the Secretary may postpone the termination of the Advisory Council for a period not to exceed 3 years after the Advisory Council submits its final report under section 156(c).

SEC. 158. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.


SEC. 159. RESOURCES.

The Secretary shall provide to the Advisory Council appropriate resources so that the Advisory Council may carry out its duties and functions under this part.

SEC. 160. EFFECTIVE DATE.

This part shall take effect 30 days after the date of its enactment.

Subtitle F—Other Provisions

SEC. 161. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIMARY MANUFACTURER.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 146(d) (relating to State ceiling) are amended to read as follows:

"(1) IN GENERAL.—The State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) an amount equal to $75 ($52.50 in the case of calendar year 2001) multiplied by the State population, or

"(B) $225,000,000 ($187,500,000 in the case of calendar year 2001).

"(2) COST-OF-LIVING ADJUSTMENT.—In the case of a calendar year after 2002, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under subsection 3(f)(3) for such calendar year by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (b) thereof.

If any increase determined under the preceding sentence is not a multiple of $5 ($5,000 in the case of the dollar amount in paragraph (1)(B)), such increase shall be rounded to the nearest multiple thereof.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years after 2000.
SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT OF 1978; AMENDMENTS CONSISTENT WITH THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT OF 1988

SEC. 301. EXEMPTION OF CERTAIN REPORTING REQUIREMENTS.

(a) In General. The following provisions relating to the Internal Revenue Code of 1986 (26 U.S.C. 7801 et seq.) are each amended by striking "ARCHER MSA" and inserting "ARCHER MEDICAL SAVINGS ACCOUNTS".

(b) Conforming Amendments. The following provisions of the Internal Revenue Code of 1986 (26 U.S.C. 7801 et seq.) are each amended by striking "ARCHER MSAS" and inserting "ARCHER MEDICAL SAVINGS ACCOUNTS".

(c) Effective Date. The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 302. REMOVAL OF LIMITATION ON DEDUCTIONS FOR ACHIEVEMENT-BASED SCHOLARSHIPS.

(a) In General. Section 168A of the Internal Revenue Code of 1986 (26 U.S.C. 168A) is amended by striking paragraph (6) and inserting the following paragraph:

"(6) The amount included in the gross income of an individual described in subsection (c)(2)(C)(ii)(I), in the case of a scholarship provided under the Indian Self-Determination and Education Assistance Act of 1978 (25 U.S.C. 450b), the resulting funds shall be included in the gross income of the individual described in subsection (c)(2)(C)(ii)(I), in the case of a scholarship provided under such Act (as amended by section 302 of this title), shall not exceed 15% of the amount shown as a deduction in the gross income of such individual for the taxable year in which the scholarship is provided.

(b) Effective Date. The amendments made by this section shall take effect on the date of enactment of this Act.


(a) In General. The following provisions relating to the Internal Revenue Code of 1986 (26 U.S.C. 7801 et seq.) are each amended by striking "ARCHER MSAS" and inserting "ARCHER MEDICAL SAVINGS ACCOUNTS".

(b) Effective Date. The amendments made by this section shall take effect on the date of enactment of this Act.


(a) In General. The following provisions relating to the Internal Revenue Code of 1986 (26 U.S.C. 7801 et seq.) are each amended by striking "ARCHER MSAS" and inserting "ARCHER MEDICAL SAVINGS ACCOUNTS".

(b) Effective Date. The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 305. AMENDMENTS CONSISTENT WITH THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT OF 2000.

(a) In General. The following provisions relating to the Internal Revenue Code of 1986 (26 U.S.C. 7801 et seq.) are each amended by striking "ARCHER MSAS" and inserting "ARCHER MEDICAL SAVINGS ACCOUNTS".

(b) Effective Date. The amendments made by this section shall take effect on the date of enactment of this Act.


(a) In General. The following provisions relating to the Internal Revenue Code of 1986 (26 U.S.C. 7801 et seq.) are each amended by striking "ARCHER MSAS" and inserting "ARCHER MEDICAL SAVINGS ACCOUNTS".

(b) Effective Date. The amendments made by this section shall take effect on the date of enactment of this Act.
(23) The following provisions of the Railroad Retirement Act of 1974:
(A) Section 22(a)(1) (43 U.S.C. 232(a)(1)).
(B) Section 22(b) (43 U.S.C. 232(b)).
(25) Section 4712(c) of title 49, United States Code.
(26) The following provisions of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203):
(A) Section 4007(c)(4) (42 U.S.C. 1395ww note).
(B) Section 4079 (42 U.S.C. 1395nn note).
(C) Section 4205 (42 U.S.C. 1395m note).
(A) Section 5(b).
(B) Section 5(d).
(28) The following provisions of the Public Health Service Act:
(A) In section 308(a) (42 U.S.C. 242m(a)), subparagraphs (A), (B), (C), and (D) of paragraph (1).
(B) Section 403 (42 U.S.C. 243).
(30) The following provisions of the Older Americans Act of 1965:
(A) Section 206(d) (42 U.S.C. 3017d).
(B) Section 207 (42 U.S.C. 3018).
(31) Section 308 of the Age Discrimination Act of 1975 (42 U.S.C. 6106(b)).
(32) Section 509(c)(3) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12206(c)(3)).
(33) Section 4207(f) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1390-1 note).

SEC. 302. EXTENSION OF DEADLINES FOR IRS COMMUNICATIONS WITH CERTAIN NOTICE REQUIREMENTS.

(a) Annual Installment Agreement Notice. Section 3506 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking “July 1, 2001” and inserting “September 1, 2001”.

(b) Notice Requirements Relating to Computax Penalty. Subsections (c) and (d) of section 3506 of the Internal Revenue Service Restructuring and Reform Act of 1998 are amended—
(1) by striking “December 31, 2000” and inserting “June 30, 2001”;
(2) by adding at the end the following: “In the case of any notice of penalty issued after June 30, 2001, and before July 1, 2003, the requirements of section 6751(b)(1) of the Internal Revenue Code of 1986 shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the tax return or assessment with payment with respect to such penalty.”;
(c) Notice Requirements Relating to Interest Imposed. Subsection (c) of section 3508 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—
(1) by striking “October 31, 2000” and inserting “June 30, 2001”;
(2) by adding at the end the following: “In the case of any notice issued after June 30, 2001, and before July 1, 2003, to which section 6661 of the Internal Revenue Code of 1986 applies, the requirements of section 6661 of such Code shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer’s payment history relating to interest amounts included in such notice.”.

SEC. 303. EXTENSION OF AUTHORITY FOR UNDERWRITING OPERATIONS.

Paragraph (6) of the last sentence, of section 7608(c) is each amended by striking “January 1, 2001” and inserting “January 1, 2006”.

SEC. 304. CONFIDENTIALITY OF CERTAIN DOCUMENTS RELATING TO CLOSING AND SIMILAR AGREEMENTS AND TO AGREEMENTS WITH FOREIGN GOVERNMENTS.

(a) Closing and Similar Agreements Treated as Return Information. Paragraph (2) of section 6103(b) (defining return information) is amended by striking ‘‘and’’ at the end of subparagraph (B), by inserting ‘‘and’’ at the end of subparagraph (C), and after subparagraph (C) the following new subparagraph:
‘‘(D) any agreement under section 7221, and any similar agreement, and any background information relating to a closing agreement or request for such an agreement.’’. (b) Agreements with Foreign Governments.
(1) In General. Subchapter B of chapter 61 (relating to miscellaneous provisions) is amended by inserting after section 6104 the following new section:
‘‘SEC. 6105. CONFIDENTIALITY OF INFORMATION ARISING UNDER TREATY OBLIGATIONS.

‘‘(a) In General.—Tax convention information shall not be disclosed.

‘‘(b) Exceptions.—Subsection (a) shall not apply—

(1) to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) which are entitled to such disclosure pursuant to a tax convention,
(2) to any generally applicable procedural rules applying to applications for relief under a tax convention,
(3) in any case not described in paragraphs (1) or (2), to the disclosure of any tax convention information not relating to a particular taxpayer if the Secretary determines, after consultation with each other party to the tax convention, that such disclosure would not impair tax administration.

(c) Definitions.—For purposes of this section—

‘‘(1) Tax Convention Information.—The term ‘tax convention information’ means any—

(A) agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention,
(B) application for relief under a tax convention,
(C) any background information related to such agreement or application,
(D) document implementing such agreement, and
(E) any other information exchanged pursuant to a tax convention which is treated as confidential or secret under the tax convention.

‘‘(2) Tax Convention.—The term ‘tax convention’ means—

(A) any income tax or gift and estate tax convention, or
(B) any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters, or
(C) any similar agreement, and
(D) any agreement under section 7221, and any similar agreement, and any background information relating to a closing agreement or request for such an agreement.’’.

(2) Written Determination.
‘‘(A) In General.—The term ‘written determination’ means a ruling, determination letter, technical advice memorandum, or Chief Counsel advice related to a tax convention.

‘‘(B) Exceptions.—Such term shall not include any matter referred to in subparagraph (C) or (D) of section 6104.

(3) Effective Date. The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 305. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) General Rule. Subsections (a) and (b) of section 6405 are each amended—

(1) by striking “$1,000,000” and inserting “$2,000,000”;
(2) Effective Date. The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment of such Act.

SEC. 306. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) General. Subsection (c) of section 151 (relating to additional exemption for dependents) is amended by adding at the end the following paragraph:

‘‘(B) Treatment of Missing Children.—

‘‘(A) In General.—For purposes of sections 32 and 34, an individual who is presumed by law enforcement authorities to have been kidnapped is a member of the family of such child or the taxpayer, and

(B) Effective Date. The amendment made by this section shall apply to taxable years ending during the period that the child is kidnapped.’’.

(b) Purposes. Subparagraph (A) shall apply only for purposes of determining—

(1) the credit under section 24 (relating to child tax credit), and
(2) whether an individual is a surviving spouse or a head of a household (such terms are defined in section 2).

(c) Comparable Treatment for Earned Income Credit.—For purposes of section 32, an individual—

(1) who is presumed by law enforcement authorities to have been kidnapped is a member of the family of such individual or the taxpayer, and
(2) who, for the taxable year in which the kidnapping occurred, is the principal place of abode of the taxpayer for more than one-half of the portion of such year before the date of the kidnapping, shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the individual is kidnapped.

(d) Effective Date. The amendment made by this section shall take effect on the date of the enactment of such Act.

SEC. 307. AMENDMENTS TO STATUTES REFERRING TO 52-WEEK TREASURY BILL REDEMPTION.

(a) Amendment to the Act of February 26, 1931. Section 6 of the Act of February 26, 1931, (32) Section 307 of the Act of September 1, 2001.”
(40 U.S.C. 258e–1) (relating to the interest rate on compensation owed for takings of property) is amended—

(1) in paragraph (1), by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before the effective date’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

(2) in paragraph (2), by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before the effective date’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

(3) in subparagraph (A) of section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on money judgments in civil cases recovered in Federal district court) is amended by—

(A) in paragraph (1), by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before the effective date’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

(b) A MENDMENT TO TITLE 18, UNITED STATES CODE.—Section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking ‘‘the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period’’ and inserting ‘‘the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’.

(c) A MENDMENT TO THE INTERNAL REVENUE CODE.—Section 995(f)(4) (relating to the interest rate on money judgments in civil cases recovered in Federal district court) is amended by—

(A) in paragraph (1), by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before the effective date’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

(2) in paragraph (2), by striking ‘‘the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period’’ and inserting ‘‘the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

(d) A MENDMENT TO TITLE 28, UNITED STATES CODE.—

(1) in section 2516(b) of title 28, United States Code (relating to tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking ‘‘the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period’’ and inserting ‘‘the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

(2) in section 2516(c) of title 28, United States Code (relating to tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking ‘‘the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period’’ and inserting ‘‘the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’.

(3) in section 2516(g)(3) of title 28, United States Code (relating to tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking ‘‘the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period’’ and inserting ‘‘the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

SEC. 299. ADJUSTMENTS FOR CONSUMER PRICE INDEX ERROR.

(a) DETERMINATIONS BY OMB.—As soon as practicable after the enactment of this Act, the Director of the Office of Management and Budget shall determine with respect to each applicable Federal benefit program whether the CPI computation error for 1999 would have been made if the error had not occurred. As soon as practicable after the date of enactment of this Act, the Director shall direct the head of each Federal agency which administers an applicable Federal benefit program to make such determination and, if the Director determines that the CPI computation error for 1999 would have been made if the error had not occurred, certify to the Director and to each House of Congress a summary report of the review, including any adjustments made by the Director to incorporate such correct amount.

(b) IN GENERAL.—If, after application of the provisions of this section to an exchange or series of exchanges, the basis of property to which subsection (a) applies exceeds the fair market value of such property, then such basis shall be reduced (but not below such fair market value) by the amount determined as of the date of the exchange of any liability—

(1) with respect to which subsection (a) applies,

(2) substantially all of the assets with which the liability is associated are transferred to the person assuming the liability as part of the exchange.

(c) LIABILITY.—For purposes of this subsection, the term ‘‘liability’’ shall include any fixed or contingent obligation to make payment, without regard to whether the obligation is otherwise taken into account for purposes of this title.

(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—Section 358(d)(1) is amended by inserting ‘‘section 358(b)(3)’’ after ‘‘section 358(a)’’.

(e) APPLICATION OF COMPARABLE RULES TO PARTNERSHIPS AND S CORPORATIONS.—The Secretary of the Treasury may prescribe rules which provide appropriate adjustments under subsection K of chapter 1 of the Internal Revenue Code of 1986 to prevent the acceleration of losses through the assumption of (or transfer of assets subject to) liabilities described in section 358(b)(3) of such Code (as added by subsection (a)) in transactions involving partnerships, and may prescribe rules which provide appropriate adjustments under subsection K of chapter 1 of such Code in transactions described in such Code involving S corporations rather than partnerships.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The provisions of this section shall apply to assumptions of liability after October 18, 1999.

(2) RULES.—The rules prescribed under subsection (c) shall apply to assumptions of liability after October 18, 1999, or such later date as may be prescribed in such rules.

SEC. 310. DISCLOSURE OF CERTAIN INFORMATION TO CONGRESSIONAL BUDGET OFFICE.

(a) DISCLOSURE OF CERTAIN TAX INFORMATION.—

(1) IN GENERAL.—Subsection (j) of section 6103 (relating to statistical use) is amended by adding at the end the following new paragraph:

‘‘(l) Upon written request by the Director of the Congressional Budget Office, the Secretary shall furnish...’’

(2) SEC. 307. PRESUMPTION OF DISSOLVING THROUGH ASSUMPTION OF LIABILITY.

(a) I N GENERAL.—Section 358 (relating to basis to distributees) is amended by adding at the end the following new subsection:

‘‘(c) APPLICABILITY TO CONGRESSIONAL BUDGET OFFICE.—

(1) DISCLOSURE OF CERTAIN INFORMATION TO CONGRESSIONAL BUDGET OFFICE.—

(b) IN GENERAL.—Subsection (j) of section 6103 (relating to statistical use) is amended by adding at the end the following new paragraph:

‘‘(l) Upon written request by the Director of the Congressional Budget Office, the Secretary shall furnish...’’
to officers and employees of the Congressional Budget Office return information for the purpose of, but only to the extent necessary for, long-term models of the social security and medicare budget.

(2) RECORDKEEPING SAFEGUARDS.—Section 6033(p) is amended—
(A) in paragraph (1)—
(i) in the matter following subparagraph (A), by inserting “the Congressional Budget Office,” after “General Accounting Office,”
(ii) in subparagraph (B), by striking “commission or the General Accounting Office” and inserting “commission, the General Accounting Office, or the Congressional Budget Office”,
(iii) by striking “or the General Accounting Office,” after “the General Accounting Office, or the Congressional Budget Office,” and
(iv) in the matter following subparagraph (F), by inserting “or the Congressional Budget Office” after “General Accounting Office” both places it appears,
(B) in paragraph (5), by striking “and the General Accounting Office” and inserting “and the General Accounting Office, and the Congressional Budget Office”,
(C) in paragraph (6), by inserting “or the Congressional Budget Office” after “the General Accounting Office”,
(D) in the matter following subparagraph (F), by inserting “or the Congressional Budget Office” after “General Accounting Office” both places it appears,
(E) in paragraph (7)(A), by inserting “commission or the General Accounting Office” and inserting “commission, the General Accounting Office, or the Congressional Budget Office”,
(F) in paragraph (7)(B), by striking “Commission” and inserting “Commission, the General Accounting Office, or the Congressional Budget Office”,
(G) in paragraph (7)(C), by inserting “and the Congressional Budget Office” after “Commission”,
(H) in paragraph (7)(D), by striking “Commission” and inserting “Commission, the General Accounting Office, or the Congressional Budget Office”.

Subtitle B—Technical Corrections

SEC. 311. AMENDMENTS RELATED TO TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999.

(a) Amendments Related to Section 502 of the Act.—
(1) Section 280C(c)(1) is amended by striking “or credit” after “deduction” each place it appears.
(2) Section 30A is amended by redesignating subsections (i) and (j) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:
“(f) Denial of Double Benefit.—Any wages or other expenses taken into account in determining the credit under this section may not be taken into account in determining the credit under section 31.

(b) Amendments Related to Section 545 of the Act.—Clause (ii) of section 6851(b)(7)(B) is amended to read as follows:
“(III) Exception for Certain Amounts.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust—
(I) for services furnished or rendered by a real estate investment trust that are described in paragraph (1)(B) of section 6561(d), or
(II) from a taxable REIT subsidiary that are described in paragraph (7)(C)(iii) of such section.

(c) Clarification Related to Section 538 of the Act.—The reference to section 332(b)(1) of the Internal Revenue Code of 1986 in Treasury Regulation Section 1.6554-3 shall be deemed to include a reference to section 732(f) of such Code.

(d) Effective Date.—Subsection (c) and the amendments made by this section shall take effect as if included in the provisions of the Ticket to Work and Work Incentives Improvement Act of 1999 by reference to such section.
(B) Section 7421(a) is amended by inserting "6330(e)(3)," after "6246(b),".

(c) Amendment Related to Section 1103 of the Act.—Paragraph (6) of section 6103(k) is amended by inserting "and an officer or employee of the Office of Treasury Inspector General for Tax Administration" after "internal revenue officer or employee," and

(c) Internal Revenue Service Restructuring Act of 1998.—Paragraph (5) of section 6330(d)(1)(A) is amended by striking "to hear" and inserting "with respect to".

(e) Amendment Related to Section 3509 of the Act.—Subparagraph (A) of section 6101(g)(5) is amended by inserting ", any Chief Counsel advice," after "technical advice memorandum."

(f) Effective Dates.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. The amendments made by subsections (c), (d), and (e) shall take effect as if included in the provisions of the Internal Revenue Service Restructuring and Reform Act of 1998 to which they relate.


(a) Amendment Related to Section 101 of the Act.—Paragraph (4) of section 6212(n) is amended by striking "sections 32 and 34" and inserting "sections 246, 32, and 34.

(b) Amendment Related to Section 302 of the Act.—The last sentence of section 3405(e)(1)(B) is amended by inserting "(other than a Roth IRA)" after "individual retirement plan."

(c) Amendment to Section 311 of the Act.—Paragraph (3) of section 311(e) of the Taxpayer Relief Act of 1997 is amended by designating the entry under "section 311(e)" to which it refers as "(3)(C)," by redesignating subparagraph (I) as (ii), by redesignating subclause (II) as (I), by redesignating the entry as (3), and by striking the second sentence.

(e) Amendment Related to Section 1072 of the Act.—(1) Clause (ii) of section 415(b)(1)(D) and subparagraph (B) of section 403(a) are each amended by striking "section 125 or" and inserting "section 125, 402(e)(3)".

(2) Paragraph (2) of section 415(b) is amended by striking "section 125, 402(e)(3)" and inserting "section 125, 402(e)(3)".

(f) Amendment Related to Section 1454 of the Act.—Subsection (a) of section 7436 is amended by inserting before the period at the end of the first sentence "the proper amount of employment tax under such determination".

(g) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.


(a) Amendment Related to Section 9302 of the Act.—Paragraph (1) of section 9302(j) of the Balanced Budget Act of 1997 is amended by striking "tobacco products and cigarette papers and tubes" and inserting "cigarettes."

(b) Clause (ii) of section 7702A(c)(3)(A) is amended by striking "under the contract" and inserting "under the old contract."

(c) The amendments made by this section shall take effect as if included in the amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

(b) Affiliated Corporations in Context of Worthless Security.—Subparagraph (A) of section 6165(g)(3) is amended to read as follows:

"(A) the taxpayer owns directly stock in such corporation meeting the requirements of section 1504(a)(2), and"

2 Paragraph (3) of section 6165(g) is amended by striking the last sentence.

(c) Certain Annuities Issued by Tax-Exempt Organizations Not Treated as Debt Instruments Under Original Issue Discount Rules.—(1) Clause (ii) of section 1275(a)(1)(B) is amended by striking "subsection (L)" and inserting "subsection (L) or (or by an entity described in section 501(c) and exempt from tax under section 501(a) which would be subject to tax under subparagraph (B) of section 501(c) if it were not so exempt)."

(2) The amendment made by this subsection shall take effect as if included in the amendments made by section 101 of the Tax Reform Act of 1984.

(d) Tentative Carryback Adjustments of Losses from Section 1256 Contracts.—(1) Subsection (a) of section 6411 is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2) and (" or (c) of section 1212)."

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 1524 of the Economic Recovery Tax Act of 1981.

(e) Correction of Calculation of Amounts to Qualified Streetlighting Corporation Trust Fund.—(1) Subparagraph (B) of section 9503 is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 1524 of the Economic Recovery Tax Act of 1981.
which an election under section 1362(a) was in effect, or.

(9) Paragraph (7) of section 856(c) is amended by striking "paragraph (4)(B)(iii)(III)") and inserting "paragraph (4)(B)(iii)(II)");

(10) Subparagraph (A) of section 856(I)(4) is amended by striking "paragraph (9)(D)(iii)" and inserting "paragraph (9)(D)(ii)");

(11) Subparagraph (C) of section 871f(2) is amended by striking "19 U.S.C." and inserting "19 U.S.C.");

(12) Paragraph (B) of section 995b(3) is amended by striking "the Military Security Act of 1954 (22 U.S.C. 1971) and inserting "section 38 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2770)"; and

(13) Section 1391g(3)(C) is amended by striking "paragraph (1)(B)" and inserting "paragraph (1)".

(14) Paragraph (2) of section 2035(c) is amended by striking "paragraph (1)" and inserting "subsection (a)");

(15) Paragraph (2) of section 2035 is amended by inserting ", and paragraph (1) of subsection (c)" after "subsection (a)");

(16) Paragraph (B) of section 4946(c)(3) is amended by striking "the lowest rate of compensation prescribed for GS-16 of the General Schedule under section 5332" and inserting "the lowest rate of basic pay for the Senior Executive Service under section 5382.";

(17) Paragraph (p) of section 603 is amended—

(A) in paragraph (4), in the matter preceding subparagraph (A) (1), by striking the second comma after "(13)";

(B) in paragraph (4)(F)(ii), by striking the second comma after "(14)");

(18) Paragraph (5) of section 6166(k) is amended by striking "2050(d)(4)" and inserting "2050(c)(4)");

(19) Subsection (a) of section 6512 is amended by striking "; and" at the end of paragraphs (1), (2), and (5) and inserting ", and";

(20) Paragraph (C) of section 4101(d)(6) is amended by striking the comma after "(b)(3)".

(21) Subparagraphs (A) and (B) of section 665(e)(5) are amended by striking "subsection (d)(5)" and inserting "subsection (d)(6)"

(22) The subsection heading for subsection D of chapter 67 is amended by capitalizing the first letter of the second word.

(23)(A) Section 6724(d)(1)(B) is amended by striking clauses (xiv) through (xviii) and inserting the following:

"(x) subparagraph (A) or (C) of subsection (c)(4) of section 4093 (relating to information with respect to tax on diesel and aviation fuels),

"(xxv) section 4101(d) (relating to information reporting with respect to tax on diesel and aviation fuels),

"(xxvi) subparagraph (C) of section 338(h)(10) (relating to information required to be furnished to the Secretary in the case of elective recognition of gain or loss), or

"(xvii) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts), and",

(B) Section 6010(o)(4)(C) of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking "inserting "or", and by adding at the end" and inserting "inserting ", or", and by adding after subparagraph (Z)"

(24) Subsection (a) of section 7421 is amended by striking "paragraph (2)(B)" and inserting "6672(c)"

(25) Paragraph (3) of section 7430(c) is amended—

(A) in the paragraph heading, by striking "ATTORNEYS" and inserting "ATTORNEYS", and

(B) in subparagraph (b), by striking "attorneys fees" where it appears and inserting "attorneys' fees"

(26) Paragraph (2) of section 7603(b) is amended by striking the semicolon at the end of subparagraph (A), (D), (E), (F), and (G) and inserting a comma.

(27) Clause (ii) of section 7802(b)(2)(B) is amended by striking ", and" at the end and inserting "and"

(28) Paragraph (3) of section 7818a(a) is amended by striking "taxpayer assistance order" and inserting "Taxpayer Assistance Order";

(29) Paragraph (1)(d)(1)(C) is amended by striking "Ombudsman" and inserting "National Taxpayer Advocate";

(30) Paragraph (3) of section 7821(f) is amended by striking "foregoing" and inserting "following".

TITLE IV—TAX TREATMENT OF SECURITIES FUTURES CONTRACTS

SEC. 401. TAX TREATMENT OF SECURITIES FUTURES CONTRACTS.

(a) IN GENERAL.—Subpart IV of subchapter P of chapter 1 (relating to special rules for determining gains and losses) is amended by inserting "after section 1234A the following new section:

"SEC. 1234B. GAINS OR LOSSES FROM SECURITIES FUTURES CONTRACTS.

"(1) TREATMENT OF GAIN OR LOSS.—

"(1)(A) IN GENERAL.—Gain or loss attributable to the sale or exchange of a securities futures contract shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by through voluntary disposition).

"(1)(B) NONAPPLICATION OF SUBSECTION.—This subsection shall not apply to—

"(A) a contract which constitutes property described in paragraph (1) or (7) of section 1221, and

"(B) any income derived in connection with a contract which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset.

"(b) SHORT-TERM GAINS AND LOSSES.—Except as provided in the regulations under section 1012, gains and losses from the sale or exchange of a securities futures contract to sell property is considered as gain or loss from the sale or exchange of a capital asset, such gain or loss to be treated as short-term capital gain or loss.

"(c) SECURITIES FUTURES CONTRACT.—For purposes of this section, the term ‘securities futures contract’ means any security future (as defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this section).

"(d) CONTRACTS NOT TREATED AS COMMODITY FUTURES CONTRACTS.—For purposes of this title, a securities futures contract does not fall within the definition of a commodity futures contract.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to provide for the proper treatment of securities futures contracts under this title.

"(f) TERMINATIONS, ETC.—Section 1234A is amended—

"(1) by inserting ‘‘(other than a securities futures contract described in section 1228(b)’’ after ‘‘right or obligation’’ in paragraph (1);

"(2) by striking ‘‘or’’ at the end of paragraph (1);

"(3) by adding ‘‘or’’ at the end of paragraph (2), and

"(4) by inserting after paragraph (2) the following new paragraph:

"(3) a securities futures contract (as so defined) which is a capital asset in the hands of the taxpayer,’’;

"(g) NONRECOGNITION UNDER SECTION 1032.—The second sentence of section 1032(a) is amended by inserting ‘‘; or with respect to a securities futures contract (as defined in section 1234B),’’ after ‘‘reflection on’’;

"(h) TREATMENT UNDER WASH SALES RULES.—Paragraph 1091 is amended by adding at the end the following new subsection:

"(1) The section shall not apply to a contract or option to acquire or sell stock or securities solely by reason of the fact that the contract or option settles in stock or property other than such stock or securities.''

"(i) TREATMENT UNDER STRADDLE RULES.—Clause (ii) of section 1090(d)(3)(B) is amended by striking ‘‘or’’ at the end of subclause (I), by redesignating subclause (II) as subclause (I), and by inserting after subclause (I) the following new subclause:

"(II) a securities futures contract (as defined in section 1234B) with respect to such stock or substantially identical stock or securities, or,"

"(j) TREATMENT UNDER SHORT SALE RULES.—Paragraph (2) of section 1233(e) is amended by striking ‘‘and’’ and inserting ‘‘or’’ at the end of subparagraph (B), by striking ‘‘the period at the end of subparagraph (B)’’ and inserting ‘‘and’’, and by adding at the end the following:

"(5) A securities futures contract. The term ‘securities futures contract’ shall not include a futures contract or option on such a contract unless such contract or option is a dealer securities futures contract.’’

"(k) Scope.—Subsection (g) of section 1256 is amended by adding at the end the following new paragraph:

"(9) DEALER SECURITIES FUTURES CONTRACT.—

"(A) IN GENERAL.—The term ‘dealer securities futures contract’ means, with respect to any dealer, any securities futures contract, and any option on such a contract, which—

"(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

"(ii) is traded on a qualified board or exchange.

"(B) DEALERS FOR PURPOSES OF SUBPARAGRAPH (A) OF SECTION 1297.—A person shall be treated as a dealer in securities futures contracts or options on such contracts if the Secretary determines that such person performs, with respect to such contracts or options, as the case may be, functions similar to the functions performed by persons described in paragraph (8)(A). Such determination shall be made to the extent appropriate to carry out the purposes of this section.

"(C) SECURITIES FUTURES CONTRACT.—The term ‘securities futures contract’ has the meaning given to such term in section 1234B.

"(k) Scope.—Paragraph (4) of section 1256(f) is amended—

"(A) by inserting ‘‘or’’ after ‘‘dealer equity options’’ in the text, and

"(B) by inserting ‘‘AND DEALER SECURITIES FUTURES CONTRACT’ after ‘‘DEALER EQUITY OPTIONS’’ in the heading.

"(3) Paragraph (6) of section 1256(g) is amended to read as follows:

"EQUITY OPTIONS.—The term ‘equity options’ means any option—

"(A) to buy or sell stock, or

"(B) the value of which is determined directly or indirectly by reference to any stock or any narrow-based security index (as defined in section 3(a)(55) of the Securities Exchange Act of
Designation process

Designation of 40 renewal communities—The Secretary of HUD, 2 authorized to designate up to 40 “renewal communities” from areas nominated by States and local governments. A renewal community must be in rural areas. Of the 12 rural renewal communities, one shall be an area within Mississippi, designated by the State government. The Secretary must consult with the Governor of Mississippi, designated by the Governor.

The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities must occur during the period beginning on the first day of the first month after the regulations are published and ending on December 31, 2001. The designation of an area as a renewal community will be effective on January 1, 2002, and will terminate after December 31, 2010. 3

Eligibility criteria.—To be designated as a renewal community, a nominated area must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent; (2) in the case of an urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. These areas with the highest average ranking of eligibility factors (1), (2), and (3) above would be designated as renewal communities. One nominated area within the District of Columbia becomes a renewal community. The Secretary of HUD, 2 designated prior to December 31, 2009, the tax incentives that would be available as of the termination date.

Tax incentives for renewal communities

Tax incentives for renewal communities would cease to be available as of the termination date. Any designation by the Commodity Futures Modernization Act of 2000 4 that is designated prior to December 31, 2009, the tax incentives that would be available as of the termination date.

In addition, the nominating State and local governments promise to promote economic growth in the nominated area by repealing or not enforcing four of the following: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3) permit requirements for street vendors who do not create a public nuisance; (4) zoning or other restrictions that impede the formation of schools or child care centers; and (5) franchises or other restrictions on competitors providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling, unless such regulations are necessary for and well-tailored to the protection of health and safety.

Enterprise zones and community enterprises seeking designation as renewal communities. With respect to the first 20 designations of nominated areas as renewal communities, preference will be given to nominated areas that are enterprise communities and empowerment zones that otherwise meet the requirements for designation as a renewal community. An empowerment zone or enterprise community can apply for designation as a renewal community. If a renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning 1 January 2001 and ending December 31, 2010.

Zero percent capital gain rate. — A zero percent capital gains rate applies with respect to gain from the sale or other disposition of qualified community assets acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A “qualified community asset” includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning tangible property or securities acquired in a renewable community business by the taxpayer) that is purchased or substantially improved after December 31, 2001.

In making the designations, the Secretary of HUD must consult with the Secretaries of Agriculture, Commerce, Labor, Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration (and the Secretary of the Interior in the case of an area within an Indian reservation).

The designated area must be by December 31, 2001, if (1) an earlier termination date is designated by the State or local government in their designation, (2) the designation of HUD revokes the designation as of an earlier date.

Designation of 40 renewal communities. — The Secretary of HUD, 2 is authorized to designate up to 40 “renewal communities” from areas nominated by States and local governments. A renewal community must be in rural areas. Of the 12 rural renewal communities, one shall be an area within Mississippi, designated by the State government. The Secretary must consult with the Governor of Mississippi, designated by the Governor.

The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities must occur during the period beginning on the first day of the first month after the regulations are published and ending on December 31, 2001. The designation of an area as a renewal community will be effective on January 1, 2002, and will terminate after December 31, 2009. 3

Eligibility criteria.—To be designated as a renewal community, a nominated area must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent; (2) in the case of an urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. These areas with the highest average ranking of eligibility factors (1), (2), and (3), above, would be designated as renewal communities. One nominated area within the District of Columbia becomes a renewal community. The Secretary of HUD, 2 designated prior to December 31, 2009, the tax incentives that would be available as of the termination date.

Tax incentives for renewal communities

Tax incentives for renewal communities would cease to be available as of the termination date. Any designation by the Commodity Futures Modernization Act of 2000 4 that is designated prior to December 31, 2009, the tax incentives that would be available as of the termination date.

In addition, the nominating State and local governments promise to promote economic growth in the nominated area by repealing or not enforcing four of the following: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3) permit requirements for street vendors who do not create a public nuisance; (4) zoning or other restrictions that impede the formation of schools or child care centers; and (5) franchises or other restrictions on competitors providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling, unless such regulations are necessary for and well-tailored to the protection of health and safety.

Enterprise zones and community enterprises seeking designation as renewal communities. With respect to the first 20 designations of nominated areas as renewal communities, preference will be given to nominated areas that are enterprise communities and empowerment zones that otherwise meet the requirements for designation as a renewal community. An empowerment zone or enterprise community can apply for designation as a renewal community. If a renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning 1 January 2001 and ending December 31, 2010.

Zero percent capital gain rate.—A zero percent capital gains rate applies with respect to gain from the sale or other disposition of qualified community assets acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A “qualified community asset” includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning tangible property or securities acquired in a renewable community business by the taxpayer) that is purchased or substantially improved after December 31, 2001. A renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning 1 January 2001 and ending December 31, 2010.

Zero percent capital gain rate.— A zero percent capital gains rate applies with respect to gain from the sale or other disposition of qualified community assets acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A “qualified community asset” includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning tangible property or securities acquired in a renewable community business by the taxpayer) that is purchased or substantially improved after December 31, 2001. A renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning 1 January 2001 and ending December 31, 2010.

Zero percent capital gain rate.—A zero percent capital gains rate applies with respect to gain from the sale or other disposition of qualified community assets acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A “qualified community asset” includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning tangible property or securities acquired in a renewable community business by the taxpayer) that is purchased or substantially improved after December 31, 2001. A renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning 1 January 2001 and ending December 31, 2010.

Zero percent capital gain rate.—A zero percent capital gains rate applies with respect to gain from the sale or other disposition of qualified community assets acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A “qualified community asset” includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning tangible property or securities acquired in a renewable community business by the taxpayer) that is purchased or substantially improved after December 31, 2001. A renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.
The Conference agreement follows H.R. 5542 with the following modifications. The conference agreement designates one rural renewal community designation with respect to an area within the State of Mississippi. The conference agreement does not include the special rules and prioritization areas within the District of Columbia becomes a renewal community (without regard to its ranking of eligibility factors).

B. EMPLOYMENT ZONE TAX INCENTIVES
1. Extension and expansion of empowerment zones (secs. 111-113)
2. Tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture (secs. 119 and 128 of the bill). The Omnibus Budget Reconciliation Act of 1993 (‘‘OBRA 1993’’) authorized the designation of two additional Round I urban empowerment zones.

The conference agreement also authorized the designation of 20 additional empowerment zones (‘‘Round II empowerment zones’’), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit, but are eligible to receive up to $20,000 of additional section 179 expensing per business. Businesses in the Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. The tax incentives with respect to the Round II empowerment zones are not subject to the State private activity bond volume limits (but are subject to the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each eligible entity or a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 2000 through 2009.

Round I empowerment zones
The 1997 Act also authorized the designation of 20 additional empowerment zones (‘‘Round II empowerment zones’’), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit. The 1997 Act also authorized the designation of 20 additional empowerment zones (‘‘Round II empowerment zones’’), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit. The 1997 Act also authorized the designation of 20 additional empowerment zones (‘‘Round II empowerment zones’’), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit.

98For wages paid in calendar years during the period 1994 through 2001, the credit rate is 20 percent. The credit rate is reduced to 15 percent for calendar years 2002 through 2005, and 10 percent for calendar year 2006. No wage credit is available after 2006 in the original three empowerment zones.

99For the wage credit, which is reduced to 20 percent in calendar year 2000, and then reduced by five percentage points in each year in 2000 and 2001, the credit rate is 20 percent.
No provision. However, H.R. 5542 conforms and enhances the tax incentives for the Round I and Round II empowerment zones and extends their designations through December 31, 2009. The bill also authorizes the designation of nine new empowerment zones ("Round III empowerment zones").

The designation of empowerment zones status for Round I and II empowerment zones (other than the District of Columbia Enterprise Zone) is extended through December 31, 2009. In addition, the 20-percent wage credit is made available in all Round I and II empowerment zones for qualifying wages paid or incurred after December 31, 2003. The credit rate remains at 20 percent (rather than being phased down) through December 31, 2009, in Round I and Round II empowerment zones.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing in available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones. Businesses in the D.C. Enterprise Zone are entitled to the additional section 179 expensing until the termination of the D.C. Enterprise zone designation.

Businesses located in Round I empowerment zones (other than the D.C. Enterprise Zone) also are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

The Secretary of HUD and Agriculture are authorized to designate nine additional empowerment zones ("Round III empowerment zones"). Seven of the Round III empowerment zones will be located in urban areas, and two will be located in rural areas. The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round I and Round II empowerment zones. Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones are generally available during the period beginning on January 1, 2002, and ending on December 31, 2009.

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretaries of HUD and Agriculture are authorized to designate Round III empowerment zones that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

The Secretary of HUD and Agriculture are authorized to designate nine additional empowerment zones ("Round III empowerment zones"). Seven of the Round III empowerment zones will be located in urban areas, and two will be located in rural areas. The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round I and Round II empowerment zones. Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones are generally available during the period beginning on January 1, 2002, and ending on December 31, 2009.

Businesses located in Round I empowerment zones (other than the D.C. Enterprise Zone) also are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretaries of HUD and Agriculture are authorized to designate Round III empowerment zones that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

Increased exclusion of gain from the sale of qualified empowerment zone assets: Under present law, an individual, subject to limitations, may exclude 50 percent of the gain on the sale of qualified small business stock purchased after the date of enactment. The conference agreement removes the 50 percent limitation and replaces it with a 60 percent exclusion for small business stock purchased after the date of enactment.

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretary of Agriculture is authorized to designate a replacement empowerment zone for each empowerment zone that becomes a renewal community. The replacement empowerment zone will have the same urban or rural character as the empowerment zone that it is replacing.

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretary of Agriculture is authorized to designate a replacement empowerment zone for each empowerment zone that becomes a renewal community. The replacement empowerment zone will have the same urban or rural character as the empowerment zone that it is replacing.

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretary of Agriculture is authorized to designate a replacement empowerment zone for each empowerment zone that becomes a renewal community. The replacement empowerment zone will have the same urban or rural character as the empowerment zone that it is replacing.
C. NEW MARKETS TAX CREDIT (SEC. 121 OF THE BILL AND NEW SEC. 45D OF THE CODE)

PRESENT LAW

Tax incentives are available to taxpayers making investments and loans in low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the SBA to make new stock or equity investments in small businesses owned by persons who are socially or economically disadvantaged.

No provision. However, H.R. 5542 includes a provision that creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity (CDE). The maximum annual amount of qualifying equity investments is capped as follows:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Maximum qualifying equity investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2003</td>
<td>$1.0 billion</td>
</tr>
<tr>
<td>2004-2005</td>
<td>$1.5 billion per year</td>
</tr>
<tr>
<td>2006-2007</td>
<td>$2.0 billion</td>
</tr>
<tr>
<td>2008-2009</td>
<td>$2.5 billion per year</td>
</tr>
<tr>
<td>2010-2014</td>
<td>$3.5 billion</td>
</tr>
</tbody>
</table>

The amount of the new tax credit to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversaries thereafter from the CDE and (2) a six percent credit on each anniversary date thereafter for the following four years. The taxpayer's basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the capital gain exclusion under sections 1202, 1400B, and 1400F).

A CDE is any domestic corporation or partnership, whether or not for profit, that has a primary mission of serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities by their representation on any governing board or on any advisory board of the CDE, and is certified by the Treasury Department as an eligible CDE. No later than 120 days after enactment, the Treasury Department shall issue regulations that specify objective criteria to be used by the Treasury to allocate eligible CDEs. In locating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or other assistance to disadvantaged businesses or communities, as well as to entities that intend to invest substantially all of the proceeds from their investments in businesses in which persons unrelated to the CDE hold the majority of the equity interest.

If a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department may authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2031.

The conference agreement follows H.R. 5542. The conference agreement clarifies that a low-income community can include a possession of the United States and (thus investments in a U.S. possession may qualify in the new markets tax credit). D. INCREASE THE LOW-INCOME HOUSING TAX CREDIT CAP AND MAKE OTHER MODIFICATIONS (SECS. 131-137 OF THE BILL AND SEC. 42 OF THE CODE)

PRESENT LAW

Under H.R. 5542, if a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department may authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2031.

The conference agreement follows H.R. 5542. The conference agreement clarifies that a low-income community can include a possession of the United States and (thus investments in a U.S. possession may qualify in the new markets tax credit). D. INCREASE THE LOW-INCOME HOUSING TAX CREDIT CAP AND MAKE OTHER MODIFICATIONS (SECS. 131-137 OF THE BILL AND SEC. 42 OF THE CODE)

PRESENT LAW

The low-income housing tax credit may be claimed over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage for newly constructed or substantially rehabilitated housing that is not federally subsidized is adjusted monthly by the Internal Revenue Service so that the annual installment payments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing that is not federally subsidized and for existing housing that is substantially rehabilitated is calculated to have a present value of 30 percent qualified expenditures.

Credit cap

The aggregate credit authority provided annually to each State is $1.25 per resident, for a maximum of $1.25 per resident.
except in the case of projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit and certain carry-over amounts.

Expenditure test

Generally, the building must be placed in service in the year in which it receives an allocation to qualify for the credit. An exception is made in the case where the taxpayer has expended an amount equal to 10 percent or more of the taxpayer’s reasonably expected basis in the building by the end of the calendar year in which the allocation is received and certain other requirements are met.

Basis of building eligible for the credit

Buildings receiving assistance under the HOME Investment Partnerships Program (“HOME”) are not eligible for the enhanced credit for buildings located in high cost areas (i.e., qualified census tracts and difficult development areas). Under the enhanced credit, the 70-percent and 30-percent credit are increased to a 91-percent and 39-percent credit, respectively.

Eligibility generally limited to the portion of the building used by qualified low-income tenants for residential living and some common areas.

State allocation plan

Each State must develop a plan for allocating credits and such plan must include certain allocation criteria including: (1) project location; (2) housing needs characteristics; (3) project characteristics; (4) sponsor characteristics; (5) participation of local tax-exempt bonds; (6) tenant populations with special needs; and (7) public housing waiting lists.

The State allocation plan must also give preference to projects that: (1) serve the lowest income tenants; and (2) are obligated to serve qualified tenants for the longest periods.

Credit administration

There are no explicit requirements that housing credit agencies perform a comprehensive market study of the housing needs of the low-income individuals in the area to be served by the project, nor that such agency conduct site visits to monitor for compliance with habitability standards.

Stacking rule

Authority to allocate credits remains at the State (local) government level unless State law provides otherwise. Generally, credits may be allocated only from volume authority arising during the calendar year in which the building is placed in service, except in the case of: (1) credits claimed on allocations to qualified basis; (2) credits allocated in a later year pursuant to an earlier binding commitment made no later than the year in which the building is placed in service; and (3) carryover allocations.

Each State annually receives low-income housing credit authority equal to $1.25 per State resident for allocation to qualified low-income projects. In addition to this $1.25 per resident amount, each State’s “housing credit ceiling” includes the following amounts: (1) the unused State housing credit ceiling (if any) of such State for the preceding calendar year; (2) the amount of the State housing credit ceiling (if any) returned in the calendar year; and (3) the unused State housing credit ceiling (if any) allocated to such State by the Treasury Department.

The national pool consists of States’ unused housing credit carryovers. For any State, the unused housing credit carryover for a calendar year consists of the excess (if any) of the unused State housing credit ceiling in such year over the excess (if any) of the aggregate housing credit dollar amount allocated for such year (per capita) per calendar year over the sum of $1.25 per resident and the credit returns for such year. The national pool is allocated only to a State which allocated its entire housing credit ceiling for the preceding calendar year, and requested a share in the national pool no later than May 1 of the calendar year. The national pool allocation (if any) is made on a pro rata basis equivalent to the fraction that a State’s population relates to the total population of all qualified States for that year.

The present-law stacking rule provides that a State is treated as using its annual allocation of credit authority ($1.25 per State resident) and any returns during the calendar year only if the amounts have been carried forward from the preceding year’s credit ceiling and finally any applicable allocations from the National pool.

No provision. However, H.R. 5542 makes the following changes in the low-income housing credit:

Credit cap

The bill increases the per-capita low-income housing credit to $1.50 per capita in calendar year 2001 and to $1.75 per capita in calendar year 2002. Beginning in calendar year 2003, the per-capita in the national pool is increased to $1.75 per capita annually for inflation. For small States, a minimum annual cap of $2 million is provided for calendar years 2001 and 2002. Beginning in calendar year 2003, the small State minimum is increased for inflation.

Expenditure test

The bill allows a building which receives an allocation in the second half of a calendar year to qualify under the 10-percent test if the taxpayer expends an amount equal to 10 percent or more of the taxpayer’s reasonably expected basis in the building within six months of receiving the allocation regardless of whether the 10-percent test is met by the end of the calendar year.

Basis of building eligible for the credit

The bill makes three changes to the basis rules of the credit. First, the definition of qualified census tracts for purposes of the enhanced credit is expanded to include any census tracts with a poverty rate of 25 percent or more. Second, the bill extends the tax credits allocated in a later year pursuant to an earlier binding commitment made no later than the year in which the building is placed in service, except in the case of: (1) credits claimed on allocations to qualified basis; (2) credits allocated in a later year pursuant to an earlier binding commitment made no later than the year in which the building is placed in service; and (3) carryover allocations.

The provisions in S. 3152 relating to the treatment of buildings receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 is the same as one of the provisions in H.R. 5542.

State allocation plans

No provision.

Credit administration

No provision.

Stacking rule

Same as H.R. 5542.

Effective date

The provisions are effective for calendar years beginning after December 31, 2000.

 Credit cap

No provision. However, S. 3152 increases the annual State credit caps from $1.25 to $1.75 per resident beginning in 2001. Also, beginning in 2001, the per capita cap for each State is modified so that small population States are given a minimum of $2 million of annual credit cap. The $1.75 per capita cap and the $2 million amount are indexed for inflation beginning in calendar year 2002.

Expenditure test

No provision.

Basis of building eligible for the credit

The provisions in S. 3152 relating to the treatment of buildings receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 is the same as one of the provisions in H.R. 5542.
buildings placed-in-service after such date in the case of projects that also receive financ- ing with proceeds of tax-exempt bonds which are issued after such date subject to the pri- vate activity bond volume limit.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

E. ACCELERATE SCHEDULED INCREASE IN STATE VOLUME LIMITS ON TAX-EXEMPT PRIVATE ACTIVITY BONDS (SEC. 151 OF THE BILL AND SEC. 146 OF THE CODE)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the govern- ment. Interest on bonds issued by these governmental units to fi- nance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds for privately operated trans- portation facilities (airports, docks and wharves, mass transit, and high speed rail fa- cilities), privately owned and/or provided municipal services (water, sewer, solid waste disposal, electric and heating fa- cilities), economic development (small manu- facturing facilities and redevelopment in economically depressed areas), and certain social services (some rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue is limited by State-wide volume limits. The current annual volume limits are $50 per resident of the State or $150 million if greater. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain govern- mentally owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain low-income rental housing and enterprise community bonds).

The current annual volume limits that apply to tax-exempt mortgage bonds increase to $75 per resident of each State or $225 million if greater, beginning in calendar year 2003.

HOUSE BILL

No provision. However, H.R. 5542 increases the State volume limits from the greater of $50 per resident or $150 million to the greater of $75 per resident or $225 million, beginning in calendar year 2003.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the first-time homebuyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals filing jointly to $100,000 to $130,000 for each individual. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $100,000 and $130,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

F. EXTENSION AND MODIFICATION TO EXPENDING OF ENVIRONMENTAL REMEDIATION COSTS (SEC. 152 OF THE BILL AND SEC. 196 OF THE CODE)

PRESENT LAW

Taxpayers can elect to treat certain envi- ronmental remediation expenditures that would otherwise be chargeable to capital ac- count as deductible in the year paid or in- curred. The election applies for both regular and alternative minimum tax purposes. The expenditure must be incurred in connection with the abatement or control of hazardous substances at a qualified con- taminated site.

A "qualified contaminated site" generally is any property that: (1) is held for use in a trade or business (or for the production of income, or as inventory; (2) is certified by the appropriate State environmental agency to be located within a targeted area; and (3) contains or potentially contains a haz- ardous substance (so-called "brownfields"). Targeted areas are defined as: (1) empower- ment zones and enterprise communities as State(s) under the applicable law; (2) sites announced before February 1997, as being sub- ject to one of the 76 Environmental Protec- tion Agency ("EPA") Brownfields Pilots; (3) any pollution census tract with a poverty rate of 20 percent or more; and (4) certain in- dustrial and commercial areas that are adja- cent to tracts described in (3) above. How- ever, sites located in residential-population census tracts that are adjacent to tracts that meet the national priorities list under the Comprehensive En- vironmental Response, Compensation, and Liability Act of 1980 cannot qualify as tar- geted areas.

Eligible expenditures are those paid or in- curred before January 1, 2002.

HOUSE BILL

No provision. However, H.R. 5542 extends the expiration date of the credit for expenditures to include those paid or incurred before January 1, 2002.

In addition, the bill eliminates the targeted area requirement, thereby, expanding eligible sites to include any site containing (or potentially containing) a hazardous substance that is certified by the appropriate State environmental agency to be located within a targeted area and meets the pollution census tract with a poverty rate of 20 percent or more. The bill would continue to not qualify as eligible expendi- tures undertaken at sites that are iden- tified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Effective date.—The provision is not intended to displace the gen- eral tax law principle regarding expensing versus capitalization of expenditures which continues to apply to environmental remedi- ation efforts not specifically covered under section 196.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision identical to that of the House bill provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

G. EXPANSION OF DISTRICT OF COLUMBIA HOMEOWNER TAX CREDIT (SEC. 153 OF THE BILL AND SEC. 1400C OF THE CODE)

PRESENT LAW

First-time homebuyers of a principal resi- dence in the District of Columbia are eligible for a tax credit equal to the greater of $5,000 of the amount of the purchase price. The $5,000 maximum credit applies both to indi- viduals and married couples. Married indi- viduals filing separately can claim a maximum credit of $2,500 each. The credit phases out for individual taxpayers with adjusted gross income between $75,000 and $90,000 ($110,000-$130,000 for joint filers). For pur- poses of eligibility, "first-time homebuyer" means any individual if such individual did not have a present ownership interest in a principal residence in the District of Colum- bia in the one year period ending on the date of the purchase of the residence to which the credit applies. The credit is scheduled to ex- pire for residences purchased after December 31, 2001.

HOUSE BILL

No provision. However, H.R. 5542 extends the first-time homebuyer credit for two years (through December 31, 2003).

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the first-time homebuyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals filing jointly to $100,000 to $130,000 for each individual. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $100,000 and $130,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

H. EXTENSION OF D.C. ENTERPRISE ZONE (SEC. 154 OF THE BILL AND SECS. 1400A, 1400A(A) AND 1400B OF THE CODE)

PRESENT LAW

The Taxpayer Relief Act of 1997 designated certain economically depressed census tracts within the District of Columbia as the District of Columbia Enterprise Zone (the "D.C. Zone"), within which businesses and indi- vidual residents are eligible for special tax incentives. The D.C. Zone designation re- mains in effect for the period from January 1, 1998 through December 31, 2002.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the D.C. Zone designation through December 31, 2006.

CONFERENCE AGREEMENT

The conference agreement follows S. 3152, except that the D.C. Zone designation is ex- tended for one year (through December 31, 2003).
I. EXTENSION AND MODIFICATION OF ENHANCED DEDUCTION FOR CORPORATION DONATIONS OF COMPUTER TECHNOLOGY (SEC. 155 OF THE BILL AND SEC. 170B(2) OF THE CODE)

The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for the preceding taxable year. The deduction is based on the amount of charitable contributions made by the corporation (including contributions of appreciated property) and with certain other modifications (sec. 170(b)(2)). Corporations also are subject to certain limitations based on the type of organization to which the donation is made. In the case of a charitable contribution of short-term gain property, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's adjusted basis (generally, cost) in the property. However, special rules in the Code provide an augmented deduction for certain corporate contributions. Under these special rules, the amount of the augmented deduction is equal to the lesser of (1) the basis of the donated property plus one-half of the amount of ordinary income that would have been realized if the property had been sold, or (2) twice the basis of the donated property.

Section 5542 sets forth a special rule that allows corporate taxpayers an augmented deduction for qualified contributions of computer technology and equipment (i.e., computer software, computer hardware, and computer peripheral equipment (such as a non-optic cable related to computer use)) to be used within the United States for educational purposes in grades K-12. Eligible donees are: (1) any educational organization that normally maintains a regular faculty and curriculum and has a regularly enrolled body of pupils in attendance at the place where the activities are regularly carried on; and (2) tax-exempt charitable organizations that are organized primarily for purposes of supporting elementary and secondary schools in a given area, the corporation subsequently distributes the computers to secondary schools for shipping, transfer, and installation costs.

The special treatment applies only to contributions made by C corporations. S corporations, partnerships, and other business organizations are not eligible donors. The provision is scheduled to expire for contributions made after December 31, 2000, expands the enhanced deduction to include donations to public libraries. H.R. 5542 provides that distributions in include gifts made no later than three years after the date the taxpayer acquired or substantially completed the construction of the donated property.

Effective date—The provision is effective for contributions made after December 31, 2000.

SENATE AMENDMENT
No provision. However, S. 3152 includes a provision that extends the current enhanced deduction for contributions made after December 31, 2003.

CONFERENCE AGREEMENT
The conference agreement follows H.R. 5542 and S. 3152.

TITLE II: MEDICAL SAVINGS ACCOUNTS ("MSAS") (SEC. 201 OF THE BILL AND SEC. 220 OF THE CODE)

PRESENT LAW
Within limits, contributions to a medical savings account ("MSA") are deductible in determining adjusted gross income ("AGI") if made by an eligible individual and are excluded from gross income and wages for employment tax purposes if made by the employer of an eligible individual. Earnings on amounts in an MSA are not currently taxable. Distributions from an MSA for medical expenses are not taxable. Distributions not treated as medical expenses. In addition, distributions not used for medical expenses are subject to an additional 15-percent tax unless the distribution is made after age 65, death, or disability.

MSAs are available to self-employed individuals and to employees covered under an employer-sponsored high deductible plan of a small employer. An employer is a small employer if it employed, on average, no more than 50 employees on business day during either the preceding or the second preceding year.

In order for an employee of a small employer to be eligible to make MSA contributions, the employee generally must be covered under an employer-sponsored high deductible plan of a small employer. An employer is a small employer if it employed, on average, no more than 50 employees on business day during either the preceding or the second preceding year.

In order for an employee of a small employer to be eligible to make contributions to an MSA, a self-employed individual must be covered under a high deductible health plan ("HDHP")—the Medicare/health plan (other than a plan that provides certain permitted coverage).

Present law imposes a 20 percent penalty tax on the excess FUTA taxes paid by employers in States meeting certain requirements and having no delinquent loans are eligible for a 2 percent credit making the net Federal tax rate 0.8 percent. Both non-profit organizations and State and local governments are not required to pay FUTA taxes. Instead, they may make payments to the unemployment compensation system for unemployment compensation benefits actually paid to their former employees. Generally, Indian tribes are not eligible for the reimbursement treatment allowable to non-profit organizations and State and local governments.

No provision. However, H.R. 5542 provides that an Indian tribe (in including any sub-partners, subsidiary, or business entity created by an Indian tribe in Federal trust) is treated like a non-profit organization or State or local government for FUTA purposes (i.e., in determining the retail value of donated computers (or other computer technology) in situations in which the number of actual retail sales of used computers similar to the computer or technology in question created exclusively for the benefit of the Indian tribe is treated like a non-profit organization or State or local government for FUTA purposes (i.e., in determining the retail value of donated property).

No provision. However, S. 3152 includes a provision that extends the current enhanced deduction for donations of computer technology and equipment through December 31, 2003, and expands the enhanced deduction to include donations to public libraries. H.R. 5542 provides that distributions in include gifts made no later than three years after the date the taxpayer acquired or substantially completed the construction of the donated property.

Effective date—The provision is effective for contributions made after December 31, 2000.

No provision. However, S. 3152 is the same as H.R. 5542.

CONFERENCE AGREEMENT
The conference agreement follows H.R. 5542 and S. 3152.

J. TREATMENT OF INDIAN TRIBES AS NON-PROFIT ORGANIZATIONS AND STATE OR LOCAL GOVERNMENTS FOR PURPOSES OF THE FEDERAL UNEMPLOYMENT TAX ("FUTA") (SEC. 156 OF THE BILL AND SEC. 3306 OF THE CODE)

PRESENT LAW
S. 3152 includes a provision that extends the current enhanced deduction for contributions made after December 31, 2003.

The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for the preceding taxable year. The deduction is based on the amount of charitable contributions made by the corporation (including contributions of appreciated property) and with certain other modifications generally are limited to property that is no more than two years old. Such donated property could be computer technology or equipment that is inventory property that is no more than two years old.

Qualified contributions are limited to gifts made no later than two years after the date the taxpayer acquired or substantially completed the construction of the donated property. In addition, the original use of the donated property must commence with the distribution to the donee organization. For contributions made after December 31, 2000, expands the enhanced deduction to include donations to public libraries.

Effective date—The provision is effective for contributions made after December 31, 2000.

No provision. However, S. 3152 includes a provision that extends the current enhanced deduction for donations of computer technology and equipment through December 31, 2003, and expands the enhanced deduction to include donations to public libraries.

Effective date—The provision is effective for contributions made after December 31, 2000.
and no more than $2,500 in the case of individual coverage and at least $3,100 and no more than $4,650 in the case of family coverage. In addition, the maximum out-of-pocket expense limit is $570 in the case of individual coverage and no more than $5,700 in the case of family coverage. If the plan does not fail to qualify as a high deductible health plan if substantially all of the coverage under the plan is for permitted coverage.

The number of taxpayers benefiting annually from an MSA contribution is limited to a threshold level (generally 750,000 taxpayers). If it is determined in a year that the threshold level has been exceeded (called a "cut-off" year) then, in general, for succeeding years during the 4-year period following the "cut-off" year for individuals, no more than $5,700 in the case of family coverage. In addition, the maximum out-of-pocket expenses for the year is $3,100 and no more than $3,100 in the case of individual coverage and no more than $5,700 in the case of family coverage. If the plan does not fail to qualify as a high deductible health plan if substantially all of the coverage under the plan is for permitted coverage.

31 These dollar amounts are for 2000. These amounts will be indexed for inflation in $50 increments.
32 permitted coverage does not constitute coverage under a health insurance plan for this purpose.

MSAs. The conference agreement clarifies that, as present law, the cap and reporting requirements do not apply for 2000.

A. EXEMPT CERTAIN REPORTS FROM ELIMINATION UNDER THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995 (SEC. 303 OF THE BILL)


No provision. However, H.R. 5542 exempts certain reports from elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995.

B. EXTENSION OF DEADLINES FOR IRS COMPLIANCE WITH CERTAIN NOTICE REQUIREMENTS (SEC. 307 OF THE BILL AND SEC. 6715(a) OF THE CODE)

The Internal Revenue Service Restructuring and Reform Act of 1998 ("IRS Restructuring Act") imposed within the notice requirements relating to penalties, interest and installment agreements. Section 6715 of the Code, added by section 3306 of the IRS Restructuring Act of 1998, requires that each notice imposing a penalty include the name of the penalty, the Code section under which the penalty is imposed, and a computation of the amount attributable to the failure to make the payments required under the code.

No provision. H.R. 5542 extends the authority of the IRS to "churn" the income earned from undercover operations for an additional five years, through 2005. Effective date—The provision is effective on the date of enactment.

C. EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS (SEC. 303 OF THE BILL AND SEC. 7608 OF THE CODE)

The Anti-Drug Abuse Act of 1988 exempted IRS undercover operations from the otherwise applicable statutory restrictions controlling the use of Government funds (which generally provide that all receipts must be deposited in the general fund of the Treasury and all expenses be paid out of appropriated funds). In general, the exemption permits the IRS to "churn" the income earned by an undercover operation to pay additional expenses incurred in the undercover operation. The IRS is required to conduct a detailed financial audit of large undercover operations in which the IRS is churning funds and to provide an annual audit report to the Congress on all such large undercover operations. The exemption originally expired on December 31, 1989, and was extended by the Comprehensive Crime Control Act of 1990 to December 31, 2001. In the Taxpayer Bill of Rights II (Public Law 104-168), the authority to churn funds from undercover operations was extended for five years, through 2000.

No provision. However, H.R. 5542 extends the authority of the IRS to "churn" the income earned from undercover operations for an additional five years, through 2005.
the amount thereof) of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition, or offense.36 Any part of any written determination or any binding document (including any technical advice memorandum, or determination letter, unless the document satisfies three criteria: (1) The document recites the relevant facts; (2) The document explains the applicable provisions of law; and (3) The document shows the application of law to the facts.

The legislative history further provided that section 6101 “does not require public disclosure of a closing agreement entered into between the IRS and a taxpayer which finally determines the taxpayer’s tax liability with respect to a taxable year... Your committee understands that a closing agreement is generally the result of a negotiated settlement and, as such, does not necessarily represent the IRS view of the law. Your committee intends, however, that the closing agreement exception is not used as a means of avoiding public disclosure of determinations which, under present practice, are issued in a form that would be open to public inspection (under the bill).”43

Closing agreements are entered into under the authority of section 7121. Closing agreements finally and conclusively settle a tax between the IRS and a taxpayer. Closing agreements may: (1) determine a taxpayer’s entire tax liability for a previous tax period; (2) fix the tax treatment of one or more specific items affecting tax liability or any tax period. Thus, closing agreements may settle the treatment of a specific item for purposes of the previous tax period. A single closing agreement may cover both the determination of a taxpayer’s entire tax liability for a previous tax period and fix the tax treatment of specific items for any tax period.

Freedom of Information Act
The Freedom of Information Act (“FOIA”), enacted in 1966, established a statutory right to access government information. While the purpose of section 6031 is to restrict access to returns and return information, the basic purpose of the FOIA is to ensure that the public has access to Government documents. In general, the FOIA provides that any person has a right of access to Federal agency records, except to the extent that such records or information are precluded from disclosure by one of nine exemptions or by one of three special law enforcement record record exclusions. Section 3 of the FOIA allows the withholding of information prohibited from disclosure by another statute if certain requirements are met.44 The right of access is enforceable in court.

Pursuant to FOIA requests and litigation involving IRS records

Records covered by treaty secrecy clauses

A publisher of tax related material and commentary has made a FOIA request for the disclosure of competent authority agreements. The request has been pending since March 14, 2000.45 The IRS has not denied the
request, nor has it produced any documents responsive to the request. At this time, no suit has been filed to compel disclosure of these documents, although such a suit may be brought at a later date.

In connection with a separate request, the IRS was sued under the FOIA to compel disclosure of Field Service Advice memoranda ("FSAs"). The suit was prepared by the taxpayer in the IRS National Office of the Office of Chief Counsel. They are prepared in response to requests from IRS employees, persons, or legal representatives, with respect to issues or a taxpayer, including the underlying facts and issues. FSAs contain, among other things, the determination of "market" for taxpayers that involve, among other things, the application of law to facts. Instead, such agreements are negotiated arrangements to settle issues of law and fact by agreement. Therefore, the Secretary will disclose in information required for the annual report is to be issued no later than March 30, 2001. The information for the annual report is subject to the restrictions of section 6103. The information is provided in such a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer. The Joint Committee on Taxation periodically may review pre-filing agreements to determine whether they contain legal interpretations that should be disclosed to the public. Clarification that information protected by treaty will be treated as confidential.

Protection for agreements and information exchanged pursuant to tax treaty

The provision adds a new Code section 6105, which provides that tax convention information, with limited exceptions, cannot be disclosed. Thus, the provision confirms that agreements concluded under, and information received pursuant to, a tax convention are confidential and can only be disclosed as provided in such tax convention. Under the provision, a tax convention is defined to include any income tax or tax treaty, multilateral convention, or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

It is the understanding of the conferees that competent authority agreements (also referred to as mutual agreements) do not contain an explanation of the law or application of law to facts. Instead, such agreements are negotiated arrangements to settle issues of law and fact by agreement. Therefore, the Secretary will disclose in information required for the annual report is to be issued no later than March 30, 2001. The information for the annual report is subject to the restrictions of section 6103. The information is provided in such a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer. The Joint Committee on Taxation periodically may review pre-filing agreements to determine whether they contain legal interpretations that should be disclosed to the public. Clarification that information protected by treaty will be treated as confidential.

Pre-filing agreements

On February 11, 2000, the IRS issued Notice 2000-12, in which the IRS established a pilot program for "Pre-filing Agreements." Under this program, businesses may use the review and resolution of specific issues relating to tax returns they expect to file between September and December of 2000. The purpose of the program is to enable taxpayers and the IRS to resolve issues that are likely to be disputed in post-filing audits. Examples of such issues include: (1) asset valuation and the allocation of a business's inventory valuation in situations involving the inactive markets. The program is intended to address issues for which the law is unsettled.

In Notice 2000-12, the IRS stated that pre-filing agreements are closing agreements entered into pursuant to section 7221. As such, the notice provides that the information generated or received by the IRS during the pre-filing agreement process constitutes IRS return information. The notice further provides that pre-filing agreements are not written determinations as defined in section 6103, nor are they subject to disclosure under the FOIA.

Clarification that return information includes closing agreements and similar dispute resolution agreements

Protection for closing agreements, pre-filing agreements, and similar agreements that contain an expositio
publicized by press release IR-INT-1999-13. The conference intends that the "improper tax administration" for purposes of this provision include, but not be limited to, the releases of tax returns that would adversely affect the working relationship of the treaty partners. Under the provision, except as otherwise provided, taxpayer-specific tax convention information contained in tax returns would not be publicly disclosed, even if it would not impair tax administration.

A taxpayer-specific competent authority agreement that would disclose the existence or possible existence of liability (or amount thereof) of any person for any tax, penalty, interest, fine, forfeiture, or other imposition or offense, or of the existence of a request for return information under section 6103. It is also an agreement pursuant to a tax convention under section 6105. Return information, including taxpayer-specific competent authority agreements, remains subject to the confidentiality provisions of section 6103. Thus, civil and criminal penalties for the unauthorized disclosure of returns and return information continue to apply to return information that is also covered by section 6105. However, tax convention information that is return information would not be subject to disclosure to the extent provided in, and subject to the terms and conditions of, the relevant tax convention.

Effective date.ÐThe provision is effective on the date of enactment, except that the threshold amount would be determined by reference to the weekly average one-year constant maturity Treasury yield for the preceding week as published by the Board of Governors of the Federal Reserve System.

No provision.

No provision.

No provision. However, H.R. 5542 clarifies that the dependency exemption, the child credit, the earned income credit, the head of household filing status, and the earned income credit are available to an otherwise qualifying child only if the taxpayer has the same principal place of abode for more than one-half the taxable year with an otherwise qualifying child. Recently published IRS guidance first denied a dependency exemption to certain taxpayers with kidnapped children. The conference agreement follows H.R. 5542.

The conference agreement follows H.R. 5542.

The conference agreement follows H.R. 5542.

The conference agreement follows H.R. 5542.

No provision.

No provision.
without the error. Consistent with agency guidelines and past practices, the BLS announced that it is revising the reported CPI back to January 2000 to the fully correct levels. The BLS will make no changes to the reported levels for January through December 1999. However, the BLS will make the corrected levels of the CPI for 1999 available upon request.

No provision. However, H.R. 5542 authorizes the Secretary of the Treasury to use the corrected levels of the CPI for 1999 and 2000 for all purposes of the Code to which they might apply. H.R. 5542 directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

The conferees believe that the Director to report to the Congress on the paramount goal and the conferees strongly believe that the public’s trust in the position of maintaining, as an official government statistician, the errors in the CPI date to as long as 20 years. The conferees emphasize that the CPI plays an important role in economic planning. For this reason, the conferees believe that the errors in the CPI for the months of April and May 2000 might apply. H.R. 5542 directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

The conference agreement follows H.R. 5542, except that the conference agreement directs the Secretary to prescribe new tables reflecting the correct levels of the CPI for the 2000 tax year.

The conferees note that the conferees believe that the errors in the CPI are computational in nature. The conferees believe that the errors in the CPI for the months of April and May 2000 might apply. H.R. 5542 directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

In any event, the conferees believe that the Director should report to the Congress on the correct levels of the CPI for the months of April and May 2000, and on the errors in the CPI for the months of January through March 1999, and in the month of December 1998.

The conference agreement follows H.R. 5542, except that the conference agreement directs the Secretary to prescribe new tables reflecting the correct levels of the CPI for the 2000 tax year.

The conferees believe that the errors in the CPI are computational in nature. The conferees believe that the errors in the CPI for the months of April and May 2000 might apply. H.R. 5542 directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

The conferees believe that the Director should report to the Congress on the correct levels of the CPI for the months of April and May 2000, and on the errors in the CPI for the months of January through March 1999, and in the month of December 1998.

The conferees believe that the errors in the CPI are computational in nature. The conferees believe that the errors in the CPI for the months of April and May 2000 might apply. H.R. 5542 directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

The conferees believe that the Director should report to the Congress on the correct levels of the CPI for the months of April and May 2000, and on the errors in the CPI for the months of January through March 1999, and in the month of December 1998.
is expected to satisfy such liability (or portion thereof), whether or not the transferor has been relieved of the liability. For example, if a transferee corporation does not formally satisfy an assumed liability, the transferee will continue to have a direct obligation to the creditor, but instead agrees and is expected to indemnify the transferor with respect to all or a portion of a such liability. In such a case, the transferor will be relieved of such liability. Similarly, if a nonrecourse liability is assumed by the transferee of any asset subject to such liability.53 The conference agreement amends section 6031 to require that the transferred assets consisted of the trade or business, or substantially all the assets, with which the liability associated. The conference agreement amends section 6031 to prevent the acceleration or diminution of losses through the assumption of liabilities, for purposes of CBO's long-term models of Social Security and Medicare. It is the intent of Congress that the Secretary furnish such other return information. It is also the intent of Congress that the Secretary furnish such other return information under this provision as is necessary for purposes of CBO's long-term models of Social Security and Medicare, and it is the provision that the Secretary has been relieved of the liability. For example, if a charitable remainder trust sold section 1250 property after July 28, 1997, then any capital gain attributable to the charitable remainder trust will be taxed at 25 percent (rather than 28 percent). Treasury has published a notice (Notice 99-17, 1999-14 I.R.B., April 5, 1999) providing that the gain is taxed at 25 percent.

In H.R. 2488, the Financial Freedom Act of 1999 (106th Cong. 1st Sess., reported by the House Committee on Ways and Means, H. Rept. 106-238, July 23, 1999, 393-397), as passed by the Senate, and S. 1429, the Taxpayer Refund Act of 1999 (reported by the Senate Committee on Finance, S. Rept. 106-120, July 23, 1999, 221-225), as passed by the Senate. The technical corrections were not included in the conference agreement. However, the bill does not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments to section 732(f) (relating to basis adjustments). The provision provides that the rule in the consolidated return regulations (Treas. Reg. sec. 1.1502-34) aggregating stock ownership for purposes of section 732(f) (relating to complete liquidation of a subsidiary that is a controlled corporation) also applies for purposes of section 732(f) (relating to basis adjustments to assets of a corporation received in a partnership distribution). The conference agreement amends section 6031 to provide the level of confidentiality to data it obtains from other agencies as that to which the agencies themselves are subject. Officials and employees of CBO will provide to the Secretary such returns and return information on the same basis and in the same format as the Secretary or the Taxpayer Refund Act of 1999 (reported by the Senate Committee on Finance, S. Rept. 106-120, July 23, 1999, 393-397), as passed by the Senate, and S. 1429, the Taxpayer Refund Act of 1999 (reported by the Senate Committee on Finance, S. Rept. 106-120, July 23, 1999, 221-225), as passed by the Senate. The technical corrections were not included in the conference agreement. However, the bill does not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).

Amendments related to the Tax and Trade Relief Extension Act of 1998 exempt organizations. The provision clarifies that a REIT's redetermined rents (described in section 857(b)(7)(B)) that are subject to tax under section 41 do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under section 3121(b)), relating to certain rents, if received by certain types of organizations described in section 511(a)(2).
Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998

Innocent spouse

Timing of request for relief.—Confusion currently exists as to whether the permissible extension of the period for which consideration should be given to requests for relief, until after an assessment has been made, i.e., after the examination has been concluded, and if challenged, judicially, may vary from case to case. The Congress intended in enacting and conforms it to the generally applicable bill clarifies the computation of this period in which collection activities are prohibited shorter than that generally applicable to a discretionary levy on the joint return. It also contains a statement of the time period within which a petition may be filed with the Tax Court and which delays final resolution of the period for filing a petition with the Tax Court. The issuance of the Notice of Determination is confusing to the taxpayer when the requested relief was fully granted or when the IRS and the taxpayer otherwise agreed on the application of the innocent spouse provisions to the taxpayer’s case. It also may cause unnecessary filings with the Tax Court and delay the closing of the case until the time for filing with the Tax Court expires.

The Congress has addressed the analogous situation in the deficiency context in section 6213(d). In such situations, written agreements with the taxpayer on the taxpayer’s liability as agreed, and no additional notice is required. The bill reflects that an analogous waiver was intended to apply in the innocent spouse context. The bill consequently permits taxpayers and the IRS to enter into a similar written agreement in innocent spouse cases, which allows the IRS to im mediately adjust as agreed, and makes unnecessary a formal Notice of Determination or Tax Court review. This written agreement is to specify the agreement between the IRS and the taxpayer as to the nature and extent of innocent spouse relief that will be provided. Conforming amendments are made as to the period for which collection activities are prohibited and collection limitations suspended.

Procedural and administrative issues

Disputes involving $50,000 or less.—The provision clarifies the small case procedures of the Tax Court applicable with respect to innocent spouse disputes and disputes continuing from the pre-levy administrative due process hearing procedures. The small case procedures provide an accessible forum for taxpayers who have small claims with less formal rules of evidence and procedure. Use of the small case procedures, with the concurrence of the Tax Court, in view of the recent enactment of the innocent spouse and pre-levy administrative due process hearing procedures, is anticipated that the Tax Court will give careful consideration to (1) a motion by the Commissioner of Internal Revenue to remove the small case designation of certain cases (see section 6213(d)), and (2) the financial impact upon the taxpayer, including additional legal fees and costs, of not utilizing small case treatment. For example, removing the small case designation may be appropriate when a decision in the case will provide a precedent for the disposition of a substantial number of other similar cases. The provision, as well as the financial impact upon the taxpayer, which is significant as well.

Deficiency created by overstatement of the refundable portion of the child credit. —The refundable portion of the child credit under section 24(d) as part of a “deficiency.” Thus, the usual assessment procedures applicable to income taxes will apply to both the nonrefundable and the refundable portions of the child credit. This will reverse the conclusion reached by Internal Revenue Service Chief Counsel Memorandum 999948027 (interpreting present law).

Roth IRAs.—Code section 3405 provides for withholding with respect to designated distributions from tax-favored arrangements, including IRAs. In general, section 3405(e)(1)(B)(ii) excludes from the definition of a designated distribution the portion of the distribution which the taxpayer believes is excludable from gross income. However, all distributions from IRAs are treated as defi-
as includible in income. The exception was consistent with prior law when all IRA distributions were taxable, but does not account for the tax-free nature of certain Roth IRA distributions. An additional provision extends the exception to Roth IRAs.

Capital gain election.—The provision provides that an election to recognize gain or loss of $250,000 or less (sec. 1361(e)) of the Taxpayer Relief Act of 1997 does not apply to assets disposed of in a recognition transaction under section 1231 during the 5-year period beginning on January 1, 2000. Thus, for example, if an asset is sold in 2001, no election may be made with respect to that asset. In addition, it is clarified that the disclaimer purchase by reason of the election is not taken into account in applying the wash sales rules of section 1091.

Section 7436 extends only to employment stabilization plans. The provision clarifies that the Taxpayer Relief Act of 1997 did not change the requirement that the straight-line method of depreciation be used to compute the alternative minimum tax ("AMT") depreciation allowance for section 1250 property. It is argued that the changes made by that Act could be read as including an accelerated depreciation under the AMT for section 1250 property which is allowed accelerated depreciation under the regular tax.

Tax Court jurisdiction.—The Tax Court recently held that its jurisdiction pursuant to section 7463 extends only to employment stabilization plans, not to be amount of employment tax in dispute (Henry Randolph Consulting v. Comm'r, 112 T.C. # 1, Jan. 6, 1999). The provision provides that the Tax Court also has jurisdiction over the amount.

Amendments related to the Balanced Budget Act of 1997.—The provision clarifies that the floor stocks tax imposed on January 1, 2000, and January 1, 2002, applies only to cigarettes rather than to tobacco products in general. The provision could be construed as ambiguous, referring to imposition on all tobacco products but imposing liability only with respect to cigarettes.

Taxpayers excise tax.—Conflicting amendments are provided to two provisions to reflect the fact that the tax on cigarette papers is not a "paper" or book tax since January 1, 2000. Coordination of trade rules and tobacco excise tax.—Clarification is provided that the penalty on imported cigarettes other than for return to a manufacturer (effective January 1, 2000) does not apply to cigarettes reimported by individuals to the extent those cigarettes could be entered into the U.S. without duty or tax under the Harmonized Tariff Schedule.

Amendment related to the Small Business Job Protection Act of 1996.—The amendment related to the Small Business Job Protection Act of 1996. Work opportunity tax credit.—Section 51(d)(2) refers to eligibility for the work opportunity tax credit with respect to certain welfare recipients without taking into account the health insurance premium for needy families ("TANF") program. The provisions conform references in the work opportunity tax credit to the operation of TANF.

Electing small business trusts holding S corporation stock.—The provision allows an electing small business trust (sec. 1361(e)) to have an organization described in section 170(c)(1) (relating to State and local governments) as a beneficiary if the organization holds a nonvoting interest and is not a potential current beneficiary.

Definition of lump-sum distribution.—Section 1401(b) of the Small Business Job Protection Act of 1996 defines "lump-sum distribution" for purposes of the qualified retirement plans and other provisions, primarily those relating to nondiscrimination testing under the regular tax. The definition was moved from section 402(d)(4)(A) to section 402(e)(4)(D)(i). This definition included the following sentence: "A distribution of an annuity contract from a trust or annuity plan referred to in the first sentence of this subparagraph shall be treated as a lump sum distribution." The provision adds this language back into the definition of lump-sum distribution. The sentence is relevant to section 401(k)(1)(B), which permits certain distributions if made as a "lump-sum distribution.

IRA contributions.—Section 1291 of the Small Business Job Protection Act of 1996 allowed contributions for no more than $3,000 for nonworking spouses. The maximum permitted IRA contributions is generally limited by the individual's earned income. However, individuals who are nonworking (or lesser earning) spouse to make IRA contributions in excess of the couple's combined earned income. The following example illustrates present law.

Example: Suppose H and W retire in the middle of January, 1999. In that year, H earns $1,000 and W earns $500. Both are active in a sponsored retirement plan. Their modified AGI is $500.

They make no Roth IRA contributions. Before application of the income phase-out rules, the maximum deductible IRA contribution that H can make is $1,000 (sec. 219(b)(1)). After application of the income phase-out rule in section 219(g), H's maximum contribution is $200, and H contributes that amount to an IRA. Under 408(b)(2)(1), H can make nondeductible contributions of $800 ($1,000-$200).

W's maximum permitted deductible contribution under section 219(c)(1)(B), before the income phase-out, is $1,300 (the sum of H and W's earned income ($1,500), less H's deductible IRA contribution of $200). Under the income phase-out, W's deductible contribution is limited to $200, and she can make a nondeductible contribution of $1,000 ($1,300-$200).

The total permitted contributions for H and W are $2,300 ($1,000 for H plus $1,300 for W). The combined contribution should be limited to their combined earned income of the spouses.

The provision provides that the contribution for the spouse with the lesser income cannot exceed the combined earned income of the spouses.

Amendment related to the Revenue Reconciliation Act of 1990.—Qualified tertiary injectant expenses.—The provision allows qualified tertiary injectant expenses that are included in the qualified enhanced oil recovery project, and that are deductible for the taxable year (regardless of the provision allowing the deduction). Pursuant to the deemed arrangement for purposes of the section 43 credit.
A capital asset generally includes all property held by the taxpayer except certain enumerated types of property such as inventory (sec. 1221).

Section 1256 contracts

Special rules apply to "section 1256 contracts," which include regulated futures contracts, certain foreign currency contracts, nonequity options, and dealer equity options. Each section 1256 contract is treated as if it were sold (and repurchased) for its fair market value on the last business day of the year (i.e., "marked to market"). Any gain or loss on a section 1256 contract which is subject to the mark-to-market rule is treated as if 40 percent of the gain or loss were short-term capital gain or loss and 60 percent of capital gain or loss. This results in a maximum rate of 27.84 percent on any gain for taxpayers other than corporations. The mark-to-market rule (and the special 60/40 capital treatment) is inapplicable to hedging transactions.

A "regulated futures contract" is a contract (1) which is traded on or subject to the rules of a national securities exchange registered with the Securities Exchange Commission, a domestic board of trade (including a contract market made by the Commodities Futures Trading Commission, a domestic board of trade, or market, and (2) with respect to which the amount required to be deposited and which may be withdrawn depends on a system of marking to market.

A "dealer equity option" means, with respect to an options dealer, an equity option purchased in the normal course of the activity of dealing in options and listed on the qualified board of trade on which the options dealer is registered. An equity option is an option to buy or sell stock or an option the value of which is determined by reference to any stock, group of stocks, or stock index, other than an option on certain broad-based groups of stock or stock index. An options dealer is any person who is registered with an appropriate national securities exchange as a market maker or specialist in listed options, or who the Secretary of the Treasury determines performs functions similar to market makers and specialists.

Mark to market accounting for dealers in securities

Under present law, a dealer in securities must compute gain or loss with respect to a section 1256 contract in securities pursuant to mark-to-market of accounting (see 475). Gains and losses are treated as ordinary income and loss. Traders in securities, and dealers and traders in commodities may elect to use this method of accounting, including the ordinary income treatment. Section 1256 contracts are not treated as securities for purposes of section 475.

Short sales

In the case of a "short sale" (i.e., where the taxpayer sells borrowed property and later closes the sale by repaying the lender with substantially identical property), any gain or loss on the closing transaction is considered gain or loss from the sale or exchange of capital asset if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (see 1233(a)).

The Code also treats a taxpayer as recognizing gain when the taxpayer holds appreciated property and enters into a short sale of substantially identical property or enters into a contract to sell that same or substantially identical property.

Wash sales

The wash-sale rule (sec. 1091) disallows certain losses from the disposition of stock or securities if substantially identical stock or securities (or an option or contract to acquire substantially identical property) are sold or a short sale, option or contract to sell is entered into during the applicable period before and after the closing of the short sale.

Wash sale rules

For purposes of these short sale rules, property includes stock, securities, and commodity futures. Gains and losses are not considered substantially identical if they call for delivery in different months.

Similar rules apply to disallow any loss realized on the closing of a short sale of stock or securities where substantially identical stock or securities are sold (or a short sale, option or contract to sell is entered into) during the applicable period before and after the closing of the short sale.

Straddle rules

Generally, a "straddle" generally refers to a position in a straddle in which the taxpayer takes opposing positions in the same or substantially identical property if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (see 1233(a)).

The Code also contains several rules intended to prevent the transformation of short-term capital gain into long-term capital gain or long-term loss into short-term gain by simultaneously holding property and selling substantially identical property (see 1233(b) and (d)). Under these rules, if taxpayers are permitted to carry long-term holding period and sells substantially identical property, any gain or loss upon the closing of the short sale is considered short-term capital gain, and the holding period of the substantially identical property is generally considered to begin on the date of the closing of the short sale. Also, if a taxpayer has held property for more than the long-term holding period and sells substantially identical property, any gain on the closing of the short sale is considered long-term capital loss.

For purposes of these short sale rules, property includes stock, securities, and commodity futures. Gains and losses are not considered substantially identical if they call for delivery in different months.

Similar rules apply to disallow any loss realized on the closing of a short sale of stock or securities where substantially identical stock or securities are sold (or a short sale, option or contract to sell is entered into) during the applicable period before and after the closing of the short sale.

Straddle rules

Generally, a "straddle" generally refers to a position in a straddle in which the taxpayer takes opposing positions in the same or substantially identical property if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (see 1233(a)).

The Code also contains several rules intended to prevent the transformation of short-term capital gain into long-term capital gain or long-term loss into short-term gain by simultaneously holding property and selling substantially identical property (see 1233(b) and (d)). Under these rules, if taxpayers are permitted to carry long-term holding period and sells substantially identical property, any gain or loss upon the closing of the short sale is considered short-term capital gain, and the holding period of the substantially identical property is generally considered to begin on the date of the closing of the short sale. Also, if a taxpayer has held property for more than the long-term holding period and sells substantially identical property, any gain on the closing of the short sale is considered long-term capital loss.

For purposes of these short sale rules, property includes stock, securities, and commodity futures. Gains and losses are not considered substantially identical if they call for delivery in different months.

Similar rules apply to disallow any loss realized on the closing of a short sale of stock or securities where substantially identical stock or securities are sold (or a short sale, option or contract to sell is entered into) during the applicable period before and after the closing of the short sale.

Straddle rules

Generally, a "straddle" generally refers to a position in a straddle in which the taxpayer takes opposing positions in the same or substantially identical property if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (see 1233(a)).
holding one or more other positions in personal property. A position with respect to substantially similar or related property is an interest (including a futures contract or option) in personal property. A position in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock or forward contract or option (in personal property) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property. A "position" in personal property is an interest (including a futures contract) in personal property. A "position" in personal property is an interest (including a futures contract or option) in personal property.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (a) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.
into account changes made by the non-tax
provisions of the bill. Only options dealers
are eligible for section 1256 with respect to
equity options. The term “equity option” is
modified to include an option to buy or sell
stock, or an option the value of which is de-
termined, directly or indirectly, by reference
to any stock, or any “narrow-based security
index,” as defined in section 3(a)(55) of the
Securities Exchange Act of 1934 (as modified
by the bill). An equity option includes an op-
tion with respect to a group of stocks only if
the group meets the requirements for a nar-
row-based security index.

As under present law, listed options that
are not “equity options” are considered
“nonequity options” to which section 1256
applies for all taxpayers. For example, op-
tions relating to broad-based groups of
stocks and broad based stock indexes will
continue to be treated as nonequity options
under section 1256.

Definition of contract markets
The non-tax provisions of the bill des-
ignate certain new contract markets. The
new contract markets will be contract mar-
kets for purposes of the Code, except to the
extent provided in Treasury regulations.

Effective Date
These provisions will take effect on the
date of enactment of the bill.

SENATE AMENDMENT
No provision.

CONFERENCE AGREEMENT
The conference agreement follows the tax
provisions contained in H.R. 4541.

TAX COMPLEXITY ANALYSIS
Section 4022(b) of the Internal Revenue
Service Reform and Restructuring Act of
1998 (the “IRS Reform Act”) requires the
Joint Committee on Taxation (in consulta-
tion with the Internal Revenue Service and
the Department of the Treasury) to provide
a tax complexity analysis. The complexity
analysis is required for all legislation re-
ported by the House Committee on Ways and
Means, the Senate Committee on Finance, or
any committee of conference if the legisla-
tion includes a provision that directly or in-
directly amends the Internal Revenue Code
and has widespread applicability to individ-
uals or small businesses.

The staff of the Joint Committee on Tax-
ation has determined that a complexity
analysis is not required under section 4022(b)
of the IRS Reform Act because the bill con-
tains no provisions that amend the Internal
Revenue Code and that have “widespread ap-
plicability” to individuals or small busi-
nesses.
## ESTIMATED REVENUE EFFECTS OF
THE "COMMUNITY RENEWAL TAX RELIEF ACT OF 2000"

**Fiscal Years 2001 - 2010**

[Millions of Dollars]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Community Revitalization Provisions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Tax Incentives for Renewal Communities and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. New Markets Tax Credit - provide new markets tax credit with allocation authority of</td>
<td>ima 12/31/00</td>
<td>-2</td>
<td>-18</td>
<td>-115</td>
<td>-240</td>
<td>-365</td>
<td>-531</td>
<td>-725</td>
<td>-813</td>
<td>-828</td>
<td>-747</td>
<td>-4,391</td>
<td></td>
</tr>
<tr>
<td>5. Increase the Low-Income Housing Tax Credit and Make Other Modifications - increase</td>
<td>generally cyba 12/31/00</td>
<td>-9</td>
<td>-52</td>
<td>-148</td>
<td>-282</td>
<td>-433</td>
<td>-598</td>
<td>-779</td>
<td>-976</td>
<td>-1,188</td>
<td>-1,416</td>
<td>-924</td>
<td>-5,880</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>D. Private Activity Bond State Volume Limits - increase annual State volume cap to the greater of: $62.50 per resident or $187.5 million in 2001, and $75 per resident or $225 million in 2002; index for inflation thereafter</td>
<td>cyba 12/31/00</td>
<td>-16</td>
<td>-95</td>
<td>-195</td>
<td>-284</td>
<td>-361</td>
<td>-425</td>
<td>-473</td>
<td>-513</td>
<td>-557</td>
<td>-600</td>
<td>-951</td>
<td>-3,519</td>
</tr>
<tr>
<td>H. Extend Present-Law Section 170(e)(6) Relating to Corporate Contributions of Computer Equipment Through 12/31/03: Expand List of Eligible Donors to Include Public Libraries; Expand to Include 3-Year Property; Include Reacquired Computers</td>
<td>om 12/31/00</td>
<td>-63</td>
<td>-118</td>
<td>-126</td>
<td>-63</td>
<td>-3</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>-373</td>
<td>-373</td>
</tr>
<tr>
<td>Total of Community Revitalization Provisions</td>
<td>DOE</td>
<td>-123</td>
<td>-1,007</td>
<td>-1,961</td>
<td>-2,121</td>
<td>-2,382</td>
<td>-2,855</td>
<td>-3,381</td>
<td>-3,945</td>
<td>-4,474</td>
<td>-3,597</td>
<td>-7,598</td>
<td>-25,850</td>
</tr>
<tr>
<td>II. Two-Year Extension of Availability of Medical Savings Accounts</td>
<td>DOE</td>
<td>[1]</td>
<td>-3</td>
<td>-4</td>
<td>-4</td>
<td>-4</td>
<td>-4</td>
<td>-3</td>
<td>-3</td>
<td>-3</td>
<td>-16</td>
<td>-33</td>
<td></td>
</tr>
<tr>
<td>III. Administrative and Technical Provisions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Administrative Provisions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Extension of deadlines for IRS compliance with certain notice requirements</td>
<td>DOE</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>3. 5-year extension of authority for IRS undercover operations</td>
<td>DOE</td>
<td>1/1/01</td>
<td>[7]</td>
<td>[7]</td>
<td>[7]</td>
<td>[7]</td>
<td>[7]</td>
<td>[7]</td>
<td>[7]</td>
<td>[7]</td>
<td>[8]</td>
<td>[9]</td>
<td></td>
</tr>
<tr>
<td>4. Confidentiality of certain documents relating to closing and similar agreements and to agreements with foreign governments</td>
<td>DOE</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>5. Increase in Joint Committee on Taxation refund review threshold</td>
<td>DOE</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>7. Conforming changes to accommodate reduced issuance of certain treasury securities</td>
<td>DOE</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>a. Tax revenues</td>
<td>DOE</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>c. Prevent duplication or acceleration of loss through assumption of certain liabilities</td>
<td>aol/a 10/19/99</td>
<td>13</td>
<td>15</td>
<td>17</td>
<td>19</td>
<td>21</td>
<td>23</td>
<td>25</td>
<td>27</td>
<td>29</td>
<td>31</td>
<td>85</td>
<td>220</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>10. Disclosure of certain return information to the Congressional Budget Office</td>
<td>DOE</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>B. Technical Correction Provisions</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>IV. Tax Treatment of Securities Futures Contracts</td>
<td>DOE</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>NET TOTAL</td>
<td>-1,089</td>
<td>-1,585</td>
<td>-2,508</td>
<td>-2,656</td>
<td>-2,915</td>
<td>-3,376</td>
<td>-3,880</td>
<td>-4,441</td>
<td>-4,958</td>
<td>-4,089</td>
<td>-10,756</td>
<td>-31,477</td>
<td></td>
</tr>
</tbody>
</table>

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:
- sf = assumption of liabilities on or after
- ma = contributions made after
- cy = calendar years
- ds = date of enactment
- epoa = expenditures paid or incurred after
- ima = investments made after
- te = taxable years ending after

[1] The Secretary of Housing and Urban Development must prescribe regulations for the nomination process no later than 4 months after the date of enactment. The tax benefits for the designated communities generally are effective beginning on 1/1/02, and terminating on 12/31/09.

[2] Area may be designated as an empowerment zone any time after the date of enactment and before 1/1/02. The tax benefits generally become effective after 12/31/01 and terminate on 12/31/09.

[3] Loss of less than $500,000.


[5] Estimate provided by the Congressional Budget Office.

[6] The proposal generally would be effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe would not be treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.


[8] Gain of less than $5 million.


[10] Estimate for fiscal year 2002 includes an increase in EIC outlays of $17 million.


[12] Estimate includes a loss of $4,100 million over the Federal fiscal year period 2001 - 2010 to the Social Security trust fund.
NEW MARKETS VENTURE CAPITAL PROGRAM ACT OF 2000

The conference agreement would enact the provisions of H.R. 5663, as introduced on December 14, 2000. The text of that bill follows:

SEC. 101. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "New Markets Venture Capital Program Act of 2000."''

(b) NEW MARKETS VENTURE CAPITAL PROGRAM.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 631 et seq.) is amended—

(1) in the heading for the title, by striking "S MALL BUSINESS INVESTMENT COMPANIES" and inserting "INVESTMENT DIVISION PROGRAMS";

(2) by inserting before the heading for section 353 (a) the following:

"PART A—SMALL BUSINESS INVESTMENT COMPANIES;"

and

(3) by adding at the end the following:

"PART B—NEW MARKETS VENTURE CAPITAL PROGRAM"

SEC. 351. DEFINITIONS.

"In this part, the following definitions apply:

(1) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity capital investments in businesses made with a primary objective of fostering economic development in low-income geographic areas. For the purposes of this paragraph, the term 'equity capital' has the same meaning given such term in section 303 (g) (4).

(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means—

(A) any population census tract or in the case of an area that is not tracted for population census tract purposes, the equivalent county division, as defined by the Bureau of the Census of the Department of Commerce for purposes of defining poverty areas, if—

(i) the poverty rate for that census tract is not less than 20 percent;

(ii) in the case of a tract—

(I) that is located within a metropolitan area, 50 percent or more of the households in that census tract have an income equal to less than 60 percent of the area median income, or

(II) any area located within—

(i) a H U B Z o n e (as defined in section 3 ( p ) of the Small Business Act and the implementing regulations promulgated under that section); or

(ii) an urban empowerment zone or rural enterprise community (as designated by the Secretary of Housing and Urban Development); or

(iii) a rural empowerment zone or rural enterprise community (as designated by the Secretary of Agriculture); or

(B) any area located within—

(i) a H U B Z o n e (as defined in section 3 ( p ) of the Small Business Act and the implementing regulations promulgated under that section); or

(ii) an urban empowerment zone or rural enterprise community (as designated by the Secretary of Housing and Urban Development); or

(iii) a rural empowerment zone or rural enterprise community (as designated by the Secretary of Agriculture).

(3) INCOME IN THE LOW-INCOME GEOGRAPHIC AREA.—The term 'income in the low-income geographic area' means—

(A) has been granted final approval by the Administrator under section 354 ( e ); and

(B) enters into a participation agreement with the Administrator.

(6) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company, that—

(A) details the company's operating plan and investment criteria; and

(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low-income geographic areas.

(7) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small business investment company' means any small business investment company that—

(A) invests solely in small business concerns that contribute to a well-balanced national economic opportunity for all segments of society, and

(B) is organized by, or charged under State business or nonprofit corporations statutes, or formed as a limited partnership; and

(C) was licensed under section 301 ( d ), as in effect before September 30, 1996.

(8) STATE.—The term 'State' means such of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(9) PARTIES.—The term "parties" means any one or more of the parties to a participation agreement.

SEC. 352. PURPOSES.

"The purposes of the New Markets Venture Capital Program established under this part are—

(1) to promote economic development and the creation of wealth and job opportunities in low-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises primarily located in geographic areas, to be administered by the Administrator—

(A) to enter into participation agreements with New Markets Venture Capital companies; and

(B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low-income geographic areas, to the extent to which the Administrator may—

(1) enter into participation agreements with companies granted final approval under section 354 ( e ) for the purposes set forth in section 352;

(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 353; and

(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New Markets Venture Capital company, in the program established under this part if—

(1) the company is a newly formed-for-profit entity or a newly formed-for-profit subsidiary of an existing entity;

(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

(3) the company has a primary objective of economic development of low-income geographic areas.

(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under such geographic area meeting the eligibility requirements set forth in subsection ( a ) shall submit an application to the Administrator that includes—

(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified low-income geographic areas;

(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company's management; and

(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, when necessary, on the company's staff or from an outside entity;

(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

(7) information regarding the management and financial strength of any parent firm, affiliate, or any other firm essential to the success of the company's business plan; and

(8) such other information as the Administrator may require.

(c) IN GENERAL.—From among companies submitting applications under subsection ( b ), the Administrator shall, in accordance with this subsection, conditional approval to participate in the New Markets Venture Capital Program.

"(d) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administrator shall consider the following:

(A) The likelihood that the company will meet the goal of its business plan;

(B) The experience and background of the company's management team;

(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest;

(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest;

(E) The likelihood that the company will be able to satisfy the conditions under subsection (b) of this section.

(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest;

(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable requirements and properly utilize in-kind contributions, including the use of resources for the services of..."
licensed professionals, when necessary, whether by persons on the company's staff or by persons outside of the company. 

(H) Any other factors deemed appropriate by the Administrator.

(3) Nationwide distribution.—The Administrator shall select companies under paragraph (1) in such a way that promotes investment nationwide.

(4) Requirements to be met for final approval.—The Administrator shall grant each conditionally approved company a period of time, not to exceed 5 years, to satisfy the following requirements:

(Capital Requirement.—Each conditionally approved company shall raise not less than $5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) as to meet criteria established by the Administrator.

2. Nonadministration resources for operational assistance.—

(A) In general.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

(i) shall have binding commitments (for contributions in cash or in kind)—

(I) from any sources other than the Small Business Administration that meet criteria established by the Administrator;

(II) payable or available over a multiyear period acceptable to the Administrator (not to exceed 10 years); and

(III) that yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

(ii) shall have purchased an annuity—

(I) from an insurance company acceptable to the Administrator;

(II) using funds (other than the funds raised under paragraph (1)) from any other source other than the Administrator; and

(iii) that yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

(iii) shall have binding commitments (for contributions in cash or in kind) of the type described in clause (i) and shall have purchased an annuity of the type described in clause (ii), which in the aggregate make available, over a multiyear period acceptable to the Administrator (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

(B) In general.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant—

(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in kind) required under subparagraph (A); and

(ii) binding commitments in an amount equal to not less than 30 percent of the total amount required under paragraph (A).

(C) Limitation.—In order to comply with the requirements of subparagraphs (A) and (B), the total amount of a company's in-kind contributions may not exceed 50 percent of the company's total contributions.

(e) Final approval; designation.—The Administrator shall, with respect to each applicant conditionally approved to operate as a New Markets Venture Capital company under section (c), either—

(1) grant final approval to the applicant to operate as a New Markets Venture Capital company under this section, the Administrator may grant the applicant a period of time, not to exceed 5 years, to satisfy the following requirements, to operate as a New Markets Venture Capital company after the effective date of the New Markets Venture Capital Program Act of 2000, which period in the event of application for renewal may be extended by the Administrator for a period not to exceed 5 years. 

(2) the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

"(3) enters into a participation agreement with the Administrator; or

(4) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in that subsection, the conditional approval granted under that subsection shall be revoked.

SEC. 355. DEBENTURES.

(a) In general.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any New Markets Venture Capital company.

(b) Terms and conditions.—The Administrator may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

(c) Full faith and credit of the United States.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

(d) Maximum guarantee.—

(1) In general.—Under this section, the Administrator may guarantee the debentures issued by a New Markets Venture Capital company only to the extent that the total face amount outstanding of the debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

(2) Treatment of certain Federal funds.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

SEC. 356. INSURANCE AND GUARANTEE OF TRUST CERTIFICATES.

(a) Issuance of trust certificates.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a New Markets Venture Capital company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

(b) Guarantee.—

(1) In general.—The Administrator may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

(2) Limitations.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

(c) Premises.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption, whether due to prepayment or default of all debentures.

(d) Full faith and credit of the United States.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

(e) Fees.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

(f) Subrogation and ownership rights.—

(1) In general.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

(2) Enforcement of federal, state, or local law.—The Administrator may proceed in its own name on behalf of the Administrator the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

(ii) the issuance of trust certificates to facilitate the creation of trusts or pools.

(3) Regulation of brokers and dealers.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

(g) Electronic registration.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

SEC. 357. FEES.

Except as provided in section 356(d), the Administrator may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

SEC. 358. OPERATIONAL ASSISTANCE GRANTS.

(a) In general.—

(1) Authority.—In accordance with this section, the Administrator may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

(2) Terms.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

(3) Grants to specialized small business investment companies.—

(A) Authority.—In accordance with this section, the Administrator may make grants to specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

(B) Use of funds.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the New Markets Venture Capital Program Act of 2000) in a business located in a low-income geographic area.

(C) Submission of plans.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator in such form and manner as the Administrator may require, a plan for use of the grant.
"(A) GRANT AMOUNT.—

"(1) NEW MARKETS VENTURE CAPITAL COMPANIES.—The amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the company under section 354(d)(2).

"(B) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements of New Markets Venture Capital companies set forth in section 354(d)(2).

"(C) RATIO REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (A), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

"(B) SUPPLEMENTAL GRANTS.—

"(1) IN GENERAL.—The Administrator may make supplemental grants to New Markets Venture Capital companies and to other entities, as authorized by this part under such terms as the Administrator deems necessary, to provide increased operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

"(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide, in a cash or in kind manner, other than those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

"(C) INFORMATION MAINTENANCE.—None of the assistance made available under this section may be used for any overhead or general administrative expense of a New Markets Venture Capital company or any specialized small business investment company.

"SEC. 359. BANK PARTICIPATION.

"(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any New Markets Venture Capital company, or in any entity established to invest solely in New Markets Venture Capital companies.

"(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

"SEC. 360. LOANING TO BANK.

"Section 318 shall not apply to any debenture issued by a New Markets Venture Capital company under this part.

"SEC. 361. REPORTING REQUIREMENT.

"Each New Markets Venture Capital company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

"(1) information related to the measurement criteria that the company proposed in its program application; and

"(2) each case in which the company under this part makes an investment in, or a loan or grant to, a business that is not located in a low-income geographic area, a report on the number and percentage of employees of the business who reside in such areas.

"SEC. 362. EXAMINATIONS.

"(a) IN GENERAL.—Each New Markets Venture Capital company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Small Business Administration, or in the case of a participatory loan or a grant, the party or parties under this part.

"(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

"(C) COSTS.—

"(1) ASSESSMENT.—

"(A) IN GENERAL.—The Administrator may assess the cost of the examinations, including compensation of the examiners, against the company examined.

"(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

"(d) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Small Business Administration.

"SEC. 363. INJUNCTIONS AND OTHER ORDERS.

"(a) IN GENERAL.—Whenever, in the judgment of the Administrator, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administrator may make application to the proper district court of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with any rule or regulation under this Act, and such courts shall have jurisdiction of such actions and, upon a showing by the Administrator that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

"(b) JURISDICTION.—In any proceeding under subsection (a), the courts shall have jurisdiction of such actions and, upon a showing by the Administrator that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

"(c) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the fiduciary duty as such officer, director, employee, agent, or participant in the conduct of the affairs of a New Markets Venture Capital company.

"(d) UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.—

"(1) FOR ANY PERSON—

"(A) to act as trustee or receiver of any New Markets Venture Capital company.

"(B) to appoint a trustee or receiver under this Act, or to make an involuntary assignment of the property of any New Markets Venture Capital company.

"(2) cause the company to forfeit all of the rights and privileges derived by the company from participation under this Act.

"(1) FOR ANY PERSON—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or fraud; or

"(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, breach of trust, or

"(2) for any person to continue to serve in any of the capacities described in paragraph (1), if—

"(a) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust;

"(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, breach of trust;

"(1) FOR ANY PERSON—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust;

"(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, breach of trust;

"SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

"Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any New Markets Venture Capital company.

"SEC. 367. REGULATIONS.

"The Administrator may issue such regulations as he deems necessary to carry out the provisions of this part in accordance with its purposes.

"SEC. 368. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2001 through 2006, to remain available until expended, the following sums:

"(1) Such subsidy budget authority as may be necessary to guarantee the requirements of this part, or of any other participation under this Act, which constitute or will constitute a violation, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, authorizes, orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

"(b) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the fiduciary duty as such officer, director, employee, agent, or participant in the conduct of the affairs or management of such a company, if the person—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust;

"(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, breach of trust; and

"(1) FOR ANY PERSON—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust;

"(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, breach of trust;
investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.

SEC. 102. BUSINESS GRANTS AND COOPERATIVES.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"IN BUSINESS GRANTS AND COOPERATIVE AGREEMENTS—

"(1) IN GENERAL. In accordance with this subsection, the Administrator may make grants to an entity into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

"(A) to expand business-to-business relationships between large and small businesses; and

"(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protege programs or community-based, statewide, or local business development programs.

"(ii) if the company has private capital of more than $30,000,000, the maximum amount of leverage shall not exceed 300 percent of private capital;

"(iii) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $15,000,000; and

"(B) ADJUSTMENTS. Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) and in subparagraph (B) an amount, either in kind or in cash, equal to 5 percent of the grant amount.

"(3) the innovative goods and services developed by a coalition of private entities, public entities, or any combination of private and public entities.

"(f) FEDERAL SAVINGS ASSOCIATIONS.

Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

"(1) MAXIMUM LEVERAGE. Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

"(A) IN GENERAL. After March 31, 1993, the maximum amount of outstanding leverage made available under this paragraph made by a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

"(i) if the company has private capital of more than $30,000,000 but not more than $15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

"(ii) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed 300 percent of private capital; and

"(iii) if the company has private capital over $30,000,000, the maximum amount of leverage made available under this paragraph shall not exceed 200 percent of the amount of private capital over $30,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not more than $30,000,000.

"(B) ADJUSTMENTS. Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) and in subparagraph (B) an amount, either in kind or in cash, equal to the grant amount.

"(g) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS. In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.

"(h) ELIGIBLE CONTRACTS.

Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(4)) is amended by adding at the end the following:

"(1) ELIGIBLE CONTRACTS. In low-income geographic areas. In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.

"(i) BANKRUPTCY EXEMPTION FOR NEW MARKETS VENTURE CAPITAL COMPANIES.

Section 109(b)(2) of title 11, United States Code, is amended by inserting "a New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958," after "homestead association,".

"(j) FEDERAL SAVINGS ASSOCIATIONS. Section 5(e)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

"(F) NEW MARKETS VENTURE CAPITAL COMPANIES. Federal savings associations may invest in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958, and a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding
critical importance in a wide variety of high-
technology fields, including biology, medicine,
education, and defense;
(4) the SBIR program is a catalyst in the pro-
motion of technological innovation and development, the com-
mercialization of innovative technology, the de-
velopment of new products and services, and the continued excellence of this Nation's high-tech-
nology infrastructure;
(5) the continuation of the SBIR program will
provide expanded opportunities for one of the Na-
tion's most enterprising and innovative busi-
essees, will foster invention, research, and technology,
will create jobs, and will increase this Nation's
competitiveness in international markets.

SEC. 101. EXTENDING THE SBIR PROGRAM.
Section 9(h)(6)(B)(ii) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(ii) update information in the database con-
cerning that award at the termination of the
award; and

"(A) the name, size, location, and an identi-
fication number assigned by the Federal agen-
cy to which the award was made; and

"(B) an abstract of the project funded by the
award, including—
(i) an identification of any business concern
so identified by the small business concern;
(ii) the Federal agency making the award;
(iii) the date and amount of the award;
(iv) an identification of any business concern
or subsidiary established for the commercial ap-
PLICATION of a product or service for which an
SBIR award is made, an identification of
the Administration, by other authorized per-
cipients, or, in accordance with policy directives issued
by the Administration, by other authorized per-
cipients, which Federal agencies are providing in a time-
ly manner information needed to maintain the
database described in subsection (h)."

SEC. 102. ANNUAL REPORT.
Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and" and inserting "; or".

SEC. 103. EXTENSION OF SBIR PROGRAM.
Section 9(g)(9) of the Small Business Act (15 U.S.C. 638(g)(9)), as amended by section 106 of this Act, is amended to read as follows:

"(9) include, as part of its annual performance
plan as required by subsections (a) and (b) of
section 1115 of title 31, United States Code, a
section on its SBIR program, and shall submit
such section to the Committee on Small Business
of the Senate, and the Committee on Science
and the Committee on Small Business of the
House of Representatives; and"

SEC. 104. ANNUAL REPORT.
Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and" and inserting "; or".

SEC. 105. THIRD PHASE ASSISTANCE.
Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL FUNDING.
Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding the following:

"(10) collect, and maintain in a consistent
form in accordance with subsection (v), such in-
formation as the Administration finds necessary to as-
sess the SBIR program, including information
necessary to maintain the database described in
subsection (k)."

CHEDULE.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end of subsection (b)(7) the following:

"(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting after the period at the end of subsection (b)(7) the following:

"(k) DATABASE.—

"(1) PUBLIC DATABASE.—Not later than 180
days after the date of enactment of the Small
Business Innovation Research Program Reau-
thorization Act of 2000, the Administrator shall
develop, maintain, and make available to the
public a searchable, up-to-date, electronic data-
base that includes—

"(A) the name, size, location, and an identify-
ing number assigned by the Administrator, of
each small business concern that has received
a first phase or second phase SBIR award from a
Federal agency;

"(B) a description of each first phase or sec-
ond phase SBIR award received by that small
business concern, including—
(i) an abstract of the project funded by the
award, including—
(A) measures of outcomes for strategic plans
submitted under section 306 of title 5, United
States Code, and performance plans submitted
under section 1115 of title 31, United States
Code, of each Federal agency participating in
the SBIR program; and
(B) whether the company can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the firms;
(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving a SBIR award is sold to a company that is not a small business concern;
(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and
(E) improvements to the SBIR program, if any are considered appropriate.
(b) PARTICIPATION BY SMALL BUSINESS.—

"(C) includes for each applicant for a first phase or second phase award that does not re-
cieve such an award—
(i) the name, size, location, and an iden-
tifying number assigned by the Administration;
(ii) an abstract of the project; and
(iii) the Federal agency to which the applica-
tion was made;

"(E) is available for use solely for program
evaluation purposes by the Federal Government or,
in accordance with policy directives issued by
the Administration, by other authorized per-
cipients, who are subject to a use and nondisclosure
agreement with the Federal Government cov-
ering the use of the database.

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A small business concern
applying for a second phase award under this
section shall be required to update information in
the database established under this subsec-
tion as of the date a phase award is received by that small business concern. In com-
plying with this paragraph, a small business concern may apportion sales or additional in-
vestment information relating to more than one
second phase award among those awards, if it
notes the apportionment for each award.

"(B) ANNUAL UPDATES UPON TERMINATION.—A
small business concern receiving a second phase
award under this section shall—
(i) update information in the database con-
cerning that award at the termination of the
award program;
(ii) be requested to voluntarily update such
information annually thereafter for a period of
5 years.

"(4) PROTECTION OF INFORMATION.—Informa-
tion provided under paragraph (2) shall be con-
dered privileged and confidential and not sub-
ject to disclosure pursuant to section 552 of title
5, United States Code.

"(5) RULE OF CONSTRUCTION.—Inclusion of in-
formation in the database under this subsection
shall not bar the Administrator from providing the information for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.

SEC. 108. NATIONAL RESEARCH COUNCIL RE-
PORTS.
(a) STUDY AND RECOMMENDATIONS.—The head
of each agency with a budget of more than $50,000,000,000 for its SBIR program for fiscal year
1999, in consultation with the Small Business
Administration, shall, not later than 6 months
after the date of enactment of this Act, coopera-
tively enter into an agreement with the National
Academy of Sciences for the National Research
Council to—
(1) conduct a comprehensive study of how the
SBIR program has stimulated technological in-
novation and used small businesses to meet Fed-
eral research and development needs, including—
(A) a review of the value to the Federal re-
search agencies of the research projects being
conducted under the SBIR program, and of the
quality of research being conducted by small
businesses participating under the program, in-
cluding a comparison of the value of projects
conducted under the SBIR program to those
funded by other Federal research and develop-
ment expenditures;
(B) to the extent practicable, an evaluation of the
economic benefits achieved by the SBIR pro-
gram, including the economic rate of return, an
analysis of the factors that have contributed to such economic rates of return, achieved by the
SBIR program with the economic benefits,
including the economic rate of return, of other
Federal research and development expenditures;
(C) an evaluation of the noneconomic benefits
achieving by the SBIR program over the life of
this program;
(D) a comparison of the allocation for fiscal year
2000 of Federal research and development funds to small businesses with such allocation
for fiscal year 1983, and an analysis of the factors
that have contributed to such allocation; and
(E) an analysis of whether Federal agencies, in
fulfilling their procurement needs, are mak-
ing sufficient efforts to use small businesses that
have completed a second phase award under the
SBIR program;
(2) make recommendations with respect to—
(A) measures of outcomes for strategic plans
submitted under section 306 of title 5, United
States Code, and performance plans submitted
under section 1115 of title 31, United States
Code, of each Federal agency participating in
the SBIR program;
(B) whether companies can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the firms;
(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving a SBIR award is sold to a company that is not a small business concern;
(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and
(E) improvements to the SBIR program, if any are considered appropriate.
Section 9(ii) of the Small Business Act (15 U.S.C. 638(ii)) is amended—

(1) by striking "(ii) Each Federal" and inserting the following:

"(ii) ANNUAL REPORTING.—

"(1) IN GENERAL.—Each Federal;

and

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

"(2) CALCULATION OF EXTRAMURAL BUDGET.—

(A) Methodology.—Not later than 4 months after the date of enactment of each appropriation Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget for that Federal agency.

(B) Administrator's analysis.—The Administrator shall include an analysis of the methodology used by each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).

SEC. 110. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(ii) of the Small Business Act (15 U.S.C. 638(ii)) is amended—

(1) by inserting after section 32 the following:

"(3) FAST PROGRAM.—The term `FAST program' means the Federal and State Technology Partnership Program established under this section.

"(B) shall consider, at a minimum—

"(i) whether the applicant has demonstrated the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activity;

"(ii) the existence of State and other small high-technology businesses in the State, as measured by the number of first and second phase SBIR awards that have historically been received by small business concerns in the State;

"(iii) whether the proposed costs of the proposed activities are reasonable.

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) Definitions.—In this section and section 35, the following definitions apply:

"(1) APPLICANT.—The term `applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

"(2) BUSINESS AID AND COUNSELING.—The term `business aid and counseling' means providing advice and assistance on matters described in section 35(c)(2) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

"(3) FAST PROGRAM.—The term `FAST program' means the Federal and State Technology Partnership Program established under this section.

"(4) MENTOR.—The term `mentor' means an individual described in section 35(c)(2).

"(5) MENTORING NETWORK.—The term `Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

"(6) RECIPIENT.—The term `recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

"(7) STTR PROGRAM.—The term `STTR program' has the same meaning as in section 9(e).
``(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

``(4) RANKINGS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

``(D) OPERATIONS AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

(A) State and local development agencies and entities;

(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1662a));

(C) State science and technology councils; and

(D) representatives of technology-based small business concerns.

``(e) ADMINISTRATIVE REQUIREMENTS.—

``(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

``(2) MATCHING REQUIREMENTS.—(A) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

``(B) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

``(C) the Experimental Program to Stimulate Competitive Research of the Department of Agriculture;

``(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

``(E) the Experimental Program to Stimulate Competitive Research of the National Institutes of Health;

``(F) the Institutional Development Award Program of the National Institutes of Health; and

``(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

``(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

``(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

(i) a State that is eligible to participate in that program; or

(ii) a State described in paragraph (3); or

(iii) a State described in paragraph (3), if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

(i) a State that is eligible to participate in a technology development program that is not funded through the SBIR program; or

(ii) a State described in paragraph (3).

``(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (a)(ii) or (b)(ii) of paragraphs (2) or (3) of subsection (b) of section 111(b)(2) of this Act, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as amended by section 111(b)(2) of this Act, the following:

``SEC. 35. MENTORING NETWORKS.

``(a) FINDINGS.—Congress finds that—

``(1) the SBIR and STTR programs create jobs, increase the capacity for technology transfer, enhance competition, and improve the quality of the completed projects; and

``(2) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs by developing and commercializing their research.

``(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 of this Act may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

``(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established under assistance under section 34 shall—

``(1) provide business advice and counseling to high technology small business concerns located in 1 or more regions served by the Mentoring Network and identified under section 34(c)(1)(E)(iii) as potential candidates for the SBIR or STTR programs;

``(2) identify volunteer mentors who—

(A) are persons associated with a small business concern that has successfully completed
H12432
CONGRESSIONAL RECORD—HOUSE
December 15, 2000

one or more SBIR or STTR funding agreements; and
"(B) have agreed to guide small business con-
cerns through all stages of the SBIR or STTR program process, including providing assistance relating to—
"(i) proposal writing;
"(ii) marketing;
"(iii) Government accounting;
"(iv) Government audits;
"(v) project facilities and equipment;
"(vi) human resources;
"(vii) third phase partners;
"(viii) commercialization;
"(ix) mentoring and networking; and
"(x) other matters relevant to the SBIR and
STTR programs;
"(D) have experience working with small busi-
ness concerns participating in the SBIR and
STTR programs;
"(E) contribute information to the national database referred to in subsection (d); and
"(F) agree to reimburse volunteer mentors for
out-of-pocket expenses related to service as a
mentor under this section.
"(d) MENTORING DATABASE.—The Adminis-
trator shall—
"(1) include in the database required by sec-
tion 9(k)(1), in cooperation with the SBIR,
STTR programs, and Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;
"(2) work cooperatively with Mentoring Net-
works to maintain and update the database;
"(3) take such action as may be necessary to
aggressively promote Mentoring Networks under this
section; and
"(4) fulfill the requirements of this subsection
either directly or by contract.''

SEC. 113. SIMPLIFIED REPORTING REQUIRE-
MENTS.
"Section 9 of the Small Business Act (15 U.S.C.
638), as amended by this Act, is further amended by
adding at the end the following:
"(v) SIMPLIFIED REPORTING REQUIRE-
MENTS.—Section 9(k)(1), in cooperation with the SBIR,
STTR programs, and Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;
"(vi) have experience working with small busi-
ness concerns participating in the SBIR and
STTR programs;
"(vii) contribute information to the national database referred to in subsection (d); and
"(viii) agree to reimburse volunteer mentors for
out-of-pocket expenses related to service as a
mentor under this section.

SEC. 114. RURAL OUTREACH PROGRAM EXTEN-
SION.
"Section 201 of the Small Business Act (15 U.S.C.
638), as amended by this Act, is further amended by
adding at the end the following:
"(A) EXTENSION OF TERMINATION DATE.—Sec-
tion 501(b)(2) of the Small Business Reauthor-
2622) is amended by striking "2003" and
inserting "2005".
"(B) EXTENSION OF AUTHORIZATION OF AP-
PROPRIATIONS.—Section 9(a)(2) of the Small Busi-
ness Act (15 U.S.C. 638(b)(2)) is amended by
striking "for fiscal year 1998, 1999, 2000, or
2001" and inserting "for each of the fiscal years 2000
through 2005".

TITLE II—BUSINESS LOAN PROGRAMS
SEC. 201. SHORT TITLE.
"This title may be cited as the "Small Business
Loan Improvement Act of 2000".

SEC. 202. LEVELS OF PARTICIPATION.
"Section 7(a)(1)(A) of the Small Business Act
(15 U.S.C. 638(a)(1)(A)) is amended by striking
"(1) in paragraph (i) by striking "$100,000" and
inserting "$150,000"; and
"(2) in paragraph (ii)—
"(A) by striking "80 percent" and inserting "85
percent"; and
"(B) by striking "$100,000" and inserting
"$150,000".

SEC. 203. LOAN AMOUNTS.
"Section 7(a)(1)(A) of the Small Business Act
(15 U.S.C. 638(a)(1)(A)) is amended by striking
"$750,000," and inserting, "$1,000,000 (or if the
gross loan amount would exceed $2,000,000)."

SEC. 204. INTEREST ON DEFAULTED LOANS.
"Section 7(a)(4) of the Small Business Act
(15 U.S.C. 638(a)(4)) is amended by adding at the
end the following:
"(iii) APPLICABILITY.—Clauses (i) and (ii)
shall not apply to loans made on or after Octo-
ber 1, 2000.

SEC. 205. PREPAYMENT OF LOANS.
"Section 7(a)(4) of the Small Business Act
(15 U.S.C. 638(a)(4)) is further amended—
"(1) by striking "(4) INTEREST RATES AND
FEES.—" and inserting "(4) INTEREST RATES
AND PREPAYMENT CHARGES.—"; and
"(2) by adding at the end the following:
"(C) PREPAYMENT CHARGES.—
"(i) IN GENERAL.—A borrower who pre-
pays any loan guaranteed under this subsection shall
be charged a recoupment fee computed in accordance with clause (ii) if—
"(I) the loan is for a term of not less than 15
years;
"(II) the prepayment is voluntary;
"(III) the amount of prepayment in any cal-
endar year is more than 25 percent of the out-
standing balance of the loan; and
"(IV) the prepayment is made within the first
3 years after disbursement of the loan proceeds;
"(ii) SUBSIDY RECOPMENT FEE.—The subsidy
recoupment fee charged under clause (i) shall be—
"(I) 5 percent of the amount of prepayment,
if the borrower prepaids during the first year after
disbursement;
"(II) 3 percent of the amount of prepayment,
if the borrower prepaids during the second year after
disbursement; and
"(III) 1 percent of the amount of prepayment,
if the borrower prepaids during the third year after
disbursement.''

SEC. 206. GUARANTEE FEES.
"Section 7(a)(18) of the Small Business Act
(15 U.S.C. 638(a)(18)) is amended to read as follows:
"(18) GUARANTEE FEES.—
"(A) IN GENERAL.—With respect to each loan
guaranteed under this subsection (other than a
loan that is repayable in 1 year or less), the Ad-
ministration shall collect a guarantee fee, which shall be payable by the participating lender,
and may be charged to the borrower, as follows:
"(I) A guarantee fee equal to 3 percent of the
defered participation share of a total loan
amount that is not more than $150,000.
"(II) A guarantee fee equal to 3.5 percent of the
defared participation share of a total loan
amount that is more than $150,000, but not more
than $700,000.
"(III) A guarantee fee equal to 3.5 percent of the
defered participation share of a total loan
amount that is more than $700,000.

(B) RETENTION OF CERTAIN FEES.—Lenders
participating in the programs established under
this subsection may retain not more than 25 percent
of a fee collected under subparagraph (A)(i).''

SEC. 207. LEASE TERMS.
"Section 7(a) of the Small Business Act
(15 U.S.C. 638(a)) is further amended by adding at
the end the following:
"(28) LEASING.—In addition to such other
lease arrangements as may be authorized by the
Administration, a borrower may permanently
lease to one or more tenants not more than 20
percent of any property constructed with
proceeds of a loan guaranteed under this sub-
section, if the borrower permanently occupies
and uses not less than 60 percent of the total
business space in the property."

SEC. 208. APRAISALS FOR LOANS SECURED
BY REAL PROPERTY.
"(a) SMALL BUSINESS ACT.—Section 7(a) of
the Small Business Act (15 U.S.C. 638(a)) is amended by striking "for each of the fiscal years 2000
through 2005".
"(b) SBIR AND STTR ACTS.—Section 7(a)(14)
of the Small Business Act (15 U.S.C. 638(a)(14)) is amended by striking "for each of the fiscal years 2000
through 2005".
"(c) SBIR AND STTR ACTS.—Section 7(a)(15)
of the Small Business Act (15 U.S.C. 638(a)(15)) is amended by striking "for each of the fiscal years 2000
through 2005".
"(d) SBIR AND STTR ACTS.—Section 7(a)(16)
of the Small Business Act (15 U.S.C. 638(a)(16)) is amended by striking "for each of the fiscal years 2000
through 2005".
"(e) SBIR AND STTR ACTS.—Section 7(a)(17)
of the Small Business Act (15 U.S.C. 638(a)(17)) is amended by striking "for each of the fiscal years 2000
through 2005".
"(f) SBIR AND STTR ACTS.—Section 7(a)(18)
of the Small Business Act (15 U.S.C. 638(a)(18)) is amended by striking "for each of the fiscal years 2000
through 2005".

TITLE III—CERTIFIED DEVELOPMENT
COMPANY PROGRAM
SEC. 301. SHORT TITLE.
"This title may be cited as the "Certified Devel-
opment Company Program Improvements Act of
2000".

SEC. 302. WOMEN-OWNED BUSINESSES.
"Section 501(d)(31)(C) of the Small Business In-
amended by inserting before the comma "or
women-owned business development".

SEC. 303. MAXIMUM DEBENTURE SIZE.
"Section 502(2) of the Small Business Invest-
ment Act of 1958 (15 U.S.C. 696(2)(C)) is amended by deleting "$500,000" and inserting "$350,000".

TITLE IV—SALARY AND PAYROLL TAX
EXEMPTIONS AND PROGRAM MOD-
IFICATIONS
SEC. 401. PROGRAM MODIFICATIONS.
"This title may be cited as the "Program Mod-
fications Act of 2000".
501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.

SEC. 304. FEES.
Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697 note) is amended to read as follows:

"(f) Effective Date.—The fees authorized by subsections (b) and (d) shall apply to financings approved on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.
Section 505 of the Small Business Investment Act of 1958 (15 U.S.C. 697 note) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the Administration shall examine the qualifications of any qualified State or local development company and such remedies not available to a qualified State or local development company";

(2) in subsection (b), by striking "(ii)" and inserting "(g)";

(3) in subsection (c), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (d) (as redesignated by paragraph (1)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) Sale of Certain Defaulted Loans.—

"(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or re-purchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. Such notice shall be given to the company as soon as possible after the financial is identified, but not less than 90 days before the date the Administration first makes any records on such final claim available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as a bulk sale unless it—

"(A) provides prospective purchasers with the opportunity to examine the Administration’s records on such loan; and

"(B) provides the notice required by paragraph (1).

SEC. 307. LOAN LIQUIDATION.
"(a) Liquidation and Foreclosure.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"(b) Timing.—In carrying out liquidation and foreclosure actions, the Administration shall approve or reject the plan within the 15-day period required by subparagraph (E) notice to the company that submitted the request.

"(c) Compromise of Indebtedness.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

SEC. 308. CONCLUSION OF SECTION.
"(a) Delegation of Authority.—In accordance with this section, the Administration shall delegate to the Administration or a qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to enter into any other transactions described in this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) Eligibility for Delegation.—

"(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration in connection with—

"(A) in the case of a delegation of authority under subsection (a) if—

"(i) the company—

"(ii) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration in connection with—

"(ii) has made an offer to the Administration a request for written approval from the Administration.

"(B) in the case of a delegation of authority under subsection (a) if—

"(i) the company—

"(iii) is participating in the Premier Certified Lenders Program under section 508; or

"(ii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has one or more employees—

"(II) who have completed a training program in substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(ii) who have completed a training program in substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(B) the Administration—

"(i) determines that a company is not entitled to a delegation of authority under section (a), by striking "On a pilot program basis, the Administration shall examine the qualifications of any qualified State or local development company; or

"(ii) determines that a company that is entitled to a delegation of authority under section (a) to perform all liquidation and foreclosure actions and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(C) Notification.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(D) Scope of Authority.—

"(i) in general.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions described in subsection (b) and any other actions not addressed in paragraph (1) if the Administration delegates authority under clause (i).

"(B) PURCHASE OF INDEBTEDNESS.—

"(I) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval from the Administration prior to seeking such a delegation, has made an offer to the Administration a request for written approval from the Administration.

"(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (i), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

"(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under paragraph (A)(ii)(I), (B)(ii)(I), or (C)(ii)(I) shall—

"(i) be in writing;

"(ii) shall state the specific reason for the Administration’s inability to act on the request; and

"(iii) shall include an estimate of the additional time required by the Administration to act on the request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the request, specify the nature of such additional information or documentation.

"(2) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(3) SUSPENSION OR RESCINDING AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(i) does not meet the requirements of subsection (b)(1);

"(ii) violates any applicable rule or regulation of the Administration or any other applicable law; or

"(iii) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration in connection with—
"(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1)."

"(e) PRIVILEGE

"(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

"(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total amount of the loss; and

"(ii) the total cost of the project financed with the loan;

"(B) the total dollar amount guaranteed by the Administration; and

"(C) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(D) a comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to losses foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

"(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for refinancing in accordance with subparagraph (B)(ii), including specific information regarding the reasons for the Administration’s failure and any delays that resulted.

"(2) REGULATIONS.—

"(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administration shall issue such regulations as may be necessary to implement section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

"(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date that regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the “Small Business Investment Program Reauthorization Act of 2000”.

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting “$20,050,000,000 in deferred participation loans, as provided in section 7(a);” before the semicolon at the end of the following:

"regardless of the allocation of control during the investment period under any agreement between the business concern and the entity making the investment.”

(b) L O N G T E R M.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

"(1) in paragraph (15), by striking “and” at the end; and

"(2) in paragraph (16), by striking the period at the end and inserting “; and”;

and

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

“(17) the term ‘project company’ used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.”

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking “(b) Notwithstanding” and inserting the following:

“(1) FINANCIAL INSTITUTION INVESTMENTS.—

“(i) CERTAIN BANKS.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by such Federal savings association exceed the percent of the capital and surplus of the Federal savings association.”

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for debentures obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year, plus the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration for fiscal year 2001 such that shall be paid to and retained by the Administration”.

(b) PARTICIPATING SECURITIES.—Section 303(g)(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for participating securities obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year, plus the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration for fiscal year 2001 such that shall be paid to and retained by the Administration”.

SEC. 405. DISTRIBUTION.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

"(1) by striking “subchapter 5 corporation” and inserting “subchapter 5 corporation”;

"(2) by striking “the end of any calendar quarter based on a quarter calendar year” and inserting “the end of any calendar quarter based on an annual calendar year”;

and

"(3) by striking “quarterly distributions for a calendar year” and inserting “interim distributions for a calendar year”.

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 696(c)(4)) is amended by adding “five years” and inserting “1 year”.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the “Small Business Programs Reauthorization Act of 2000.”

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(g) FISCAL YEAR 2002.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $45,000,000 in technical assistance grants as provided in section 7(a); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $14,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,000,000,000 in financings as provided in section 7(a)(3); (B) $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of participating securities; and

"(ii) $1,300,000,000 in guarantees of debentures.

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of participating securities; and

"(ii) $1,300,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title II of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of participating securities; and

"(ii) $1,300,000,000 in guarantees of debentures.

"(E) The Administration is authorized to make grants or enter cooperative agreements for an amount not to exceed $50,000,000 for the Federal Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.

(A) The Administration is authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001, the Administration is authorized to be used as loan capital for the loan program authorized by section 7(a)(2) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans of its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act.

"(C) For the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $20,050,000,000 in deferred participation loans as provided in section 7(a); and

"(ii) $20,050,000,000 in direct loans as provided in section 7(m).}

December 15, 2000
of the Administration is authorized to make—

(ii) $15,000,000,000 in general business loans as provided in section 7(a); and

(iii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958; and

(iv) $500,000,000 in loans as provided in section 7(a)(21); and

(v) $50,000,000 in loans as provided in section 7(a).

(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

(i) $2,500,000,000 in purchases of participating securities; and

(ii) $5,000,000,000 in guarantees of debentures.

(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into contracts, if necessary, not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 105 of the Small Business Act (15 U.S.C. 637 note) except by transfer from another Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this section 7(a) except by transfer from another Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this paragraph, for fiscal year 2003—

(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

(ii) $10,000,000 in technical assistance grants as provided in section 7(m); and

(iii) $100,000,000 in direct loans, as provided in section 7(m).

(B) For the programs authorized by this Act, the Administration is authorized to make—

(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

(ii) $100,000,000 in direct loans, as provided in section 7(m).

(C) For the programs authorized by this Act, the Administration is authorized to make—

(i) $16,000,000,000 in general business loans as provided in section 7(a); and

(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

(iii) $500,000,000 in loans as provided in section 7(a)(21); and

(iv) $50,000,000 in loans as provided in section 7(m).

(D) For the programs authorized by this Act, the Administration is authorized to make—

(i) $4,000,000,000 in purchases of participating securities; and

(ii) $3,000,000,000 in guarantees of debentures.

(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

(2) ADDITIONAL AUTHORIZATIONS.—

(A) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

(B) Additional authorizations.—

(i) FISCAL YEAR 2003.—

(1) PROGRAM LEVELS.—The program level authorized for fiscal year 2003 is:

(A) For the programs authorized by this Act, the Administration is authorized to make—

(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

(ii) $100,000,000 in direct loans, as provided in section 7(m).

(B) For the programs authorized by this Act, the Administration is authorized to make—

(i) $2,500,000,000 in guarantees of debentures.

(C) For the programs authorized by the title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

(i) $4,000,000,000 in purchases of participating securities; and

(ii) $3,000,000,000 in guarantees of debentures.

(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to make—

(iii) $5,000,000,000 in financings as provided in section 7(a)(21) of this Act, and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

SEC. 503. ADDITIONAL AUTHORIZATIONS.

(a) D RUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking "D RUG-FREE WORKPLACE DEMONSTRATION PROGRAM" and inserting "PAID-FOR DRUG-FREE WORKPLACE PROGRAM"; and

(2) in subsection (a), by striking "$10,000,000 for fiscal years 1999 and 2000" and inserting "$5,000,000 for each of fiscal years 2001 through 2003.

(b) H UZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the program established by section 31, $10,000,000 for each of fiscal years 2001 through 2003.


SEC. 504. COSPONSORSHIP.

(a) In general.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

(1)(A) to provide—

(A) technical, managerial, and informational aids to small business concerns—

(i) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

(ii) by cooperating and advising with—
Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by such tribal entity (as determined pursuant to section 29(e)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2))); or

(3) a small business concern;

(ii) that is owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, or

(iii) that is owned in part by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.".

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

```````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````
(4) in subsection (b), by striking "Not later" and all that follows through "the Administrator".

SEC. 703. REPEAL OF PROCUREMENT PROJECT.


SEC. 704. STUDIES AND OTHER RESEARCH.

Section 410 of the Women's Business Ownership Act of 1989 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall conduct a study to determine the eligibility of women-owned businesses, to access to credit and investment capital by women entrepreneurs, or to other issues relating to women-owned businesses, as the Council determines to be appropriate.

(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more private or public entities.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women's Business Ownership Act of 1989 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 810. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(30) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.".

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 7(a) of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

"(6) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.".

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by striking "business concerns owned and controlled by veterans," after "small business concerns," the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans," in each of the first and second sentences; and

(B) in subparagraph (B), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans;" and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting "business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans;".

[...]

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking "For fiscal year 1985" and all that follows through "the Administration shall distribute the remaining funds as follows:

"(i) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever occurs first.

"(ii) If any funds remain after the application of subsection (a)(3)(A), the remaining amount may be distributed as supplemental grants to any States that are not eligible to receive more than $500,000, as determined by the Administrator in its discretion, to be appropriate, with the Administration determining the remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever occurs first.

"(iii) If any funds remain after the application of subsection (a)(3)(A), the remaining amount may be distributed as supplemental grants to any States that are not eligible to receive more than $500,000, as determined by the Administrator in its discretion, to be appropriate, with the Administration determining the remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever occurs first.

"(iv) USE OF AMOUNTS.—

(a) The Administration may use amounts provided to a State under this section for examination expenses authorized by clause (v) of this subparagraph.

(b) The Administration may use amounts provided to a State under this section to carry out any other mission of the Small Business Development Center Program, less any reductions made in accordance with clause (iv).

(c) The Administration may use amounts provided to a State under this section for examination expenses authorized by clause (v) of this subparagraph, to carry out any other mission of the Small Business Development Center Program, less any reductions made in accordance with clause (iv).

"(v) LIMITATION.—No funds described in subsection (a) may be used for examination expenses authorized by clause (v) of this subparagraph.

"(vi) EXCLUSIONS.—Grants provided to a State by the Administration under this section shall be used for examination expenses authorized by clause (v) of this subparagraph.
subsection, the term ‘bundled contract’ has the meaning given such term in section 3(10).

‘(2) Database.—

‘(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Administrator of the Small Business Administration shall establish and shall thereafter maintain a database containing data and information regarding—

(i) each bundled contract awarded by a Federal agency; and

(ii) each small business concern that has been displaced as a prime contractor as a result of the award of such a contract.

‘(B) ANALYSIS.—For each bundled contract that is to be reconstituted as a bundled contract, the Administrator shall—

(A) analyze the extent to which the bundling of contract requirements—

(i) resulted in the award of bundled contracts by Federal agencies; and

(ii) resulted in the award of bundled contracts by Federal agencies; and

(B) the cost savings realized by bundling the contract requirements over the life of the contract;

(C) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

(dd) the extent to which the bundling of contract requirements with the contracting agency’s small business subcontracting plan, including the total dollar value awarded to small business concerns as subcontractors and the total dollar value awarded to small business concerns as prime contractors;

(EE) the impact of the bundling of contract requirements on small businesses unable to compete as prime contractors for the consolidated requirements and on the industries of such small businesses, including a description of any changes to the composition of any such industry that is composed of small business concerns;

‘(3) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

‘(m) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

‘(3) DEFINITIONS.—In this subsection, the following terms are defined:—

‘(A) FEDERAL PROCUREMENT DATA SYSTEM.—The term ‘Federal procurement data system’ has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

‘(B) SMALL BUSINESS OWNED AND CONTROLLED BY WOMEN.—The term ‘small business concern owned and controlled by women’ has the meaning given such term in section 3(11), except that ownership shall be determined without regard to any community property law.

‘(2) AUTHORITY TO RESTRICT COMPETITION.—In accordance with the award of a bundled contract, the contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small businesses owned and controlled by women if—

(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law); and

(B) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract; or

(C) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

(D) the potential price of the contract (including options) does not exceed $5,000,000.

‘(4) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

‘(A) CONTRACTING OFFICER.—The term ‘contracting officer’ has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

‘(B) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term ‘small business concern owned and controlled by women’ has the meaning given such term in section 3(11), except that ownership shall be determined without regard to any community property law.

‘(2) AUTHORITY TO RESTRICT COMPETITION.—In accordance with the award of a bundled contract, the contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small businesses owned and controlled by women if—

(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law); and

(B) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract; or

(C) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

(D) the potential price of the contract (including options) does not exceed $5,000,000.

SEC. 806. NATIVE HAWAIIAN ORIGIN PROVISION.

Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

‘(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law); and

‘(B) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

‘(C) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

‘(D) the potential price of the contract (including options) does not exceed $5,000,000.

SEC. 807. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

The Administrator may waive paragraph 2(A) if the Administrator determines that the concern in an industry where small business concerns owned and controlled by women are substantially underrepresented.

SEC. 808. IDENTIFICATION OF INDUSTRIES.—The Administrator shall conduct a study to identify industries in which small business concerns owned and controlled by women are underrepresented.

‘(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law); and

‘(B) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

‘(C) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law); and

‘(D) the potential price of the contract (including options) does not exceed $5,000,000.

SEC. 809. PRIVATE SECTOR RESOURCES FOR RESEARCH.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by adding at the end the following:

‘(J) the filing, investigation, and disposition by the Administrator of any challenge, filed by an interested party, relating to any challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern owned and controlled by women under this subsection (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under paragraph (2)(F) if:

‘(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law); and

‘(B) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

‘(C) the small business concern owned and controlled by women is not a small business concern owned and controlled by women; or

‘(D) the potential price of the contract (including options) does not exceed $5,000,000.

SEC. 810. CONTRACT DATA COLLECTION.

The Administrator shall have access to information collected through the Executive Office of the Federal Procurement Data System.

The Administrator shall have access to information collected through the Federal Acquisition Data System.
small business concern making a certification or providing information to the Administrator under paragraph (2)(F).

"(C) Penalties.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by women for purposes of this subsection, shall be subject to—

"(i) section 1001 of title 18, United States Code; and

"(ii) sections 3729 through 3733 of title 31, United States Code.

"(6) Provision of Data.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.".

NOTICE
Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.