AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 865 OFFERED BY M ______

At the end of title III add the following:

SEC. ___. COMPLIANCE COSTS.

(a) In general.—None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations or other provision of this Act shall be expended for any fiscal year unless a determination is made under subsection (c) that, except as provided in subsection (b), compliance with the provisions of this Act will not require any expenditures by States and local educational agencies of State and local funds for such fiscal year that such States and local educational agencies would not have otherwise expended.

(b) Exception.—Subsection (a) does not apply with respect to expenditures by States to meet the requirement of section 102(c)(1).

(c) Determination.—The determination required under subsection (a) shall—

(1) be made by an independent auditor under contract with the Secretary; and
(2) be considered made only after such determination is communicated by such independent auditor directly to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and Senate.