105TH CONGRESS 2D SESSION

H. R. 4830

To provide support for certain institutes and schools.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1998

Mr. Duncan introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide support for certain institutes and schools.

- 1 Be it enacted by the Senate and House of Representa2 tives of the United States of America in Congress assembled,
 3 TITLE I—OREGON INSTITUTE OF
 4 PUBLIC SERVICE AND CON5 STITUTIONAL STUDIES
- 6 SEC. 101. DEFINITIONS.
- 7 In this title:
- 8 (1) Endowment fund.—The term "endow-
- 9 ment fund" means a fund established by Portland
- 10 State University for the purpose of generating in-
- 11 come for the support of the Institute.

1	(2) Institute.—The term "Institute" means
2	the Oregon Institute of Public Service and Constitu-
3	tional Studies established under this title.
4	(3) Secretary.—The term "Secretary" means
5	the Secretary of Education.
6	SEC. 102. OREGON INSTITUTE OF PUBLIC SERVICE AND
7	CONSTITUTIONAL STUDIES.
8	From the funds appropriated under section 106, the
9	Secretary is authorized to award a grant to Portland State
10	University at Portland, Oregon, for the establishment of
11	an endowment fund to support the Oregon Institute of
12	Public Service and Constitutional Studies at the Mark O.
13	Hatfield School of Government at Portland State Univer-
14	sity.
15	SEC. 103. DUTIES.
16	In order to receive a grant under this title the Port-
17	land State University shall establish the Institute. The In-
18	stitute shall have the following duties:
19	(1) To generate resources, improve teaching,
20	enhance curriculum development, and further the
21	knowledge and understanding of students of all ages
22	about public service, the United States Government,
23	and the Constitution of the United States of Amer-
24	ica.

- 1 (2) To increase the awareness of the impor-2 tance of public service, to foster among the youth of 3 the United States greater recognition of the role of 4 public service in the development of the United 5 States, and to promote public service as a career 6 choice.
 - (3) To establish a Mark O. Hatfield Fellows program for students of government, public policy, public health, education, or law who have demonstrated a commitment to public service through volunteer activities, research projects, or employment.
 - (4) To create library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute.
 - (5) To support the professional development of elected officials at all levels of government.

18 SEC. 104. ADMINISTRATION.

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- (a) Leadership Council.—
- 20 (1) IN GENERAL.—In order to receive a grant
 21 under this title Portland State University shall en22 sure that the Institute operates under the direction
 23 of a Leadership Council (in this title referred to as
 24 the "Leadership Council") that—

1	"(A) consists of 15 individuals appointed
2	by the President of Portland State University;
3	and
4	"(B) is established in accordance with this
5	section.
6	(2) Appointments.—Of the individuals ap-
7	pointed under paragraph (1)(A)—
8	(A) Portland State University, Willamette
9	University, the Constitution Project, George
10	Fox University, Warner Pacific University, and
11	Oregon Health Sciences University shall each
12	have a representative;
13	(B) at least 1 shall represent Mark O.
14	Hatfield, his family, or a designee thereof;
15	(C) at least 1 shall have expertise in ele-
16	mentary and secondary school social sciences or
17	governmental studies;
18	(D) at least 2 shall be representative of
19	business or government and reside outside of
20	Oregon;
21	(E) at least 1 shall be an elected official;
22	and
23	(F) at least 3 shall be leaders in the pri-
24	vate sector.

- 1 (3) EX-OFFICIO MEMBER.—The Director of the 2 Mark O. Hatfield School of Government at Portland 3 State University shall serve as an ex-officio member
- 5 (b) Chairperson.—

of the Leadership Council.

- 6 (1) IN GENERAL.—The President of Portland
 7 State University shall designate 1 of the individuals
 8 first appointed to the Leadership Council under sub9 section (a) as the Chairperson of the Leadership
 10 Council. The individual so designated shall serve as
 11 Chairperson for 1 year.
- 12 (2) REQUIREMENT.—Upon the expiration of the
 13 term of the Chairperson of the individual designated
 14 as Chairperson under paragraph (1), or the term of
 15 the Chairperson elected under this paragraph, the
 16 members of the Leadership Council shall elect a
 17 Chairperson of the Leadership Council from among
 18 the members of the Leadership Council.

19 SEC. 105. ENDOWMENT FUND.

- 20 (a) Management.—The endowment fund shall be 21 managed in accordance with the standard endowment poli-22 cies established by the Oregon University System.
- 23 (b) Use of Interest and Investment Income.— 24 Interest and other investment income earned (on or after 25 the date of enactment of this subsection) from the endow-

- 1 ment fund may be used to carry out the duties of the Insti-
- 2 tute under section 103.
- 3 (c) Distribution of Interest and Investment
- 4 Income.—Funds realized from interest and other invest-
- 5 ment income earned (on or after the date of enactment
- 6 of this subsection) shall be spent by Portland State Uni-
- 7 versity in collaboration with Willamette University, George
- 8 Fox University, the Constitution Project, Warner Pacific
- 9 University, Oregon Health Sciences University, and other
- 10 appropriate educational institutions or community-based
- 11 organizations. In expending such funds, the Leadership
- 12 Council shall encourage programs to establish partner-
- 13 ships, to leverage private funds, and to match expendi-
- 14 tures from the endowment fund.
- 15 SEC. 106. AUTHORIZATION OF APPROPRIATIONS.
- There is authorized to be appropriated to carry out
- 17 this title \$3,000,000 for fiscal year 1999.

18 TITLE II—PAUL SIMON PUBLIC

19 **POLICY INSTITUTE**

- 20 SEC. 201. DEFINITIONS.
- 21 In this title:
- 22 (1) Endowment fund.—The term "endow-
- 23 ment fund" means a fund established by the Univer-
- sity for the purpose of generating income for the
- support of the Institute.

- 1 (2) Endowment fund corpus.—The term
 2 "endowment fund corpus" means an amount equal
 3 to the grant or grants awarded under this title plus
 4 an amount equal to the matching funds required
 5 under section 202(d).
 - (3) Endowment fund income.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.
- 10 (4) Institute.—The term "Institute" means 11 the Paul Simon Public Policy Institute described in 12 section 202.
- (5) SECRETARY.—The term "Secretary" means
 the Secretary of Education.
- (6) UNIVERSITY.—The term "University"
 means Southern Illinois University at Carbondale,
 Illinois.

18 SEC. 202. PROGRAM AUTHORIZED.

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- 19 (a) Grants.—From the funds appropriated under
- 20 section 206, the Secretary is authorized to award a grant
- 21 to Southern Illinois University for the establishment of an
- 22 endowment fund to support the Paul Simon Public Policy
- 23 Institute. The Secretary may enter into agreements with
- 24 the University and include in any agreement made pursu-

- 1 ant to this title such provisions as are determined nec-
- 2 essary by the Secretary to carry out this title.
- 3 (b) Duties.—In order to receive a grant under this
- 4 title, the University shall establish the Institute. The Insti-
- 5 tute, in addition to recognizing more than 40 years of pub-
- 6 lic service to Illinois, to the Nation, and to the world, shall
- 7 engage in research, analysis, debate, and policy rec-
- 8 ommendations affecting world hunger, mass media, for-
- 9 eign policy, education, and employment.
- 10 (c) Deposit Into Endowment Fund.—The Uni-
- 11 versity shall deposit the proceeds of any grant received
- 12 under this section into the endowment fund.
- 13 (d) Matching Funds Requirement.—The Univer-
- 14 sity may receive a grant under this section only if the Uni-
- 15 versity has deposited in the endowment fund established
- 16 under this title an amount equal to one-third of such grant
- 17 and has provided adequate assurances to the Secretary
- 18 that the University will administer the endowment fund
- 19 in accordance with the requirements of this title. The
- 20 source of the funds for the University match shall be de-
- 21 rived from State, private foundation, corporate, or individ-
- 22 ual gifts or bequests, but may not include Federal funds
- 23 or funds derived from any other federally supported fund.
- 24 (e) Duration; Corpus Rule.—The period of any
- 25 grant awarded under this section shall not exceed 20

- 1 years, and during such period the University shall not
- 2 withdraw or expend any of the endowment fund corpus.
- 3 Upon expiration of the grant period, the University may
- 4 use the endowment fund corpus, plus any endowment fund
- 5 income for any educational purpose of the University.

6 SEC. 203. INVESTMENTS.

- 7 (a) In General.—The University shall invest the
- 8 endowment fund corpus and endowment fund income in
- 9 those low-risk instruments and securities in which a regu-
- 10 lated insurance company may invest under the laws of the
- 11 State of Illinois, such as federally insured bank savings
- 12 accounts or comparable interest bearing accounts, certifi-
- 13 cates of deposit, money market funds, or obligations of
- 14 the United States.
- 15 (b) JUDGMENT AND CARE.—The University, in in-
- 16 vesting the endowment fund corpus and endowment fund
- 17 income, shall exercise the judgment and care, under cir-
- 18 cumstances then prevailing, which a person of prudence,
- 19 discretion, and intelligence would exercise in the manage-
- 20 ment of the person's own business affairs.

21 SEC. 204. WITHDRAWALS AND EXPENDITURES.

- 22 (a) In General.—The University may withdraw and
- 23 expend the endowment fund income to defray any ex-
- 24 penses necessary to the operation of the Institute, includ-
- 25 ing expenses of operations and maintenance, administra-

- 1 tion, academic and support personnel, construction and
- 2 renovation, community and student services programs,
- 3 technical assistance, and research. No endowment fund in-
- 4 come or endowment fund corpus may be used for any type
- 5 of support of the executive officers of the University or
- 6 for any commercial enterprise or endeavor. Except as pro-
- 7 vided in subsection (b), the University shall not, in the
- 8 aggregate, withdraw or expend more than 50 percent of
- 9 the total aggregate endowment fund income earned prior
- 10 to the time of withdrawal or expenditure.
- 11 (b) Special Rule.—The Secretary is authorized to
- 12 permit the University to withdraw or expend more than
- 13 50 percent of the total aggregate endowment fund income
- 14 whenever the University demonstrates such withdrawal or
- 15 expenditure is necessary because of—
- 16 (1) a financial emergency, such as a pending in-
- solvency or temporary liquidity problem;
- 18 (2) a life-threatening situation occasioned by a
- 19 natural disaster or arson; or
- 20 (3) another unusual occurrence or exigent cir-
- 21 cumstance.
- 22 (c) Repayment.—
- 23 (1) Income.—If the University withdraws or
- 24 expends more than the endowment fund income au-
- 25 thorized by this section, the University shall repay

1	the Secretary an amount equal to one-third of the
2	amount improperly expended (representing the Fed-
3	eral share thereof).
4	(2) Corpus.—Except as provided in section
5	202(e)—
6	(A) the University shall not withdraw or
7	expend any endowment fund corpus; and
8	(B) if the University withdraws or expends
9	any endowment fund corpus, the University
10	shall repay the Secretary an amount equal to
11	one-third of the amount withdrawn or expended
12	(representing the Federal share thereof) plus
13	any endowment fund income earned thereon.
14	SEC. 205. ENFORCEMENT.
15	(a) In General.—After notice and an opportunity
16	for a hearing, the Secretary is authorized to terminate a
17	grant and recover any grant funds awarded under this sec-
18	tion if the University—
19	(1) withdraws or expends any endowment fund
20	corpus, or any endowment fund income in excess of
21	the amount authorized by section 204, except as
22	provided in section 202(e);
23	(2) fails to invest the endowment fund corpus
24	or endowment fund income in accordance with the
25	investment requirements described in section 203; or

1 (3) fails to account properly to the Secretary,
2 or the General Accounting Office if properly des3 ignated by the Secretary to conduct an audit of
4 funds made available under this title, pursuant to
5 such rules and regulations as may be proscribed by
6 the Comptroller General of the United States, con7 cerning investments and expenditures of the endow-

ment fund corpus or endowment fund income.

9 (b) TERMINATION.—If the Secretary terminates a
10 grant under subsection (a), the University shall return to
11 the Treasury of the United States an amount equal to the
12 sum of the original grant or grants under this title, plus
13 any endowment fund income earned thereon. The Sec14 retary may direct the University to take such other appro15 priate measures to remedy any violation of this title and
16 to protect the financial interest of the United States.

17 SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out 19 this title \$3,000,000 for fiscal year 1999. Funds appro-20 priated under this section shall remain available until ex-21 pended.

22 TITLE III—HOWARD BAKER

23 SCHOOL OF GOVERNMENT

- 24 SEC. 301. DEFINITIONS.
- 25 In this title:

- 1 (1) BOARD.—The term "Board" means the 2 Board of Advisors established under section 304.
- 3 (2) Endowment fund.—The term "endow-
- 4 ment fund" means a fund established by the Univer-
- 5 sity of Tennessee in Knoxville, Tennessee, for the
- 6 purpose of generating income for the support of the
- 7 School.
- 8 (3) School.—The term "School" means the
- 9 Howard Baker School of Government established
- under this title.
- 11 (4) Secretary.—The term "Secretary" means
- the Secretary of Education.
- 13 (5) University.—The term "University"
- means the University of Tennessee in Knoxville,
- Tennessee.
- 16 SEC. 302. HOWARD BAKER SCHOOL OF GOVERNMENT.
- 17 From the funds authorized to be appropriated under
- 18 section 306, the Secretary is authorized to award a grant
- 19 to the University for the establishment of an endowment
- 20 fund to support the Howard Baker School of Government
- 21 at the University of Tennessee in Knoxville, Tennessee.
- 22 **SEC. 303. DUTIES.**
- In order to receive a grant under this title, the Uni-
- 24 versity shall establish the School. The School shall have
- 25 the following duties:

- 1 (1) To establish a professorship to improve 2 teaching and research related to, enhance the cur-3 riculum of, and further the knowledge and under-4 standing of, the study of democratic institutions, in-5 cluding aspects of regional planning, public adminis-6 tration, and public policy.
 - (2) To establish a lecture series to increase the knowledge and awareness of the major public issues of the day in order to enhance informed citizen participation in public affairs.
 - (3) To establish a fellowship program for students of government, planning, public administration, or public policy who have demonstrated a commitment and an interest in pursuing a career in public affairs.
 - (4) To provide appropriate library materials and appropriate research and instructional equipment for use in carrying out academic and public service programs, and to enhance the existing United States Presidential and public official manuscript collections.
 - (5) To support the professional development of elected officials at all levels of government.
- 24 SEC. 304. ADMINISTRATION.
- 25 (a) Board of Advisors.—

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1	(1) IN GENERAL.—The School shall operate
2	with the advice and guidance of a Board of Advisors
3	consisting of 13 individuals appointed by the Vice
4	Chancellor for Academic Affairs of the University.
5	(2) Appointments.—Of the individuals ap-
6	pointed under paragraph (1)—
7	(A) 5 shall represent the University;
8	(B) 2 shall represent Howard Baker, his
9	family, or a designee thereof;
10	(C) 5 shall be representative of business or
11	government; and
12	(D) 1 shall be the Governor of Tennessee,
13	or the Governor's designee.
14	(3) Ex officio members.—The Vice Chan-
15	cellor for Academic Affairs and the Dean of the Col-
16	lege of Arts and Sciences at the University shall
17	serve as an ex officio member of the Board.
18	(b) Chairperson.—
19	(1) In General.—The Chancellor, with the
20	concurrence of the Vice Chancellor for Academic Af-
21	fairs, of the University shall designate 1 of the indi-
22	viduals first appointed to the Board under sub-
23	section (a) as the Chairperson of the Board. The in-
24	dividual so designated shall serve as Chairperson for
25	1 year.

- 1 (2) REQUIREMENTS.—Upon the expiration of
- 2 the term of the Chairperson of the individual des-
- 3 ignated as Chairperson under paragraph (1) or the
- 4 term of the Chairperson elected under this para-
- 5 graph, the members of the Board shall elect a Chair-
- 6 person of the Board from among the members of the
- 7 Board.

8 SEC. 305. ENDOWMENT FUND.

- 9 (a) Management.—The endowment fund shall be
- 10 managed in accordance with the standard endowment poli-
- 11 cies established by the University of Tennessee System.
- 12 (b) Use of Interest and Investment Income.—
- 13 Interest and other investment income earned (on or after
- 14 the date of enactment of this subsection) from the endow-
- 15 ment fund may be used to carry out the duties of the
- 16 School under section 303.
- 17 (c) Distribution of Interest and Investment
- 18 Income.—Funds realized from interest and other invest-
- 19 ment income earned (on or after the date of enactment
- 20 of this subsection) shall be available for expenditure by
- 21 the University for purposes consistent with section 303,
- 22 as recommended by the Board. The Board shall encourage
- 23 programs to establish partnerships, to leverage private
- 24 funds, and to match expenditures from the endowment
- 25 fund.

1 SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

- 2 There is authorized to be appropriated to carry out
- 3 this title \$10,000,000 for fiscal year 2000.

4 TITLE IV—JOHN GLENN INSTI-

5 TUTE FOR PUBLIC SERVICE

6 AND PUBLIC POLICY

- 7 SEC. 401. DEFINITIONS.
- 8 In this title:
- 9 (1) Endowment fund.—The term "endow-
- ment fund" means a fund established by the Univer-
- sity for the purpose of generating income for the
- support of the Institute.
- 13 (2) Endowment fund corpus.—The term
- "endowment fund corpus" means an amount equal
- to the grant or grants awarded under this title plus
- an amount equal to the matching funds required
- under section 402(d).
- 18 (3) Endowment fund income.—The term
- "endowment fund income" means an amount equal
- to the total value of the endowment fund minus the
- 21 endowment fund corpus.
- 22 (4) Institute.—The term "Institute" means
- 23 the John Glenn Institute for Public Service and
- 24 Public Policy described in section 402.
- 25 (5) Secretary.—The term "Secretary" means
- the Secretary of Education.

1	(6) University.—The term "University"
2	means the Ohio State University at Columbus, Ohio.
3	SEC. 402. PROGRAM AUTHORIZED.
4	(a) Grants.—From the funds appropriated under
5	section 406, the Secretary is authorized to award a grant
6	to the Ohio State University for the establishment of an
7	endowment fund to support the John Glenn Institute for
8	Public Service and Public Policy. The Secretary may enter
9	into agreements with the University and include in any
10	agreement made pursuant to this title such provisions as
11	are determined necessary by the Secretary to carry out
12	this title.
13	(b) Purposes.—The Institute shall have the follow-
14	ing purposes:
15	(1) To sponsor classes, internships, community
16	service activities, and research projects to stimulate
17	student participation in public service, in order to
18	foster America's next generation of leaders.
19	(2) To conduct scholarly research in conjunc-
20	tion with public officials on significant issues facing
21	society and to share the results of such research
22	with decisionmakers and legislators as the decision-
23	makers and legislators address such issues.
24	(3) To offer opportunities to attend seminars
25	on such topics as budgeting and finance, ethics, per-

- 1 sonnel management, policy evaluations, and regu-
- 2 latory issues that are designed to assist public offi-
- 3 cials in learning more about the political process and
- 4 to expand the organizational skills and policy-mak-
- 5 ing abilities of such officials.
- 6 (4) To educate the general public by sponsoring
- 7 national conferences, seminars, publications, and fo-
- 8 rums on important public issues.
- 9 (5) To provide access to Senator John Glenn's
- 10 extensive collection of papers, policy decisions, and
- memorabilia, enabling scholars at all levels to study
- the Senator's work.
- 13 (c) Deposit Into Endowment Fund.—The Uni-
- 14 versity shall deposit the proceeds of any grant received
- 15 under this section into the endowment fund.
- 16 (d) Matching Funds Requirement.—The Univer-
- 17 sity may receive a grant under this section only if the Uni-
- 18 versity has deposited in the endowment fund established
- 19 under this title an amount equal to one-third of such grant
- 20 and has provided adequate assurances to the Secretary
- 21 that the University will administer the endowment fund
- 22 in accordance with the requirements of this title. The
- 23 source of the funds for the University match shall be de-
- 24 rived from State, private foundation, corporate, or individ-

- 1 ual gifts or bequests, but may not include Federal funds
- 2 or funds derived from any other federally supported fund.
- 3 (e) Duration; Corpus Rule.—The period of any
- 4 grant awarded under this section shall not exceed 20
- 5 years, and during such period the University shall not
- 6 withdraw or expend any of the endowment fund corpus.
- 7 Upon expiration of the grant period, the University may
- 8 use the endowment fund corpus, plus any endowment fund
- 9 income for any educational purpose of the University.

10 SEC. 403. INVESTMENTS.

- 11 (a) IN GENERAL.—The University shall invest the
- 12 endowment fund corpus and endowment fund income in
- 13 accordance with the University's investment policy ap-
- 14 proved by the Ohio State University Board of Trustees.
- 15 (b) Judgment and Care.—The University, in in-
- 16 vesting the endowment fund corpus and endowment fund
- 17 income, shall exercise the judgment and care, under cir-
- 18 cumstances then prevailing, which a person of prudence,
- 19 discretion, and intelligence would exercise in the manage-
- 20 ment of the person's own business affairs.

21 SEC. 404. WITHDRAWALS AND EXPENDITURES.

- 22 (a) IN GENERAL.—The University may withdraw and
- 23 expend the endowment fund income to defray any ex-
- 24 penses necessary to the operation of the Institute, includ-
- 25 ing expenses of operations and maintenance, administra-

- 1 tion, academic and support personnel, construction and
- 2 renovation, community and student services programs,
- 3 technical assistance, and research. No endowment fund in-
- 4 come or endowment fund corpus may be used for any type
- 5 of support of the executive officers of the University or
- 6 for any commercial enterprise or endeavor. Except as pro-
- 7 vided in subsection (b), the University shall not, in the
- 8 aggregate, withdraw or expend more than 50 percent of
- 9 the total aggregate endowment fund income earned prior
- 10 to the time of withdrawal or expenditure.
- 11 (b) Special Rule.—The Secretary is authorized to
- 12 permit the University to withdraw or expend more than
- 13 50 percent of the total aggregate endowment fund income
- 14 whenever the University demonstrates such withdrawal or
- 15 expenditure is necessary because of—
- 16 (1) a financial emergency, such as a pending in-
- solvency or temporary liquidity problem;
- 18 (2) a life-threatening situation occasioned by a
- 19 natural disaster or arson; or
- 20 (3) another unusual occurrence or exigent cir-
- 21 cumstance.
- 22 (c) Repayment.—
- 23 (1) Income.—If the University withdraws or
- 24 expends more than the endowment fund income au-
- 25 thorized by this section, the University shall repay

1	the Secretary an amount equal to one-third of the
2	amount improperly expended (representing the Fed-
3	eral share thereof).
4	(2) Corpus.—Except as provided in section
5	402(e)—
6	(A) the University shall not withdraw or
7	expend any endowment fund corpus; and
8	(B) if the University withdraws or expends
9	any endowment fund corpus, the University
10	shall repay the Secretary an amount equal to
11	one-third of the amount withdrawn or expended
12	(representing the Federal share thereof) plus
13	any endowment fund income earned thereon.
14	SEC. 405. ENFORCEMENT.
15	(a) IN GENERAL.—After notice and an opportunity
16	for a hearing, the Secretary is authorized to terminate a
17	grant and recover any grant funds awarded under this sec-
18	tion if the University—
19	(1) withdraws or expends any endowment fund
20	corpus, or any endowment fund income in excess of
21	the amount authorized by section 404, except as
22	provided in section 402(e);
23	(2) fails to invest the endowment fund corpus
24	or endowment fund income in accordance with the
25	investment requirements described in section 403; or

- 1 (3) fails to account properly to the Secretary,
 2 or the General Accounting Office if properly des3 ignated by the Secretary to conduct an audit of
 4 funds made available under this title, pursuant to
 5 such rules and regulations as may be prescribed by
 6 the Comptroller General of the United States, con7 cerning investments and expenditures of the endow8 ment fund corpus or endowment fund income.
- 9 (b) TERMINATION.—If the Secretary terminates a 10 grant under subsection (a), the University shall return to 11 the Treasury of the United States an amount equal to the 12 sum of the original grant or grants under this title, plus 13 any endowment fund income earned thereon. The Sec-14 retary may direct the University to take such other appropriate measures to remedy any violation of this title and 16 to protect the financial interest of the United States.

17 SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out 19 this title \$6,000,000 for fiscal year 2000. Funds appro-20 priated under this section shall remain available until ex-21 pended.