

119TH CONGRESS
2D SESSION

H. R. _____

To recognize Foundational Black Americans as a distinct historical and ethnic group of the United States; to establish a Federal ethnic designation for Foundational Black Americans; to recognize their foundational contributions to the establishment, development, defense, infrastructure, economy, culture, and democratic institutions of the United States; to preserve and study their African, Indigenous American, and European ancestral history; to improve Federal demographic data collection; to establish a national historical and genealogical initiative; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

_____, 2026

Mr./Ms. _____ introduced the following bill, which was referred to the Committee on _____, and in addition to the Committees on _____, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To recognize Foundational Black Americans as a distinct historical and ethnic group of the United States and to provide for the preservation, documentation, study, and Federal statistical recognition of their unique history and heritage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foundational Black American Recognition, Heritage, and Federal Classification Act of 2026” or the “FBA Recognition Act of 2026.”

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SEC. 3. PURPOSES.

The purposes of this Act are—

- (1) to recognize Foundational Black Americans as a distinct historical and ethnic population of the United States;
- (2) to establish “Foundational Black American” and “FBA” as recognized terminology for appropriate Federal demographic, statistical, historical, educational, archival, and research purposes;
- (3) to recognize the multigenerational development of the Foundational Black American population within the territory that became and constitutes the United States;
- (4) to recognize the foundational contributions of Black Americans to the creation, development, defense, infrastructure, agriculture, economy, culture, science, education, political institutions, and democratic traditions of the United States;
- (5) to acknowledge and facilitate research concerning African, Indigenous American, and European ancestral lineages found within the historical FBA population;

(6) to preserve genealogical and historical records relevant to Foundational Black American families;

(7) to improve Federal statistical information concerning Foundational Black Americans;

(8) to distinguish FBA ethnic recognition from citizenship or membership in a federally recognized Indian Tribe;

(9) to protect the sovereign authority of federally recognized Indian Tribes;

(10) to encourage rigorous historical research concerning relationships among Black Americans, Indigenous peoples, Europeans, and other populations throughout United States history;

(11) to preserve sites and institutions important to FBA history; and

(12) to ensure that future generations have access to the historical records necessary to understand the development of this American ethnic population.

SEC. 4. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) Black people have been present within territories that became the United States for centuries and participated in the development of American society before and after the establishment of the United States.

(2) The historical Black American population developed under circumstances substantially different from those of later voluntary immigrant populations.

(3) A substantial portion of the historical Black American population descended from persons subjected to hereditary slavery within territories that became or constituted the United States.

(4) Free Black communities also existed during the colonial and antebellum periods and contributed to the development of the Nation.

(5) Generations of Black Americans performed agricultural, skilled, industrial, domestic, maritime, construction, transportation, military, commercial, and professional labor essential to the development of the United States.

(6) Black Americans participated in the construction and development of farms, plantations, roads, railroads, ports, buildings, cities, businesses, industries, and institutions throughout the Nation.

(7) Black Americans served in American military forces from the Revolutionary era through subsequent conflicts and continue to serve the United States.

- (8) Following emancipation, formerly enslaved people and their descendants established communities, businesses, schools, colleges, universities, churches, mutual-aid societies, political organizations, professional associations, farms, newspapers, and civic institutions.
- (9) The historical Black American population survived slavery, segregation, racial violence, exclusion from economic opportunities, discriminatory government policies, and other forms of discrimination while continuing to contribute to the development of the United States.
- (10) The ethnic development of the historical Black American population occurred over generations within North America.
- (11) The genealogy of individual Black American families may include African, Indigenous American, European, and other ancestral lineages.
- (12) Historical interaction between Black and Indigenous populations occurred in numerous geographic regions and under diverse circumstances, including family formation, community relationships, enslavement, freedom, migration, military service, commerce, cultural exchange, and incorporation into or association with particular Indigenous communities.
- (13) The histories of persons classified as Black, Negro, Colored, Mulatto, African, Indian, Native American, Freedmen, and other classifications have been recorded inconsistently across different historical periods.
- (14) Historical racial classifications appearing in government records do not necessarily provide complete genealogical information concerning an individual's ancestry.
- (15) The Federal Government maintained numerous distinct rolls, censuses, schedules, enrollment records, agency records, and other documents concerning Indigenous peoples.
- (16) The records commonly called the Final Dawes Rolls related specifically to enrollment involving the Cherokee, Choctaw, Chickasaw, Creek or Muscogee, and Seminole Nations in Indian Territory and did not constitute a census of every Indigenous person in North America.
- (17) Accordingly, absence from the Dawes Rolls, standing alone, cannot establish that an individual had no Indigenous American ancestry.
- (18) Conversely, genealogical evidence of Indigenous American ancestry does not by itself establish citizenship or membership in a federally recognized Indian Tribe.
- (19) Tribal citizenship constitutes a political and legal relationship distinct from racial or ethnic ancestry.
- (20) The authority of federally recognized Indian Tribes to determine their own citizenship or membership shall be respected.

(21) Foundational Black Americans developed distinctive cultural traditions, dialects, music, religious institutions, cuisine, family traditions, political movements, intellectual traditions, and community institutions within the United States.

(22) The historical experiences of this population constitute a distinct component of the history of the United States.

(23) Broad racial categories may obscure significant differences among ethnic populations contained within those categories.

(24) Improved collection of detailed ethnic information can facilitate more precise demographic and socioeconomic research.

(25) Recognition of Foundational Black American ethnicity can coexist with the broader Black or African American racial or ethnic identification used in Federal statistics.

(26) Individuals should remain free to identify with multiple racial, ethnic, national, cultural, or ancestral identities.

(27) Federal recognition of Foundational Black American ethnicity will improve the ability of the United States to preserve and study an important component of its history.

SEC. 5. DEFINITION OF FOUNDATIONAL BLACK AMERICAN.

(a) DEFINITION.—For purposes of this Act, the term “Foundational Black American” or “FBA” means a person who—

(1) identifies with the historical ethnic community of Black Americans whose population and culture developed substantially within the United States; and

(2) possesses familial ancestral ties to the historical Black American population established in the United States before December 6, 1865, including—

(A) persons enslaved within the territory that became or constituted the United States;

(B) free Black Americans residing within such territory during the period of American slavery; or

(C) other members of historically established Black American communities whose descendants became part of the continuing Black American population of the United States.

(b) DESCENT.—Descent under subsection (a) may be established through reasonable historical, genealogical, family, archival, or other evidence when such documentation is required by a program established under this Act.

(c) NO EXCLUSIVE RACIAL ANCESTRY REQUIREMENT.—A person shall not be excluded from the definition solely because that person possesses African, Indigenous American, European, Asian, or other ancestry in addition to Black American ancestry.

(d) NO APPEARANCE REQUIREMENT.—Physical appearance, skin complexion, hair texture, or other phenotypic characteristics shall not independently determine eligibility for identification under this Act.

SEC. 6. RECOGNITION OF FOUNDATIONAL BLACK AMERICANS AS A DISTINCT ETHNIC GROUP.

(a) FEDERAL RECOGNITION.—The United States recognizes Foundational Black Americans as a distinct historical and ethnic population whose identity developed substantially within the United States.

(b) NATURE OF RECOGNITION.—Recognition under subsection (a) constitutes ethnic, historical, demographic, and cultural recognition.

(c) CONTINUING BLACK AMERICAN IDENTITY.—Nothing in this Act shall prohibit an FBA individual from identifying as Black, African American, American, Indigenous, multiracial, or under any other applicable identity.

(d) NO EXCLUSIVE IDENTITY.—Foundational Black American identity shall not be construed as requiring abandonment of any other lawful racial, ethnic, cultural, ancestral, national, or tribal identity.

SEC. 7. RECOGNITION OF THE HISTORICAL FORMATION OF THE FBA POPULATION.

Congress recognizes that—

(1) Foundational Black American ethnicity developed through multiple generations of family and community formation within the United States;

(2) such development occurred through the colonial, Revolutionary, early national, antebellum, Civil War, Reconstruction, segregation, civil-rights, and modern eras;

(3) the population developed distinctive cultural characteristics through experiences occurring principally within the United States; and

(4) its history is inseparable from the broader historical development of the United States.

SEC. 8. AFRICAN, INDIGENOUS AMERICAN, AND EUROPEAN ANCESTRAL HERITAGE.

(a) RECOGNITION.—Congress recognizes that genealogical research concerning historical Black American populations demonstrates complex ancestry and family formation and that individual FBA families may possess ancestry originating among African, Indigenous American, European, or other populations.

(b) TRIETHNIC HISTORICAL RESEARCH.—Federal historical programs established under this Act shall be authorized to study African, Indigenous American, and European ancestral contributions to the historical development of FBA families and communities.

(c) INDIVIDUAL VARIATION.—Nothing in this Act shall be interpreted as declaring that every FBA individual possesses the same ancestral proportions or each of the ancestral backgrounds identified in subsection (a).

(d) NO GENETIC DEFINITION.—The ethnic identity established by this Act is historical and genealogical and shall not be reduced to a genetic formula.

SEC. 9. HISTORICAL RELATIONSHIP TO INDIGENOUS PEOPLES OF NORTH AMERICA.

(a) RESEARCH AND RECOGNITION.—The Federal Government shall encourage historically rigorous research concerning relationships between Black American populations and Indigenous peoples before and after the establishment of the United States.

(b) SUBJECTS.—Research may include—

- (1) Black-Indigenous families;
- (2) Black persons residing in Indigenous communities;
- (3) Indigenous persons incorporated into Black communities;
- (4) Freedmen associated with Indian Nations;
- (5) military alliances and conflicts;
- (6) migration and settlement;
- (7) intermarriage;
- (8) cultural exchange;
- (9) land and community relationships;
- (10) historical racial reclassification; and
- (11) other documented relationships.

(c) NO COLLECTIVE TRIBAL DETERMINATION.—Nothing in this section establishes that Foundational Black Americans collectively constitute an Indian Tribe.

SEC. 10. DAWES ROLLS AND OTHER HISTORICAL RECORDS.

(a) CONGRESSIONAL RECOGNITION.—Congress recognizes that the Final Dawes Rolls were produced for specific historical and legal purposes relating to particular Indian Nations in Indian Territory.

(b) NONEXCLUSIVITY.—The Dawes Rolls shall not be treated by any program established under this Act as a comprehensive registry of all persons possessing Indigenous ancestry within the United States or North America.

(c) ABSENCE FROM ROLLS.—Absence of a person or ancestor from the Dawes Rolls shall not, standing alone, constitute evidence sufficient to disprove Indigenous ancestry.

(d) ADDITIONAL SOURCES.—Historical research may consider—

- (1) Federal population censuses;
- (2) Indian Census Rolls;
- (3) tribal rolls;
- (4) State and territorial records;
- (5) colonial records;
- (6) military records;
- (7) Freedmen's Bureau records;
- (8) Freedmen records associated with Indian Nations;
- (9) land records;
- (10) probate records;
- (11) vital records;
- (12) church records;
- (13) cemetery records;
- (14) court records;
- (15) family records;
- (16) historical newspapers;
- (17) oral histories evaluated using accepted historical methodology; and
- (18) other credible historical evidence.

SEC. 11. PROTECTION OF TRIBAL SOVEREIGNTY AND CITIZENSHIP.

(a) TRIBAL SOVEREIGNTY.—Nothing in this Act shall diminish or modify the sovereignty of a federally recognized Indian Tribe.

(b) CITIZENSHIP.—Nothing in this Act confers citizenship or membership in an Indian Tribe.

(c) TRIBAL AUTHORITY.—Each federally recognized Indian Tribe retains authority recognized under Federal law to determine its own citizenship or membership.

(d) TREATIES.—Nothing in this Act shall abrogate or modify any treaty obligation of the United States.

(e) FEDERAL INDIAN PROGRAMS.—FBA status alone shall not establish eligibility for a Federal benefit legally restricted to members or citizens of federally recognized Indian Tribes.

SEC. 12. FEDERAL STATISTICAL CLASSIFICATION.

(a) ESTABLISHMENT.—The Director of the Office of Management and Budget shall develop standards under which “Foundational Black American” may be collected and reported as a detailed ethnic identity.

(b) DETAILED IDENTITY.—The classification shall be capable of being tabulated separately for statistical purposes where statistically appropriate.

(c) MULTIPLE RESPONSES.—Federal systems shall permit an individual identifying as FBA to report additional racial or ethnic identities where Federal standards otherwise permit multiple responses.

(d) EXISTING CATEGORIES.—Implementation shall not require elimination of the broader Black or African American category.

SEC. 13. CENSUS IMPLEMENTATION.

(a) RESEARCH.—The Director of the Bureau of the Census shall conduct research, testing, and public consultation concerning methods for accurately collecting FBA identity.

(b) CENSUS FORMS.—Following appropriate testing, the Bureau may provide an opportunity for respondents to identify as Foundational Black American in applicable demographic collections.

(c) AMERICAN COMMUNITY SURVEY.—The Director shall evaluate appropriate collection of FBA identity through the American Community Survey.

(d) DATA PUBLICATION.—The Bureau shall publish statistically reliable FBA demographic information subject to applicable privacy and disclosure protections.

SEC. 14. FEDERAL AGENCY DEMOGRAPHIC DATA COLLECTION.

Not later than 3 years after enactment, the Director of the Office of Management and Budget shall issue guidance concerning implementation of the FBA detailed ethnic designation across appropriate Federal statistical collections.

SEC. 15. VOLUNTARY SELF-IDENTIFICATION.

(a) VOLUNTARY STATUS.—Identification as FBA shall be voluntary unless Congress expressly establishes documentation requirements for a particular benefit or program.

(b) NO COMPULSION.—No person shall be compelled to identify as FBA.

(c) NO AUTOMATIC CLASSIFICATION.—A Federal agency shall not automatically classify an individual as FBA solely on the basis of physical appearance.

SEC. 16. PROHIBITION AGAINST BLOOD-QUANTUM AND GENETIC REQUIREMENTS.

(a) PROHIBITION.—No Federal statistical program implementing this Act shall establish a minimum percentage of African, Indigenous American, European, or other ancestry for FBA identification.

(b) DNA TESTING.—No person shall be required to submit a commercial or governmental DNA test solely to identify as FBA for Federal demographic purposes.

(c) TRIBAL EXCEPTION.—This section shall not affect citizenship requirements independently established by an Indian Tribe.

SEC. 17. FOUNDATIONAL BLACK AMERICAN HISTORICAL COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Foundational Black American Historical Commission”.

(b) MEMBERSHIP.—The Commission shall consist of 15 members appointed from among historians, genealogists, archivists, economists, sociologists, legal scholars, educators, museum professionals, and persons possessing substantial expertise concerning historical Black American communities.

(c) APPOINTMENTS.—Members shall be appointed by—

- (1) the President;
- (2) the Speaker of the House of Representatives;
- (3) the minority leader of the House of Representatives;
- (4) the majority leader of the Senate;
- (5) the minority leader of the Senate; and

(6) appropriate Federal cultural and archival institutions as specified by regulation.

(d) POLITICAL BALANCE.—Appointments shall be structured to promote institutional independence and scholarly diversity.

SEC. 18. DUTIES OF THE COMMISSION.

The Commission shall—

(1) study the historical development of FBA communities;

(2) identify important archival collections;

(3) recommend preservation priorities;

(4) examine gaps in Federal historical records;

(5) encourage genealogical research;

(6) examine the development of FBA cultural institutions;

(7) study relationships between historical Black and Indigenous communities;

(8) document contributions to American development;

(9) consult universities, museums, libraries, archives, historical societies, tribal historians, genealogists, and community organizations;

(10) recommend educational resources; and

(11) submit recommendations to Congress.

SEC. 19. NATIONAL GENEALOGICAL RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Archivist of the United States shall establish the Foundational Black American Genealogical Research Program.

(b) PURPOSE.—The program shall facilitate public access to records relevant to tracing historical FBA families.

(c) PRIORITY COLLECTIONS.—Priority shall be given to—

(1) Federal census records;

(2) Freedmen's Bureau records;

(3) military records;

- (4) pension records;
- (5) slavery and emancipation records;
- (6) Reconstruction records;
- (7) land records;
- (8) Federal court records;
- (9) historical records concerning Freedmen associated with Indian Nations;
- (10) historical tribal records within Federal custody where legally available;
- (11) migration records; and
- (12) other relevant Federal records.

(d) DIGITIZATION.—The Archivist may digitize records and create searchable databases, indexes, research guides, and educational materials.

SEC. 20. NATIONAL ARCHIVAL PRESERVATION PROGRAM.

The Archivist may provide technical assistance and, subject to appropriations, competitive grants for the preservation and digitization of historically significant FBA records held by eligible nonprofit organizations, universities, libraries, archives, museums, churches, cemeteries, historical societies, and community institutions.

SEC. 21. FOUNDATIONAL BLACK AMERICAN HERITAGE SITES PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior shall establish an initiative to identify places of exceptional significance to FBA history.

(b) ELIGIBLE SITES.—Such places may include—

- (1) historic Black communities;
- (2) schools and universities;
- (3) churches;
- (4) cemeteries;
- (5) military sites;
- (6) civil-rights sites;
- (7) businesses;

- (8) farms;
- (9) cultural institutions;
- (10) historic neighborhoods;
- (11) sites associated with slavery, emancipation, and Reconstruction; and
- (12) other places demonstrating significant FBA history.

(c) EXISTING PRESERVATION LAW.—Designation under this program shall operate consistently with existing Federal historic-preservation law and shall not itself authorize acquisition of private property.

SEC. 22. EDUCATION AND PUBLIC HISTORY INITIATIVE.

The Secretary of Education, the Smithsonian Institution, the National Archives and Records Administration, and other appropriate institutions may develop voluntary educational resources concerning—

- (1) the development of FBA communities;
- (2) slavery and emancipation;
- (3) Reconstruction;
- (4) Black political participation;
- (5) Black military history;
- (6) Black entrepreneurship;
- (7) Black education;
- (8) Black scientific and technological contributions;
- (9) Black arts and cultural development;
- (10) Black-Indigenous historical relationships; and
- (11) the continuing influence of FBA communities upon American society.

SEC. 23. STUDY OF CONTRIBUTIONS TO THE DEVELOPMENT OF THE UNITED STATES.

(a) STUDY.—The Commission shall conduct a comprehensive study documenting the contributions of historical Black Americans to the development of the United States.

(b) AREAS.—The study shall include—

- (1) agriculture;
- (2) construction and infrastructure;
- (3) manufacturing;
- (4) transportation;
- (5) military service;
- (6) government;
- (7) science and technology;
- (8) medicine;
- (9) education;
- (10) business and entrepreneurship;
- (11) labor;
- (12) arts and entertainment;
- (13) literature and journalism;
- (14) law;
- (15) civil and constitutional rights;
- (16) religion;
- (17) cuisine;
- (18) music;
- (19) sports; and
- (20) community institution-building.

SEC. 24. STUDY OF HISTORICAL DISCRIMINATION AND SOCIOECONOMIC CONDITIONS.

(a) STUDY.—Relevant Federal agencies shall be authorized to study historical and contemporary socioeconomic conditions affecting FBA communities.

(b) SUBJECTS.—Research may examine—

- (1) wealth and assets;

- (2) homeownership;
- (3) education;
- (4) employment;
- (5) wages;
- (6) business ownership;
- (7) access to capital;
- (8) housing;
- (9) health outcomes;
- (10) criminal justice;
- (11) land ownership and loss;
- (12) intergenerational mobility; and
- (13) other measurable socioeconomic conditions.

(c) OBJECTIVITY.—Studies under this section shall use transparent methodologies and shall distinguish historical evidence from contemporary statistical findings.

SEC. 25. FEDERAL CIVIL-RIGHTS DATA AND ENFORCEMENT RESEARCH.

(a) DATA.—Federal civil-rights agencies may evaluate whether disaggregated FBA statistical information would improve analysis of discrimination and enforcement outcomes.

(b) EXISTING RIGHTS.—Nothing in this Act shall narrow any protection available under existing Federal civil-rights law.

(c) NO DIMINUTION.—Recognition of FBA ethnicity shall supplement rather than diminish protections applicable to Black Americans or other protected populations.

SEC. 26. PROTECTION AGAINST FRAUDULENT REPRESENTATION.

(a) NO TRIBAL MISREPRESENTATION.—Nothing in this Act authorizes any person to represent FBA status as proof of citizenship in a federally recognized Indian Tribe.

(b) FALSE FEDERAL CLAIMS.—Existing Federal laws governing fraud and false statements shall continue to apply to material misrepresentations made in connection with Federal programs.

(c) GENEALOGICAL SERVICES.—Nothing in this Act shall constitute Federal certification of commercial genealogical or genetic-testing companies.

SEC. 27. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 2 years after the establishment of the Commission, the Commission shall submit an initial report to Congress.

(b) FINAL REPORT.—Not later than 5 years after enactment, the Commission shall submit a comprehensive report containing—

- (1) historical findings;
- (2) archival recommendations;
- (3) demographic recommendations;
- (4) genealogical research recommendations;
- (5) preservation priorities;
- (6) educational recommendations;
- (7) recommendations concerning future Federal statistical collection; and
- (8) recommendations for any additional legislation the Commission considers appropriate.

(c) PUBLIC AVAILABILITY.—Reports shall be made publicly available except for information protected by Federal privacy law.

SEC. 28. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed—

- (1) to recognize FBA persons collectively as a federally recognized Indian Tribe;
- (2) to create tribal citizenship;
- (3) to determine citizenship in any Indian Tribe;
- (4) to alter tribal sovereignty;
- (5) to modify treaty rights;
- (6) to adjudicate any individual claim to Indigenous ancestry;
- (7) to establish that every FBA person possesses Indigenous ancestry;

- (8) to require an Indian Tribe to alter its citizenship requirements;
- (9) to create an entitlement to Federal Indian benefits;
- (10) to create an individual monetary entitlement or cause of action against the United States;
- (11) to prevent Congress from subsequently establishing programs or remedies specifically applicable to Foundational Black Americans;
- (12) to prevent individuals from identifying simultaneously with additional racial, ethnic, cultural, national, or tribal identities; or
- (13) to diminish any existing constitutional or statutory civil right.

SEC. 29. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held unconstitutional or otherwise invalid, the remainder of this Act and the application of the provisions to other persons or circumstances shall not be affected.

SEC. 30. AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE.

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2027 and each of the 5 succeeding fiscal years.

(b) ADMINISTRATIVE COORDINATION.—The heads of Federal agencies responsible for carrying out this Act may enter into interagency agreements as necessary to avoid duplication and coordinate implementation.

(c) NO EFFECT ON EXISTING APPROPRIATIONS.—Nothing in this Act shall require expenditure of funds not otherwise appropriated by Congress.

(d) EFFECTIVE DATE.—Except as otherwise provided, this Act shall take effect on the date of enactment.