

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require local educational agencies and schools to implement school pest management plans and to provide parents, guardians, and staff members with notice of the use of pesticides in schools.

**IN THE SENATE OF THE UNITED STATES—107th Cong., 1st Sess.**

**S. 1**

To extend programs and activities under the Elementary and Secondary Education Act of 1965.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. TORRICELLI to the amendment (No. \_\_\_\_\_) proposed by Mr. TORRICELLI

Viz:

1 In lieu of the matter proposed to be inserted, insert  
2 the following:

3 **SEC. 9 \_\_\_\_ . PEST MANAGEMENT IN SCHOOLS.**

4 (a) SHORT TITLE.—This section may be cited as the  
5 “School Environment Protection Act of 2001”.

6 (b) PEST MANAGEMENT.—The Federal Insecticide,  
7 Fungicide, and Rodenticide Act is amended—

1           (1) by redesignating sections 33 and 34 (7  
2           U.S.C. 136x, 136y) as sections 34 and 35, respec-  
3           tively; and

4           (2) by inserting after section 32 (7 U.S.C.  
5           136w-7) the following:

6   **“SEC. 33. PEST MANAGEMENT IN SCHOOLS.**

7           “(a) DEFINITIONS.—In this section:

8           “(1) BAIT.—The term ‘bait’ means a pesticide  
9           that contains an ingredient that serves as a feeding  
10          stimulant, odor, pheromone, or other attractant for  
11          a target pest.

12          “(2) CONTACT PERSON.—The term ‘contact  
13          person’ means an individual who is—

14                  “(A) knowledgeable about school pest man-  
15                  agement plans; and

16                  “(B) designated by a local educational  
17                  agency to carry out implementation of the  
18                  school pest management plan of a school.

19          “(3) EMERGENCY.—The term ‘emergency’  
20          means an urgent need to mitigate or eliminate a  
21          pest that threatens the health or safety of a student  
22          or staff member.

23          “(4) LOCAL EDUCATIONAL AGENCY.—The term  
24          ‘local educational agency’ has the meaning given the

1 term in section 3 of the Elementary and Secondary  
2 Education Act of 1965.

3 “(5) SCHOOL.—

4 “(A) IN GENERAL.—The term ‘school’  
5 means a public—

6 “(i) elementary school (as defined in  
7 section 3 of the Elementary and Secondary  
8 Education Act of 1965);

9 “(ii) secondary school (as defined in  
10 section 3 of the Act);

11 “(iii) kindergarten or nursery school  
12 that is part of an elementary school or sec-  
13 ondary school; or

14 “(iv) tribally-funded school.

15 “(B) INCLUSIONS.—The term ‘school’ in-  
16 cludes any school building, and any area outside  
17 of a school building (including a lawn, play-  
18 ground, sports field, and any other property or  
19 facility), that is controlled, managed, or owned  
20 by the school or school district.

21 “(6) SCHOOL PEST MANAGEMENT PLAN.—The  
22 term ‘school pest management plan’ means a pest  
23 management plan developed under subsection (b).

24 “(7) STAFF MEMBER.—

1           “(A) IN GENERAL.—The term ‘staff mem-  
2           ber’ means a person employed at a school or  
3           local educational agency.

4           “(B) EXCLUSIONS.—The term ‘staff mem-  
5           ber’ does not include—

6                   “(i) a person hired by a school, local  
7                   educational agency, or State to apply a  
8                   pesticide; or

9                   “(ii) a person assisting in the applica-  
10                  tion of a pesticide.

11           “(8) STATE AGENCY.—The term ‘State agency’  
12           means the an agency of a State, or an agency of an  
13           Indian tribe or tribal organization (as those terms  
14           are defined in section 4 of the Indian Self-Deter-  
15           mination and Education Assistance Act (25 U.S.C.  
16           450b)), that exercises primary jurisdiction over mat-  
17           ters relating to pesticide regulation.

18           “(9) UNIVERSAL NOTIFICATION.—The term  
19           ‘universal notification’ means notice provided by a  
20           local educational agency or school to—

21                   “(A) parents, legal guardians, or other per-  
22                   sons with legal standing as parents of each  
23                   child attending the school; and

24                   “(B) staff members of the school.

25           “(b) SCHOOL PEST MANAGEMENT PLANS.—

1 “(1) STATE PLANS.—

2 “(A) GUIDANCE.—As soon as practicable  
3 (but not later than 180 days) after the date of  
4 enactment of the School Environment Protec-  
5 tion Act of 2001, the Administrator shall de-  
6 velop, in accordance with this section—

7 “(i) guidance for a school pest man-  
8 agement plan; and

9 “(ii) a sample school pest manage-  
10 ment plan.

11 “(B) PLAN.—As soon as practicable (but  
12 not later than 1 year) after the date of enact-  
13 ment of the School Environment Protection Act  
14 of 2001, each State agency shall develop and  
15 submit to the Administrator for approval, as  
16 part of the State cooperative agreement under  
17 section 23, a school pest management plan for  
18 local educational agencies in the State.

19 “(C) COMPONENTS.—A school pest man-  
20 agement plan developed under subparagraph  
21 (B) shall, at a minimum—

22 “(i) implement a system that—

23 “(I) eliminates or mitigates  
24 health risks, or economic or aesthetic  
25 damage, caused by pests;

1 “(II) employs—  
2 “(aa) integrated methods;  
3 “(bb) site or pest inspection;  
4 “(cc) pest population moni-  
5 toring; and  
6 “(dd) an evaluation of the  
7 need for pest management; and  
8 “(III) is developed taking into  
9 consideration pest management alter-  
10 natives (including sanitation, struc-  
11 tural repair, and mechanical, biologi-  
12 cal, cultural, and pesticide strategies)  
13 that minimize health and environ-  
14 mental risks;  
15 “(ii) require, for pesticide applications  
16 at the school, universal notification to be  
17 provided—  
18 “(I) at the beginning of the  
19 school year;  
20 “(II) at the midpoint of the  
21 school year; and  
22 “(III) at the beginning of any  
23 summer session, as determined by the  
24 school;

1           “(iii) establish a registry of staff  
2           members of a school, and of parents, legal  
3           guardians, or other persons with legal  
4           standing as parents of each child attending  
5           the school, that have requested to be noti-  
6           fied in advance of any pesticide application  
7           at the school;

8           “(iv) establish guidelines that are con-  
9           sistent with the definition of a school pest  
10          management plan under subsection (a);

11          “(v) require that each local edu-  
12          cational agency use a certified applicator  
13          or a person authorized by the State agency  
14          to implement the school pest management  
15          plans;

16          “(vi) be consistent with the State co-  
17          operative agreement under section 23; and

18          “(vii) require the posting of signs in  
19          accordance with paragraph (4)(G).

20          “(D) APPROVAL BY ADMINISTRATOR.—Not  
21          later than 90 days after receiving a school pest  
22          management plan submitted by a State agency  
23          under subparagraph (B), the Administrator  
24          shall—

1                   “(i) determine whether the school pest  
2 management plan, at a minimum, meets  
3 the requirements of subparagraph (C); and

4                   “(ii)(I) if the Administrator deter-  
5 mines that the school pest management  
6 plan meets the requirements, approve the  
7 school pest management plan as part of  
8 the State cooperative agreement; or

9                   “(II) if the Administrator determines  
10 that the school pest management plan does  
11 not meet the requirements—

12                   “(aa) disapprove the school pest  
13 management plan;

14                   “(bb) provide the State agency  
15 with recommendations for and assist-  
16 ance in revising the school pest man-  
17 agement plan to meet the require-  
18 ments; and

19                   “(cc) provide a 90-day deadline  
20 by which the State agency shall resub-  
21 mit the revised school pest manage-  
22 ment plan to obtain approval of the  
23 plan, in accordance with the State co-  
24 operative agreement.



1           “(E) DISTRIBUTION OF STATE PLAN TO  
2 SCHOOLS.—On approval of the school pest man-  
3 agement plan of a State agency, the State agen-  
4 cy shall make the school pest management plan  
5 available to each local educational agency in the  
6 State.

7           “(F) EXCEPTION FOR EXISTING STATE  
8 PLANS.—If, on the date of enactment of the  
9 School Environment Protection Act of 2001, a  
10 State has implemented a school pest manage-  
11 ment plan that, at a minimum, meets the re-  
12 quirements under subparagraph (C) (as deter-  
13 mined by the Administrator), the State agency  
14 may maintain the school pest management plan  
15 and shall not be required to develop a new  
16 school pest management plan under subpara-  
17 graph (B).

18           “(2) IMPLEMENTATION BY LOCAL EDU-  
19 CATIONAL AGENCIES.—

20           “(A) IN GENERAL.—Not later than 1 year  
21 after the date on which a local educational  
22 agency receives a copy of a school pest manage-  
23 ment plan of a State agency under paragraph  
24 (1)(E), the local educational agency shall de-  
25 velop and implement in each of the schools

1 under the jurisdiction of the local educational  
2 agency a school pest management plan that  
3 meets the standards and requirements under  
4 the school pest management plan of the State  
5 agency, as determined by the Administrator.

6 “(B) EXCEPTION FOR EXISTING PLANS.—  
7 If, on the date of enactment of the School Envi-  
8 ronment Protection Act of 2001, a State main-  
9 tains a school pest management plan that, at a  
10 minimum, meets the standards and criteria es-  
11 tablished under this section (as determined by  
12 the Administrator), and a local educational  
13 agency in the State has implemented the State  
14 school pest management plan, the local edu-  
15 cational agency may maintain the school pest  
16 management plan and shall not be required to  
17 develop and implement a new school pest man-  
18 agement plan under subparagraph (A).

19 “(C) APPLICATION OF PESTICIDES AT  
20 SCHOOLS.—A school pest management plan  
21 shall prohibit—

22 “(i) the application of a pesticide to  
23 any area or room at a school while the  
24 area or room is occupied or in use by stu-  
25 dents or staff members (except students

1 and staff participating in regular or voca-  
2 tional agricultural instruction involving the  
3 use of pesticides); and

4 “(ii) the use by students or staff  
5 members of an area or room treated with  
6 a pesticide by broadcast spraying, base-  
7 board spraying, tenting, or fogging  
8 during—

9 “(I) the period specified on the  
10 label of the pesticide during which a  
11 treated area or room should remain  
12 unoccupied; or

13 “(II) if there is no period speci-  
14 fied on the label, the 24-hour period  
15 beginning at the end of the treatment.

16 “(3) CONTACT PERSON.—

17 “(A) IN GENERAL.—Each local educational  
18 agency shall designate a contact person to carry  
19 out a school pest management plan in schools  
20 under the jurisdiction of the local educational  
21 agency.

22 “(B) DUTIES.—The contact person of a  
23 local educational agency shall—

24 “(i) maintain information about the  
25 scheduling of pesticide applications in each

1 school under the jurisdiction of the local  
2 educational agency;

3 “(ii) act as a contact for inquiries,  
4 and disseminate information requested by  
5 parents or guardians, about the school pest  
6 management plan;

7 “(iii) maintain and make available to  
8 parents, legal guardians, or other persons  
9 with legal standing as parents of each child  
10 attending the school, before and during the  
11 notice period and after application—

12 “(I) copies of material safety  
13 data sheet for pesticides applied at  
14 the school, or copies of material safety  
15 data sheets for end-use dilutions of  
16 pesticides applied at the school, if  
17 data sheets are available;

18 “(II) labels and fact sheets ap-  
19 proved by the Administrator for all  
20 pesticides that may be used by the  
21 local educational agency; and

22 “(III) any final official informa-  
23 tion related to the pesticide, as pro-  
24 vided to the local educational agency  
25 by the State agency; and

1           “(iv) for each school, maintain all pes-  
2           ticide use data for each pesticide used at  
3           the school (other than antimicrobial pes-  
4           ticides (as defined in clauses (i) and (ii) of  
5           section 2(mm)(1)(A))) for at least 3 years  
6           after the date on which the pesticide is ap-  
7           plied; and

8           “(v) make that data available for in-  
9           spection on request by any person.

10          “(4) NOTIFICATION.—

11           “(A) UNIVERSAL NOTIFICATION.—At the  
12           beginning of each school year, at the midpoint  
13           of each school year, and at the beginning of any  
14           summer session (as determined by the school),  
15           a local educational agency or school shall pro-  
16           vide to staff members of a school, and to par-  
17           ents, legal guardians, and other persons with  
18           legal standing as parents of students enrolled at  
19           the school, a notice describing the school pest  
20           management plan that includes—

21           “(i) a summary of the requirements  
22           and procedures under the school pest man-  
23           agement plan;

24           “(ii) a description of any potential  
25           pest problems that the school may experi-

1                   ence (including a description of the proce-  
2                   dures that may be used to address those  
3                   problems);

4                   “(iii) the address, telephone number,  
5                   and website address of the Office of Pes-  
6                   ticide Programs of the Environmental Pro-  
7                   tection Agency; and

8                   “(iv) the following statement (includ-  
9                   ing information to be supplied by the  
10                  school as indicated in brackets):

11 ‘As part of a school pest management plan, **[insert school**  
12 **name]** may use pesticides to control pests. The Environ-  
13 mental Protection Agency (EPA) and **[insert name of**  
14 **State agency exercising jurisdiction over pesticide registra-**  
15 **tion and use]** registers pesticides for that use. EPA con-  
16 tinues to examine registered pesticides to determine that  
17 use of the pesticides in accordance with instructions print-  
18 ed on the label does not pose unreasonable risks to human  
19 health and the environment. Nevertheless, EPA cannot  
20 guarantee that registered pesticides do not pose risks, and  
21 unnecessary exposure to pesticides should be avoided.  
22 Based in part on recommendations of a 1993 study by  
23 the National Academy of Sciences that reviewed registered  
24 pesticides and their potential to cause unreasonable ad-  
25 verse effects on human health, particularly on the health

1 of pregnant women, infants, and children, Congress en-  
2 acted the Food Quality Protection Act of 1996. That law  
3 requires EPA to reevaluate all registered pesticides and  
4 new pesticides to measure their safety, taking into account  
5 the unique exposures and sensitivity that pregnant women,  
6 infants, and children may have to pesticides. EPA review  
7 under that law is ongoing. You may request to be notified  
8 at least 24 hours in advance of pesticide applications to  
9 be made and receive information about the applications  
10 by registering with the school. Certain pesticides used by  
11 the school (including baits, pastes, and gels) are exempt  
12 from notification requirements. If you would like more in-  
13 formation concerning any pesticide application or any  
14 product used at the school, contact **【insert name and**  
15 **phone number of contact person】**.

16                   “(B) NOTIFICATION TO PERSONS ON REG-  
17                   ISTRY.—

18                   “(i) IN GENERAL.—Except as pro-  
19                   vided in clause (ii) and paragraph (5)—

20                   “(I) notice of an upcoming pes-  
21                   ticide application at a school shall be  
22                   provided to each person on the reg-  
23                   istry of the school not later than 24  
24                   hours before the end of the last busi-  
25                   ness day during which the school is in

1 session that precedes the day on  
2 which the application is to be made;  
3 and

4 “(II) the application of a pes-  
5 ticide for which a notice is given  
6 under subclause (I) shall not com-  
7 mence before the end of the business  
8 day.

9 “(ii) NOTIFICATION CONCERNING PES-  
10 TICIDES USED IN CURRICULA.—If pes-  
11 ticides are used as part of a regular voca-  
12 tional agricultural curriculum of the  
13 school, a notice containing the information  
14 described in subclauses (I), (IV), (VI), and  
15 (VII) of clause (iii) for all pesticides that  
16 may be used as a part of that curriculum  
17 shall be provided to persons on the registry  
18 only once at the beginning of each aca-  
19 demic term of the school.

20 “(iii) CONTENTS OF NOTICE.—A no-  
21 tice under clause (i) shall contain—

22 “(I) the trade name, common  
23 name (if applicable), and Environ-  
24 mental Protection Agency registration



1 number of each pesticide to be ap-  
2 plied;

3 “(II) a description of each loca-  
4 tion at the school at which a pesticide  
5 is to be applied;

6 “(III) a description of the date  
7 and time of application, except that,  
8 in the case of an outdoor pesticide ap-  
9 plication, a notice shall include at  
10 least 3 dates, in chronological order,  
11 on which the outdoor pesticide appli-  
12 cation may take place if the preceding  
13 date is canceled;

14 “(IV) all information supplied to  
15 the local educational agency by the  
16 State agency, including a description  
17 of potentially acute and chronic ef-  
18 fects that may result from exposure to  
19 each pesticide to be applied based  
20 on—

21 “(aa) a description of poten-  
22 tially acute and chronic effects  
23 that may result from exposure to  
24 each pesticide to be applied, as  
25 stated on the label of the pes-

1 pesticide approved by the Adminis-  
2 trator;

3 “(bb) information derived  
4 from the material safety data  
5 sheet for the end-use dilution of  
6 the pesticide to be applied (if  
7 available) or the material safety  
8 data sheets; and

9 “(cc) final, official informa-  
10 tion related to the pesticide pre-  
11 pared by the Administrator and  
12 provided to the local educational  
13 agency by the State agency;

14 “(V) a description of the purpose  
15 of the application of the pesticide;

16 “(VI) the address, telephone  
17 number, and website address of the  
18 Office of Pesticide Programs of the  
19 Environmental Protection Agency;  
20 and

21 “(VII) the statement described in  
22 subparagraph (A)(iv) (other than the  
23 ninth sentence of that statement).

24 “(C) NOTIFICATION AND POSTING EXEMP-  
25 TION.—A notice or posting of a sign under sub-

1 paragraph (A), (B), or (G) shall not be required  
2 for the application at a school of—

3 “(i) an antimicrobial pesticide;

4 “(ii) a bait, gel, or paste that is  
5 placed—

6 “(I) out of reach of children or in  
7 an area that is not accessible to chil-  
8 dren; or

9 “(II) in a tamper-resistant or  
10 child-resistant container or station;  
11 and

12 “(iii) any pesticide that, as of the date  
13 of enactment of the School Environment  
14 Protection Act of 2001, is exempt from the  
15 requirements of this Act under section  
16 25(b) (including regulations promulgated  
17 at section 152 of title 40, Code of Federal  
18 Regulations (or any successor regulation)).

19 “(D) NEW STAFF MEMBERS AND STU-  
20 DENTS.—After the beginning of each school  
21 year, a local educational agency or school within  
22 a local educational agency shall provide each  
23 notice required under subparagraph (A) to—

24 “(i) each new staff member who is  
25 employed during the school year; and

1                   “(ii) the parent or guardian of each  
2                   new student enrolled during the school  
3                   year.

4                   “(E) METHOD OF NOTIFICATION.—A local  
5                   educational agency or school may provide a no-  
6                   tice under this subsection, using information  
7                   described in paragraph (4), in the form of—

8                   “(i) a written notice sent home with  
9                   the students and provided to staff mem-  
10                  bers;

11                  “(ii) a telephone call;

12                  “(iii) direct contact;

13                  “(iv) a written notice mailed at least  
14                  1 week before the application; or

15                  “(v) a notice delivered electronically  
16                  (such as through electronic mail or fac-  
17                  simile).

18                  “(F) REISSUANCE.—If the date of the ap-  
19                  plication of the pesticide needs to be extended  
20                  beyond the period required for notice under this  
21                  paragraph, the school shall issue a notice con-  
22                  taining only the new date and location of appli-  
23                  cation.

24                  “(G) POSTING OF SIGNS.—

1                   “(i) IN GENERAL.—Except as pro-  
2                   vided in paragraph (5)—

3                   “(I) a school shall post a sign not  
4                   later than the last business day dur-  
5                   ing which school is in session pre-  
6                   ceding the date of application of a  
7                   pesticide at the school; and

8                   “(II) the application for which a  
9                   sign is posted under subclause (I)  
10                  shall not commence before the time  
11                  that is 24 hours after the end of the  
12                  business day on which the sign is  
13                  posted.

14                  “(ii) LOCATION.—A sign shall be  
15                  posted under clause (i)—

16                  “(I) at a central location notice-  
17                  able to individuals entering the build-  
18                  ing; and

19                  “(II) at the proposed site of ap-  
20                  plication.

21                  “(iii) ADMINISTRATION.—A sign re-  
22                  quired to be posted under clause (i) shall—

23                  “(I) remain posted for at least  
24                  24 hours after the end of the applica-  
25                  tion;

1 “(II) be—

2 “(aa) at least 8½ inches by  
3 11 inches for signs posted inside  
4 the school; and

5 “(bb) at least 4 inches by 5  
6 inches for signs posted outside  
7 the school; and

8 “(III) contain—

9 “(aa) information about the  
10 pest problem for which the appli-  
11 cation is necessary;

12 “(bb) the name of each pes-  
13 ticide to be used;

14 “(cc) the date of application;

15 “(dd) the name and tele-  
16 phone number of the designated  
17 contact person; and

18 “(ee) the statement con-  
19 tained in subparagraph (A)(iv).

20 “(iv) OUTDOOR PESTICIDE APPLICA-  
21 TIONS.—

22 “(I) IN GENERAL.—In the case  
23 of an outdoor pesticide application at  
24 a school, each sign shall include at  
25 least 3 dates, in chronological order,

1 on which the outdoor pesticide appli-  
2 cation may take place if the preceding  
3 date is canceled.

4 “(II) DURATION OF POSTING.—A  
5 sign described in subclause (I) shall  
6 be posted after an outdoor pesticide  
7 application in accordance with clauses  
8 (ii) and (iii).

9 “(5) EMERGENCIES.—

10 “(A) IN GENERAL.—A school may apply a  
11 pesticide at the school without complying with  
12 this part in an emergency, subject to subpara-  
13 graph (B).

14 “(B) SUBSEQUENT NOTIFICATION OF PAR-  
15 ENTS, GUARDIANS, AND STAFF MEMBERS.—Not  
16 later than the earlier of the time that is 24  
17 hours after a school applies a pesticide under  
18 this paragraph or on the morning of the next  
19 business day, the school shall provide to each  
20 parent or guardian of a student listed on the  
21 registry, a staff member listed on the registry,  
22 and the designated contact person, notice of the  
23 application of the pesticide in an emergency  
24 that includes—

1                   “(i) the information required for a no-  
2                   tice under paragraph (4)(G); and

3                   “(ii) a description of the problem and  
4                   the factors that required the application of  
5                   the pesticide to avoid a threat to the health  
6                   or safety of a student or staff member.

7                   “(C) METHOD OF NOTIFICATION.—The  
8                   school may provide the notice required by para-  
9                   graph (B) by any method of notification de-  
10                  scribed in paragraph (4)(E).

11                  “(D) POSTING OF SIGNS.—Immediately  
12                  after the application of a pesticide under this  
13                  paragraph, a school shall post a sign warning of  
14                  the pesticide application in accordance with  
15                  clauses (ii) through (iv) of paragraph (4)(B).

16                  “(c) RELATIONSHIP TO STATE AND LOCAL REQUIRE-  
17                  MENTS.—Nothing in this section (including regulations  
18                  promulgated under this section)—

19                  “(1) precludes a State or political subdivision of  
20                  a State from imposing on local educational agencies  
21                  and schools any requirement under State or local  
22                  law (including regulations) that is more stringent  
23                  than the requirements imposed under this section; or

24                  “(2) establishes any exception under, or affects  
25                  in any other way, section 24(b).



1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as are nec-  
3 essary to carry out this section.”.

4       (c) CONFORMING AMENDMENT.—The table of con-  
5 tents in section 1(b) of the Federal Insecticide, Fungicide,  
6 and Rodenticide Act (7 U.S.C. prec. 121) is amended by  
7 striking the items relating to sections 30 through 32 and  
8 inserting the following:

“Sec. 30. Minimum requirements for training of maintenance applicators and  
service technicians.

“Sec. 31. Environmental Protection Agency minor use program.

“Sec. 32. Department of Agriculture minor use program.

“ (a) In general.

“ (b)(1) Minor use pesticide data.

“ (2) Minor Use Pesticide Data Revolving Fund.

“Sec. 33. Pest management in schools.

“ (a) Definitions.

“ (1) Bait.

“ (2) Contact person.

“ (3) Emergency.

“ (4) Local educational agency.

“ (5) School.

“ (6) Staff member.

“ (7) State agency.

“ (8) Universal notification.

“ (b) School pest management plans.

“ (1) State plans.

“ (2) Implementation by local educational agencies.

“ (3) Contact person.

“ (4) Notification.

“ (5) Emergencies.

“ (c) Relationship to State and local requirements.

“ (d) Authorization of appropriations.

“Sec. 34. Severability.

“Sec. 35. Authorization of appropriations.”.

9       (d) EFFECTIVE DATE.—This section and the amend-  
10 ments made by this section take effect on October 1, 2001.